



Committee: LICENSING REGULATORY COMMITTEE

Date: THURSDAY, 3 SEPTEMBER 2015

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 16th July 2015 (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.

Matters for Decision

5. **Highways Act 1980 - Crafty Scholar - Request for Variation of Standard Conditions**
(Pages 1 - 5)

Report of Licensing Manager

Exclusion of the Press and Public

6. **Confidential Items**

The following report is not for publication because it contains confidential information and will be considered whilst the public are excluded from the meeting. The applicant has been invited to attend and/or be represented at the meeting, but will be asked to leave

whilst the committee makes the decision, as exempt legal advice may be given.

Members are advised that, in accordance with Section 100A(2) of the Local Government Act 1972, the press and public should be excluded for the following item of business on the grounds that it could include the possible disclosure of confidential information.

7. **Application for a Private Hire and Hackney Carriage Dual Drivers Licence -Mark Lee Rowbotham** (Pages 6 - 12)

Report of Licensing Manager

8. **Exclusion of the Press and Public**

Exempt items:-

The Committee is recommended to pass the following recommendation in relation to the following item:-

“That, in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business, on the grounds that it could involve the possible disclosure of exempt information, as defined in paragraph 1 of Schedule 12A of that Act.”

Members are reminded that, whilst the following item has been marked as exempt, it is for Committee itself to decide whether or not to consider the item in private or in public. In making the decision, Members should consider the relevant paragraph of Schedule 12A of the Local Government Act 1972, and also whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information. In considering their discretion Members should also be mindful of the advice of Council Officers.

9. **Existing Hackney Carriage Driver - John Peter McGuinness** (Pages 13 - 25)

Report of Licensing Manager

Public items:-

The press and public will be readmitted to the meeting at this point.

10. **Restriction on Numbers of Hackney Carriages** (Pages 26 - 42)

Report of Licensing Manager

11. **Options for reducing the Licensing Fees Deficit** (Pages 43 - 51)

Report of Chief Officer (Governance)

12. **CSE Training for Hackney Carriage and Private Hire Drivers** (Pages 52 - 54)

Report of Licensing Manager

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Margaret Pattison (Chairman), Terrie Metcalfe (Vice-Chairman), Charlie Edwards, Andrew Gardiner, Nigel Goodrich, Tim Hamilton-Cox, Colin Hartley, Rebecca Novell and Robert Redfern

(ii) Substitute Membership

Councillors Sam Armstrong, Claire Cozler, Sheila Denwood, Andrew Kay, Roger Mace and John Wild

(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 Democratic Support, telephone 582170, or alternatively email democraticsupport@lancaster.gov.uk.

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

Published on Tuesday 25th August, 2015.

LICENSING REGULATORY COMMITTEE**HIGHWAYS ACT 1980
STREET CAFE LICENCE – THE CRAFTY SCHOLAR, 33-37
CHURCH STREET, LANCASTER****REQUEST FOR VARIATION OF STANDARD CONDITIONS
IN RELATION TO PERMITTED TIMES****3rd September 2015****Report of Licensing Manager****PURPOSE OF REPORT**

An application for a Street Cafe Licence has been received from Stonegate Pub Company Limited. The applicant has also requested a variation of the standard licence condition which allows a street cafe to operate between the hours of 10am and 8pm, to allow them to operate from 8am each day of the week.

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 variation of the standard licence condition in relation to the permitted times of operation for the street cafe licence to allow them to operate from 8am to 8pm instead of the standard condition 10am to 8pm

1.0 Introduction

- 1.1 The Council grants permissions for Street Cafe Licences. Under Section 115E of the Highways Act 1980. Under section 115F of the same Act, a District Council may attach to the grant of a licence under this section such conditions as they may think fit
- 1.2 For the purpose of the above, the Council has established conditions attached to the grant of Street Cafe Licence.
- 1.3 In relation to this application condition 4 states:-
The use of the Licensed Area shall cease before 20.00 hours each day and shall not commence prior to 10.00 hours.

- 1.4 The purpose of this condition is to keep the areas clear of obstruction to allow vehicular access for service vehicles and to allow street cleansing before the commencement of operation of the cafe where necessary.
- 1.5 Stonegate Pub Company Limited have now submitted a request to operate their Street Cafe area from 8am Mondays to Sundays. The company have recently refurbished the premises, formerly known as Yates' and re-branded as The Crafty Scholar. A recent minor variation to their premises licence facilitated an extension to the start time for opening hours to 7am Monday to Sunday to allow for breakfast business. The earlier commencement time for the Street Café area would be more in line with this.
- 1.6 The Street Cafe would replace the existing one located outside of their premises on Church Street, Lancaster. A copy of the application is attached at appendix 1 to this report.
- 1.7 As part of the application process County Highways officers and Council Planning officers as well as other businesses in the area of the frontage have been consulted.
- 1.8 The closing date for representations was the 27th July 2015 and whilst no representations were received, County Highways noted they would not wish to see any conflict with vehicular access for unloading purposes to neighbouring businesses or for City Council street cleansing
- 1.9 Stonegate Pub Company Limited and their solicitor Poppleston Allen have been invited to attend the meeting to make representations in support of their request.

2.0 Conclusion

- 2.1 Members are asked to consider whether they are satisfied to allow the applicant's request for variation of the standard condition and to allow the Street Cafe at The Crafty Scholar, 33-37 Church Street, Lancaster to operate from 8am until 8pm instead of the standard 10am until 8pm.

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	
There is no right of appeal against imposition of a condition attached to a Street Café licence.	
BACKGROUND PAPERS	Contact Officer: Wendy Peck Telephone: 01524 582317 E-mail: wpeck@lancaster.gov.uk Ref: WP/DWE
None	

The Licensing Officer
Licensing Department
Lancaster City Council
Town Hall
Dalton Square
Lancaster
LA1 1PJ

Date: 03 July 2015
Our ref: MLP/MLP/L10430-10791
Doc Ref: 2145107543
Your ref:
E-mail: m.peach@popall.co.uk
Direct line: 0115 953 8509

RECEIVED 03 JUL 2015
cheque 268.90

Dear Sirs

**Yates's (TBK as The Crafty Scholar), 33-37 Church Street, Lancaster
Grant of Pavement Licence**

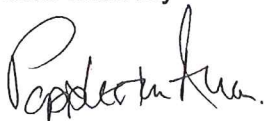
We act for Stonegate Pub Company Limited who have the benefit of a Pavement Permit at the above premises. The current permission permits them to place furniture in their external area from 10am Mondays to Sundays; our Clients wish to apply for permission for this to be amended to 8am Mondays to Sundays.

We therefore enclose:

1. Four copies of the application for grant of a Pavement Licence.
2. Four copies of the proposed pavement area layout, detailing the proposed furniture to be used.
3. Four copies of a site location plan.
4. Copy food menu.
5. Copy drinks menu.
6. Our Cheque in the sum of £268.90.

We should be grateful if you would kindly acknowledge receipt of this application and look forward to hearing from you once the attached has been considered.

Yours faithfully



Poppleston Allen



LANCASTER CITY COUNCIL

Application for a Licence to use the Highway for a Street Café.
Highways Act 1980 Section 115C-E



FOR OFFICE USE

Application No...

Date...

Fee Paid...

Receipt No...

Please read the notes and answer all the following questions

Question 1

Your Name and Address

Stonegate Pub Company Limited
Porter Tun House
500 Capability Green
Luton

Postcode LU1 3LS

Tel. No.

Question 2

Name and address of any person acting for you

Poppleston Allen
37 Stoney Street
The Lace Market
Nottingham

NG1 1LS

0115 953 8509

Question 3

Describe the proposed location for the street café and address if different from the address in Q1 above.

Yates's (to be known as The Crafty Scholar), 33-37 Church Street, Lancaster, LA1 1LH

Question 4

Please state the main proposed materials (for example: furniture, umbrellas, boundary markers, colour, type, styles) and show them on your detailed layout plan.

Please see photograph of proposed furniture on the attached plan

Question 5

Do you intend to alter any of the building and/or building frontage to accommodate the proposal? If YES, please show details of the alterations on your plan.

YES/NO

Question 6

Are there any lighting columns, litter bins, road signs, public seating, trees, etc. on the site within the boundary of the area proposed for the street café?

If YES, please show them on your plan.

YES/NO

Question 7

Is proper sanitary accommodation available within the building to be used to service the Street café?

YES/NO

Question 8

Is it intended to seek a licence to serve alcohol within the street café area?
If YES, please answer Q9 below.

YES/NO

Alcohol will not be sold in the area it will only be consumed by customers

Question 9

What range of drinks (alcoholic and non-alcoholic) is it intended will be served within the street café area?
Give details below.


See drinks menu attached

The applicant should be aware that the granting of a licence does not permit the sale of alcohol within the outdoor café area. Separate licensing arrangements apply for the sale of alcohol and the applicant should check the conditions on the Premises Licence or consult the Licensing Authority.

Question 10

Please read and sign the following statement.

I wish to apply for a licence to use the highway fronting the above named property for the purpose of a street café as described in this application and the accompanying plans and enclose the required fee.

Signed..........

Date...3 July 2015.....

Notes

Applications should be made to the Licensing Manager, Licensing Section, Lancaster City Council, Town Hall, Lancaster, LA1 1PJ and accompanied by:

1. Four complete copies of this form.
2. Four location plans to Ordnance Survey quality to show the proposed area for the street café at 1:1250 scale.
3. Four detailed plans (to show the proposed street café) at a scale of 1:50 or 1:100
4. Full manufacturers literature/details of the furniture/equipment to be used.
5. An example of the menu of foods to be served.
6. Details of the management arrangements for the street café.
7. The standard fee.
8. Proof of indemnification against all claims, injuries or accidents, with cover up to £2 million.

You will need two types of plans:

Location plan – to show where your proposal is situated in relationship to the surrounding area. You must clearly edge the site boundary in red. The plan should be of 1:1250, to Ordnance Survey quality.

Detailed plan (with elevations) – to show the proposed street café and its relationship to existing buildings and features. The plan should be a metric scale of 1:50 or 1:100 and the main dimensions should be clearly stated. It should include all the information required by the questions above.

Additional Notes:

Planning consent – If you propose to alter the elevation of the property to enable the street café Planning Consent may be required.

Listed Building Consent – If your building is included in the list of Buildings of Special Architectural or Historic Interest, or your proposal could affect the setting of such a building, you may need Listed Building Consent in addition to planning permission and to submit an application form LB1.

Conservation Area Consent – If you propose the alteration of any building or part of a structure in a conservation area, you may need Conservation Area Consent in addition to planning permission and make an application for Conservation Area Consent.

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LICENSING REGULATORY COMMITTEE**Restriction on number of Hackney Carriages****3rd September 2015****Report of Licensing Manager****PURPOSE OF REPORT**

To enable Members to consider whether a consultation should be carried out with the hackney carriage and private hire trade and other stakeholders in relation to the restriction on the number of hackney carriage vehicle licences issued.

The report is public

RECOMMENDATIONS

The Committee is recommended to authorise the Licensing Manager to commence consultation with the taxi and private hire trade and stakeholders on whether it is appropriate and necessary to continue to restrict the number of hackney carriage vehicle licences issued.

If such a consultation is authorised it is recommended that the consultation should include a proposal that in the event of the restriction on numbers ceasing, any additional licences should be issued only to purpose built wheelchair accessible taxis, and a further proposal that if the restriction is maintained existing hackney carriage proprietors should be given a time limit of 5 years during which they must replace their vehicle with a wheelchair accessible vehicle

1.0 Introduction

- 1.1 Members will be aware that this authority maintains quantity restrictions on hackney carriage vehicle licences issued. Currently the limit is set at 108.
- 1.2 Around three quarters of local licensing authorities do not impose quantity restriction. The Department for Transport Best Practice Guidance states that 'Where restrictions are imposed, the Department would urge that the matter should be regularly reconsidered. The department further urges that the issue to be addressed first in each reconsideration is whether the restrictions should continue at all. It is suggested that the matter should be approached in terms of the travelling public – that is to say, the people who use taxi services. What benefits or disadvantages arise for them as a result of the continuation of controls; and what benefits or disadvantages would result for the public if the controls were removed? Is there

evidence that the removal of controls would result in a deterioration in the amount or quality of taxi service provision?’

- 1.3 The Department of Transport Best Practice Guidance then goes on to state that ‘In most cases where quantity restrictions are imposed, vehicle licence plates command a premium, often tens of thousands of pounds. This indicates that there are people who want to enter the taxi market and provide a service to the public, but who are being prevented from doing so by the quantity restrictions. This seems very hard to justify.’
- 1.4 The latest available figures show that 92 councils regulate the number of taxi licences, which constitutes around 26.7% of licensing authorities in England and Wales
- 1.5 The present legal provision on quantity restrictions outside London is set out in section 16 of the Transport Act 1985. This provides that the grant of a taxi (hackney carriage) licence may be refused, for the purpose of limiting the numbers of licensed taxi ‘if, but only if, the [local licensing authority] is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet’
- 1.6 Members should be aware that in the event of a challenge to a decision to refuse a licence, the local authority concerned would have to prove that it had, reasonably, been satisfied that there was no significant unmet demand.
- 1.7 For the purposes of the above, the Council commissions an Unmet Demand Survey every 3 years which would highlight whether there is any significant demand for the services of hackney carriage vehicles which is currently not being met. The survey is paid for by hackney proprietors although a significant amount of officer time is spent on it. The last survey was carried out in 2013 and did not show any unmet demand the next survey will be due in 2016.
- 1.8 When previous unmet demand surveys have indicated that more hackney carriage plates should be issued, the additional licences have always been issued to wheelchair accessible vehicles with a condition attached that any replacement vehicle must also be wheelchair accessible. In total there are 15 such mandatory wheelchair accessible hackney carriages licensed in Lancaster
- 1.9 Recently a number of complaints have been received from customers requiring wheelchair accessible vehicles. The complainants state that they struggle to book a wheelchair accessible taxi and they feel that they are being discriminated against. Some of the complaints which were received in writing are attached at appendix 1 to this report.
- 1.10 The provisions of the Equality Act 2010 in relation to hackney carriages would go some way to resolve this matter. Section 161 of the Act qualifies the law in relation to quantity restrictions, to ensure licensing authorities that have relatively few wheelchair accessible taxis operating in their area, do not refuse licences to such vehicles for the purposes of controlling taxi numbers. For section 161 to have effect, the Secretary of State must make regulations specifying:
 - a) the proportion of wheelchair accessible taxis that must operate in an area before the respective licensing authority is lawfully able to refuse to license such a vehicle on the grounds of controlling taxi numbers; and

b) the dimensions of a wheelchair that a wheelchair accessible vehicle must be capable of carrying in order for it to fall within this provision.

- 1.11 The DfT planned to consult on the content of regulations before section 161 comes in to force. Unfortunately this has not happened and does not look likely to happen any time in the near future.
- 1.12 In relation to private hire operators it is impossible to state at any one time whether a wheelchair accessible vehicles is available to be booked as the drivers work on a self-employed basis. A condition requiring private hire vehicles to be wheelchair accessible would not be permitted. Although most hackney carriages are aligned to an operator it is clear from the complaints received that the 15 mandatory wheelchair accessible vehicles that we have licensed in total, spread out over the 3 operators and some independent, are not able to meet the demand. There are some proprietors who voluntarily license wheelchair accessible vehicles both as hackney carriage but more commonly as private hire vehicles. However as there is no obligation to do so, it is difficult to quantify how many wheelchair accessible vehicles are licensed at any time over and above the 15 mandatory vehicles. Hackney carriage vehicles are public service vehicles.
- 1.13 Officers would recommend that subject to the outcome of the consultation an unmet demand survey is not carried out in 2016 and that instead the Council issue new hackney carriage plates only to purpose built wheelchair accessible vehicles.
- 1.14 Another alternative to resolve this problem, if the number restriction were to continue, would be to consider setting a date, officers recommend 5 years, by which all existing hackney carriage vehicles must be replaced by wheelchair accessible vehicles. However this would obviously have cost implications for existing proprietors.
- 1.15 Officers are now asking members to approve the commencement of a consultation with the trade, customers and disability groups in relation to these proposals.
- 1.16 Many stakeholders representing the taxi trade have highlighted the perceived unfairness of de-restricting to those who have paid a premium in order to obtain a licence. In areas where the number of licences is restricted, as in this district, existing licensed vehicles attract a high value when traded. Many licence holders have made a significant investment and taken out loans, and for many it represents a nest egg which can be called on later in life. Many licence holders make money through renting out their vehicle.
- 1.16 Licensing officers would recommend that any proposal to stop restricting the number of hackney carriages would include a provision that any new hackney carriage vehicle licences issued would have to be issued to purpose built wheelchair accessible vehicles and a condition should be attached that throughout the lifetime of the plate it must always be attached to a wheelchair accessible vehicle. This would have the potential to increase the availability of accessible transport for all, and could also have the added benefit to existing members of the trade of maintaining some value in their plates. There would also be a cost saving to the trade in relation to the cost of the unmet demand survey as well as a saving to the Council in relation to officer time dealing with the survey.
- 1.18 A policy to remove quantity restriction in favour of wheelchair accessible vehicles was challenged when put in place by Newcastle City Council. The judge concluded that there were cogent arguments in favour of saying that new licences should only be issued in respect of wheelchair accessible vehicles to ensure that there was

adequate service for all. There is currently no national or legal definition of a “wheelchair accessible vehicle”. However, the Council has developed its own definition which applies to the current 15 mandatory licences.

- 1.19 It should perhaps be noted that, at some time in the future, it may be appropriate also for consideration to be given to a requirement for any additional vehicles to be ultra-low emission vehicles (ULEVs). It is understood that ultra-low emission, purpose-built fully accessible taxis are not yet widely available, but are due to reach the market in volume from 2017 onwards. The Lancashire County Council’s draft Highways and Transport Masterplan for the Lancaster District states that “we want to make the district an exemplar of why ULEVs must also be a core part of any local transport strategy. Whilst ULEVs may not reduce traffic numbers, they will be vital in reducing the emissions from the residual traffic in the city centre.” The draft Masterplan views “ULEV taxis supporting access to the city centre, with local policies favouring them” as one of the strands of a district wide ULEV Strategy, but recognises the need for an infrastructure to support this. This is therefore an issue that may need to be considered further in the future.

2.0 Proposal

- 2.1 Members may recall that a consultation was carried out two years ago in relation to the removal of quantity restrictions in favour of purpose built wheelchair accessible vehicles. At that time members resolved to maintain the restrictions. However as officers are still receiving complaints from passengers who cannot get the transport service that they require under the current regime and are saying that they are being discriminated against, it is felt appropriate to reconsider the position.
- 2.2 Members are therefore recommended to approve a consultation period with the taxi and private hire trade and other stakeholders on whether or not this authority should maintain quantity controls on hackney carriage vehicle licences, and, if quantity controls are maintained, whether existing hackney carriage proprietors should be given a set time of 5 years to replace their vehicle with a wheelchair accessible vehicle.

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

The removal of quantity restrictions in favour of wheelchair accessible vehicles will maintain the value in the licence plates already issued whilst improving access to taxis for all.

FINANCIAL IMPLICATIONS

Financial Services have not been consulted.

LEGAL IMPLICATIONS

Any person aggrieved by the refusal of the grant of a hackney carriage vehicle licence has the right to appeal to the Crown Court. In the event of a challenge to a decision to refuse a licence, the local authority would have to prove that it had, reasonably, been satisfied that there was no significant unmet demand

BACKGROUND PAPERS

Office For Low Emission Vehicles
£20m Ultra Low Emission Vehicle Taxi
Scheme
Preliminary Guidance for Participants

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

Hi im hoping you can help me. My names [REDACTED] and im a wheelchair user who lives in Morecambe. Ive been having great difficulty in getting wheelchair accesable taxis from either of the two taxi companys in Morecambe-Lancaster. even tho I pre book them hours in advance im toid an accesable car cant be guaranteed and this makes going out and getting home very stressful and scary I usualy go out from my flat off queen street in Morecambe on a Tuesday to the midland hotel for lunch then back home around 12-1pm then on a Wednesday to Frankie and bennys on a Saturday morning I go to Morecambe police station at 11am to get a coach to leeds where I watch football I then gtry to get a taxi from the shrimp toby carvery back into Morecambe at 7pm .im sorry to bore you with my weekly social life but im trying to highlight the problemns I face .

it doesn't seem fair to me that im not able to access a taxi the same as people who don't have to use a wheelchair. is there not a way that wheelchair taxis can be prioritised for wheelchair users ? Im trying to think of other options and thought of private hire taxis but I cant find a list of private hire taxi companys that have wheelchair accesable cars .Do the council have such a list or can you offer any advice

cheers

[REDACTED]

Hi Wendy thanks for the quick reply. I really hope something can be done about this problem. It's very easy to see how a disabled person could get isolated very easily especially if they can't drive and have no family to help out with lifts etc. The DDA and then equality acts were hard fought for and, even though not totally successful have helped but fall down totally if wheelchair users can't get out of their houses because taxi drivers can't or won't pick them up.

I personally think the problem is with existing wheelchair accessible taxi drivers wanting the reduced cost of a wheelchair taxi plate but then don't want the perceived hassle of picking up wheelchair users. I can't see why there can't be an obligation as a condition of the licence maybe that a wheelchair user has priority for getting a wheelchair taxi over an able bodied person who can get in any taxi.

I'd appreciate it if you could keep me informed if anything happens with this issue. I've got one of the numbers you gave me but I can't get hold of him - I'll try the other one though. I don't know anyone else that uses a wheelchair so unfortunately can't help with that one, but I'm sure that every other wheelchair user faces the same problem.

cheers

[Redacted signature]

Hi I emailed you last month about the problems I have getting wheelchair accesable taxis in the Morecambe, Lancaster area. I was wondering if youd made any progress in sorting this problem out. In the last ten days ive been to reading, London, Bristol and used wheelchair accesable taxis with minimum waiting and hassle, I find it strange and frustrating that in my own town I cant get a taxi without having the stress and worry of not knowing wether a wheelchair taxi or an ordinary one is going to turn up

yours

[REDACTED]

Hello, I was wondering if you could look into a few problems I had with local taxi companies yesterday.

I am a wheelchair user and work from the Council Housing Office at 38 Cable Street, Lancaster.

On Wednesday 11 June (4.25pm) I rang 848848 to order a taxi to take me home at 5pm, I asked for a wheelchair taxi. I was told that I could not pre-book a disabled taxi, I explained that the office closed at 5pm so need it to be there then.

I asked why I couldn't book a disabled car in the same way of booking a 'normal' car, the reply was because you can't due to the limited number of disabled taxis. I asked what do you suggest I do, she said ring somebody else.

Is it correct that you cannot pre-book a disabled taxi ?, or did they just not want to be bothered ?

I then rang 32090 who did allow me to pre-book a disabled car. The mini bus (Private Hire / burgundy) arrived next to the Cable Street Office / Fire Station, the driver started to put the ramp up the side of the vehicle straight onto the cobbles.

I did not take the drivers badge number but she was a very petit lady.

As I approached the ramp she said to me 'well are you going to push?', I told her I had limited upper body strength and could not possibly push up a gradient that high. The driver then began to push me up the ramp after a few seconds it was apparent that she was not physically able to help me into the car.

The driver then asked a passer-by to help (this happened to be another Council employee, the Cleaner from Cable Street), I objected at this point as I felt unsafe with drivers capability of assisting me into the vehicle and was concerned how I would get out at home. The driver kept reassuring me that I was safe. On the second attempt at pushing me up the ramp, the front wheel of my wheelchair came over the side of the ramp at the top and left me in a very vulnerable & extremely scary position. I was only being held safe by the driver & the Council cleaner, I was on a steep slope un-balanced & peering at the pavement.

I honestly do not know how they managed to get my front wheel back over the side and onto the ramp. I think at this point I was crying & suffering from shock.

I then refused to get into this taxi.

My complaint is not directly at the driver but could you please look into:

- A) The suitability of this mini bus being used as a disabled taxi
- B) The suitability and gradient of the ramp used (as it was far too steep & I think a fully abled person would not be able to push themselves up that hill)
- C) The capability of the individual driver (should they not be assessed as to how much / long they can push a disabled customer). As I mentioned the driver did try to help but in my opinion she was a tiny petit woman and I don't think she was strong enough to assist.
- D) The drivers capability put me in a very vulnerable and unsafe position, in which serious physical injury could have happened
- E) Should vehicles of a certain height not be fitted with an electric lift or pulley system

I will not be using this company again, but would hate for another person to be in the position I was, or even worse get seriously hurt.

Regards

Sent from my Windows Phone

From: Peck, Wendy

Sent: 11/05/2015 14:51

Subject: FW: Wheelchair taxis

Good Afternoon

I have looked into this and at the moment it is very difficult to deal with as we cannot be sure whether the companies have a wheelchair accessible vehicle working at any given time. I will however prepare a report for future consideration by our Licensing Regulatory Committee in relation to the quantities of accessible vehicles available. I last took a report in 2010 at which time the Committee determined that we did not need to take any action to increase the numbers of wheelchair accessible vehicles as there had not been many complaints in relation to the lack of them. I would therefore urge you to continue to report any incidents like this to me and I will endeavour to try and improve the situation.

In the mean time I will take the unprecedented step of recommending a proprietor to you who is well known for doing wheelchair work and is usually very obliging. His name is [REDACTED]

Regards

Wendy Peck
Licensing Manager
Lancaster City Council
01524 582317

From: licensing
Sent: 05 May 2015 17:05
To: Peck, Wendy
Subject: FW: Wheelchair taxis

Wendy Peck
Licensing Manager
Lancaster City Council
01524-582317

[REDACTED]
Sent: 04 May 2015 05:31
To: licensing
Subject: Wheelchair taxis

Hello

I am writing to ask if you can do something about the number of wheelchair taxis and when they are available.

I use a powerchair. It cannot be lifted.

The first complaint is when I was left stranded in Morecambe town center. I rang 3 firms for a wheelchair taxi. First, 424424. I was told none were available until after 5pm, and that depended if the driver came back on duty. The time I rang was 2pm. So I rang 848848 and also 32090 with both I was informed all their cabs were in Lancaster and they would not be travelling to Morecambe. I eventually got back home after paying another taxi to take my shopping home while I went him on the main roads in the traffic. I cannot use the pavements, they are uneven and my wheelchair does not climb curbs.

Another time was at night, I wished to prebook a taxi to and from the emergency doctors as I was very ill. I was told by 2 I could not prebook disabled cabs, the third, 848848 refused outright to travel to Morecambe from Lancaster. I was taken, 3 days later by ambulance with blue lights to A&E and admitted.

And again this bank holiday weekend. I wanted to go to the food fair at Lancaster leisure park. Once again I could not prebook disabled taxi or to take me and pick me up by 424424 & 32090 and 848848 totally refused to come to Morecambe.

I have to admit, I do not go out as its too much bother trying to even arrange anything regarding transport. I am not always well so can only go outside when I feel strong enough so booking something ages in advance is not possible. That's why I would use taxis if I could. Obviously I still attend hospital even when very ill as its passenger transport ambulance that takes me and the professor needs to see me at my worst. I just wish taxis were as easy to get as ambulances.

I don't know if you can help, probably not, but I felt I needed to write regarding my problems. Many thanks-



Hi,

Sorry to bother you but I have yet again had bookings refused. I am sending the email in a reply to the original email then you can follow the thread and see what has happened before.

Long story short:

I was very pleased to ring [REDACTED], he is a nice man but is currently sick and has been for a couple of weeks, he cant help that and I wished him well.

I have to go to RLI twice next week for scans on my tumour to map its progress and see if it has spread to my spine.

I tried to book a wheelchair taxi, for the Wednesday and Friday next week. Firstly I rang 424424. The lad who answered said he could not take any wheelchair taxi bookings at all. He said the drivers were all self employed and he couldn't force them to come into work. I asked his name, he was very reluctant to give it but I explained that I couldn't prove I had rung if I didn't get it. He said it was [REDACTED] I know it is not his fault that he cant take wheelchair bookings, ever, he is just the lad who answers the phones and its the bosses who decide what goes.

I rang 848848 to ask if I could book transport and guess what?? No was the answer. They do not take bookings for wheelchairs and all their wheelchair taxis are doing school contracts so are very limited with the times they can work anyway. He refused to give me his name but did say that if more wheelchair taxi plates were given out there wouldn't be as much of a problem. To which I answered that all the new wheelchair taxi plates would immediately go get themselves a schools contract so that would not solve anything. He hummed a grumble so I don't think he was impressed.

I did also ring North West Ambulance transport (I know nothing to do with you) but I was hoping to get locally under my own steam, as I use them for appointments to Christies, Manchester. But according to them I don't exist, so I am not able to get transport from them either.

I think it has been one of those days but taxi firms refusing to do any wheelchair work certainly is not making life easy. I am going to cancel my appointments at RLI, if its spread its spread, noting anybody can do about it so might be better off not knowing anyway. I hope you will consider todays problems and maybe take it further up the managerial ladder so things can be done as being told they cant refuse is not the answer sadly

Thanks

[REDACTED]

Sent from Windows Mail

From [REDACTED]

Sent: Tuesday, 12 May 2015 08:57

To: Peck, Wendy

Hi,

Thank you, that's very useful.

The nature of my illness means I don't usually know until the day if I am going to be well enough to go out or not.

Thank you very much for your help

[REDACTED]

[REDACTED]
Sent: 08 June 2015 21:46

To: Peck, Wendy

Subject: Re: Wheelchair taxis

hi,

Sorry I haven't been on my mails until this evening due to health matters.

My brother asked his supervisor for the day off on Wednesday so he could take me to the hospital since I was upset that I couldn't get transport. His boss agreed so he can take me on Wednesday, he works at the Westgate depot for LCC, but he couldn't get Friday off or any time at all that day. I was not told until Sunday that he had been given the time off work.

A friend is going to take me, but both days it means I am going in the manual chair and being pushed. I have an electric chair which I prefer to use as it gives me that little bit more freedom but it is 40 inches tall and will not go in any but an adapted vehicle.

Thank you very much for speaking on my behalf to [REDACTED]. Is there any way in which I can prebook a taxi anywhere in the area?

Part of Cushings Disease is severe anxiety and I wont go out of the house if I cant be certain I will be able to get home again without too many problems, but I never know until the day if I am going to be well enough to go out or not. But I have to admit it would be nice to have a trip out to the shops or something, anything, rather than sitting in the house 24/7 except for hospital visits.

Thank you one again for your help and if there is any way I could get to prebook I would be grateful, and I could also pass the word around because there are many wheelchair users like me who don't drive who would like to know they could get home if they do manage to go out.

Thanks

[REDACTED]

To Wendy Peck

Hi Wendy,

Thank for all your help in the past.

However over the past few weeks/ months I have had the same, awful problems trying to get a wheelchair taxi.

It has come to the point now that I have HAD to buy a car that will take my chair. I have also had to insure it for any driver over 25 so I have a better chance of a friend being able to take me places.

I need to ask you to inform the councillors' that their so called policies are only good on paper, they do not work in real life. All the taxi firms refuse bookings for disabled taxis, you have to take a chance on getting one and if one isn't there you cant get one, and if they are all in Lancaster they refuse to come to Morecambe. The taxi drivers and taxi firms have no respect for me needing a taxi, they out right refuse, saying its alright the council saying they have to provide it, but the council are not the ones providing the cars. Basically they have no reason to obey any rules set because you never take any action against them.

I am inches away from reporting the problem to my MP and contacting the Lancashire evening newspapers.

So my idea of reducing road traffic, causing minimal problems, putting money into the local economy via local work people (taxi divers) has all gone to pot.

I have had to buy a car and so add to major traffic problems and take money from the local economy.

So I thank you for your help, but find the lack of response and interest from the so called powers that be to be really bad, burying their heads in the sand has worked well for them. Lancaster and Morecambe is only a suitable place for healthy, able bodied people to live, obviously disabled people who require help and public transport are not welcome or encouraged.

I am bitterly disappointed but cannot fight any longer, I am too ill.

[REDACTED]

June 2015

015

Dear Madam/Sir,

I am writing to you concerning the treatment myself, and various other persons have received, from staff of wheelchair taxi companies (and also people who work privately ~ they do tend to be more reliable when you are trying [often struggle] to, sometimes urgently, find a wheelchair taxi).

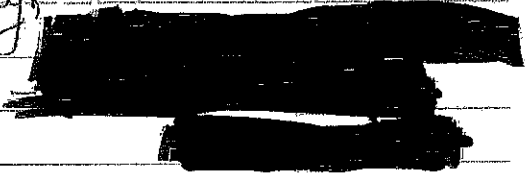
I am seriously and chronically ill and disabled (with several various different problems ~ I am literally a medical - and physical - mystery, in various ways) and do require, and receive (very gratefully) much help, assistance, etc. from many great people in the NHS, social services, and similar organisations, etc. However there are often times (mostly on weekday evenings) when I urgently require transport (I am usually stuck at a GP's surgery, after an appointment, needing to be returned to the house where I live as the 'doctors' in door to close down). Most taxi companies do seem not at all keen on providing transport for any disabled persons during weekday evening weekdays, etc. (very unfair if you are disabled but not ill and perhaps wish to spend an evening out with some friends, etc. ~ whether ill or not, the more time you are forced to spend away from social activity and similar, the more likely you are likely to develop, increase further psychological, emotional problems).

Please can some actions be taking regarding what I am mentioning here. These ^{taken} are very important issues to me. Thank you so much for... (PTO)

CONTINUED...

all your time and efforts ~ very much appreciated. I look forward very much to receiving your reply.

Yours respectfully,



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Housing

LICENSING REGULATORY COMMITTEE**Options for Reducing the Licensing Fees Deficit
3rd September 2015****Report of Chief Officer (Governance)****PURPOSE OF REPORT**

To enable the Committee to consider options for reducing the shortfall of income from hackney carriage and private hire licensing fees.

This report is public

RECOMMENDATIONS

(1) The Committee's views are sought.

1.0 Introduction

- 1.1 At its meeting on the 26th March 2015, the Committee considered objections to proposed increases in vehicle and operator licence fees which had been advertised in accordance with the Local Government (Miscellaneous Provisions) Act 1982. The increases, which were subsequently confirmed at that meeting, were 3%, and the approved budget indicated that this would result in a shortfall of around £67,100 in 2015/16 between the costs of taxi licensing and the projected income from fees.
- 1.2 At the meeting, Members requested that options for reducing the deficit be presented to the Committee.
- 1.3 Subsequently at the meeting of Council on the 15th April 2015, in response to a question on notice about the shortfall, the Leader noted that Cabinet was responsible for determining the structure and scale on which the Licensing service is provided, and asked for a report to enable Cabinet to consider all the options available. The attached report (Appendix 1) was due to be considered by Cabinet at its meeting on the 1st September 2015, and the views of Cabinet will be reported orally at this meeting.
- 1.4 This report addresses the options available to this Committee for reducing the deficit.

2.0 Proposal Details

- 2.1 As indicated in the Cabinet report, the level of service provision is a matter for Cabinet. However, the setting of licence fees is a matter for this Committee. Fees are set annually in February each year for the forthcoming financial year.

- 2.2 The Local Government (Miscellaneous Provisions) Act 1982 provides that a council may charge such fee for a hackney carriage or private hire driver's licence as it considers reasonable with a view to recovering the costs of issue and administration. The Act further provides that a council may charge such fees for vehicle and operators' licences as may be sufficient in the aggregate to cover in whole or in part the reasonable cost of carrying out inspections of vehicles for the purpose of determining whether a licence should be granted or renewed, the reasonable cost of providing hackney carriage stands, and the reasonable administrative or other costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles. The legislation provides that any variation of the fee for an operator's licence or a vehicle licence must be publicly advertised, and any objections considered.
- 2.3 The LALPAC software currently used by Licensing staff has a recently enhanced facility for recording time against itemised tasks, and this is being used to review the time that is spent in respect of each type of licence, and this information will inform the proposals for the licence fees for 2016/17. This will enable the proposals to indicate as accurately as possible the costs which may be recovered from the licence fees. It is inevitable that a small element of the work undertaken, in particular driver enforcement, will not be recoverable through the fees. At the start of this financial year, the non-recoverable costs of taxi licensing were calculated at around £15,700. The streamlining of administrative processes recently has enabled officers to reduce the time spent on processing taxi driver and vehicle licence renewals and for more time to be spent on Licensing Act 2003 and Gaming Act 2005 applications. Likewise, more enforcement officer time has been allocated to inspecting premises licensed under the 2003 and 2005 Act, and this reallocation of staff time means that it is likely that the projected taxi shortfall for 2016/17 will be significantly reduced.
- 2.4 Clearly, the most obvious option for reducing any shortfall is for the Committee to set fees that will provide an income that meets the costs that are permitted to be recovered under the Local Government (Miscellaneous Provisions) Act 1982. This could be done immediately in the next financial year or on a phased basis. It is recognised, however, that this is not straightforward, given the requirement in recent legislation to issue drivers' licences for three years and operators' licences for five years, so that a steady stream of income may not be received in each financial year. Further, it is accepted that to recover all the rechargeable costs through the fees may result in an increase in some licence fees, which may result in objections from the trade, and a possible reduction in income if fees are increased and some licences are not renewed.
- 2.5 Whilst the scale on which the service is provided is a matter for Cabinet, some reductions in costs could potentially be made if the Committee were minded to delegate more decisions, for example the refusal of licence applications, or the approval of minor amendments to the rules and regulations, to officers. This would reduce the officer time spent on preparing reports for Committee and attending Committee. However, it is difficult to quantify in advance how much these savings would be.

3.0 Details of Consultation

- 3.1 There has been no consultation. This report is to be considered in conjunction with the views of Cabinet following its meeting on the 1st September.

4.0 Options and Options Analysis (including risk assessment)

4.1 The Committee's views are sought as to whether it wishes officers to look at any specific changes to its delegations and procedures which would save officer time and thus reduce the costs of the licensing service.

5.0 Conclusion

5.1 The Committee's views are sought.

<p>CONCLUSION OF IMPACT ASSESSMENT (including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)</p> <p>None directly arising from this report.</p>
<p>LEGAL IMPLICATIONS</p> <p>The legislation prescribes the licensing costs that may be recovered through the licence fees.</p>
<p>FINANCIAL IMPLICATIONS</p> <p>As stated in the report, the cost of providing the various hackney carriage and private hire licences is to be reviewed as part of the 2016/17 budget process. Any proposals regarding the level of service arising from both the Cabinet report and this report will be included within that review. The current estimated shortfall on the taxi licensing account for 2015/16 is £67,100.</p>
<p>OTHER RESOURCE IMPLICATIONS</p> <p>Human Resources: None</p> <p>Information Services: None</p> <p>Property: None</p> <p>Open Spaces: None</p>
<p>SECTION 151 OFFICER'S COMMENTS</p> <p>The Section 151 Officer has been consulted and has no further comments.</p>
<p>MONITORING OFFICER'S COMMENTS</p> <p>The report has been prepared by the Monitoring Officer in her role as Chief Officer (Governance)</p>

BACKGROUND PAPERS None	Contact Officer: Mrs S Taylor Telephone: 01524 582025 E-mail: STaylor@lancaster.gov.uk Ref:
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CABINET

Licensing of Hackney Carriages and Private Hire Vehicles

1st September 2015

Report of Chief Officer (Governance)

PURPOSE OF REPORT			
To enable Cabinet to consider the level of service that should be provided by the Council in relation to the licensing of hackney carriages and private hire vehicles.			
Key Decision	<input type="checkbox"/>	Non-Key Decision	<input checked="" type="checkbox"/>
Date of notice of forthcoming key decision		N/A	
This report is public			

RECOMMENDATIONS

- (1) **Cabinet's views are sought as to whether it wishes to explore any options to reduce or increase the level of service provided by the Council with regard to the licensing of hackney carriages and private hire vehicles.**

1.0 Introduction

- 1.1 At the Council meeting on the 15th April 2015, Councillor Mace asked the Leader a question on notice as follows: *"Legislation provides for the council to recover prescribed licensing costs through the licence fees, namely from those who are regulated by the legislation. Despite an increase in charges for 2015-6 by more than the inflation rate, expected costs of £226,100 still exceed expected revenues for the current year by approx £66,000. This annual deficit has risen substantially in recent years. Minutes of the Licensing Regulatory Committee (LRC) for the March 2015 meeting report that Members asked that options for reducing the deficit be presented to the committee. Council Tax payers may be surprised to learn that the under recovery of costs incurred in the regulation of Hackney Carriages and Private Hire in the District costs them so much when reasonable costs can be recovered (but not exceeded) by fees charged. Options available to the LRC are not the same as the options available to Cabinet as the Cabinet has an executive role that the LRC does not have. Will the Leader of the Council instruct that costed options for reducing this annual deficit be presented to Cabinet?"*

- 1.2 Councillor Blamire's response was as follows: *"As indicated in the question, the setting of taxi licence fees is, by law a matter for the Regulatory Committee and not Cabinet. It is therefore for the Committee to determine, within the framework of the legislation, the level at which the fees are set, and to what extent the costs of providing the service should be recovered through the fees. However, Cabinet is responsible for determining the structure and scale on which the Licensing service is provided, and this of course affects the cost. I will ask for a report to enable Cabinet to consider all the options available. These may include making savings by reducing the level of service provided to the trade and to the public in terms of responding to inquiries and complaints and undertaking enforcement action. However, other options that Cabinet may wish to consider may be to maintain or increase the level of service, and particularly enforcement, to ensure that the Council carries out its role as a responsible regulatory authority. Once Cabinet has set the level of service to be provided, it is of course for the Regulatory Committee to consider whether or not the fees should be set at a level which will recover all the costs that the legislation permits."*

- 1.3 This report is presented to Cabinet to enable it to consider the options available

2.0 Proposal Details

- 2.1 The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 provide that various licensing and registration functions, including hackney carriage and private hire licensing, are not to be the responsibility of a Council's executive (Cabinet). Accordingly, these functions fall within the terms of reference of the Licensing Regulatory Committee, which is a committee of council. The 2000 Regulations further provide that where a charge is made for any licence the issue of which is not the responsibility of the executive, the amount of the charge is also not to be the responsibility of the executive. Accordingly, the hackney carriage and private hire licence fees are set by the Licensing Regulatory Committee.

- 2.2 The Local Government (Miscellaneous Provisions) Act 1982 provides that a council may charge such fee for a hackney carriage or private hire driver's licence as it considers reasonable with a view to recovering the costs of issue and administration. The Act further provides that a council may charge such fees for vehicle and operators' licences as may be sufficient in the aggregate to cover in whole or in part the reasonable cost of carrying out inspections of vehicles for the purpose of determining whether a licence should be granted or renewed, the reasonable cost of providing hackney carriage stands, and the reasonable administrative or other costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles. The legislation provides that any variation of the fee for an operator's licence or a vehicle licence must be publicly advertised, and any objections considered.

- 2.3 The policy of the Council for many years, pre-dating the 2000 Regulations, has been that the cost of the licensing service should, so far as possible and lawful, be self-financing, so that the costs fall on those who are regulated rather than on the council tax payers generally. However, for a number of years the taxi licence fees have been set at such a level that there has been a shortfall between the fee income received and the cost of running the service. The fees were increased by 3% for the financial year 2015/16, but this still left an estimated shortfall of around £67,100. It is accepted that certain elements of the work undertaken on taxi licensing, in particular driver enforcement, will fall outside the scope of what may lawfully be recovered through the licence

fees, and that some shortfall will be inevitable. At the start of this financial year, the non-recoverable costs of taxi licensing were calculated at around £15,700. This meant that there was still a potentially recoverable shortfall of over £50,000.

- 2.4 The greatest cost of the licensing function is inevitably the Licensing staffing and internal recharges, for example from Customer Services, Legal Services and Management Team. The Licensing section comprises a Licensing Manager, plus two Administrative Officers (1.8 FTE), and three Enforcement Officers (2.46 FTE). In addition to hackney carriage and private hire licences and other miscellaneous licences which fall within the remit of the Licensing Regulatory Committee, these staff deal also with licences under the Licensing Act 2003 and Gambling Act 2005, which fall within the remit of the Licensing Act Committee. For budgeting purposes, staff and other costs are apportioned between the different areas of licensing. The LALPAC software currently used by Licensing staff has a recently enhanced facility for recording time against itemised tasks, and it is intended to use the more accurate information gained from this to review the licence fees for 2016/17 and to ensure that time is properly recharged to the relevant type of licence.
- 2.5 The Service is constantly seeking to streamline the administrative processes for taxi licensing applications and renewals, and although appointments are made for new driver applications, renewals of driver and vehicle licences are now dealt with solely on the paperwork and without a face to face interview. This has enabled administrative officers to devote more time to Licensing Act 2003 and Gambling Act 2005 applications. Over the past few months, enforcement officers too have been able to devote more time to inspections of premises licensed under the 2003 and 2005 Acts, and to the enforcement of scrap metal and second hand goods dealers' licences. It should be noted that the licence fees under the Licensing Act 2003 are set by the government and under the Gambling Act 2005 with reference to government guidelines, and these areas have in recent years shown a surplus. However, the reallocation of officer time and more accurate time recording mean that by the time the fees are reviewed for the next financial year, it is likely that the taxi licensing shortfall will have reduced considerably, and that this will be balanced by a reduction in the surplus under the Licensing Act 2003 and Gambling Act 2005.
- 2.6 However, notwithstanding the streamlining of administrative processes, officers believe that it is still important that taxi licence application and renewal documentation is properly checked to ensure that applicants meet the "fit and proper person" test. It is also important that licensing regulations are properly explained to new applicants; failure to do so may increase the requirements for enforcement work at a later stage.
- 2.7 Much of the enforcement work relating to hackney carriages and private hire drivers arises from complaints received from members of the public and from within the trade. The primary purpose of hackney carriage and private hire licensing is the protection of public safety, and this means that the enforcement element is extremely important. This was emphasised recently in the published report on child sexual exploitation in Rotherham. That report looked in detail at the Rotherham licensing service, and found that insufficient steps had been taken to ensure that only fit and proper persons were licensed to hold taxi licences. The report concluded that, as a result, the Rotherham council could not provide assurances that the public, including vulnerable people, were safe. The report was critical that complaints had not been investigated and that licence conditions were not enforced.

- 2.8 As the licensing and regulatory authority, the Council has a responsibility to enforce the licensing legislation and to ensure that the terms and conditions of any licence it issues are complied with. A licence is the Council's "seal of approval", in effect warranting that the holder is a fit and proper person. If proper and ongoing checks are not carried out, this assurance is devalued. Officers would be concerned, therefore, that any reduction in staffing and consequent reduction in service could undermine public safety and the validity of the licensing process.
- 2.9 It is recognised, however, that in the current economic climate, and in order to make savings, the Council must consider the level of service it wishes to provide, both for discretionary and statutory services. Accordingly, if Cabinet wishes the Council to provide a reduced taxi licensing service, and wishes to identify any particular aspects of the service which it feels could be provided to a lower standard, these can be considered by officers and a further report brought back to Cabinet as to the savings that could be made. For example, Cabinet might be willing to accept a longer processing time for applications, less detailed investigation of minor complaints, or less pro-active enforcement on the streets. On the other hand, Cabinet might wish to consider whether it wishes to enhance the level of service, for example to increase the pro-active enforcement work.
- 2.10 It should be born in mind that, by law, the Council is only able to recover through the licence fees the costs as set out in paragraph 2.2 above. There would inevitably be an expectation among licence holders that any reductions in service would be reflected in a reduction in fees. Clearly, if Cabinet wishes to maintain or even improve the current level of service, it is open to the Licensing Regulatory Committee to increase the fees to a level that would provide income to meet all the operating costs that can lawfully be recovered through the fees.

3.0 Details of Consultation

- 3.1 A copy of this report is being provided to the Licensing Regulatory Committee at its meeting on the 3rd September, along with a report on the options available to that Committee to reduce the shortfall.

4.0 Options and Options Analysis (including risk assessment)

- 4.1 Cabinet is asked to consider at this stage whether it wishes to consider reductions or enhancements in the levels of service provided for the licensing of hackney carriage and private hire vehicles, and if so, in which aspects, so that these can be further investigated and costed.

5.0 Conclusion

- 5.1 The views of Cabinet are sought.

RELATIONSHIP TO POLICY FRAMEWORK

Protecting the most vulnerable in our society is an underlying principle of the Council's corporate plan. Many taxi passengers are vulnerable persons, and an effective licensing regime is crucial for their protection.

CONCLUSION OF IMPACT ASSESSMENT

(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, HR, Sustainability and Rural Proofing)

As above.

LEGAL IMPLICATIONS

None directly arising from this report. As set out in the report, the Council may only recover the licensing costs that are prescribed in the legislation.

FINANCIAL IMPLICATIONS

As stated in the report, the cost of providing the various hackney carriage and private hire licences is to be reviewed as part of the 2016/17 budget process. Any proposals regarding the level of service arising from this report will be included within that review. The current estimated shortfall on the taxi licensing account for 2015/16 is £67,100.

OTHER RESOURCE IMPLICATIONS

Human Resources:

HR advice would be sought if any Cabinet proposals required a reduced staffing structure.

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 report has been prepared by the Monitoring Officer in her role as Chief Officer (Governance).

BACKGROUND PAPERS

None

Contact Officer: Mrs S Taylor

Telephone: 01524 582025

E-mail: STaylor@lancaster.gov.uk

Ref:

LICENSING REGULATORY COMMITTEE

**CHILD SEXUAL EXPLOITATION (CSE) TRAINING FOR
HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS**

3rd September 2015

Report of Licensing Manager

PURPOSE OF REPORT

To seek approval from members for the licensing manager in conjunction with other partners to look at developing a suitable training package in relation to Child Sexual Exploitation (CSE) with a view to delivering the training to hackney carriage and private hire drivers at some time in the future.

This report is public.

RECOMMENDATIONS

Members are requested to authorise the licensing manager in conjunction with the safeguarding officer and the Lancashire officers Group to develop a suitable CSE training package which can be delivered to hackney carriage and private hire drivers and to report back to this committee at a later date to seek approval of implementation of the training.

1.0 Report

- 1.1 The importance of the role of licensing in safeguarding vulnerable children and adults has been highlighted by recent events in Rotherham, Rochdale and Oxford. Many councils around England and Wales are now reviewing their policies and taking them back to first principles, so they can make best use of the powers they have to protect the public
- 1.2 An example of this work is the compulsory safeguarding training that is being delivered in many authorities for the drivers of Hackney Carriages and Private Hire Vehicles.
- 1.3 CSE has a devastating impact on children, young people and their families. It should be a concern for everyone. CSE is largely a hidden crime, and raising awareness of this type of abuse is essential to preventing it and stopping it early when it does happen.

- 1.4 Councils play a crucial, statutory role in safeguarding children, including tackling child sexual exploitation. However, they cannot do it alone. It needs cooperation of the wider community and our partner agencies.
- 1.5 Taxi drivers can be the eyes and ears of the local community. They often carry vulnerable people in their vehicles and it is paramount that they are able to identify any signs of child exploitation and more importantly are aware of how to report their suspicions
- 1.6 For example a taxi driver may be sent to pick up a young girl or girls from a care home and asked to deliver them to a particular hotel. This may happen on a regular basis and may give rise to suspicion. Taxi drivers could notice that underage girls are under the influence of alcohol or drugs and are accompanied by older men. Taxi drivers may already in the past have had concerns about young vulnerable people but may not have known how to deal with the situation.
- 1.7 The statutory responsibilities of local agencies, including councils are set out in the 2009 supplementary guidance on CSE. The 2011 National Action Plan further clarifies these, and also brings together a range of commitments from national and local partners. Statutory requirements from these documents include;
- Mechanisms should be in place to collect prevalence and monitor cases of CSE
 - Training should include warning signs of CSE, how to report concerns, how to safeguard and how to prevent
- 1.8 Members are now asked to authorise the licensing manager in conjunction with other partners to develop a suitable training package for hackney carriage and private hire drivers which will enable the drivers to identify possible cases of CSE and to be aware of how and who to report any suspicions to.

2.0 Conclusion

- 2.1 Members are asked to authorise the licensing manager to develop a suitable training package in relation to CSE and to report back to this committee at a later date for authorisation to introduce the training.

CONCLUSION OF IMPACT ASSESSMENT

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

Council play a crucial, statutory role in safeguarding children. The introduction of Child Sexual Exploitation training for all hackney carriage and private hire drivers will help to ensure that the Council is complying with that statutory duty.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report at this time. If members authorise officers to look at developing a suitable training package the costs and how it is to be funded will need to be reported back to members at a later date.

LEGAL IMPLICATIONS

There are no direct legal implications arising from this report.

BACKGROUND PAPERS

None.

Contact Officer: Wendy Peck

Telephone: 01524 582317

E-mail: wpeck@lancaster.gov.uk

Ref: WP