



Committee: LICENSING REGULATORY COMMITTEE

Date: THURSDAY, 13 JULY 2017

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 1 June 2017 (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 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.

Matters for Decision

Exclusion of the Press and Public

5. **Exempt Items**

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

"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 items of business, on the grounds that they 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 items have been marked as exempt, it is for the Committee itself to decide whether or not to consider them 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.

6. **Application for the Renewal of Dual Hackney Carriage and Private Hire Driver's Licence - John Eamonn Crawford** (Pages 1 - 3)

Report of Food, Safety and Licensing Manager

7. **Notification of Decision taken under the Urgent Business Procedure - Existing Dual Driver Licence Holder - Martin Andrew Woodcock** (Pages 4 - 9)

Report of Democratic Services Manager

Public Items

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

8. **Report on the Vehicle Checks carried out to Licensed Hackney Carriage and Private Hire Vehicles on 14th and 15th June 2017** (Pages 10 - 12)

Report of Food, Safety and Licensing Manager

9. **Proposed Variation of Hackney Carriage Fares - Notification of Objection Received** (Pages 13 - 17)

Report of Food, Safety and Licensing Manager

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Colin Hartley (Chairman), Terrie Metcalfe (Vice-Chairman), Alan Biddulph, Susie Charles, Mel Guilding, Tim Hamilton-Cox, Janice Hanson, Joan Jackson and Robert Redfern

(ii) Substitute Membership

Councillors Sheila Denwood, Rebecca Novell, Sylvia Rogerson, Oscar Thynne 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 (01524) 582170, or email democraticsupport@lancaster.gov.uk.

SUSAN PARSONAGE,
CHIEF EXECUTIVE,
TOWN HALL,
DALTON SQUARE,
LANCASTER, LA1 1PJ

Published on Wednesday, 5 July 2017.

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

Document is Restricted

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

LICENSING REGULATORY COMMITTEE**Report on the Vehicle Checks carried out to Licensed
Hackney Carriage & Private Hire Vehicles on
14th and 15th June 2017
13th July 2017****Report of Food, Safety and Licensing Manager****PURPOSE OF REPORT**

To inform the Committee of the outcome from the recent unannounced checks carried out jointly with Licensing Officers and VOSA on licensed hackney carriages and private hire vehicles.

This report is public.

RECOMMENDATIONS

The Committee is requested to note the outcome from the recent unannounced inspections of licensed vehicles carried out on the 14th and 15th June 2017 and the potential action arising in respect of the use of in car fire extinguishers and appropriate specification.

1.0 Introduction

- 1.1 The undertaking of roadside vehicle compliance and safety checks on licensed hackney carriage and private hire vehicles is conducted from time to time, usually as a joint initiative with other agencies, such as VOSA. The purpose of the checks is to determine whether the vehicle complies with the Council's standards for licensed vehicles and to assess road worthiness.
- 1.2 On previous occasions over recent years, the practice has been conducted with the issue of a notice period to all licensed drivers and operators that the inspections are due to be carried out, providing the date and time for the inspections.
- 1.3 For the checks conducted on the 14th and 15th June 2017, it was decided that no notice period would be given and therefore all vehicle inspections were carried out unannounced.

2.0 Purpose and extent of the vehicle checks

- 2.1 The operation was conducted in partnership with VOSA and working closely with the Lancashire Police. The drivers of the vehicles were instructed on the day by Police officers and via Taxi operators to attend the inspections carried out on the rear carpark of the Salt Ayre leisure centre.
- 2.2 The Licensing officers carried out checks to assess compliance with the appropriate Council standards for licensed vehicles whilst the VOSA inspectors focused on the roadworthiness of vehicles.
- 2.3 All vehicles that were either not operating on the day or did not get pulled in due to time constraints on officers, or were not found on the day, are to be followed up in the coming weeks.

3.0 Summary outcome

- 3.1 The table below provides a summary of the main outcome from the operation.

Summary inspection results

- 176 individual vehicle inspections were carried out;
- 62 hackney carriages and 114 private hire vehicles checked (176 in total);
- Licensing staff issued 75 defect notices & 2 suspension notices;
- VOSA issued 5 prohibition notices;
- Defects ranged from minor e.g. vehicle cleanliness, to serious e.g. bald tyres;
- The operation identified some problems with the type of fire extinguishers carried.

4.0 Conclusions

- 4.1 Licensing officers and VOSA felt that the lack of prior notice given resulted in a far higher number of defects detected and hence the increased number of defect notices issued compared to the last time the operation was conducted (32 defect notices issued in a comparable operation conducted in September 2015).
- 4.2 The outcome suggests significant benefits from conducting unannounced inspections, and contrary to what may have been expected, significant complaints were not received from licensed drivers or operators. In fact some comments were received from drivers that the action was welcomed, albeit the inspections did disrupt business for a short time. It was felt that had notice been given, the more serious defects such as bald tyres, would not have been found.
- 4.3 VOSA has identified an issue relating to the type of fire extinguishers found in some of the vehicles which are considered unsuitable to be used in a confined space, such as a vehicle where passengers may still be inside. The advice from VOSA is that dry powder extinguishers may lead to asphyxiation if used within the vehicle and they recommend the use of water or foam extinguishers. The current rule and conditions in force do not specify the type of extinguisher to be provided. Clarification is awaited

from VOSA regarding this matter and it may be necessary to vary the conditions accordingly. When VOSA confirm their recommendation, it is proposed to inform all licensed drivers and operators of the advice immediately and present the Committee with further details together with a recommendation to vary our standard conditions as necessary.

CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)	
None	
FINANCIAL IMPLICATIONS	
Financial Services have been consulted and there are no financial implications	
LEGAL IMPLICATIONS	
Legal Services have been consulted and their comments have been incorporated in the report.	
BACKGROUND PAPERS	Contact Officer: Mr Stephen Sylvester
None	Telephone: 01524 582717
	E-mail: ssylvester@lancaster.gov.uk
	Ref: SS/July17

LICENSING REGULATORY COMMITTEE

**Local Government (Miscellaneous Provisions) Act 1976 –
Proposed Variation of Hackney Carriage Fares -
Notification of Objection Received
13th July 2017**

Report of the Food, Safety and Licensing Manager

PURPOSE OF REPORT

<p>The report is to enable Members to consider objection received in response to the advertising of proposed fare increases through the application of RPI to current Tariff charges for hackney carriages licensed by Lancaster City Council.</p>

<p>This report is public.</p>

RECOMMENDATIONS

1. **The Committee is requested to consider the objection received in response to the public advertisement of proposed Tariff increases to hackney carriage fares licensed by Lancaster City Council.**
2. **To determine whether to vary the increase agreed by this Committee on the 1st June 2017, and if so, to determine in what manner, or to implement the increase as previously agreed and set a new implementation date.**

1.0 Introduction

- 1.1 The Licensing Authority is required to consider the tariffs for fare charges in respect of hackney carriages on an annual basis and to determine whether a fare adjustment is necessary. There is no nationally agreed formulae for assessing and applying an adjustment.
- 1.2 Members will recall that a proposal was presented to this Committee on the 1st June 2017 that in accordance with procedure, an annual increase based on RPI, as of March 2017, be applied to the Tariff for 2017/18 subject to the necessary public notice period.
- 1.3 It was agreed to apply RPI at 3.1% to the Tariff and to authorise the Chief Officer (Governance) to advertise the table of fares.

2.0 Lancaster Hackney Carriage Tariffs

- 2.1 A copy of the revised Tariff card increases, as advertised in accordance with the Committee decision on the 1st June 2017, is attached as Appendix 1 to this report.

- 2.2 The advert was placed in the Lancaster Guardian on the 15th June 2017. The deadline for making any such objections to the proposed Tariff increase was to be made by noon on the 7th July 2017.
- 2.3 Members will recall that the purpose of the advertisement was to provide notice to the Public of the proposed fare increase and therefore comply with Council obligations under legislation.
- 2.4 Anyone wishing to object to the proposed Tariff increase could do so by making representation to the Council. In the event of objections being received, the matter would need to be referred back to Committee for due consideration before an increase could be implemented. If no objections were received, the proposed increase would have taken effect at noon on the 7th July 2017.
- 2.5 At the time of writing this report, only one such objection had been received and this is attached as Appendix 2. The Committee will note that the objection received is from a licensed hackney carriage driver and proprietor. Any further objections received prior to the Committee date and, after this report has been published, will be reported verbally.
- 2.6 Members may also recall that the Committee decision from the 1st June 2017, in regard to Tariff increases, also included a decision to instruct the Food, Safety and Licensing Manager to conduct a review of the current mechanism for adjusting fares. The purpose was to examine whether there may be an alternative mechanism available that is more appropriate for the Committee to consider introducing for future years. This review has not yet been concluded, although a request has been sent out to other Licensing Authorities to share their fare review process as the first starting point.
- 2.7 Members should be aware that during the ballot the Licensing Service received 24 copies of an alternative tariff put forward by some of the consultees and this was reported to the Committee on the 1st June 2017.

3.0 Conclusion

- 3.1 Members are asked to consider the objection received and to determine whether to vary the increase agreed by this Committee on the 1st June 2017, and if so, to determine in what manner, or to implement the increase as previously agreed and set a new implementation date.
- 3.2 Should members decide to implement the previously advertised RPI Tariff Increase, then a new implementation date will need to be agreed. Officers suggest that any agreed date should include a reasonable notice period to allow time for the new Tariff charge adjustments to be made to vehicles, and suggest that an implementation date of the 1st August would be appropriate.
- 3.3 Should members decide to set a substantially altered Tariff increase, it may be necessary to carry out the Public consultation exercise again, and set a new implementation date.

CONCLUSION OF IMPACT ASSESSMENT

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

None applicable to this report.

FINANCIAL IMPLICATIONS

Financial Services have advised on the relevant RPI rate.

LEGAL IMPLICATIONS

The legal requirement to advertise any proposed change is covered in the report.

BACKGROUND PAPERS

None.

Contact Officer: Steve Sylvester

Telephone: 01524 582717

E-mail: ssylvester@lancaster.gov.uk

Ref: DL

Appendix 1

Copy of advertised proposed Tariff changes for 2017/18

LANCASTER CITY COUNCIL
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
PROPOSED VARIATION OF HACKNEY CARRIAGE FARES

NOTICE IS HEREBY GIVEN THAT Lancaster City Council in pursuance of the powers contained in section 65 of the Local Government (Miscellaneous Provisions) Act 1976 proposes to vary the table of fares in respect of Hackney Carriages licensed by the Council as follows: -

Tariff 1

For hiring's commenced between 07.01 and 23.59	Revised Charge 2017
If the distance does not exceed 660 yards for the whole distance:	£2.58
For each of the subsequent 310 yards or uncompleted part thereof:	31p
Waiting Time: For each period of 40 seconds or uncompleted part thereof	10p

Tariff 2

For hiring's commenced between midnight and 07.00 For hiring's commenced between 19.00 and midnight on the 24 th December For hiring's commenced between 19.00 and midnight on the 31 st December For hiring's commencing on any Bank Holiday or Public Holiday	
If the distance does not exceed 660 yards for the whole distance:	£3.81
For each subsequent 220 yards or uncompleted part thereof:	31p
Waiting time: For each period of 40 seconds or uncompleted part thereof	10p

Tariff 3

For hiring's commenced between 00.01 25 th December and 07.00 27 th December For hiring's commenced between 00.01 1 st January and 07.00 2 nd January	
If the distance does not exceed 880 yards for the whole distance:	£5.05
For each subsequent 220 yards or uncompleted part thereof:	41p
Waiting time: For each period of 40 seconds or uncompleted part thereof	10p

For each passenger in excess of one [for the purpose two children aged 11 or under to count as one passenger for the whole distance]	21p
For each perambulator or article of luggage carried outside the passenger compartment of the vehicle	21p
Soiling Charge: A charge may be requested if the passenger[s] soils the vehicle. This will not exceed £75.00	

No other variations apply.

A copy of this notice may be inspected at Lancaster Town Hall, Dalton Square, Lancaster and also at Morecambe Town Hall, Marine Road, Morecambe.

Any objections to the variations in the Table of Fares should be made in writing by not later than 12 noon on 7th July 2017 to the address given below.

If no objection to the variation is duly made within the above period, or if all objections so made are withdrawn, the variation to the Table of Fares will come into operation with immediate effect or as soon as the meters have been calibrated to the new fare

The Licensing Department
Town Hall,
Dalton Square,
Lancaster, LA1 1PJ

Appendix 2

Objection to advertised proposed Fare increase

June 2017

(e-mail dated 20th June 2017)

Dear Mr Sylvester

I have just had a conversation with Carnforth Communications who are a company that fits and calibrates taxi meters. He actually asked me "which idiot put in for this fare increase?". The proposed increase is ridiculous on many levels. Firstly it takes us back to the 1980's when we finally got rid of fares ending in odd pennies. Secondly it is not a balanced fare. The proposed yardage will alternately under charge and over charge for subsequent miles and therefore cannot demonstrate a fixed mileage rate. Thirdly contrary to the Primary Legislation the proposal does not represent any request from the trade and indeed represents a system introduced by the previous licensing manager without any consultation with the trade.

I believe we need a conversation about this before it all gets out of hand. Carnforth Communications rang me because he got a load of earache last year for a 10p rise and feels he may be the target for more flack this year.

This has clearly been instigated by people who neither understand what we do or how our businesses are run. It is in short ridiculous.

Regards

Andrew Kay

(follow up e-mail from Mr kay dated 20th June received after above e-mail)

Dear Mr Sylvester

Thanks for the reply. Please take this and the previous email as an objection to the proposed increase for the reasons stated.