



**Committee:** LICENSING REGULATORY COMMITTEE

**Date:** THURSDAY, 9 JANUARY 2014

**Venue:** LANCASTER TOWN HALL

**Time:** 1.00 P.M.

## A G E N D A

1. **Apologies for Absence**

2. **Minutes**

Minutes of the meeting held on 14 November 2013 (previously circulated).

3. **Items of Urgent Business Authorised by the Chairman**

4. **Declarations of Interest**

To receive declarations by Members of interests in respect of items on this Agenda.

Members are reminded that, in accordance with the Localism Act 2011, they are required to declare any disclosable pecuniary interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting.)

Whilst not a legal requirement, in accordance with Council Procedure Rule 10 and in the interests of clarity and transparency, Members should declare any disclosable pecuniary interests, which they have already declared in the Register, at this point in the meeting.

In accordance with Part B, Section 2, of the Code of Conduct, Members are required to declare the existence and nature of any other interests as defined in paragraphs 8(1) or 9(2) of the Code of Conduct.

5. **Private Hire Licensing – Request for a Private Hire Vehicle Licence for a Vehicle over 10 Years of Age on First Application – Terence Paul Sharpe (Pages 1 – 2)**

Report of Licensing Manager

6. **Revision of Model Conditions for Pet Vending (Pages 3 - 38)**

Report of Chief Officer (Health and Housing)

7. **Hackney Carriage Byelaws and their Enforcement (Pages 39 - 80)**

Report of Chief Officer (Governance)

8. **Hackney Carriages - Booking/Call-Out Fees** (Pages 81 - 86)

Report of Chief Officer (Governance)

9. **Amendment to Rules, Regulations and Procedures for Hackney Carriages and Private Hire Licensing** (Pages 87 - 89)

Report of Licensing Manager

**ADMINISTRATIVE ARRANGEMENTS**

**(i) Membership**

Councillors Jonathan Dixon (Chairman), Mike Greenall (Vice-Chairman), Roger Dennison, Sheila Denwood, Tim Hamilton-Cox, Billy Hill, Tony Johnson, Margaret Pattison and Robert Redfern

**(ii) Substitute Membership**

Councillors Chris Coates, Joan Jackson, Terrie Metcalfe, Richard Newman-Thompson and Susan Sykes

**(iii) Queries regarding this Agenda**

Please contact Jane Glenton, Democratic Services - telephone (01524) 582068, or email [jglenton@lancaster.gov.uk](mailto:jglenton@lancaster.gov.uk).

**(iv) Changes to Membership, substitutions or apologies**

Please contact Members' Secretary, telephone (01524) 582170, or email [memberservices@lancaster.gov.uk](mailto:memberservices@lancaster.gov.uk).

MARK CULLINAN,  
CHIEF EXECUTIVE,  
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Published on Tuesday, 31 December 2014

**LICENSING REGULATORY COMMITTEE****Private Hire Licensing – Request for a Private Hire Vehicle  
Licence for a Vehicle over 10 Years of Age on  
First Application – Terence Paul Sharpe  
9 January 2014****Report of Licensing Manager****PURPOSE OF REPORT**

Mr Terence Paul Sharpe has made an application to license a vehicle which is over 10 years of age. The purpose of this report therefore is to enable Members to consider the request.

**The report is public.**

**RECOMMENDATIONS**

**The Committee is requested to determine, in the light of the representations made, whether to allow the applicant's request for a licence for a vehicle which is over 10 years of age on initial licensing.**

**1.0 Introduction**

1.1 Under Section 48(2) of the Local Government (Miscellaneous Provisions) Act 1976 a District Council may attach to the grant of a licence of a private hire vehicle such conditions as they may consider reasonably necessary. Any person aggrieved by the refusal of a District Council to grant a vehicle licence under this Section, or by any conditions specified in such a licence, may appeal to a Magistrates' Court.

1.2 For the purpose of the above, the Council has established conditions attached to the grant of a private hire licence.

1.3 The standard licence condition provides that:

Any vehicle submitted for licensing that is 10 years old or older, or any vehicle which continues to be licensed beyond the age of 10 years must be in exceptional condition and must be approved by the Licensing Regulatory Committee, on initial application and each subsequent renewal. Any such vehicle will be subject to a full test at the Council's designated testing station every 4 months.

1.4 On 24 December 2013 Mr Sharpe applied to license a vehicle which is over 10 years old, as a private hire vehicle.

1.5 The vehicle is a Mercedes CDI Ambiente MPV and was first registered with the DVLA on 18 November 2002. Any vehicle over 10 years of age on initial licensing, in

line with the condition above, must be referred to the Licensing Regulatory Committee for approval.

- 1.6 Mr Sharpe has been invited to attend the meeting to make representations. The vehicle will be available for inspection, and Members will be informed of the arrangements for this.

**2.0 Conclusion**

- 2.1 Members are asked to consider whether they are satisfied to allow the applicant's request to license a private hire vehicle over 10 years of age.

- 2.2 Should members be minded to allow this application the vehicle will be required to pass the vehicle compliance test at the Council's Vehicle Maintenance Unit prior to licensing.

**CONCLUSION OF IMPACT ASSESSMENT  
(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)**

None.

**FINANCIAL IMPLICATIONS**

Financial Services have not been consulted as there are no financial implications.

**LEGAL IMPLICATIONS**

Any person aggrieved by a condition attached to a private hire licence or the refusal to grant a private hire vehicle licence has a right to appeal to the Magistrates' Court within 21 days of the grant of the licence.

**BACKGROUND PAPERS**

None

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**Ref:** WP

**LICENSING REGULATORY COMMITTEE****Revision of Model Conditions for Pet Vending  
9 January 2014****Report of Chief Officer (Health & Housing)****PURPOSE OF REPORT**

To seek Members' approval for the adoption of revised model conditions for pet shops and other pet vendors

**This report is public**

**RECOMMENDATIONS**

- (1) That Members adopt the 'Model Conditions for Pet Vending Licensing 2013' as attached at Appendix A**

**1.0 Introduction**

1.1 Local authorities issue licences to proprietors of pet shops and other pet vendors under the provisions of the Pet Animals Act 1951. Before granting a licence the local authority must be satisfied that the animals are kept in accommodation that is suitable; that they are supplied with appropriate food and drink; and are adequately protected from disease and fire. The local authority may attach conditions to the licence.

1.2 In 1992 the Local Government Association formed a working group to develop a set of 'Model Standards for Pet Shop Licence Conditions', which were revised in 1998. Lancaster City Council adopted these standards in their entirety and officers have since that time aimed to ensure that all licensed pet shops and other pet vendors comply with them. Local authorities may also attach additional conditions not included in the model standards where appropriate.

1.3 More recently, under the Animal Welfare Act 2006 those responsible for animals, including pet vendors, have a responsibility (a 'duty of care') towards the welfare of the animals in their care. Vendors must therefore meet the welfare needs of the animals, defined in the Animal Welfare Act as including:

- Its need for a suitable environment
- Its need for a suitable diet
- Its need to be able to exhibit normal behaviour patterns
- Any need to be housed with, or apart from, other animals
- Its need to be protected from pain, suffering, injury and disease.

Prior to the issue of a pet shop / vendor licence, it is important that these five needs are considered.

- 1.4 Various Codes of Practice have been produced under the Animal Welfare Act, and the Code of Practice specific to pet shops and other pet vendors has been developed in the form of a revised set of model standards produced in September 2013 – ‘Model Conditions for Pet Vending Licensing 2013’. These replace the 1998 LGA Model Standards and are attached at Appendix A. The recommendations within the document are the basic minimum standards considered necessary to ensure the health, safety and welfare of animals in pet shops.
- 1.5 Other key objectives in developing these model licensing conditions are to encourage a consistency of approach across local authorities, and to minimise the risk of transmission of disease from animals to humans.
- 1.6 The new document takes the form of Conditions, each followed by Guidance which explains the reasoning behind the condition and makes recommendations on how to comply.

## **2.0 Proposal Details**

- 2.1 The revised conditions differ from the existing model standards as follow:-
  - Larger accommodation is now required for rabbits and other small mammals, and in particular rabbits must now have sufficient height to be able to rear up.
  - Introduction of stocking densities for birds.
  - Introduction of detailed conditions for reptiles and amphibians, including space standards. These animals are not mentioned in the current standards, however have experienced a massive surge in popularity over recent years. Indeed a number of pet shops in the Lancaster district specialise solely in ‘exotic’ species.
  - Prey animals such as rabbits must now have hiding places within their accommodation.
  - There is more emphasis on provision of environmental enrichment such as toys and gnawing objects.
  - Hay must now be provided for rabbits and other mammals as appropriate
  - New applicants for pet vendor licences must not only obtain a recognised qualification within two years, as required in the current standards, but must also now be registered with that recognised body right from the start and have suitably progressed within 12 months.
  - Care advice must now be given to purchasers of pets.
  - A greater emphasis on signage and record-keeping.
- 2.2 Licensing officers do not consider any of the above to be unduly burdensome; indeed the majority of licensed pet vendors within our district already comply. Full compliance would entail minimal expense for those pet vendors who do not currently meet the revised conditions, for example in providing hiding areas in rabbit hutches. The requirements for additional record-keeping may have time implications for some licensees.
- 2.3 It is therefore proposed to adopt the ‘Model Conditions for Pet Vending Licensing 2013’ as attached at Appendix A.

**3.0 Details of Consultation**

3.1 Lancaster City Council has twelve licensed pet vendors, eleven of these are pet shops and one operates from home. Copies of the 'Model Conditions for Pet Vending Licensing 2013' were sent to all the licensees on 27 November 2013, inviting their comments by the end of December. No responses have been received at the time of writing this report; however any received will be reported verbally to the meeting when this report is considered.

**4.0 Options and Options Analysis (including risk assessment)**

	<b>Option 1:</b> Adopt revised conditions and require full compliance within minimal timescale	<b>Option 2:</b> Adopt revised conditions and require full compliance within longer timescale e.g. 12 months	<b>Option 3:</b> Do not adopt revised conditions
Advantages	<ul style="list-style-type: none"> <li>Assists compliance with latest animal welfare standards and hence Animal Welfare Act.</li> <li>Ensures rapid compliance.</li> <li>Ensures consistency with other local authorities adopting these conditions.</li> </ul>	<ul style="list-style-type: none"> <li>Assists compliance with latest animal welfare standards and hence Animal Welfare Act.</li> <li>Ensures consistency with other local authorities adopting these conditions.</li> </ul>	<ul style="list-style-type: none"> <li>No cost to licensees</li> </ul>
Disadvantages	<ul style="list-style-type: none"> <li>Cost to pet vendors (albeit low)</li> </ul>	<ul style="list-style-type: none"> <li>Cost to pet vendors (albeit low)</li> <li>Compliance not assured for 12 months</li> </ul>	<ul style="list-style-type: none"> <li>Does not encourage compliance with latest animal welfare standards and hence Animal Welfare Act</li> <li>Does not encourage consistency with other local authorities</li> </ul>

Risks	None	<ul style="list-style-type: none"> <li>Requirements of Animal Welfare Act may not be met for a further 12 months which may compromise animal welfare.</li> </ul>	<ul style="list-style-type: none"> <li>May compromise animal welfare.</li> </ul>
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**5.0 Conclusion**

- 5.1 The 'Model Conditions for Pet Vending Licensing 2013' are the recommendations of a working group comprising thirteen organisations which have specialist animal knowledge, including the British Veterinary Association, the Chartered Institute of Environmental Health, Defra and the RSPCA. The working group's recommendations are the basic minimum standards considered necessary to ensure the health, safety and welfare of animals in pet shops. They are intended as the Code of Practice for pet vendors to follow in order to comply with the Animal Welfare Act 2006 and are a useful tool for enforcement officers.
- 5.2 Full compliance with the Conditions would be neither onerous nor costly for pet vendors licensed in the Lancaster district. Furthermore, licensing authorities are advised by the working group to apply and enforce the Conditions sensibly and appropriately.
- 5.3 In conclusion, therefore, Option 1 is the officer preferred option; that the Conditions be adopted and full compliance be required within a short timescale, for example 3 months.

<p><b>CONCLUSION OF IMPACT ASSESSMENT</b>  <b>(including Health &amp; Safety, Equality &amp; Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)</b></p> <p>No implications have been identified.</p>	
<p><b>LEGAL IMPLICATIONS</b></p> <p>Under the Pet Animals Act 1951, any person aggrieved by any condition subject to which a licence is proposed to be granted, may appeal to the Magistrates' Court.</p>	
<p><b>FINANCIAL IMPLICATIONS</b></p> <p>Any costs arising from the adoption of the 'Model Conditions for Pet Vending Licensing 2013' including officer time will be met from existing budgets.</p>	
<p><b>BACKGROUND PAPERS</b></p> <p>Pet Animals Act 1951          Animal Welfare Act 2006          Model Standards for Pet Shop Licence Conditions 1998          Model Conditions for Pet Vending Licensing 2013</p>	<p><b>Contact Officer:</b> Sue Clowes  <b>Telephone:</b> 01524 582740  <b>E-mail:</b> sclowes@lancaster.gov.uk  <b>Ref:</b> SLC</p>





# Model Conditions for Pet Vending Licensing 2013



September 2013

This document has been prepared in the best interests of animal welfare and to improve pet shop management. No liability rests with contributing bodies for the circumstances arising out of the application of conditions contained within the document.

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## Introduction

The Model Conditions set out in this document are the working group's recommendations for the basic minimum standards considered necessary to ensure the health, safety and welfare of animals in pet shops.

Licensing authorities should apply and enforce the licence conditions sensibly and appropriately.

These Model Conditions should not be considered as a complete manual on animal husbandry. It is a living document which will be revised from time to time to take into account new knowledge of animal physiology and behaviour as well as advances and development in standards of animal welfare.

Local authorities in England, Scotland and Wales issue licences to proprietors of pet shops and other pet vendors under the provisions of the Pet Animals Act (1951). Before granting a licence the local authority must be satisfied that the animals are kept in accommodation that is suitable; that they are supplied with appropriate food and drink; and are adequately protected from disease and fire. The local authority may attach conditions to the licence, may inspect the licensed premises at all reasonable times and may refuse a licence if the standards at the premises are unsatisfactory or if the terms of the licence are not being complied with.

Under the Animal Welfare Act (2006)<sup>1</sup> which applies in England and Wales and the Animal Health and Welfare (Scotland) Act 2006<sup>2</sup> in Scotland those responsible for animals, including pet vendors, have a responsibility towards the welfare of the animals in their care. Under these Acts it is an offence to cause unnecessary suffering to a protected animal, whether by an act or omission. Vendors also have a legal 'duty of care' towards the animals in their care. Vendors must therefore take such steps as are reasonable in all the circumstances to meet the welfare needs of the animals, to the extent required by good practice. The Acts define an animal's needs as including:

- Its need for a suitable environment
- Its need for a suitable diet
- Its need to be able to exhibit normal behaviour patterns
- Any need to be housed with, or apart from, other animals
- Its need to be protected from pain, suffering, injury and disease

During the inspection, prior to the issue of a licence, it is important that the five needs as outlined above are considered. Defra, the Welsh Assembly Government and the Scottish Government have produced various Codes of Practice under the Animal Welfare Acts, which outline in more detail certain species' needs that can be referred to for guidance. Issues specific to pet shops and other pet vendors are covered in this document.

The Animal Welfare Acts also increased the minimum age at which a person can buy an animal to 16 and prohibit giving animals as prizes to unaccompanied children under this age. In Scotland, there is a prohibition on giving animals as prizes.

Another key objective in developing these model licensing conditions is to encourage conditions in pet shops licensing and a consistency of approach across local authorities which minimises the risk of transmission of disease from animals to humans, alongside the need to protect animals from cruelty and ill-treatment and to encourage good standards of animal husbandry in pet vending.

Humankind shares a world with animals; it is unsurprising therefore that we also share some diseases. Zoonoses, or zoonotic disease are infectious diseases transmissible between humans and other animals; many thousands of zoonotic disease have been identified. While the reported instances of transmission are infrequent, they nevertheless represent significant disease prevalence. The risk to humans depends on the kind of disease and the type of exposure.

<sup>1</sup> [www.defra.gov.uk/foodfarm/farmanimal/welfare/act](http://www.defra.gov.uk/foodfarm/farmanimal/welfare/act)

<sup>2</sup> [www.oqps.gov.uk/legislation/acts/acts2006/pdf/asp\\_20060011\\_en.pdf](http://www.oqps.gov.uk/legislation/acts/acts2006/pdf/asp_20060011_en.pdf)

**Legislation/Orders that are relevant<sup>3</sup>:****England**

- Pet Animals Act 1951
- Dangerous Dogs Act 1991
- Dangerous Wild Animals Act 1976
- Breeding of Dogs Act 1973
- EU Regulation on the protection of animals during transport (EC) 1/2005
- Welfare of Animals (Transport)(England) Order 2006
- Animal Welfare Act 2006
- Docking of Working Dogs' Tails (England) Regulations 2007
- Mutilations (Permitted Procedures)(England) Regulations 2007
- EU Wildlife Trade Regulations: Council Regulation (EC) No. 338/97, implements CITES (Convention on International Trade in Endangered Species of Flora and Fauna) in the European Community
- The Conservation of Habitats and Species Regulations 2010, implements the EU Habitats Directive: Council Directive 92/43 EEC.

**Scotland**

- Pet Animals Act 1951
- Dangerous Dogs Act 1991
- Control of Dogs (Scotland) Act 2010
- Dangerous Wild Animals Act 1976
- Breeding of Dogs Act 1973
- EU Regulation on the protection of animals during transport (EC) 1/2005
- Welfare of Animals (Transport)(Scotland) Order 2006
- Animal Health and Welfare (Scotland) Act 2006
- The Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Regulations 2010
- The Licensing of Animal Dealers (Young Cats and Young Dogs) (Scotland) Regulations 2009

**Wales**

- Pet Animals Act 1951
- Animal Welfare Act 2006
- The Welfare of Animals (Transport) (Wales) Order 2007
- The Docking of Working Dogs' Tails (Wales) Regulations 2007
- Mutilations (Permitted Procedures) (Wales) Regulations 2007
- Dangerous Dogs Act 1991
- Dangerous Wild Animals Act 1976
- Breeding of Dogs Act 1973
- EU Regulation on the protection of animals during transport (EC) 1/2005
- The Conservation of Habitats and Species Regulations 2010, implements the EU Habitats Directive: Council Directive 92/43 EEC.

The working group agreed that the LGA Model Standards<sup>4</sup> needed to be updated whilst anticipating secondary legislation under the Animal Welfare Act 2006. These conditions should therefore not be seen as a substitute for secondary legislation.

<sup>3</sup> All legislation referred to in this document is intended to represent the most recent version

<sup>4</sup> Local Government Association (1998) "The Pet Animals Act 1951: Model standards for pet shop licence conditions", LGA Publications

**The groups consulted included:**

- British Veterinary Association
- Cats Protection
- Chartered Institute of Environmental Health
- Department for Environment, Food and Rural Affairs (Defra)
- Dogs Trust
- Federation of Companion Animal Societies
- Feline Advisory Bureau
- Local Government Association
- Ornamental Aquatic Trade Association
- Pet Industry Federation
- Rabbit Welfare Association & Fund
- Reptile and Exotic Pet Trade Association
- Royal Society for the Prevention of Cruelty to Animals

**Special thanks also to:**

- Peter Scott – Zoo and Aquatic Veterinary Group/Companion Animal Welfare Council
- William H Wildgoose – Fish Veterinary Society/Midland Veterinary Surgery
- Ian Strachan – Scottish Government
- Wood Green Animal Shelters
- OneKind

**Definition of terms**

\*\* A batch should be defined as a group of animals arriving from the same supplier, at the same time

\*\*m<sup>2</sup> is a measurement of area. One m<sup>2</sup> measures one metre by one metre. Consequently two m<sup>2</sup> measures 2 metres by 1 metre. (4 square metres measures 2 metres by 2 metres).

# Schedule A – General conditions

## 1. Licence Display

### 1.1 Condition

The licence or a copy of the licence must be suitably displayed to the public in a prominent position

#### Guidance

For security reasons, the licence should not display the licence holder's home address.

## 2. Accommodation

### 2.1 Condition

Animals must at all times be kept in accommodation designed to prevent escape and an environment suitable to their species and condition with respect to behavioural needs, situation, size, temperature, ventilation, and cleanliness. All accommodation must avoid drafts and overexposure to direct sunlight and must be kept in good repair.

#### Guidance

Animals should be able to move around freely, climb, fly, swim and jump where appropriate, and be comfortable in their environment. Definitions of appropriate sizes and materials are in the appropriate schedules to this document. Regular maintenance and repair will prevent injury from damaged housing. Temperature monitoring devices should be provided. It is important to avoid draughts.

### 2.2 Condition

Ventilation must be provided to all interior areas without the creation of excessive, localized draughts. Ventilation is important as an aid to disease control and aims to decrease smell accumulation and prevent excessive humidity of the atmosphere.

#### Guidance

The spread of airborne infections can be a significant risk. Excessive or inadequate humidity can cause other health problems.

### 2.3 Condition

If animals are displayed outdoors, they must have protection appropriate to their species

#### Guidance

This should include shelter from wind, rain or snow and/or the sun and predators if appropriate.

### 2.4 Condition

In order to control the spread of disease, and to prevent injury, housing must be constructed of non-porous materials or be appropriately treated. Junctions between all sections need to be fully cleanable.

#### Guidance

Appropriate housing will prevent direct transmission of disease and injuries. This will maintain structural integrity and ensure dry, easily cleansed surfaces. In general, untreated wood is not an appropriate material as it cannot be thoroughly cleaned.

### 2.5 Condition

Animals must be kept in housing which minimises stress from other animals or the public. Signage must be in place to deter public interference.

#### Guidance

An area to hide away, if needed, will help to reduce stress levels for the animals. In addition to signs, other measures maybe required, such as limiting access to some sides of animal enclosures. Care should be taken to avoid sensory contact between prey and predator species.

### 2.6 Condition

All animals for sale must be readily accessible and easy to inspect by staff.

#### Guidance

This should help to ensure that the cage is kept clean and hygienic and animals can be easily observed for illness or injury

**2.7 Condition**

Accommodation must be cleaned as often as necessary to maintain good hygiene standards

**Guidance**

To maintain a clean environment, a cleaning Standard Operating Procedure (SOP) should be provided and should detail the routine daily cleaning regime and the procedure for cleaning between periods of occupation. Soiled bedding should be removed frequently to ensure animals do not have to lie in it.

**2.8 Condition**

Where accommodation is on a tiered system, water, food or droppings must not be allowed to enter the lower housing

**Guidance**

This will prevent contamination of the lower cages. This does not apply to centrifuged fish systems or aviaries where perching and ground birds are housed together.

**2.9 Condition**

All accessories provided for environmental enrichment in the accommodation must be appropriate for the species.

**Guidance**

To stimulate the performance of natural behaviours.

**3. Exercise Facilities****3.1 Condition**

Suitable and sufficient facilities must be available where appropriate.

**Guidance**

Animals must be able to exhibit normal behaviour patterns and this may require the provision of suitable space for exercise.

**4. Register of Animals****4.1 Condition**

A purchase register must be maintained for all animals detailing their source and identification where appropriate,

**Guidance**

This can be by cross referenced to an invoice file. The purpose of the register is to ascertain the source of the animals.

**4.2 Condition:**

A sales register must be maintained for:

**4.2.1 Dogs****4.2.2 Cats****4.2.3 Psittacines****4.2.4 Species contained in the Schedule to the Dangerous Wild Animals Act 1976****Guidance**

The purpose of the register is for emergency contact of purchasers. The name, address and telephone number of the purchaser should be obtained. This is not required for other species.

**4.3 Condition**

Animals under veterinary treatment must be identifiable.

**5. Stocking Numbers and Densities****5.1 Condition**

No animals other than those specified in the licence, may be stocked.

The licence conditions should clearly state the numbers for each species or species group that may be kept on the premises, except fish. Please refer to Schedules for individual species for more details.

Animals are defined as any vertebrate animals; invertebrates are exempted from the regulations.

**5.2 Condition**

Where appropriate, all animals must be housed in social groups of suitable size.

**Guidance**

Details can be found in the relevant schedules.

**6. Health Disease and Acclimatisation****6.1 Condition**

All animals for sale must be in good health

**Guidance**

Vendors and staff are responsible for providing the animals' needs including good health care. Illness and obvious parasitic infection should be addressed before the animal is sold. Veterinary advice should be sought in any case of doubt.

Transport and the introduction to a novel environment are stressful and animals should be allowed to acclimatise before being further stressed by being offered for sale. Where animals are obtained for sale to a specific client it may be acceptable for the animal to be sold immediately.



All animals should receive appropriate vaccination where required for the species, as advised by the retailer's veterinary surgeon. Veterinary advice must be sought whenever necessary.

A Record of Treatment should be provided to the purchaser. Vaccination courses should begin at the appropriate age for each species.

## 6.2 Condition

Any sick or injured animal must receive appropriate care and treatment without delay. These must only be treated by appropriately competent staff or veterinary surgeons.

### Guidance

"Care and treatment" may include euthanasia but under no circumstances may an animal be euthanised other than in a humane and effective manner. In case of doubt, veterinary advice must be sought.

## 6.3 Condition

Provision must be made for the isolation of sick/injured/infectious animals and those that might reasonably be expected to be carrying serious infectious diseases.

### Guidance

Isolated animals should be kept in a secure, comfortable location where their condition and needs can be kept, also detailing treatment. For ornamental fish, in-line UV treatment or other sterilising devices effectively provide a means of isolating individual tanks in multiple tank systems. They must be of a proper size and maintained in accordance with manufacturers' recommendations.

## 6.4 Condition

Any animal with an abnormality which would materially affect its quality of life, must not be offered for sale. When in doubt, veterinary advice should be sought.

### Guidance

Information on any known conditions should be provided to the new owner.

## 6.5 Condition

All reasonable precautions must be taken to prevent the outbreak and spread of disease. No animal which is suffering from, or could reasonably be suspected of having come into contact with any other animal suffering from any infectious or contagious disease or which is infested with parasites, shall be brought into or kept on the premises unless effectively isolated.

### Guidance

Precautions should include regular cleaning (see 2.6) and good personal hygiene of staff in addition to effective quarantine of incoming groups of animals except for fish. Staff handling animals should wash or disinfect, and rinse if appropriate, their hands between groups. The shop should be registered with a veterinary practice and there should be veterinary input to SOPs where appropriate. It is important that the supplying breeders should have a policy for inherited and infectious disease control agreed. Staff should be aware of zoonotic transmission.

## 6.6 Condition

All necessary precautions must be taken to prevent harbourage, or the introduction to the premises, of rodents, insects and other pests.

### Guidance

"Rodent" and "Insect" excludes animals for sale or feeding

## 7. Food and Drink

### 7.1 Condition

Animals must be supplied with adequate amounts of food and drink, appropriate to their needs at suitable intervals. All food must be suitable for the species concerned.

### Guidance

Water should be available at all times except for those species where it may be harmful. An SOP should be produced for basic nutritional needs for each species or species group, and age group if appropriate. The owner should be advised to continue feeding consistent with the diet given by the pet shop.

**7.2 Condition**

Food and Drink receptacles must be appropriate to the species, constructed and positioned to minimise faecal and urine contamination and spillage. Receptacles must be cleaned out at regular intervals.

**Guidance**

Faecal and urine contamination is a risk to health. Maintaining a clean environment may require regular cleaning of receptacles. Receptacles should be thoroughly cleaned before being moved between batches/groups

**8. Food Storage****8.1 Condition**

All food, excluding live foods intended for feeding to animals on the premises, must be stored in impervious closed containers.

**Guidance**

Such containers prevent spoilage of the food or attraction of rodents or pests to the premises.

**8.2 Condition**

The containers and equipment used for feeding must be kept in a clean and sound condition.

**Guidance**

There must be suitable facilities for cleaning of receptacles and equipment which should be separate from staff facilities.

**9. Observation****9.1 Condition**

All animals must be attended to at regular intervals, except where defined in the schedule, at least once daily, and appropriate to the individual animal.

**Guidance**

Regular checks and observation records aid in early detection of illness, injury or behavioural problems and should be considered very important for all animals.

A system of recording observation should be maintained.

**10. Disposal of Waste****10.1 Condition**

All excreta and soiled bedding for disposal must be kept in a hygienic manner and stored in impervious containers with close fitting lids - away from direct sunlight.

**Guidance**

This is important for biosecurity and odour reduction.

Excreta and soiled bedding should be removed from the premises on a regular basis, at least weekly, disposed of to the satisfaction of the appropriate local authority, and in accordance with current regulations and good waste management practice. Premises should maintain a contract for removal with an appropriate company and adhere to local authority regulations.

There should be appropriate arrangements in place for removal of dead animals.

**11. Transportation to the Premises****11.1 Condition**

When receiving animals, the licensee must make reasonable effort to ensure that they are transported in a suitable manner.

**11.2 Condition**

Any animals received or consigned shall be transported according to the regulations laid down in current legislation.

**11.3 Condition**

Animals must be transported or handed to purchasers in suitable containers,

**Guidance**

Buyers should be advised how to transport animals home so as to minimise stress.

**12. Sale of Animals****12.1 Condition**

No mammal shall be sold un-weaned or, if weaned, at an age at which it should not have been weaned.

**Guidance**

Young mammals require nutritional and behavioural support from their mothers.

**12.2 Condition**

In the case of non-mammals, they must be capable of feeding themselves.

### 13. Dangerous Wild Animals as defined by the Dangerous Wild Animals Act 1976

#### 13.1 Condition

When dangerous wild animals are kept, the cages must be of a secure construction appropriate to the species and kept locked.

##### Guidance

Safety of staff and the general public should be of utmost importance and safety barriers may aid in this, as well as prevention of escape.

#### 13.2 Condition

The local authority must be notified in the event that the pet shop wishes to offer for sale, any animal on the Schedule to the Dangerous Wild Animals Act.

##### Guidance

The primary requirements of the Act are to protect the public but there are also welfare implications.

Although it is acknowledged that there is an exemption contained within the Act in relation to pet shops, it is recommended that consideration should be given to complying with any special requirement(s) specified in the Act for the safe accommodation and care of the animal.

Licensees selling animals on the Schedule to the Dangerous Wild Animals Act should inspect the purchaser's licence to keep such an animal, and inform the issuing authority of the details of the purchase. Licensees should take note of the latest guidance from Defra/Scottish Government.

### 14. Pet care advice, staff training and knowledge

#### Condition

New applicants must have a qualification or be registered with a recognized body such as City & Guilds. They must have suitably progressed in 12 months and have completed the qualification within 2 years.

##### Guidance

Qualifications should be City & Guilds or Level 3 equivalent and appropriate to the species kept.

#### 14.1 Condition

The licensee must ensure that the purchaser is informed of the correct care of the animal covering feeding, housing, handling, husbandry, accessories and veterinary care.

##### Guidance

Pet care leaflets or other similar written instructions suitable for the species (or group of species) in question should be made available to customers free of charge at the time of purchase, in addition to any offer to purchase pet care books or leaflets. Information can be in the form of Codes of Practice issued by governments. In addition, information may also be made available electronically.

#### 14.2 Condition

Appropriate reference materials on the care of each species must always be available for use by staff.

##### Guidance

Further advice can be obtained from the organisations listed in the 'Useful Contacts' section at the back of this document.

#### 14.3 Condition

Staff members must be able to provide suitable advice to purchasers and answer questions as required by them.

No animal should be stocked or sold unless the staff or at least one member of staff on call is familiar with the care and welfare of the animals stocked and has a recognised qualification and/or suitable experience/training.

#### 14.4 Condition

The licensee must be able to demonstrate appropriate staff training is carried out and that that staff are competent in pet shop management and animal handling.

##### Guidance

Further advice, guidance and training can be obtained from the organisations listed in the Useful Contacts section.

## 15. Fire and other emergency precautions

### 15.1 Condition

Suitable emergency precautions and written procedures must exist and be made known to all staff, including arrangements for evacuation of animals.

#### Guidance

Staff should be aware of these procedures and a copy should be displayed for staff to refer to as and when needed. Evacuation should be regularly practised and practices recorded. All staff should undergo regular training and records should be kept of such training.

### 15.2 Condition

Entrances and exits must be clear of obstructions at all times.

#### Guidance

To facilitate risk free evacuation if needed, when designing accommodation, consideration should be given to using systems which would allow timely removal of the animals in the case of emergency. This provision would not usually apply to aquaria and ponds.

### 15.3 Condition

Suitable fire fighting, prevention and detection equipment must be provided, maintained, regularly serviced and sited as advised by the local fire protection/prevention officer and approved by the local authority.

#### Guidance

This will ensure that, if needed, the equipment will function correctly. Staff should be properly trained on the use of equipment provided.

### 15.4 Condition

The licensee, or a designated key holder, must at all times be within reasonable travelling distance of the premises and available to attend in case of emergency.

#### Guidance

A reasonable distance would, in normal conditions, be interpreted as no more than 20 minutes travelling time.

### 15.5 Condition

A list of key holders must be logged with the local police and local authority.

#### Guidance

For contact in cases of emergency.

### 15.6 Condition

In the interests of animal welfare, the following notice must be displayed prominently at the front of the premises: "In case of an emergency dial 999".

#### Guidance

For information of the public in cases of emergency, when a staff member is not on site.

### 15.7 Condition

When pet shops are sited within other premises, the licensee or key holders must have access at all times to the premises containing the animals.

#### Guidance

This is vital for access to the animals at all times to ensure correct care is provided

### 15.8 Condition:

All electrical installations and appliances must be maintained in a safe condition.

#### Guidance

For health and safety of staff and animals.

### 15.9 Condition

There must be an effective contingency plan for essential heating, ventilation and aeration/ filtration systems, as appropriate.

#### Guidance

Some species are very sensitive to temperature fluctuation.

## Schedule B – Dogs

### 1. Condition

Puppies must be weaned before leaving the mother.

#### Guidance

To ensure puppies can eat the food provided. Puppies must be 8 weeks old or over. Council Regulation (EC) No. 1/2005 on the protection of animals during transport and related operations prohibits the transport of puppies without their mother before this age.

### 2. Condition

The minimum kennel size must be:

- 2.1 For a batch of small breed puppies – max 6 pups – 1.5m<sup>2</sup> for sleeping, plus 2m<sup>2</sup> for exercise
- 2.2 For a batch of medium breed puppies – max 4 pups – 2m<sup>2</sup> for sleeping, plus 2m<sup>2</sup> for exercise
- 2.3 For a batch of large breed puppies – max 2 pups – 2m<sup>2</sup> for sleeping, plus 2m<sup>2</sup> for exercise

These are minimum requirements, for larger batches the size of the pens should be adjusted pro-rata accordingly. Ideally the puppies should have free access to the exercise area at all times. Any covered pens should have a minimum height of 1.8m or removable covers to allow adequate access by staff for cleaning. These are minimum standards and meeting the correct size of pens alone are not a defence if the welfare of the animals are in question.

#### Guidance

The kennel area should be large enough to allow separate sleeping and activity areas. The kennel should allow each puppy to be able to walk, turn around and wag its tail without touching the sides of the kennel. The puppies should have sufficient room to play, stand on their hind limbs and to lie down without touching another individual. The kennel size required will increase in relation to the size and number of puppies housed at any one time. The length and the width should be sufficient to allow all the puppies to lie outstretched without their noses or tails touching the walls or other individuals. In certain circumstances it is permissible to have separate exercise areas to sleeping areas but in such cases puppies must be given access to the exercise area at

least four times a day. Any separate exercise area should be fully cleaned and disinfected between its use by different batches of puppies.

### 3. Condition

Suitable and sufficient exercise facilities must be available and accessible where appropriate..

### 4. Condition

Extreme temperatures must be avoided.

#### Guidance

Puppies are relatively sensitive to high/ low temperatures. Temperatures should not normally go below 12°C or exceed 26°C

### 5. Condition

General bedding must include an adequate amount of absorbent material.

#### Guidance

The use of enough absorbent material allows urine and faeces to be contained and reduce contamination of the puppies.

### 6. Condition

Any soiled material must be removed at least four times a day or as required to ensure the puppy does not have to lie in a soiled area.

#### Guidance

Puppies do not discriminate in where they toilet and this maintains a clean environment. A cleaning schedule or SOP should be provided

### 7. Condition

A specific lying place must be provided lined with soft material,

#### Guidance

The use of soft material will prevent skin lesions being caused by soiling or pressure sores.

### 8. Condition

Puppies must be fed at least four times daily, at appropriate intervals.

#### Guidance

The diet should be appropriate for puppies.

## 9. Condition

Puppies must have frequent, quality contact time with staff.

### Guidance

“Suitable intervals” for puppies to be visited are frequent, as they require to be socialised. It is recommended that this should be a minimum of 4 times per day with 20 minutes of interaction per batch. There should be an SOP.

## 10. Condition

Batches of puppies must not be mixed until they have been on the premises for seven days or have shown no sign of infectious disease for seven days.

### Guidance

Puppies are particularly susceptible to disease as they have immature immune systems. The new owner should be advised to register the puppy with a vet.

## 11. Condition

Ideally, single puppies must not be left alone in a kennel, but where they are, special attention should be paid to specific human interaction. When they are mixed they should be of similar size, age and temperament and there should be good supervision of mixing.

### Guidance

Isolating healthy puppies does not allow them to exhibit natural behaviour patterns.

## 12. Condition

There must be environmental enrichment in all kennels.

### Guidance

To allow puppies to exhibit normal behaviour patterns. Toys should only be given under supervision and should be easily cleaned or replaced between batches.

\*\* Please see ‘Schedule A – General Conditions’ for food, water and isolation conditions

## Schedule C – Cats

### 1. Condition

Kittens must be weaned before leaving the mother.

#### Guidance

To ensure kittens can eat the food provided. Kittens must be 8 weeks old or over. Council Regulation (EC) No. 1/2005 on the protection of animals during transport and related legislation prohibits the transport of kittens without their mother before this age.

### 2. Condition

The minimum pen floor area for a batch of up to 4 kittens, up to 12 weeks of age, must be 1 m<sup>2</sup>, with a minimum height of 0.6m (for example, 0.6m x 1 x 1) No dimension must be less than 0.6m. Any shelving or platforms must be in addition to the minimum floor area. Each additional kitten must have 0.25m<sup>2</sup> additional floor space.

#### Guidance

Kittens require adequate space to play together and to have space for a litter tray and bed. Varying heights to enable climbing should each also be provided. There should be adequate space for feeding, drinking, sleeping and litter tray to be kept separate.

### 3. Condition

Extreme temperatures must be avoided.

#### Guidance

Kittens are relatively sensitive to low temperatures owing to their small body weight. Temperatures should not normally go below 15°C or exceed 26°C.

### 4. Condition

Disposable or washable bedding must be provided and kept clean.

#### Guidance

Kittens need a warm sleeping, soft area, away from the litter tray and food.

### 5. Condition

A litter tray and appropriate litter must be available at all times and cleaned and disinfected at least once daily with an

appropriate disinfectant which is safe for use with cats and cleaned as appropriate. The disinfectant should be anti-viral and used in accordance with manufacturers' instructions, as some disinfectants are toxic to cats.

### 6. Condition

Kittens must be fed at least four times daily, at appropriate intervals.

#### Guidance

The diet should be appropriate for kittens.

### 7. Condition

Batches must not be mixed and if several batches are kept in one area then the pen must have solid sides.

#### Guidance

Diseases spread very easily between litters, both by direct contact or by sneezing. Kittens are particularly susceptible to disease as they have immature immune systems. The new owner should be advised to register the kitten with a vet.

### 8. Condition

Kittens must have frequent, quality contact time with staff.

#### Guidance

It is recommended that this should be a minimum of 4 times per day with 20 minutes of specific interaction per batch. Kittens should be protected from over-handling by staff or the public as they require time to rest.

### 9. Condition

There must be environmental enrichment in all cages such as toys, climbing frames and platforms.

#### Guidance

To allow kittens to exhibit normal behaviours, particularly climbing. Toys should be easily cleaned or replaced between batches.

## Schedule D – Rabbits

### 1. Condition

Rabbits must be correctly sexed and housed in same sex groups.

#### Guidance

Rabbits are easier to sex at 8 weeks than any earlier, which will help prevent mis-sexing and unwanted litters.

### 2. Condition

The minimum enclosure size must be:

0.4m<sup>2</sup> for up to 4 standard juvenile rabbits and a height of 0.4m. 0.5m<sup>2</sup> for up to 2 giant breed juvenile rabbits and a height of 0.5m.

These are minimum requirements, for larger batches, larger breeds or adult rabbits the size of the pens should be adjusted pro-rata accordingly.

#### Guidance

Dwarf Lops/Dutch rabbits are the most commonly available in pet shops and weigh up to 4kgs. The height should allow the rabbit to rear up to perform natural behaviour. Rabbits should be kept in store in groups. Rabbits need to be able to move freely and to be able to perform vital behaviours such as caecotrophy and rearing.

### 3. Condition

There must be environmental enrichment in all enclosures. A hiding place must be provided.

#### Guidance

To allow rabbits to exhibit normal behaviours, indestructible toys; cardboard boxes; chewing substrates should be provided. Toys should be easily cleaned or replaced between batches. Rabbits are prey animals and should have the opportunity to hide if scared or stressed.

### 4. Condition

Extreme temperatures must be avoided.

#### Guidance

Ambient temperature should not normally go lower than 12°C or exceed 26°C. Providing cool water, cool packs in their bedding, air movement and air conditioning may each help to avoid the stress caused to rabbits by high environmental temperatures.

### 5. Condition

Rabbits must be provided with a suitable substrate and bedding material in sufficient amounts.

#### Guidance

Rabbits need a warm, softly-bedded sleeping area away from the litter and food/water.

### 6. Condition

Visibly soiled substrate and bedding must be removed daily. The pen should be thoroughly cleaned and disinfected before introducing a new animal.

#### Guidance

The disinfectant should be effective against both viral, bacterial and parasitic infection and safe for use on rabbits. Check with a vet or manufacturer if unsure. Diseases such as E-cuniculi can be spread via urine, so thorough cleaning is required between new occupants. Rabbits often choose to toilet in the sleeping area of a hutch and a litter tray could be placed here.

### 7. Condition

If batches are mixed you must ensure all animals are free from obvious parasitic infection.

#### Guidance

Diseases spread very easily between litters. Rabbits should be housed with batch mates where possible.



## 8. Condition

Rabbits must have a constant supply of fresh hay and water, and be offered an appropriate amount of dry food for the breed and age. Feed dishes should be suitable to ensure feed does not get contaminated by urine or faeces.

### Guidance

Rabbits teeth are open rooted and therefore constant access to good quality hay is essential, for dental health, gastrointestinal health (without a constant supply of fibrous food, rabbit GI tracts slow down) and behavioural reasons (to relieve boredom). It is vital that hay is available throughout the day and sufficient provided for them at closing time to last them until the next business day. Dry food should be provided for youngsters to assist growth, see manufacturers instructions, but should not be fed ad-lib.

## 9 Condition

Animals must be provided with an appropriate diet and any new feeds must be introduced slowly.

### Guidance

Due to the delicate digestive system, particularly under stress, if diets are to be changed then a slow transition between diets is advisable.

## Schedule E – Other small mammals

### 1. Condition

All small mammals must be correctly sexed and housed in single sex groups unless a solitary species (or sold as a breeding pair),

#### Guidance

To help avoid unwanted litters, all animals should be sexed immediately on arrival to the premises and housed in single sex groups. Animals from different sources should not be mixed.

### 2. Condition

Animals must at all times be kept in suitably sized accommodation.

#### Guidance

Animals should be able to freely move around the accommodation and be able to perform natural behaviours. See attached table for species relevant sizing.

### 3. Condition

Animals must be provided with a suitable substrate in sufficient amounts.

#### Guidance

Providing sufficient and appropriate substrate keeps the accommodation clean and dry and allows digging where appropriate. There are a number of substrates available and the type used will depend on the animal kept.

### 4. Condition

Animals must be provided with a suitable bedding material in sufficient amounts.

#### Guidance

Bedding provides a place to sleep and rest, the type used will depend on the animal kept. It should be provided in sufficient quantities to enable the animal to feel secure and warm.

### 5. Condition

Animals must be provided with places to hide. Accessories and enrichment should be provided, suitable to the species.

#### Guidance

Animals must be given the opportunity to hide as a natural instinct and be given suitable accessories to allow for stimulation and to

reduce stress. Chinchillas and Degus should be given the opportunity to use a sand bath by offering one on a regular basis, e.g. 10 minutes daily. Rodents need to express natural behaviour such as running and chewing/ gnawing. Toys such as hides, tunnels, paper bags filled with hay and fruit twigs are ideal for expressing natural foraging behaviour. Animals should be able to move away from direct lighting. Cool hides should be provided to prevent over heating.

### 6. Condition

Suitable food and drink receptacles must be provided and positioned to avoid faecal contamination.

#### Guidance

Water for small animals is usually provided in clean gravity fill drinking bottles, (which should be of a suitable size for the species) or automatic or semi – automatic drinking systems. Fresh water should be available at all times, or as appropriate to the species; some desert-dwelling species such as jerboas [family Dipodidae] should not be given water ad- lib. Bottles should be kept clean and free from algae.

### 7. Condition

All rodents must be fed a suitable diet, ad lib and have free access to hay where required.

#### Guidance

The diet should be appropriate for the breed, life stage and species. Food should be refreshed regularly. Guinea pigs should have sufficient vitamin C in their diet. Guinea pigs are unable to synthesise Vitamin C.

### 8. Condition

All rodents must be fully weaned on admission.

## Minimum accommodation requirements – small rodents

### Area in square metres

No. of Animals	1-4	5	6	7	8	9	10	Minimum Cage Height (m)	Minimum Cage Depth (m)
Mice, Hamsters, Gerbils	0.068	0.079	0.09	0.100	0.113	0.124	0.135	0.30	0.25
Rats	0.135	0.157	0.18	0.202	0.225	0.247	0.27	0.30	0.28
Guinea Pigs, Degus	0.225	0.263	0.3	0.338	0.375	0.413	0.45	0.30	0.30
Chinchillas	0.25	0.375	0.5	0.625	0.75	0.875	1.0	0.45	0.45
Chipmunk	0.25	0.375	0.5	0.625	0.75	0.875	1.0	0.90	0.45

## Schedule F – Ferrets

### 1. Condition

Ferrets must be at least eight weeks old

#### Guidance

Ferret kits can find separation from their mother very stressful and the stress response in a ferret often results in diarrhoea which can prove fatal.

### 2. Condition

Ferrets must be housed with batch companions

#### Guidance

Ferrets are naturally social animals that depend on the companionship of their own kind. Lone ferrets often suffer depression including poor appetite and lack of enthusiasm to move or play.

### 3. Condition

Ferrets must be housed in groups or pairs of either sex. Adult hobs (males) require individual accommodation.

#### Guidance

Ferret kits can be easily sexed at 8 weeks of age. Adult, un-neutered hobs (males) may exhibit dominant behaviour and fight, so requiring individual accommodation. House the Jill (female) kits at a reasonable distance to prevent aggression between the hobs as they mature at around 20 weeks. Adult jills (females) should be prevented from having repeated seasons. Jills (females) left in season are prone to estrogen induced anaemia, a factor in shortening their normal lifespan. Veterinary advice should be sought.

### 4. Condition

Batches of ferrets must not be mixed.

#### Guidance

Not mixing will reduce the risk of disease spreading. Mixing can be stressful for ferrets.

### 5. Condition

The minimum pen floor area for a litter of up to 4 ferrets, up to 12 weeks of age, must be 1 m<sup>2</sup>, with a minimum height of 0.6m. No dimension must be less than 0.6m. Any shelving or platforms must be in addition to the minimum floor area. Each additional ferret must have 0.25m<sup>2</sup> additional floor space.

#### Guidance

Enclosures should be placed on a hard surface and anchored to the ground. Ferrets require space for their toilet area removed from their sleeping or eating areas. Ferrets require space to exhibit their normal active behaviour – running backwards, forwards and sideways and to climb, explore and play. Ferrets are naturally clean and will usually select one corner as their toilet

### 6. Condition

Sleeping quarters must be draught free and dark.

#### Guidance

Ideally sleeping quarters should be raised. Ferrets seek dark areas for sleeping and sleep for long hours, up to twenty a day in the winter. Their natural instinct is to hide whilst sleeping.

### 7. Condition

Ferrets must have suitable bedding.

#### Guidance

Suggested bedding includes fabric items that can be laundered, straw and dust extracted wood shavings.

### 8. Condition

Extreme temperatures must be avoided.

#### Guidance

Temperatures should not normally go below 12°C or exceed 26°C. Ferrets tolerate cold better than heat. Provide plenty of warm bedding for when it is cold. Be aware heat prostration is likely at 32°C.

**9. Condition**

Ferret kibble must be provided at appropriate intervals.

**Guidance**

Feed a recognised and branded ferret kibble / biscuit. Small, frequent meals or ad lib feeding are recommended as ferrets have a rapid rate of digestion

**10. Condition**

Water must be supplied in both a heavy based bowl and a water bottle attached to the side of the enclosure.

**Guidance**

Ferrets are renowned for tipping bowls

## Schedule G – Birds

### 1. Condition

There must be adequate perching space for all birds at the same time. Outdoor aviaries must include sufficient sheltered and non-sheltered space. Cage size must be adequate to allow birds to open their wings fully in all directions. Cages must include appropriate environmental enrichment.

#### Guidance

Stocking densities will depend on the type of bird as well as cage dimensions and number of perches. Access to rain can be beneficial for plumage. Some species will need adequate space to fly. Chickens require an appropriate area and substrate to perch.

### 2. Condition

Perches must be positioned so that birds do not defecate on each other and must be of appropriate size and shape for each species.

### 3. Condition

Ambient temperature must be appropriate for the species. Extremes of temperatures must be avoided.

#### Guidance

Birds are more sensitive to high temperatures.

### 4. Condition

There must be adequate drinkers/feeders commensurate with the number of birds and these must be cleaned regularly. Bowls etc. must be positioned so that birds do not defecate in food/water.

#### Guidance

Birds should not have to compete for drinkers/feeders and risk exclusion. Passerines should have food available at all times. Enrichment and feeding devices need to be provided for larger psittacids. For parrots, it is preferable to use swinging systems such that the keeper does not need to enter the cage in order to change food/ water. Bowls should not be able to be removed from holders by the parrot.

### 5. Condition

Cages must be constructed from materials suitable to the type and size of birds. Materials must be safe to birds and in good repair.

#### Guidance

Enclosures should be placed on a hard surface. Some species require more robust materials. Materials such as loose zinc coating can be toxic to birds.

### 6. Condition

Windproof nest boxes must be provided in all outside housing and inside where appropriate.

#### Guidance

Many birds find sleeping or sheltering in nest boxes an essential form of security or for sheltering from inclement weather but it is recognised that some species, such as canaries, will rarely if ever voluntarily enter nest boxes.

### 7. Condition

Flooring must be drop-through or easily washed/hosed.

#### Guidance

If ground living birds are kept with perching birds then attention should be paid to flooring such that bumblefoot issues are addressed - i.e. no concrete/rough stone. Where natural turf flooring is used, parasite status of the birds should be checked on a regular basis every few weeks.

## Stocking Densities for Birds in Cages

Type	Length of Bird (cm)	Floor Area (m <sup>2</sup> ) housing up to 4 birds	Linear cms per additional bird on either cage length or depth <sup>*3</sup>
Budgerigar		0.15	5
Canary		0.15	5
Cockatiel		0.48	7.5
Finches	Less than 12.5	0.113	5
	12.5 – 17.5	0.15	5
	more than 17.5	0.225	7.5
Parakeets and Lovebirds <sup>*1</sup>	less than 25	0.42	7.5
	25-30*1	0.48	7.5
	more than 30*1	0.675	7.5
Parrots	less than 30	0.225	10
	30 – 35*2	0.4050	15
	more than 35*2	0.4725	20
Chickens		1.6	
Bantams		1.6	
Quail		16	

- \*1. It is recommended that, wherever possible, these species are displayed for sale in aviaries or flights rather than cages per se.
- \*2. It is recommended that, wherever possible, these species are displayed for sale in aviaries or flights if more than two birds are housed together.
- \*3. The extra-linear centimetre per additional bird, is intended to refer to an increase in either width or length or a combination of the two ie, a 20cm increase could refer to 20cm width, 20cm length or say 10cm width combined with 10cm length.

## Stocking Densities for Birds in Aviaries and Flights

Type	Length of Bird (cm)	Number of Birds per 'Standard' Aviary (1.8 x 0.9 x 1.8 m)
Budgerigar		18
Canary		18
Cockatiel		8
Finches	Less than 12.5	24
	12.5 – 17.5	18
	more than 17.5	12
Parakeets and Lovebirds *1	less than 25	10
	25-35	6
	more than 35	4
Parrots	less than 30	10
	30 – 35	6
	more than 35	4
Chickens		4 (min height 0.9m)
Bantams		6 (min height 0.9m)
Quail		8 (min height 0.9m)



# Schedule H – Reptiles and Amphibians

## 1. Condition

Stocking and density must be appropriate to the species.

### Guidance

Most reptiles and amphibians are not social and may, therefore, be kept individually. Communal enclosures should not be stocked as to appear overcrowded, common sense should be observed.

Mixing of species, although possible, should be undertaken with caution. Some species may require or seek seclusion or privacy either sporadically or permanently and provision for this should be made.

**Snakes:** may be housed individually or in small groups, of the same species. Snakes known to be cannibalistic, e.g. king snakes (*Lampropeltis* sp.), should be housed individually.

**Lizards:** only species of similar size and from similar habitat and geographical areas should be kept communally. Lizards known to be cannibalistic, e.g. *Gambelia* sp, should be housed individually. Generally adult male lizards in breeding condition should not be housed together and groups of lizards housed communally should be regularly observed for signs of aggression.

**Tortoises and Terrapins:** only terrapins of similar size and habit and from the similar geographical area should be kept communally. Tortoises of different species should be housed individually. Also, adult males in breeding condition should be housed individually.

**Frogs and Toads:** only species of similar size, and from similar habitats and geographical areas, should be kept communally. Mixing of taxa (e.g. frog & toad) is not generally recommended. Cannibalistic species, such as horned frogs (*Ceratophrys* sp.) and African bull frogs (*Pyxicephalus* sp.) should be housed individually.

**Newts and Salamanders:** only species of similar size and from similar geographical areas should be kept together.

Generally mixed taxa [e.g. lizards and tortoises] are not recommended, although paludaria

which combine fish with small reptiles and/or amphibians of appropriate species are acceptable.

## 2. Condition

The enclosure size must be appropriate to the species and adjusted according to its size.

### Guidance

**Snakes:** the length of the enclosure should be no less than two-thirds the overall length of the snake,.

**Lizards:** the length of the enclosure should be three times the full length of the lizard, or larger.

**Tortoises and Terrapins:** the length of the enclosure should be a minimum of 90cms, or four times the length of the animal, or larger. For aquatic species [turtles, terrapins] the enclosure should allow the animal to swim adequately, i.e. have water depth at least 4 times that of the animal, although some terrapins (e.g. *Cuora* sp., *Terrapene* sp. and *Glyptemys* sp.) do not require such deep water. Terrapins must also have an adequate land basking area.

**Frogs and Toads:** the length of the enclosure should be minimum 30cm x 30 cm x 30cm, or at least three times the length of the animal, or larger. For sedentary species, such as horned frogs (*Ceratophrys* sp.) and African bull frogs (*Pyxicephalus* sp.) the enclosure can be smaller. Fully aquatic species should be able to swim adequately, i.e. water depth should be at least 4 times the depth of the animal.

**Newts and Salamanders:** the length of the enclosure should be minimum 30cm x 30 cm x 30cm, or at least three times the full length of the amphibian, or larger. Aquatic species should be able to swim adequately, i.e. water depth should be at least 4 times the depth of the animal.

**Height and Width:** of the enclosure should be appropriate to the species, with arboreal species requiring more height than terrestrial species.

**3. Condition**

Temperature, humidity, lighting and ventilation must be appropriate to the species.

**Guidance**

Ambient and basking temperatures should be appropriate to the species concerned, with the following guidance for commonly kept species.

These are guidelines only and individual species should be researched as requirements for some species will fall outside of these recommendations. Vendors and staff must have access to relevant reference material (books, internet etc.). Basking spots may be provided by convection or radiant heat sources (e.g. light bulb, or heat mat), as appropriate to the species. Ventilation should be appropriate to the species and should allow sufficient change of air without jeopardising the temperature or humidity in the enclosure.

**4. Condition**

Lighting must be appropriate to the species.

**Guidance**

An appropriate light period should be observed. Species requiring UVB lighting, e.g. diurnal lizards and tortoises, should have appropriate UVB emitting lamps. These should be replaced according to manufacturer's recommendations. Mercury Vapour or Metal Halide UVB emitting lamps may also be used to provide a daytime heat source. UV light sources must not be screened by non UV transmitting glass or plastic. Animals should have areas of shade so that they can escape from the light if desired.

**5. Condition**

Substrate appropriate to the species must be present.

**Guidance**

Substrate should be appropriate to the species concerned and may include, but not be limited to: newspaper, paper towel, bark chip, wood chip, terrarium humus, moss, gravel, calcium carbonate, terrarium sand etc. Measures should be taken to ensure that substrate is not ingested.

**6. Condition**

Enrichment must be provided appropriate to the species.

**Guidance**

Décor should be appropriate to the species and should not be harmful, e.g. sharp rocks, toxic or injurious plants. Décor should be secure and not able to fall and cause injury. Enclosure should be furnished in such a fashion as to allow inhabitants to exhibit natural behaviour, e.g. climb or hide where appropriate.

**7. Condition**

Food and water must be provided in the appropriate manner for the species.

**Guidance**

Feeding habits vary between species and between individuals. Staff should have knowledge of the requirements for all the species held. Food should be presented in a form or pattern that is acceptable to the species concerned. Food supplements [vitamin and minerals] should be provided as appropriate to the species concerned. Live food intended for use should be housed in suitable escape proof containers, and fed appropriately. Fresh foods [salads] should be kept refrigerated where appropriate. Frozen foods intended for use must be stored in an appropriate deep freeze and defrosted thoroughly before use. Feeding records for hatchling snakes should be kept and made available to purchasers. Fresh water should be available at all times, with the exception of certain desert species, such as *Uromastyx* sp. which should be offered water periodically. Certain species, such as chameleons, do not drink from standing water and should be offered water appropriately, e.g. by a dripper system or sprayer.

**8. Condition**

Hygiene: enclosures must be cleaned appropriately.

**Guidance**

Spoiled food stuffs should be removed at appropriate time periods, at least daily. Substrates should be replaced as appropriate, and spot cleaned daily. Décor should be sanitised as appropriate. Enclosures should be disinfected with appropriate disinfectant as necessary and always between different batches of animals. Disinfectant should be

appropriate for the contaminants likely to be encountered. Disinfectant hand gels should be available for staff to use between animals, to prevent the external environment being contaminated. Water bowls should be cleaned as appropriate and disinfected at least weekly. Slough [shed skins] should be removed daily.

## **9. Condition**

Handling must be kept to a minimum at all times.

### **Guidance**

Handling must be kept to a minimum at all times. Staff should receive training on how to handle animals and animals which may be aggressive should only be handled by competent staff. Staff and customers should wash hands after handling specimens, and any equipment used should also be disinfected.. Customers handling animals prior to purchase should be supervised and offered facilities to wash their hands afterwards.

# Schedule I – Fish

## 1. Condition

Water quality is a key determinant of fish welfare. To assess it, levels of ammonia and nitrite must be checked first. Only if such measurements exceed the recommended standards below, or there is an unexplained problem, is there any need to proceed further. Minimum water standards must be:

### Cold Water Species

Free Ammonia	max 0.02mg/l
Nitrite	max 0.2mg/l
Dissolved Oxygen	min 6mg/l
Nitrate	max 50mg/l above ambient tap water

### Tropical Freshwater Species

Free Ammonia	max 0.02mg/l
Nitrite	max 0.2mg/l
Dissolved Oxygen	min 6mg/l
Nitrate	max 50mg/l above ambient tap water

### Tropical Marine Species

Free Ammonia	max 0.01mg/l
Nitrite	max 0.125mg/l
Nitrate	max 100mg/l
pH	min 8.1
Dissolved Oxygen	min 4.0 mg/l

#### Guidance

It is virtually impossible to determine the quantity of aquatic organisms to be kept in a system purely on a weight or number of aquatic organisms per unit, volume, or water surface area. The variation in holding system used, the quality of husbandry and the types of aquatic organisms stocked vary so greatly that it would render any such system too complicated to be practical or too simple to be useful. The maintenance of water quality standards can be used to determine working stocking densities. The water quality standards should not be met at the expense of a correct feeding regime. Exceptions to these standards might occur e.g. when aquatic organisms are diseased, after transport or other stress. However in these cases appropriate remedial actions e.g. treatment,

acclimatisation or isolation should be undertaken. Sea water holds less oxygen than fresh water. The recommended level is 5.5 mg/l so extra care is needed to ensure that levels do not routinely fall below this.

## 2. Condition

Water quality must be checked regularly and records kept of all tests. Centralised systems must be tested weekly. 10% of individually filtered tanks or vat must be tested weekly. On aquaria or vats in which visual inspection indicates unusual behaviour or deaths, water quality inspections should be undertaken.

#### Guidance

One test is representative of all the water in the system of centralised systems. Standalone systems must each be tested. Poor water quality is often the underlying cause of problems presenting as disease or mortalities.

## 3. Condition

Holding systems must be cleaned and checked regularly.

#### Guidance

Aquaria must be checked daily and cleaned as often as is necessary to maintain good hygiene standards, consistent with the rate of stock turnover and consequent stocking densities.

## 4. Condition

No aquatic organisms should be exposed to excessive light or heat, or lack of adequate warmth.

#### Guidance

No fish or other aquatic organism should be subject to rapid fluctuation in light (lights should be on dimmers if automated), temperature and chemical composition of their water, other than for the controlled treatment of disease or as part of a controlled breeding programme. There are in excess of 4000 fish species in trade and thus the acceptable conditions may vary substantially and often counter intuitively. In case of doubt expert advice should always be sought.

# Information

## Register of Wild Animals and Endangered Species

Some species are listed on the Annexes of EU Wildlife Trade Regulations which implement CITES [Convention on International Trade in Endangered Species]. Species listed on Annex A of EU Wildlife Trade Regulations [Council Regulation (EC) No. 338/97] must have a valid Article 10 Certificate and may require microchipping or closed ring. Species listed on Annex B do not require Certificates but the vendor should be able to provide proof the animal was acquired legally.

Further information is available from Animal Health, Wildlife Licensing and Registration Service:  
1-15 Temple Quay House, 2 The Square,  
Bristol, BS1 6EB

Wild-caught specimens listed on Annex IV of the EU Habitats Directive [Council Directive 92/43 EEC] collected within the EU require the appropriate Certification. Captive-bred specimens are exempted from such requirements.

## Breeding and Sale of Dogs Act

Puppies/dogs should be identifiable whilst at the shop. Under this legislation, the record should show:

- The identification of the animal
- The date of birth, breed, sex and any distinguishing features
- Details of any veterinary care provided while under care of the shop In addition, it is also good practice to record:
  - Details of any feedback provided to the breeder on health issues such as disease or inherited defects
  - Details of any health screening tests performed on the parents

Microchip is the preferred method of identification.

## Useful Contacts

All pet shop licences are issued by your local authority who should be your first point of contact

### General

#### British Veterinary Zoological Society

Email: [secretary@bvzs.org](mailto:secretary@bvzs.org)

#### Chartered Institute of Environmental Health

Chadwick Court, 15 Hatfields, London SE1 8DJ  
Telephone: 020 7928 6006  
[www.cieh.org](http://www.cieh.org)

#### Department for Environment, Food and Rural Affairs

Animal Welfare Unit, Nobel House, 17 Smith Square  
London SW1P 3JR Telephone: 08459 33 55 77  
Email: [helpline@defra.gsi.gov.uk](mailto:helpline@defra.gsi.gov.uk)  
<https://www.gov.uk/government/topics/wildlife-and-animal-welfare>

#### Local Government Association,

c/o LGconnect, Local Government Group,  
Local Government House, Smith Square,  
London SW1P 3HZ  
Telephone: 020 7664 3000  
Email: [info@local.gov.uk](mailto:info@local.gov.uk)  
[www.lga.gov.uk](http://www.lga.gov.uk)

### Veterinary Contacts

#### British Small Animal Veterinary Association

Woodrow House, 1 Telford Way,  
Waterwells Business Park, Quedgeley,  
Gloucester GL2 2AB  
Telephone: 01452 726700  
[www.bsava.com](http://www.bsava.com)

#### British Veterinary Association

7 Mansfield Street,  
London W1G 9NQ  
Telephone: 020 7636 6541  
Email: [bvahq@bva.co.uk](mailto:bvahq@bva.co.uk)  
[www.bva.co.uk](http://www.bva.co.uk)

#### Royal College of Veterinary Surgeons

Belgravia House, 62-64 Horseferry Road,  
London SW1P 2AF  
[www.rcvs.org.uk](http://www.rcvs.org.uk)

### All Species

#### The Blue Cross

Shilton Road, Burford, Oxon OX18 4PF  
Tel: 01993 822651  
Email: [info@bluecross.org.uk](mailto:info@bluecross.org.uk)  
[www.bluecross.org.uk](http://www.bluecross.org.uk)

#### Pet Industry Federation

Bedford Business Centre,  
170 Mile Road, Bedford MK42 9TW  
Telephone: 01234 273 933  
[www.petcare.org.uk](http://www.petcare.org.uk)

#### People's Dispensary for Sick Animals (PDSA)

Head Office, Whitechapel Way,  
Priorslee, Telford, Shropshire TF2 9PQ  
Telephone: 01952 290999  
[www.pdsa.org.uk](http://www.pdsa.org.uk)

#### Royal Society for the Prevention of Cruelty to Animals

RSPCA Enquiries Service, Wilberforce Way,  
Southwater, Horsham, West Sussex RH13 9RS  
Telephone: 0300 1234 555  
[www.rspca.org.uk](http://www.rspca.org.uk)

#### Wood Green Animal Shelters

Kings Bush Farm, London Road,  
Godmanchester, Cambs PE29 2NH  
Telephone: 0844 248 8181  
Email: [info@woodgreen.org.uk](mailto:info@woodgreen.org.uk)  
[www.woodgreen.org.uk](http://www.woodgreen.org.uk)

### Cats

#### International Cat Care

Taeselbury, High Street, Tisbury,  
Wiltshire SP3 6LD  
Telephone: 01747 871872  
Email: [info@icatcare.org](mailto:info@icatcare.org)  
[www.icatcare.org](http://www.icatcare.org)

#### Governing Council of the Cat Fancy

5 King's Castle Business Park,  
The Drove, Bridgwater, Somerset TA6 4AG  
Telephone: 01278 427575  
Email: [info@gccfcats.org](mailto:info@gccfcats.org)  
[www.gccfcats.org](http://www.gccfcats.org)

**Dogs****Dogs Trust**

17 Wakley Street, London EC1V 7RQ  
 Telephone: 0207 833 7685  
 Email: [info@dogstrust.org.uk](mailto:info@dogstrust.org.uk)  
[www.dogstrust.org.uk](http://www.dogstrust.org.uk)

**The Kennel Club**

1-5 Clarges Street, Piccadilly, London W1J 8AB  
 Telephone: 08444 633 980  
 Email: [info@thekennelclub.org.uk](mailto:info@thekennelclub.org.uk)  
[www.thekennelclub.org.uk](http://www.thekennelclub.org.uk)

**Fish****Ornamental Aquatic Trade Association**

1st Floor Office Suite, Wessex House,  
 40 Station Road, Westbury,  
 Wiltshire BA13 3JN  
 Tel: 01373 301353  
[www.ornamentalfish.org](http://www.ornamentalfish.org)

**Permanent identification databases****Microchipping Advisory Group**

[www.bsava.com/Advice/MicrochipAdvice/  
 tabid/154/Default.aspx](http://www.bsava.com/Advice/MicrochipAdvice/tabid/154/Default.aspx)

**National Dog Tattoo Register**

Telephone: 01255 552455  
[www.dog-register.co.uk](http://www.dog-register.co.uk)

**Animalcare**

Telephone: 01904 487 687  
 Email: [office@animalcare.co.uk](mailto:office@animalcare.co.uk)  
[www.animalcare.co.uk](http://www.animalcare.co.uk)

**AVID Plc**

PO Box 190, Lewes, East Sussex BN7 9GD  
 Telephone: 0800 652 7 977  
 Email: [pettrac@avidplc.com](mailto:pettrac@avidplc.com)  
[www.avidplc.com](http://www.avidplc.com)

**Petlog**

The Kennel Club, 4A Alton House,  
 Gatehouse Way, Aylesbury, Bucks HP19 8XU  
 Telephone: 0844 463 3999  
 Email: [petlogadmin@thekennelclub.org.uk](mailto:petlogadmin@thekennelclub.org.uk)  
[www.petlog.org.uk](http://www.petlog.org.uk)

**Pet Protect**

Furness House, 53 Brighton Road,  
 Redhill, Surrey RH1 6RD  
 Telephone: 0800 587 0660  
[www.petprotect.co.uk](http://www.petprotect.co.uk)

**Rabbits and small mammals,****British Rabbit Council**

Purefoy House, 7 Kirkgate,  
 Newark, Notts NG24 1AD  
 Telephone: 01636 676042  
[www.thebrc.org](http://www.thebrc.org)

**Rabbit Welfare Association and Fund**

PO Box 603, Horsham,  
 West Sussex RH13 5WL  
 Telephone: 0844 324 6090  
 Email: [hq@rabbitwelfare.co.uk](mailto:hq@rabbitwelfare.co.uk)  
[www.rabbitwelfare.co.uk](http://www.rabbitwelfare.co.uk)

**Reptiles****REPTA (Reptile & Exotic Pet Trade Association)**

Telephone: 02380 440999  
 Email: [info@repta.org](mailto:info@repta.org) [www.repta.org](http://www.repta.org)

**Qualifications and Training**

Contact your trade association, local technical  
 or agricultural college for information on current  
 training and qualifications

**Animal Medicines Training Regulatory Authority**

Unit 1c, Woolpit Business Park,  
 Windmill Avenue, Woolpit,  
 Bury St. Edmunds IP30 9UP  
 Telephone: 01359 245801  
 Email: [info@amtra.org.uk](mailto:info@amtra.org.uk)  
[www.amtra.org.uk](http://www.amtra.org.uk)

**City & Guilds**

1 Giltspur Street, London EC1A 9DD  
 Telephone: 0844 543 0000  
[www.cityandguilds.com](http://www.cityandguilds.com)

**LANTRA**

Lantra House, Stoneleigh Park,  
 Coventry, Warwickshire CV8 2LG  
 Telephone: 0845 707 8007  
 Email: [connect@lantra.co.uk](mailto:connect@lantra.co.uk)  
[www.lantra.co.uk](http://www.lantra.co.uk)



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**LICENSING REGULATORY COMMITTEE****Hackney Carriage Byelaws and their Enforcement  
9 January 2014****Report of the Chief Officer (Governance)****PURPOSE OF REPORT**

To consider an address to Council on the 13th November 2013 by Councillor Mace, which was referred to this Committee.

**This report is public**

**RECOMMENDATIONS**

- (1) That the Committee consider Councillor Mace's address to Council, and report back to Council in accordance with Rule 15 of the Council Procedure Rules.
- (2) That no amendments be made to the byelaws, but that the County Council and the police be requested to consider whether there are any additional locations that could be designated as ranks for limited hours during the day or night.
- (3) That Members consider whether they wish to identify any possible amendments to the Enforcement Policy, with a view to a revised version being brought back to the Committee for approval.

**1.0 Introduction**

- 1.1 Members will recall that Councillor Mace presented an address to Council on the 13th November 2013 in accordance with Rule 15 of the Council Procedure Rules. Cllr Mace was required to provide the Chief Executive with a copy of the address prior to the meeting, and a copy, which appeared in the Council agenda, is attached, together with an Officer Briefing Note which was prepared clarifying a number of points made in the address, and which was also included in the Council agenda. (Appendix 1)
- 1.2 The address has been referred to this Committee for consideration.
- 1.3 For ease of reference the current City Council byelaws relating to hackney carriages are appended to this report, (Appendix 2) together with the current Department for Transport Model Guidelines (Appendix 3).
- 1.4 By way of background information the Committee report of 2000, and the relevant Minute, referred to in the address, are at Appendix 4.

- 1.5 In presenting the address to Council, Councillor Mace referred to York City Council's byelaws, which include a variation to the Model byelaws. An extract from the York bye-laws is also appended to this report at Appendix 5.
- 1.6 The Licensing Enforcement Policy is appended at Appendix 6, and the Committee's scheme of delegation to officers at Appendix 7.

## **2.0 Background Information - Byelaws**

- 2.1 As Members are aware, taxi licensing law is complex, with the relevant legislation in respect of hackney carriages dating back to the Town Police Clauses Act 1847. The Local Government (Miscellaneous Provisions) Act 1976 contains provisions relating to private hire vehicles, as well as additional provisions relating to hackney carriages. Hackney carriages are different from private hire vehicles in that they are permitted to ply for hire and to stand at ranks. Like most councils, this Council also has hackney carriage byelaws in force. There is no legal provision for the making of byelaws that relate to private hire vehicles
- 2.2 Before ranks are approved on the highway, the consent of the County Council as highway authority is required. Accordingly, a rank will only be designated if it meets road safety requirements.
- 2.3 Byelaw 7 requires a hackney carriage, when plying for hire in any street and not actually hired, to proceed with reasonable speed to a designated rank, and if that rank is fully occupied to proceed to another one.
- 2.4 Without byelaw 7, there would be no requirement for hackney carriages to proceed to a rank. They would be able to drive around, or ply for hire anywhere, with the only regulation being through parking and other road traffic regulations which are enforced by the County Council and the police.
- 2.5 The equivalent York byelaw, referred to in Councillor Mace's oral address, provides that between the hours of 7.00pm and 7.00am, there is no requirement for a hackney carriage to make its way to a rank when not hired. It is permitted to drive around the streets plying for hire during those hours. However, if the driver wishes to ply for hire whilst stationary, this can only be at a designated rank.
- 2.6 Byelaw 7, or an equivalent byelaw, has been in force in this district for many years, and has not attracted any attention since 2000, when a particular issue arose outside a number of nightclubs. The current interest in this byelaw has arisen as a result of the United Utilities works and the temporary closure of the bus station taxi rank. This has made the North Road rank more popular, and there have been incidents of over-ranking, that is, parking behind the rank when it is occupied rather than proceeding to another rank. The City Council had requested the County Council to consider whether it would be possible to extend the length of this rank, which is for one vehicle during the day and for four vehicles between the hours of 10.00 pm and 6.00 am when a loading bay and disabled parking space become part of the rank. However, the County Council rejected this request on road safety grounds. Warnings were therefore issued in order to prevent over-ranking. However, continued persistent over-ranking in this location by a minority of drivers has led to a number of prosecutions. These have been taken on the basis that if it had been acceptable for vehicles to wait behind the rank, the County Council

would have permitted a formal extension of the rank.

### **3.0 Options - Byelaws**

- 3.1 If the Committee wished to make changes to the current arrangements for plying for hire and ranking, there are a number of options that could be considered. Members are reminded that any amendment of the byelaws would require the approval of Council and the confirmation of the Secretary of State.
- 3.2 Option 1 An amendment to byelaw 7 similar to that in force in York could be submitted for Council approval and confirmation by the Secretary of State. This would dispense, between the hours specified in the byelaw, with the requirement for a vehicle that is plying for hire to proceed to a rank, allowing the vehicle to drive around the streets plying for hire. However, such an amendment would not dispense with the requirement to stand on a designated rank if the vehicle were to ply for hire whilst stationary.
- 3.3 Option 2 An amendment to byelaw 7 could be sought which would disapply the whole of byelaw 7 between specified hours. This would be a fundamental change, as it would mean that there would be no requirement to proceed to a rank during those hours, and a vehicle could ply for hire anywhere, subject to ordinary parking restrictions. This could lead to congestion, road safety issues, and uncertainty for the public as to where they should go for a taxi, and whether a stationary vehicle is indeed a licensed vehicle. For these reasons this is not an option that officers would recommend, but the views of the County Council and the police are being sought.
- 3.4 Option 3 The byelaws could remain in place without amendment, but the County Council, as highway authority, and in conjunction with the police, could be asked to consider any locations that could be designated as additional ranks at limited hours of the day or night. It may be that there are such locations near late night entertainment venues which could safely be used during restricted hours, perhaps late at night and early in the morning. However, there would still be a need for enforcement to ensure that any such locations were not used outside those hours. This would be the preferred officer option.
- 3.5 Option 4 The byelaws could remain in place without amendment, but, in order to deal with the current North Road issue during the United Utilities works, the Council could, through an agency, arrange for taxi marshals to be engaged on Friday and Saturday nights from 19.30 to, say, 03.30, one in the Wood Street car park, and another at the North Road rank. Hackney carriages could then wait in the Wood Street car park until the marshals advised that a place was available on the North Road rank. The presence of the marshals would ensure that only vehicles which had been waiting in Wood Street were able to access the North Road rank, and would also deter unauthorised private parking on the rank. This could be funded from the current budget, as there is currently a vacant enforcement officer post. If members were so minded, this option could be used to supplement the proposals in option 3 above. However, officers would only be able to recommend option 4 if there were clear evidence that its implementation would have the full support and co-operation of the trade, and would offer value for money. Hackney Carriage proprietors have been consulted on this, and their responses will be reported at the meeting.

**4.0 Background information – Enforcement**

4.1 The Licensing Regulatory Committee exists because the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 set out a number of functions which are not to be the responsibility of the Executive (Cabinet). These include the power to license hackney carriages and private hire vehicles and their drivers and operators. It is primarily the licensing function, that is, matters relating to “licences,” that is non-executive.

4.2 The Regulations further provide that the function of imposing any licence terms or conditions is not to be an executive function. Further, the Regulations provide:

“The function of determining whether, and in what manner, to enforce—

(a) any failure to comply with an approval, consent, licence, permission or registration granted .....

(b) any failure to comply with a condition, limitation or term to which any such approval, consent, licence, permission or registration is subject; or

(c) any other contravention in relation to a matter with regard to which the function of determining an application for approval, consent, licence, permission or registration would not be the responsibility of an executive of the authority,

is not to be the responsibility of an executive of the authority.”

This makes it clear that the enforcement of a breach of licence condition is to be a regulatory matter. Paragraph (c) is perhaps less clear as to whether the enforcement of peripheral matters, for example byelaws, which do not directly relate to the determining of licence applications, is to be a non-executive function. However, it has always been assumed that broadly all such licensing matters fall within the terms of reference of this Committee.

4.3 Where officers have evidence of a criminal offence, whether a breach of statute, regulations or byelaws, the appropriate enforcement action is considered in the light of the Licensing Enforcement Policy. In accordance with the Council’s schemes of delegation to officers – both the scheme approved by this Committee for regulatory matters within its terms of reference and the executive scheme of delegation - the institution of legal proceedings is a matter for officer decision. This means that the approach is the same for licensing as in all other areas where the Council has an enforcement role, for example food hygiene, health and safety, planning.

4.4 The Committee’s role, as the licensing authority, is primarily to consider the issue, suspension or revocation of licences. Only in very limited circumstances does the scheme of delegation authorise officers to suspend licences. The rationale for this is that the suspension or revocation of a licence would prevent the licence holder from carrying on his livelihood, and that such a serious matter should generally be a member decision. Reports about individual licence holders are only brought by officers to the Committee to enable the Committee to consider whether the circumstances are such that a licence should be suspended or revoked, and not to consider whether an offence has been committed.

- 4.5 The division of responsibilities between the Committee and officers is analogous to that in relation to the Council's planning functions, which are also non-executive functions under the 2000 regulations. The Planning and Highways Regulatory Committee concerns itself primarily with determining planning applications. Enforcement, whether by enforcement notices or prosecution, is an operational matter delegated to officers.
- 4.6 There was some suggestion from the trade at the November Forum meeting that licence holders themselves should be able to choose whether to be prosecuted for an offence or appear before the Committee. Officers would advise that this would be totally inappropriate. The Council is a regulatory body with regard to licensing, and it is the Council, whether through officers or members, who should decide the appropriate enforcement action.
- 4.7 The Licensing Enforcement Policy was approved in 2007, and was drafted to be consistent with the government's concordat on good enforcement, and with the principles contained in the policies and procedures adopted by other Services of the Council that exercise regulatory functions. With regard to prosecutions, the public interest must be considered, and the principles are similar to those set out in the policies of other local authorities, and consistent with the guidance in the Code for Crown Prosecutors, which is available to officers.
- 4.8 In considering the principles of enforcement, the Committee should be mindful of the expectations of those who abide by the law that they should not suffer any detriment through so doing, and that enforcement action will be taken against those who do not comply.

## **5.0 Options – Enforcement**

- 5.1 Option 1 Officers are satisfied that the Enforcement Policy remains a valid document. However, if Members are able to identify any particular aspects of the policy that they would wish to amend, these can be considered and a revised version of the policy brought back to the Committee for further consideration and approval.
- 5.2 Option 2 Some Members have indicated that they wish to consider whether to amend the Committee's current scheme of delegation to officers, with regard to the institution of legal proceedings. It should be noted that if officers were no longer responsible for taking the decision to commence legal proceedings, this would make the arrangements for licensing prosecutions inconsistent with the arrangements for all other legal proceedings brought by the Council. The current arrangements allow a solicitor to take an objective view as to whether the available evidence is sufficient for there to be a reasonable and realistic prospect of success in any prosecution. It would be difficult and time consuming for a Committee to make this assessment, and members might open themselves to lobbying if such an assessment were to be undertaken by the Committee. If Members wished the decision to prosecute to be taken by the Committee rather than an officer, consideration would need to be given as to whether Members would wish to see the evidence for all possible prosecutions, or just those where an officer would recommend prosecution. Further guidelines would need to be prepared for further consideration if members were minded to proceed in this way. However, this option is not one that officers could recommend.

**6.0 Officer Preferred Options**

- 6.1 The officer preferred options are option 3, with or without option 4, with regard to the byelaws and option 1 with regard to enforcement.
- 6.2 Whilst the views of the police and the County Council will be sought prior to the meeting, officers are of the view that any amendment of the current byelaws would lead to traffic and road safety issues. In trying to resolve the current short term issue in this way, there is a danger of creating more problems for the long term.
- 6.3 With regard to enforcement, whilst officers are satisfied that the current Enforcement Policy is valid, a review of the Enforcement Policy might enable members, if they wished, to provide clearer guidelines for officers, whilst leaving the decision to prosecute to officers, in accordance with customary local authority practice. However, it is perhaps inevitable that there would be situations where licensing and legal officers would need to exercise their discretion, based on their experience.

**7.0 Consultation**

- 7.1 The Police and the County Council are being consulted on the options with regard to byelaws and their responses will be circulated before or at the meeting.
- 7.2 Hackney carriage proprietors have been consulted on the use of taxi marshals.

**CONCLUSION OF IMPACT ASSESSMENT  
(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)**

The aim of the Enforcement Policy is to ensure fairness and transparency in enforcement matters.

**LEGAL IMPLICATIONS**

The legal implications are included in the report.

**FINANCIAL IMPLICATIONS**

With regard to Byelaws, if the officer preferred option 3 was approved and additional ranks were designated there would be some associated costs of advertising and signage, and these costs would need to be identified and taken into account when setting future hackney carriage licence charges. It is expected that enforcement costs would be met from within existing staff resources. There would be newspaper advertising costs attached to option 1 or option 2, and it is not possible at this stage to quantify how these options would affect the need for and the cost of enforcement. If Option 4 was preferred the costs would need to be reported back to a future meeting of the Committee, but it is expected this could be met from a recently vacated post within the Licensing service.

If changes were requested to the Enforcement Policy any associated staffing costs would need to be reported back to the Committee.

**OTHER RESOURCE IMPLICATIONS**

**Human Resources:**  
None

**Information Services:**

None

**Property:**

None

**Open Spaces:**

None

**SECTION 151 OFFICER'S COMMENTS**

The Section 151 Officer has been consulted and has no further comments.

**MONITORING OFFICER'S COMMENTS**

The Monitoring Officer has prepared this report in her capacity as Chief Officer (Governance). The Monitoring Officer would emphasise that the Council's role as licensing authority is a regulatory one. The principles of licensing enforcement are not, and should not be, any different from those which apply to all the other regulatory functions of the Council. The Monitoring Officer is firmly of the view that where there is evidence that a criminal offence has been committed, it is an operational matter for officers to determine how to proceed, and that it would be inappropriate for such cases to be referred to members for decision.

**BACKGROUND PAPERS**

None

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**Ref:**

**ADDRESS TO COUNCIL BY J. R. MACE ON BYELAW ENFORCEMENT**

Many people believe that the presence of more taxis than a taxi rank allows, thereby clearing the streets in order to maintain public order/safety, is more important than the breach of any outdated byelaws.

By way of an example of byelaw enforcement, I refer to byelaw 7b concerning the behaviour of cabs at a rank - and I note that until recently, the aspect of byelaw 7b dealing with overranking had been allowed to fall into abeyance and there had been no local prosecution for "overranking". A decision of the Licensing Committee in November 2000 exercised a discretion open to the that Committee to allow the then established practice of overranking to continue without intervention or prosecution - and this decision has not been reversed by the Committee or its successors. The report to that meeting stated [following discussion about hackney carriages parking outside night clubs instead of proceeding to a designated rank]: *"... the joint approach of the Police and the Council, in accordance with the Crime and Disorder Act 1998, and in order to prevent crime and disorder from large numbers of people leaving the nightclubs, has been to allow the hackney carriages to park outside nightclubs in order for them to take passengers as quickly as possible."*

When not hired, byelaw 7b requires a Hackney Cab to be at a taxi rank or to be driven to the nearest available taxi rank. Unrealistically, it does not provide for a cab to wait (or park) near a rank until a space appears on that rank, and in present circumstances the nearest available rank may be in a place where there is little or no demand for cab services. An offence of "causing obstruction" is available to prosecute any cab that causes obstruction while waiting or parking until a space appears on a rank. There has been no prosecution of which I am aware for the offence of obstruction in Lancaster centre, so I conclude there is no evidence that obstruction has been caused by cabs waiting or parking near a rank until a space appears on that rank.

On behalf of those members of the public who expect taxis to be available in the small hours of the morning to take them home after their experience of Lancaster's popular "night time economy", and on behalf of those cab drivers who currently make a precarious living by providing this necessary public service at unsocial times of the day, I ask that the City Council's Licensing Committee investigate whether the public interest is better served by the custom and practice that for many years has overridden some of the technical requirements of the byelaws, than by prosecuting cab drivers for minor technical offences.

The public expects that prosecutions will not be brought when alleged breaches of byelaws are trivial, but the City Council's Licensing Enforcement Policy does not seem at present to be applied in a way that matches up to its own - or the public's - expectations, namely in colloquial terms, that "punishment should fit the crime". Common sense should prevail in dealing with the enforcement of byelaws without initiating prosecutions. The Licensing and Regulatory Committee is asked to ensure that in Lancaster common sense does apply to give priority to less formal resolution of issues relating to alleged breaches of byelaws than to initiating prosecutions, so that cab drivers and owners can have a fair and open and far less costly forum in which to have the matter looked at, discussed, and if necessary disciplined.



**OFFICER BRIEFING NOTE ON THE ADDRESS TO COUNCIL BY COUNCILLOR  
J R MACE ON BYELAW ENFORCEMENT**

Byelaws in respect of hackney carriages are similar to other byelaws in that they require confirmation by the Secretary of State, and confirmation is generally given only to byelaws which follow a model prescribed by the government. The Council's current byelaws in respect of hackney carriages were confirmed in 2000, and are similar to those in very many other districts. The Department for Transport's current model byelaws are substantially unchanged from the 2000 model.

Byelaw 7 provides as follows:

"The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:-

- a) proceed with reasonable speed to one of the stands fixed by the byelaw in that behalf;
- b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
- c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
- d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward."

Byelaw 19 further provides:

"Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale....."

The Police have indicated that road safety in Lancashire has been identified as strategic threat. As a result a number of road safety priorities have been agreed to improve road safety, reduce collisions, target anti-social behaviour on the roads and vehicle nuisance. In order to more effectively address these and other road policing priorities Lancashire Constabulary is a member of the Lancashire Partnership for Road Safety. This is a multi-agency partnership whose long term objectives include reducing the number of deaths and injuries on Lancashire roads and bringing about positive changes to road user behaviour. In order to deliver the priorities, partners work jointly on initiatives sharing both resources and information.

Ranks on the highway have to have the approval of both the police and the County Council, as highway authority. Accordingly, when ranks are established, the position and length of the rank is appropriate to the location in question, and meets the County Council's requirements for road safety. If it were appropriate or safe for the rank to be longer, then that would be considered at the time. Often, there are double yellow lines or disabled parking or loading bays behind the rank. In the light of the current United Utilities works, repeated requests have been made to the County Council to extend certain ranks, for example the North Road rank which has been the subject of recent enforcement activity, but such extensions were not approved, on highway safety grounds.

Obstruction offences are dealt with by the police, and not by the City Council. It is understood that such offences are dealt with by way of fixed penalty notices, and

that, on occasions, these have been issued by the police to the drivers of hackney carriages.

It is the case that in 2000 the then Licensing Sub-Committee considered a specific problem of hackney carriages parking outside nightclubs late at night, and in particular the nightclubs then known as Liquid and Elemental, and it was noted that a new rank was soon to be established outside those premises. In these circumstances, the Sub-Committee recommended that the status quo be kept.

There is no nightclub in the immediate vicinity of the North Road rank where the recent enforcement has focused, and over-ranking has occurred at all hours of the day, and not just late at night.

General warnings about over-ranking were given to the trade in a newsletter in 2010. More recently at the Taxi Forum in April 2013, attended by a police officer, a warning was given that CCTV footage had identified over-ranking on North Road, and that enforcement action would be taken if further over-ranking occurred. Formal enforcement action against individual drivers has only been taken for incidents occurring after they have received warning letters.

Enforcement action has been taken in accordance with the Licensing Enforcement Policy, which states that in deciding whether to prosecute or formally caution, the following questions should be considered:

- Is the offence serious?
- Is the offender old or infirm?
- Has the offender a previous history of offending?
- Is the offender willing to prevent a recurrence of the problem?
- Would a prosecution be in the public interest?
- Is the case likely to establish a legal precedent?
- Has the offender offered a reasonable explanation?"

The Enforcement Policy provides that in considering the public interest, the following are to be considered:

- The seriousness of the offence;
- The risk to public health, safety or welfare;
- Identifiable victims
- Failure to comply with a statutory notice served for a significant breach of legislation;
- Disregard for public health for financial reward
- Previous history of the defendant
- Offences following a history of similar offences;
- Failure to respond positively to past warnings;
- Whether a due diligence defence exists and the likelihood of the defendant being able to establish such a defence;

With regard to taxi enforcement it is particularly relevant to have regard to the effect on those who consistently comply with the law and who may lose business as a result of the actions of those who choose not to comply, as well as to issues of road safety.

#### Monitoring Officer Comments

The Monitoring Officer has prepared the briefing note in her capacity as Chief Officer (Governance).

Section 151 Officer Comments

The Section 151 Officer has no comments to add.

Chief Officer (Governance)

## **BYELAWS**

Made under Section 68 of the Town Police Clauses Act 1847, and Section 171 of the Public Health Act 1875, by the Lancaster City with respect to hackney carriages in the City of Lancaster. Any breach of a Byelaw could potentially lead to prosecution.

### **Interpretation**

1. Throughout these byelaws "the Council" means the Lancaster City Council and "the district" means the City of Lancaster.

### ***Provisions regulating the manner in which the number of each hackney carriage corresponding with the number of its licence, shall be displayed:***

2. a) the proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto;
- b) A proprietor or driver of a hackney carriage shall:
  - i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
  - ii) not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

### ***Provisions regulating how hackney carriages are to be furnished or provided:***

3. The proprietor of a hackney carriage shall:
  - a) provide sufficient means by which any person in the carriage may communicate with the driver;

- b) cause the roof or covering to be kept water-tight;
  - c) provide any necessary windows and a means of opening and closing not less than one window on each side;
  - d) cause the seats to be properly cushioned or covered;
  - e) cause the floor to be provided with a proper carpet, mat, or other suitable covering;
  - f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
  - g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
  - h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;
  - i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
4. The proprietor of a hackney carriage shall cause any taximeter with which the carriage is provided to be so constructed, attached, and maintained as to comply with the following requirements, that is to say:-
- a) the taximeter shall be fitted with a key, flag, or other device the operation of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
  - b) such key, flag, or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
  - c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the byelaw in that behalf;
  - d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
  - e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;
  - f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by

breaking, damaging or permanently displacing the seals or other appliances.

***Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the district in their several employments, and determining whether such drivers shall wear any and what badges:***

5. The driver of a hackney carriage provided with a taximeter shall:-
  - a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
  - b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
  - c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness; this being the time between half-an-hour after sunset to half-an-hour before sunrise, and also at any other time at the request of the hirer.
  
6. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
  
7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:-
  - a) proceed with reasonable speed to one of the stands fixed by the byelaw in that behalf;
  - b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
  - c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
  - d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward

so as to fill the place previously occupied by the carriage driven off or moved forward.

8. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
9. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
10. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
11. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
12. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
13. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:-
  - a) convey a reasonable quantity of luggage;
  - b) afford reasonable assistance in loading and unloading;
  - c) afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such person.
14. The driver of a hackney carriage shall not at any time when conveying a person hiring that carriage, smoke or burn tobacco or any other material

***Provisions fixing the rates or fares to be paid for hackney carriages within the district, and securing the due publication of such fares:***

15. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage, the rate or fare prescribed by the table of fares set by Lancaster City Council. The rate of fare being calculated by distance unless the hirer express at the commencement of the hiring, his desire to engage by time.

Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance, the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the table of fares which it may not be possible to record on the face of the taximeter:

16. a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by the byelaw in that behalf to be exhibited inside the carriage, in clearly distinguishable letters and figures.
- b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

***Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages, and fixing the charges to be made in respect thereof:***

17. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.

18. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:-

- a) carry it as soon as possible and in any event, within 48 hours, if not sooner claimed by or on behalf of its owner, to the office of the Council, and leave it in the custody of the officer in charge of the office on his giving a receipt for it;
- b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.



The Council acknowledges that at certain times during weekends and bank holidays whilst the office is closed it will not be possible to comply with b above. In these instances the property should be delivered to the office of the Council on the next working day after the closure.

### Penalties

19. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction thereafter.

### **Repeal of Byelaws**

20. The byelaws relating to hackney carriages that were made by the Council on the 12<sup>th</sup> day of September 1985 and which were confirmed by the Secretary of State for transport on the 18<sup>th</sup> of December 1985 are hereby repealed.

The Common Seal of the Council  
of THE CITY OF LANCASTER  
was hereunto affixed this  
day of  
2000 in the presence of:-

M DUDFIELD  
Director of Legal and Administration Services

THE SECRETARY OF STATE confirmed the foregoing Byelaws on the 20<sup>th</sup> day of March 2000, and fixed the date on which the Byelaws are to come into operation as the 17<sup>th</sup> day of April 2000

EC NEVE  
Signed by authority of the Secretary of State.

## Annex A

**Model Byelaws for Hackney Carriages****BYELAWS**

Made under section 68 of the Town Police Clauses Act 1847, and section 171 of the Public Health Act 1875, by the council of *[name of council]* with respect to hackney carriages in *[name of district]*.

**Interpretation**

1. Throughout these byelaws "the Council" means *[name of council]* and "the district" means *[name of district]*.

**Provisions regulating the manner in which the number of each hackney carriage corresponding with the number of its licence, shall be displayed**

2. (a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto.  
  
(b) A proprietor or driver of a hackney carriage shall -
  - (i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire; and
  - (ii) not cause or permit the carriage to stand or ply for hire with any such painting marking or plate so defaced that any figure or material particular is illegible.

**Provisions regulating how hackney carriages are to be furnished or provided**

3. The proprietor of a hackney carriage shall:-
  - (a) provide sufficient means by which any person in the carriage may communicate with the driver;
  - (b) cause the roof or covering to be kept water-tight;

- (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
- (d) cause the seats to be properly cushioned or covered;
- (e) cause the floor to be provided with a proper carpet, mat or other suitable covering;
- (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
- (g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
- (h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use; and
- (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.

4. <sup>1</sup>The proprietor of a hackney carriage shall cause any taximeter with which the carriage is provided to be so constructed, attached and maintained as to comply with the following requirements, that is to say -

- (a) the taximeter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
- (b) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
- (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures, a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by time as well as for distance in pursuance of the tariff fixed by the Council;
- (d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
- (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring; and
- (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be

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<sup>1</sup> (a) An assurance should be given that proprietors of cabs already fitted with taximeters will have no difficulty in complying with the byelaws relating to taximeters and, where the byelaws will require all cabs to be fitted with meters, that the other proprietors will be able to obtain and fit suitable meters and "FOR HIRE" signs by the time the byelaws may be expected to come into operation.

(b) Where the Council wishes to require all cabs to be fitted with a taximeter, the following form of words may be used:

"The proprietor of a hackney carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is to say:-

(c) Where taximeters are not in use and their use cannot be foreseen, model byelaws 4, 5 and 6 may be omitted. If they are omitted, the heading preceding model byelaw 5 should remain.

practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

**Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the district in their several employments, and determining whether such drivers shall wear any and what badges**

5. The driver of a hackney carriage provided with a taximeter shall -
  - (a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
  - (b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring; and
  - (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half-an-hour after sunset and half-an-hour before sunrise, and also at any other time at the request of the hirer.
6. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired -
  - (a) proceed with reasonable speed to one of the stands appointed by the Council;
  - (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
  - (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction; and
  - (d) from time to time, when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
8. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not make use of the services of any other person for the purpose of importuning any person to hire such carriage.

9. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
10. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
11. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
12. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
13. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage -
  - (a) convey a reasonable quantity of luggage;
  - (b) afford reasonable assistance in loading and unloading; and
  - (c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.

**Provisions fixing the rates or fares to be paid for hackney carriages within the district and securing the due publication of such fares**

14. (i) The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council, the rate or fare being calculated by a combination of distance and time unless the hirer express at the commencement of the hiring his desire to engage by time.
  - (ii) <sup>2</sup>Where a hackney carriage furnished with a taximeter is hired by distance and time the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.

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<sup>2</sup> This provision should be included whether or not taximeters are introduced in case they are introduced on a voluntary basis before further byelaws are made.

15. (i) The proprietor of a hackney carriage shall cause a statement of the fares fixed by council resolution to be exhibited inside the carriage, in clearly distinguishable letters and figures.
- (ii) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

**Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages, and fixing the charges to be made in respect thereof**

16. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring, or as soon as practicable thereafter, carefully search the carriage for any property which may have been accidentally left therein.
17. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him -
- (a) carry it as soon as possible and in any event within 48 hours if not sooner claimed by or on behalf of its owner, to the office of the Council<sup>3</sup> and leave it in the custody of the officer in charge of the office on his giving a receipt for it; and
- (b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.

**Penalties**

18. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding Level 2 on the Standard Scale and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction therefor.

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<sup>3</sup> It may be desired to substitute "a police station in the district". In this case, an assurance will be required that the consent of the police has been obtained.

**Repeal of Byelaws<sup>4</sup>**

19. The byelaws relating to hackney carriages which were made by ..... Council<sup>5</sup> on the ..... day of ..... and which were confirmed by .....<sup>6</sup> on the .... day of ..... are hereby repealed.

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<sup>4</sup> If there are no byelaws in force upon the subject, this should be stated and the clause struck out

<sup>5</sup> State the names in full of all local authorities whose byelaws are to be repealed

<sup>6</sup> State the confirming authority

Agenda Item:



**Meeting of:** LICENSING SUB-COMMITTEE

**Date:** 9<sup>TH</sup> NOVEMBER, 2000

**Report of:** CHIEF SOLICITOR

**Reference:** ST/GMG

**Title:** PARKING OF HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES IN PUBLIC PLACES

#### **PUBLIC/EXEMPT ITEM**

This report is for consideration in the public part of the meeting.

#### **PURPOSE OF THE REPORT**

To seek Members' views as to what action should be taken in respect of the parking of hackney carriages and private hire vehicles in public places.

#### **RECOMMENDATIONS**

**Members' instructions are requested.**

#### **REPORT**

A complaint has recently been received that hackney carriages are parking outside nightclubs late at night instead of proceeding to a designated rank, as required by the byelaws. As Members may be aware, this problem is most significant outside the Liquid and Elemental nightclubs in North Road, Lancaster and, following the approval of the Finance and Corporate Policy Committee at its meeting on the 19th October 2000 to the necessary expenditure being incurred, a Traffic Regulation Order will be made in accordance with the instructions of this Sub-Committee and the Transportation and Coast Protection Sub-Committee to designate a formal taxi stand on North Road.

The problem also exists outside Brooks and, to a lesser extent, Springs nightclubs, and Members may wish to request the Transportation and Coast Protection Sub-Committee to designate ranks outside those premises for use in the late evening and early morning.

In the meantime, however, the joint approach of the Police and the Council, in accordance with the Crime and Disorder Act 1998, and in order to prevent crime and disorder from large numbers of people leaving the nightclubs, has been to allow the hackney carriages to park outside nightclubs in order for them to take passengers as quickly as possible. It is recognised that this, whilst being in the public interest, is not in accordance with the byelaws, which require hackney carriages to return to a rank.



With regard to private hire vehicles, a vehicle that is parked in a public place may be deemed to be plying for hire, if the vehicle is parked in such a place as to imply that it is available for hire by the public. There is an argument for requiring private hire vehicles to return to their base on completion of a booking. However, this is not a specific requirement of the legislation, and is generally accepted to be impractical and unreasonable. Over the years, the Council has taken no action against private hire vehicles parked in some public places, on the basis that the location is such that it is unlikely that a member of the public would approach the vehicle to hire it. Action has only been taken in the most blatant cases, where the vehicle is in a central, public location, where, in all the circumstances, a member of the public is likely to think that it is available for immediate hire.

Accordingly, in the case of both hackney carriages and private hire vehicles, the Council has not enforced the law strictly, but has given some leeway and has tried to act reasonably, on the basis that the approach adopted is in the general public interest.

However, now that the complaint has been received, it is necessary for the Sub-Committee to consider its position.

This issue was raised at both the Private Hire and Hackney Carriage Proprietors' Forums on the 24th and 26th October respectively. The view of the private hire proprietors was that hackney carriages should be required to return to the rank. Concern was expressed by the private hire proprietors generally at the suggestion that private hire vehicles should be required to return to base after completion of a booking. From a legal point of view, the private hire proprietors are correct in saying that it is not a specific requirement of the legislation that a private hire vehicle should return to its base. It could however, perhaps be argued that it is a corollary to the requirement that private hire vehicles should not ply for hire.

The suggestion was made by one private hire proprietor that private hire vehicles should be permitted to pick up passengers from the ranks late at night and in the early hours of the morning, in order that queues of passengers might be dealt with as quickly as possible. Whilst this would certainly fulfil the community safety objective, it would create a dangerous legal precedent. Private hire vehicles are not permitted by law to ply for hire or take passengers from a taxi rank. It would be difficult to justify permitting, albeit at restricted times of the day, a contravention of this legal prohibition, which is a fundamental distinction between hackney carriages and private hire vehicles.

At the Hackney Carriage Proprietors' Forum, proprietors accepted the legal requirement to return to a rank. They had felt that, because of the leeway given by the Police and the Council, it had not been necessary to designate formal ranks outside nightclubs, but in view of the recent complaint, perhaps formal ranks should be designated. They seemed to accept that it was impractical for private hire vehicles to return to base after each booking.

In the light of the views expressed at the Forums, Members are asked to consider what action they wish to be taken.

#### **FINANCIAL IMPLICATIONS**

Financial Services have not been consulted at this stage. In the event of Members wishing to establish additional taxi stands, there would be a cost implication.

#### **LEGAL IMPLICATIONS**

The report has been prepared by the Chief Solicitor.

### **COMMUNITY SAFETY IMPLICATIONS**

The Community Safety Partnership is committed to reducing violence in the city centres, and takes the view that if passengers are able to leave the vicinity of nightclubs quickly at closing time, in taxis, this is an important factor in reducing the risk of crime and disorder. It is for this reason that the Police and Council Enforcement Officers have not taken action to prevent hackney carriages queuing outside nightclubs at closing time. If passengers had to walk through the city centre from the nightclubs to a taxi rank, for example at the bus station, it is likely that there would be an increased risk of crime and disorder. As Members will be aware, in exercising all its functions, including licensing, the Council has a duty under Section 17 of the Crime and Disorder Act 1998 to consider the likely effect on, and to do all that it reasonably can to prevent crime and disorder in its area.

### **HUMAN RIGHTS IMPLICATIONS**

None at this stage. In the event of enforcement action being taken, the facts of each individual case would be considered on their merits, and the Convention rights, in particular to a fair trial, would be respected.

### **LIST OF BACKGROUND PAPERS**

None.

"That the Sub-Committee is satisfied that the premises are a taxi booking office and therefore the application be refused in accordance with the established policy."

On being put to the vote, many Members voted for the proposition, whereupon the Chairman declared the proposition to be carried.

**Resolved:-**

That the Sub-Committee is satisfied that the premises are a taxi booking office and therefore the application be refused in accordance with the established policy.

**45 APPLICATION FOR VARIATION OF THE CARAVAN SITE LICENCE CONDITIONS – SCOUT CRAG CARAVAN SITE, WARTON**

The Chief Environmental Health Officer submitted a report to enable Members to consider an application by the owner of the Scout Crag Caravan Site, Warton to vary the conditions attached to the existing Caravan Site Licence.

It was proposed by Councillor J. T. Harrison and seconded by Councillor M. A. Turner:-

- "(1) That the application for variation of the Caravan Site Licence conditions – Scout Crag Caravan Site, Warton - be deferred until a site visit takes place.
- (2) That a site visit takes place on the 28th November 2000 at 11.00 a.m."

On being put to the vote, many Members voted for this proposition, whereupon the Chairman declared the proposition to be carried.

**Resolved:-**

- (1) That the application for variation of the Caravan Site Licence conditions – Scout Crag Caravan Site, Warton, be deferred until a site visit takes place.
- (2) That a site visit takes place on the 28th November 2000 at 11.00 a.m.

**46 PARKING OF HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES IN PUBLIC PLACES**

The Chief Solicitor submitted a report to seek Members' views as to what action should be taken in respect of the parking of Hackney Carriage and Private Hire vehicles in public places. It was detailed that a complaint had recently been received that Hackney Carriages were parking outside night-clubs late at night, instead of proceeding to designated ranks, as required by the byelaws, and that this problem was most significant outside the Liquid and Elemental night-clubs in North Road Lancaster.

It was detailed that the joint approach of the Police and the Council, in accordance with the Crime and Disorder Act 1998, and in order to prevent crime and disorder from large numbers of people leaving the night-clubs, had been to allow the Hackney Carriages to park outside night-clubs in order for them to take passengers as quickly as possible. It was recognised that this, whilst being in the public interest, was not in accordance with the byelaws, which required Hackney Carriages to return to a rank.

With regard to Private Hire vehicles, a vehicle that was parked in a public place might be deemed to be plying for hire, if the vehicle was parked in such a place as to imply that it was available for hire by the public. It was accepted that it was impractical and unreasonable to require a Private Hire vehicle to return to its base on completion of a booking. Action had not

## LICENSING SUB-COMMITTEE

been taken against Private Hire vehicles parking in public places where it was unlikely that a member of the public would approach the vehicle to hire it.

It was detailed that, accordingly, in the case of both Hackney Carriages and Private Hire vehicles, the Council had not enforced the law strictly, but had given some leeway and had tried to act reasonably, on the basis that the approach adopted was in the general public interest.

It was proposed by Councillor M. A. Turner and seconded by Councillor A. M. B. Wade:-

"That the Licensing Sub-Committee recommends that the status quo is kept and requests that the Transportation and Coast Protection Sub-Committee investigate the possibility of providing additional ranks in Lancaster, especially outside late-night establishments."

On being put to the vote, many Members voted for this proposition, whereupon the Chairman declared the proposition to be carried.

**Resolved:-**

That the Licensing Sub-Committee recommends that the status quo is kept and requests that the Transportation and Coast Protection Sub-Committee investigate the possibility of providing additional ranks in Lancaster, especially outside late-night establishments.

47 **PLATES ON HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES**

The Chief Solicitor submitted a report to seek Members' views as to the details to be included on the licence plates issued by the Council. Members were reminded that, as part of the discussion on signs on licensed vehicles, it had been suggested that new licence plates be introduced, which could incorporate the registration number of the vehicle and perhaps the make and model of the vehicle, in addition to the plate number and seating capacity as at present. This issue had been raised at the Private Hire and Hackney Carriage Proprietors' Forum meetings on the 24th and 26th October 2000, respectively.

It was proposed by Councillor M. A. Turner and seconded by Councillor P. M. Morris:-

"That new licence plates be introduced, incorporating the registration number of the vehicle, subject to a prototype being circulated to all proprietors in order to assess their views."

On being put to the vote, many Members voted for the proposition, whereupon the Chairman declared the proposition to be carried.

**Resolved:-**

That new licence plates be introduced, incorporating the registration number of the vehicle, subject to a prototype being circulated to all proprietors in order to assess their views.

48 **SURVEY OF DEMAND FOR THE SERVICES OF HACKNEY CARRIAGES**

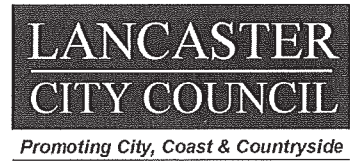
The Chief Solicitor submitted a report to advise Members of progress with the survey of demand for the services of Hackney Carriages.

**Resolved:-**

That the report be noted.

- 31 -

- (b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring
- (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half an hour after sunset and half an hour before sunrise and also at any other time at the request of the hirer.
- 8) A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto provided that this shall not prevent the proprietor or driver from temporarily removing the taximeter from the hackney carriage to a place of safety when the hackney carriage is not in use.
- 9) The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:-
- (a) proceed with reasonable speed to one of the stands appointed by the Council (excepting between the hours of 7 p.m. and 7 a.m. when the driver may ply for hire free from such requirement)
- (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand
- (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction, and
- (d) from time to time when any other carriage immediately in front is driven off or moved forward, cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward
- 10) A proprietor or driver of a hackney carriage when standing or plying for hire shall not made use of the services of any other person for the purpose of importuning any person to hire such carriage.
- 11) The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
- 12) The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
- 13) A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
- 14) If a badge has been provided by the Council and delivered to the driver of a hackney carriage, he shall, when standing or plying for hire and when hired, wear that badge in such a position and manner as to be plainly visible.
- 15) The driver of a hackney carriage shall, when requested by any person hiring or seeking to hire the carriage:-
- (a) convey a reasonable quantity of luggage
- (b) afford reasonable assistance in loading and unloading, and



# **LANCASTER CITY COUNCIL**

## **LEGAL AND LICENSING SERVICES**

### **LICENSING ENFORCEMENT POLICY**

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**LANCASTER CITY COUNCIL**  
**LICENSING ENFORCEMENT POLICY**

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**1 BACKGROUND**

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- 1.1 The purpose of this document is to set out the general principles that the Council's Licensing Service will apply when undertaking licensing enforcement work. Enforcement does not only mean deciding whether to prosecute an alleged offender. Rather, it includes a wide range of issues including communicating effectively, acting fairly and acting consistently when using statutory enforcement powers. It includes undertaking inspections of licensed premises, vehicles and activities and giving advice to enable licensees to meet minimum legal standards as well as higher standards and good practice.

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**2 POLICY STATEMENT**

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- 2.1 This Policy has been written having regard to the Government's "concordat on Good Enforcement" which Lancaster City Council has formally adopted. Officers will therefore have regard to and implement the 4 principles of enforcement set out in the Policy.
- 2.2 Where there is specific guidance on enforcement action, for example, statutory guidance, or Codes of Practice and guidance issued by the Local Authorities Co-ordinators of Regulatory Services (LACORS), these will be followed.
- 2.3 The Council fully acknowledges and endorses the rights of individuals and will ensure that all enforcement action is taken in strict accordance with the Police and Criminal Evidence Act 1984, the Criminal Procedures and Investigation Act 1996, the Human Rights Act 1998, the Regulation of Investigatory Powers Act 2000 and other relevant legislation and guidance.
- 2.4 The Council recognises that the particular interests of different consumers within the District will need to be taken account of to ensure that legislation is enforced fairly. Interpreters will be used where there is difficulty in understanding the English language. Where possible, translated advisory leaflets will be made available. Any visits that are required out of hours will be undertaken as necessary.
- 2.5 All enforcement action will be based on risk to health and safety and in accordance with this policy. Any departure from this policy will be justified to the Legal Services Manager or the Licensing Manager. The reasons for any departure will be fully documented and retained on the relevant file.

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**3 PRINCIPLES OF ENFORCEMENT**

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- 3.1 The Council believes in firm but fair enforcement of licensing law and the relevant byelaws or licence conditions. Underlying this belief are the principles of **proportionality** in applying the law and securing compliance, **consistency** of approach, **transparency** about how the Licensing Service operates and what those regulated may expect from the Service and **targeting** of enforcement action.

**3.2 PROPORTIONALITY**



Proportionality means relating enforcement action to the risks. Those whom the law protects and those on whom it places duties (duty holders) expect that action taken by enforcement authorities to achieve compliance should be proportionate to any risks to public health and safety and the seriousness of any breach.

**3.3 CONSISTENCY**

Consistency of approach does not mean uniformity. It means taking a similar approach in similar circumstances to achieve similar ends. There is a right to expect consistency from an enforcing authority whether they are: responding to requests for service, issuing advice, using statutory notices, or deciding to prosecute.

**3.4 TRANSPARENCY**

Transparency means helping duty holders and individuals to understand what is expected of them and what they should expect from the enforcing authorities. It also means making it clear to duty holders and individuals, not only what they have to do, but also, where relevant, what they do not. This means distinguishing between statutory requirements and recommendations or advice that is desirable, but not compulsory.

**3.5 TARGETING**

Targeting means making sure that enforcement is targeted primarily on those situations where activities give rise to the most serious risks, or where the hazards are least well controlled. The Licensing Service will ensure that action is focused on the duty holders who are responsible for the risk and who are best placed to control it.

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**4 STATUTORY OBLIGATIONS**

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4.1 The Licensing service administers a wide range of licences and permits which may be mandatory, where the local authority must license particular activities, or adoptive where the Council has elected to control certain businesses, activities or individuals through the issue of licences and the imposition of licence conditions.

- 4.2 The main purpose of licensing enforcement is to:
- a) Secure the health, safety and welfare of members of the public who either make use of the licensed activity or who are affected by it in some way.
  - b) Deal immediately with serious risks.
  - c) Promote and achieve sustained compliance with the law.

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**5 ENFORCEMENT OPTIONS**

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5.1 External agencies including Lancashire Police, Lancashire Fire and Rescue Service, Lancashire County Council also have an interest in the enforcement of licensing legislation. Where there is a shared enforcement role, the Council's Licensing service will liaise with the appropriate body to ensure effective co-ordination. Protocols will be established between the enforcement agencies to ensure clarity in their respective roles.

- 5.2 Enforcement officers must seek to secure compliance with the law. Most of the time this will be conducted informally, by offering information, advice and support, both verbally and in writing. They may also use formal mechanisms, as set out in law, including the service of notices, suspension of vehicle licences, or ultimately prosecution.
- 5.3 In arriving at a decision, the Licensing Service will consider:
- a) The seriousness of the offence;
  - b) The individual or duty holder's past history;
  - c) Confidence in management;
  - d) The requirements of the legislation;
  - e) The consequences of non-compliance; and
  - f) The likely effectiveness of the various enforcement options.
- 5.4 Where enforcement is being considered, the Licensing service can choose one or more of the following options:
- a) Take no action;
  - b) Take informal action;
  - c) Take statutory action;
  - d) Use formal cautions;
  - e) Prosecution.

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**6 INFORMAL ACTION**

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- 6.1 Informal action will include the following:-
- a) offering advice
  - b) verbal warnings and requests for action
  - c) the use of warning letters setting out the potential consequences of any future non-compliance.
- 6.2 The circumstances in which informal action may be appropriate include:-
- a) Where it is considered that informal action will achieve compliance based on the offender's past history.
  - b) Where confidence in the management of the licensed activity or the licensee is high.
  - c) Where the consequences of non-compliance will not pose a significant risk to the physical, financial or emotional well-being of the public, or is of a minor technical nature.
  - d) Where it is considered that informal action will be more effective than formal action.

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**7 STATUTORY ACTION AND DECISION MAKING PROCESSES**

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- 7.1 Such action may involve the suspension, revocation or the refusal to grant or vary a licence.

7.2 In certain circumstances, authority to suspend the licence of hackney carriage/private hire vehicles, hackney carriage/private hire drivers and private hire operators may be delegated to authorised officers (See Appendix 1). The criteria for the suspension of such licences is as follows:-

a) Hackney Carriage/Private Hire Vehicles

A licensed hackney carriage or private hire vehicle may be suspended if an authorised officer is not satisfied as to the vehicle's fitness (Sections 60 & 68 Local Government (Miscellaneous Provisions) Act 1976).

b) Hackney Carriage/Private Hire Drivers

A licence may be suspended by an authorised officer, if since the grant of a licence the driver has been convicted of an offence involving dishonesty, indecency or violence, or for any other reasonable cause (Section 61, Local Government (Miscellaneous Provisions) Act 1976). In these circumstances, consideration will also be given whether the interests of public safety require the suspension to take immediate effect.

c) Private Hire Operators

A licence may be suspended by an authorised officer, in the event of there being any offence under, or non-compliance with the private hire legislation, or for any other reasonable cause. (Section 62 Local Government (Miscellaneous Provisions) Act 1976)

7.3 However, in the majority of cases involving drivers' and operators' licences any consideration to suspend, revoke or refuse to grant/renew a licence will normally be dealt with by the Council's Licensing Regulatory Committee under established procedures. Similarly, the Licensing Act Sub-Committees and Gambling Act Sub-Committees will normally deal with contentious matters associated with premises licences issued under the Licensing Act 2003 and the Gambling Act 2005 respectively.

7.4 Any person aggrieved by a decision taken to suspend, revoke or refuse to grant/vary a licence has a right of appeal to the Magistrates' Court.

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**8 FORMAL CAUTIONS**

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8.1 Enforcement Officers will consider issuing a formal caution as an alternative to prosecution. Where there is a criminal offence, but the public interest does not require a prosecution, a formal caution may be an appropriate course of action. Home Office Circular 18/1994 "The Cautioning of Offenders" states that the purpose of a formal caution is to:

- a) Deal quickly and simply with less serious offenders;
- b) Divert them from unnecessary appearances in the criminal courts; and
- c) Reduce the chances of them re-offending.

8.2 The use of formal cautions will be in accordance with the Home Office Circular and official guidance. The following conditions must be fulfilled before a caution is administered:

- a) There must be evidence of the suspected offender's guilt sufficient to give a realistic prospect of a conviction;
- b) The suspected offender must admit the offence; and
- c) The suspected offender must understand the significance of a formal caution and give an informed consent to being cautioned.

8.3 Before proceeding with a formal caution, the enforcement officer must discuss the proposed action with their line manager. Where a formal caution is refused, the officer must re-consider all the evidence, which may result in a prosecution or other action being taken. Where formal cautions are accepted, they must be registered with Legal Services.

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**9 PROSECUTION**

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9.1 The following circumstances may warrant prosecution:

- a) The offence involves a flagrant breach of the law such that public health, safety or well being is or has been put at risk; or
- b) The offence involves a failure by the offender to correct an identified serious potential risk, having been given a reasonable opportunity to comply with the lawful requirements of an authorised officer; or
- c) The offence involves a failure to comply in full or in part with the requirements of a statutory notice; or
- d) There is a history of similar offences on the part of the alleged offender; or
- e) The obstruction or assault of an authorised officer; or
- f) False or misleading information is provided to an authorised officer.

9.2 The officer must be satisfied, before a prosecution proceeds, that there is relevant, admissible, substantial and reliable evidence that the offence was committed by the accused. There must be a realistic prospect of conviction. A bare prima facie case is not enough. If there is insufficient evidence, other formal action such as a formal caution will not be an alternative.

9.3 The officer and their manager must decide whether it is in the public's interest to undertake a prosecution, following the guidance in the Code for Crown Prosecutors, including the following:

- a) The seriousness of the offence;
- b) The risk to public health, safety or welfare;
- c) Identifiable victims
- d) Failure to comply with a statutory notice served for a significant breach of legislation;
- e) Disregard for public health for financial reward
- f) Previous history of the defendant
- g) Offences following a history of similar offences;
- h) Failure to respond positively to past warnings;
- i) Whether a due diligence defence exists and the likelihood of the defendant being able to establish such a defence;

- j) Ability of important witnesses and their willingness to co-operate;
- k) The willingness of the defendant to prevent a recurrence;
- l) The probable public benefit of a prosecution and the importance of the case e.g. whether it may create a legal precedent. Generally the graver the offence, the less likely that the public interest will allow anything other than a prosecution; however, the following two matters should form part of the consideration:
  - i) whether other formal action would be more appropriate or effective; and
  - ii) any explanations offered by the defendant. Officers should invite the defendant to offer an explanation before a decision to prosecute is made.

- 9.4 Once a decision to prosecute has been made, the procedure should be implemented without undue delay. The requirements of PACE and CPIA will be adhered to.
- 9.5 The criterion for deciding whether to prosecute or issue a formal caution is shown at Appendix 2.

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## 10 LEGISLATION

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- 10.1 The legislation under which authorised officers have the authority to act is shown at Appendix 3.

## APPENDIX 1

## AUTHORITY FOR OFFICERS TO ACT

DECISION MAKING AREA	OFFICERS AUTHORISED TO ACT	OFFICERS WHO MUST BE CONSULTED FOR AUTHORITY TO ACT
Informal action and formal letters	Head of Legal and Human Resources Legal Services Manager Licensing Manager Senior Licensing Officer Licensing Officer Licensing Enforcement Officer	
Statutory Action		
a) Suspension of hackney carriage/private hire vehicle licence	Head of Legal and Human Resources Legal Services Manager Licensing Manager Senior Licensing Officer Licensing Enforcement Officer	Licensing Manager or Senior Licensing Officer
b) Suspension of hackney carriage/private hire drivers licence	Head of Legal and Human Resources Legal Services Manager Licensing Manager	Head of Legal and Human Resources or Legal Services Manager
c) Suspension of private hire operators licence	Head of Legal and Human Resources Legal Services Manager Licensing Manager	Head of Legal and Human Resources or Legal Services Manager
Formal Caution	Head of Legal and Human Resources Legal Services Manager Licensing Manager	Head of Legal and Human Resources or Legal Services Manager
Prosecution	Head of Legal and Human Resources Legal Services Manager	Head of Legal and Human Resources or Legal Services Manager



## APPENDIX 3

### RELEVANT LEGISLATION

Animal Boarding Establishments Act 1963  
Breeding of Dogs Acts 1973 and 1991  
Breeding and Sale of Dogs (Welfare) Act 1999  
Caravan Sites and Control of Development Act 1960  
Dangerous Wild Animals Act 1976  
Gambling Act 2005  
Game Act 1831  
Gaming Act 1968  
Game Licences Act 1860  
Health Act 2006  
House to House Collections Act 1939  
Hypnotism Act 1952  
Licensing Act 2003  
Local Government (Miscellaneous Provisions) Act 1976  
Local Government (Miscellaneous Provisions) Act 1982  
Lotteries and Amusements Act 1976  
Pet Animals Act 1951  
Pet Animals (Amendment) Act 1983  
Police, Factories etc (Miscellaneous Provisions) Act 1916  
Public Health Act 1936  
Riding Establishments Acts 1964 and 1970  
Scrap Metal Dealers Act 1964  
Town Police Clauses Act 1847  
Transport Act 1985  
Vehicles (Crime) Act 2001  
Zoo Licensing Act 1981

Please note that the above list is not exhaustive and may be amended from time to time.



**APPENDIX 1**

**LICENSING REGULATORY COMMITTEE**

**TO THE HEAD OF GOVERNANCE AND LEGAL SERVICES MANAGER**

To make appropriate arrangements for the institution or defence of any legal proceedings relating to matters within the terms of reference of the Licensing Regulatory Committee

**TO THE HEAD OF GOVERNANCE, LEGAL SERVICES MANAGER, LICENSING MANAGER AND ANY OTHER OFFICER THE LICENSING MANAGER DESIGNATES IN WRITING**

To grant and issue any licence, registration or other permission under any legislation within the terms of reference of the Licensing Regulatory Committee, unless there are any adverse representations or other reasons why the officer considers it appropriate to refer the matter to the Committee. This does not include authority to refuse a licence.

To approve any matters within the conditions of licences, registrations or other permissions under any legislation within the terms of reference of the Licensing Regulatory Committee, which require the approval or consent of the Council

**TO THE HEAD OF GOVERNANCE, LEGAL SERVICES MANAGER AND LICENSING MANAGER**

To designate authorised officers for the purposes of the Local Government (Miscellaneous Provisions) Act 1976, who may then act on behalf of the Council under the Act in accordance with their designation as authorised officer

To designate authorised officers for the purposes of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, who may then act on behalf of the Council under the Act in accordance with their designation as authorised officer :

**TO THE HEAD OF GOVERNANCE, LEGAL SERVICES MANAGER, LICENSING MANAGER AND ANY OTHER OFFICER THE HEAD OF GOVERNANCE DESIGNATES IN WRITING**

To suspend a driver's licence under Section 61 of the Local Government (Miscellaneous provisions) Act 1976, including authority to suspend a licence with immediate effect in the interests of public safety

To suspend an operator's licence under Section 62 of the Local Government (Miscellaneous Provisions) Act 1976

To suspend a hackney carriage or private hire vehicle licence under Section 60 or Section 68 of the Local Government (Miscellaneous Provisions) Act 1976

**TO THE HEAD OF HEALTH AND HOUSING AND ANY OTHER OFFICER DESIGNATED BY HIM/HER IN WRITING**

To issue licences, registrations and consents under the Food Safety Act 1990, the Noise and Statutory Nuisance Act 1993, Caravan Sites and Control of Development

Act 1960, Meat Products (Hygiene) Regulations 1994, Minced Meat and Meat Preparations (Hygiene) Regulations 1995, Dairy Products (Hygiene) Regulations 1995, Egg Products regulations 1993, Food Safety (General Food Hygiene) Regulations 1995, Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 and the Food Premises (Registration) Regulations 1991.

To designate authorised officers and to serve notices and apply for warrants on behalf of the Council under the following legislation:

Pet Animals Act 1951  
Caravan Sites and Control of Development Act 1960  
Animal Boarding Establishments Act 1963  
Scrap Metal Dealers Act 1964  
Dangerous Wild Animals Act 1970 and 1991  
Breeding of Dogs Act 1973 and 1991  
Riding establishments Acts 1964 and 1970  
Local Government (Miscellaneous Provisions) Act 1982  
Health and Safety at Work etc Act 1974  
Zoo Licensing Act 1981  
County of Lancashire Act 1984  
Noise and Statutory Nuisance Act 1993

**TO THE HEAD OF PROPERTY AND ANY OTHER OFFICER DESIGNATED BY HIM/HER IN WRITING**

To advertise, grant, issue and enforce street trading licences or consents under the Local Government (Miscellaneous Provisions) Act 1982, and to set the appropriate fee or charge.

**LICENSING REGULATORY COMMITTEE****Hackney Carriages – Booking/Call-Out Fees  
9 January 2014****Report of Chief Officer (Governance)****PURPOSE OF REPORT**

Following discussions at the Taxi Forum, to enable the Committee to consider the introduction of a booking/call-out fee, through the fare tariff, for hackney carriages.

**This report is public**

**RECOMMENDATIONS**

- (1) **Officers recommend that, subject to the outcome of the consultation with hackney carriage proprietors, any of options 1, 2, 4 or 5 would be appropriate.**

**1.0 Introduction**

- 1.1 As Members are aware, the Licensing Regulatory Committee approves the tariff of fares for hackney carriages. Currently, the tariff sets fares by reference to the length of journey, and by time of day and whether it is a bank holiday, with set charges applied for additional passengers, pieces of luggage and soiling. The fare tariff does not include any booking or call-out fee, and none has ever been requested by the trade.
- 1.2 Section 67 of the Local Government (Miscellaneous Provisions) Act 1976 recognises that hackney carriages may be used under a contract for private hire, and provides that in such circumstances the rate of fares or charges must not be greater than that fixed in the fare tariff, and shall be calculated from the point in the district at which the hirer commences his journey.
- 1.3 This means that if a hackney carriage for example in Lancaster, receives a request from a passenger in Morecambe, the fare tariff does not provide for the driver to charge for the journey from Lancaster to Morecambe to pick up the passenger. The meter must be switched on and the fare metered only from the point when the passenger's journey commences.
- 1.4 Vehicles licensed as private hire vehicles are not required to have a meter, and the fare may be set by agreement with the passenger. In fact, because many local companies operate both private hire vehicles and hackney carriages, they choose to have meters in their private hire vehicles, and these are set to the same tariff as applies to hackney carriages.

- 1.5 However, if a private hire vehicle travels any distance to a passenger, it is lawful for a private hire operator to agree with the passenger a fare that includes a "call-out" charge, and it is understood that this is common practice. A private hire fare is a matter for private agreement, although a meter can be used. Section 67 referred to above does not apply to vehicles licensed as private hire vehicles.
- 1.6 It was brought to licensing officers' attention, following a complaint about overcharging in October, that apparently a "call-out" fee is currently being charged by some hackney carriages. This was reiterated by at least one member of the trade at the recent Forum meeting. However, as indicated above, there is no such provision in the fare tariff and it is not therefore lawful.
- 1.7 It is also not possible to be definitive on how widespread this activity is. Officers were not aware that such charges were being applied, and no requests or proposals had ever previously been made by the trade for such a charge to be included in the tariff.
- 1.8 However, now that officers and the Committee are aware of the issue, action now needs to be taken, either to amend the fare tariff to allow for such charges, or to ensure that the law is complied with and that such charges are not made.

## **2.0 Proposal Details**

- 2.1 There are a number of options that the Committee could consider, and these are set out below.
- 2.2 Option 1: Make no change to the fare tariff, and ensure that booking or call-out charges are not made.
- 2.3 This is consistent with the traditional role of hackney carriages to take passengers from the ranks or by flag-downs. Members may perhaps have noted that at the recent Forum meeting a comment was made by one member of the trade in connection with the Dalton Square/bus station telephone link, to the effect that hackney carriages take passengers from ranks and do not do telephone work. If that were indeed the case, there would be no need for a booking fee. At the very least it would seem that there is different practice being operated across the trade.
- 2.4 Officers have made inquiries of other local authorities as to whether their fare tariffs make any provision for a call-out or booking fee. It appears that none of the district councils in Lancashire have such a provision, and indeed Burnley have recently refused a request from the trade for such a charge to be permitted.
- 2.5 However, it is known that many hackney carriages work from a radio or telephone, and although private hire vehicles are available to do this work, there was concern expressed at the Forum by some members of the trade that, without a booking fee, hackneys would not be able to provide a service to the more rural areas, to the detriment of residents there. Because officers are unaware of this practice they do not have evidence to support this view.

- 2.6 Option 2: Increase the fare tariff so that the initial flag-fall and subsequent yardage rates are higher for all journeys, but continue to ensure that booking or call-out charges are not made.
- 2.7 In this option, the fare tariff increase would apply to all journeys, but would be set so that, overall, “the “dead mileage” that may apply to journeys that do not commence at a rank or by flag down, is compensated for. Thus, those who call out a hackney carriage to a more rural area would not be prejudiced by having to pay a call- out fee. However, the cost of shorter journeys from the ranks would increase. The aim would be to ensure that the overall fares charged would cover the costs of providing the service to passengers in the district as a whole.
- 2.8 If the Committee were minded to take this approach, further consideration would need to be given as to the appropriate rates.
- 2.9 Option 3: To amend the fare tariff to introduce a booking / call-out charge based on the distance travelled by the vehicle to the point where the journey commences.
- 2.10 It is known that the fare tariff for Harrogate Borough Council includes the following:

<b>Call out or summoning charge</b>	Maximum additional rate of charge per mile for call outs over 1 mile: To be used for any part of the district (one way only). This is a maximum rate of charge, the whole or part of which is to be agreed with the hirer as an extra at the time of booking before the hire is accepted or journey commenced and is to be included on the taxi meter as an extra.	£1.00
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This could add a considerable amount to a journey, for example from Carnforth, where the hackney carriage set off from Lancaster. It would be possible for the tariff to set a maximum call-out charge (for example £5). Whilst the charge is to be agreed with the hirer, there could be subsequent complaints about where the vehicle did set off from, or dispute as to what was agreed. Whilst it appears that the Harrogate approach has not been challenged, officers feel that it is questionable legally, as it seems inconsistent with Section 67 of the Local Government (Miscellaneous Provisions) Act 1976 which requires that any fare or charge should be calculated from the point where the hirer’s journey commences.

- 2.11 Option 4: To amend the fare tariff to introduce a maximum booking/call-out charge to be agreed with the passenger before the journey.
- 2.12 The fare tariff for Arun District Council includes the following:  
“A booking fee up to a maximum of £4.00 may be charged where:
- (a) The Hackney carriage is booked in advance; and
  - (b) (i) The Customer shall be told the cost of the booking fee at the time that the booking is taken and the amount recorded in the booking log; and  
(ii) The customer shall be told that the booking fee is in addition to the fare for the journey; and
  - (c) The hiring involves a separate journey of at least one mile, starting from

the taxi rank or the operator's premises, to the pick up point.

- 2.13 Under this option, the charge would be agreed in advance with the passenger, but would not be specifically based on the mileage to the pick-up, so is less likely to be found to be contrary to section 67 referred to above.
- 2.14 Option 5: To introduce a fixed booking fee.
- 2.15 Bournemouth Borough Council's fare tariff includes a fixed extra charge for each pre-arranged hiring. This is 80p for tariff 1 (daytime) and £1.00 for tariffs 2 and 3.
- 2.16 Having a fixed charge would be easier to enforce, and simpler for passengers to understand. It would not cover the additional cost of the more remote pre-booked journeys, although the fixed charge could of course be higher than that in Bournemouth.
- 2.17 Option 6: To amend the fare tariff to introduce an extra charge for all journeys commencing more than three miles from the City Centre (defined as Dalton Square, Lancaster) , the charge being the amount that would show on the meter for the journey to the pick-up, less the flag fall. The charge would have to be agreed with the hirer before the commencement of the journey.
- 2.18 A weakness of this option is that it is distance based, so could be perceived as contrary to Section 67. There could be disputes as to what had been agreed. Further, a charge could be agreed and applied even if the vehicle did not travel from the city centre. Indeed, having a charge based on one central point might not be appropriate, given that some operators are based in Morecambe or Carnforth.

### **3.0 Details of Consultation**

- 3.1 The Taxi Task Group considered the range of options at its meeting on the 18th December 2013, and requested that officers consult with hackney carriage proprietors. The response to this consultation will be reported at the meeting, and may influence any officer recommendation.

### **4.0 Options and Options Analysis (including risk assessment)**

- 4.1 In view of the options set out above, it is suggested that the initial issue for the Committee's consideration should be whether or not there should be a specific booking/call-out fee.
- 4.2 In this initial consideration, members may wish to bear in mind that hackney carriages and private hire vehicles are different, in that hackney carriages have the advantage or privilege of being able to ply for hire at ranks and to take flag downs. Private hire vehicle may only undertake pre-booked journeys. Whilst the number of hackney carriages is restricted, there is no limit on the number of private hire vehicles that can be licensed. If there is a market for pre-booked journeys, especially in the rural areas, then current operators could license additional private hire vehicles. This would then enable the hackney carriages to undertake traditional hackney work, obviating the need for a booking fee.
- 4.3 On this basis, officers consider that it would be reasonable to adopt option 1.

- 4.4 Equally, officers consider that option 2 would be a reasonable approach. The flag-fall and yardage rates vary throughout the country, and it would be reasonable to set rates that overall will take account of any “dead mileage.”
- 4.5 However, if members are satisfied that there is a need for a booking charge, then officers’ preference at the time of writing this report would be for a notional, fixed fee, which is simple for customers to understand, rather than one that is based on the mileage to the pick-up point. Of the relevant options above, officers’ preference would be for options 4 or 5.
- 4.6 In any event if a booking/call-out fee is to be introduced, this should be done through the fare tariff as an extra charge, and the tariff should make it clear that the charge must be agreed with the hirer at the time of the booking, and that the fare for the actual journey must be charged through the meter, and that the meter must not be switched off at any time during the actual journey.
- 4.7 If the Committee is minded to amend the fare tariff to provide for a booking or call-out fee, the normal procedure for a fare variation would need to be followed. This would mean that the Committee would indicate its proposal, and this would then be advertised with a period of 21 days for objections. Any objections would then need to be considered by the Committee, and a date set by the Committee for the implementation of the advertised or amended variation. If there were no objections, the variation would take effect immediately.

**5.0 Conclusion**

- 5.1 The views of the Committee are sought. Members may wish to make a decision at this meeting, or, having selected their preferred option, may wish officers to do further work on that option and report back.

<p><b>CONCLUSION OF IMPACT ASSESSMENT</b>                  (including Health &amp; Safety, Equality &amp; Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)</p> <p>None directly arising from this report.</p>
<p><b>LEGAL IMPLICATIONS</b></p> <p>The legal implications are set out in the report.</p>
<p><b>FINANCIAL IMPLICATIONS</b></p> <p>Any proposed variation to the fare tariff would have to be advertised in the local newspaper, and the cost of such advertisement would be met from the current advertising budget. There would be no other financial implications for the Council.</p>
<p><b>OTHER RESOURCE IMPLICATIONS</b></p> <p><b>Human Resources:</b> None</p> <p><b>Information Services</b> None</p>

**Property:**

None

**Open Spaces:**

None

**SECTION 151 OFFICER'S COMMENTS**

The Section 151 Officer has been consulted and has no further comments.

**MONITORING OFFICER'S COMMENTS**

The report has been prepared by the Monitoring Officer in her capacity as Chief Officer (Governance)

**BACKGROUND PAPERS**

Fare tariffs of Harrogate, Arun and Bournemouth councils

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<b>LICENSING REGULATORY COMMITTEE</b>
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**Amendment to the Rules, Regulations and Procedures for  
Hackney Carriage and Private Hire Licensing  
9 January 2014**

**Report of Licensing Manager**

<b>PURPOSE OF REPORT</b>
To enable Members to consider some minor amendments to the Rules, Regulations and Procedures for Hackney Carriage and Private Hire Licensing.
<b>This report is public.</b>

**RECOMMENDATIONS**

Members are requested to approve the proposed amendment to the Rules, Regulations and Procedures for Hackney Carriage and Private Hire Licensing –

1. To remove the requirement for vehicles over the age of 10 years old at first licensing to be approved by the Licensing Regulatory Committee.
2. To amend the requirement in relation to the length of time a DVLA licence has been held by an applicant to bring it in line with the statutory requirement of one year.
3. To remove the provision which states that any applicant who has failed a local knowledge test on two occasions can make representations to the Licensing Regulatory Committee.

**1.0 Report**

- 1.1 At a recent meeting of the Taxi Task Group, a number of types of application were identified which are currently routinely referred to this Committee for decision. Members were of the view that this was no longer necessary, and was not an efficient use of the Committee's time.

Licensing of Vehicles Over Ten Years Old

- 1.2 The current rules and regulations require any application to license a vehicle that is over ten years' old to be considered by the Licensing Regulatory Committee.
- 1.3 This requirement was introduced due to concerns that removal of an age limit on vehicles would result in an influx of 'old bangers' being licensed. This has not been the case, and all vehicles must in any event meet the required standards of Lancaster City Council and pass the required test or they would not be issued with a licence. All vehicles over the age of 10 years are subject to a 4-monthly test at the Council's vehicle maintenance unit.

- 1.4 It is therefore suggested that applications for vehicles over ten years old should not be treated any differently from other licence applications. The Scheme of Delegation authorises officers to grant licences unless there are any adverse representations or other reasons why the officer considers it appropriate to refer the matter to Committee. The Committee is therefore asked to consider removing the requirement that all applications for vehicles over ten years old be considered by the Committee.

DVLA Driving Licences

- 1.5 Section 59(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 provides that a council shall not grant a hackney carriage or private hire driver's licence to any person who has not, for at least twelve months, been authorised to drive a motor vehicle.
- 1.6 The Committee, has, however, imposed a more stringent requirement that applicants must have held a full DVLA licence for a period of three years. The Committee's rationale for this requirement has been to ensure that any person licensed to drive members of the public has sufficient driving experience. However, applicants who have not met the three year requirement have been asked to attend before the Committee to make representations in support of their application, and in most cases the Committee has granted the application. On that basis, Members are asked to consider whether they wish to withdraw the three year requirement, and simply apply the statutory one year requirement as set out in Section 59(1)(b).

Knowledge Test

- 1.7 In order to satisfy itself that an applicant for a hackney carriage or private hire driver's licence is a fit and proper person, the Committee requires an applicant to pass a local knowledge test. Currently an applicant who has failed the test on two occasions may make representations to the Committee. However, as it is not appropriate for the Committee to waive the requirement to have passed the test, it is suggested that an applicant who has failed the knowledge test on two occasions should simply be advised that the application criteria have not been met, but that a new application for a licence may be submitted at any time, and the knowledge test taken again.

**2.0 Conclusion**

- 2.1 Members are requested to approve the proposed changes to the Rules, Regulations and Procedures for Hackney Carriage and Private Hire Licensing.

**CONCLUSION OF IMPACT ASSESSMENT**

**(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)**

The Rules, Regulations and Procedures are in place to protect the public.

The proposed changes do not have the potential to cause negative impact or discriminate against different groups in the community based on age, disability, gender, race/ethnicity, religion or religious belief (faith), sexual orientation, or rural isolation.

**FINANCIAL IMPLICATIONS**

There are no financial implications arising from this report.

**LEGAL IMPLICATIONS**

There are no direct legal implications arising from this report.

**BACKGROUND PAPERS**

None.

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