

# Public Document Pack



## Regulatory Committee

Wednesday, 12 October 2022 6.30 p.m.  
Council Chamber - Town Hall, Runcorn

S. Young

**Chief Executive**

### **COMMITTEE MEMBERSHIP**

Councillor Pamela Wallace (Chair)
Councillor John Abbott (Vice-Chair)
Councillor Dave Cargill
Councillor Eddie Dourley
Councillor Mike Fry
Councillor Kath Loftus
Councillor Angela McInerney
Councillor Gareth Stockton
Councillor Angela Teeling
Councillor Kevan Wainwright
Councillor Bill Woolfall

*Please contact Gill Ferguson on 0151 511 8059 or e-mail [gill.ferguson@halton.gov.uk](mailto:gill.ferguson@halton.gov.uk) for further information.  
The next meeting of the Committee is on Wednesday, 30 November 2022*

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

**Part I**

<b>Item No.</b>	<b>Page No.</b>
<b>1. MINUTES</b>	<b>1 - 4</b>
<b>2. DECLARATION OF INTEREST</b>	
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.	
<b>3. TAXI LICENSING POLICY AMENDMENTS</b>	<b>5 - 15</b>
<b>4. TAXI LICENSING MATTERS</b>	<b>16 - 30</b>
<b>5. TAXI LICENSING UPDATE</b>	<b>31 - 35</b>

***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.***

**REGULATORY COMMITTEE**

*At a meeting of the Regulatory Committee on Wednesday, 6 October 2021 in the Council Chamber - Town Hall, Runcorn*

Present: Councillors Wallace (Chair), Abbott (Vice-Chair), D. Cargill, Fry, Loftus, A. McInerney, Teeling, Wainwright and Woolfall

Apologies for Absence: None

Absence declared on Council business: None

Officers present: K. Hesketh, N. Wheeler and L. Wilson-Lagan

Also in attendance: None

**ITEMS DEALT WITH  
UNDER DUTIES  
EXERCISABLE BY THE COMMITTEE**

*Action*

*Prior to the commencement of the meeting a minute silence was held for Councillor Harry Howard who had passed away last month and who was a previous member of the Committee. The Chair also thanked Kay Cleary who retired from the role of Licensing Manager on 30 September 2021 for her service to the Council.*

**REG5 MINUTES**

The Minutes of the meeting held on 30 June 2021, were taken as read and will be signed as a correct record, subject to the addition by Councillor Wallace of a tribute to former Councillor, Pauline Hignett.

**REG6 GAMBLING ACT 2005 STATEMENT OF GAMBLING POLICY**

The Committee considered a request to approve a Draft Statement of Gambling Policy for recommendation to the Council for adoption. The Committee was advised that no responses were received following the consultation process.

**RESOLVED:** That having undertaken a consultation exercise the draft Statement of Gambling Policy be approved by the Committee and be recommended to Council for adoption.

An appropriate form of wording for the Council resolution would be: "The Council:

1. adopts the Statement of Gambling Policy attached to the report to come into effect immediately following the expiry of the current Policy; and
2. directs that the Operational Director - Legal and Democratic Services publish the Statement in accordance with section 349 of the Gambling Act 2005 and the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006."

#### REG7 TAXI MATTER

The Committee met to consider three amendments to taxi licensing policy.

In July 2020 the Department for Transport (DfT) published its Statutory Taxi and Private Hire Vehicle Standards Document ("Standards Document").

On 2 September 2020 the Regulatory Committee received a copy of the Standards Document and were advised that the contents and implications would be examined by the Licensing Section and matters referred back to the Committee for consideration.

One recommendation in the Standards Policy was to implement a new Professional Standards Policy relating to convictions and this had already been put before Members of the Committee and adopted by the Council.

Three further recommendations from the Standards Document had been considered by Officers and were put to the Committee as recommended amendments to the current taxi licensing policy. These were as follows:-

1. The requirement to check all new taxi driver applicants against a central data base prior to being licensed as well as updating the database with details of license refusals and revocations.
2. The requirement for all licensed drivers to be registered with the Disclosure & Barring Service (DBS) update service so that more frequent checks can be made.
3. An amendment to the vehicle licensing policy

requiring the display of a customer feedback notice in licensed vehicles.

The members took in account the information provided in the Committee item and the 4 Appendices and were in agreement with introducing the above requirements subject to there being an amendment to the proposed wording of the Vehicle Licence Policy Amendment set out in Appendix D. The amended wording agreed by the Committee is set out in bold below.

*“Every licensed hackney carriage and private hire vehicle is required to permanently display in a prominent location for the customer a **feedback notice (compliments and complaints)** as provided by the licensing section”.*

The reason for the amended wording was that the Committee wanted to make it clear that the feedback notice was also for positive feedback and not just complaints.

RESOLVED: To make a recommendation to the Executive Board that the current taxi licensing policies be amended by adopting the following:-

1. A requirement that all new applicants be checked against a central database prior to being licensed and that a National Register be updated with details of licence refusals and revocations.
2. A requirement for all licensed drivers to be registered with the Disclosure & Barring Service (DBS) update service so that more frequent checks can be conducted.
3. An amendment to the vehicle licensing policy requiring the display of a customer feedback notice in vehicles.

REG8 SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AND THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

The Committee considered:

- (1) Whether Members of the press and public should be excluded from the meeting of the Board during consideration of the following items of business in accordance with Sub-Section 4 of Section 100A of the Local Government Act 1972 because it was likely that, in view of the nature of the business to

be considered, exempt information would be disclosed, being information defined in Section 100 (1) and paragraph 3 of Schedule 12A of the Local Government Act 1972; and

- (2) Whether the disclosure of information was in the public interest, whether any relevant exemptions were applicable and whether, when applying the public interest test and exemptions, the public interest in maintaining the exemption outweighed that in disclosing the information.

RESOLVED: That as, in all the circumstances of the case, the public interest in maintaining the exemption outweighed that in disclosing the information, members of the press and public be excluded from the meeting during consideration of the following items of business in accordance with Section 100A (4) of the Local Government Act 1972 because it was likely that, in view of the nature of the business, exempt information would be disclosed, being information defined in Section 100 (1) and paragraph 3 of Schedule 12A of the Local Government Act 1972

REG9 TAXI MATTER

Case No. 728

RESOLVED: That the holder of the Single Status Drivers Licence was not a fit and proper person and consequently the licence was revoked.

REG10 TAXI MATTER

Case No. 729

RESOLVED: That the holder of the Single Status Drivers Licence was not a fit and proper person and consequently the licence was revoked.

REG11 TAXI MATTER

Case No. 730

RESOLVED: That the holder of the Single Status Drivers Licence was not a fit and proper person and consequently the licence was revoked.

*Meeting ended at 7.48 p.m.*

<b>REPORT:</b>	Regulatory Committee
<b>DATE:</b>	12 October 2022
<b>REPORTING OFFICER:</b>	Operational Director – Legal and Democratic Services
<b>PORTFOLIO:</b>	Resources
<b>SUBJECT:</b>	Taxi Licensing Policy Amendments
<b>WARDS:</b>	Borough-wide

## **1 PURPOSE OF REPORT**

To consider additions and amendments to the Council's taxi licensing policies and Private Hire Operator Conditions.

## **2 RECOMMENDATION**

**That the Committee considers the proposals and makes appropriate recommendations to the Executive Board.**

## **3 INTRODUCTION AND BACKGROUND INFORMATION**

- 3.1 Two matters are being considered in this report. In respect of the first, members will recall that the Council's taxi licensing policies are currently being reviewed in light of the Department for Transport's guidance on "Statutory taxi and private hire vehicle standards" which was issued in July 2020 ("the Statutory Guidance"). This provides that public safety is to be of paramount consideration in discharging licensing functions and sets out a number of recommendations that the Department expects to be implemented unless there is a compelling local reason not to.
- 3.2 A number of the recommendations are already in place or have been recently adopted by the Council. This report considers another of the recommendations, namely the adoption of a private hire operator condition relating to Passenger Carrying Vehicles. This is discussed further at paragraph 4.1.
- 3.3 In respect of the second matter, Members will also recall that, on 25 February 2021, the Executive Board approved a temporary amendment to the vehicle policy which extended the maximum age restriction on Hackney Carriage and Private Hire Vehicles by 2 years, for a 2 year period, subject to conditions (as recommended by this Committee). That temporary amendment is due to expire on 25 February 2023 and there

has been a request from the trade to extend it by further in light of the ongoing cost of living crisis. This is dealt with at paragraph 4.2.

3.4 According to the Council's Constitution, the Committee is responsible for determining policies in connection with the grant, variation, suspension or revocation of licences relating to taxi and private hire.

3.5 However, the Constitution must now be interpreted in accordance with the case of R (On the application of 007 Stratford Taxis Limited v Stratford on Avon District Council 2011. This Court of Appeal decision interpreted the meaning of the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 in respect of matters which must be dealt with by a Council's Executive or by a committee of its council. Essentially, the court held that: (1) it was clear that individual applications relating to taxi matters must be dealt with by the equivalent of this Council's Regulatory Committee and (2) matters calculated to facilitate, or be conducive or incidental to such applications must also be dealt with in the same way but (3) any "plan or strategy" associated with such a function would be an executive function and therefore have to be determined by a Council's Executive. The Stratford case concerned the introduction of a wheelchair access policy. The decision was taken by the Council's Cabinet rather than its Licensing Committee. The challenge from the taxi trade was that the Licensing Committee should have adopted the policy. This element of the challenge was rejected by the Court.

3.6 Consequently, any decision of the Regulatory Committee on matters contained in this agenda will be by recommendation to the Executive Board.

3.7 In deciding whether to recommend the adoption of a policy the following questions should be addressed:-

3.7.1 Has a proper consultation been undertaken where the duty arises?

3.7.2 Are the proposals necessary and proportionate?

## **4 POTENTIAL AMENDMENTS**

### **4.1 Amendment 1: A new Private Hire Operator Condition regarding the use of Passenger Carrying Vehicles**

4.1.1 As Members will be aware, a Private Hire Vehicle is a "motor vehicle constructed or adapted to seat fewer than 9 passengers". Where a larger vehicle is required, such as a minibus, bus or coach, this is known as a Passenger Carrying Vehicle or PCV. PCVs are subject to a different licensing regime.

4.1.2 Some Private Hire Operators hold PCV licences or subcontract bookings to PCV licence holders where a PHV is unsuitable. In these

circumstances, neither the driver nor the vehicle would have been licensed with the Council despite the passenger having booked through a Private Hire Operator which is licenced with the Council.

4.1.3 According to the Statutory Guidance,

*...driving a bus, does not present the same risk to passengers. Members of the public are entitled to expect when making a booking with a private hire vehicle operator that they will receive a private hire vehicle licensed vehicle and driver. **The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such as a minibus to undertake a private hire vehicle booking should not be permitted as a condition of the private hire vehicle operator's licence without the informed consent of the booker.***

*Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats are required or to accommodate luggage, the booker should be informed that a PSV is necessary, and that a PCV licensed driver will be used who is subject to different checks and not required to have an enhanced DBS check.*

**Proposal**

4.1.4 In light of the above, it is proposed to introduce the following new condition for Private Hire Operators:

4.1.5 **A private hire operator must not provide (to include sub-contract) a vehicle that is able to carry more than 8 passengers without first obtaining written or verbal consent of the hirer. The hirer must be made aware that neither the vehicle, nor the driver (where applicable) are licensed by Halton Borough Council and as such are subject to different checks. The hirer must also be informed that the driver is not required to have an enhanced DBS check. Verification of consent must be kept for a period as stated in 2.2 of these conditions.**

4.1.6 For the sake of clarity 2.2 of the Private Hire Operator conditions requires that certain information must be kept for not less than 6 months.

**Consultation**

4.1.7 The Statutory Guidance provides that licensing authorities should consult on proposed changes in the licensing rules that may have significant impacts on passengers and/or the trade.

4.1.8 The trade were consulted by email on 29 July 2022 about the proposal and details of the consultation were posted on the Council's

website with a closing date for comments or opinions to be made by 12 August 2022.

4.1.9 No relevant responses were received.

#### **4.2 Amendment 2: Extending the temporary amendment to the Vehicle Policy relaxing the maximum age of Hackney Carriage and Private Hire Vehicles.**

4.2.1 The Council's Vehicle Policy provides the following age restrictions for licensed vehicles:-

*Non fully wheelchair accessible vehicles*

Can be no more than 5 years old when first licensed and the maximum age is 10 years old.

*Fully wheelchair accessible vehicles*

Can be no more than 13 years old when first licensed and the maximum age limit is 16 years old.

4.2.2 Due to the economic consequences of the pandemic on the trade, a temporary amendment came into force on 26 February 2021 which extended the maximum age restriction on Hackney Carriage and Private Hire Vehicles by 2 years, for a period of 2 years, subject to the following conditions:-

- any vehicle taking advantage of the dispensation shall be subject to 3 tests per year; and
- no vehicle taking advantage of the dispensation may be transferred to another proprietor.

#### **Proposal**

4.2.3 The temporary amendment was due to expire on the 25<sup>th</sup> February 2023 but the economic circumstances have not improved with the current cost of living crisis. The trade have therefore requested that the temporary amendment continue for a further period.

4.2.4 In determining whether the temporary amendment should be extended, the following considerations should be taken in to account.

- Replacing a licensed vehicle on attaining current age limit could, in the current time of austerity, be punitive to the proprietor and place unreasonable financial and/or personal pressure on the licence holders.
- Removing the conditions in their entirety could lower the standards achieved in the Borough since age restrictions were established, to the detriment of the service to which the public are entitled.

- Any extension that may be granted would only benefit a small percentage of the trade whose vehicles reach the current maximum age in the next year or two. Even those licence holders who may benefit from any temporary extension to the current policy may not necessarily take advantage of any potential rule change and choose to obtain a newer vehicle anyway. In fact, there are only 17 licence holders that are currently benefiting from the temporary amendment.

### **Consultation**

4.2.4.1 The trade were consulted on 10 June 2022 by email and the following questions were posed:-

- (1) Whether you consider an extension of the maximum age limit on wheelchair accessible vehicles only is needed?
- (2) Whether you consider an extension of the maximum age limit on standard vehicles only is needed?
- (3) Whether you consider an extension of the maximum age limit on all vehicles is needed?
- (4) If you feel an extension is needed on any of the points above what length of time is required?

4.2.4.2 There were 54 replies to the consultation which have provided the following information:

- 43 replies are in favour of an extension to the vehicle age limit
- 1 reply was in favour of an extension to standard vehicles only
- 2 replies are in favour of an extension to fully wheelchair accessible vehicles only
- 4 replies were against an extension to the vehicle age limit
- Many of those who are in favour made various comments regarding the extension and length of time.

4.2.4.3 The findings with comments were collated and can be found at Appendix A of this report.

4.2.4.4 The public have also recently been consulted on the same questions. At the time of drafting this report, the public consultation period is ongoing but is due to expire on 12 October 2022. The Committee will be updated on the results of this at the meeting on 12 October 2022.

## **5. REGULATORS' CODE 2014**

5.1 The Regulators' Code 2014 requires regulators (such as the Council) to take into account a number of factors when introducing new policies.

5.2 For example, paragraph 1.2 of the Code states: "When designing and reviewing policies, operational procedures and practices, regulators

should consider how they might support or enable economic growth for compliant businesses and other regulated entities, for example, by considering how they can best:

- understand and minimise negative economic impacts of their regulatory activities;
- minimising the costs of compliance for those they regulate;
- improve confidence in compliance for those they regulate, by providing greater certainty; and
- encourage and promote compliance.”

5.3 The Code also states that regulators should base their regulatory activities on risk. In the present case the balancing exercise is to weigh any negative consequences on the taxi trade against the positive consequences on the public who use the services of the trade.

5.4 It is taken as read that unnecessary burdens should never be imposed and that all actions need to be proportionate.

## **6. OPTIONS**

6.1 The options available to the Committee are to **recommend**:

- Agreement to some or all of the potential changes or
- Amendment to some or all of the potential changes or
- Rejection of the potential changes.

6.2 The Committee are asked to recommend one of the above options to the Executive Board for adoption.

6.3 Should the Committee recommend the second option to amend any of the potential changes to the policy and/or licensing condition then they will need to be altered. The Committee would therefore be requested to include within the resolution a delegation of the task of preparing detailed wording and other consequential matters to the Licensing Manager.

## **7. POLICY IMPLICATIONS**

7.1 Any changes made would amend elements of existing policy and vary conditions relating to a Private Hire Operator’s licences issued by the Council.

## **8. OTHER IMPLICATIONS**

None

## **9. IMPLICATIONS FOR THE COUNCILS PRIORITIES**

9.1 **Children and Young People in Halton**  
N/A

9.2 **Employment Learning and Skills in Halton**  
N/A

9.3 **A Healthy Halton**  
N/A

9.4 **A Safer Halton**  
None

9.5 **Halton's Urban Renewal**  
N/A

## 10. RISK ANALYSIS

There are no associated risks which have been identified with this item.

## 11. EQUALITY AND DIVERSITY ISSUES

None identified.

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

<b>Document</b>	<b>Place of Inspection</b>	<b>Contact Officer</b>
1. Taxi Consultative Group Agendas	Licensing Section	Kim Hesketh
2. Current licence Conditions/policies		
3. Taxi Consultation File		

# Appendix A

## Consultation on age of vehicles

Name	Age of vehicles extension	Comments on age of vehicle extension
1.	Yes	Extend the maximum age on all vehicles
2.	Yes	An extra year should be considered
3.	Yes	Extend as long as properly maintained as cost are continually rising
4.	Yes	Extension on normal cars to a minimum of 10 years old if the vehicle is maintained
5.	Yes	Extend the age of all vehicles, if car passes MOT then good to go
6.	Yes	As long as your taxi passes the MOT and is kept in a clean condition you shouldn't have to change
7.	Yes to standard cars only	Wheelchair accessible vehicles – no extension Standard vehicles – extend to 12 years
8.	No	All vehicles should stay as they are otherwise the standard of vehicles could suffer
9.	Yes	An extra 2 years on all vehicles with the cost of living going up so are the price of new vehicles as long as it is maintained and 2 test per year many of them are still in very good condition.
10.	Yes	Extending the age is one less thing to worry about
11.	Yes	In my opinion a cars age doesn't always determine its overall roadworthiness. More modern cars and especially electric vehicles will have a much longer life span than traditional cars due to better technology that exists today and the fewer moving parts of the EV. Providing that the vehicle still meets the requirements and passes it taxis based MOT and the interior is in good condition the vehicle should be allowed to stay on the road. After 10 years the interior could be showing some heavy wear and tear but is would be much cheaper to renew the interior of a vehicle than to replace it
12.	Yes	two year extension on all vehicles in the current circumstances would be appropriate
13.	Yes	An extension on all vehicles would be helpful
14.	Yes	Given the cost of things and the increase in petrol car repair etc I think we do need an increase
15.	Yes	Personally I don't think any driver would want to go back thirty odd years, when the majority of vehicles were only just roadworthy. Because of the reliability and robust of modern vehicles I think some sort of extension based on the vehicles own

		testing performance may be an answer, say two consecutive fails (or so many in a certain time period) and it then has to be replaced. When I replaced my previous vehicle there was nothing wrong with it only that it had reached the age limit.
16.	Yes	I would support an extension on the age limit of all vehicles
17.	Yes	I strongly agree with an increase in all vehicles life being extended to me all vehicles should be allowed to stay on as a taxi for as long as vehicles pass the council strict test, there should be no age limit for car or cabs
18.	Yes	I personally believe and am for an extension on both wheelchairs accessible vehicles and non-wheelchair accessible vehicles. I think it would be acceptable to test these vehicles 3 times annually to ensure safety and compliance
19.	Yes	Two years on all vehicles the price of cars and wheelchairs have gone up quite dramatically in the last two years. Fuel has gone through the roof.
20.	Yes to wheelchairs only	Regarding cars is they were given an extra two years the cars are given a hard life on the taxis and driver do look after them but by the time they have reached 10 years they could have 500,000 miles on them and are tired inside and out. The cab are purpose built for the trade and are commercial vehicles so used to the hard life, but if to be extended past their 16 years should maybe have a 4 month test instead of a 6 month test
21.		
22.	Yes	An extension on all vehicles considered
23.	Yes	Extension is needed the price of cares is through the roof especially black cars. The age limit should be changed immediately
24.	Yes	Great idea as long as road worthy and clean
25.	Yes	Should be extended by two years for 1 <sup>st</sup> registration this would allow drivers to find cheaper vehicles when searching the used car market. All vehicles should be allowed a further two years on expiry of age of vehicle. Make unlimited age restriction on wheelchair cabs this would encourage some drivers to keep cabs as sometimes there is a shortage.
26.		Age limit to bring a vehicle on should stay the same as it is now
27.	Yes	An extension on all vehicles is a good idea as long as strict testing is in place, as long as a vehicle is safe and meets the criteria it should be able to remain as a taxi. A minimum of 14 years should be considered followed by six monthly tests.
28.	Yes	An extension on all vehicles is fair in the current economic climate. Maybe cars should be 7 years from first registration to 12 years as long as road worthy and clean. Second hand cars have increased by 57% which makes it very expensive to buy a vehicle under 5 years.
29.	Yes	An extension to all taxis extended to at least 5 years as only the Council test.
30.	Yes	Car age limit should be increased for vehicles already licensed
31.	Yes	Great idea to prolong the life of all the taxis we currently use. As we are all aware car prices as well as everything else have rocketed over the past few months and we are finding it hard to source a car which would meet Halton taxi standards at an affordable price. Another 2-3 years extension would really be welcomed but only of a car was to pass a test and to be kept to an acceptable standard of cleanliness.

32.	Yes	Extension on all vehicles
33.	Yes	Extension all vehicles would be a good idea especially for wheelchair cabs if cabs are forced off the road because of their age, then disabled passengers would have problems getting transport. The reason being not many drivers could afford the £50,000 plus price tag to replace them. The age limit for vehicles coming onto the job should remain the same.
34.	Yes	Life of all vehicles should be extended, the age to which the vehicle should be allowed to come on should remain the same.
35.	No	It would be a mistake to go down that route, the public of Halton know what they are getting with a good standard and safety. I think it is the drivers responsibility to cater for the purchase of a car/cab
36.	Yes	If the vehicle is kept services and passes it test twice a year then the life should be longer.
37.	Yes	Wheelchair cabs should be no age, cars maybe 12 years old with 12 month test upto 6 years and minimum age of 6 years to be let on.
38.	Yes	An extension is needed on all vehicles, if an extension is to be approved 3 mots a year and must pass its test
39.	Yes	Age vehicles come on should be over 5 years. Rather than just extending the final age of the vehicle.
40.	Yes	
41.	Yes	
42.	Yes	I think the age of vehicles should be raised at least for a time as the cost of even a 2 <sup>nd</sup> hand vehicle is crazy at the current time. I cant see a problem with this if a taxi passes its compliance test and its emission are ok
43.		Why is there an age limit if a vehicle passes it test then its safe for the road, drivers don't keep them more than 6-7 years anyway. So no limit and once reaches 10 years old have three test a year
44.	Yes	Agree to the extension to the ages of non-wheelchair accessible vehicles and I wish to propose an amendment to the accessible vehicles to the extent that the age limit is abolished
45.	Yes	Extend the age of vehicles to 12 years without affecting the general condition of the taxi fleet and the age vehicles are brought on at from 5 to 7
46.	Yes to wheelchairs only	To wheelchair accessible vehicles not a lot around at the moment and if it passes a test I don't think they should have a age limit.
47.	Yes	I feel the age of all vehicles should be increased as drivers spend a lot of money keeping their vehicles on the road and new vehicles are more expensive
48.	Yes	Agree to an extension because in the current climate the cost of new vehicles have increased dramatically and make it harder to afford, should be for at least 2 – 3 years
49.	Yes	Age limit for all vehicles should be extended, vehicle should still have a limit they come onto the system
50.	Yes	Age of vehicles should be raised to 12 – 14 years, age vehicles can come on should be 6-7 years instead of 5
51.	No	Not necessary

52.	Yes	An extra two years is good
53.	No	Not necessary
54.	No	I personally don't see any need to an extension

<b>REPORT:</b>	Regulatory Committee
<b>DATE:</b>	12 October 2022
<b>REPORTING OFFICER:</b>	Operational Director – Legal and Democratic Services
<b>PORTFOLIO:</b>	Resources
<b>SUBJECT:</b>	Taxi Licensing Matters
<b>WARDS:</b>	Borough-wide

## **1. PURPOSE OF REPORT**

To progress adopted changes to the Vehicle Licensing Policy and to consider an amendment to the Policy on Professional Standards.

## **2. RECOMMENDATION**

**That the Committee agree:-**

- 1. The introduction of a vehicle licence condition requiring the display of a customer feedback notice in vehicles licensed with the Council.**
- 2. An amendment to the Policy on Professional Standards to reflect the correct legal position on the burden of proof.**

## **3. INTRODUCTION AND DISCUSSION**

### **3.1. Introduction of a vehicle licence condition**

- 3.1.1. Members will recall that on 18 November 2021, the Executive Board approved an amendment to the Vehicle Licence Policy which required that:-

“Every licensed hackney carriage and private hire vehicle is required to permanently display in a prominent location for the customer a feedback notice (compliments and complaints) as provided by the licensing section”.

- 3.1.2. The change of policy should have been accompanied by a vehicle licence condition so that it could be enforced by the Licensing Department. As such, it is now recommend that the following condition is inserted into the Hackney Carriage Vehicle Licence

Conditions and the Private Hire Vehicle Licence Conditions under the heading “Signs and Advertisements”:-

**“The Licence Holder shall ensure that before driving a licensed hackney carriage [or private hire vehicle] or renting a vehicle to a licensed hackney carriage driver [or private hire vehicle] that the customer feedback notice, issued by the Council, is displayed in the vehicle in a prominent location so that it can be seen by all passengers.”**

### **3.2. Amendments to the Policy on Professional Standards**

3.2.1. According to the Statutory Standards, policies should be reviewed on an annual basis in order to assess their performance. The Council's Policy on Professional Standards was adopted on 16 September 2021 and a review has recently been carried out.

3.2.2. Officers have noted that paragraph 10 on page 2 of the Policy on Professional Standards misstates the law in respect of who has the burden of proof when a licence is being reviewed. It is incorrectly asserted that in these circumstances the burden shifts from the licence holder to the Council to prove that the licence holder is a fit and proper person.

3.2.3. Significant confusion has resulted from a High Court decision which failed to take into account the leading case of R (Hope & Glory Public House Limited) v Westminster Magistrates' Court and Another [2011] EWCA Civ 31. Whilst this case concerned matters under the Licensing Act 2003, appeals against decisions made under that Act lie, at first instance, to the Magistrates' Court and are subject to the Magistrates' Court Rules 1981. This is the same procedure that applies in appeals of taxi licensing decisions and it is widely accepted by the courts that the case applies to taxi licensing appeals. In that case, the court held that the licence holder bears the burden of proof.

3.2.4. An advice has been received from a Barrister which has confirmed this position.

3.2.5. It is proposed that the offending part of the sentence “except when reviewing a licence then the burden of proof reverts to the Council” is removed so that the sentence reads:-

**“It is the requirement of the applicant to prove that they are a fit and proper person”.**

3.2.6. A copy of the Policy can be found at Appendix A to this report.

#### **4. CONSULTATION AND DECISION MAKING**

- 4.1. A consultation exercise is normally carried out where there is a change of policy and the law requires that any resulting policy decisions are made by the Executive Board as per the case of R (On the application of 007 Stratford Taxis Limited v Stratford on Avon District Council 2011.
- 4.2. No changes of policy are being made by these proposals. The vehicle licence condition implements an already adopted policy which was properly consulted on and decided by the Executive Board as detailed in paragraph 3.1.1. The outcome of the consultation is detailed further in the Regulatory Committee report dated 6 October 2021. As such no further consultation is required.
- 4.3. Whilst there is a slight amendment to the Policy on Professional Standards, this is to the “background” information and not the substantive policy itself. It does not have a significant impact on passengers and/ or the trade. The amendment restates the law which the Council is bound to follow and trumps any policy. As such, it is considered that there is no duty to consult on the amendment, whether express or implied. There is equally no requirement to refer this matter to the Executive Board for a determination.

#### **5. OPTIONS**

- 5.1. The options available to the Committee are therefore:-
  1. To agree to the vehicle licence condition and amendment to the Policy on Professional Standards.
  2. To amend the wording of the condition and or the amendment to the Policy on Professional Standards;
  3. To refuse the condition and the amendment to the Policy on Professional Standards.
- 5.2. Any refusal or significant change to the wording of the condition or Policy on Professional Standards would require approval of the Executive Board since it would not accord with the adopted policy and/or be a change to the substantive policy.

#### **6. POLICY IMPLICATIONS**

- 6.1 There is no change of policy as this has already been agreed and adopted by the Executive Board. The insertion of the proposed vehicle licence condition is in conformity with that policy and the amendment to the Policy on Professional Standards does not change the substance of that policy.

**7. OTHER IMPLICATIONS**

None

**8. IMPLICATIONS FOR THE COUNCILS PRIORITIES**

8.1 **Children and Young People in Halton**  
N/A

8.2 **Employment Learning and Skills in Halton**  
N/A

8.3 **A Healthy Halton**  
N/A

8.4 **A Safer Halton**  
N/A

8.5 **Halton's Urban Renewal**  
N/A

**9. RISK ANALYSIS**

There are no associated risks which have been identified with this item.

**10. EQUALITY AND DIVERSITY ISSUES**

There are no equality or diversity issues related to a review

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

**Document**

1. Current policies
2. Regulatory Committee Agenda dated 6 October 2021.

**Place of Inspection**

Legal Services

**Contact Officer**

Kim Hesketh



## **Policy on Professional Standards**

(Previously known as Relevance of Convictions)

This document aims to provide guidance to any person with an interest in public and private hire licensing. In particular, but not exclusively:

- Applicants for drivers' licences
- Existing licensed drivers whose licences are being reviewed
- Licensing Officers
- Members of the Regulatory Committee / Regulatory Sub-Committee
- Magistrates hearing appeals against Halton Borough Council decisions

Thereby providing transparency and consistency in accordance with the principles of good enforcement and relevant regulatory compliance codes.

Where Licensing Officers have delegated powers to grant licences, they will utilise these guidelines when making a decision to grant a licence. In all other cases applications for licences will be referred to the Regulatory Committee / Regulatory Sub-Committee. Whilst Officers and the Committee/Panel will have regard to the guidelines contained in the policy, each case will be considered on its individual merits and, where the circumstances demand, the Committee/Officer may depart from the guidelines.

### **Background**

1. In this policy the word applicant refers to either new applicants, or those existing licence holders who are seeking renewal. It also includes existing licence holders who are being considered by the Council by virtue of activity that questions their ability to continue to be considered a fit and proper person.
2. Licences for drivers of hackney carriages and private hire vehicles may only be granted where the Council is satisfied that the applicant is a 'fit and proper person' to hold such a licence.
3. The policy is intended to give guidance on one aspect of whether a person is or is not a fit and proper person namely the situation where a person has previous convictions, formal/simple cautions, has been the subject of restorative justice and/or other matters.
4. The Council is concerned to ensure:
  - a. That a person is a 'fit and proper' person
  - b. That a person does not pose a threat to the public
  - c. That the public are safeguarded from dishonest persons
  - d. The safeguarding of children, young persons as well as vulnerable adults

5. The public do not normally attend licensing hearings for hackney carriage or private hire applications. The Regulatory Committee / Regulatory Sub-Committee however are required to take account of the public's human rights in reaching their decisions.
6. When submitting an application for a licence to drive a hackney carriage or private hire vehicle, applicants are required to declare all previous allegations and/or convictions they may have. This includes all formal cautions as well as providing details of all criminal matters of which they are currently being investigated or prosecuted for. This also extends to their driving record.
7. The information given will be treated in confidence and will only be taken into account in relation to the relevant application to assist the Council in determining whether the applicant is a 'fit and proper person' to hold a driver's licence for the purposes of sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976, or whether the Council should exercise any of its powers under section 61 of the Act (i.e. suspension, revocation or refusal to renew a licence).
8. Applicants should be aware that the Council is empowered by law to check with the Disclosure & Barring Service (formerly the Criminal Records Bureau) for the existence and content of any criminal record and other intelligence held in their name. Information received from the DBS will be kept in strict confidence while the licensing process takes its course and will be retained no longer than is necessary and in any event will be destroyed in accordance with current data protection legislation after the application is determined or any appeal against such determination is decided.
9. The disclosure of a criminal record or other information relating to criminal matters will not necessarily debar an applicant from obtaining a driver's licence. Whether or not an applicant will be granted a licence will depend upon whether or not they can satisfy the Council that they are a fit and proper person to hold such a licence.
10. The Council may fail to be satisfied that an applicant is a fit and proper person to hold a driver's licence for any good reason. If adequate evidence that a person is a fit and proper person is not adduced or if there is good reason to question or doubt the evidence provided, then that could amount to good reason to refuse a licence. It is the requirement of the applicant to prove that they are a fit and proper person except when reviewing a licence then the burden of proof reverts to the Council.
11. In considering evidence of an applicant's good character and fitness to hold a driver's licence, where previous allegations and/or convictions or other information relating to criminal matters is disclosed, the Council will consider the nature of the offence, when it was committed, the date of conviction, the applicant's age when the offence was committed and any other factors which might be relevant. Where an applicant has been convicted of a criminal offence, the Council cannot review the merits of the conviction [*ref. Nottingham City Council v. Mohammed Farooq (1998)*].
12. The Council has adopted the following guidelines relating to the relevance of convictions to which it refers in determining applications for drivers' licences.
13. The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the licensing authority to take into account all convictions recorded against an applicant or an existing licence holder, whether spent or not. Therefore the Council will have

regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending.

14. In this policy the word “Conviction” is to be defined as including convictions, cautions, fixed penalties, warnings, reprimands and other relevant information. Where a complaint is considered by the Council and is upheld this will also be treated as a conviction for the purpose of this guidance.
15. These guidelines do not deal with every type of allegation / offence, but do not prevent the Council from taking into account offences not specifically addressed in the guidelines, or other conduct, which may be relevant to an individual’s application. If an applicant has a conviction for an offence not covered by the guidelines, regard will be taken to the factors at paragraph 11 when deciding what action (if any) should be taken.
16. Offences described in the guidelines and similar offences, though differently entitled in any statutory provision, modification or re-enactment, will be taken into account in accordance with the guidelines.
17. A complaint relating to the conduct of a licensed driver will be investigated and where evidence is found that their behaviour falls below the standard that is expected, appropriate action will be taken by the relevant licensing officer or where applicable/necessary the matter will be referred to the Regulatory Committee / Regulatory Sub-Committee.
18. In some circumstances, matters originating from a complaint or enforcement action may result in prosecution proceedings as well as being referred to the Regulatory Committee / Regulatory Sub-Committee for a decision.
19. This policy is not an attempt to define what a ‘fit and proper person’ is.
20. When determining an application or reviewing an existing licence the Council have the following options:
  - Approve the application
  - Refuse the application
  - Revoke the licence
  - Suspend the licence
  - Issue a warning
  - For existing drivers where their driving record continues to fall below any reasonable standard expected of a professional driver they will be required to successfully undertake the current approved taxi driving test, at their own expense
  - Take any further action as deemed reasonable
  - Take no further action
21. The purpose of suspending a licence will only be considered by Members of the Regulatory Committee / Regulatory Sub-Committee as a means of positive action for a transgression which is deemed to have fallen below the threshold for revoking the individual’s licence.

22. By implementing a period of suspension the licence-holder will likely suffer a financial loss until their licence is re-instated. The relevance of an individual's financial circumstances cannot be considered when making a decision to suspend or revoke a licence. With this in mind, any suspension period considered by Halton Borough Council will be limited to a maximum of 14 days. Where Members of the Regulatory Committee / Regulatory Sub-Committee consider any period longer than 14 days, then it is likely the individual cannot be deemed a fit and proper person and revocation of the licence will be the relevant outcome.
23. Any applicant or existing licence-holder who is not satisfied with the Council's decision to grant, refuse, revoke or suspend a licence has a right of appeal to the Magistrates' Court within 21 days of the notice of refusal.
24. Any person applying for a new licence who has previously had a licence revoked by Halton Borough Council (or any other Authority responsible for the licensing of drivers under the Local Government (Miscellaneous Provisions) Act and the Town Police Clauses Act 1847) will have their application referred to the Regulatory Committee / Regulatory Sub-Committee. The decision to revoke a licence is not taken lightly therefore any applicant wishing to regain a licence must provide evidence that their circumstances have changed and that they can now be considered a "fit & proper person".

## **Guidance on Types of Offences**

Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. Passenger safety must be treated as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

### **Crimes resulting in death**

Where an applicant or license-holder has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed. This also applies to motoring offences.

### **Terrorism**

Terrorism means the use or threat of action where designed to influence the Government or an international governmental organisation or to intimidate the public or a section of the public, for the purpose of advancing a political, religious or ideological cause.

'Action' includes serious violence against a person, serious damage to property, endangering a person's life, other than that of the person committing the action, creating a serious risk to the health or safety of the public or a section of the public, or an act designed to seriously interfere with or seriously to disrupt an electronic system, or the use of firearms or explosives.

This also includes any offence, act or omission linked to a terrorism offence. Applications with any offence(s)/conviction(s) or cautions relating to terrorism should be refused and any existing licence should be revoked.

### **Exploitation**

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

### **Offences involving violence against the person**

Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed. This also extends to any conviction for offences of (or relating to) the harassment and/or stalking of an individual.

### **Possession of a weapon**

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

## **Sexual offences**

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted.

In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.

## **Dishonesty**

Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed. This also applies to motoring offences.

Any dishonesty by an applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution.

## **Drugs**

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs. This also applies to motoring offences.

## **Discrimination**

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

## **Motoring convictions**

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not

necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

## MAJOR TRAFFIC OFFENCES

### Drink driving/driving under the influence of drugs

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

A conviction for failing to provide a test for either alcohol or drug related driving will be treated as if the individual had been convicted of the offence of driving under the influence.

For the purposes of these guidelines the following motoring offences are classed as 'Major Traffic Offences and therefore a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

AC10	Failing to stop after an accident
AC20	Failing to give particulars or to report an accident within 24 hours
AC30	Undefined accident offences
BA10	Driving while disqualified by order of Court
BA30	Attempting to drive while disqualified by order of Court
DD40	Dangerous driving
DR40	In charge of a vehicle while alcohol level above limit
DR50	In charge of a vehicle while unfit through drink
DR60	Failure to provide specimen for analysis in circumstances other than driving / attempting to drive
DR61	Failure to provide specimen for drug analysis in circumstances other than driving / attempting to drive
IN10	Using a vehicle uninsured against third party risks
LC20	Driving otherwise than in accordance with a licence
LC40	Driving a vehicle having failed to notify a disability
LC50	Driving after a licence has been revoked or refused on medical grounds
MS50	Motor racing on the highway
MS60	Offences not covered by other codes
MS80	Refusing to submit to an eyesight test

MS90	Failure to give information as to identity of driver, etc.
UT50	Aggravated taking of a vehicle

## INTERMEDIATE TRAFFIC OFFENCES

Any Intermediate Traffic Offence, which has attracted 4 or more penalty points will be treated as though it were a Major Traffic Offence. This is because the Court issuing the points, deemed the actual offence to be more severe than just merely reaching the legal threshold for the minimum amount of penalty points.

Where an applicant has a single Intermediate Traffic Offence within the 12 months immediately preceding the date of application, they will normally be expected to show a period of at least 6 months free from conviction before an application is considered.

For existing licence-holders where they hold no other driving convictions within a 2 year period prior to receiving an intermediate traffic offence **and** do not have a history of frequent motoring convictions then a written warning may be issued.

### Two or more Convictions

Where an applicant has 2 or more Intermediate Traffic Offences in the 12 months immediately preceding the date of application, the applicant will normally be expected to show a period of at least 12 months free from conviction before an application is considered.

If any conviction for an Intermediate Traffic Offence results in a disqualification, applicants should refer to the section of these guidelines entitled “disqualification”.

**For the purposes of these guidelines the following motoring offences are classed as ‘Intermediate Traffic Offences’:**

CU10	Using vehicle with defective brakes
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
CU30	Using a vehicle with defective tyres
CU40	Using a vehicle with defective steering
CU50	Causing or likely to cause danger by reason of load or passengers
CD10	Driving without due care and attention
CD20	Driving without reasonable consideration for other road users
CD30	Driving without due care and attention or without reasonable consideration of other road users
MS70	Driving with uncorrected defective eyesight

## MINOR TRAFFIC OFFENCES

Any Minor Traffic Offence which has attracted 4 or more penalty points will be treated as though it were an Intermediate Traffic Offence. This is because the Court issuing the points, deemed the actual offence to be more severe than just merely reaching the legal threshold for the minimum amount of penalty points.

Where an applicant has a single Minor Traffic Offence in the 12 months immediately preceding the date of application, the application will normally be granted with a letter of warning being placed on the file.

For existing licence-holders where they hold no other driving convictions within a 2 year period prior to receiving a minor traffic offence **and** do not have a history of frequent motoring convictions then a written warning may be issued.

### ***Two or more Convictions***

Where an applicant has two or more Minor Traffic Offences in the 12 months immediately preceding the date of application an applicant will normally be expected to show a period of at least six months free from conviction before an application is considered.

***For the purposes of these guidelines the following motoring offences are classed as ‘Minor Traffic Offences’:***

MS10	Leaving a vehicle in a dangerous position
MS20	Unlawful pillion riding
MS30	Play street offences
MW10	Contravention of Special Road Regulations (excluding speed limits)
PC10	Undefined contravention of Pedestrian Crossing Regulations
PC20	Contravention of Pedestrian Crossing Regulations with moving vehicle
PC30	Contravention of Pedestrian Crossing Regulations with stationary vehicle
TS10	Failing to comply with traffic light signals
TS20	Failing to comply with double white lines
TS30	Failing to comply with a “Stop” sign
TS40	Failing to comply with direction of a constable or traffic warden
TS50	Failing to comply with traffic sign (excluding “Stop” sign, traffic lights or double white lines)
TS60	Failing to comply with school crossing patrol sign
TS70	Undefined failure to comply with a traffic direction sign
SP10	Exceeding goods vehicle speed limit
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
SP30	Exceeding statutory speed limit on a public road

SP40	Exceeding passenger vehicle speed limit
SP50	Exceeding speed limit on a motorway
SP60	Exceeding speed limit offence

### Information Regarding Offence Codes

Motoring conviction codes can change slightly if any of the offences were committed as follows:

- *Aiding, Abetting, Counselling or Procuring*  
Offences as coded above but with 0 changed to 2 (e.g. IN10 becomes IN12).
- *Causing or Permitting*  
Offences as coded above but with 0 changed to 4 (e.g. IN10 becomes IN14).
- *Inciting*  
Offences as coded above but with 0 changed to 6 (e.g. IN10 becomes IN16).

### DISQUALIFICATION

#### Totting Up

TT99 offence code - Totting up. If the total of penalty points reaches 12 or more within 3 years the driver is liable to disqualification by the Court.

#### ***Totting up with Disqualification***

An application will generally be refused unless the applicant can show a period of 5 years free from conviction has elapsed from the restoration of the DVLA licence.

Any licence-holder who gets disqualified under the totting up procedure will have their licence revoked as a primary requirement of holding a hackney/private hire driver's licence is to hold a DVLA issued licence.

#### ***Totting up without Disqualification***

An applicant who has accrued sufficient points for disqualification, under totting up, to be considered by the Court, may argue exceptional hardship and not receive a disqualification from them. Under these circumstances the Court does not consider if a driver is a "fit and proper person" as per the Local Government (Miscellaneous Provisions) Act 1976 but merely considers the drivers ability to hold a driving licence as issued by the DVLA.

In these circumstances the Council will treat the application as if a disqualification had been applied. This is because exceptional hardship cannot be taken into consideration by Local Authorities when considering hackney/private hire driver licence applications. The applicant has demonstrated that the standard of their driving is not of that what is expected by the general public to be deemed a professional driver.

Any licence-holder who holds 12 penalty points or more on their DVLA licence will be referred to the Regulatory Committee/Sub-Committee due to the fact that they still hold a DVLA licence.

## **PLYING FOR HIRE**

In the case of a licensed driver being found guilty by a court or by a Regulatory Committee/Sub-Committee (by way of a complaint) of an offence of plying for hire, a decision will normally be taken to revoke the licence.

## **BREACH OF LICENSING CONDITIONS / BY-LAWS**

Any serious or repeated breach of licensing conditions and/or by-laws by a licensed driver will be referred to the Regulatory Committee / Regulatory Sub-Committee.

## **RE-APPLICATION**

Applicants are advised that Council guidelines are that where an applicant has had an application refused or a licence revoked, the Regulatory Committee / Regulatory Sub-Committee would normally refuse any subsequent application made within 12 months of the date of the previous refusal or revocation unless there are substantial material changes in the applicant's circumstances.

Any person who has previously had a licence refused or revoked within the past 5 years must have any new application heard by the Regulatory Committee / Regulatory Sub-Committee in order to provide evidence that they are now a "fit and proper person" to hold such a licence.

## **OTHER OFFENCES**

Offences under the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 and Hackney Carriage Byelaws and Section 167 Criminal Justice and Public Order Act 1994.

One of the main purposes of the licensing regime set out in the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 ("the Acts") and Hackney Carriage Byelaws, is to ensure the protection of the public.

For this reason a serious view is taken of convictions for offences under the Acts (including illegally plying for hire and/or touting) when deciding whether an applicant is to be treated as a fit and proper person to hold a licence. In particular, an applicant will normally be refused a licence if he/she has been convicted of an offence under the Acts at any time during the 2 years preceding the application or has more than one conviction within the last 5 years preceding the date of the application.

<b>REPORT:</b>	Regulatory Committee
<b>DATE:</b>	12 October 2022
<b>REPORTING OFFICER:</b>	Operational Director – Legal and Democratic Services
<b>PORTFOLIO:</b>	Resources
<b>SUBJECT:</b>	Taxi Licensing Update
<b>WARDS:</b>	Borough-wide

### **1. PURPOSE OF REPORT**

To receive a report summarising the decisions taken by the Taxi Licensing Sub-Committee and the urgent decisions taken by the Chief Executive under delegated powers.

### **2. RECOMMENDATIONS**

**That the Regulatory Committee notes the contents of the report.**

### **3. INTRODUCTION AND BACKGROUND INFORMATION**

#### Decisions of the Taxi Licensing Sub-Committee

- 3.1 Members will recall that the Taxi Licensing Sub-Committee was formed on 14 July 2021.
- 3.2 Since its formation, it has determined 5 new applications for Hackney Carriage and/or Private Hire Driver's Licences and 1 renewal application. Out of the 5 new applications, 3 were granted and 2 were refused. The renewal application was also refused.
- 3.3 Further details are set out at Appendix A of this report.

#### Officer decisions

- 3.4 The Council's Constitution gives authority to the Chief Executive to take urgent decisions which are required before the next formal meeting of the Regulatory Committee. These must be made in consultation with the Leader of the Council where practicable, and with the Operational Director – Finance and/or Operational Director – Legal and Democratic Services

where necessary. They must also be reported for information to the next practically available committee meeting.

3.5 On or around 28 February 2022, the Council's licensing department received information about one of its licensed taxi drivers. Due to the serious nature of the information, the decision was taken to revoke the driver's licence with immediate effect in the interests of public safety.

3.6 On or around 1 September 2022, the Council's licensing department received information about another of its licensed taxi drivers. Again due to the serious nature of the information, the decision was taken to revoke the driver's licence with immediate effect in the interests of public safety.

3.7 Further information is set out at Appendix B.

#### **4. POLICY IMPLICATIONS**

None – this is an information item only.

#### **5. OTHER IMPLICATIONS**

None

#### **6. IMPLICATIONS FOR THE COUNCILS PRIORITIES**

##### **6.1 Children and Young People in Halton**

None

##### **6.2 Employment Learning and Skills in Halton**

None

##### **6.3 A Healthy Halton**

None

##### **6.4 A Safer Halton**

None

##### **6.5 Halton's Urban Renewal**

None

#### **7. RISK ANALYSIS**

There are no associated risks which have been identified with this item.

**8. EQUALITY AND DIVERSITY ISSUES**

None

**9. LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

The committee reports and officer reports relating to the above decisions are exempt from production by virtue of Schedule 12A of the Local Government Act 1972 as they contain information relating to an individual and/ or their financial or business affairs.

# Appendix A

## MATTERS DETERMINED BY THE TAXI LICENSING SUB COMMITTEE

Date	Reason for applicant having to attend Taxi Licensing Sub Committee	Details New Application or Renewal Application	Decision
11 <sup>th</sup> January 2022	Failed to declare speeding points on application form which were discovered after completing an online check with the DVLA.	New application	Grant – with a written warning to stay on file Failure to declare found not to be dishonest.
2 <sup>nd</sup> March 2022	Failed to declare a conviction for violence and 10 years had not elapsed since the completion of any sentence imposed.	New application	Grant – with a written warning to stay on file There were exceptional reasons to depart from the Policy on Professional Standards.
28 <sup>th</sup> March 2022	Declared on application form that applicant had received 9 speeding points but not declare to the Licensing Team – breach condition of licence.	Renewal application	Refused in accordance with Policy on Professional Standards
9 <sup>th</sup> May 2022	Failed to declare relevant offences on application form which were later revealed on DBS	New application	Refused in accordance with Policy on Professional Standards
22 <sup>nd</sup> June 2022	Failed to declare speeding points on application which were discovered after completing an online check with the DVLA. Failure found not to be dishonest.	New application	Grant – with a written warning to stay on file Failure to declare found not to be dishonest.
22 <sup>nd</sup> August 2022	Convictions for offences involving violence declared on application form but 10 years had not elapsed since the completion of any sentence imposed.	New application	Refused in accordance with Policy on Professional Standards

# Appendix B

## MATTERS DETERMINED UNDER DELEGATED POWERS

Date	Information	Steps taken	Decision
4 <sup>th</sup> March 2022	The Licensing Department received information from the Council's Safeguarding Unit of a Police investigation regarding allegations of historic sexual abuse involving a child.	Report and recommendations provided by the Taxi Enforcement Officer to the Group Solicitor Environment and Licensing. This was then passed onto the Operational Director - Legal & Democratic Services for approval and then onto the Chief Executive.	The Chief Executive exercised his emergency powers to revoke the driver and vehicle licence with immediate effect as there was reasonable cause and it was in the public interest to do so. This was agreed by the Leader of the Council, the Operational Director – Legal and Democratic Services and the Operational Director Finance.
7 <sup>th</sup> September 2022	The Licensing Department received information from the Council's Children's & Families Services of a Police investigation regarding allegations of historic sexual abuse involving a child	Report and recommendations provided by the Licensing Manager to the Group Solicitor Environment and Licensing. This was passes onto the Operational Director - Legal & Democratic Services for approval and then onto the Chief Executive.	The Chief Executive exercised his emergency powers to revoke the driver and vehicle licence with immediate effect as there was reasonable cause and it was in the public interest to do so. This was agreed by the Leader of the Council, the Operational Director – Legal and Democratic Services and the Operational Director Finance.