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***Please note time of meeting**

Regulatory Committee

**Wednesday, 11 March 2015 6.00 p.m.
Council Chamber, Runcorn Town Hall**



Chief Executive

COMMITTEE MEMBERSHIP

Councillor Kath Loftus (Chairman)
Councillor Pamela Wallace (Vice-Chairman)
Councillor Mike Fry
Councillor Pauline Hignett
Councillor Harry Howard
Councillor Darren Lea
Councillor Alan Lowe
Councillor Tony McDermott
Councillor Stef Nelson
Councillor Gareth Stockton
Councillor Andrea Wall

*Please contact Gill Ferguson on 0151 511 8059 or e-mail gill.ferguson@halton.gov.uk for further information.
The next meeting of the Committee is on Date Not Specified*

**ITEMS TO BE DEALT WITH
IN THE PRESENCE OF THE PRESS AND PUBLIC**

Part I

Item No.	Page No.
1. MINUTES	
2. DECLARATION OF INTEREST	
Members are reminded of their responsibility to declare any Disclosable Pecuniary Interest or Other Disclosable Interest which they have in any item of business on the agenda, no later than when that item is reached or as soon as the interest becomes apparent and, with Disclosable Pecuniary interests, to leave the meeting during any discussion or voting on the item.	
3. SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AND THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985	
PART II	
In this case the Board has a discretion to exclude the press and public and, in view of the nature of the business to be transacted, it is RECOMMENDED that under Section 100A(4) of the Local Government Act 1972, having been satisfied that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1 and 3 of Part 1 of Schedule 12A to the Act.	
4. TAXI LICENSING MATTER	1 - 4
5. PART I	
The following items will be dealt with in the presence of the press and public.	
6. TAXI LICENSING MATTER	5 - 17
7. TAXI LICENSING MATTER	18 - 21

In accordance with the Health and Safety at Work Act the Council is required to notify those attending meetings of the fire evacuation

procedures. A copy has previously been circulated to Members and instructions are located in all rooms within the Civic block.

By virtue of paragraph(s) 1, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

REPORT:	Regulatory Committee
DATE:	11 March 2015
REPORTING OFFICER:	Chief Executive
PORTFOLIO	Resources
SUBJECT:	Taxi licensing matter
WARDS:	Borough-wide

1. PURPOSE OF REPORT

PCS (Events) Limited (referred to as “PCS”) of 1 Fair Oak Lane Whitehouse Industrial Estate Runcorn operate solely as a “Chauffeur Service basis” and are required to licence their vehicles as Private Hire Vehicles and their drivers as Single Status Drivers. Although they have not yet made any application for a vehicle or drivers licence to the Council, PCS has requested that they be permitted to:-

- (1) Use black cars as Private Hire Vehicles.
- (2) Have a Plate Exemption / Gold plates.
- (3) Have vehicles which have manufacturers tinted glass.
- (4) Have restricted private hire vehicle driver’s licence for chauffeur drivers (with modified knowledge test and exemption from the DSA driving assessment).

2. RECOMMENDED: That the Committee considers the company’s requests.

3. SUPPORTING INFORMATION

- 3.1** PCS were granted a Private Hire Operators Licence with Halton Borough Council on 31 July 2014
- 3.2** The Company has provided details of the variation and or derogation from Halton Council’s Policies and conditions in relation to Chauffeur Cars and Drivers. This information is available at Appendix A
- 3.3** A summary of the requests together with comments is set out at Appendix B

3.4 Extracts from the Council's Private Hire Vehicles conditions are attached at Appendix C

3.6 The applicant has been invited to the meeting and will attend with their Legal representative.

4 ISSUES FOR THE COMMITTEE TO CONSIDER

4.1 The requests are clearly set out. The Committee should consider the merits of each request as well as any implications of the requests. Appendix B sets out a number of points to take into consideration.

5 OPTIONS

5.1 The options available to the Committee are to grant or refuse the requests taking each one separately.

5.2 Note that relevant applications for licences to which exemptions have been granted or refused have not yet been made. This report is about the approach which would be taken following receipt of relevant applications.

6 POLICY IMPLICATIONS

The application is not to change existing policies. It is to request exemptions from policy on specified reasons.

7 OTHER IMPLICATIONS

N/A

8 IMPLICATIONS FOR THE COUNCILS PRIORITIES

8.1 Children and Young People in Halton

None

8.2 Employment Learning and Skills in Halton

N/A

8.3 A healthy Halton

N/A

8.4 A Safer Halton

None

8.4 Halton's Urban Renewal

N/A

9 RISK ANALYSIS

N/A

10 EQUALITY AND DIVERSITY ISSUES

N/A

11 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
Application Documents	Legal Services	John Tully/Kay Cleary

**HALTON BOROUGH COUNCIL
LICENSING COMMITTEE**

**REQUEST BY PCS (EVENTS) LTD FOR VARIATION AND / OR DEROGATION
FROM THE COUNCIL'S POLICIES AND / OR CONDITIONS OF LICENCE IN
RELATION TO CHAUFFEUR CARS AND DRIVERS**

1.0 Background

- 1.1 PCS (Events) Ltd of 1 Fair Oak Lane, Whitehouse Industrial Estate, Runcorn WA7 3DU (hereinafter referred to as "PCS") and its predecessors are one of the longest established chauffeur companies and the largest in the UK, based outside of London.
- 1.2 By virtue of contracting with its customers through its Edinburgh office, PCS is currently exempt from licensing under the Civic Government (Scotland) Act 1982, section 22(c).[note: should be section 22(a)]
- 1.3 In addition to its office in Edinburgh, PCS has depots in Birmingham, Runcorn and Newcastle.
- 1.4 The Runcorn depot also consists of offices accommodating the management team, accounts department, the customer service team and a large garage where the Mercedes-Benz trained technicians maintain the fleet as an authorised Mercedes-Benz service agent.

about 140 cars, consisting mainly of Mercedes-Benz E and S class saloon and

- 1.5 As at the date of this application (11 December 2014), PCS operates a fleet of estate cars. The majority of those vehicles are silver in colour, but up to 10 of them are black. PCS employs in the region of 200 full and part-time drivers.
- 1.6 The London office is not a depot, but a booking office (without public access, garage or off-street parking). PCS has recently opened this office in order to tender for work that is London centric.
- 1.7 PCS holds operator licences with Halton Borough Council and TFL (Transport for London) for its Runcorn and London offices respectively. Both premises have appropriate planning permission for their respective uses.

2.0 The law relating to sub-contracting

- 2.1 Currently, outside of London, a private hire operator cannot sub-contract a booking for a private hire vehicle to a private hire operator in another district.
- 2.2 A TFL licensed private hire operator in London may, however, sub-contract a booking for a private hire vehicle to an operator anywhere in England, Wales and Scotland.
- 2.3 Outside of London, private hire operators are likely to be able to sub-contract work elsewhere in England, Wales and Scotland by virtue of a proposed change to the law in the Deregulation Bill that is currently progressing through Parliament.
- 2.4 Now that it is licensed by TFL and because of the likely forthcoming change to the law outside of London, PCS has to decide how to structure its multi-site business for the future.
- 2.5 For the purposes of maximising efficiencies and simplifying the administrative operation of its licensing processes, PCS would wish to license its vehicles and drivers with one licensing authority.

- 2.6 As PCS's largest premises are situated in Runcorn it would like to license with Halton Borough Council, if its operational and the Council's regulatory requirements can be aligned in a way that would allow the Council to adopt these refinements to its existing policies for chauffeur businesses generally.
- 2.7 The policy areas in which PCS requests variation and / or derogation from the Council's current policies are: (i) plate exemption / golden plates; (ii) black coloured cars; (iii) manufacturer's tinted glass; and (iv) issue of a private hire vehicle driver's licence for chauffeur drivers (instead of the standard Single Status Driver's licence) with a modified knowledge test and an exemption from taking the DSA driving assessment for taxi drivers.
- 2.8 The full particulars of each of the aforementioned requests together with details of the reasons for each request are set out below under individual section headings.

3.0 Plate exemption / golden plates

- 3.1 Whilst it is appreciated that the granting of an exemption to display a standard private hire plate and to carry a golden plate is something that would ordinarily be considered by officers, the issue is raised here, because without the agreement of Licensing Committee to grant golden plates to PCS's fleet of vehicles this whole application need not be considered further.
- 3.2 At the Meeting of Licensing Committee, PCS will produce commercially sensitive (confidential) documentary evidence of its client base to Members in order to satisfy Licensing Committee that its business does meet the Council's requirements for the grant of golden plates.
- 3.3 For the avoidance of doubt, PCS does not engage directly in the provision of standard private hire services.

4.0 Black coloured cars

- 4.1 A proportion of the work undertaken by PCS requires the use of black cars. This can be a non-negotiable requirement when providing chauffeur services to the Government Car Service or for some 'red carpet' events when a black coloured chauffeur driven car is required, especially when such events are televised.
- 4.2 PCS could not operate with cars that were dark blue or dark grey in colour, because of these contractual requirements.
- 4.3 It is appreciated that the Council does not license private hire vehicles that are black in colour, because it requires hackney carriages to be black and that a council cannot legally license a vehicle as a private hire vehicle if it resembles a hackney carriage by virtue of the Local Government (Miscellaneous Provisions) Act 1976, section 48(1)(a)(ii).
- 4.4 It is respectfully submitted that a licensed private hire vehicle that does not display the standard licence plate, but carries a golden plate, resembles a private motor car and not a hackney carriage. In the circumstances, the Council would not be acting unlawfully if it were to agree to license black coloured vehicles in these specific circumstances.
- 4.5 As will be appreciated from paragraph 1.5 above, PCS currently operates only up to about 10 black coloured cars. Unless there is an unforeseen increase in the volume of work PCS receives requiring the services of black coloured cars, PCS would ask that they be permitted to license up to 10 per cent of their fleet as black coloured cars.

5.0 Manufacturer's tinted glass

- 5.1 Whilst PCS's vehicles are not fitted with privacy glass, PCS asks for confirmation from Licensing Committee that the Council will license any

suitable prestigious marque of car that is presented with the manufacturer's standard level of tinted glass for that particular model of vehicle.

6.0 Private hire vehicle driver's licence for chauffeur drivers

- 6.1 PCS appreciates that the Council routinely issues, what it calls, a Single Status Driver's (SSD) licence. In law there is no such licence, but in reality the SSD licence is a hackney carriage driver's licence (to which licence conditions cannot be attached, although the conduct of a driver can be regulated by byelaws) and a private hire vehicle driver's licence (to which conditions can be attached).
- 6.2 For the avoidance of doubt, a chauffeur driver's licence does not exist in law. However, there is no reason why the Council could not, by attaching conditions to a private hire vehicle driver's licence, create what would amount to a chauffeur driver's licence in the same way the Council has created the SSD licence.
- 6.3 In this regard, PCS would suggest that a chauffeur driver's licence should consist of the private hire vehicle driver conditions of licence attached to the SSD licence, subject to a single fundamental condition that prohibits the driver from driving anything other than a private hire vehicle that has been issued with a golden plate.
- 6.4 By attaching the suggested condition the driver would be unable to drive a standard private hire vehicle and would, of course, be unable to drive a hackney carriage, because the licence would only be a conditionally restricted private hire vehicle driver's licence.
- 6.5 Having created a chauffeur driver restricted private hire vehicle driver's licence the Council could justifiably and reasonably modify the pre-licensing requirements to tailor them to the role of a chauffeur driver.

- 6.6 In this regard, PCS would ask that the Council exempt chauffeur drivers from the SSD's knowledge test, because they neither engage in hackney carriage driving or standard private hire vehicle driving.
- 6.7 PCS respectfully suggests that it would be more appropriate for chauffeur drivers to undertake an assessment of their topographical skills, i.e. their ability to plan routes using street maps and road atlases. Such an assessment is the only one that has to be taken by a person applying to TFL for a London private hire vehicle driver's licence.
- 6.8 Whilst PCS is not opposed to the principle of testing a person's driving competence, as a company it is far better equipped to assess a driver's competence than a DVSA driving examiner in a test that takes only approximately 40 minutes during which the candidate will endeavour to do their best driving.
- 6.9 All of PCS's vehicles have been fitted with telematics tracking equipment (otherwise known as "black boxes") that enables PCS's managers and the company's insurers to monitor the driving of every vehicle individually.
- 6.10 The system can notify managers if a vehicle is exceeding a speed limit, has braked or cornered harshly or involved in a collision and provides a weekly score out of 100 of the driver's performance.
- 6.11 If notifications were received about aspects of a driver's driving or their overall weekly score were lower than the standard set by PCS, which is set at a higher level than that set by their insurers, PCS would investigate and, if appropriate, require the driver to undertake driver improvement training.
- 6.12 Unfortunately the telematics system can generate false notifications and assess a lower score than ought to have been the case, which is why investigation would be necessary by a PCS manager.
- 6.13 For example, if one imagines a PCS driver travelling along a dual carriageway with a 70mph speed limit at 65mph and parallel to that there is a minor road

with a 30mph speed limit, it is possible that the system might wrongly plot the vehicle as being on the minor road, travelling at more than twice the 30mph speed limit, which would both activate a notification and adversely affect the driver's score.

- 6.14 However, with such real time monitoring of a vehicle's position and the manner of the driving, it is respectfully submitted that to require PCS's chauffeur drivers to undertake a DVSA taxi driving assessment is unnecessary, would cause great delays in the licensing of all 200 of PCS's drivers and unnecessarily incur a total cost of between £18,588 and £22,468.

7.0 Conclusion

- 7.1 The Chairman and Members of Licensing Committee are respectfully invited to make the variations and / or derogations from policy and / or conditions of licence as referred to herein.
- 7.2 The author of this application and representatives of PCS will attend the Meeting of Licensing Committee to make this application in person, present the documentary evidence referred to herein and to answer any questions of Members and officers.

David B Wilson Cert HELL,
MloL, MBII.tp Licensing
Consultant, Trainer
and Mediator Consulting Editor,
Paterson's Licensing Acts 2015

11 December 2014

a2z Licensing, 3 Biddick Hall Cottages, Lambton Park,
Chester-le-Street DH3 4PH

APPENDIX B

Summary of application

The Requests	Officer Comments
(i) plate exemption / golden plates PHV Condition No 6	(i) This complies with existing policy (see vehicles condition 6). Each vehicle would be assessed to verify that it was of a 'chauffeur type'. Consequently, there are no reasons to reject this request.
(ii) black coloured cars PHV condition No 2.1 (10)	(ii) This would be a departure from policy but the Committee would be entitled to grant the request if the reasons given are considered sufficiently cogent. The underlying reason for the condition is to avoid confusion in the mind of the public between hackney carriages and private hire vehicles. The Committee needs to be satisfied that no confusion would arise.
(iii) manufacturer's tinted glass PHV Condition No 2.6	(iii) This condition was originally introduced some years ago following a request from Cheshire Constabulary. The police have been requested to comment on the continued use of this condition and have replied that in the absence of a Constabulary wide policy they withdraw their request for its imposition. The Committee is entitled to make an exemption from the policy or continue with it.

	More vehicles have manufactures tinted windows as standard.
<p>(iv) issue of a private hire vehicle driver's licence for chauffeur drivers (instead of the standard Single Status Driver's licence) with a modified knowledge test and an exemption from taking the DSA driving assessment for taxi drivers.</p>	<p>(iv) Restricted driver licences were issued by the Council some years ago but were withdrawn following abuses. Where the Committee feels that it would be legitimate to issue such licences it could do so. A modified knowledge test (as to which see below) might then be appropriate but the case for exemption from the DSA driving assessment has not been made out.</p> <p>It should be pointed out that there is some doubt as to whether restricted driver licences can exist under the legislation. However, they are sufficiently common in use to assume that they can be issued.</p> <p>The Committee should assume that this is possible in the absence of case law to the contrary.</p> <p>The Council's Taxi Knowledge Test is in two parts: Part 1 - Local Knowledge and Part 2 - Legislation and Conditions. A modified test would dispense with Part 1 only.</p>

APPENDIX C

PRIVATE HIRE VEHICLE CONDITIONS

Condition 2.6 and Condition 6

2.6 Privacy glass

Privacy glass shall be permitted subject to the following rules:

Blackout glass shall be banned in Halton;

The permitted degree of tinting of glass in front of the vehicles' "B-Pillar" shall be in accordance with national standards;

The permitted degree of tinting of glass behind the vehicles' "B-Pillar" shall be in accordance with rules to be determined from time to time by the Council.

6. Display of items supplied by the Council

The following items will be supplied by the Council and shall be permanently displayed on the vehicle in an approved manner:

licence plates (front and rear)

an interior licence number plate

a sign on adhesive plastic of a size colour design and wording approved by the Council shall be required to be positioned on both front doors indicating that the vehicle is a licensed Private Hire Vehicle

On 'Chauffeur type' vehicles a 'gold plate' may be fitted following consultation with and permission from the Council. No advertisement whatsoever will be permitted on these vehicles.

REPORT:	Regulatory Committee
DATE:	11 March 2015
REPORTING OFFICER:	Chief Executive
PORTFOLIO:	Resources
SUBJECT:	Taxi licensing matter
WARDS:	Borough-wide

1. PURPOSE OF REPORT

Executive Travel NW Limited of Halton Memorial Services Appleton Village Widnes operates as an airport transfer service and is required to licence their vehicles as Private Hire Vehicles and their drivers as Single Status Drivers (SSD).

Executive Travel NW Limited is requesting that two of the pre-conditions for a SSD licence namely the requirement for a Taxi Knowledge Test and a DSA Driving Test do not apply to their drivers. In exchange for this the company request restricted SSD driving licences restricting drivers to airport work.

2. RECOMMENDED

That the Committee considers the Company's request.

3. SUPPORTING INFORMATION

- 3.1** The Council are advised that Executive Travel NW Limited has been operating within Halton for over 25 years and over the last 10 years have been operating under the VOSA Public Service Vehicle Scheme.
- 3.2** They operate an upmarket airport transfer service to both the general public and over 30 account companies. They have a long standing service contract with a local garage and an ongoing account with a local fuel station.
- 3.3** The Company does not undertake any journeys smaller than Widnes to Liverpool Airport and have no desire to encroach on any taxi trade within the borough. They currently employ six full time members of staff in their booking office and also 16 drivers with a fleet of 9 vehicles

- 3.4** Upon renewal of the VOSA scheme and change of business title the Company has been asked a series of ongoing questions regarding their operation specifically the running of Executive Cars (as opposed to the 16 seater vehicles) This issue along with the ever increasing success of the business and the need to expand the fleet of executive cars the vehicles and drivers need to become licensed in Halton.
- 3.5** The Company are requesting a **restricted SSD Licence** for the drivers of their vehicles. The first request is that drivers should not have to take the knowledge test. The reasons given are:
- (1) None of the journeys undertaken start within the borough and end within the borough. They are always an out borough start or finish
 - (2) All bookings are made in advance and collection addresses that are made within the borough all have destinations outside the Borough, the majority being Liverpool or Manchester Airport. The destinations are prescheduled and given to the driver two to three days in advance giving the drivers plenty of time to research their routes.
 - (3) The prices are pre-set and given to the client upon booking so this would be regardless of routes taken to get to the clients destination.
 - (4) On occasions when the Company has been contacted by the public for journey they have been redirected to one of the local taxi firms.
- 3.6** The second request is for drivers not to subject to the **DSA driving test**. The reasons given are:
- (1) They believe the DSA taxi driving test was introduced for drivers who are proposing to work within the confines of one borough.
 - (2) The work spans over the whole of Merseyside to the main airports (Manchester and Liverpool).
 - (3) The majority of work involves motorway driving which is not in the current driving test.
 - (4) All of the drivers are strictly monitored whenever they are driving one of the Company's vehicles.
 - (5) All vehicles are fitted with state of the art tracking devices and the office is manned 24 hours a day where a member of staff will monitor the driver's performance including speed etc.
 - (6) New drivers are accompanied to Manchester Airport by the Office Manager or the Transport Manager in order to check their driving ability before they are allowed to transport passengers.
- 3.7** The Company has supplied the Licensing Section with a printout of the arrivals and departures the Company undertook during the period 5 November 2014 to 5 February 2015. This information has been provided to show the number of journeys undertaken during the winter months. During this period 2571 journeys were undertaken and out of those 2286 where to Manchester or Liverpool airport. The remaining 285 journeys where a mixture of Southampton docks, Heathrow, Gatwick or nights out in Liverpool, Manchester or Chester City Centre etc. The printouts will be shown to members of the Committee.

3.8 Executive Travel NW Ltd have held a Private Hire Operator Licence since 4 July 2012. Earlier incarnations of Executive Hire have held Private Hire Operator licences for a number of years previously.

3.9 The applicant has been invited to the meeting.

4 SINGLE STATUS DRIVER APPLICATION PRE – CONDITIONS

4.1 The Taxi Knowledge Test comprises:-

- Local knowledge which includes routes, locations and the borough boundaries
- Taxi Laws, byelaws and conditions

4.2 The DSA driving test was adopted by Halton Borough Council in 2004 and comprises of:

- Awareness and anticipation
- Effective Planning of prevailing road and traffic conditions
- Correct use of speed
- Emergency stop
- Taxi test manoeuvre
- A manoeuvre involving reverse
- Passenger safety and comfort

5 ISSUES FOR THE COMMITTEE TO CONSIDER

5.1 The Company advises that all work is prescheduled and given to the drivers two to three days in advance of the journey.

5.2 The Company has stated they have no desire to encroach on any taxi trade within the borough.

5.3 Members might also consider the local economy and local employment. It is envisaged that the company will licence approximately 9 vehicles and 16 drivers though it is not known if the drivers would be from this borough. At the time of writing this item 9 people have submitted an application for a SSD Licence from Executive Travel NW Limited.

5.4 Restricted SSD licences were employed in the past but were discontinued because of abuses of the system.

5.5 The dispensation of not requiring a taxi knowledge test is capable of being appropriate if a restricted SSD licence is granted but the case for not requiring a DSA driving test is questionable.

6 OPTIONS

6.1 The options available to the Committee are:

- Approve the request for a restricted Single Status Drivers Licence whereby the applicants are not required to undertake a Taxi Knowledge Test / and or a DSA driving test
- Refuse the request

7 POLICY IMPLICATIONS

The application is for exemption to policy for specific reasons and not for a policy change. All such applications are treated on their merits.

8 OTHER IMPLICATIONS

There are no other implications

9 IMPLICATIONS FOR THE COUNCILS PRIORITIES

- 9.1 Children and Young People in Halton**
None
- 9.2 Employment Learning and Skills in Halton**
N/A
- 9.3 A healthy Halton**
N/A
- 9.4 A Safer Halton**
None
- 9.4 Halton's Urban Renewal**
N/A

10 RISK ANALYSIS

N/A

11 EQUALITY AND DIVERSITY ISSUES

N/A

12 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
Application Documents	Legal Services	John Tully/Kay Cleary