

AGENDA

Regulatory Panel

Wednesday, 12 November 2014 AT 14:00
In the Flensburg Room, Civic Centre, Carlisle, CA3 8QG

Apologies for Absence

To receive apologies for absence and notification of substitutions.

Declarations of Interest

Members are invited to declare any disclosable pecuniary interests, other registrable interests and any interests, relating to any item on the agenda at this stage.

Public and Press

To agree that the items of business within Part A of the agenda should be dealt with in public and that the items of business within Part B of the agenda should be dealt with in private.

Minutes of Previous Meetings

5 - 10

To agree the minutes of the meeting held on 3 September 2014.
[Copy Minutes in Minute Book 41(3)]

To note the minutes of the meeting held on 8 October 2014.
[Copy Minutes Herewith)

PART A

To be considered when the Public and Press are present

A.1 TAXI AND PRIVATE HIRE DRIVER KNOWLEDGE TEST 11 - 14

The Licensing Manager to submit a report seeking the approval to change the way the taxi and private hire driver knowledge test is conducted from a written test to a verbal test.
(Copy Report GD.53/14 herewith)

A.2 REVIEW OF HACKNEY CARRIAGE DRIVER CODES OF PRACTICE AND PRIVATE HIRE DRIVERS TERMS OF CONDITIONS 15 - 30

The Licensing Manager to submit a report outlining the changes to the Hackney Carriage Driver Codes of Practice and Private Hire Drivers Terms of Conditions following a review.
(Copy Report GD.57/14 herewith)

A.3 REVIEW OF CHARGES 2015.16 - LICENSING 31 - 42

The Licensing Manager to submit a report setting out the proposed fees and charges for areas falling within the responsibility of the Licensing Section of the Governance Directorate.
(Copy Report GD.49/14 herewith)

PART B

To be considered when the Public and Press are excluded from the meeting

- NIL -

Members of the Regulatory Panel:

Conservative – Bowman S, Layden, Morton, Mrs Parsons, Collier (sub), Nedved (sub), Mrs Prest (Sub)

Labour – Bell, Cape, Ms Franklin, Scarborough, Mrs Stevenson, Mrs Warwick, Wilson, Boaden (sub), Dodd(sub), Stothard (sub)

Independent - Betton, Graham (sub)

**Enquiries, requests for reports, background papers,
etc to Lead Committee Clerk: Rachel Rooney – 817039**

REGULATORY PANEL

WEDNESDAY 8 OCTOBER 2014 AT 2.00PM

PRESENT: Councillor Bell (Chairman), Councillors Bowman S, Ms Franklin, Morton, Mrs Parsons, Scarborough, Mrs Stevenson, Stothard (as substitute for Councillor Cape), Mrs Prest (as substitute for Councillor Layden), Mrs Warwick and Wilson.

OFFICERS: Principal Lawyer
Licensing Manager
Licensing Officer

RP.22/14 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Betton, Cape and Layden.

RP.23/14 DECLARATION OF INTEREST

Councillor Mrs Parsons declared an interest in accordance with the Council's Code of Conduct. Councillor Mrs Parsons stated that she had known the witness and had been informed of the details of the incident in advance of the meeting and accordingly would retire from the Panel and take no part in the decision today.

RP.24/14 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meetings held on 3 September 2014 be noted.

RP.25/14 HACKNEY CARRIAGE DRIVER – DUTY OF CARE TO PASSENGER

Councillor Mrs Parsons, having declared an interest, retired from the Panel and took no part in this item of business.

The Licensing Officer submitted report GD.45/14 regarding a complaint which had been received against a licensed Hackney Carriage Driver.

Mr Mulholland (the licensed Hackney Carriage Driver), Mr Chris Bray (Mr Mulholland's representative) and Mrs Carruthers (the complainant) were in attendance at the meeting.

The Chairman introduced the Panel and Officers in attendance.

The Principal Lawyer outlined the procedure the Panel would follow. Mr Mulholland confirmed that he had received and read the Licensing Officer's report.

The Licensing Officer outlined the licensing history pertaining to Mr Mulholland who had been a licensed Hackney Carriage Driver with the City Council since 1998. Mr Mulholland had come to the attention of the Licensing Office on a number of occasions but none of the issues were of a similar nature to the complaint.

The Licensing Officer reported that on 26 August 2014 the Licensing Office had received a complaint from Mrs Carruthers. Mrs Carruthers reported that her daughter had taken a taxi from the Warwick Road rank at 9.45pm on Saturday 16 August 2014 to travel home to Brampton. Her daughter (Miss Carruthers) had attended a party in the Andalusian and had decided to go home as she had had enough to drink. She had been unsuccessful in contacting Mrs Carruthers and had taken a taxi. An hour later Miss Carruthers had been found in Warwick Bridge, semi conscious and suffering from hypothermia as the weather had been cold with heavy rain. She was taken to hospital, where initially, medical staff had been unable to find her blood pressure. Unfortunately, as a side effect of the hypothermia, Miss Carruthers had no memory of what happened that evening.

Mrs Carruthers had been extremely concerned that her daughter had been let out/thrown out of a taxi by the side of a busy road and felt that the driver had been negligent and feared that other people in a similar position may be treated in the same way in the future. Mrs Carruthers gave the Licensing Office details of the lady who cared for her daughter until the ambulance arrived.

The Paramedics who had attended had been concerned that Miss Carruthers had been left there in a vulnerable condition by the taxi driver and contacted the Police. The Police visited Miss Carruthers in hospital to take a statement. The Police had been satisfied that no criminal offences had been committed and advised the family to report the incident to Licensing.

Mrs Carruthers had reported to the Licensing Office that she could not understand how her daughter had come to be left in Warwick Bridge as there were no family connections there. She surmised that her daughter may have been sick or wanted to be sick in the taxi and was then abandoned by the driver, although there had been no evidence on her clothes of her being sick.

The Licensing Officer reported that the driver, Mr Mulholland, had been identified using CCTV footage. Mr Mulholland was interviewed by the Licensing Officer on 4 September 2014 and recalled the fare. He stated that Miss Carruthers had 'seemed ok' initially but he had soon realised that she was 'very boozy' he remembered her mumbling, possibly on the phone and also remembered she was falling asleep. He had to pull in to a lay-by at the bottom of Warwick Road to establish where in Brampton she wanted to go, as he had been concerned that she would fall asleep and he would not get her address. On driving over Warwick Bridge Mr Mulholland said Miss Carruthers had been 'gagging' and was possibly going to be sick. He had pulled into a lay-by/exit of Holme Eden Abby just over the bridge, leaned over and opened the door, he had told her to 'get out and sort yourself out'. Mr Mulholland said that Miss Carruthers walked away from the taxi, he waited a few minutes, pipped the horn, then did a u turn back to Carlisle.

The Licensing Officer had asked Mr Mulholland if he had asked for the fare to which he had replied that he 'didn't normally charge someone on their own if they walked off' and that 'it wasn't worth it'.

The Licensing Officer informed Mr Mulholland what had happened to Miss Carruthers and he had replied 'what could I have done? I couldn't man handle a girl back to my taxi'. The Licensing Officer explained that Mr Mulholland had a duty of care to his passengers and that he could have informed the Police that he had left a vulnerable girl or he could have gone after her to ensure she had another means of getting home.

The CCTV footage of Miss Carruthers getting in the taxi had been shown to Miss Carruthers in the hope it would help her remember the evening, unfortunately it had not.

The Licensing Officer took a witness statement from Mrs Round by telephone on 19 September 2014 and this had been included as Appendix B in the report.

The Licensing Officer added that Mr Mulholland had received training on 1 May 2013 where the duty of care to passengers had been discussed. The Licensing Officer explained the meaning of duty of care as set out in the report and stated that as a result of the complaint the word 'vulnerable' had been added to the driver codes of practice. Number ten of the code stated that 'a driver must provide reasonable assistance to all types of passengers'; this has been amended to 'reasonable assistance shall be provided to wheelchair bound, disabled, elderly and vulnerable passengers'. This, however, did not change the driver's common law duty of care.

The Licensing Officer showed the Panel the CCTV footage of Miss Carruthers getting into Mr Mulholland's taxi.

A Member asked if Mr Mulholland had a radio in his vehicle as, he felt, that drivers with radios would record their routes and incidents like this, where CCTV footage had to be found, would not occur. He asked that the Licensing Officers look to amend the regulations to ensure that Hackney Carriage and Private Hire vehicles had a radio channel.

In response to questions the Licensing Officer clarified the following points:

- Mr Mulholland did not have a radio in his vehicle as he worked solely from the rank;
- There was no requirement for a driver to have a radio in their vehicle;
- Miss Carruthers had not given a formal statement as she could not remember the events that took place;
- Miss Carruthers had got into the second taxi in the queue at the rank, the first vehicle had been a black taxi and passengers often, mistakenly, thought that they were more expensive than the white saloon vehicles. The driver of the second car had asked to get in the first vehicle as is protocol. Miss Carruthers, instead, got out of the vehicle and went to the taxi behind which was Mr Mulholland's vehicle. At that point the first two vehicles took passengers and left the rank.

Mrs Carruthers then addressed the Panel. She explained that she usually collected her daughters when they were on a night out as she had told them not to get into taxis on their own. Her daughter had called her but she was travelling back from Scotland at the time. Her daughter then made the decision to get a taxi which was the safe route to get home. The driver accepted the fare knowing she had been drinking as he would be used to on a Saturday evening. Mrs Carruthers assumed the driver stopped at Warwick Bridge so her daughter could be sick then he left her on a cold wet evening wearing clothing that young people wear for nights out. Her daughter was six miles from home near a busy road and river in an isolated area. The driver had told her to get out and 'sort herself out', how would a young person know what that meant? Did she get back in the car? Would she want to if he had asked her to get out? Mrs Carruthers queried how many times the driver had done this before as she had heard stories about people being left at Warwick Bridge before.

Mrs Carruthers added that the meaning of duty of care was clear and her daughter had been responsible enough to get in a taxi. The City had a University and steps should be taken to keep the City safe and one of those steps would be safe taxis. Her daughter had

been left with no help and had ended up in hospital. If the driver asked her to get out to avoid her been sick his vehicle and made sure she was ok Mrs Carruthers could have understood this and had she been sick in his vehicle she would have expected a bill for that, his loss of earnings did not compare to a loss of life. The consequences of the driver's action resulted in Mrs Carruthers daughter being hospitalised for hypothermia.

Mr Bray then addressed the Panel on behalf of Mr Mulholland. Mr Bray stated that Miss Carruthers was not abandoned by Mr Mulholland as she walked away from the vehicle on her own accord. Mr Mulholland waited, blew the horn then returned to town. Miss Carruthers was going to be sick, all drivers had been in that situation, all he wanted to do was get her out of the car and she wandered off. He asked the Panel to disregard the term 'thrown out' in paragraph 2.8 of the report as she was not thrown out of the vehicle. He also asked them to disregard the training set out in paragraph 3.1 as there had been no mention of alcohol in the training.

He reported that the 16 August was wet but was 13 degrees so was very mild. It had been reported that Miss Carruthers had no relocation of the event as a result of the hypothermia but he felt it was actually as a result of the alcohol. Miss Carruthers had first said her destination was Brampton then Longtown, from that Mr Mulholland pieced together her destination but she had had too much alcohol that night. He felt that the only offence that had occurred was Miss Carruthers leaving the vehicle without paying. He questioned what constituted as vulnerable as many drivers have drunk people who wandered off, it happened all the time.

With regard to the option of phoning the Police he explained that there was a very low response rate from the Police and drivers had been known to wait up to two hours for a response. He gave an example of this happening.

Mr Bray finished by stating that he had known Mr Mulholland for 20 years and there had never been any complaints made against him. Mr Mulholland never hesitated to help and he was well liked throughout the trade. Mr Mulholland was a father, grandfather and husband who had recently supported his wife through cancer. Mr Mulholland had suffered an attack and had his taxi stolen and he still lived with the psychological pain of the incident.

Mr Bray asked that the Panel consider option 2 as taking Mr Mulholland's livelihood would serve no purpose as Mr Mulholland was a credit to the industry.

The Principal Lawyer clarified that alcohol had been included as part of the Disability Awareness training and drew Members attention to the training slide at Appendix C of the report which clearly stated 'Variety of people, sober, drunk, carrying food Duty of care'.

In response to questions Mr Bray and Mr Mulholland clarified the following:

- Mr Mulholland was not admitting to being guilty by requesting that the Panel issue a warning letter;
- In retrospect Mr Mulholland would not have carried out anything differently;
- When Miss Carruthers was asked for a destination at Warwick Road she had initially stated Longtown;
- Mr Mulholland had asked Miss Carruthers to get out of the car as she had been asleep and then started 'gagging';
- Mr Mulholland had waited 2-3 minutes for her to return to the car;

- When Miss Carruthers got in the vehicle she had stated her destination as Brampton then she told him Longtown. He had stopped on Warwick Road as she was going to sleep and he had wanted to be sure of their destination;
- Mr Mulholland had been a driver since 1998 and he considered himself to be a professional driver;
- There was a maximum charge of £35 when a passenger soiled the vehicle, when this happened it meant the vehicle had to be taken off the road to be cleaned and it was usually the end of the shift for that driver;
- When a passenger left a vehicle in those circumstances you expected them to get back into the vehicle;
- Mr Mulholland explained that he had stopped in the layby as he had thought Miss Carruthers was going to be sick as she gagged and was asleep. He pulled over immediately. He leaned over her as she was in the front passenger seat, and opened the door and said 'would you mind getting out and sort yourself out' he had had to touch her shoulder to wake her up. When he said 'sort yourself out' he meant don't be sick in the car. Miss Carruthers had not been sick and she walked away toward Brampton. He had waited 2-3 minutes; she had not been sick in this time and had not walked very far. He pipped the car horn then did a u-turn back to town, Miss Carruthers had still been in sight on the path. There had been no other vehicles or people about.

He added that Miss Carruthers had a mobile phone and he had assumed she would call a friend as she had been using the mobile in the car. He had not thought to ask her if she had someone to call. He agreed that he would not like to have thought of a child of his in the same situation and would call the Police if a similar incident happened again. He said he was very sorry that this had happened.

In summing up, the Licensing Officer reminded the Panel of the relevant Legislation and outlined the options open to the Panel in reaching a decision.

RESOLVED – That the Panel had carefully considered and read the evidence in the report and listened carefully to the responses and heard Mrs Carruthers.

There was a long deliberation and the Panel have reached the conclusion that Mr Mulholland be issued with a strongly worded letter and this is by the narrowest majority 6 votes to 4. When Mr Mulholland gave evidence he said that it wouldn't happen again. This authority expects Hackney Carriage and Private Hire drivers to carry out their duty of care especially to vulnerable passengers.

Mr Mulholland will be given notice of the decision in writing within 14 days and have the opportunity to appeal within 21 days.

The Panel had a discussion and would like Mr Mulholland to receive further training in respect of general duty of care and responsibility towards vulnerable passengers and ask that Mr Mulholland carefully consider our strong recommendation to speak to the Licensing Officers and arrange as soon as practicable a session covering that part.

(The meeting ended at 3.15pm)

Report to Regulatory Panel

Agenda
Item:

A.1

Meeting Date: 12th November 2014
Portfolio: Finance, Governance and Resources
Key Decision: Not Applicable:
Within Policy and Budget Framework No
Public / Private Public

Title: Taxi and Private Hire Driver Knowledge Test
Report of: Director of Governance
Report Number: GD.53/14

Purpose / Summary:

To seek the approval of The Regulatory Panel to change the way the taxi and private hire driver knowledge test is conducted from a written test to a verbal test.

Recommendations:

That members agree to change the taxi and private hire knowledge test from a written test to a verbal test.

Tracking

Executive:	
Overview and Scrutiny:	
Council:	

To the Chairman & Members of the Regulatory Panel on the 12th November 2014

BACKGROUND

Carlisle City Council first introduced “knowledge tests” to prospective taxi and private hire drivers in 2001. The tests include the drivers knowledge of streets, routes and public buildings in Carlisle and the surrounding rural area. It also includes a test to ensure the driver understands the terms and conditions attached to their licence and that they have a basic knowledge of handling cash transactions and understand the various tariffs.

This test has been updated over the years and a disability awareness test was added in 2010. This was further improved in 2012 by requiring all licensed drivers to attend a disability awareness course and to pass a “multiple choice” test to ensure they understood the course content.

CURRENT SITUATION

As Carlisle develops into a modern and multi racial city we have received applications for taxi and private hire driver licences from numerous people born outside of the UK and who’s first language is not English. These countries include, Turkey, Bangladesh, Poland, Afghanistan, Cyprus, Portugal, Bulgaria, Romania and The Czech Republic. All of these applicants are required to pass our written knowledge tests.

COMMUNICATION SKILLS

Occasionally, complaints have been received about the quality of some of the non UK driver’s spoken English where passengers have needed to converse with them. Complaints are often difficult to investigate and these drivers have been known to bring their English speaking partners with them to assist in an investigation. Obviously, during any dispute between the driver and their passenger, this cannot happen.

Some Councils have introduced a basic English Language test.. Most carry out the test “in-house” but some have “out sourced” the test to an independent training provider. This tends to be in cities where immigration is high and there can be a cost of approximately £50.

PROPOSED CHANGES

Although it is not yet thought to be a significant problem in Carlisle it is felt that the communication skills of all applicants need to be assessed. We believe that this can be achieved by changing our current knowledge test from a written test to a verbal

test. The test can be “duel” marked, one for accuracy and one for clarity. This would also assist applicants whose written skills are poor or who were perhaps dyslectic.

This test would only apply to new applicants but should the language skills of an existing driver be called into question The Regulatory Panel may require them to also undertake and pass this test.

COST IMPLICATIONS

Currently no fee is charged for the knowledge test as officer time is minimal. Under the proposed scheme an officer will have to be present during the whole test. It is proposed therefore that a first attempt at the test is free but upon failing, any future tests would incur a fee of £10. It is also proposed that there should be a 10 day interval between tests to ensure applicants are adequately prepared. This is a similar time period that the DSA use for their taxi driving tests.

APPEAL PROCEEDURE

Should an applicant be refused a licence because of inadequate communication skills they would have a right of appeal to The Regulatory Panel and then if necessary to The Magistrates Court..

Cumbria Adult Education run English for Speakers of Other Languages (ESOL) courses at Trinity School and applicants would be advised to contact them for advise.

TAXI ASSOCIATION

The views of the local Taxi Association have been sought and their Chairman was in favour of the proposed changes.

LEGISLATION

The Local Government (Miscellaneous Provisions) Act 1976 states that a District Council shall not grant a person a licence to drive a private hire vehicle or hackney carriage unless they are satisfied that the applicant is “fit and proper”. The Council can attach any test to ensure the applicant is fit and proper providing the test is reasonable. Currently these tests include medicals, criminal record checks, driving tests, knowledge tests and DVLA licence verification.

RECOMMENDATION

- 1 That members agree to change the taxi and private hire knowledge test from a written test to a verbal test.
- 2 That the first test be free but subsequent tests incur a charge of £10
- 3 That a minimum of 10 days elapse between tests.

- 4 Where instructed by The Regulatory Panel, existing licensed drivers may be required to undertake and pass the test where their English language skills have been brought into question.

Contact Officer: Barry Sharrock

Ext: 7027

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

Report to Regulatory Panel

Agenda
Item:

A.2

Meeting Date: 12th November 2014
Portfolio: Finance, Governance and Resources
Key Decision: Not Applicable:
Within Policy and Budget Framework
Public / Private Public

Title: REVIEW OF HACKNEY CARRIAGE DRIVER CODES OF PRACTICE AND PRIVATE HIRE DRIVERS TERMS OF CONDITIONS
Report of: Director of Governance
Report Number: GD.57/14

Purpose / Summary:

Cumbria Constabulary has recently changed its policy on lost and found property. It is therefore necessary to amend drivers' Codes of Practice and Terms of Conditions so that existing and new drivers are aware of their new responsibilities.

Recommendations:

To agree or amend the wording in 2.2 of the report.

Tracking

Executive:	
Overview and Scrutiny:	
Council:	

BACKGROUND

- 1 Hackney Carriage Driver Codes of Practice & Private Hire Driver Terms and Conditions are issued with Driver Licences under the Local Government Miscellaneous Provisions Act 1976. **Appendix A**

Both of these documents have been amended from time to time at Officer level to accommodate minor changes. Major changes are always referred to Council members.

PROPOSALS

- 2 It has come to our attention that the Police have been unwilling to take possession over the past few months of found property items handed into the main Police Station at Durranshill by Taxi Drivers. On speaking to Cumbria Constabulary and after reading their website, it is clear that they now expect the finder of any identifiable item to return it to the owner if this is at all possible and that the Police will only accept identified items if they cannot be reunited. They will then return them to the issuing authority.
eg. Driving Licence will be sent back to the DVLA. **Appendix B**

- 2.1 These new instructions allow Drivers to hand in identified property they have been unable to re-unite. This includes wallets/purses/handbags containing bank cards, Driving Licences etc.,
On handing to the Police, a receipt should be obtained. These identifiable items should also include laptops, phones, cameras etc which may contain personal data.
Any other property that is not identifiable eg., gloves, umbrella, keys, should be retained by the driver for 28 days, before being disposed of.
- 2.2 All found items whether handed to the Police or retained by the driver, should be reported to the Licensing Section within 48 hours of being found.
This will enable Licensing to keep a record should any member of the Public call with enquiries.

RECOMMENDATIONS

3. To allow Codes of Practice & Terms of Conditions to be amended to read:

'12. At the end of each hiring and before commencing any further hiring the driver shall search the vehicle for any property accidentally left by the immediately preceding hirer. It is the drivers legal obligation to try and reunite all lost property with the owner and shall as soon as practicable and in any case within 48 hours after the discovery of property, attempt to return it to the owner. Failing that and still within 48 hours, all identifiable property shall be handed into the Police Station within the Council's area and a receipt obtained, which must be kept by the proprietor of the vehicle. Identifiable property can range from purses, bank cards, driving licences, mobile phones, laptops, cameras, i.e anything that can identify the owner.

All unidentifiable property shall be kept by the proprietor for a minimum of 28 days and a record kept of the description.

ALL found property must be reported to the Licensing Section, Civic Centre, Carlisle within 48 hours where a record will be taken '

Contact Officer: Mrs S Stashkiw

Ext: 7029

Appendices
attached to report: APPENDIX A – Codes of Practice & Terms of Conditions
APPENDIX B – Cumbria Constabulary guidance

CITY OF CARLISLE

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

CODE OF PRACTICE FOR
HACKNEY CARRIAGE DRIVERS

The holder of a Hackney Carriage driver's licence (hereinafter called the driver) shall observe and perform all the following codes of practice which shall be attached to and form part of his Hackney Carriage driver's licence.

1. This Licence is personal to the driver named herein and the driver shall not in any circumstances assign it or in any way part with the benefit thereof to any other person.
2. The driver shall at all times when acting as a driver of a Hackney Carriage, wear or display the driver's current year identity card issued by the Council **in such a position and manner as to be plainly and distinctly visible to the hirer.**
3. The driver's identity card issued by the Council remains the property of the Council and shall be returned to the Council by the driver or a person appointed by them within seven days of the date of the suspension or revocation of or refusal or failure to renew this Licence.
4. The driver shall not, at any time whilst driving or in charge of any Hackney Carriage (the Hackney Carriage):-
 - (a) station the Hackney Carriage on any place which is marked out as a bus stop or loading bay, or on any length of highway during times when a prohibition on loading and unloading is in operation;
 - (b) station the Hackney Carriage on a public highway in such a manner so that it is double parked or otherwise obstructing the free flow of traffic and this condition shall apply at all times and including whilst and before and after the hirer is boarding or alighting from the Hackney Carriage;
 - (c) station the Hackney Carriage so as to obstruct the exit or fire exits of any place licensed for regulated entertainment or to station the Hackney Carriage in such a way that a condition attached to the premises licence as to access for emergency vehicles cannot be complied with;
 - (d) leave the Hackney Carriage parked and unattended on any taxi rank.
5. (a) The driver shall not permit or cause or suffer to be carried in any licensed Hackney Carriage, a greater number of persons than that specified in the licence for that Hackney Carriage and shall provide that the seating arrangements are as specified in the licence for that Hackney Carriage.
 - (b) The driver shall not allow there to be conveyed in the front of a Hackney Carriage beside him:-

(1) any child below the age of ten years; or

(2) more than one person.

unless the Hackney Carriage has been specifically designed to provide more than one passenger seat in the front, in which case the above rules apply to each seat.

(c) The driver shall not without the consent of the hirer of a Hackney Carriage convey, or permit to be conveyed, any other person or animal in that Hackney Carriage.

6. The driver shall not demand from any hirer of a Hackney Carriage a fare in excess of any previously agreed for that hiring between himself and the hirer or in excess of the fare shown on the face of the taximeter.
7. The driver of a Hackney Carriage shall not cause the fare recorded on the meter to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare.
8. The driver, except where he is the proprietor of the Hackney Carriage, shall report to the Proprietor of any Hackney Carriage as soon as practicable and in any case within 24 hours of its occurrence, details of any accident in which such Hackney Carriage has been involved.
9. The driver of a Hackney Carriage which has been hired to be in attendance at an appointed time and place shall unless delayed or prevented by some sufficient cause punctually attend at the appointed time and place.
10. The driver shall when requested by the hirer convey a reasonable quantity of luggage and afford reasonable assistance in loading and unloading, including assistance in removing to and from the entrance of any house or other place where he collects or sets down his passengers. The driver shall not accept a hiring if the hirer abandons a shopping trolley on a road or public place unless the driver first returns such a trolley to the store from which it was brought. He shall also provide all reasonable assistance with wheelchair bound, disabled, elderly and vulnerable passengers.
11. The driver shall not refuse to carry within the vehicle any household pets providing they are accompanied by an adult and providing such pets are suitably restrained or contained so as not to cause a nuisance or damage.
12. At the end of each hiring and before commencing any further hiring the driver shall search the vehicle for any property accidentally left by the immediately preceding hirer and shall as soon as practicable and in any case within 48 hours after the discovery of any such property leave it at a Police Station within the Council's area and shall obtain a receipt for such property and hand the receipt therefor to the Proprietor of the vehicle.
13. The driver shall, every three years, submit via the Council which is a registered body, an application to the Disclosure & Barring Service (DBS) for an enhanced disclosure.
14. The driver shall, every three years, produce to the Council a certificate signed by his registered medical practitioner, to the effect that he is fit to be the driver of a Hackney Carriage. He should come to this decision using Group 2 standards for vocational drivers

as laid down in the current issue of "At a glance guide to the current medical standards of fitness to drive" issued by the Drivers Medical Unit, DVLAS, Swansea. In addition he shall if so required, whether or not such medical certificate has been produced, submit to an examination by a registered medical practitioner selected by the Council as to his fitness to be such a driver.

15. The driver shall at the request of any authorised officer of the Council or any police constable produce for inspection his Hackney Carriage Driver's licence either forthwith or before the expiration of seven days beginning with the day following the date of the request:-
 - (a) in the case of a request of an authorised officer of the Council at the offices of the Council's Assistant Director (Governance), or
 - (b) in the case of a request of a police constable at any police station within the Council's area which is nominated by the driver when the request is made.
16. The driver shall: -
 - (a) if requested by the hirer of a Hackney Carriage provide him with a written receipt for the fare paid;
 - (b) at all times be clean and respectable in his dress and person and behave in a civil and orderly manner;
 - (c) take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him;
 - (d) not without the express consent of the hirer drink or eat in the vehicle;
 - (e) not without the express consent of the hirer play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle;
 - (f) at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he is driving, to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle;
 - (g) at all times when driving a Hackney Carriage carry with him a copy of these codes of practice and shall make it available for inspection by the hirer or any other passenger on request;
 - (h) at all times ensure that the Hackney Carriage lights are fully operative, the tyres are within the legal limits, the Hackney Carriage is clean and tidy and that it has a serviceable fire extinguisher and fully stocked first aid kit readily available.
17. This licence may be suspended, revoked, not renewed or the holder may be required to undertake a Driving Standards Agency "Taxi" test by the Council:-
 - (a) if the driver commits an offence or otherwise fails to comply with any of the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976, or the Town

Police Clauses Act 1847.

(b) if the driver has been convicted of an offence involving dishonesty, indecency or violence;

(c) if the driver becomes disqualified from driving under any of the Road Traffic Acts, in which case the licence shall be automatically revoked;

(d) on any other reasonable grounds;

18. The driver who as a result of any Court decision or other administrative or judicial process, is convicted, sentenced or receives any penalty in respect of any offence or other decision of the Court during the currency of this licence, shall within 7 days inform the Council in writing of such decision. Such notification may not be delayed until the next application for renewal of the licence is due.
19. The Council may at any time add to, delete or alter any of the foregoing code of practice and upon notice thereof having been served upon the Driver such additions, deletions or alterations shall as from the date of such service be deemed to be incorporated herein.
20. Any notice required to be served by the Council under this Licence or under any of the provisions of the Local Government (Miscellaneous Provisions) Act 1976, or Town Police Clauses Act 1847, shall be deemed to have been properly served if sent by them by prepaid post to or left at the last known address of the driver.
21. This Licence shall continue in force for 12 months after the date of grant unless previously suspended or revoked pursuant to any statutory or other provisions.
22. If the driver is permitted or employed to drive a Hackney Carriage of which the proprietor is someone other than himself, he shall before commencing to drive that vehicle, deposit his Hackney Carriage Driver's Licence with that proprietor for retention by him until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle operated by that proprietor.
23. If during the currency of this Licence any of the particulars supplied in the driver's application shall change, details of the change shall be notified in writing to the Licensing Manager, Civic Centre Carlisle within seven days. Such notification may not be delayed until the next application for renewal of the Licence is due.
24. The driver shall not drive any wheelchair accessible Hackney Carriage, unless he has passed the wheelchair element of the Driving Standards Agency test, or was granted grandfather rights by the Council and has been issued with the appropriate licence and identity card.
25. In the interpretation of these codes of practice the masculine gender shall be deemed to include the feminine and the singular shall be deemed to include the plural.

CITY OF CARLISLE
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
TERMS AND CONDITIONS ATTACHED TO
PRIVATE HIRE VEHICLE DRIVER'S LICENCES

The holder of a private hire vehicle driver's licence (hereinafter called the driver) shall observe and perform all the following terms and conditions which shall be attached to and form part of his private hire vehicle driver's licence.

1. This Licence is personal to the driver named herein and the driver may not in any circumstances assign it or in any way part with the benefit thereof to any other person.
2. The driver shall at all times when acting as a driver of a private hire vehicle wear or display the driver's current year identity card issued by the Council in such a position and manner as to be plainly and distinctly visible.
3. The driver's identity card issued by the Council remains the property of the Council and shall be returned to the Council by the driver or a person appointed by him within seven days of the date of the suspension or revocation of or refusal or failure to renew this Licence.
4. The driver shall not, at any time whilst driving or in charge of a vehicle licensed for private hire :-
 - (a) station his vehicle on any place provided as a stand for hackney carriage vehicles or which is marked out as a bus stop or loading bay or on any length of highway during times when a prohibition on loading and unloading is in operation.
 - (b) station his vehicle for hire or ply for hire or solicit any person to hire or to be carried for hire or reward on any road or in any public place or in any place readily accessible and visible from a road;
 - (c) cause or procure any person to tout or solicit on a road or other public place any person to hire or be carried for hire in any private hire vehicle or offer that vehicle for immediate hire while the driver or that vehicle is on a road or other public place; or
 - (d) accept an offer for the hire of the vehicle whilst the driver of that vehicle is on a road or other public place except where such offer is first communicated to the driver by or on behalf of the licensed Operator for that vehicle by use of a telephone or by a two way radio system (other than C.B. radio) fitted to that vehicle.
 - (e) station the vehicle on a public highway in such a manner so that it is double parked or otherwise obstructing the free flow of traffic and this condition shall apply at all times and including whilst and before and after the hirer is boarding or alighting from the vehicle;
 - (f) station the vehicle so as to obstruct the exit or fire exits of any place licensed for regulated entertainment or to station the vehicle in such a way that a condition attached to the premises licence as to access for emergency vehicles cannot be complied with.

5. (1) The driver shall not permit or cause or suffer to be carried in any vehicle licensed for private hire a greater number of persons than that specified in the licence for that vehicle the seating arrangements must be as provided in the licence.

(2) The driver shall not allow there to be conveyed in the front of a private hire vehicle beside him:-

(a) any child below the age of ten years; or

(b) more than one person.

unless the vehicle has been specifically designed to provide more than one passenger seat in the front, in which case the above rules apply to each seat.

(3) The driver shall not without the consent of the hirer of a vehicle convey or permit to be conveyed any other person in that vehicle.
6. The driver shall not demand from any hirer of a private hire vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator or, if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter.
7. The driver of a private hire vehicle fitted with a taximeter shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare.
8. The driver if he is not the Proprietor of the vehicle shall report to the Proprietor of any vehicle licensed for private hire as soon as practicable and in any case within 24 hours of its occurrence details of any accident in which such vehicle is involved.
9. The driver of a private hire vehicle which has been hired to be in attendance at an appropriate time and place shall unless delayed or prevented by some sufficient cause punctually attend at the appointed time and place.
10. The driver shall when requested by the hirer convey a reasonable quantity of luggage and afford reasonable assistance in loading and unloading, including assistance in removing to and from the entrance of any house or other place where he collects or sets down his passengers. He should also provide all reasonable assistance with wheelchair users, disabled, elderly and vulnerable passengers. Provided that the drivers shall not accept a hiring if the hirer abandons a shopping trolley on a road or public place unless the driver first returns such a trolley to the store from which it was brought.
11. The driver shall not refuse to carry within the vehicle any household pets providing they are accompanied by an adult and providing such pets are suitably restrained or contained so as not to cause a nuisance or damage.
12. At the end of each hiring and before commencing any further hiring the driver shall search the vehicle for any property accidentally left by the immediately preceding hirer and shall as soon as practicable and in any case within 48 hours after the discovery of any such property leave it at a Police Station within the Council's area and hand the receipt therefor to the Proprietor of the vehicle.

13. The driver shall at the request of any authorised officer of the Council or any police constable produce for inspection his Private Hire Driver's licence either forthwith or before the expiration of seven days beginning with the day following the date of the request:-

- (a) in the case of a request of an authorised officer of the Council at the offices of the Council's Licensing Section; or
- (b) in the case of a request of a police constable at any police station within the Council's area which is nominated by the driver when the request is made.

14. The driver shall:-

- (a) if requested by the hirer of a private hire vehicle provide him with a written receipt for the fare paid.
- (b) at all times be clean and respectable in his dress and person and behave in a civil and orderly manner.
- (c) take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him.
- (d) not without the express consent of the hirer drink or eat in the vehicle.
- (e) not without the express consent of the hirer play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.
- (f) at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.
- (g) at all times when driving a private hire vehicle carry with him a copy of these conditions and shall make it available for inspection by the hirer or any other passenger on request.
- (h) at all times a Private Hire Driver should ensure that the vehicle lights are fully operative, the tyres are within the legal limits, the vehicle is clean and tidy and that it has a serviceable fire extinguisher and fully stocked first aid kit readily available.

15. This licence may be suspended, revoked not renewed or the holder may be required to undertake a Driving Standards Agency "Taxi/Private Hire" test by the Council:-

- (a) if the driver commits an offence or otherwise fails to comply with any of the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 including failure to comply with any part of these terms and conditions;
- (b) if the driver has been convicted of an offence involving dishonesty, indecency or violence;
- (c) if the driver becomes disqualified from driving under any of the Road Traffic Acts in which case the licence shall be automatically revoked;

(d) on any other reasonable grounds;

16. The driver who as a result of any Court decision or other administrative or judicial process, is convicted, sentenced or receives any penalty in respect of any offence or other decision of the Court during the currency of this licence shall within 7 days inform the Council's Licensing Manager in writing of such decision. Such notification may not be delayed until the next application for renewal of the licence is due.
17. The driver shall, every three years, submit an application to the Disclosure Barring Service (DBS) for an enhanced disclosure, via the Council, which is a registered body.
18. The driver shall every three years, produce to the Council a certificate signed by his registered medical practitioner, to the effect that he is fit to be the driver of a Private Hire Vehicle. He should come to this decision using Group 2 standards for vocational drivers as laid down in the current issue of "At a glance guide to the current medical standards of fitness to drive" issued by the Drivers Medical Unit, DVLAS, Swansea. In addition he shall if so required, whether or not such medical certificate has been produced, submit to an examination by a registered medical practitioner selected by the Council as to his fitness to be such a driver.
19. The Council may at any time add to delete or alter any of the foregoing conditions and upon notice thereof having been served upon the Driver such additions, deletions or alterations shall as from the date of such service be deemed to be incorporated herein.
20. Any notice required to be served by the Council under this Licence or under any of the provisions of the Local Government (Miscellaneous Provisions) Act 1976 shall be deemed to have been properly served if sent by them by prepaid post to or left at the last known address of the driver.
21. If the driver is permitted or employed to drive a private hire vehicle of which the operator is someone other than himself, he shall before commencing to drive that vehicle deposit his Private Hire Driver's Licence with that operator for retention by him until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle operated by that operator.
22. If during the currency of this Licence any of the particulars supplied in the driver's application shall change, details of the change shall be notified in writing to the Licensing Manager at The Civic Centre within seven days. Such notification may not be delayed until the next application for renewal of the licence is due.
23. In the interpretation of the conditions the masculine gender shall be deemed to include the feminine and the singular shall be deemed to include the plural.



Lost and Found



The following details will advise you how best to deal with property you have either lost or found.

Cumbria Constabulary will accept found property which may be linked to a crime. We will also accept found property that contains personal data, such as Identification, bank / store cards and mobile phones, if you are unable to report this to the issuing authority.

We are unable to take reports of lost property as this must be dealt with by the issuing authority.

We are therefore not able to issue lost property reference numbers, should you be asked for a lost property reference number from an insurance provider or another company, please [click here](#) for a letter that you can send to them to confirming this.

The following links will help you to report lost or found property to the correct place:

- [Lost Property](#)
- [Found Property](#)

If you would like to find out more about how to protect your property then please [click here](#).

If you have not already done so, you should consider registering your property on a database at www.immobilise.com, this will increase the likelihood of your property being returned to you.

It's free and easy to register.

If you want to register your phone you will need your IMEI/ serial number (a 15-digit number) which can be accessed by keying in *#06# into your phone, looking behind the battery of your phone, on the box that your phone came in, or by contacting your service provider.

If you lose or find an item and you believe this has been involved with a crime, please contact police on 101 or visit your local station.

[Share](#)



Lost Property



The Constabulary is unable to take any reports of the following items of lost property, to help you to report this to the correct place, please follow the guidance below.

If you have lost any property such as cash, identification, cards, handbags, bikes etc , try to re-trace your steps and contact any premises you have visited to see if they have had this handed in. The premises listed below should have their own lost / found procedures:

Licence premises (pubs, nightclubs)

- Private premises (house, hotel, hostel)
- Taxi's
- Public transport (trains, buses, trams)
- Business premises (shops, supermarkets)
- Educational premises (schools, universities, colleges)
- If you have lost any of the items listed below, please report as follows:

Driving licences, passports, identification documents etc:

- report the loss of any of these items directly to the issuing authority.
- for information about reporting a lost passport, visit the gov.uk website: '[Report a lost or stolen passport](#)'
- for information about replacing a driving license, visit the gov.uk website: '[Replace a lost, stolen, damaged or destroyed driving licence](#)'

Credit / Debit / Store cards:

- contact your bank or credit card company and report the loss to them immediately, they will cancel and issue a replacement.

Mobile Phones:

- contact your service provider as soon as possible to have your phone blocked. Contact details can be found on your mobile provider's website or in your local store.

Handbag / Wallet / Purse:

- contact the issuers of any documents or cards as detailed above.

Keys:

- consider getting your locks changed to ensure your property remains secure.

Blue Badge:

- report the loss to the local council, who is the issuing authority.

Dogs:

- call your local district council, who may have picked up your dog as a stray.
- call local vets, refuge centres to see if they have had your dog or animal handed in.
- consider putting up a notice in the local area.



Found Property



The following guidance will help you to report property which has been found to the correct place. Items found containing personal data should be reported to the issuing authority, if you are unable to do this and you hand this into the police, we will forward this onto them for you. This will not be retained by the police.

When you have found some property it is your legal obligation to try to reunite it with the owner.

You could do this by putting a notice in the local shop or near where you found the item.

If you find an item of property such as cash, identification, cards, handbags, bikes etc in any of the premises below you should hand this into the manager of the following premises as they should operate their own lost and found procedures:

- Licence premises (pubs, nightclubs)
- Private premises (house, hotel, hostel)
- Taxi's
- Public transport (trains, buses, trams)
- Business premises (shops, supermarkets)
- Educational premises (schools, universities, colleges)

If you have found any of the items listed below, please report as follows:

Driving licences, passports, identification documents etc:

- send directly to the issuing authority, if you are unable to do this, this can be handed into Cumbria Police who will forward to them.

Credit / Debit / Store cards:

- follow the instructions on the back of the card found, if you are unable to do this, this can be handed into Cumbria Police who will forward to them.

Mobile Phones:

- hand the phone into the local service provider's mobile shop, if you are unable to do this, this can be handed into Cumbria Police who will forward to them.

Handbag / Wallet / Purse / Jewellery:

- if there are any documents that identify the owner, please contact them direct to reunite them with their property.
- if you are unable to identify the owner, please hand into Cumbria Police.

Keys:

- if you know who these belong to please contact them to reunite them with their keys.
- If you do not know who the keys belong to, please dispose of them securely.

Blue Badge:

- send this back to the local council who is the issuing authority.

Dogs:

- call your local district council, who will arrange to pick up the dog from you.

Pedal Cycles:

- call your local district council.

You may be able to claim entitlement to some property that you find, you can only retain the item on the understanding that if the owner comes forward, you must give it back.

If you find an item and you believe this has been involved with a crime, please contact police on 101 or visit your local station.

Report to Regulatory Panel

Agenda
Item:

A.3

Meeting Date: 12 November 2014
Portfolio: Finance, Governance and Resources
Key Decision: Not Applicable:
Within Policy and
Budget Framework NO
Public / Private Public

Title: REVIEW OF CHARGES 2015/16 - LICENSING
Report of: Director of Governance
Report Number: GD 49/14

Purpose / Summary:

This report sets out the proposed fees and charges for areas falling within the responsibility of the Licensing Section of the Governance Directorate. The Regulatory Panel has responsibility for determining the licence fees, with the exception of those under the Scrap Metal Dealers Act 2013 which falls to the Executive

Recommendations:

The Regulatory Panel is asked to agree the charges as set out in Appendices 'A' and 'B', with the exception of the Scrap Metal Act fees which have been determined by the Executive.

Tracking

Executive:	
Overview and Scrutiny:	
Council:	

CITY OF CARLISLE

To: The Members of the Regulatory Panel on 12 November 2014

REVIEW OF CHARGES 2015/16 **GOVERNANCE DIRECTORATE - LICENSING**

1. BACKGROUND

- 1.1 Each Directorate is required to carry out an annual review of fees and charges.
- 1.2 This report proposes the review of charges within the Governance Directorate in respect of Licensing Charges. The report has been prepared in accordance with the principles approved under the Council's Corporate Charging Policy.
- 1.3 The charges, which have been reviewed, are addressed separately below.
- 1.4 Attached at **Appendix A & B** is an extract from the summary of charges book, which shows the current and proposed level of charge for each of these services.

2. CORPORATE CHARGING POLICY 2015

- 2.1 The Corporate Charging Policy, which is part of the Strategic Financial Framework, was approved by the Executive and Full Council and sets out the City Council's policy for reviewing charges.
- 2.2 It is recognised that licence fees (that can be determined by local authorities) can only be set at a level which recovers the cost of administration, inspection and in some cases compliance of existing licences, which arise out of carrying out their licensing functions under the various legislation. Licence fees cannot include an element of enforcement against unlicensed operators. The case of *Hemming v Westminster City Council* 2013 confirms this (See Para. 3).
- 2.3 It is Council policy to maximise charges to maintain full cost recovery wherever possible, and this should be the case when setting charges. In the case of licensing we are currently operating at an income level that is achieving full cost recovery.
- 2.4 Recognition should be made of the risk that licensing income levels can be subject to market forces outwith the Council's overall control, including new responsibilities and the repeal of other legislation. In previous years, shortfalls in income projections for certain services were encountered. This reinforces the message that any practice of simple annual increments in charges in line with the rate of inflation is inappropriate, as is a copycat approach that simply compares prices with other authorities, without taking into account other local factors, demand, and the achievement of Council priorities. The full range of factors identified in the guidance must be taken into account when setting charges, with the overall aim of achieving target income levels to achieve the full cost recovery of the administration, inspection and compliance with the licensing function..

- 2.5 In addition, the policy recognises that each Directorate is different, and requires Directors to develop specific principles for their particular service or clients groups.

3. HEMMING v WESTMINSTER CITY COUNCIL 2013

- 3.1 This case impacts on the costs that councils can recover through locally set licence fees and processes councils have in place to ensure fee setting is transparent and open to scrutiny. The original Administrative Court ruling was given in May 2012, but this was subject to appeal and it is the Court of Appeal judgement made on 24 May 2013 that has been established as the leading law on what costs can be taken into account when setting local licensing fees.
- 3.2 The key issue addressed was whether the licence fees set by Westminster City Council in respect of a particular type of licence, complied with the requirements of the European Services Directive 2009. The Services Directive makes it clear that licence fees covered by the Directive can only be used to recover costs as part of the authorisation process and should not be used to make a profit or deter service providers from entering the market.
- 3.3 The Court of Appeal specifically considered whether the cost of investigating and prosecuting those who operate without a licence, can be recovered through the licence fee paid by those operating legitimately. The court upheld the earlier decision of the Administrative Court, ruling that the fees set must not exceed the costs of administering the process. As such, the council is no longer able to include the cost of enforcement against unlicensed operators when setting the licence fee.
- 3.4 Whilst this particular judgement was made with regard to one particular type of licence, it is accepted that the ruling would apply to all licensing functions covered by the Services Directive.

4. LICENCES

4.1 Introduction

Licensing income covers an extremely wide range of functions for which the Council is the licensing authority and the number of applications for various licences fluctuates each year. The current principal functions relate to the issue of licences for e.g. Premises and Personal (Licensing Act 2003), Hackney Carriages/Private Hire (Vehicles, Drivers and Operators), Gambling Premises and Machine Permits (Gambling Act 2005), Street Trading, Auctioneers and Sex Establishments.

The Licensing Act 2003 includes a number of licensable activities under one 'Premises Licence'. These include one or more of the following - liquor, Public Entertainment, Cinema, Theatre and Late Night Refreshment Houses. The fee structure is fixed by the Government.

The licensing budget has been directly affected by the Council's responsibilities under the Licensing Act 2003. The Government has identified that the administration of the legislation will be self funded through the scale of charges, which have been set nationally. There remains the potential for the administration to require financial support from the Council should the nationally set fees fail to meet the operating costs of the licensing service. The Government set up an Independent Fees Review Panel in 2006,

to enquire into the new fee structure to establish if it is sufficiently robust to provide the level of income required to administer the licensing function. The result of this review has been published, and the result is the Police Reform and Social Responsibility Act 2011. Section 121 amends the Licensing Act 2003 to give Local Authorities the power to set fees under the Act. This amendment will, however, be brought in by regulations which have yet to be published.

As a consequence of the Gambling Act 2005, local authorities assumed responsibility for licensing gambling premises and gaming machines during 2007, whilst the Gambling Commission licensed operators and personal licence holders. These premises include betting shops, bingo halls and racecourses. The machine permits include family entertainment centres, adult gaming machine centres and licensed premises gaming machines in alcohol licensed premises.

The fee banding was set nationally and licensing authorities were given the flexibility to set their fees within these bands, dependent upon local circumstances. On 4th April 2007 the Licensing Committee (through delegated authority) determined the fees in accordance with the regulations which are included in Appendix B. Fees under the Act for Lottery registration are fixed by central Government.

A review of the remaining charges (excluding Licensing Act 2003, Gambling Act 2005 and Sex Establishments) has identified that an increase is required in 2015/16 to keep pace with inflationary costs. This will not compromise the Council's position as a fair charging authority and should achieve full cost recovery.

Licensing functions are also undertaken by other Council Departments, e.g. Community Services in respect of tattooing, acupuncture, pet shops and vehicle testing. Planning & Housing Services issue licences in respect of houses of multiple occupancy.

4.2 Licensing Act 2003

4.2.1 Premises Licences & Club Premises Certificates

The total number of premises and club certificates currently licensed is 505 (509-2013/14). This will always fluctuate each year and applications for variations will continue. We are now in a position to predict with a fair degree of accuracy what the income will be in 2015/16. Educational, church and community premises that apply for an entertainment only premises licence are exempt from the licence fee and we currently license 24 such premises.

The fee structure is fixed by central government and is based upon five non-domestic rateable value bands. The number of licences issued appears to have reached a plateau. There is no change in the fee structure, although an Independent Licensing Fees Review Panel has reported on this and we are waiting for the Government to publish legislation. Based upon the current number of licences issued, it is estimated that there will be an income of £102,000 in 2015/16, as set out in the fee bands at Appendix A.

4.2.2 Personal Licences

Any person who authorises the sale of alcohol requires a personal licence. All premises that are licensed for the sale of alcohol must therefore have a personal licence holder to authorise that sale.

We currently have a total of 1486 personal licences issued (116 – 2013/14). The personal licence lasts for 10 years and the one off fee of £37 is determined by central government.

During the first year of licensing 443 personal licences were issued by this authority. They are all due to be renewed during 2015/16. The Government has yet to publish Regulations regarding the renewal process or the fee, so there is potential for additional income.

Based upon the current numbers of applications, it is estimated that there will be approximately 110 applications per year. This will generate an estimated income of £4,000 in 2015/16.

4.3 Vehicle and Driving Licences

4.3.1 Hackney Carriages

Under the provision of the Local Government (Miscellaneous Provisions) Act 1967, the City Council may fix a reasonable fee to cover the cost of administration of Hackney Carriage Licences and vehicle inspections. Each Hackney Carriage is subject to an inspection by the Transport Department of Community Services before a licence is granted. Vehicles over one year old and under five years old are inspected twice a year and vehicles over five years old three times per year.

In 2007 the application criteria for licensing hackney carriages was amended by the Regulatory Panel. With effect from 1st August 2007, all new licences issued will be for wheelchair accessible vehicles only. There has been a slight reduction in the number of licensed vehicles in the last 18 months.

Traditionally this Council has charged a lower fee for wheelchair accessible vehicles to encourage proprietors to purchase this type of vehicle. This is no longer necessary due to the decision of 1st August 2007 and the decision in the Hemming case. It was agreed in the 2009/10 budget process that we gradually bring the two fees closer together over the next few years. I would propose an increase of 1% to the charge for non wheelchair vehicles and the charge for wheelchair accessible vehicles be increased by 5.4% this year. This increase should maintain the current level of income and will be repeated next year to bring the fees in line.

The fees for drivers and vehicles, which aim to generate income of £76,200 in 2015/16, are set out in Appendix A.

4.3.2 Private Hire Vehicles

The Local Government (Miscellaneous Provisions) Act 1976 provides for the regulation of the private hire trade by means of the issue of licences for operators, vehicles and drivers. The arrangements for vehicle inspections and the provision of the new licence

plates are as for Hackney Carriages. There has been a slight increase in the number of licensed private hire vehicles in the last 18 months.

The fees for drivers, vehicles and operators, which aim to generate income of £27,000 in 2015/16, are set out in Appendix A.

4.4 Sex Establishment

The City Council has issued two sex establishment licences. A reduced fee structure was introduced in 2009/10 as a result of a national campaign by the trade and the recognition that the licence fee had risen dramatically since first being set in 1990. The fee for this licence was the subject of the Court of Appeal case *Hemming v Westminster* reported at para. 3 earlier in this report. Our previous fee included a considerable percentage for enforcing unlicensed operators, therefore as a result of the case, we can no longer include this element. The suggested charge aims to generate income of £3,800 in 2015/16, as set out in Appendix A.

4.5 Auctioneers

We only have one premise which requires licensed auctioneers. The suggested charge aims to generate income of £600 in 2015/16, as set out in Appendix A.

4.6 Pleasure Boats & Boatmen

The number of pleasure boats and boatmen has remained static in recent years. The suggested charge aims to generate income of £400 in 2015/16, as set out in Appendix A.

4.7 Scrap Metal Dealers

The Scrap Metal Dealers Act 2013 which commenced on 1st October 2013 brings together two earlier pieces of legislation that covered Scrap Metal and Motor Salvage Operators. The licence covers a three year period therefore the income will vary from year to year. The income from existing operators was received in October 2013, therefore it will only be new application income that is received in the forthcoming two years.

The current fee was set by the Executive in September 2013 for a period of three years and will be reviewed in 2016. Income is dependant upon new applications only, however as a result of enforcement by Police and Licensing additional applications are expected.

The current charge expects to generate income of £1,000 in 2015/16, as set out in Appendix A.

4.8 Gambling Act 2005

Lottery Licences

The fee for lottery registrations is determined by central government and is at present £40 and the renewal fee is £20.00; these charges were last increased in September 2007. There has been a decrease in the number of applications received over recent years and the current level is expected to be maintained. The current fee should generate approximately £3,800 in 2015/16, is set out in Appendix A.

Gambling Premises and Machine Permits

The fee bands are set by central government and the Licensing Committee set their own fees within these limits, based upon full cost recovery of providing the licensing service. These fees were determined on 4th April 2007 by this committee and we continue to recover the full cost of providing the service and no change is recommended. There has been a slight reduction in the number of licensed premises in the last 18 months.

At the current level of fees, an estimated income of £14,000 will be received during 2015/16, which is set out in Appendix B.

4.9 Street Trading

The number of licensed street traders has remained consistent over the last couple of years.

The fee for a street trading permit, which aims to generate income of £3,000 in 2015/16, is set out in Appendix A.

4.10 Riding Establishments

The number of riding establishments has decreased in recent years.

The revised fee for these establishments, which aim to generate income of £400 in 2015/16, is set out in Appendix A.

5 SUMMARY OF INCOME GENERATED

- 5.1 The introduction of the charges proposed is an estimate (based upon the current and estimated number of licences) to generate income of £236,200 in 2015/16 which is summarised in the table below:

Service Area	Revised Budget 2014/15 £	MTFP Target 2015/16 £	Original Estimate 2015/16 £	Shortfall or (Excess) over MTFP £	
Licensing Act 2003 - Premises	102,000	105,900	102,000	3,900	*
Licensing Act 2003 - Personal	4,000	5,200	4,000	1,200	*
Hackney Carriage (1)	76,200	75,200	76,200	(1,000)	
Private Hire (1)	17,900	17,700	27,000	(9,300)	
Sex Establishment	6,300	6,500	3,800	2,700	
Auctioneers	600	600	600	0	
Pleasure Boats	400	400	400	0	
Scrap Metal (<i>New</i>)	0	0	1,000	(1,000)	
Gambling Act 2005 – Lotteries	4,700	5,000	3,800	1,200	*
Gambling Act 2005 – Premises and Gaming Machines	17,000	17,700	14,000	3,700	*
Street Trading	2,900	2,900	3,000	(100)	
Riding Establishments	400	400	400	0	
Total	232,400	237,500	236,200	1,300	

* Fixed fees

(1) there are additional costs associated with increased taxi testing and a budget pressure of £6,700 has been included in the revenue budget considered elsewhere on the agenda.

6 CONSULTATION

- 6.1 Consultation to Date -

None

- 6.2 Consultation Proposed -

Hackney fees must be advertised in the local press after determination.

7 RECOMMENDATIONS

The Regulatory Panel is asked to agree the charges as set out in Appendices 'A' and 'B' with effect from 1st February 2015, with the exception of the Scrap Metal Act fees which were determined by the Executive and became effective from 1st December 2013.

8 REASONS FOR RECOMMENDATIONS

To ensure that the City Council's Corporate Charging Policy is complied with and sufficient income is generated to cover the costs associated with administering and enforcing the Council's statutory licensing function.

Contact Officer: Jim Messenger

Ext: 7025

Appendices None
attached to report:

CORPORATE IMPLICATIONS/RISKS:

Chief Executive's – N/A

Community Engagement – N/A

Economic Development – N/A

Governance – The various statutes regulating the different types of licences impose certain procedures that must be followed prior to any increase in fees. Notwithstanding any decision taken by the Regulatory Panel to increase the fees, these procedures will have to be implemented where appropriate, and, if necessary, any suggestions reported back to the Panel.

Local Environment – N/A

Resources – The introduction of the charges suggested above is forecast to produce the receipts outlined in table 4.1 in a full year of £236,200 (although there is no guarantee that all licences will be renewed in 2014/15). This will create a pressure of £1,300 income against the MTFP target of £237,500. An additional expenditure pressure of £6,700 is also required due to additional costs associated with income generation from taxi testing.

The majority of the sources of income are set nationally and therefore not under the Council's control to increase. Nationally, fees under the Licensing Act 2003 have been subject to review by an Independent Licensing Fees Review Panel. The Police Reform and Social Responsibility Act 2011 section 121 amends the Licensing Act 2003, to give Local Authorities the power to set fees under the Act. This amendment will, however, be brought in by regulations which have yet to be published.

Prepared by: J A Messenger, Licensing Manager

Appendix 'A'

LICENSING

	<u>Current charge</u> £	<u>Suggested Charge</u> from 1/2/2015 £	<u>Implementation Date</u>
1 (A) <u>Licences - Licensing Act 2003</u>			
<u>Premises</u> + (Based on non-domestic RV)			
Band A	70.00	70.00	24.11.05
Band B	180.00	180.00	24.11.05
Band C	295.00	295.00	24.11.05
Band D	320.00	320.00	24.11.05
Band E	350.00	350.00	24.11.05
<u>Personal</u> +			
Personal Licence	37.00	37.00	24.11.05

+ These Charges are currently set by the Home Office

(B) **Licences - Public Transport****Vehicles****Hackney Carriages**

Hackney Carriage:	New	218.00	220.00	1.02.15
	Renewal	185.00	187.00	1.02.15
Hackney Carriage (whchair):	New	185.00	195.00	1.02.15
	Renewal	150.00	160.00	1.02.15
Hackney Carriage:				
*Driver	New	85.00	88.00	1.02.15
	Renewal	64.00	66.00	1.02.15
#Test Fee		48.00	48.00	1.02.13
#Re-test Fee		35.00	35.00	1.02.13
Certificate of Compliance		8.00	8.00	1.02.11
Plate Deposit		25.00	25.00	1.02.05
Transfer of Licence/Change Vehicle		25.00	25.00	1.02.14
Duplicate Items		10.50	10.50	1.02.14
New Identity Card		10.50	10.50	1.02.14
New Licence Plate		12.00	12.00	1.02.12

Private Hire Vehicles

Private Hire Vehicle:	New	178.00	185.00	1.02.15
	Renewal	146.00	152.00	1.02.15
*Private Hire Vehicle Driver:	New	85.00	88.00	1.02.15
	Renewal	64.00	66.00	1.02.15
Private Hire Operators:				
1-5 vehicles		130.00	135.00	1.02.15
6-10 vehicles		195.00	203.00	1.02.15
11-20 vehicles		360.00	375.00	1.02.15
21-30 vehicles		415.00	432.00	1.02.15
Private Hire Vehicle:				
#Test Fee		48.00	48.00	1.02.13
#Re-test Fee		35.00	35.00	1.02.13
Certificate of Compliance		8.00	8.00	1.02.11
Plate Deposit		25.00	25.00	1.02.05
Transfer of Licence/Change Vehicle		25.00	25.00	1.02.14
Duplicate Items		10.50	10.50	1.02.14
New Identity Card		10.50	10.50	1.02.14
New Licence Plate		12.00	12.00	1.02.12

*Inclusive of identity card

Subject to increases in fees from Resources (Facilities) being passed on.

(C) **Licences - Miscellaneous**
(VAT Outside the Scope)

Auctioneers		40.00	41.00	1.02.15
Riding Establishments (plus Vets Fee)		94.00	97.00	1.02.15
Sex Establishments	New	2500.00	2500.00	1.02.14
	Renewal	1900.00	1900.00	1.02.14
	Variation	250.00	250.00	1.02.14
	Transfer	125.00	125.00	1.02.14
Street Traders		97.00	102.00	1.02.15
Street Traders (Occasional)		30.00	30.00	1.02.07
Plate Deposit		25.00	25.00	1.02.05
New Permit Plate		12.00	12.00	1.02.14
Scrap Metal Dealers (3 year licence - charge effective from 1/12/13)				
Collector: New		240.00	240.00	01.12.13
	Renewal	240.00	240.00	01.12.13
	Vary name/addr:	30.00	30.00	01.12.13
Site: New		400.00	400.00	01.12.13
	Renewal	400.00	400.00	01.12.13
	Vary name	30.00	30.00	01.12.13
	Vary Site Manager	50.00	50.00	01.12.13
	Vary Site/Collector or add site	100.00	100.00	01.12.13
Boats		42.00	44.00	1.02.15
Boatman		20.00	21.00	1.02.15
Miscellaneous duplicate items		10.50	10.50	1.02.14

(D) **Licences - Gambling Act 2005**

Premises

(Based on fee bands set by DCMS and determined by Licensing Committee)

See Appendix 'B' for Gambling Premises fees

Gambling Act 2005 Premises Licence Fee Structure

Type of Premises	Provisional Statement Premises	New Application Premises	Annual Fee	Seasonal Annual Fee	Variation Application	Provisional Statement Application	Transfer	Re-instatement
Regional Casino	£8,000	£15,000	£15,000	£15,000	£7,500	£15,000	£6,500	£6,500
Large Casino	£5,000	£10,000	£10,000	£10,000	£5,000	£10,000	£2,150	£2,150
Small Casino	£3,000	£8,000	£5,000	£5,000	£4,000	£8,000	£1,800	£1,800
Converted Casino			£3,000	£3,000	£2,000		£1,350	£1,350
Bingo	£1,000	£2,500	£700	£700 pro-rata* min £300	£1,250	£2,500	£500	£500
Adult Gaming Centre	£600	£1,600	£700	£700 pro-rata* min £300	£800	£1,600	£400	£400
Betting (Track)	£950	£2,500	£1,000	£1,000 pro-rata* min £300	£1,250	£2,500	£950	£950
Family Entertainment Centre	£600	£1,600	£400	£400 pro-rata min £200	£800	£1,600	£300	£300
Betting (Other)	£600	£1,800	£500	£500 pro-rata* min £200	£900	£1,800	£300	£300

All premises: Fee for copy of Licence £15
 Fee to accompany notification of change of circumstances £30