



Committee: CABINET

Date: TUESDAY, 26 APRIL 2016

Venue: LANCASTER TOWN HALL

Time: 6.00 P.M.

AGENDA

1. **Apologies**

2. **Minutes**

To receive as a correct record the minutes of Cabinet held on Tuesday, 29th March 2016 (previously circulated).

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

To consider any such items authorised by the Leader and to consider where in the agenda the item(s) are to be considered.

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 9 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. **Public Speaking**

To consider any such requests received in accordance with the approved procedure.

6. **Reports from Overview and Scrutiny Committee**

To consider any referral from the Overview and Scrutiny Committee following the call-in on 14th April 2016 with regard to St Leonard's House.

Reports

7. **Morecambe Neighbourhood Plan Application for Area Designation (Pages 1 - 10)**
(Cabinet Member with Special Responsibility Councillor Hanson)

Report of Chief Officer (Regeneration & Planning)

8. **Licensing Regulatory Committee Referrals (Pages 11 - 21)**

(Cabinet Member with Special Responsibility Councillor Blamire)

Report of Chief Officer (Environment)

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Eileen Blamire (Chairman), Janice Hanson (Vice-Chairman), Abbott Bryning, Darren Clifford, Karen Leytham, Margaret Pattison, David Smith and Anne Whitehead

(ii) Queries regarding this Agenda

Please contact Liz Bateson, Democratic Services - telephone (01524) 582047 or email ebateson@lancaster.gov.uk.

(iii) 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 Thursday, 14 April 2016.

CABINET

Morecambe Neighbourhood Plan Application for Area Designation

26th April 2016

Report of Chief Officer (Regeneration and Planning)

PURPOSE OF REPORT			
To request approval of Morecambe Town Council's Neighbourhood Plan Designation Area Application.			
Key Decision	<input type="checkbox"/>	Non-Key Decision	<input checked="" type="checkbox"/> Referral from Cabinet Member
Date of notice of forthcoming key decision	N/A		
This report is public			

RECOMMENDATION OF THE CHIEF OFFICER (REGENERATION & PLANNING)

- (1) To approve the Morecambe Neighbourhood Plan Designation Area Application.
- (2) To update the General Fund Revenue Budget to reflect the DCLG funding and associated expenditure.

1.0 INTRODUCTION

- 1.1 Neighbourhood planning gives communities the chance to decide where new development should be and what it should look like. For example, new homes, shops and offices. A Neighbourhood Plan must be in line with the district's local development plan and national planning guidance and is subject to an independent examination and community referendum. If approved by the local community then a neighbourhood plan forms part of the district's local development plan and is used to make decisions on planning applications.
- 1.2 A number of Area Designations have already been made within the district over the past 12 months with decisions generally made via an Independent Cabinet Member Decision – the Portfolio Holder Cllr Janice Hanson. However, due to Cllr Hanson's involvement in Morecambe Town Council (the proposers of this Neighbourhood Plan Area) approval is sought via Full Cabinet.
- 1.3 Following the conclusion of a four week consultation period and consideration of the highlighted issues, Cabinet is now requested to consider the Morecambe Neighbourhood Plan Designation Area Application.

2.0 BACKGROUND

- 2.1 The first stage of the neighbourhood plan process is to agree which area the plan will relate to. It can apply to the whole parish area or just part of it, or include more than one parish if appropriate to do so. Guidance on defining the boundaries of a neighbourhood area are provided in National Planning Practice Guidance (NPPG).
- 2.2 The NPPG suggests that in areas with parishes, a local planning authority is required to have regard to the desirability of designating the whole of the area of a parish or town council as a neighbourhood area. However, whilst this should always be considered as a starting point there are a number of other considerations which are important when deciding the boundaries of a neighbourhood area. These include:
- a. Village or settlement boundaries, which reflect areas of planned expansion;
 - b. The catchment area for walking to local services;
 - c. The areas where formal or informal networks of community groups operate;
 - d. The physical appearance or characteristics of a neighbourhood;
 - e. Whether the area forms all or part of a coherent estate either for business or residents;
 - f. Whether the area is wholly or predominantly a business area;
 - g. Whether infrastructure or physical features define a natural boundary, for example a major road or rail line;
 - h. The natural setting or features in an area; and
 - i. Size of the population living and working in the area.
- 2.3 If approved, the Council will be required to publish the name, map of the neighbourhood plan area and the name of the organisation that applied. If refused, a decision document will need to be issued which outlines the reasons for refusal. The Council can only refuse an area application if it is considered not to be an appropriate area for designation.

3.0 CONSULTATION DETAILS

- 3.1 Morecambe Town Council submitted their application to designate a Neighbourhood Plan area on Friday 22nd January 2016. The area which was defined as part of the application included the whole parish.
- 3.2 Consultation on the Morecambe Town Council's area designation began Monday 15th February 2016 for a four week period, ending on 14th March 2016. As part of that consultation a number of responses were received from interested parties and these are summarised with the prepared consultation report, which is appended to this report (Appendix A).
- 3.3 As with previous consultations on area designations, a press release was issued and an email sent out to the planning policy consultation list (which includes 1,427 contacts). The application letter, completed form and a map of the proposed area were published on both the City and Town Council's websites and a notice and copies were made available at relevant Town Council noticeboards.
- 3.4 8 organisations and 1 individual responded to the consultation and had no objection to the proposed Morecambe Neighbourhood Plan Designation Area. Please refer to Appendix A for the full consultation report.

4.0 OPTIONS AND OPTIONS ANALYSIS (including Risk Assessment)

4.1 A local authority can refuse an application for a neighbourhood plan area designation only on the grounds that the area that is the subject of the application is not an appropriate area. Given that the area that is proposed is the area of the whole parish, there is no suggestion that the subject of this application is not an appropriate area. It follows that there is no reasonable ground for not approving the application, and therefore no realistic other option.

5. CONCLUSIONS

5.1 The Morecambe Neighbourhood Plan Area Designation is in line with the current ward boundaries and follow the urban form of Morecambe, whilst there are concerns over the geographical scale of the area designation there have been no formal objections raised. Therefore it is recommended that the application be approved.

RELATIONSHIP TO POLICY FRAMEWORK

Neighbourhood Planning contributes to the Council's corporate plan priorities, in particular, sustainable economic growth.

Once adopted, neighbourhood plans will form part of the Council's Lancaster District Local Plan.

CONCLUSION OF IMPACT ASSESSMENT

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

A neighbourhood plan will directly impact local communities. However, this impact will be subject to the plans focus e.g. housing, local facilities, open space etc. Equality and diversity and sustainability impact assessments will be required as part of the neighbourhood plan development process.

Neighbourhood planning provides rural communities with an opportunity to shape future development in their area, as well as helping to protect and conserve their heritage and environment (in line with the District's Local Plan and national planning policy guidance).

LEGAL IMPLICATIONS

The Council's Legal duties are set out within the body of this Report and within the relevant sections of the Localism Act 2011.

FINANCIAL IMPLICATIONS

As set out in the body of the report, to support the preparation of any neighbourhood plan Lancaster City Council has a duty to provide officer support to the community preparing the plan and as a result will also incur additional costs to cover; (1) various stages of publicity, (2) independent examination and (3) a referendum. The local planning authorities are able to claim monies from DCLG to offset the costs of undertaking this work. However, the DCLG have now updated and reviewed the arrangements for claiming financial support for neighbourhood plan, amending the levels of financial support offered and the stages where payment can be claimed.

Previous claims have been eligible for an initial payment of £5,000. This only applied to the first five neighbourhood areas designated. As this is the sixth this is no longer applicable for our area. A payment of £20,000 becomes eligible once the local authority have set a date for the referendum following a successful examination. As in previous applications, it would not be claimable if the Inspector did not endorse the Neighbourhood Plan. It should also be

noted that since reporting on previous designations, as a result of the DCLG updates referred to above, the local authority will no longer be reimbursed should the Neighbourhood Plan group decide not to take a successful plan to referendum.

The cost of an independent examination is determined by the time spent on the matter by the independent inspector appointed by the Neighbourhood Plan group. The length of the examination reflects the scale of the ambition of the plan, the complexity of the planning policy environment and the extent of support or objection received. Whilst it is therefore not possible to say at this stage what an examination would cost, a recent examination undertaken by another neighbouring authority cost a little under £4,000.

In relation to the referendum costs, these will vary greatly depending on the number of voters, the geography of the area and the number of polling stations required. To provide an illustration of the likely scale of the costs for a referendum for Morecambe the council's democratic service officers have advised that the estimated direct costs of holding a referendum for all the wards in the Morecambe Town Council area (comprising printing and posting of voting materials, the Poll Station day staff and count voters) would be in the region of £40,000.

Neighbourhood plan costs will vary greatly due to potential complexities (examination) and area covered (referendum) and so it cannot be guaranteed that all additional costs will be covered by the grant funding for any given application. However it is expected that this application, the sixth that Lancaster City Council has had to consider, will result in the largest outlay of costs which, should the plan reach the referendum stage, will cost more than the £20,000 funding package available from DCLG. Given the statutory requirements on local authorities to fund the neighbourhood plan process and, in particular the referendum, the council will have no choice but to fund the referendum costs and it is recommended that careful monitoring of Morecambe Town Council's progress in preparing their Neighbourhood Plan is continued to ensure that the timings of financial requirements are fully known and fed into the annual budget process.

It is envisaged that previous, smaller plans, will not necessarily utilise the full £20,000 DCLG funding, therefore it is likely that there will be an element of savings to offset part/all of the overspend on the larger plans such as this one.

To date support and advice for this and previous neighbourhood plan designation applications has been provided through the use of existing Regeneration and Planning staff resources and is expected to continue through 2016, however support for other plans (if they come forward) will need to be reviewed at the designation stage as it will depend on the timings of such applications to some extent, i.e. if more than one came forward at the same time for example. Managing a referendum will also need the resources of democratic services officers, and although for Morecambe this is expected to be managed within existing staff resources, again, this would need to be reviewed on a case by case basis should further Neighbourhood Plans come forward in the future.

OTHER RESOURCE IMPLICATIONS

Human Resources:

Officer support has been put in place for neighbourhood planning, however, this may need to be re-considered if demand increases.

Information Services:

None.

Property:

None.

Open Spaces:

Morecambe Town Council may decide to include open spaces within their neighbourhood plan.

SECTION 151 OFFICER'S COMMENTS

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

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments.

BACKGROUND PAPERS

none

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LANCASTER CITY COUNCIL

Town and Country Planning, England

The Neighbourhood Planning (General) Regulations 2012

In accordance with Part 2 of the Neighbourhood Planning (General) Regulations 2012, Lancaster City Council recently consulted on an application made by Morecambe Town Council for the designation of Morecambe Town Council Area as a Neighbourhood Area for the purposes of Neighbourhood Planning. Following consultation, Lancaster City Council have resolved (on **XXXXXXX**) to approve the application and designate the Parish as a Neighbourhood Area.

In accordance with the above regulations, in particular Regulation 7(1) the Council must publicise the following information about the designation to bring it to the attention of people who live, work or carry on business in the area to which the designation relates.

Name of the Neighbourhood Area

The name of the Neighbourhood Area is the Morecambe Neighbourhood Area.

A Map Identifying the Area Designated

Please see the accompanying map.

The Name of the Relevant Body who applied for the Designation

Morecambe Town Council is the relevant body that applied for the designation.

These details are published on the City Council's website at www.lancaster.gov.uk/planningpolicy and can be inspected during normal opening hours at Morecambe Town Hall, Marine Road, Morecambe, LA4 5AF. More information about Neighbourhood Planning can also be found via the City Council's website.

If you have any queries about this designation, or any other neighbourhood planning issues within the district, please contact the Planning and Housing Policy Team by email at planningpolicy@lancaster.gov.uk or by phone at 01524 582383 or by post via the Planning and Housing Policy Team, Lancaster City Council, PO Box 4, Lancaster Town Hall, Dalton Square, Lancaster, LA1 1QR.

Andrew Dobson, Chief Planning Officer (**XX** April 2016)

Morecambe Neighbourhood Plan Area Designation

Consultation Report

March 2016

1. Introduction

- 1.1 Neighbourhood planning gives communities the chance to decide where new development should be and what it should look like. For example, new homes, shops and offices. A plan must be in line with the District's Local Plan and is subject to an independent examination and community referendum. If approved, a neighbourhood plan forms part of the district's Local Plan and it is used in helping to make decisions on planning applications.
- 1.2 One of the first stages of developing a neighbourhood plan is to agree the area that this will cover.

2. Background

- 2.1 Morecambe Town Council submitted an application on 8th February 2016 to designate their neighbourhood plan area, this proposal covered the whole parish area.
- 2.2 Lancaster City Council consulted on the application for 4 weeks, from 15th February 2016 to 14th March 2016, before making a decision.
- 2.3 A press release was issued and an information email was also sent out to the planning policy consultation list (1,459 contacts).
- 2.4 The application letter, completed form and a map of proposed area could be viewed on both the Town and City Council's websites and on Town Council noticeboards.
- 2.5 Comments could be sent to the Planning and Housing Policy Team by email or post.

3. Summary of Consultation Responses

- 3.1 8 organisations and 1 individual responded to the Morecambe neighbourhood plan designation area consultation.
 - United Utilities (16.02.16)
 - Highways England (16.02.16)
 - Health and Safety Executive (16.02.16)
 - Natural England (18.02.16)
 - David Alexander (19.02.16)
 - Environment Agency (22.02.16)
 - Lancashire Wildlife Trust (23.03.16)
 - Historic England (01.03.16)
 - Network Rail (02.03.16)
- 3.2 There have been no objections to the proposed Morecambe neighbourhood plan designation area, however a range of advice and guidance has been provided by a number of respondents.
- 3.3 The Health and Safety Executive highlighted that a number of consultation zones were within the proposed neighbourhood plan boundary. Various issues were raised including housing allocations, workplace allocations and mixed use allocations. They recommended that consultation zones should

be marked on future maps to identify future development proposals that could encroach on consultation zones and the extent of any encroachment that could occur. They suggested that proposal maps in site allocation development planning documents may be suitable for presenting this information. They particularly recommended marking the zones associated with MAHPs and the HSE advises that Halton with Aughton should contact the pipeline operator for up to date information on pipeline location, as pipeline can be diverted by operators from notified routes. HSE have sent a copy of their response letter to the relevant pipeline operator.

- 3.4 Both the Environment Agency and Highways England had no comments to make on the area designation, however both parties wish to be kept informed and consulted with in the future should the designation be approved.
- 3.5 United Utilities Water Limited had no comments to make. However, they would like to be included in further consultations to ensure that they can facilitate the delivery of necessary sustainable infrastructure in line with the Neighbourhood Plan delivery targets, whilst safeguarding services for their customers. They requested that this response should be considered in conjunction with historical responses.
- 3.6 Responses have been received from both Natural England and the Lancashire Wildlife Trust who have provided useful background information and context for future plan preparation.
- 3.7 One local resident submitted comments on the area designation, in particular raising concern over the size of the designation in Morecambe, particularly without the background context of what the Neighbourhood Plan was seeking to achieve.
- 3.8 Should interested parties wish to read the full submissions made in relation to the area designation these are available upon request from the Planning and Housing Policy Team on 01524 582329 or planningpolicy@lancaster.gov.uk.

4. Conclusion

- 4.1 Following the statutory 4 week consultation, there have been no objections to the proposed Morecambe neighbourhood plan designation area. Accordingly the Council will seek to formally designate the Morecambe Town Council area as a Neighbourhood Planning Area.

CABINET

Licensing Regulatory Committee Referrals 26th April 2016

Report of Chief Officer (Environment)

PURPOSE OF REPORT			
To allow Cabinet to consider two items referred by the Licensing Regulatory Committee			
Key Decision	<input type="checkbox"/>	Non-Key Decision	Referral from LRC
	<input type="checkbox"/>		<input checked="" type="checkbox"/> X
Date of notice of forthcoming key decision	NA		
This report is public			

RECOMMENDATIONS OF Chief Officer (Environment)

- (1) That Cabinet considers that the current plates issued to hackney carriages/ private hire vehicles are appropriate and consistent with best practice.
- (2) That Cabinet considers that the current system of testing hackney carriages/ private hire vehicles is appropriate, in terms of frequency and rigour, and satisfactory to ensure high standards of safety for the public, and consistency between vehicles

1.0 Introduction

- 1.1 At its meeting on 24th March 2016 the Council's Licensing Regulatory Committee decided to refer two items to Cabinet for consideration. There were-
 - Hackney Carriage and Private Hire Vehicle Plates
 - Testing of Hackney Carriages and Private Hire Vehicles

The reports that accompanied these items are attached at Appendix 1 and 2.

- 1.2 The context in which both items were discussed by the Committee meant it was proper for Licensing Regulatory Committee to request Cabinet, in its role as Executive and overseer of services, to consider them further.
- 1.3 As will be seen in the report is it is very clear that some of the trade feel that the two issues Cabinet are asked to consider should be dealt with differently than they are now.

- 1.4 When considering these items it is important to consider that, as an ensuring Council, the Council's ethos includes the following which are particularly relevant to this –
- Stewardship- ensuring the social, economic and environmental wellbeing of the local area.
 - Core capacity- maintaining the strategic advantages of in-house services to meet local needs.
 - Policy- grounding local decision making in political accountability
 - Sustainability- ensuring that the council contributes positively to the challenge of climate change and the need to manage our environment.
 - Value for money- focusing on economy, efficiency and effectiveness.
- 1.5 It is also important to consider the responsibility the Council has in relation to regulation of hackney carriages and private hire vehicles. This responsibility is primarily a regulatory one that is defined in law. This is an important distinction from some of the other service issues that Cabinet sometimes considers.
- 1.6 It is also necessary for Cabinet to consider the resource implications of changing the current service in these areas. The budget has already been agreed and officer capacity is committed to delivering that budget. Any changes are likely to require reallocation of resources.

2.0 Proposal Details

2.1 Hackney Carriage and Private Hire Vehicle Plates

- 2.2 **Background** – At its meeting on 24th March 2016 the Licensing Regulatory Committee received a report of the Chief Executive to enable the Committee to consider an issue that was raised at a recent Taxi Surgery, when a member of the trade had suggested that the licence plate displayed by all licensed hackney carriages and private hire vehicles should no longer bear an expiry date, and that there should be a disc displayed in the windscreen indicating the expiry date
- 2.3 It was reported that the issue had been raised at Taxi Forum meetings over a period of years. Officers had always advised Members that, in their view, it was appropriate to include the expiry date on the plate itself, and that the interests of public safety outweighed the cost of changing the plate on expiry.
- 2.4 Currently, including Lancaster, 12 of the 14 Lancashire licensing authorities included expiry dates on their vehicle plates. Of the two that did not, it was understood that one was considering introducing expiry dates. One authority had indicated that it had introduced the expiry date following criticism from the court when it had prosecuted someone for using a vehicle with an expired licence.
- 2.5 It was reported that the current plates were appropriate and consistent with best practice. It would be open to the Committee to refer the matter to Cabinet (in its role as Executive) if Members were of the view that the content of plates should be changed.
- 2.6 It should be noted that the primary reason for regulating taxis and private hire vehicles is to protect the public. The licence plating system that is currently in place provides a level of reassurance in this regard. No public safety reason has been put forward as to why the current system should change.

- 2.7 The advice of Officers remains that the current plates are appropriate and consistent with best practice.
- 2.8 **Testing of Hackney Carriages and Private Hire Vehicles**
- 2.9 **Background-** The Committee received a report of the Chief Executive to provide information to the Committee about the arrangements for testing hackney carriages and private hire vehicles, in the light of a matter raised at the recent Taxi Surgery, when a number of members of the trade had requested that the Council issue an MOT Certificate, rather than a Certificate of Compliance.
- 2.10 Their reasoning for this was that it would ensure that the history of the vehicle, its mileage and any test failures were available online for future reference, and that it would enable licensed vehicles to be taxed online. It was also suggested that vehicles could be tested less frequently than at present.
- 2.11 It was reported that the Council's Vehicle Maintenance Unit (VMU), which issued the Certificates of Compliance, was also an MOT testing centre. All MOTs were registered with DVSA (Driver and Vehicle Standards Agency) and logged onto their database. If an MOT was issued in addition to the Certificate of Compliance, the administration of the MOT would mean that the total amount of time required for the MOT and Certificate of Compliance would be greater than under the current system. This would increase the costs and delay drivers for longer at the VMU. Increased capacity would be required at the VMU if licensed vehicles were to be issued with an MOT.
- 2.12 Officers were satisfied that the current arrangements for testing vehicles, in terms of frequency and rigour, were satisfactory to ensure high standards of safety for the public, and consistency between vehicles. There was nothing to prevent an individual proprietor obtaining an MOT Certificate independently and separately from the Council's testing arrangements. If the VMU were to issue MOTs as well as Certificates of Compliance, additional staff would be required. This would be a matter for Cabinet, and should the Committee wish licensed vehicles to be issued with an MOT Certificate, as well as a Certificate of Compliance, it would need to ask Cabinet (in its role as Executive) to consider this.
- 2.13 The Council charges £53.00 for undertaking a compliance test. The government set maximum fee for an MOT test is £54.85 for a standard car. The compliance test, however, covers more than a standard MOT and includes items specific to hackney carriage / private hire vehicles. Furthermore to ensure safety the compliance test is undertaken more frequently according to the age of the vehicle. The Council keeps a full record of the compliance tests and outcomes including items like mileage. The Council's primary concern in this regard is that of fulfilling its regulatory responsibilities.
- 2.14 The fact the Council has an in-house vehicle maintenance unit that can undertake this work to fulfil the requirements of our regulatory role means

there is effectively a closed loop in this vital area which in turn provides a high level of assurance to both the Council and to the users of hackney carriages / private hire vehicles.

- 2.15 Officers cannot recommend a reduction in the frequency of testing of licensed vehicles as this could result in a serious risk to public safety. On average these vehicles do over 40,000 miles per year with some doing well in excess of 70,000. Even with the testing at the current frequency the fail rate is high.
- 2.16 The advice of Officers remains that the current arrangements for testing vehicles, in terms of frequency and rigour, ensure high standards of safety for the public and consistency between vehicles and also provide an efficient, economical and effective service.
- 2.17 It should be noted that Officers are not aware of any complaints with regard to the efficiency and quality of service provided by the Council's in-house team.

3.0 Details of Consultation

- 3.1 As outlined in the report these are both issues that have been raised by the trade.

4.0 Options and Options Analysis (including risk assessment)

- 4.1 Cabinet are requested to consider the two issues that have been referred to them by Licensing Regulatory Committee.
- 4.2 In terms of options Cabinet can either confirm that they are satisfied that the current arrangements that are in place or request that Officers develop further options that Cabinet can consider.
- 4.3 The officer view is firmly that the current arrangements are very much fit for purpose in terms of ensuring the Council's roles and responsibilities both with regards to safety, regulation and the need to provide services in an efficient, effective and economical manner. Furthermore, the officer view is that significant change to the current system in these two areas would compromise the Council's ability to undertake its regulatory role effectively.

5.0 Officer Preferred Option (and comments)

- 5.1 The Officer preferred option is that Cabinet considers the two issues referred to them for consideration and based on the evidence provided recommends that no changes are made to the current arrangements.

RELATIONSHIP TO POLICY FRAMEWORK

The Council's ethos includes-

- Stewardship- ensuring the social, economic and environmental wellbeing of the local area.
- Core capacity- maintaining the strategic advantages of in-house services to meet local needs.
- Policy- grounding local decision making in political accountability
- Sustainability- ensuring that the council contributes positively to the challenge of climate change and the need to manage our environment.
- Value for money- focusing on economy, efficiency and effectiveness.

CONCLUSION OF IMPACT ASSESSMENT

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

See appendices

LEGAL IMPLICATIONS

There are no direct legal implications arising from this report

FINANCIAL IMPLICATIONS

None directly as a result of this report. The 2016/17 Licensing budget currently includes costs/income of £38,100 for Hackney Carriages and Private Hire Vehicles testing fees and Cabinet should be minded that if further options are requested there will be potential cost implications to the Council that will need to be considered.

OTHER RESOURCE IMPLICATIONS

Human Resources:

NA

Information Services:

NA

Property:

NA

Open Spaces:

NA

SECTION 151 OFFICER'S COMMENTS

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

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments.

BACKGROUND PAPERS

none

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LICENSING REGULATORY COMMITTEE**Hackney Carriage and Private Hire Vehicle Plates
24th March 2016****Report of the Chief Executive****PURPOSE OF REPORT**

To enable the Committee to consider an issue that was raised at a recent Taxi Surgery.

This report is public

RECOMMENDATIONS

(1) The Committee is asked to note the report.

1.0 Introduction

- 1.1 All licensed hackney carriages and private hire vehicles are required to display a licence plate. The only legal requirement with regard to vehicle plates is that they should display the licence number and passenger capacity of the vehicle. However, expiry dates are included on hackney carriage and private hire vehicle plates in order to improve public safety. Any member of the public, or a police officer or licensing enforcement officer can then see at a glance whether a licence is current or has expired.
- 1.2 All vehicles are subject to testing at the Council's vehicle maintenance unit (VMU) to ensure that they are safe and comfortable and suitable to be licensed or continue to be licensed as a hackney carriage or private hire vehicle. The frequency of the testing is dependent on the age of the vehicle and the testing is paramount to public safety. Vehicles less than two years old are tested annually, vehicles over two years old are tested six monthly, and vehicle over ten years old are tested every four months. The date displayed on the licence plate reflects the date by which the vehicle must be tested; otherwise the licence will expire.
- 1.3 The system currently works extremely efficiently as proprietors know that they must book the vehicle in for retest before the expiry date displayed on the plate. Historically, before dates were included on plates, proprietors were missing tests. The cost to the department to chase up any proprietor who had not presented the vehicle for test, if expiry dates were not displayed, would be significant, and this cost would have to be reflected in the licensing fee. There was a danger that if a proprietor missed the date of the test and then the vehicle was involved in an accident the Council could be criticised for not ensuring that the vehicle had been tested in order to protect the public.

- 1.4 However, at a recent Taxi Surgery, a member of the trade suggested that the plate should no longer bear an expiry date, and that there should rather be a disc displayed in the windscreen indicating the expiry date. This is an issue that has been raised at Taxi Forum meetings over a period of years, and officers have always advised members that, in their view, it is appropriate to include the expiry date on the plate itself, and that the interests of public safety outweigh the cost of changing the plate on expiry.
- 1.5 Currently, including Lancaster, 12 of the 14 Lancashire licensing authorities include expiry dates on their vehicle plates. Of the two that do not, it is understood that one is considering introducing expiry dates. One authority has indicated that it introduced the expiry date following criticism from the court when it prosecuted someone for using a vehicle with an expired licence.
- 1.6 Each plate currently costs the proprietor £6.40. Most vehicles require two per year, with only vehicle over ten years old requiring three. For the majority, the cost works out at 25p per week. The cost in relation to increased enforcement that would be required if expiry dates were not on plates would equate to much more than that, not to mention the danger of reputational damage to the Council if any of the vehicles were involved in an accident after missing a test.
- 1.7 Another danger to the public of issuing plates without expiry dates would be the possibility of a plate getting into the wrong hands. Currently when a vehicle licence expires, proprietors are asked to return the plate. However, sometimes for one reason or another, this does not happen. An example of this would be if the vehicle had been involved in an accident and towed to a scrap yard. Sometimes proprietors sell their vehicle on and do not remove the plate before it goes. The plate would then be available for anybody to take, and with no expiry date on could be used indefinitely by anyone. Although the plates do have the vehicle registration on, anyone who is unscrupulous would not have difficulty in obtaining false number plates to match the vehicle licence plate.
- 1.8 The licence plate is in effect evidence that a licence has been granted. The content, style or manufacture of the licence plate is an operational, service delivery matter, and not a condition of licence. Accordingly, if a member decision is required on the content of the plate, this is an executive rather than a regulatory matter, and is therefore for Cabinet rather than this Committee.

2.0 Conclusion

- 2.1 Officers would advise that the current plates are appropriate and consistent with best practice. However, it would be open to this Committee to refer the matter to Cabinet, if members were of the view that the content of plates should be changed.

CONCLUSION OF IMPACT ASSESSMENT

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

None directly arising from this report.

LEGAL IMPLICATIONS

None directly arising from this report.

FINANCIAL IMPLICATIONS

None directly arising from this report.

OTHER RESOURCE IMPLICATIONS**Human Resources:**

None

Information Services:

None

Property:

None

Open Spaces:

None]

SECTION 151 OFFICER'S COMMENTS

Consulted and no comments to add.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments.

BACKGROUND PAPERS

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Ref: Committees/lrc/04

LICENSING REGULATORY COMMITTEE**Testing of Hackney Carriages and Private Hire
Vehicles
24th March 2016****Report of the Chief Executive****PURPOSE OF REPORT**

To provide information to the Committee about the arrangements for testing hackney carriages and private hire vehicles, in the light of a matter raised at the recent Taxi Surgery.

This report is public

RECOMMENDATIONS

- (1) **That the current arrangement for testing vehicles be noted and endorsed.**

1.0 Introduction

- 1.1 The Council directly operates a vehicle maintenance unit (VMU). In order to fulfil the vitally important role of ensuring the safety for the public of vehicles used as hackney carriages and private hire vehicles, vehicle tests are undertaken directly by the Council, and have been for at least the last twenty five years. The staff who test these vehicles are fully trained and are regularly checked by the DVSA (formerly VOSA). The actual test is more stringent than a standard MOT and covers both the safety of the vehicle and other licensing requirements. A vehicle that passes the test is issued with a Certificate of Compliance, rather than an MOT certificate.
- 1.2 A Certificate of Compliance exempts the vehicle from requiring an MOT: the two are different. The Council can define the time period for which a Certificate of Compliance is issued, up to the maximum of a year, whereas an MOT is issued for the full year.
- 1.3 Licensed vehicles up to two years old are tested annually. Vehicles more than two years old are tested every six months, and vehicles over ten years old are tested every four months. A Certificate of Compliance is issued to the date when the next test is due.
- 1.4 Besides testing the vehicles, the VMU inspectors liaise closely with licensing staff to report their findings, discuss concerns and address ongoing issues. This all gives additional assurance that the vehicles are suitable and safe for use by the public, reassurance which could not be provided if the vehicles

were permitted to be tested at any MOT testing station.

- 1.5 At a recent Taxi Surgery, a number of members of the trade requested that the Council issue an MOT certificate rather than a Certificate of Compliance. Their reasoning was that this would ensure that the history of the vehicle, its mileage and any test failures, was available online for future reference, and that it would enable licensed vehicles to be taxed online. It was also suggested that vehicles could be tested less frequently than at present.
- 1.6 The Council's Vehicle Maintenance Unit which issues the Certificates of Compliance is also an MOT testing centre. All MOTs are registered with DVSA (Driver and Vehicle Standards Agency) and are therefore logged on the DVSA database. However, if an MOT was issued in addition to the Certificate of Compliance, the actual administration of the MOT would mean the total amount of time required for the MOT and Certificate of Compliance would be greater than under the current system. This would increase the costs, as well as delaying drivers for longer at the VMU. If licensed vehicles were to be issued with an MOT, increased capacity at the VMU would be required.
- 1.7 Officers are satisfied that the current arrangements for testing vehicles, both in terms of frequency and rigour, are satisfactory to ensure high standards of safety for the public, and consistency between vehicles. There is nothing to prevent an individual proprietor obtaining an MOT certificate independently and separately from the Council's testing arrangements. However, if the VMU were to issue MOTs as well as Certificates of Compliance, additional staff would be required, and this would be a matter for Cabinet rather than this Committee, as it relates to the provision of services rather than the licensing of vehicles. If the Committee wished licensed vehicles to be issued with an MOT certificate as well as a Certificate of Compliance, it would need to ask Cabinet to consider this.

2.0 Recommendation

- 2.1 Officers would recommend that the current arrangements for testing licensed vehicles be noted and endorsed.

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

None directly arising from this report.

LEGAL IMPLICATIONS

There are no direct legal implications arising from this report.

FINANCIAL IMPLICATIONS

If Cabinet were to consider increasing capacity at the VMU in order for MOTs to be issued in respect of licensed vehicles, the financial implications would be considered at that time.

OTHER RESOURCE IMPLICATIONS

Human Resources:

None

Information Services:

None

Property:

None

Open Spaces:

None

SECTION 151 OFFICER'S COMMENTS

Consulted and no comments to add.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments.

BACKGROUND PAPERS

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