



Committee: LICENSING REGULATORY COMMITTEE

Date: THURSDAY, 17 JULY 2014

Venue: LANCASTER TOWN HALL

Time: 1.00 P.M.

AGENDA

1. Apologies for Absence

2. Minutes

Minutes of the meeting held on 5 June 2014 (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. Application to Approve a Chevrolet GMC for use as a Private Hire Vehicle (Pages 1 - 3)

Report of Licensing Manager

6. Incentives in Relation to Wheelchair Accessible Vehicles (Pages 4 - 13)

Report of Licensing Manager

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Margaret Pattison (Chairman), Mike Greenall (Vice-Chairman), Roger Dennison, Sheila Denwood, Jonathan Dixon, Tim Hamilton-Cox, John Harrison, Tony Johnson and Roger Mace

(ii) Substitute Membership

Councillors Tony Anderson, June Ashworth, Chris Coates, Joan Jackson, Terrie Metcalfe, Robert Redfern and Susan Sykes

(iii) Queries regarding this Agenda

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

(iv) Changes to Membership, substitutions or apologies

Please contact Members' Secretary - telephone (01524) 582170, or email memberservices@lancaster.gov.uk.

MARK CULLINAN, CHIEF EXECUTIVE, TOWN HALL, DALTON SQUARE, LANCASTER, LA1 1PJ

Published on Monday, 7 July 2014.

Application to Approve a Chevrolet GMC for use as a Private Hire Vehicle 17 July 2014

Report of Licensing Manager

PURPOSE OF REPORT

To consider a request by Mr Mark Simpson for a Chevrolet GMC to be approved for use as a private hire vehicle and to remove the requirement to display the Council's door signs on both side of the vehicle.

This report is public.

RECOMMENDATIONS

Members are requested to consider whether to approve a Chevrolet GMC for use as a private hire vehicle, and whether, if approved, to allow an exemption in relation to the display of the Council's door signs

1.0 Report

- **1.1** Members are asked to consider the suitability of a Chevrolet GMC to operate as a private hire vehicle for the carriage of passengers on pre-booked journeys only. The application has been made by Mr Mark Simpson.
- 1.2 Mr Simpson wishes to operate the vehicle for the conveyance of passengers both to and from specific functions which would include weddings, school proms, and other celebratory events within the local area. The vehicle is also known as a Scooby Doo vehicle.
- 1.3 Mr Simpson intends to apply for an operator's licence and he has stated that the vehicle will remain an independent source of transport and would, therefore, have no association with any other taxi or private hire company.
- **1.4** The vehicle is over 10 years old, and falls outside of our licensing policy for the following reasons:
 - 1) It is a left hand drive vehicle.
 - 2) The vehicle only has 3 doors, 2 front doors and one sliding side door

- **1.5** Section 48(1) of the Local Government (Miscellaneous Provisions) Act 1976 provides that a District Council must not grant a Private Hire Vehicle Licence unless they are satisfied that the vehicle is:-
 - (i) suitable in type, size and design for use as a private hire vehicle;
 - (ii) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage vehicle;
 - (iii) in a suitable mechanical condition;
 - (iv) safe; and
 - (v) comfortable.
- **1.6** Further, Section 48(2) provides that a district council may attach to the grant of the licence such conditions as they consider reasonably necessary including conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates.
- **1.7** For the purposes of the above, and in relation to this particular vehicle, the Council have adopted the following conditions where relevant:-

Specification and Maintenance of Vehicle

The vehicle must have at least four doors, all of which are capable of being opened from the inside.

The vehicle shall be of right-hand drive manufacture and not converted as so.

Identification plates/signs

Door signs supplied by Lancaster City Council must be affixed to the front doors of the vehicle. The proprietor's own sign, notice or advertisement may be displayed on the top section of the rear doors of the vehicle only and shall not exceed 20 inches by 12 inches.

1.8 The Chevrolet GMC is approximately 24yrs old and was first registered on 9 April 1990.

The standard licence condition in relation to the age of the vehicle provides that:

Vehicle Age

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 Manager, on initial application. Any such vehicle will be subject to a full test at the Council's designated testing station.

- **1.9** Any licensing procedures for the Chevrolet GMC should assess the fitness, i.e. the suitability for the role as well as the condition and safety of the vehicle.
- **1.10** Drivers of the Chevrolet would be licensed in the same way as other private hire driver
- 1.11 If a decision is made to license the Chevrolet GMC, the Council would have to be assured that it is structurally and mechanically safe. The owner of the vehicle would have to provide an Individual Type Approval issued by the Department for Transport.
- 1.12 Due to the weight and size of the vehicle it will not be possible to mechanically inspect the Chevrolet GMC at the premises normally used for vehicle inspections. Separate testing facilities would have to be provided.

- 1.13 If the Chevrolet is licensed as a private hire vehicle the operator would have to comply in every respect to pre-bookings, keeping records of journeys, licensed drivers and vehicle testing in exactly the same manner as the operator of a conventional private hire vehicle.
- **1.14** Mr Simpson 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 requested to determine this request on its own merits and consider whether or not it is an appropriate form of transport to be licensed as a private hire vehicle by this Council. Whilst it is evident that the Chevrolet GMC is a novelty vehicle and unlike any other licensed by this Council, members could indicate that an exception should be made for this type of vehicle. The Committee may move away from the current policy if they consider that there is sufficient reason to do so. Also, if approved, different licence conditions could be placed on Chevrolet GMC (private hire) vehicle licence.
- 2.2 Members are asked to determine whether to grant a private hire vehicle licence for the Chevrolet GMC, subject to it passing all relevant tests and to the owner producing all the relevant type approval certificates.
- 2.3 If Members are minded to approve the grant of a licence for this vehicle as a private hire vehicle, they should further determine whether to allow an exemption in relation to the display of door signs on the vehicle.

CONCLUSION OF IMPACT ASSESSMENT

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

None

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

LEGAL IMPLICATIONS

Pursuant to Section 48 (7) of the Local Government (Miscellaneous Provisions) Act 1976, any person who is aggrieved by the refusal to grant a vehicle licence under this section, or by any conditions specified in such a licence, may appeal to a magistrates' court.

BACK	GROL	IND PA	APERS
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None.

Contact Officer: Wendy Peck Telephone: 01524 582317 E-mail: wpeck@lancaster.gov.uk

Ref: WP

Incentives in Relation to Wheelchair Accessible Vehicles. 17 July 2014

Report of Licensing Manager

PURPOSE OF REPORT

This report has been prepared following a Member's request for officers to look at the implications of the enhanced part of the DSA test being funded by the Council, through the licensing budget, in relation to drivers of the mandatory wheelchair accessible vehicles.

This report is public.

RECOMMENDATIONS

That the Council should not bear the cost of the enhanced part of the DSA test in relation to drivers of mandatory wheelchair accessible vehicles.

1.0 Report

- 1.1 Members may recall that at a meeting of the Licensing Regulatory Committee held on the 27 March 2014 they resolved to attach a new condition to all applications for the grant of a hackney carriage and private hire drivers' licence requiring applicants to pass the Driving Standards Agency Private Hire and Hackney Carriage Standard Assessment.
- 1.2 It was also resolved that it be mandatory for the driver of a registered wheelchair accessible vehicle to pass the enhanced wheelchair part of the assessment before the 30 September 2014.
- 1.3 Members further resolved that if anyone voluntarily upgraded from a non-registered wheelchair accessible vehicle to a registered wheelchair accessible vehicle it be mandatory for any driver to pass the wheelchair accessible part of the DSA test and that officers report back to the Committee in relation to offering financial incentives through reduced fees in relation to these vehicles. Copies of the report considered and the resolution made in March are attached at Appendix 1 to this report. As subsequently reported at the June meeting, Officers are currently considering as a separate issue how to encourage existing proprietors to commit themselves to providing additional mandatory wheelchair accessible vehicles. Any such incentives were the only incentives referred to in the March resolution.
- 1.4 However, the March resolution at Appendix 1 appears to have caused some confusion, and officers have now been asked to report to this Committee in relation to financial incentives to be offered to drivers of the current mandatory wheelchair

accessible vehicles in the form of reduced fees or reimbursement of the enhanced part of the DSA assessment.

- 1.5 The current mandatory or registered wheelchair accessible vehicles were all allocated plates as a result of unmet demand surveys identifying an unmet demand for wheelchair accessible vehicles. The new plates were issued with the proviso that the vehicle and any replacement vehicle be wheelchair accessible and that anyone driving the vehicle or replacement vehicle should have had training in handling wheelchairs. The plates were "free", in that the proprietors did not pay any premium as they would have done if they had purchased an ordinary licensed vehicle from another proprietor. Applications for these plates were over-subscribed, and drawn by lot. However, in applying for these plates, the proprietors were aware that, for all time, the vehicle would be required to be wheelchair accessible, and any driver would be required to have had training. Proprietors applied for the plates on that basis, and it therefore seems inappropriate for the Council now to bear the cost of the drivers of these vehicles fulfilling the Committee's requirement for them to take the enhanced part of the DSA test.
- 1.6 As Members are aware, the licensing of hackney carriages and private hire vehicles aims to recover so far as possible the full cost of administering the scheme and some enforcement costs, as permitted by the legislation. If a reduction in licence fee were to be offered to the drivers of the mandatory wheelchair accessible vehicles to reimburse them for the DSA fee, then the shortfall would have to be recovered by increasing other fees. This would be unfair to other licence holders. The only other alternative would be for the Council itself to stand the shortfall, but there is no budgetary provision for this.
- 1.7 There are fifteen mandatory wheelchair accessible vehicles. Each vehicle will have a number of drivers throughout the working week. If each vehicle had, say, four drivers, this would mean that sixty drivers would be seeking reimbursement for the enhanced test. However, this will not be a finite figure. Drivers tend to work on a self-employed basis and move from vehicle to vehicle on a regular basis. It is impossible accurately to predict driver turnover. Further there would be nothing to prevent a driver from claiming the reimbursement and then leaving to drive another vehicle, and being replaced by a new driver who would require the training.
- 1.8 For the reasons set out above, officers' firm recommendation is that the Council should not bear the cost of the training for drivers of the mandatory wheelchair accessible vehicles.

2.0 Conclusion

2.1 Officers would reiterate that the licensing regime should be self-financing as far as possible and there simply is not a budget within licensing to fund these tests. Further, the plates were issued on the clear understanding that there would be a training requirement for all future drivers of these vehicles, and officers would not therefore support any reimbursement of these costs.

CONCLUSION OF IMPACT ASSESSMENT

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

None applicable to this report.

FINANCIAL IMPLICATIONS

Any reduction in fees / reimbursement would have a financial impact and would need to be considered as part of the fee setting / budget process.

LEGAL IMPLICATIONS

Legal Services have been consulted and have no further comment.

BACKGROUND PAPERS Contact Officer: Ms W Peck Telephone: 01524 582317

None **E-mail:** wpeck@lancaster.gov.uk

Ref: WP

Training for Hackney Carriage and Private Hire Drivers 27 March 2014

Report of Licensing Manager

PURPOSE OF REPORT

The report is to seek Members' approval of proposals to introduce the Driving Standards Agency Private Hire and Hackney Carriage Assessment for all new applicants for hackney carriage and private hire drivers' licences and to consider whether it is appropriate to phase in the test for existing drivers.

This report is public.

RECOMMENDATIONS

Members are recommended:

- 1. To approve that a new condition be attached to applications for the grant of hackney carriage and private hire drivers' licences requiring applicants to pass the Driving Standards Agency Private Hire and Hackney Carriage Standard Assessment, and to pass the Enhanced/Upgrade Assessment prior to driving a wheelchair accessible vehicle
- 2. That the above conditions be imposed in respect of all new applications for the grant of hackney carriage and private hire drivers' licences made as from 1 March 2014 and that the requirement to have held an ordinary DVLA driving licence for a period of three years be deleted on the same date.
- 3. That Members consider whether it would be appropriate to introduce the upgrade assessment for all existing drivers who drive a wheelchair accessible vehicle with a specified time period being allowed to pass the test.

1.0 Report

- 1.1 Members may recall that this matter was adjourned from the last meeting of this Committee
- 1.2 At previous meetings of the Taxi Task Group, Members have considered the introduction of the driving Standards Agency test for hackney carriage and private hire drivers. This was due to some concern about the standard of driving of some drivers licensed by the Council
- 1.3 The Driving Standards Agency (DSA) is committed to improving driving standards through testing and assessment activities. The DSA is charged with setting driving

Appendix 1

- standards and delivering consistently high quality driving tests to help ensure safe driving.
- 1.4 As professional drivers, hackney carriage and private hire drivers have a special responsibility to ensure that their passengers have a safe, comfortable and enjoyable journey.
- 1.5 The DSA carries out 3 types of assessment:
 - The standard driving assessment
 - The enhanced assessment this includes a wheelchair assessment
 - The upgrade assessment if a person has done the standard assessment and then is required to do the wheelchair exercise.
- 1.6 The assessment lasts about 40 minutes and includes an eyesight test as well as a practical assessment. The practical assessment will include:
 - A manoeuvre where the driver will be asked to turn the vehicle to face the opposite direction
 - Around 10 minutes of driving without being given turn-by turn directions by the instructor
 - Stops at the side of the road as if a passenger is getting out
 - Related questions e.g. what to do if a passenger leaves property in the vehicle
 - Questions from the Highway Code identifying traffic signs and road markings.

The driver may also be asked to do an emergency stop.

- 1.7 Whilst doing the wheelchair exercise a driver would need to show his/her ability to:
 - Safely load the wheelchair in the vehicle
 - Use the wheelchair brakes to secure and release it
 - Fasten the seat belts or safety harness
 - Secure any wheel belts or clamps fitted to the vehicle.
- 1.8 Members will recall that at the last Proprietors' Forum, some concerns were raised about the lack of training in relation to wheelchair accessible vehicles. It has also been reported anecdotally that some drivers refuse wheelchair work and use the excuse that they have not done any training.
- 1.9 One practical problem which would arise in relation to the wheelchair part of the assessment would be that the driver is required to carry out the assessment in a wheelchair accessible vehicle, and that only the holder of a driver's licence may drive a licensed vehicle. With this in mind officers would recommend that if Members are minded to approve the introduction of the DSA test, the wheelchair part of the assessment should be introduced as an enhancement only when someone is going to drive a wheelchair accessible vehicle. Officers would recommend that this part of the assessment should be mandatory before anyone can drive a wheelchair accessible vehicle.
- 1.10 For Members' information, the definition of wheelchair accessible, as contained within the Rule, Regulations and Procedures for Hackney Carriage and Private Hire Licensing approved by this Committee is as follows:- "a vehicle purpose built by the

manufacturer or adapted prior to registration in a manner approved by the manufacturer, for the conveyance of wheelchair bound passengers.

1.11 The Department for Transport, in their published Best Practice Guidance in relation to hackney carriage and private hire licensing, say of the DSA test:

"Many local authorities rely on the standard car driving licence as evidence of driving proficiency. Others require some further driving test to be taken. Local authorities will want to consider carefully whether this produces benefits which are commensurate with the costs involved for would-be drivers, the costs being in terms of both money and broader obstacles to entry to the trade. However, they will note that the Driving Standards Agency provides a driving assessment specifically designed for taxis."

1.12 The current cost of the test is set out in the table below;

Test type	Weekday	Evening, weekend and bank holiday
Hackney saloon vehicles and private hire saloon vehicles standard assessment	£79.66	£96.00
Hackney wheelchair accessible vehicles enhanced assessment	£92.94	£112.34
Taxi wheelchair exercise upgrade assessment	£26.56	£32.68

- 1.13 Other local authorities were asked the following questions
 - 1. Do you require applicants for hackney carriage or private hire driver's licences to pass the DSA test?
 - 2. If you do have the DSA test did you also make it mandatory for existing drivers?
- 1.14 15 Authorities responded of which 10 have introduced the DSA test for new drivers. All of those that responded except one said that existing drivers had been given grandfather rights and had not had to take the test. However 7 of them said that if any existing drivers were reported to the Regulatory Committee for driving issues the requirement to pass the DSA test had been used as an option. A table of responses is attached at Appendix 1 to this report.

2.0 Options

2.1 **Option 1**

Do nothing. This would not alleviate any of the concerns in relation to the standard of driving of some licensed drivers. The Council has a duty to protect the public and to ensure that standards are maintained or improved.

2.2 **Option 2**

Introduce the whole of the DSA test including the wheelchair accessible part for all new applicants for a hackney carriage or private hire drivers' licence. This would have the potential to raise standards and improve public safety. However, there are

Appendix 1

practical issues in relation to the provision of wheelchair accessible vehicles for such assessments as set out in the report

2.3 **Option 3**

Introduce the whole of the test for all new and existing drivers to be phased in over a nominated period for existing drivers. This would have similar implications to option 2. However, existing drivers would not maintain grandfather rights. The existing trade have not been consulted at this time.

2.4 **Option 4**

Introduce the basic test for all new and existing drivers. This would help to raise the standards of drivers licensed by this Council. However, this would mean that existing drivers would not maintain grandfather rights. The existing trade have not been consulted at this time.

2.5 **Option 5**

Introduce just the basic test for all new applicants for a hackney carriage or private hire driver's licence. Maintain the option to require existing drivers to complete the assessment following any reports or complaints of driving issues. Make it mandatory for anyone who will be driving a wheelchair accessible vehicle to pass the Taxi wheelchair exercise including existing drivers. This would raise the standards of driving in the district and also ensure that anyone who drives a wheelchair accessible vehicle has completed the necessary training. This would also ensure that operators and proprietors can be assured that anyone driving a wheelchair accessible vehicle has undergone the appropriate training and is therefore available to carry out the wheelchair work as and when required to do so.

3.0 Conclusion

Members are asked to approve the introduction of the DSA test. Officers' preferred option would be option 5. However, it is open to members to choose any of the 5 options, as set out in report, with or without amendment. If approved, officers would recommend that the changes have effect from the 1st March 2014 in relation to new applicants and that existing drivers who drive a wheelchair accessible vehicle should be given a period of 6 months until 31 August 2014 to pass the upgrade assessment

CONCLUSION OF IMPACT ASSESSMENT

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

None applicable to this report.

FINANCIAL IMPLICATIONS

There are no financial implications as a result of this report.

LEGAL IMPLICATIONS

Legal Services have been consulted and have no further comment.

BACKGROUND PAPERS	Contact Officer: Mrs W Peck	
	Telephone: 01524 582317	
None	E-mail: wpeck@lancaster.gov.uk	

Ref: WP

Appendix 1

Name of Authority	DSA New Drivers	DSA Existing Drivers	DSA Referral from Committee
Wyre	No	No	No
Carlisle	Yes	No	Yes
South Lakeland	Yes	No	Yes
Blackburn	Yes	No	Yes
Rossendale	Yes	No	Yes
St Helens	No	No	No
Fylde	No	No	No
Basingstoke	Yes	No	Not answered
Bolton	Yes	No	Not answered
Warrington	Yes (in the process)	No	Yes (in the process)
Hynburn	No	No	No
Chorley	Yes	No unless driving WAV	Not answered
Wycombe	Yes	No	Yes
Bury	No	No	No
Craven DC	Yes	Yes	Yes
Totals	10 Yes 5 No	1 Yes 14 No	7 Yes 5 No 3 Not Clear

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- (2) That the option to require existing drivers to complete the assessment following any reports or complaints of driving issues be maintained.
- (3) That it be mandatory for the driver of a registered wheelchair accessible vehicle to pass the taxi wheelchair exercise.
- (4) That existing drivers of registered wheelchair accessible vehicles be given a period of 6 months, until 30th September 2014, to pass the upgrade assessment.
- (5) That for anyone who upgrades from a non-registered wheelchair accessible vehicle to a registered wheelchair accessible vehicle:
 - (a) It be-mandatory for them to pass the taxi wheelchair exercise; and
 - (b) the possibility of incentives through reduced licence fees be considered by officers and reported back to the Committee.
- (6) That the conditions be imposed from 1st April 2014."

Upon being put to the vote, 5 Members voted in favour of the proposition and 2 against, with 2 abstentions, whereupon the Chairman declared the proposal to be carried.

It was then proposed by Councillor Johnson and seconded by Councillor Dixon:

"That the requirement to have held an ordinary DVLA driving licence for a period of three years be deleted as from 1st April 2014."

Upon being put to the vote, 6 Members voted in favour of the proposition and 2 against, with 1 abstention, whereupon the Chairman declared the proposal to be carried.

Resolved:

- (1) That a new condition be attached to applications for the grant of hackney carriage and private hire drivers' licences requiring applicants to pass the Driving Standards Agency Private Hire and Hackney Carriage Standard Assessment.
- (2) That the option to require existing drivers to complete the assessment following any reports or complaints of driving issues be maintained.
- (3) That it be mandatory for the driver of a registered wheelchair accessible vehicle to pass the taxi wheelchair exercise.
- (4) That existing drivers of registered wheelchair accessible vehicles be given a period of 6 months, until 30th September 2014, to pass the upgrade assessment.
- (5) That for anyone who upgrades from a non-registered wheelchair accessible vehicle to a registered wheelchair accessible vehicle:
 - (a) it be mandatory for them to pass the taxi wheelchair exercise; and
 - (b) the possibility of incentives through reduced licence fees be considered by officers and reported back to the Committee.

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- (6) That the conditions be imposed from 1st April 2014.
- (7) That the requirement to have held an ordinary DVLA driving licence for a period of three years be deleted as from 1st April 2014.

101 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - PROPOSED VARIATION OF HACKNEY CARRIAGE FARES

Committee received the report of the Licensing Manager to enable Members to recommend for consultation with hackney carriage proprietors the proposed variation of the current level of hackney carriage fares in line with the current Retail Price Index (RPI) rate.

It was reported that at its last meeting (minute no. 87 (2013/14) refers), the Committee had approved an amendment to procedure in relation to the amendment of hackney carriage fares. Members had agreed that they would recommend a proposal taking account of the current annual RPI rate and that hackney carriage proprietors would then be asked to vote on whether an increase was required during the particular-financial year. Financial Services had confirmed that the latest RPI rate was 2.8%.

Members were advised that the result of the hackney carriage proprietors' vote would be reported back to the Committee in June. If Members were minded to proceed to a variation, the statutory procedure would require a notice to be placed in a local newspaper to allow for objections to be made.

It was proposed by Councillor Dixon and seconded by Councillor Johnson:

"That the proposed variation of hackney carriage fares, as set out in Appendix 2 to the report, be recommended for consultation with hackney carriage proprietors."

Upon being put to the vote, Members voted unanimously in favour of-the proposition, whereupon the Chairman declared the proposal to be clearly carried.

Resolved:

That the proposed variation of hackney carriage fares, as set out in Appendix 2 to the report, be recommended for consultation with hackney carriage proprietors.

102 RECENT COURT CASES

Committee received the report of the Licensing Manager to inform Members of the outcomes of recent court cases in relation to hackney carriage and private hire drivers. The report had been deferred at the last meeting of the Committee.

Members noted the cases that had been determined in Lancaster-Magistrates' Court in the last four months, in relation to licensing matters.

Resolved:

That the report be noted.