



**Committee:** LICENSING REGULATORY COMMITTEE

**Date:** THURSDAY, 8 FEBRUARY 2018

**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 23 November 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**

5. **Application for a Hackney Carriage Vehicle Licence - Raymond Croft - Procedure for the Allocation of a Hackney Carriage Vehicle Licence (Pages 1 - 7)**

Report of the Commercial Protection Manager

### **Exclusion of the Press and Public**

6. **Exempt Item**

The Committee is recommended to pass the following recommendations 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 it 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.

**7. Notification of Decision taken under the Urgent Business Procedure - Existing Hackney Carriage Driver's Licence - Stephen Michael Wilkinson (Pages 8 - 14)**

Report of the Democratic Services 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](mailto:jglenton@lancaster.gov.uk).

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

Please contact Democratic Support, telephone (01524) 582170, or email [democraticsupport@lancaster.gov.uk](mailto:democraticsupport@lancaster.gov.uk).

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

Published on Monday, 29 January 2018.

**LICENSING REGULATORY COMMITTEE****Application for a Hackney Carriage Vehicle Licence –  
Raymond Croft****Procedure for the Allocation of a Hackney Carriage  
Vehicle Licence  
8<sup>th</sup> February 2018****Report of the Commercial Protection Manager****PURPOSE OF REPORT**

To allow members to consider the late application for renewal of a hackney carriage vehicle licence submitted by Raymond Croft and, if necessary, the re-allocation of the hackney carriage plate.

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

**RECOMMENDATIONS**

- (1) Members are requested to consider the late application for renewal of a hackney carriage vehicle licence submitted by Raymond Croft.**
- (2) If members are minded to refuse the application, their instructions are sought as to the criteria and procedure for re-allocating the plate.**

**1.0 Introduction**

- 1.1 On the 5<sup>th</sup> January 2018 an application for the renewal of a hackney carriage vehicle licence HV902 was received from Mr Raymond Croft. Unfortunately the vehicle licence had expired on the 2<sup>nd</sup> January 2018 and therefore the application for renewal was not accepted. However, case law has indicated that applications for renewal after a vehicle licence has expired are possible, but there need to be good reasons for any short delay (2 or 3 days) or exceptional circumstances for any longer delay in applying following expiry. Mr Croft's application received on the 5<sup>th</sup> January 2018 is attached as appendix 1 to this report.
- 1.2 As members will be aware, this council maintains a limit on the numbers of hackney carriage plates that we issue. Presently, there are 108 licensed Hackneys.
- 1.3 Mr Croft has been a licensed driver with this authority for over 11 years and has been the proprietor of HV 902 since 27th July 2011. Mr Croft has never let the vehicle licence expire in the past. When a licensing officer informed Mr Croft of the expiry of the plate, Mr Croft claimed he did not know that he was required to get the renewal papers in to the licensing office before the plate had expired. He also informed the officer his vehicle was in the garage for repairs.

- 1.4 A letter was received by the licensing office on the 15<sup>th</sup> January 2018 from Mr R Croft is attached as appendix 2.
- 1.5 Section 16 of the Transport Act 1981 provides that a Council may only limit the number of licensed hackney carriages if it is satisfied that there is no significant unmet demand for the services of hackney carriages.
- 1.6 The traditional means of assessing unmet demand is by way of a survey conducted by an expert in the field. Members will recall that the Council commissioned such a survey in autumn 2016, and its findings were reported to the Committee in March 2017. The report concluded that there was no significant unmet demand. The survey further recommended that if additional licences were issued, consideration be given to wheelchair/disabled access vehicles. Mr Croft's vehicle is one of the mandatory wheelchair accessible vehicles.
- 1.7 If a licence is not renewed prior to its expiry date, it will lapse. This is the situation that has now arisen.
- 1.8 If Mr Croft's renewal application is rejected it would mean that a hackney carriage plate would become available to issue. This would be a very unusual situation and has only arisen twice in the last few years. Because the number of hackney carriage licences is restricted, they are known to have a premium value, in that a plated vehicle may be sold by the licence holder to another person, and the value of the vehicle is enhanced because of the licence. Because of this, hackney carriage proprietors do not normally allow the vehicle licence to lapse.

## **2.0 Background**

- 2.1 A decision not to allocate a returned plate would be open to challenge on the basis of the findings of the survey in 2016 to the effect that a fleet of fewer than one hundred and eight hackney carriages would give rise to unmet demand. Accordingly, the Committee is advised that the plate should be re-allocated if Mr Croft's application for renewal is unsuccessful and this should be for another mandatory wheelchair accessible vehicle.
- 2.2 The council does not maintain a waiting list for hackney carriage licences because their availability is so rare, arising generally only as a result of a survey. However there would be a high demand for the plate if its availability was advertised. Members may recall that when the last plate was allocated in 2006, expressions of interests were requested, and the plate was allocated by the drawing of lots from those who met the Committee's prescribed criteria.
- 2.3 In the interests of fairness, members may feel that it would be appropriate to allocate a returned plate using the same criteria and process as was used in 2006. On that occasion, expressions of interest were invited from persons who had held a hackney carriage or private hire driver's licence on the 1st June 2005 and who held such a licence continuously up to the date of allocation of the new licences, and who did not and had not previously held a hackney carriage vehicle licence for the Lancaster, Morecambe, Carnforth or Rural Areas. The licences would then be allocated by drawing an application at random.
- 2.4 The qualifying date of the 1st June 2005 for holding a driver's licence was set because the decision to allocate the plates was made on the 2nd June 2006. On that basis, the qualifying date on this occasion could be the 7<sup>th</sup> February 2017, which would require applicants to have held a driver's licence for a year prior to this meeting.

2.5 The above would seem to be a fair and equitable way to allocate a plate, and consistent with the way in which plates have been allocated in the past. Members may, however, wish to review or revise any of the criteria.

2.6 Members may instead decide, given the circumstances, to allow the late application submitted by Raymond Croft and permit Mr Croft to retain the plate as he has requested.

**3.0 Conclusion**

3.1 Members are asked to consider whether to grant the late application submitted by Raymond Croft and if not, to determine the procedure for re-allocating the returned plate.

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

The proposed procedure and criteria as set out in the report aim to provide a fair and equitable means of allocating a returned plate.

**FINANCIAL IMPLICATIONS**

There are no financial implications.

**LEGAL IMPLICATIONS**

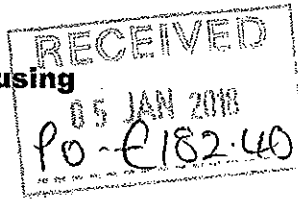
Any person who is refused the grant of a hackney carriage vehicle licence would have the right of appeal to the Crown Court.

**BACKGROUND PAPERS**

**Contact Officer: S Sylvester**  
**Telephone: 01524 582317**  
**E-mail: [ssylvester@lancaster.gov.uk](mailto:ssylvester@lancaster.gov.uk)**  
**Ref: SS/croft/feb18**



**LICENSING**  
**Health and Housing**  
 Town Hall  
 Dalton Square  
 Lancaster  
 LA1 1PJ



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 rplate.*

I/We the undersigned being the proprietor(s) of a motor vehicle hereby request to renew a licence for such vehicle to be used as a hackney carriage vehicle.

I/We hereby state that the following particulars in respect of my/our application are to the best of my/our knowledge and belief correct.

**APPLICATION FOR A RENEWAL HACKNEY CARRIAGE LICENCE**

Operator:  LicNo:

**1 PROPRIETORS CONCERNED IN THE USE OR HIRE OF THE VEHICLE**

Full Name	<input type="text" value="Raymond Thomas Croft"/>	Date of Birth	<input type="text" value="REDACTED"/>
Current Address	<input type="text" value="REDACTED"/>		
		Postcode	<input type="text" value="REDACTED"/>
Email Address	<input type="text" value="REDACTED"/>		Tel No: <input type="text" value="REDACTED"/>

Full Name	<input type="text" value="Carole Croft"/>	Date of Birth	<input type="text" value="REDACTED"/>
Current Address	<input type="text" value="REDACTED"/>		
		Postcode	<input type="text" value="REDACTED"/>
Email Address	<input type="text" value="REDACTED"/>		Tel No: <input type="text" value="REDACTED"/>




**2 VEHICLE DETAILS (Please amend as necessary)**

Registration	<input type="text" value="PN08 XXJ"/>	Meter Fitted	<input type="text" value="*YES/NO"/>
Make	<input type="text" value="Volkswagon"/>	Meter Make & Serial No:	<input type="text"/>
Model	<input type="text" value="Transporter"/>	Insurance Company	<input type="text"/>
Colour on V5	<input type="text" value="Grey"/>	Certificate/ cover note	<input type="text"/>
Registration Date	<input type="text" value="16/06/2008"/>	Valid from	<input type="text"/>
Engine Size	<input type="text" value="2450 cc"/>	Valid to	<input type="text"/>
Fuel Type	<input type="text" value="Diesel"/>	Insured Persons	<input type="text" value="{\rtf1\ansi\deff0{\fonttbl{\f0\fnil\charset0 MS Sans"/>
Body Type	<input type="text" value="MPV"/>	Testing Station	<input type="text" value="VMU"/>
No of Doors	<input type="text" value="5"/>	Pass Certificate No:	<input type="text"/>
Chassis No	<input type="text" value="WV2ZZZ7HZ8H167429"/>	Pass Date	<input type="text"/>
Engine No	<input type="text" value="BNZ 131985"/>	Mileage at test date:	<input type="text"/>
Licensed to Carry	<input type="text" value="8 Passengers"/>		
Seat Access Plan:	<input type="text" value="*YES/NO"/>		
No Disabled Access	<input type="checkbox"/>		
Disabled Access	<input checked="" type="checkbox"/>		
Wheelchair Access	<input checked="" type="checkbox"/>		

**3 DECLARATION IN ORDER TO OBTAIN A LICENCE FROM LANCASTER CITY COUNCIL**

I/We understand that the renewal of a hackney carriage vehicle licence is subject to any statutory enactment or rule of law for the time being in force governing the same and to the terms and conditions of issue laid down by the Council (a copy of which may be inspected by me/us free of charge at the Town Hall, Lancaster).

I/We enclose the items requested at 4 below in respect of this application:-

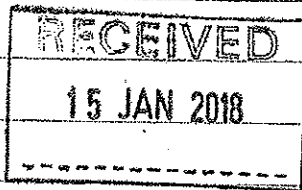
Date ..... 2/1/18 ..... Signature(s)1 .....  .....  
I(a).....  .....  
I(b).....  .....

NOTES

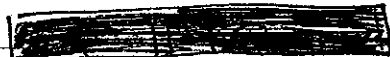
1. It is an offence, punishable on summary conviction by a fine not exceeding £1000, knowingly or recklessly to make a false statement or omit any material particular in the completion of this form. The making of such false statements or omission may also result in the immediate suspension or revocation of the licence.
2. The vehicle cannot be licensed by any other authority whilst licensed by the City of Lancaster.
3. This form must be completed and returned to the Head of Governance, Town Hall, Lancaster.
4. The form must be accompanied by the following:-
  - (a) **The fee (see payment form A)**
  - (b) **Certificate of Insurance covering third party liability in respect of physical injury or death and in respect of damage to personal belongings.**
  - (c) **The current exemption certificate/M.O.T. certificate. (if applicable)**
  - (d) **Calibration certificate. See attached form (for Replacements and fare increases)**

Ran CROFT

PLATE 902



11/1/18



Dear Sir/madam.

In recent events connected to my taxi license expiring the main reasons for this are I tried to get a new taxi as mine was getting a little old I arranged a meeting with Rayrigg Motors, but unfortunately I was declined, so I had to get my taxi ready for the test I didn't know you had to get the papers in before my test I thought you had to have it ready for the test then put all your papers in I do offer my apologies for this I honestly didn't know. If I had known about the rule I would have put all the paper work in at the

P.T.O.



right time

Please would you look  
into this matter so I can have  
my plate back once again  
I do apologise for any  
convenience I have caused.

Yours



(Regrett)

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