

GENERAL LICENSING COMMITTEE

TUESDAY, 10TH APRIL, 2018, 6.00 PM

CROSS ROOM, CIVIC CENTRE, WEST PADDOCK, LEYLAND PR25
1DH

AGENDA

1 Apologies for Absence

Minutes

2 Minutes of the General Licensing Committee

(Pages 3 - 6)

Minutes of the last meeting held on 20 February 2018 attached to be signed as a correct record.

3 Minutes of the General Licensing Sub Committee Panel

(Pages 7 - 8)

To confirm the minutes of the General Licensing Sub Committee Panel meeting held on 20 February 2018 (enclosed).

4 Declarations of Any Interests

Members are requested to indicate at this stage in the proceedings any items on the agenda in which they intend to declare an interest. Members are reminded that if the interest is a Disclosable Pecuniary Interest (as defined in the Members' Code of Conduct) they must leave the room for the whole of that item. If the interest is not a Disclosable Pecuniary Interest, but is such that a member of the public could reasonably regard it as being so significant that it is likely that it would prejudice their judgment of the public interest (as explained in the Code of Conduct) then they may make representations, but then must leave the meeting for the remainder of the item.

5 Draft Policy / Testing Requirements to Ensure the Safety of Licensed Vehicles which have been Subject to Modification

(Pages 9 - 28)

Report of the Interim Deputy Chief Executive (Resources & Transformation) attached.

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|--|------------------------|
| <p>6 Draft Annual Report 2017/18</p> <p>Report of the Interim Deputy Chief Executive (Resources & Transformation) attached.</p> | <p>(Pages 29 - 56)</p> |
| <p>7 Report of the Working Group on Differential Age Limits for Licensed Vehicles</p> <p>Report of the Interim Deputy Chief Executive (Resources & Transformation) attached.</p> | <p>(Pages 57 - 76)</p> |
| <p>8 Exclusion of the Press and Public</p> <p>To consider the exclusion of the press and public for the following items of business on the ground that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972.</p> <p>By Virtue of Paragraph 1: Information relating to any individual.</p> | |
| <p>9 Update on a Recent Decision Taken by a Sub-committee / Panel of Members regarding an Application for a Private Hire Driver's Licence</p> <p>Report of the Interim Deputy Chief Executive (Resources & Transformation) attached.</p> | <p>(Pages 77 - 80)</p> |

Heather McManus
CHIEF EXECUTIVE

Electronic agendas sent to Members of the General Licensing Committee Councillors John Rainsbury (Chair), Mike Nelson (Vice-Chair), Jane Bell, Mary Green, Claire Hamilton, Harry Hancock, Ken Jones, Jim Marsh, Barbara Nathan, David Watts and David Wooldridge

The minutes of this meeting will be available on the internet at www.southribble.gov.uk

Forthcoming Meetings
6.00 pm Tuesday, 12 June 2018 - Cross Room, Civic Centre, West Paddock, Leyland PR25 1DH

MINUTES OF GENERAL LICENSING COMMITTEE

MEETING DATE Tuesday, 20 February 2018

MEMBERS PRESENT: Councillors Mike Nelson (Vice-Chair), Mary Green, Harry Hancock, Ken Jones, Barbara Nathan, David Watts and David Wooldridge

CABINET MEMBER: Councillor Jacqui Mort (Public Health, Safety and Wellbeing)

OFFICERS: Tasneem Safdar (Senior Solicitor), Andy Glover (Interim Licensing Manager) and Andy Houlker (Senior Democratic Services Officer)

OTHER MEMBERS AND OFFICERS: Councillors Mike Nathan and Paul Wharton, Peter Haywood (Revenues Manager), Stephanie Fairbrother (Licensing Officer) and Chris Ward (Licensing Officer)

PUBLIC: 3

65 Apologies for Absence

Apologies for absence were submitted on behalf of Councillors Jane Bell and John Rainsbury.

66 Minutes of the General Licensing Committee

RESOLVED (Unanimously):

That the minutes of the meeting of the Committee held on 23 January 2018 be signed as a correct record.

67 Minutes of the General Licensing Sub Committee Panel

RESOLVED (Unanimously):

That the minutes of the meeting of the Panel held on 31 January 2018 be signed as a correct record.

68 Declarations of Any Interests

There were no declarations of interest.

69 Residential Caravan Sites - Proposed Adoption of: (1) Model Standards 2008; (2) Draft Mobile Home Fee Policy; and (3) Associated Documentation

Further to Minute No.51 of the meeting held on 28 November 2017, the Committee was asked to consider the outcomes of the consultation exercise and the Equalities

Impact Assessment. The report invited the Committee to decide if it wanted to recommend the formal adoption of

- the Model Standards 2008 (Appendix 1);
- the Draft Mobile Homes Fee Policy (Appendix 2); and
- Associated documentation (Appendices 3 and 4).

It was apparent in respect of the proposed fee policy it had not been possible to exactly compare like for like when looking at other local authorities. However, where there was comparison it appeared the Council was broadly mid-range. It was understood that fees charged by local authorities varied massively across the country.

RESOLVED (Unanimously): that

1. with regard to the 3 current holders of site licences within the Borough, the limited progress on voluntary adoption of the Model Standards 2008 and further correspondence was to be initiated (Section 8 of the report) was noted;
2. with regard to future applications for a site licence, the meeting of Council on 21 March 2018 be recommended to formally adopt the Model Standards 2008 (Appendix 1 to the report) and the draft application form (Appendix 4 to the report); and
3. with regard to both the existing holders of and future applicants for a site licence, the meeting of Council on 21 March 2018 be recommended to formally adopt the draft Mobile Homes Fee Policy (Appendix 2 to the report) and the associated methodology for determination of fees (Appendix 3 to the report).

70 Mandatory In-Cab CCTV for Licensed Vehicles - Implications for Licensing Authority

The Interim Licensing Manager presented a report that informed the Committee of the Council's current permissive approach towards the use of CCTV in licensed vehicles. The report also provided an update on the benefits and legal implications to the Council of adopting a mandatory approach to this issue.

Whilst the benefits of CCTV for safeguarding were known and Commissioner Ney in her review had been a strong advocate for the introduction of a mandatory approach. However, it was a very resource intensive, technical and legally complex issue. Nationally to date, only nine licensing authorities had introduced such a policy.

The Committee was supportive in principle of the introduction of mandatory policy for the protection of both the public and the trade. However, it was mindful of the highlighted significant implications particularly if the Council pursued this alone. It was felt a Pan-Lancashire approach would not only benefit the Council but also the trade.

RESOLVED (Unanimously):

That further development of the mandatory use of CCTV in vehicles licensed by this Council be supported and that this be progressed on a Pan-Lancashire basis (as outlined in Section 11.3 of the report).

71 Draft Policy / Testing Requirements to ensure the safety of licensed vehicles which have been subject to modification

Further to Minute No. 43 of the meeting held on 17 October 2017, the Interim Licensing Manager presented an update on the latest position regarding the proposed adoption of a draft policy to ensure the safety of licensed vehicles which had been subject to modification.

This had proved to be more complex and sensitive than initially anticipated. Following further discussions with partners and the trade, the current amended draft policy included aspects that had not been included in the original consultation. It was therefore suggested that a further short consultation exercise be carried out.

RESOLVED (Unanimously): that

1. it was agreed that a short period of consultation as set out in Section 7 of the report be carried out on the revised specification (Appendix 2 to the report); and
2. a further update report be presented to a future meeting of the Committee, with a view to then considering whether to forward the final version of the draft specification to a future meeting of full Council for formal adoption.

72 Update on recent licensing activity

The Committee received an update on licensing activity which included, finalising the designated list of Wheelchair Accessible Vehicles (WAV), a meeting of the Taxi Trade Forum had been held on 1 February and would next meet in May and, the working group would meet on 22 February.

RESOLVED (Unanimously):

That the licensing activity update be noted.

73 Implementation Plan

The Interim Licensing Manager presented the current version of the implementation plan. This had been regularly reported to the Committee since March 2017 with the last being at the meeting on 28 November. It was a living document and now contained 33 actions and the progress on these was detailed in the report.

RESOLVED (Unanimously):

That the progress being made on the Implementation Plan be noted.

74 Forward Plan

The Interim Licensing Manager presented the current version of the Committee's Forward Plan which had last been considered on 28 November 2017. The plan items were RAG rated (red, amber, green) and explanation was given to the Committee for those identified as red.

RESOLVED (Unanimously):

That the Committee's Forward Plan be noted.

75 Exclusion of the Press and Public

RESOLVED (Unanimously):

That the press and public be excluded for the following items of business on the ground that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972.

By virtue of Paragraph 1: Information relating to any individual.

76 Update on a recent decision to revoke a driver's licence taken by the General Licensing Sub-Committee Panel

The Interim Licensing Manager reported on the recent decision to revoke a Hackney Carriage Driver's Licence. The decision to revoke was taken on 31 January 2018 by the General Licensing Sub-Committee Panel.

RESOLVED (Unanimously):

That the decision be noted.

Chair

Date

MINUTES OF	GENERAL LICENSING SUB-COMMITTEE PANEL
MEETING DATE	Tuesday, 20 February 2018
MEMBERS PRESENT:	Councillors Mike Nelson (Chair), Mary Green, Ken Jones, Jim Marsh and David Watts
OFFICERS:	Andy Glover (Interim Licensing Manager) and Andy Houlker (Senior Democratic Services Officer)
OTHER MEMBERS AND OFFICERS:	Stephanie Fairbrother (Licensing Officer) and Peter Haywood (Revenues Manager)
PUBLIC:	0

13 Apologies for absence

None, all members were present.

14 Declarations of Any Interest

There were no declarations of interest.

15 Exclusion of the Press and Public

RESOLVED (Unanimously):

That the press and public be excluded from the meeting during the consideration of the following item of business as it involved the discussion of information defined as exempt from publication under paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972, 'information relating to any individual' and in which the public interest in maintaining the exemption outweighed the public interest in disclosing it.

16 Application for a Private Hire Driver's Licence

The Panel received a report on an application for a Private Hire Driver's Licence.

The Chair referred those present to the circulated established procedure for hearings and the process that would be followed.

The licensed driver was present and addressed the Panel. During the proceedings a character referee on behalf of the applicant addressed the Panel.

The Panel also received representations from the Council's Interim Licensing Manager.

RESOLVED (For: 4, Against: 1):

That the applicant was not felt to be a fit and proper person to hold a licence and that a Private Hire Driver's Licence not be granted.

Chair

Date

REPORT TO	ON
GENERAL LICENSING COMMITTEE	10 APRIL 2018

September 2017



TITLE	REPORT OF
DRAFT POLICY / TESTING REQUIREMENTS TO ENSURE THE SAFETY OF LICENSED VEHICLES WHICH HAVE BEEN SUBJECT TO MODIFICATION	INTERIM DEPUTY CHIEF EXECUTIVE (RESOURCES & TRANSFORMATION)

Is this report confidential?	No
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1. PURPOSE OF THE REPORT

This report seeks to update members on the latest position regarding the proposed adoption of a draft policy to ensure the safety of licensed vehicles which had been subject to modification.

2. RECOMMENDATIONS

Members are requested to:

- 2.1 in light of (i) the outcome of the second period of consultation (set out in section 6 below) and (ii) the revised Equalities Impact Assessment (attached as Appendix 1), consider whether to forward the final version of the draft testing specification for modified vehicles (Appendix 2) to the meeting of full Council on 23 May 2018 with a recommendation for its formal adoption; and
- 2.2 given the previous decision made in principle by the General Licensing Committee on 17 October 2017 (that any tests to ensure the safety of modified vehicles against a specification adopted in section 2.1 above should be carried out solely by the Lancashire County Council facility at Bamber Bridge), make a recommendation to this effect to full Council when it sits on 23 May 2018.

3. CORPORATE PRIORITIES

The report relates to the following corporate priorities

Excellence and Financial Sustainability	x
Health and Wellbeing	
Place	

Projects relating to People in the Corporate Plan:

People	
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4. BACKGROUND TO THE REPORT

4.1 Members are familiar with the issue of safety tests for modified vehicles, having received reports on several occasions over the past 12 months. For ease of reference, a summary of the previous reports is set out in the table below:

Date	Purpose of report	Outcome
21.3.17	Initial report on safety of licensed vehicles which had been subject to modification	A more detailed report was to be brought back to a future meeting after further work had been carried out
13.6.17	An updated report containing a draft policy and testing specification was presented to the Committee, including alternative options for the carrying out of safety tests (either solely by Lancashire County Council or by any approved local testing station)	Members agreed that the proposed policy and specification should be subject to a consultation exercise as set out in the report, with the option on restricting the location of tests to the LCC facility being stated as the preferred option
17.10.17	Members received a further report which updated them on the outcome of the consultation exercise	Members resolved to proceed with the in principle agreement to require testing to be carried out by the County Council, but required further post-consultation dialogue with the trade on the content of the testing specification
20.2.18	Members were updated on the meeting held with the trade on 12 January 2018 to discuss the draft testing specification	Members agreed that – in light of the further changes to the specification discussed at the meeting with the trade – a further 2 week consultation period should be undertaken

4.2 The purpose of this latest report in April 2018 is to advise members of the outcome of the second consultation exercise, this having been agreed by the General Licensing Committee at its meeting on 20 February 2018.

4.3 The minutes of the meeting on 20 February record the following rationale for the second consultation exercise being carried out:

“.....[The situation]...had proved to be more complex and sensitive than initially anticipated. Following further discussions with partners and the trade, the current amended draft policy included aspects that had not been included in the original consultation. It was therefore suggested that a further short consultation exercise be carried out.”

4.3 In addition, members are asked to note that an updated version of the Equalities Impact assessment (originally presented to members in June 2017) is attached as Appendix 1.

5. METHODOLOGY OF THE CONSULTATION EXERCISE

5.1 The latest consultation exercise followed the following format:

- a) details of the consultation exercise were placed on the Council's website;
- b) as agreed by Committee on 20 February 2018, the period of consultation was restricted to 2 weeks (from 1 March to 14 March 2018); and
- c) the main stakeholders (Lancashire County Council and Andrew Wallbank Ltd) were emailed directly on 2 March 2018 at the start of the consultation exercise and advised of the opportunity to submit any further comments.

6. OUTCOME OF THE CONSULTATION EXERCISE

6.1 No responses to the second consultation exercise were received.

7. FINAL VERSION OF DRAFT TESTING SPECIFICATION

7.1 In light of the two periods of consultation held to date, and the ad hoc meeting held with key stakeholders on 12 January 2018, a final version of the draft testing specification for modified vehicles is attached as Appendix 2.

8. WIDER IMPLICATIONS AND BACKGROUND DOCUMENTATION

8.1 Comments of the Statutory Finance Officer

There are no financial implications arising as a result of the recommendations in this report.

8.2 Comments of the Monitoring Officer

Road safety is of paramount importance to the licensing authority, and this report seeks to ensure the safe transport of passengers in modified vehicles, by introducing an additional testing regime on modified vehicles.

Other implications:	
▶ Risk	See Legal comments above.
▶ Equality & Diversity	The proposed safety test seeks to ensure the safe transport of passengers with physical disabilities, many of whom will be wheelchair users and require modified transport.
▶ HR & Organisational Development	None
▶ Property & Asset Management	None
▶ ICT / Technology	None

9. BACKGROUND DOCUMENTS

Appendix 1 – revised Equalities Impact Assessment

Appendix 2 – final version of draft specification following input from meeting on 12 January 2018

ELT Member's Name: Lisa Kitto

Job Title: Interim Deputy Chief Executive (Resources & Transformation)

Report Author:	Telephone:	Date:
Interim Licensing Manager	01772 625401	19 March 2018

Equality Impact Assessment

Introduction

An Equality Impact Assessment (EIA) is required to ensure that equality is placed at the centre of policy development and review, as well as service delivery. The purpose of this EIA is to systematically analyse the likely impact of a service, policy or proposals on different community groups, and how the needs of such groups have been taken into account in developing those proposals.

The EIA can anticipate and recommend ways to avoid any discriminatory or negative consequences for a particular group, on the grounds of any protected characteristic. It provides the opportunity to demonstrate the potential benefits for equality target groups arising from a proposed policy or project.

The need for an EIA stems from the general duty placed on public authorities to eliminate unlawful discrimination in carrying out functions, and promote equality of opportunity. This is outlined in the Equality Act 2010, with specific public sector duties in place from April 2011.

1. Name of Policy or Service (existing or proposed)	
Procedure for ensuring roadworthiness of licensed vehicles which have been subject to modification	
2. Responsible Manager	
Peter Haywood	
3. Date EIA completed	Review date
21 April 2017	Revisited on 27 February 2018
4. Description and aims of policy / service (including relevance to equalities)	
<p>South Ribble Borough Council has a responsibility to ensure that all vehicles operating as hackney carriage and private hire vehicles are fit for purpose. This is particularly important for vehicles which have been adapted, converted or modified to carry passengers who use wheelchairs or who have specialised needs.</p> <p>South Ribble is home to one of the largest number of vehicles which have been self-converted from vans to carry wheelchair passengers. Whilst the current roadworthiness checks ensure that a vehicle is mechanically sound, they do not extend to checking that the modifications have been carried out to the required standard.</p> <p>This policy will apply to all vehicles that have been converted, modified or adapted from the original manufacturer's specification since first registration and is intended to provide additional safeguards to ensure that the conversion, modification or adaptation has been completed to the required standard and remains in such state for the period that the vehicle is licensed by this Authority.</p> <p>This policy will not apply to any vehicle including wheelchair accessible vehicles that are produced</p>	

for licensing that have not been converted, modified or adapted since its initial registration.

5. Who are the stakeholders?

Council officers

All Councillors including in particular the members of the Council's General Licensing Committee

All those who have or wish to have (i) Hackney Carriage drivers or vehicle licences, or (ii) Private Hire operator and driver licences

Local companies which modify vehicles on a commercial basis

Various teams within the Council including Legal Services and Environmental Health (incorporating Licensing)

6. What outcomes do we want to achieve?

The introduction of safe standards and a regular testing regime which will ensure that any modifications to licensed vehicles are carried out in a roadworthy manner.

7. How will performance be measured?

Number of modified vehicles subject to the testing regime and which are confirmed to be roadworthy once the modification has been carried out.

Number of modified vehicles subject to the testing regime and which are confirmed to be roadworthy once the modification has been carried out.

8. Brief summary of research and background data

Given that the Borough has a major modifier of vehicles operating within its boundaries, there are a large number of modified vehicles operating in the Borough. These are frequently used to transport children to and from Special Educational facilities across the Borough and beyond.

9. Methods and outcome of consultation

Since the issue was raised with members in March 2017, two formal periods of consultation have taken place as well as an ad hoc meeting with key stakeholders. The Taxi Trade Forum has also been updated on this initiative on a regular basis. As a result, several iterations of the draft testing specification for modified vehicles have been produced and members are now asked to consider whether to recommend adopting the proposed approach.

10. Results of initial screening

The following questions have been considered in order to evaluate the various equality groups:-

Age – *Is there any concern that these proposals could cause differential impact on the grounds of age?*

Many modified vehicles are used to transport children with special educational needs to school and back. These children are vulnerable and it is imperative to ensure their safety as well as that of other road users.

Disability – *Is there any concern that these proposals could cause differential impact on the grounds of disability? Disability is recognised under the Equality Act as ‘a physical or mental impairment which has a substantial and long term effect on a person’s ability to carry out normal day to day activities.’*

As stated above, by definition many of the users of modified vehicles have disabilities; the purpose of this proposed Policy is to ensure their safety and that of other road users.

Gender Reassignment – *Is there any concern that these proposals could cause differential impact on the grounds of gender reassignment? The Equality Act recognises this where a person is proposing to undergo, is undergoing, or has undergone a process (or part of a process) for changing sex.*

No concern.

Marriage / Civil Partnership – *Is there any concern that these proposals could cause differential impact on the grounds of marriage or civil partnership? Under the Equality Act, no such protection exists for single or unmarried people.*

No concern.

Pregnancy / Maternity – *Is there any concern that these proposals could cause differential impact on the grounds of pregnancy or maternity?*

No concern.

Race – *Is there any concern that these proposals could cause differential impact on the grounds of race? Race is recognised under the Equality Act as a person’s skin colour, nationality or ethnic origin.*

No concern.

Sex – *Is there any concern that these proposals could cause differential impact on the grounds of gender? Including men, women and transgender people.*

No concern.

Sexual Orientation – *Is there any concern that these proposals could cause differential impact on the grounds of sexuality? Including heterosexual, gay, lesbian and bisexual people.*

No concern.

Religion or belief – *Is there any concern that these proposals could cause differential impact on the grounds of religion or faith? All faiths recognised in the European Convention of Human Rights are included.*

No concern.

A commentary has been provided for each policy where appropriate – see Appendix A

11. Links with the Council’s Safeguarding Policy (please outline any implications and actions that need to be taken)

Safeguarding relating to users of licensed hackney carriage / private hire vehicles (whether disabled or not) is a prime concern for the Licensing Authority.

12. Decisions and / or recommendations (including supporting rationale)

Members are asked to consider whether they wish to ask officers to explore implementation of the proposed policy.

13. Is an Equality Action Plan required?

No – see commentary in Appendix A below

Appendix A – Results of initial screening

Policy / service	Protected Characteristics									Commentary
	Age	Disability	Gender reassignment	Marriage / civil p'ship	Pregnancy / maternity	Race	Religion or belief	Sex	Sexual Orientation	
Activation of elements of section 165 and 167 of the Equalities Act 2010 relating to wheelchair users –implications for Licensing Authorities	+	+	O	O	O	O	O	O	O	Minimal impact on the Equalities agenda.

Symbol	Impact
+	<i>Positive</i>
O	<i>Neutral / Negligible</i>
-	<i>Negative</i>
P	<i>Potential issue</i>

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GENERAL LICENSING COMMITTEE

PROCEDURE FOR ENSURING ROADWORTHINESS OF LICENSED VEHICLES

WHICH HAVE BEEN SUBJECT TO MODIFICATION

Procedure Number:

1) Introduction

South Ribble Borough Council has a responsibility to ensure that all vehicles operating as hackney carriage and private hire vehicles are fit for purpose. This is particularly important for vehicles which have been adapted, converted or modified to carry passengers who use wheelchairs or who have specialised needs.

South Ribble is home to one of the largest number of vehicles which have been self-converted from vans to carry wheelchair passengers. Whilst the current roadworthiness checks ensure that a vehicle is mechanically sound, they do not extend to checking that the modifications have been carried out to the required standard.

Typically the types of vehicles adapted or modified are:

- small vans (N1 vehicles); and
- minibus type vehicles (M2 vehicles) – although these could be classified as a standard M1 vehicle.

Further details on the relevant classifications are given below:

- M1** vehicles designed and constructed for the carriage of passengers comprising no more than eight seats in addition to the driver's seat
- M2** vehicles designed and constructed for the carriage of passengers comprising more than eight seats in addition to the driver's seat, and having a maximum mass not exceeding 5 tonnes
- N1** Vehicles designed and constructed for the carriage of goods and having a maximum mass not exceeding 3.5 tonnes

This policy will apply to **all** vehicles that have been converted, modified or adapted from the original manufacturer's specification since first registration and is intended to provide additional safeguards to ensure that the conversion, modification or adaptation has been completed to the required standard and remains in such state for the period that the vehicle is licensed by this Authority.

This policy will not apply to any vehicle including wheelchair accessible vehicles that are produced for licensing that have not been converted, modified or adapted since its initial registration.

2) Standards for modified minibuses/PSV's

Vehicles which are described other than M1 on the V5 registration document must enable passengers seated behind the driver to have access to at least 2 doors (side or rear opening) without having to climb over or fold down any seats. Such vehicles must also satisfy the following:

- all retro-fitted seatbelts must meet MOT installation and condition standards;
- the passenger interior floor area must be of a flat, non-slip, non-trip surface. Where wheelchair tracking is fitted, the Council recommends the fitting of blanking strips;
- partitioned rear passenger compartments must be heated and capable of variable control. Such heaters must be linked accordingly to the main vehicle heating system and be capable of variable control. All exposed piping and wiring must be secure and adequately insulated. Water leaks are unacceptable;
- no interior surface within the passenger compartment shall contain sharp edges likely to cause injury;
- all interior trim must match and be fitted to a professional standard. Evidence of obvious work or modification should not be on view;
- all seating in the vehicle must be intact, in a safe condition and M1 compliant;
- all vehicles must be fitted with safety glass containing an approved marking to this effect. Any partition fitted with safety glazing (plastic) must be of a suitable material (e.g. shatter-proof);
- rear compartments entrance/exit areas must be adequately illuminated at floor and at higher levels. Such lighting must operate automatically when each rear passenger door is opened;
- all passenger doors must be capable of being restrained in the open position;
- each rear passenger door aperture must contain at least one grab handle to assist passengers while entering/exiting the vehicle. Each handle must be securely fixed using a substantial mounting such as machine screws that are capable of holding a reasonable force;
- each rear passenger compartment must contain at least two opening windows that can be opened from the interior for ventilation purposes; and
- the maximum height from the road surface to the passenger floor should be 250mm for the first step and 300mm for any subsequent step. Vehicles exceeding this figure must have some form of step incorporated into the bodywork (this may be of a retracting or folding type).

Additional requirements for wheelchair accessible vehicles:

- where the vehicle is fitted with a tail lift, a "LOLER" certificate must be obtained prior to the vehicle inspection;
- the rear compartment entrance/exit doors must be of a suitable size to allow access for a wheelchair;
- where passengers or the seating arrangement for passengers are rear-facing, an adequate turning circle within the vehicle is needed;
- the vehicle must be capable of adequately securing a wheelchair to the vehicle floor using a suitable type of restraint;
- appropriate wheelchair restraint(s) must accompany the vehicle when it is presented for test;
- wheelchair ramps must be capable of being securely fixed to the vehicle during use. They must be of a type and length allowing safe and easy use by the person loading the wheelchair;
- wheelchair ramps must be safely and securely stored in a suitable area of the vehicle when they are not in use; and

- seatbelts must be fitted to restrain wheelchair occupants. A single seatbelt must not be used to restrain both the wheelchair and occupant.

3) Vehicle Certification

Within Europe two systems of type approval have been in existence for over 20 years. The first is based on European Regulations and Directives providing approval for whole vehicles, vehicle systems and components. The second is based on United Nations Regulations dealing with systems and components but not whole vehicles. "Type approval" is the process of ensuring that production of new vehicles, their systems and components have been designed and constructed to meet agreed standards of safety, security and environmental protection.

There are a number of vehicle certifications:

1. European Community Whole Vehicle Type Approval (ECWVTA)
2. European Small Series Type Approval for cars (ECSSTA)
3. National Small Series Type Approval (NSSTA)
4. Individual Vehicle Approval (IVA)

4) Requirements for initial licence application

With effect from 1 July 2018, the owners of vehicles of categories M1, M2 or N1 which have been converted, adapted or modified from the original manufacturer's specification (whether undertaken by the vehicle licence holder or a third party), and which have not previously been licensed as a hackney carriage or private hire vehicle by South Ribble Borough Council, will be required to present appropriate vehicle certification (as defined in section 3 above, including IVA) at the time of first application for a licence.

To clarify, no extended roadworthiness test will be required on initial application for a modified vehicle which has an IVA (or other vehicle certification in section 3) as the IVA will demonstrate adequate compliance.

5) Requirements for renewal applications

From 1 July 2018, all vehicles (whether in possession of an IVA or other vehicle certification or not) which have been modified, converted or adapted after the date of first registration must pass the extended roadworthiness (detailed in Appendix 1) at the time of their next and subsequent renewal. This requirement applies irrespective of the date when the vehicle was first licensed as a hackney carriage or private hire vehicle with SRBC.

For the avoidance of doubt, should South Ribble Borough Council have any reservations about the safety of vehicles submitted to the approved testing station for initial inspection, the Council reserves the right to require the owner to submit the vehicle for IVA testing prior to any licence being issued by the Council.

This procedure was adopted by General Licensing Committee on 10.04.2018

Signed:

A handwritten signature in black ink that reads "A. Glover". The signature is written in a cursive style with a large, looped 'G'. The signature is contained within a thin black rectangular border.

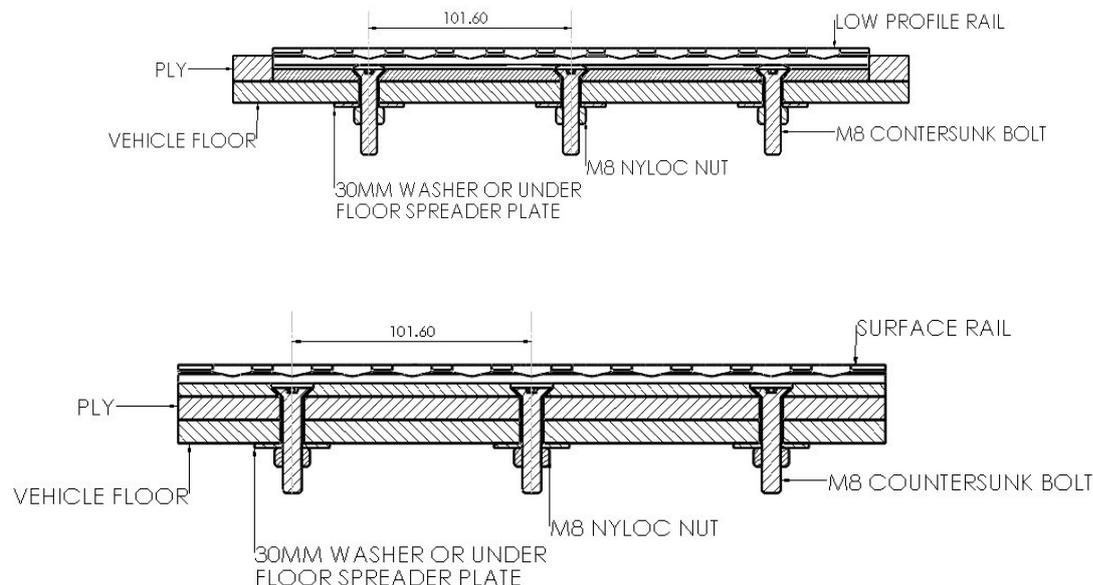
Interim Licensing Manager

30.03.2018

Lancashire County Council Test for vehicles supplied with wheelchair Accessible fittings

Tracking

1. Floor rails correctly fitted and secured with M8 fasteners, are capable of meeting the strength requirements of M1 load.
2. “Cant rail” for third point occupant restraint fitment or can be use as location for equipment stowage correctly fitted and secured with M8 fasteners, are capable of meeting the strength requirements of M1 load.
3. Correct 30mm washer or underfloor spreader plate fitted
 - Where the 30mm washer or underfloor spreader plate cannot be used, in such instances it is acceptable to use steel plate of equivalent strength and cross sectional area.



Note 1

1. The minimum acceptable length of rail that can safely be installed in a vehicle is 1300 mm. This will accommodate one wheelchair positioned centrally.
2. The rail must be fitted ensuring fasteners are fitted to the extreme end hole positions.

Note 2

1. For details of the space required within a vehicle for a wheelchair installation, reference should be made to the guidelines within the British or International standard ISO 10542-1 part 2, “Technical systems and aids for disabled or handicapped persons - Wheelchair Tiedown and Occupant Restraint Systems”.

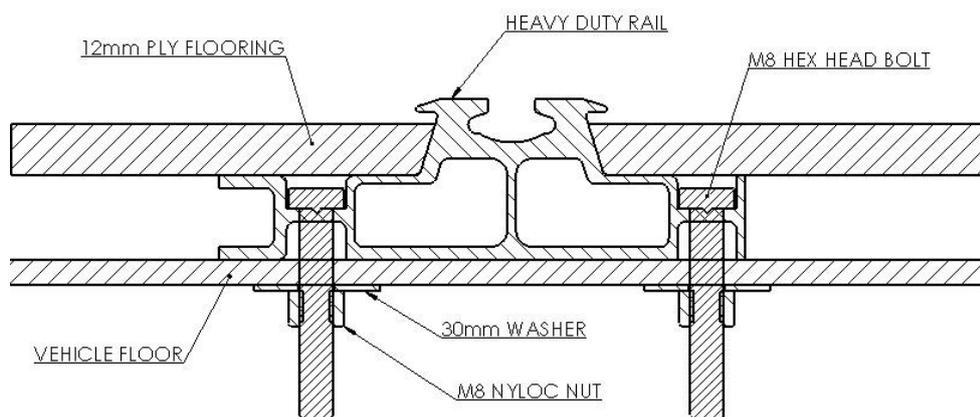
Note 3

1. Some vehicle layouts may have problems using Low Profile rail with pre-drilled countersunk holes due to under floor obstructions, such as box sections or angle brackets. In these situations where a hole is “missed”, it is required to generate two new holes, one on either side of the original, with the maximum distance between them being 101 mm.
2. The original unused hole must finally be filled with a short self-tapping screw with a matching head.

Note 4

1. It is critical that the installed rail is flat along its length and correctly positioned relative to any other rail lengths fitted in the vehicle floor. Elements within a pattern of rails must also be parallel to one another. This is particularly important if fitting Unwin “Fixed Base Equipment” or manufacturing removable seats, to ensure they will fit universally along the rails.

Heavy Duty Rail



Available in 3.95 and 4.50 metre lengths, this rail profile can be installed with a maximum unsupported span of 600 mm under normal conditions. Additional fasteners must be fitted at the ends of the rail, in particular at the rear end.

Fasteners to be used on installation

Bolts:- M8 steel, hexagon headed grade 8.8, plated, guide length 40 - 50 mm.

Nuts:- M8 steel, nyloc, grade 8, plated.

Washers:- M8 steel, plain, plated.

Torque settings:- 20 nm (15 lbs/ft).

Under Floor Reinforcement on Heavy Duty Rail.

Contact manufacturer for specific recommendations.

Seats

Where the intention is seats are easily moved within or removed from the vehicle the following will apply;

1. If seatbelts are attached to the seat and the vehicle is to be sold within the EU, the vehicle builder will invariably require evidence that the assembly meets the appropriate Directives.
2. The removable seat fixture must have been successfully tested and VCA witnessed to M1 loads applied to a single seat up to 33kg with three fixing bolts. Evidence that seats are M1 compliant must be provided by the operator.
3. Removable seat fixtures should **ONLY** be fitted and used in accordance to the manufacturer's instructions.

Check specific to Wheelchair Tie down Restraints & Wheelchair Passenger Restraints

1. International standard ISO 10542-1, "Technical systems and aids for disabled or handicapped persons - Wheelchair Tie-down and Occupant Restraint Systems" must be complied with.
2. Evidence of equipment being International standard ISO 10542-1 compliant must be visible on equipment. This is usually via a label woven into the equipment. If the operator is unable to supply this evidence the equipment will be rejected.
N.B. The use of only a pelvic belt as an occupant restraint is unlikely to provide adequate safety to a wheelchair user in the event of a frontal impact.

Inspection List

Tracking/Wheelchair securing fittings (Floor) (Minimum wheelchair space of 1200mm long by 700mm wide with an internal saloon head room height of 1400mm available for each wheelchair to be carried)

- i. Check for ISO 10542-1 or equivalent
- ii. Check correct fittings are being used
- iii. Check spacing for securing bolts
- iv. Check correct washers are being used
- v. Minimum wheelchair space of 1200mm long by 700mm wide
- vi. Check maximum distance between securing cups or length of tracing. (minimum 1200mm)
- vii. If tracking being used,
 - check rails are parallel.
 - Check minimum width between rails (minimum acceptable 300mm)
 - Check track for cleanliness and usability

Solo Anchorage Systems or similar (Minimum wheelchair space of 1200mm long by 700mm wide with an internal saloon head room height of 1400mm available for each wheelchair to be carried)

- i. Complies with ISO10542 standard requirements
- ii. Correct bolts and spreader washers used
- iii. Minimum wheelchair space of 1200mm long by 700mm wide

Wheelchair Tie-down Restraints & Wheelchair Passenger Restraints

- i. Check for ISO 10542-1 or equivalent markings
- ii. Check for maximum capacity markings on Wheelchair Tie-down Restraints
- iii. ISO 10542-1 or equivalent markings only present, assume maximum capacity 85kg
- iv. If ISO 10542-1 or equivalent markings present and additional maximum capacity shown on official labelling make note of capacity, e.g. 120kg.
- v. Check the retractors by pulling out the webbing to ensure they are locking properly
- vi. Ensure the webbing is not cut, frayed, damaged or contaminated by polishes, oils or chemicals
- vii. Check that metal parts are not worn, broken or cracked
- viii. Check connector parts to ensure they are not cracked, broken or missing
- ix. Check that mounting hardware, such as bolts, nuts, etc. are secure
- x. Check floor anchorages for proper securement and operation
- xi. Check lap and shoulder belt webbing is not cut, frayed or damaged
- xii. Check buckles/carabiners for damage

Seating

- i. M1 Compliant seating being used in vehicles of 8 passenger seats or less
- ii. Seat back secure
- iii. Seat cushion secure
- iv. Seat legs attached to the vehicle in such a way that the load path will be transferred back into the vehicle
- v. Seat belt stalks operating correctly
- vi. Compliant bolts and spreaders used

Cant Rail (if used)

- i. Attached to a secure part of the bodywork
- ii. Correct bolts and spreaders used

Secure storage arrangements

Any equipment should be safely stowed when not in use. In particular it should:

- i. be removed from any tracking (if fitted); and
- ii. be secured so as to pose neither danger nor nuisance is likely to be caused to any person or property (in accordance with Construction and Use Regulation 100).

CONCLUSION

The above testing regime is intended to provide reassurance to elected members, drivers, vehicle users and residents of the Borough that all wheelchair accessible vehicles are subject to adequate and appropriate roadworthiness tests.

A handwritten signature in black ink that reads "A. Glover". The signature is written in a cursive style and is contained within a thin black rectangular border.

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REPORT TO	ON
GENERAL LICENSING COMMITTEE	10 APRIL 2018

September 2017



TITLE	REPORT OF
DRAFT ANNUAL REPORT 2017/18	INTERIM DEPUTY CHIEF EXECUTIVE (RESOURCES & TRANSFORMATION)

Is this report confidential?	No
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1. PURPOSE OF THE REPORT

The purpose of this report is to present to members a draft copy of the Licensing Section's Annual Report for 2017/18.

2. RECOMMENDATIONS

Members are requested to:

- 2.1 comment on the content and format of the draft Annual Report for 2017/18; and agree in principle that the final version should be submitted to a future meeting of the full Council for all members to consider.

3. CORPORATE PRIORITIES

The report relates to the following corporate priorities

Excellence and Financial Sustainability	x
Health and Wellbeing	x
Place	

Projects relating to People in the Corporate Plan:

People	
--------	--

4. BACKGROUND TO THE REPORT

- 4.1 It is considered good practice for all Licensing Authorities to produce an annual report setting out their achievements during the preceding 12 months. Such a document will serve the following purposes:

- i. it will act as a record of achievement, enabling members to take stock of their progress re-evaluate the work undertaken in the past 12 months; and
- ii. given the importance of reassuring the public that persons, premises or vehicles are appropriately regulated, it will allow a Licensing Authority to promote its work as widely as members consider beneficial.

4.2 The General Licensing Committee produced an annual report for 2016/17 which was well-received by full Council when presented to it in November 2017. In view of this, it is proposed to once again present the annual report to full Council at its meeting on 23 May 2018.

5. ANNUAL REPORT 2017/18

5.1 The draft Annual Report 2017/18 is attached to this report as Appendix A. The draft report seeks to identify and document the good work which the General Licensing Committee has once again undertaken during the last 12 months. It covers the traditional areas of:

- Hackney Carriage / Private Hire / licensed operators;
- Licensing Act 2003 (liquor);
- Gambling; and
- Scrap Metal.

5.2 However, this year's report also makes reference to a relatively-untouched area of work for the Committee, namely residential mobile homes. Notwithstanding this, given the exceptional circumstances of 2016/17, it is appropriate (and understandable) that the draft Report again concentrates on work around taxi licensing.

5.3 The Report sets out the Committee's workload during the year, but in particular it emphasises the considerable steps taken by the Committee to modernise its governance processes and procedures. As such, it aims to present a balanced view of the Committee's workload, which has looked both backwards (outputs and cases heard) as well as forwards (policy aspirations).

6. WIDER IMPLICATIONS AND BACKGROUND DOCUMENTATION

6.1 Comments of the Statutory Finance Officer

There are no financial implications arising from the recommendations in this report.

6.2 Comments of the Monitoring Officer

There are no legal implications in this report.

Other implications:	
▶ Risk	None
▶ Equality & Diversity	None
▶ HR & Organisational Development	None
▶ Property & Asset Management	None
▶ ICT / Technology	None

7. BACKGROUND DOCUMENTS

Appendix A – draft annual report 2017/18
Sub- appendix to Appendix A:
Appendix 1 – summary of GLC hearings

ELT Member's Name: Lisa Kitto
Job Title: Interim Deputy Chief Executive (Resources & Transformation)

Report Author:	Telephone:	Date:
Interim Licensing Manager	01772 625401	20 March 2018

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General Licensing Committee / Licensing Act 2003 Committee

Annual Report 2017/18



Chair's Introduction

It has once again been my privilege to serve as Chair of the General Licensing Committee during 2017/18. The first duty of any council is to protect the public it is elected to serve, and the Licensing function plays a pivotal role in Safeguarding and public safety. The Licensing remit covers an incredibly wide area, from taxis and public houses to scrap metal and street collections – the role of a committee member could certainly never be described as dull!

Once again, much of the Committee's focus this year has been on the licensed taxi trade, and I am delighted to report that real strides have been made in making the Council's licensing policies fit for purpose. I am particularly proud that there has been an emphasis on supporting our more vulnerable service users, with new requirements coming into force with regard to the transportation of wheelchair users as well as assistance dogs.

The Committee greatly appreciates the contribution to civic life made by our licensed drivers and operators, and I am pleased that we are once again working in close partnership with colleagues in the trade through the resurrected Taxi Trade Forum. My thanks go to Cllr Mike Nelson for offering to chair this group, a task he has taken on board with relish.

The world of Licensing never stands still, and of course there will be further challenges ahead for us in 2018/19. However, with the continuing support of committee members, officers and the taxi trade, I am certain that we can meet these challenges head on.

As ever, my sincere thanks go to all those members and officers who have worked so hard this year on behalf of the residents of South Ribble.

Cllr John Rainsbury



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The Licensing function in South Ribble Borough Council – what is its role?

Basically, the Licensing function (including Taxi Licensing, Liquor Licensing, and Gambling Act applications) is administered by 2 separate bodies:

- 1) General Licensing Committee – this covers the licensing of Hackney Carriage and Private Hire vehicles and drivers, as well as Private Hire operators; and
- 2) Licensing Act 2003 Committee – this covers decisions regarding the licensing of alcohol, late night refreshment etc under the Licensing Act 2003.

As one of several governance changes during 2017/18, the General Licensing Committee has revisited and updated its Terms of Reference. As a result, expanded and more comprehensive Terms of Reference for both the General Licensing Committee and the Licensing Committee were approved by full Council in September 2017.

While the work of both committees is integral to public protection across the Borough, this annual report will once again concentrate on work relating to Hackney Carriage and Private Hire vehicles (as both policy and enforcement has tended to focus on this area). It is still intended that the emphasis of future reports will be widened to include more detail on other activities relating to the Licensing Act 2003, gambling premises etc.



A. TAXI LICENSING

1 Taxi licensing - background

There are basically two separate licensed trades falling within the popular umbrella of “taxis”: Hackney Carriage Vehicles (HCVs) and Private Hire Vehicles (PHVs). The main difference between the two is that HCVs may ply for hire from taxi ranks and can be hired in the street, whereas PHVs must be pre-booked electronically (by telephone or calling in person at an office).

2 Why do we have a licensing regime for Hackney Carriage and Private Hire vehicles and drivers?

The main purpose of a local authority licensing regime is to ensure public safety. This can come in many forms. For instance:

- Vehicles which are accessed by the public must be safe to use on the road. This is ensured by regular 6 monthly testing at approved centres; and
- Drivers must be of good character and able to pass the statutory “fit and proper” test. This assesses the previous history of all drivers / applicants with a view to looking at their overall character. Historically, greater emphasis was given to a driver / applicant’s convictions (as evidenced by a criminal records check or DBS as it is now known) but today an equal weighting is given to information such as attitude when engaging with the council, complaints which may have been received, soft intelligence etc.

In addition to a criminal records check (DBS), the Council also requires further reassurance before a licence will be given:

- a comprehensive “local knowledge” examination, which also provides assurance of a driver / applicant’s command of English;
- a level 2 NVQ certificate in Road Passenger Vehicle Driving; and
- a group II Medical Certificate completed by the applicants own GP.

It is vital that residents of South Ribble can have full confidence in their local Hackney Carriage or Private Hire drivers and vehicles, and the aim of the Licensing function is to ensure that this is the case.

3 National context

According to the governmental Briefing Paper SN02005 (Taxi and private hire vehicle licensing in England & Wales), published on 10 August 2016, there were an estimated 76,100 Hackney Carriage vehicles and 166,100 licensed PHVs in England at the end of March 2015. Overall, there were an estimated 297,600 licensed taxi or PHV drivers in England.

In comparison, the number of locally-licensed vehicles and drivers is very small (around 0.08%). However, this does not diminish the importance of the work done by officers and members of South Ribble Council at Borough level to ensure public confidence in and safety of the licensed trade.

4 A numerical summary of local enforcement activity undertaken in the following areas

- a) Comparative data on the **total number of Hackney Carriage and Private Hire drivers and vehicles licensed in South Ribble:**

Licence Type	Number (March 2017)	Number (March 2018)
Hackney Carriage Drivers	127	130
Hackney Carriage Vehicles	115	111
Private Hire Drivers	148	152
Private Hire Vehicles	123	123

- b) Comparative data on **the number of new licences granted during the last 12 months:**

Licence Type	15/16	16/17	17/18
Hackney Carriage Drivers	8	8	15
Hackney Carriage Vehicles	1	4	9

Private Hire Drivers	13	11	17
Private Hire Vehicles	1	12	18
Private Hire Operators	2	2	0

This year we have seen an increase in new Private Hire & Hackney Carriage Licenses granted.

Since the introduction of our 'Intention Use Policy' we have successfully worked with Licensed Operators to encourage 'out of town drivers' to apply to our Authority.

c) Number of licences **granted for Operators**

Operators are subject to a similar licensing regime as drivers, having also to satisfy a fit and proper test. Licences are now granted on a 5 year cycle.

Total number of Operators in Borough on 31 March 2018 = **17**

5 Summary of investigations undertaken:

There are several instances when officers or members involved in Licensing are called upon to make a formal decision as part of the legal process. These include:

- When a new applicant wishes to be licensed as a Hackney Carriage or Private Hire driver, or as a Private Hire operator;
- When a previously-unlicensed vehicle is to be considered for a Hackney Carriage or Private Hire vehicle licence;
- when an existing licence (for a vehicle or driver) is due to be renewed at the end of its statutory life; or
- When a complaint or other intelligence is received which may impact on the continuing ability of a licensed driver to pass the statutory "fit and proper" test.

In many cases, such decisions can be taken by officers as a matter of routine under constitutional delegation. However, in contentious cases or where a decision of particular significance is to be made, the General Licensing Committee is required to receive evidence on such matters and to make a final decision. This evidence is presented at formal quasi-judicial hearings, when elected members are expected to

Case Study

In October 2017, a licensed driver was involved in a road traffic incident with a person who was crossing the pedestrian crossing on Hough Lane, Leyland late at night. The person suffered serious injury. As a result, a Panel of the General Licensing Committee revoked the driver's licence with immediate effect.

use their judgement in determining the outcome. Any such decisions are open to appeal, which will initially be heard in the Magistrates Court.

The table attached to this report as Appendix 1 sets out the hearings heard by the Committee during 2017/18. It

confirms that the Committee undertook a total of 10 hearings during the year (a significant increase on the total of 5 during 2016/17). Of these:

- new applications for a driver's licence were considered, 4 of which were refused and 2 approved;
- a total of 4 hearings were held in relation to existing licence holders – 3 of these resulted in revocation of the licence, and 1 resulted in a written warning. In addition, a further licence was revoked without a hearing under the emergency SO35 procedure; and
- one of the above revocations imposed by the Committee was taken to appeal at the Magistrates Court – this appeal was rejected and the decision to revoke upheld.

This increase in workload shows the collective impact of a number of improvements introduced by the Committee in the past year or so, including changes to governance procedures; the revised Convictions Policy adopted in Feb 2017; and a more robust approach to bringing matters before committee.

In addition, the committee viewed and considered whether a total of 4 vehicles were appropriate for use for "executive hire" under the Licensing Policy – if so, this would exempt the vehicles from carrying exterior licence plates. On 3 of the occasions, the vehicle was considered acceptable for this status.

Case Study

A Hackney Carriage driver had his licence revoked by members for falsely accusing a Licensing Officer of "identity fraud". The driver appealed to the Magistrates Court in February 2018, where members' decision to revoke was upheld.

6 Implementation Plan

At its meeting on 21 March 2017, the General Licensing Committee was first presented with a draft Implementation Plan, the purpose of which was to combine into a single document the key outcomes from the various recent reviews into the Licensing function. The Plan would be updated on a regular basis, and was colour-coded so that members could easily discern the progress made.

By March 2018, the report contained 33 actions to be implemented. Of these:

- 25 (75%) were considered complete;
- a further 5 (15%) were assessed as in progress; and

- 3 (9%) were still to be commenced (these being larger pieces of work which required a full-time manager to be in post).

The Committee considers that - given resource constraints - this is a commendable effort over 2017/18 which has led to the introduction of more robust administrative procedures and a safer environment for local residents.

The Implementation Plan was reported to the meeting of the Scrutiny Committee on 8 March for their consideration and comment. The Committee was supportive of action taken to implement the Plan during 2017/18 and hoped that a revised version (to incorporate the refreshed policies for 2018/19) would continue to be developed by the General Licensing Committee.

7 Terms of Reference

One of the major procedural changes made by the Committee during 2017/18 was to move from hearings conducted by all members to a new approach whereby hearings would be conducted by a sub-committee or panel of 5. The purpose of reducing the number of members was to provide greater flexibility for the increased number of hearings which now take place, and to allow increased time for members to engage with a driver or applicant who appears before them. This brings the committee's process more into line with that adopted by most other local authorities who retain a committee system.

8 Policy issues:

The Licensing function has a major role to play with regard to Safeguarding, and the General Licensing Committee has done a huge amount of work in 2017/18 to update its processes in this area. Changes include:

- a) bedding in the revamped governance** processes introduced in February 2017, particularly around the "fit and proper" test for licence holders, including the adoption of a new Convictions Policy to allow soft intelligence and (if appropriate) ex parte proceedings
- b) an Intended Use Policy** has been introduced as part of a **campaign to curb drivers coming into the Borough when licensed elsewhere**, over whom the Council has little enforcement control
- c) Mandatory online Safeguarding training** has been introduced. All new applicants for a Hackney Carriage or Private Hire Driver's Licence are required to **satisfactorily complete the online / e-learning training course on Child Sexual Exploitation (2017) run by the Lancashire Safeguarding Children's Board**. Proof of the successful completion of this online course as part of the application process;

- d) all drivers currently licensed with this authority are now obliged to re-take and provide documentary evidence of successful completion of the above course **prior to each subsequent renewal** of their licence;

Case Study

Officers acknowledged that a total of 26 licensed drivers had failed to attend Safeguarding training previously provided. These drivers were therefore contacted and obliged to successfully complete an online Safeguarding exercise. Four drivers declined to attend, and have had their licences suspended for non-compliance pending completion of the Safeguarding course.

In either of the cases in (d) above, evidence of successful completion of the online course must be dated within a **3 month period prior to the date on which a new application or application for renewal is made**. And in all cases, the online test referred to above shall be taken under **officer supervision** at the Civic Centre and only upon production of proof of identity;

- e) Licensed drivers who fail to attend any course required by the Council within a reasonable period of up to 3 months may face suspension by the Licensing Authority.
- f) The Licensing Policy is being changed to require operators to **train dispatch staff on Safeguarding issues** and make records available to Licensing staff
- g) **Professional qualification** - all new applicants for driver's licence are required to possess either:
- A Level 2 BTEC Certificate in Taxi and Private Hire Driver; or
 - an appropriate and equivalent Level 2 qualification.
- These will require an element of Safeguarding as part of the process.
- h) **Tinted windows**
- The requirements of the Licensing Policy have been firmed up to ensure a minimum of 70% light transmission on rear windows. This is intended to ensure that there is visibility in the rear of vehicle, and provide greater Safeguarding reassurance.
- i) In February 2018, the Committee received a report on **implications arising from the potential mandatory introduction of in-cab CCTV**. It was agreed that, given the complexities involved, a pan-Lancashire collaborative approach involving other local authorities should be pursued
- j) The Committee has implemented a number of measures intended to promote the protection and fair treatment of vulnerable service users. These include implementation of various provisions of the Equalities Act 2010:

Consultation exercises

During 2017/18, the Licensing Section has carried out formal consultation exercises on 10 separate occasions, each of which has resulted in a formal change to the Licensing Policy as a result.

- introducing a formal requirement for drivers not to charge more for transporting wheelchair users, or to decline to provide reasonable assistance to persons in wheelchairs; and
- similar protection has been extended to persons with assistance dogs.

In addition, the Committee has devoted considerable energy to the introduction of testing regime for vehicles modified to carry wheelchairs – previously, there was no requirement for the particular modifications to be subjected to regular safety testing. It is hoped that this process will be completed by summer 2018.

9. Member training / work planning / performance measurement

The Committee has made considerable improvements to aspects of its governance over the past 12 months.

For instance, the Committee has formally adopted a training programme. As a result, officers have provided a training session on the statutory “fit and proper” test for licensed drivers, and arranged for members of the committee to observe a committee held by their colleagues at Chorley Council.

On 9 March 2018, members attended a joint training session with Chorley BC’s licensing members; the training was given by the “licensing guru” Jim Button and covered a range of Licensing legislation and best practice.

The Committee has also adopted a Forward Plan to give greater rigour and structure to its workload – this involves identifying key dates / milestones for the provision of information by officers, enabling the committee to take timely and informed decisions.

Officers have developed a comprehensive system of performance monitoring, which has been presented to members on a regular basis. The Committee has influenced the development of the performance framework and as a result has stated its satisfaction with the way in which performance data is reported to it. Whilst software difficulties have impacted on this reporting in the final quarter of the year, it is hoped to resume this reporting in 2018/19.

Case Study

A licensed driver was arrested by the police in October 2017 – he was later breathalysed and found to have 66mg of alcohol per 100ml of breath, hence he was nearly double the legal limit.

The Council revoked the driver’s licence under its emergency Standing Order 35 procedure.

10 Taxi Trade Forum

The Committee is always conscious of the need to engage with the local licensed trade and to listen to their views at every opportunity. It is therefore pleasing to report that – after an absence of at least 12 months – the Taxi Trade Forum has been resurrected. Although attendance by the trade has been variable, the Forum is considered a valuable tool of communication. Officers are able to provide advance warning of any upcoming consultation exercises or Policy changes, and the trade can identify any issues of concern which they would ask the Council to address. Forums are held on a quarterly basis and will continue during the coming year.



11 Working Group

One of the issues raised by the licensed trade at a Forum involved the differential age policy currently adopted by the Council – in essence, the ages at which saloon vehicles could be licensed (4 years for first registration and a maximum age of 8 years) were different to the age limits for wheelchair accessible vehicles (6 years and 12 years). This was felt to be an historical anachronism and no longer justifiable. As a result, committee members agreed to set up a working group (consisting of members, trade representatives and a disability group) to consider the matter. The working group met on 22 February 2018, and followed the methodology used by the Scrutiny process. A report has emerged from the working group's deliberations and will be presented to committee in April 2018



12 Social Media

The Licensing Team has continued to try and promote its messages as widely as possible, and is a keen advocate of the benefits of social media.

Examples of some of the messages put out using the year are set out below;

Tweets and Facebook Posts



During the Festive season we actively encouraged residents to use licensed Private Hire and Hackney Carriage Vehicles.

Our mission was to make the tweets and posts on Social Media light hearted but with a serious hidden meaning.

We pinched this 'cheeky caption' from comedian Peter Kay.

The two posts combined reached over **4000** Residents on [Twitter](#) alone!



Have your say... 

Professional Taxi
Qualification

Consultation runs
1st - 28th February



We also used Social Media as a platform to promote our consultation exercises.

Here is an example of a tweet to boost feedback on a proposed change to our Taxi Licensing Policy.

Here is an example of how we engaged with Drivers for our quarterly **Taxi Trade Forum.**

The image here is used for Facebook and Twitter.

We use the same poster for each Forum and tweak the dates of the meeting.

Drivers have commented that they often look out for the familiar tweet for that ever so important date for their diaries!!



SOUTH RIBBLE
BOROUGH COUNCIL
Forward with South Ribble

All Taxi Drivers are invited to attend the next

TAXI TRADE FORUM

to be held at

South Ribble Borough Council
Civic Centre, West Paddock, Leyland

on

Thursday 26th October
5pm – 6pm

TAXI

13 Revisiting files of licensed drivers

Given the introduction of a revised Convictions Policy in February 2017 (which introduced stricter criteria to be applied by members in determining whether an applicant or licensed driver met the “fit and proper” test), it was considered appropriate to reassess all licensed drivers against these new criteria. As a result, the files 13 drivers had their files re-considered in detail. Of these, 2 drivers were no longer working in the Borough; 2 drivers received a letter warning them as to their future conduct; and in 9 instances no further action was required.

14 Looking ahead:

The General Licensing Committee has set its aspirations high for its work in 2018/19. Members are keen to maintain the momentum gained over the past year and will be moving forward at pace on a range of issues. These include:

- a) further potential changes to the Licensing Policy around professional qualifications, reviewing the Convictions Policy etc;
- b) considering the introduction of major projects such as the introduction of mandatory in-cab CCTV and an operator accreditation scheme; and
- c) further developing the provision of training for members of the Committee.

B. LICENSING ACT 2003

1 Background

The Licensing Act 2003 (LA03) transferred the liquor licensing functions from the Magistrate's Court to the Local Authority and consolidated these activities with entertainment licensing legislation, the provision of late night refreshment, cinemas and theatres.

The number of new licenses issued by us in the year 2017/2018 is as follows;

Granted	16/17	17/18	Current total
Personal Licenses	89	75	1297
Premises Licenses	9	9	298
Club Premises	0	1	13
Temporary Events Notice	110	111	-

2 Hearings

The Licensing Sub-Committee (created by the Licensing Act 2003 to deal with applications, variations and reviews of licensed premises) has been convened on two occasions in the past 12 months.

One occasion related to an application brought in relation to the **Withy Arms**, with a view to varying the premises licence to allow use of the rear area / beer garden with a later time limit of 0000 hours. The meeting attracted a number of members of the public, and the members' ultimate decision was to grant the application with conditions imposed.





The Sub-Committee also heard an application for a review of the premises licence held by the **Railway** public house in Leyland. The application (brought by Lancashire Constabulary) related to alleged breaches of the Licensing Objectives for the Prevention of Crime and Disorder and the Protection of Children from Harm, and consisted of several hundred pages of evidence.

After a lengthy hearing, members agreed to impose (with some modifications) a total of 29 conditions on the premises licence. Officers will monitor the situation moving forward to ensure that these are complied with.

Specimen condition imposed on the Premises Licence:

At least once a month, on a Friday or Saturday night, and on at least 3 Bank Holidays during the course of the calendar year, Drug Detection Dogs will be required to attend the Premises to carry out detection of drugs.

3 Local Enforcement Activity undertaken:

Throughout the year random premises inspections are carried out by officers. The aim of the inspection is to:

- a) check licence holders are following conditions attached to their licence
- b) abiding by agreed opening hours
- c) Rectify any issues the licensee may have (e.g. an influx of under aged youths attempting to purchase alcohol).

Number of Premises Licence inspections carried out April 2017 to March 2018;

Total number of inspections as of 31 March 2018 = **149**

Case study

The Licensing Section has received a large number of complaints about a local public house.

Most of the complaints related to noise nuisance which disturbed local residents' right to quiet enjoyment.

Officers worked closely with Environmental Health colleagues and visited the premises on numerous occasions, ensuring that licence conditions relating to noise nuisance were complied with.

4 Training

On 10 July 2017, the Interim Licensing Manager held a “learning hour” for all members on the subject of the Licensing Act 2003; a number of members of the Licensing Act Committee 2003 were present.

The presentation was in a quiz format, which those present seemed to appreciate.

Question topics included matters as diverse as former drinking establishments in the Borough to the use of irresponsible promotions such as the “dentist’s chair” (pictured).



C. GAMBLING ACT 2005

1 Background



During 2017/18 the Council continued to fulfil its statutory functions under the Gambling Act 2005 (GA05). This legislation replaced most of the existing law relating to gambling in Great Britain and (much like the Licensing Act 2003) aimed to put in place an improved, more comprehensive structure of gambling regulation. Once implemented, the Act transferred the licensing of gambling premises from the local Magistrates Court to the Council.

The Licensing Team now issue licenses for the following:

- bingo halls;
- betting shops;
- adult gaming centres; and
- family entertainment centres

The numbers of premises which have continued to be licensed by this Authority under the Gambling Act are set out below.

Type	Total
Betting Premises	12
Bingo Premises	0
Adult Gaming Centres	1
Family Entertainment Centre	0
Casinos	0

Other types of Permits/Licenses which form part of the Gambling Act are;

Type	Total
Small Society Lotteries	88
Gaming Machine Permits	12
Notification of intent (2 or less machines)	70

Again, all yearly maintenance fees as set out in the Gambling Act 2005 which have been set by the Local Authority for the year ending 2017/18 have been received by the Authority.

2 Looking ahead

The Licensing Section is obliged to review its Gambling Policy on a regular 3 year cycle, and this piece of work will need to be undertaken during 2018/19. This will require the Council to reassess its approach to the topical issue of gambling, which has received prominent coverage in national media over the past months (eg the maximum pay-outs on Fixed Odds Betting Terminals).

This task has been factored in to the Committee's Forward Plan for the coming year, and is likely to take up considerable officer resource over the coming months.

D. SCRAP METAL DEALERS

In October 2013 the Scrap Metal Dealers Act 2013 came into force in the District. Under this new legislation the Council is responsible for issuing mobile scrap metal collector licences and scrap metal site licences. The Council has issued the following number of licences to date:

Licence Type	Amount
Site Licence	3
Mobile Licence	3

The Licensing Team is responsible for enforcing the legislation in partnership with the Police and Environment Agency.



E. RESIDENTIAL MOBILE HOMES

1 Background

At its February 2018 meeting, the Committee received a report on whether to adopt the following documents:

- a) The 2008 Model Standards – these are a government-sponsored blueprint for the setting out of residential sites; and
- b) A draft Fees Policy (which would allow the local authority to charge for a variety of licensing functions relating to residential mobile homes, which it had not been able to do to date.

The Committee considered the consultation responses submitted by a range of stakeholders (including the residents of the 3 currently-licensed sites in the Borough). After due deliberation, members agreed that the report should proceed to full Council with a recommendation for formal adoption of both the Model Standards and the Fees Policy.

2 Looking ahead

This was adopted on 21 March 2018 and the Council is now able to levy cost-neutral fees to cover much of its enforcement activities.

Further discussion will also be needed with the 3 current holders of site licences to see if they will be willing to adopt the Model Standards 2008 on a retrospective basis (as they will only apply automatically to new applicants for a site licence).



F. CONCLUSION

For the General Licensing Committee, the year 2017/18 has principally been a year of consolidation. Collectively, officers and members have worked hard to implement a series of policy changes intended to promote public safety and reinforce the Equalities agenda. At the same time, significant efforts have been made to engage with the licensed trade and engage in constructive dialogue with a major stakeholder.

This annual report seeks to set out some of the changes which have been made over the past few months, as well as look forward into 2018/19.

Officers and members have worked closely over the past year to raise the profile of Licensing and show its work in a valuable light. All concerned hope that you will find this annual report a helpful and informative guide to the important work being carried out on your behalf.

End of report

Appendix 1

Summary of GLC hearings during 2017/18

Reference	Date of GLC hearing	New application / existing licence holder	Facts for consideration by GLC	Outcome	Appeal?
1	18.5.17	Existing	a) removal of keys from another vehicle without driver's consent causing road traffic obstruction b) complaint of speeding / verbal warning	Written warning to lie on file	No
2	18.5.17	New	a) Caution for battery (now claims he was not the assailant, possible perverting course of justice) b) conviction for speeding dated 1.7.11 (3 pen points)	Application refused	No
3	18.5.17	New	Licence previously revoked by Preston City Council due to: a) 9 th April 2016 – speeding incident followed by alleged over-charging of customer b) 15 May 2016 – inappropriate behaviour towards female passenger c) 26 May 2016 - made inappropriate behaviour towards female passenger	Application refused	No
4	18.5.17	New	a) Conviction 25.6.05 for battery b) Breach of community sentence - 12.07.06 (tagging and curfew order) c) Driving a vehicle with excess alcohol – 19.3.09	Application granted	n/a
5	18.5.17	New	Previous revocation (IN10), speeding, failure to disclose identity	Application refused	No
6	11.7.17	Existing	a) Speeding – July 16 b) Speeding – Dec 16 c) Neither conviction declared on application to renew	Immediate revocation	No

7	19.9.17	New	Caution for ABH	Granted	n/a
8	17.10.17	Existing	False accusation of identity fraud by Licensing Officer	Revocation of licence	Appeal to Preston magistrates Court on 16.2.18. Outcome – appeal refused
9	18.10.17	Existing	Driving under the influence of alcohol	Immediate revocation under SO35 procedure	No
10	31.1.18	Existing	28 October 2017 – was involved in an incident on Hough Lane in Leyland where a pedestrian was knocked down on a pedestrian crossing	Immediate revocation	No
11	20.2.18	New	Criminal damage, 2 x drink driving, assault in last 10 years	Refused	Not yet known

REPORT TO	ON
GENERAL LICENSING COMMITTEE	10 APRIL 2018

September 2017



TITLE	REPORT OF
REPORT OF WORKING GROUP ON DIFFERENTIAL AGE LIMITS FOR LICENSED VEHICLES	INTERIM DEPUTY CHIEF EXECUTIVE (RESOURCES & TRANSFORMATION)

Is this report confidential?	No
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1. PURPOSE OF THE REPORT

The purpose of the report is to update members on the outcome of the working group convened to consider differential age limits for licensed vehicles.

2. RECOMMENDATIONS

Members are requested to:

- 2.1 receive the draft report (attached as Appendix 1) produced by the working group following its meeting on 22 February 2018;
- 2.2 consider whether to formally endorse the report and support the recommendation to amend the Licensing Policy;
- 2.3 consider whether to submit the proposed change to the Licensing Policy to a wider period of consultation as per the methodology set out in section 7 below;
- 2.4 agree to receive an update on the outcomes of the consultation exercise at a future meeting of the committee; and
- 2.5 agree that a formal letter of thanks should be sent to the representatives from the licensed trade and disability group which contributed to the process.

3. CORPORATE PRIORITIES

The report relates to the following corporate priorities

Excellence and Financial Sustainability	
Health and Wellbeing	x
Place	

Projects relating to People in the Corporate Plan:

People	
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4. BACKGROUND TO THE REPORT

- 4.1 Members will recall that, at the meeting of the General Licensing Committee in November 2017, they received a report updating them on Licensing activities. Part of that report outlined a discussion at the Taxi Trade Forum held on 26 October 2017, at which trade representatives expressed the view that it was undesirable to have a policy of differential age limits for saloon vehicles and wheelchair accessible vehicles, and enquired whether it would be possible for these to become more aligned. The Chair of the Forum (Cllr Nelson) had commented that it may be appropriate for a working group of committee members to be set up, with a view to considering the issue in detail and reporting back to the General Licensing Committee at a future date.
- 4.2 At the meeting of the General Licensing Committee in November, members agreed that a working group should be established to consider the topic in detail. It was envisaged that the working group not meet more than twice to consider the matter and then report its findings to the next appropriate meeting of this Committee

5. WORKING GROUP AND METHODOLOGY

- 5.1 The formal title for the working group was “Working Group on Differential Age Limits for Licensed Vehicles” and (as previously agreed by the committee) its membership was:

- Cllr Wooldridge (Chair)
- Cllr Green
- Cllr Hamilton
- Cllr Hancock
- Cllr Nathan

Other co-opted members of the group were:

- David Cox (TCE Airport Travel)
- Scott Washington (a licensed Hackney Carriage driver).

In addition, an approach was made to Disability Equality North West, a body which had helpfully contributed to previous Scrutiny exercises. As a result, Suzie Jones was able to attend and input from an Equalities perspective.

- 5.2 Members will recall that a draft Terms of Reference had been produced for the working group, which (along with a draft agenda for the first meeting) had been endorsed by this committee at its January meeting. In addition, officers had undertaken some initial desk top research which had also been circulated to the group, prior to its meeting.
- 5.3 The working group met on 22 February 2018 and followed a structured format in which the following key questions were identified and debated by the group:
- i) Historically, why has SRBC adopted a differential age policy?
 - ii) What are the advantages / disadvantages of a differentiated approach?
 - iii) On balance, would the working group wish to move away from the current approach?
 - iv) If so, what is the preferred option?
 - align saloons with Wheelchair Accessible Vehicles (ie move to the higher age limits across the fleet)?

- align Wheelchair Accessible Vehicles with saloons (ie move to the lower age limits across the fleet)?
- adopt other age limits (to be defined)
- abandon age limits completely

v) What benefits would adoption of the preferred option bring?

6. OUTCOME OF THE WORKING GROUP

6.1 A copy of the report produced by the working group is attached as Appendix 1.

6.2 A summary of the working group's discussion is set out in the report. The debate covered a wide range of issues associated with age policies and was generally considered to have been constructive.

6.3 The recommendation of the working group is set out in the appropriate section of the attached report. In brief, the working group recommends that the current differentiated age policy should be abandoned and replaced by a standardised age policy. This would mean that the proposed age limits for all vehicles (whether saloon or wheelchair accessible) would be 6 years on first application and up to 12 years on renewal.

6.4 Should the committee wish to proceed with the change to the Licensing Policy which will be required to implement the proposal, a period of consultation will be necessary. This is considered in section 7 below.

7. METHODOLOGY

7.1 Should members wish to endorse the draft report and its recommendation for a revision to the Licensing Policy, it will be necessary to proceed with a consultation exercise. It is therefore proposed that the following process be adopted:

- a) details of the consultation exercise will appear on the Council's website;
- b) the consultation exercise will be mentioned at the Taxi Trade Forum on 3 May 2018;
- c) all operators will be written to and advised of the consultation; and
- d) the Council will also promote the consultation via social media.

7.2 The consultation period will last for 28 days.

7.3 On conclusion of the consultation exercise, a further report can then be presented to members updating them of the feedback / responses received. At that stage, members will be invited to consider whether (in light of the consultation feedback) they still wish to support the recommendations in the report. If so, the report and proposed change to the Licensing Policy can then be forwarded for adoption by full Council.

8. LICENSING POLICY – PROPOSED WORDING TO IMPLEMENT THE RECOMMENDATION

8.1 The current wording of the Licensing Policy (reflecting a differentiated approach to age limits) is reproduced below:

Section 6.9 - Hackney Carriage Vehicle Age Limits

The Council operates an age policy in respect of licensed vehicles and since its introduction, the travelling public of South Ribble have benefitted from more reliable vehicles which are fitted with better safety features and are more environmentally friendly.

The Council will where appropriate, issue Hackney Carriage Licences to vehicles which:

- a) Are no older than 4 years, when first presented for licensing
- b) In respect of purpose built taxis (i.e. Peugeot E7, Euro taxi) or other wheelchair accessible vehicles are no older than 6 years, when first presented for licensing

Vehicles in (a) above, which have been continuously licenced by South Ribble, will no longer be eligible for renewal once they are 8 years old.

Vehicles in (b) above, which have been continuously licenced by South Ribble, will no longer be eligible for renewal once they are 12 years old

The Council operates an age policy in respect of licensed vehicles and since its introduction, the travelling public of South Ribble have benefitted from more reliable vehicles which are fitted with better safety features and are more environmentally friendly.

Section 7.8 - Private Hire Vehicle Age Limits

The Council will where appropriate, issue Private Hire Licences to:

- a) Saloon/estate vehicles which are no older than 4 years, when first presented for licensing,
- b) Larger MPVs, minibuses and other wheelchair accessible vehicles which are no older than 6 years, when first presented for licensing.

Vehicles in (a) above, which have been continuously licensed by South Ribble, will no longer be eligible for renewal once they are 8 years old.

Vehicles in (b) above, which have been continuously licensed by South Ribble, will no longer be eligible for renewal once they are 12 years old.

- 8.2 Should members wish to adopt the recommendation in the Working Group's report, it is proposed that the following proposed wording would need to be the subject of the consultation exercise outlined in section 7 above:

Section 6.9 - Hackney Carriage Vehicle Age Limits

The Council operates an age policy in respect of licensed vehicles and since its introduction, the travelling public of South Ribble have benefitted from more reliable vehicles which are fitted with better safety features and are more environmentally friendly.

The Council will, where appropriate, issue Hackney Carriage Licences to vehicles which (whether saloon vehicles, purpose-built taxis or other wheelchair accessible vehicle) are (i) no older than 6 years when first presented for licensing and (ii) will cease to be eligible for renewal when they become 12 years old.

The Council operates an age policy in respect of licensed vehicles and since its introduction, the travelling public of South Ribble have benefitted from more reliable vehicles which are fitted with better safety features and are more environmentally friendly.

Section 7.8 - Private Hire Vehicle Age Limits

The Council will, where appropriate, issue a Private Hire Licence to any vehicle (whether a saloon / estate vehicle; larger MPV; minibus; or other wheelchair accessible vehicle) which are (i) no older than 6 years when first presented for licensing and (ii) will cease to be eligible for renewal when they become 12 years old.

9. WIDER IMPLICATIONS AND BACKGROUND DOCUMENTATION

9.1 Comments of the Statutory Finance Officer

There are no financial implications arising from the recommendations in this report.

9.2 Comments of the Monitoring Officer

Should members wish to formally endorse the recommendations of the Working Group's report and consider any changes to the Licensing Policy, then there will be a requirement for a formal consultation on this matter.

Other implications:	
▶ Risk	None
▶ Equality & Diversity	None
▶ HR & Organisational Development	None
▶ Property & Asset Management	None
▶ ICT / Technology	None

10. BACKGROUND DOCUMENTS

Appendix 1 –draft report produced by the working group

ELT Member's Name: Lisa Kitto

Job Title: Interim Deputy Chief Executive (Resources & Transformation)

Report Author:	Telephone:	Date:
Interim Licensing Manager	01772 625401	2 March 2018

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Working Group on Differential Age Limits for Licensed Vehicles



Draft Report – April 2018

**For consideration by the General
Licensing Committee on 10 April 2018**

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Chair's Foreword



The General Licensing Committee has always understood the need to work closely with both the licensed trade and service users. For this reason, I was honoured to be asked to take the lead on an important piece of work which had been raised by the trade at a Taxi Trade Forum.

South Ribble Borough Council has long been proud of its licensed Hackney Carriage and Private Hire fleet, which provides a valuable service to the Borough's residents. In assessing the strength of its fleet, one of the key criteria is the age limits which govern when a vehicle may be licensed. It is important that these age limits are fair and relevant, particularly so when they impact upon wheelchair users and other vulnerable members of society.

When the working group met on 22 February 2018, I was delighted to see members and officers, as well as trade and disability representatives, all working together for the greater good. The conclusions put forward as a result of this work are considered and appropriate, and I commend them to the General Licensing Committee when it meets to discuss them in April 2018.

My personal thanks go to all members of the working group, without whom this report could not have been completed. I am grateful for their individual contributions, whether in terms of time, effort, expertise or personal experience – and in many cases all four. All were greatly appreciated!

Councillor David Wooldridge
Chair of the Working Group

Rationale for setting up the working group

After an absence of around a year, the Council re-convened meetings of the Taxi Trade Forum. These meetings were intended to increase mutual understanding between the Council (in its role as Licensing Authority) and the licensed trade (as key stakeholders in the licensing process).

At the Taxi Trade Forum held on 26 October 2017, trade representatives raised a number of issues including the view that it was undesirable to have a policy of differential age limits for saloon vehicles and wheelchair accessible vehicles. They enquired whether it would be possible for the Council to bring these age limits into closer alignment.

As a result, the Chair of the Taxi Trade Forum (Cllr Mike Nelson) commented that it may be appropriate for a working group of committee members to be set up, with a view to considering the issue in detail and reporting back to the General Licensing Committee at a later date.

A report was then taken to the General Licensing Committee in November 2017, where members agreed that a working group should be established to consider the topic in detail. Officers were asked to prepare some initial documentation to inform the discussion and bring this back to the Committee for final approval. On presentation of this documentation in January 2018, along with proposals to incorporate representatives of the trade and disability groups, members requested that the working group should meet during the month of February and report back to the April meeting.

Trade representatives were identified at the Taxi Trade Forum on 1 February 2018, and a disability contact was identified through colleagues in the Council's Scrutiny Section.



Membership of the working group

At the meeting of the General Licensing Committee in January 2018, the following members were identified to participate in the exercise:

- ▶ Cllr Wooldridge (Chair)
- ▶ Cllr Mary Green
- ▶ Cllr Hamilton
- ▶ Cllr Hancock
- ▶ Cllr B Nathan

Two trade representatives then kindly put themselves forward at the Taxi Trade Forum in February 2018:

- ▶ David Cox (TCE Airport Travel)
- ▶ Scott Washington (a licensed Hackney Carriage driver).

In addition, an approach was made to Disability Equality North West, a body which had helpfully contributed to previous Scrutiny exercises. As a result, Suzie was able to attend and contribute from an Equalities perspective.



Working group's Aims and Objectives

At its January 2018 meeting, the General Licensing Committee adopted the following aims and objectives for the working group:

- ▶ To review the evidence provided to the Group by officers on the current age differential of vehicles licensed by this authority and other local authorities.
- ▶ To understand the rationale for, and advantages / disadvantages of, the current differentiated age policy (including the views of the nominated trade representatives on the issue from the trade's perspective)
- ▶ To consider whether an alternative age policy would be more appropriate in reflecting the needs of a modern licensed fleet, and to determine what that alternative should be
- ▶ To work with officers to develop recommendations to be made to the General Licensing Committee in April 2018 (for future recommendation to full Council in the event of any policy changes being required).

Links with current Licensing Plan

In line with the approach taken by many other licensing authorities, the Council's Licensing Plan currently prescribes the age limits for vehicles. The relevant sections of the Licensing Policy are reproduced below:

Section 6.9 - Hackney Carriage Vehicle Age Limits

The Council operates an age policy in respect of licensed vehicles and since its introduction, the travelling public of South Ribble have benefitted from more reliable vehicles which are fitted with better safety features and are more environmentally friendly.

The Council will where appropriate, issue Hackney Carriage Licences to vehicles which:

- a) Are no older than 4 years, when first presented for licensing
- b) In respect of purpose built taxis (i.e. Peugeot E7, Euro taxi) or other wheelchair accessible vehicles are no older than 6 years, when first presented for licensing

Vehicles in (a) above, which have been continuously licenced by South Ribble, will no longer be eligible for renewal once they are 8 years old.

Vehicles in (b) above, which have been continuously licenced by South Ribble, will no longer be eligible for renewal once they are 12 years old

The Council operates an age policy in respect of licensed vehicles and since its introduction, the travelling public of South Ribble have benefitted from more reliable vehicles which are fitted with better safety features and are more environmentally friendly.

7.8 Private Hire Vehicle Age Limits

The Council will where appropriate, issue Private Hire Licences to:

- a) Saloon/estate vehicles which are no older than 4 years, when first presented for licensing,
- b) Larger MPVs, minibuses and other wheelchair accessible vehicles which are no older than 6 years, when first presented for licensing.

Vehicles in (a) above, which have been continuously licensed by South Ribble, will no longer be eligible for renewal once they are 8 years old.

Vehicles in (b) above, which have been continuously licensed by South Ribble, will no longer be eligible for renewal once they are 12 years old.

For the avoidance of doubt, the age limits for summarised as follows:

	Hackney Carriage		Private Hire	
	Max age on first reg'n	Max age on renewal	Max age on first reg'n	Max age on renewal
Saloon	4	8	4	8
WAV	6	12	6	12

This shows that the Council operates a differential age policy for saloon vehicles as opposed to wheelchair accessible vehicles; the latter can currently be first licensed up to 6 years of age (some 2 years later than saloons) and can continue to be licensed until up to 12 years of age (some 4 years later than saloons).

The key questions for the working group were:

- ▶ Should this age differential be retained: and
- ▶ If not, what should it be replaced with?

Methodology

Officers supporting the working group carried out an initial desktop exercise which identified helpful research on age policies adopted by licensing authorities across the county. This was made available to the working group for its consideration in advance of the meeting. In addition, relevant government guidance (in the form of best practice guidance from March 2010) was also located. This information is attached collectively as Appendix 1 to this report.

The meeting of the working group took place on 22 February 2018 and followed a structured format in which the following key questions were identified and debated by the group:

- ▶ Historically, why has SRBC adopted a differential age policy?
- ▶ What are the advantages / disadvantages of a differentiated approach?
- ▶ On balance, would the working group wish to move away from the current approach?
- ▶ If so, what is the preferred option?
 - Align saloons with Wheelchair Accessible Vehicles (ie move to the higher age limits across the fleet)?
 - Align Wheelchair Accessible Vehicles with saloons (ie move to the lower age limits across the fleet)?

- Adopt other age limits (to be defined)
 - Abandon age limits completely
- ▶ What benefits would adoption of the preferred option bring?

Key Findings

The Task Group used the above methodology to come up with the following key findings:

Reasons for differential age policy:

The trade expressed the opinion that – going back many years – the authority originally permitted wheelchair access from a side-loading position only. Vehicles with a side-loading facility were conventionally more expensive to purchase, and as a result the Council allowed them to retain a licence for a longer period.

More recently, the authority changed its stance to allow the rear-loading of wheelchairs – rear-loading vehicles were cheaper but the Licensing Policy was never changed to reflect their introduction.

Advantages of a differentiated approach:

Members appreciated that an upper age limit gave the authority a modern fleet which it could be proud of. When compared to the fleet in other authorities which did not operate an age policy, the South Ribble fleet was considered to be of a higher standard; this was evidenced by officers engaged on inspection duties witnessing the serving of enforcement notices etc on vehicles licensed by neighbouring authorities where no age policy was in place. The adoption of an age limit ensured that the fleet meets the latest standards of safety and comfort, benefits to which passengers are entitled.

Members in particular placed great store in whether vehicles licensed by South Ribble were perceived to be of a suitable standard for a parent to have their child transported safely and in comfort.

Disadvantages of a differentiated approach:

The trade representatives had a mixed approach to the issue of an age policy, with one of them feeling that it was illogical and fundamentally flawed. The representative suggested that a notional point in time to form a cut-off point for licensing a vehicle therefore led to potential absurdities; for instance, he cited an example of a 2014 Skoda Octavia (140,000 miles) which could be purchased for £5750, as opposed to a 2013 Skoda Octavia (which had done 70,000 miles) and could be purchased for £5980. The former could be licensed under our age policy, but the latter – which had travelled considerably fewer miles – could not. By extension, a vehicle which was 5

years and 364 days old (with 500,000 miles on the clock) could be licensed, but a vehicle which was 6 years and 1 day old (with 50,000 miles on the clock) could not.

When considering the various age policies adopted by authorities around us, the trade noted that the authorities in closest geographical proximity to South Ribble (namely Blackburn with Darwen, Chorley and Preston) all had a policy of no age limits. It was therefore logical for South Ribble to adopt a similar approach as that of its neighbours.

Documentation provided by the trade indicated that wheelchair accessible vehicles were said to have a higher output of CO2 emissions when compared against saloons. It was therefore illogical to allow wheelchair accessible vehicles to stay on the road longer than saloons, which was the case under the current policy.

The trade representatives considered that the imposition of an upper age limit placed South Ribble owners of licensed vehicles at a commercial disadvantage when competing against vehicles licensed by other local authorities where no age limit was in place.

Should the Council move away from its current differentiated policy?

The Working Group quickly formed a consensus that, in light of the comments above, the current age policy was out of date and should therefore be revisited. The question then was – how?

What is the preferred option for change?



A range of options were considered by the Group, including:

- ▶ Standardising the age limits at those currently for saloon vehicles;
- ▶ Standardising the age limits at those currently for wheelchair accessible vehicles;
- ▶ Adopting the 4 year age for first registration of saloons and also the higher age limit for wheelchair accessible vehicles (12 years)
- ▶ Abandoning the age policy (with or without further restrictions such as a maximum mileage for vehicles)

Whilst one trade representative continued to argue in favour of abolition of an age limit, the clear consensus was in favour of aligning the age limit for all vehicles at the current level of that for wheelchair accessible vehicles – namely 6 years on first registration and an upper limit of 12 years. This approach offered greater flexibility to the trade than the current system, whilst remaining politically acceptable to elected members on the Working Group.

It was noted that – from an Equality perspective – the imposition of a single unified age policy seemed an entirely appropriate way forward!

Recommendation

That the General Licensing Committee consider recommending the commencement of a wider consultation exercise, with a view to the outcomes of this exercise being reported to a future meeting of the Committee. Subject to this, members may recommend the adoption of an amendment to the current Licensing Policy which – if endorsed by full Council - would result in the introduction of a standardised age limit for all vehicles (whether saloon or wheelchair accessible) of up to 6 years on first registration and a maximum age limit of 12 years.



Next Steps

In line with the agreed Terms of Reference, the working group will submit the above recommendations for consideration by the General Licensing Committee at its meeting in April 2018.

Should the Committee support the key recommendations, and agree to submit them for wider consultation, an amendment to the Licensing Policy will ultimately be required. In

this event, the Committee is asked to forward the report to a future meeting of the full Council with a recommendation for the appropriate changes to the Licensing Policy to be made.

Appendix 1

Research undertaken by Pendle BC in 2015 shows range of approaches across the County:

Authority	Age Limit	Additional conditions applied
Blackburn	No age limit	None – tested every 6 months.
Burnley	Saloons and small MPVs – no lower age limit and licence to 8 years Large MPVs and minibuses – 5 to 10 years Wheelchair accessible, large MPVs and minibuses – 5 to 12 years Hackney carriage black cabs – 3 to 12 years	N/A
Chorley	No age limit	All vehicles required to meet same standards regardless of age – currently being reviewed.
Fylde	Up to 12 years for all vehicles	One test a year.
Hyndburn	7 to 10 years	Three tests per year from 8 years old. Hackneys must have a swivel seat.
Lancaster	No age limit	Any vehicle over 10 years must be in outstanding condition and must be inspected and approved by licensing officers – then tested every 4 months.
Preston	No age limit	None – tested twice a year.
Ribble Valley	No age limit	Tested three times a year when over 7 years old.
Rossendale	7 to 10 years, minibuses and purpose built hackney carriages up to 12 years	Tested twice a year and minibuses/purpose built hackney carriages three times a year.

South Ribble	Saloons 4 to 8 years and purpose built/minibuses 6 to 12 years.	None - tested twice per year
West Lancs	Private hire 6 to 15 years and HC all wheelchair accessible 4 to 18 years.	None
Wyre	No age limit	All vehicles required to meet same standards regardless of age – tested once a year.

Burnley, Rossendale and West Lancs have a differentiated age policy similar to SRBC

1) Government guidance

TAXI AND PRIVATE HIRE VEHICLE LICENSING: BEST PRACTICE GUIDANCE (DfT March 2010)

Age Limits. It is perfectly possible for an older vehicle to be in good condition. So the setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles - for example, twice-yearly tests for vehicles more than five years old.

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

Document is Restricted

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