

# Public Document Pack

**Sefton Council** 

MEETING: LICENSING AND REGULATORY COMMITTEE  
DATE: 13th June 2022  
TIME: 6.30 pm  
VENUE: Assembly Hall - Bootle Town Hall, Trinity Road, Bootle, L20 7AE

## **Member**

Cllr. John Kelly (Chair)  
Cllr. Carran Waterfield (Vice-Chair)  
Cllr. Susan Bradshaw  
Cllr. Jennifer Corcoran  
Cllr. Sinclair D'Albuquerque  
Cllr. Gordon Friel  
Cllr. Judy Hardman  
Cllr. Sonya Kelly  
Cllr. Gareth Lloyd-Johnson  
Cllr. Mike Morris  
Cllr. Brenda O'Brien  
Cllr. Carla Thomas  
Cllr. Anne Thompson  
Cllr. Lynne Thompson

COMMITTEE OFFICER: Amy Dyson Democratic Services Officer  
Telephone: 0151 934 2045  
E-mail: amy.dyson@sefton.gov.uk

**If you have any special needs that may require arrangements to facilitate your attendance at this meeting, please contact the Committee Officer named above, who will endeavour to assist.**

We endeavour to provide a reasonable number of full agendas, including reports at the meeting. If you wish to ensure that you have a copy to refer to at the meeting, please can you print off your own copy of the agenda pack prior to the meeting.

## COVID GUIDANCE IN RELATION TO PUBLIC ATTENDANCE

In light of ongoing Covid-19 social distancing restrictions, there is limited capacity for members of the press and public to be present in the meeting room indicated on the front page of the agenda at any one time. We would ask parties remain in the meeting room solely for the duration of consideration of the Committee report(s) to which their interests relate.

We therefore request that if you wish to attend the Committee to please register in advance of the meeting via email to [amy.dyson@sefton.gov.uk](mailto:amy.dyson@sefton.gov.uk) by no later than **12:00 (noon) on the day of the meeting.**

Please include in your email –

- Your name;
- Your email address;
- Your Contact telephone number; and
- The details of the report in which you are interested.

In light of current social distancing requirements, access to the meeting room is limited.

# AGENDA

## 1. Apologies for Absence

## 2. Declarations of Interest

Members are requested at a meeting where a disclosable pecuniary interest or personal interest arises, which is not already included in their Register of Members' Interests, to declare any interests that relate to an item on the agenda.

Where a Member discloses a Disclosable Pecuniary Interest, he/she must withdraw from the meeting room, including from the public gallery, during the whole consideration of any item of business in which he/she has an interest, except where he/she is permitted to remain as a result of a grant of a dispensation.

Where a Member discloses a personal interest he/she must seek advice from the Monitoring Officer or staff member representing the Monitoring Officer to determine whether the Member should withdraw from the meeting room, including from the public gallery, during the whole consideration of any item of business in which he/she has an interest or whether the Member can remain in the meeting or remain in the meeting and vote on the relevant decision.

## 3. Minutes (Pages 5 - 8)

Minutes of the meeting held on 10 January 2022

## 4. Ferndale Road, Waterloo - Receipt of Petition (Pages 9 - 12)

Report of the Head of Highways and Public Protection

## 5. Local Licensing: Performance Report 2021/22 (Pages 13 - 18)

Report of the Head of Highways and Public Protection

## 6. St Luke's Church Road, Formby Definitive Map Modification Order (Pages 19 - 42)

Report of the Head of Highways and Public Protection

## 7. Taxi and Private Hire Licensing Policy (Pages 43 - 118)

Report of the Head of Highways and Public Protection

## 8. Taxi Licensing Performance Report (Pages 119 - 126)

Report of the Head of Highways and Public Protection

**9. Determinations made under the Licensing Act 2003 and the Gambling Act 2005: period covering 1 December 2021 to 13 May 2022**

(Pages 127 -  
138)

Report of the Head of Highways and Public Protection

**THIS SET OF MINUTES IS NOT SUBJECT TO "CALL-IN"**

## **LICENSING AND REGULATORY COMMITTEE**

**MEETING HELD AT THE BALLROOM - BOOTLE TOWN HALL,  
TRINITY ROAD, BOOTLE, L20 7AE  
ON MONDAY 10TH JANUARY, 2022**

**PRESENT:** Councillor John Kelly (in the Chair)  
Councillors Waterfield, Bradshaw, Morris and  
Lynne Thompson

### **27. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Dodd, O'Brien, Roche and Anne Thompson.,

In addition to the apologies received above it was noted that the following Members had submitted their apologies for absence following advice from the Director of Public Health reduce the number of Members at Committee meetings for safety reasons associated with the recent local increase in Covid-19 cases – namely, Councillors Burns, Friel, Prendergast, Yvonne Sayers, Thomas and Webster. The minimum number of Committee Members were present to ensure that the meeting was quorate.

### **28. DECLARATIONS OF INTEREST**

No declarations of any disclosable pecuniary interests or personal interests were received.

### **29. MINUTES**

**RESOLVED:**

That the Minutes of the meeting held on 1 November 2021 be confirmed as a correct record.

### **30. LOCAL LICENSING – FEES AND CHARGES 2022/2023**

The Committee considered the report of the Head of Highways and Public Protection which sought the approval of Members for the fees and charges for Local Licensing Services in 2022/23.

**RESOLVED:**

That the proposed fees and charges for 2022/2023 as listed in the annex be endorsed and approved.

### **31. ST LUKE'S CHURCH ROAD, FORMBY DEFINITIVE MAP MODIFICATION ORDER - RECEIPT OF OBJECTIONS**

# Agenda Item 3

LICENSING AND REGULATORY COMMITTEE- MONDAY 10TH  
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The Committee received the report of the Head of Highways and Public Protection which reported the receipt of objections against the Definitive Map Modification Order Number 1, 2021, that related to several routes in the Ravenmeols area of Formby. The report sought authority to make a new Definitive Map Modification Order as a replacement to Order No.1 2021. The report also informed the Committee there were no standing objections to Definitive Map Modification Order Numbers 2 and 3, 2021.

RESOLVED: That

- (1) the objections to Definitive Map Modification Order No. 1 – 2021 be noted;
- (2) the making of new Modification Orders by the Chief Legal and Democratic Officer be authorised to add the following ways to the definitive rights of way map and statement for the area:
  1. Albert Road, A-B on DC2165 – Byway open to all traffic,
  2. Alexandra Road, A-B on DC2166 – Byway open to all traffic,
  3. St. Luke's Church Road, Bushby's Lane to Alexandra Road, A-B on DC2167 – Byway open to all traffic,
  4. St. Luke's Church Road, Alexandra Road to Range Lane, A-B on DC2168 – Byway open to all traffic,
  5. St. Luke's Church Road, Range Lane to Altcar Footpath 5, A-B on DC2171 – Public Footpath,
  6. Cambridge Road, A-B on DC2169 – Byway open to all traffic,
  7. Range Lane, A-B on DC2170 – Byway open to all traffic,
  8. Two tracks connecting Albert Road to Alexandra Road, A-B on DC2126 and DC2127 – Public Footpaths,
  9. Extension of Albert Road to Shore, A-B on DC2124 – Public Footpath.
- (3) in the event that objections to the new order(s) are received, another report be brought to Committee;
- (4) the Chief Legal and Democratic Officer be authorised to give notice of the Authority's decision to the applicant and the landowners;
- (5) if following the making of the Orders, no objections are received, the Chief Legal and Democratic Officer be authorised to confirm the Orders;
- (6) if following the making of the Orders, objections are received, the

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Chief Legal and Democratic Officer be authorised to refer the Orders to the Secretary of State for the Environment, Food and Rural Affairs for determination;

- (7) in the event of authorising the making of new Definitive Map Modification Orders, the Chief Legal and Democratic Officer be authorised to refer the Definitive Map Modification Order No.1 – 2021 to the Secretary of State for the Environment, Food and Rural Affairs, alongside the new Orders, with the request not to confirm the Order; and
- (8) the Council be authorised to adopt a neutral stance during any determination of the Orders by the Secretary of State for the Environment, Food and Rural Affairs

## **32. MOLYNEUX ROAD AREA, WATERLOO - RESULTS OF CONSULTATION**

The Committee considered the report of the Head of Highways and Public Protection which reported on the results of a consultation with residents regarding the implementation of a Residents' Privileged Parking (RPP) scheme in the Molyneux Road area of Waterloo.

RESOLVED: That

- (1) the results of the consultation be noted;
- (2) the proposed Residents' Privileged Parking scheme for the Molyneux Road area not be progressed, with the exception of the section of highway from Numbers 1 to 7 Hicks Road;
- (3) the Cabinet Member for Locality Services be requested to authorise the progression of the necessary Traffic Regulation Order for Hicks Road, Waterloo; and
- (4) residents be informed of the results of the consultation.

## **33. DETERMINATIONS MADE UNDER THE LICENSING ACT 2003 AND THE GAMBLING ACT 2005: PERIOD COVERING 8 OCTOBER 2021 TO 30 NOVEMBER 2021**

The Committee considered the report of the Head of Highways and Public Protection updating on applications made under the Licensing Act, 2003 and the Gambling Act, 2005 which had been determined by Licensing Officers.

The report indicated that Sefton Council's Statement of Licensing Policy (issued under the Licensing Act 2003) and the Statement of Gambling

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Policy (issued under the Gambling Act 2005), both followed the recommended delegation of functions contained within the Guidance, issued under Section 182 of the Licensing Act 2003 and the Guidance issued under Section 25 of the Gambling Act 2005. Where there were no relevant representations to applications, then these matters would be dealt with by Officers in order to speed matters through the system. The Guidance also recommended that where powers had been delegated, the Committee would receive regular reports on decisions made by Officers in order to maintain an overview of the general licensing situation.

The report indicated that during the period 8 October 2021 to 30 November 2021 the Head of Highways and Public Protection had received and determined the following numbers of applications:

Under the Licensing Act 2003:

- 48 Applications made under Premise Licences
- 20 Applications made under Personal Licences
- 28 Notifications of Temporary Event Notices
- 14 Notifications of Late Temporary Event Notices

Under the Gambling Act 2005:

- 2 Notifications given for Licensed Premises Automatic Gaming

RESOLVED:

That the report and the fact that further update reports would be submitted as necessary, be noted.



# Agenda Item 4

<b>Report to:</b>	Licensing and Regulatory Committee	<b>Date of Meeting:</b>	Monday 13 June 2022
<b>Subject:</b>	Ferndale Road, Waterloo - Receipt of Petition		
<b>Report of:</b>	Head of Highways and Public Protection	<b>Wards Affected:</b>	Victoria;
<b>Portfolio:</b>			
<b>Is this a Key Decision:</b>	Np	<b>Included in Forward Plan:</b>	No
<b>Exempt / Confidential Report:</b>	No		

## Summary:

To report the receipt of a petition requesting the introduction of Residents Privileged Parking on Ferndale Road, Waterloo

## Recommendation(s):

That officers consult with Ward Members regarding the request and then a response be made to the lead petitioner

## Reasons for the Recommendation

To seek Members views

**Alternative Options Considered and Rejected:** None

## What will it cost and how will it be financed?

(A) **Revenue Costs** – None at this stage

(B) **Capital Costs** – None at this stage

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## Implications of the Proposals:

<b>Resource Implications (Financial, IT, Staffing and Assets):</b> None	
<b>Legal Implications:</b> None	
<b>Equality Implications:</b> There are no equality implications.	
<b>Climate Emergency Implications:</b>  The recommendations within this report will	
Have a positive impact	N
Have a neutral impact	Y
Have a negative impact	N
The Author has undertaken the Climate Emergency training for report authors	Y

## Contribution to the Council's Core Purpose:

Protect the most vulnerable: N/A
Facilitate confident and resilient communities: N/A
Commission, broker and provide core services: N/A
Place – leadership and influencer: N/A
Drivers of change and reform: N/A
Facilitate sustainable economic prosperity: N/A
Greater income for social investment: N/A
Cleaner Greener N/A

## What consultations have taken place on the proposals and when?

### (A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services (FD.5811/22) and the Chief Legal and Democratic Officer (LD5011/22) have been consulted and any comments have been incorporated into the report.

### (B) External Consultations

None

## Implementation Date for the Decision

Following the expiry of the “call-in” period for the Minutes of the Cabinet Meeting

<b>Contact Officer:</b>	Dave Marrin
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## Appendices:

There are no appendices to this report

## Background Papers:

There are no background papers available for inspection.

# Agenda Item 4

## 1. Introduction/Background

- 1.1 A petition has been received containing 82 signatures of residents of 48 properties in Ferndale Road. The petition states:

*"I / we confirm that I / we fully support the introduction of a Residents Only Parking Scheme on Ferndale Road, Waterloo."*

- 1.2 Members are reminded that the policy for the introduction of new waiting restrictions (including Residents Privileged Parking Schemes) approved by the Cabinet Member – Locality Services, indicates the following:

Waiting restrictions will not be progressed: -

- To remove or displace parking by non-residents outside residential properties unless carried out as part of a Planning Condition and funded by a developer or promoted by Ward Members' and funded by Ward budgets. All new schemes promoted by Ward Members will be progressed in strict chronological order, as quickly as remaining staff resources allow.
- At locations where former RPP schemes have been removed following consultation with residents.

- 1.3 In view of the above it is suggested that Officers consult with Ward Members regarding the request and then a response be made to the lead petitioner.

# Agenda Item 5

<b>Report to:</b>	Licensing and Regulatory Committee	<b>Date of Meeting:</b>	Monday 13 June 2022
<b>Subject:</b>	Local Licensing: Performance Report 2021/22		
<b>Report of:</b>	Head of Highways and Public Protection	<b>Wards Affected:</b>	(All Wards);
<b>Portfolio:</b>			
<b>Is this a Key Decision:</b>	N	<b>Included in Forward Plan:</b>	N
<b>Exempt / Confidential Report:</b>	N		

## Summary:

To report the work carried out during 2021/22 by the Local Licensing Unit.

## Recommendation(s):

That Licensing and Regulatory Committee:

- i) Notes this report; and
- ii) Requests that similar reports be brought on an annual basis.

## Reasons for the Recommendation(s):

In order that the Licensing & Regulatory Committee can have an overview of the work carried out by the Local Licensing Unit.

## Alternative Options Considered and Rejected: (including any Risk Implications)

None

## What will it cost and how will it be financed?

### (A) Revenue Costs

Costs are met from within the existing Local Licensing Budget (BD11).

### (B) Capital Costs

There are no financial costs associated with the proposals in this report

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## Implications of the Proposals:

<b>Resource Implications (Financial, IT, Staffing and Assets):</b> None.	
<b>Legal Implications:</b> None.	
<b>Equality Implications:</b> There are no equality implications.	
<b>Climate Emergency Implications:</b> The recommendations within this report will	
Have a positive impact	N
Have a neutral impact	Y
Have a negative impact	N
The Author has undertaken the Climate Emergency training for report authors	Y
This is an information only Report.	

## Contribution to the Council's Core Purpose:

Protect the most vulnerable: Yes
Facilitate confident and resilient communities:
Commission, broker and provide core services: Yes
Place – leadership and influencer:
Drivers of change and reform:
Facilitate sustainable economic prosperity:
Greater income for social investment:
Cleaner Greener

## What consultations have taken place on the proposals and when?

### (A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services has been consulted and notes the report indicates no direct financial implications for the Council. (FD 6773/22).

The Chief Legal and Democratic Officer has been consulted with regard to any legal implications and any comments have been incorporated into the report. (LD 4973/22).

## **(B) External Consultations**

None.

### **Implementation Date for the Decision**

Immediately following the Committee meeting.

<b>Contact Officer:</b>	Kevin Coady
Telephone Number:	Tel: 0151 934 2946
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### **Appendices:**

None.

### **Background Papers:**

There are no background papers available for inspection.

#### **1. Details of licensing applications accepted for process**

- 1.1 During the period 1 April 2021 to 31 March 2022 726 applications were accepted for process under the Licensing Act 2003 (“the LA03”), this representing a 72.45% increase over the 421 applications received during the equivalent 12-month period for 2020/2021.
- 1.2 Under the Gambling Act 2005 (“the GA05”), 47 applications were accepted for process, this representing a 193.75% increase over the 16 applications received during the equivalent 12-month period for 2020/2021.
- 1.3 With respect to general licensing applications (animal welfare, scrap metal dealers, personal treatment registrations etc.), 126 applications were received, this representing a 22.33% increase over the 103 applications received during the equivalent 12-month period for 2020/2021.
- 1.4 With respect to applications for street collection permits, 45 applications were received, this representing a 28.57% increase over the 35 applications received during the equivalent 12-month period for 2020/2021.
- 1.5 With respect to applications for house to house collection permits, 24 applications were received, this representing a 60% increase over the 15 applications received during the equivalent 12-month period for 2020/2021.

#### **2. Advertisement of certain LA03 applications**

- 2.1 In order to ensure that Grant and Variation applications are brought to residents’ / businesses’ attention, since 25 April 2012 (via legislation introduced into the LA03 by The Police Reform and Social Responsibility Act 2011) the Licensing Unit has been required to advertise these types of applications on the Council website (this

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is in addition to the existing provisions which were retained whereby the applicant has to advertise the application in a newspaper and on the premises).

- 2.2 In respect of Sefton these Notices can be found via a dedicated page on the Council website via:

[www.sefton.gov.uk/business/licensing-registration/entertainment,-alcohol-and-late-night-refreshment/licensing-act-public-notices.aspx](http://www.sefton.gov.uk/business/licensing-registration/entertainment,-alcohol-and-late-night-refreshment/licensing-act-public-notices.aspx).

- 2.3 During the relevant period there were 79 applications received which required such advertisement; these comprised of 60 Grant applications and 19 Variation applications, this representing a 29.51% increase over the 61 applications received during the equivalent 12-month period for 2020/2021.

### **3. Sefton's LA03 leafleting notification scheme**

- 3.1 This scheme was formally adopted by Members at their Meeting on 6 June 2011. The scheme involves the Licensing Unit going over and above the advertising provisions of the LA03 by proactively informing those occupiers and owners of properties with curtilages abutting premises, who have made certain applications under the LA03, of the fact of that application.

- 3.2 As a consequence Licensing Officers sent out a total of 463 notifications to residents / businesses; the average being 5.79 notifications sent per application.

- 3.3 The Licensing Unit received no objections from residents / businesses leafleted as a direct result of this activity.

### **4. Reports submitted to Licensing Sub-Committee**

- 4.1 During the relevant period 9 Reports were submitted by the Unit for consideration by the Licensing Sub-Committee, this representing a 200% increase over the 3 Reports submitted during the equivalent 12-month period for 2020/2021.

### **5. Details of Reviews held**

- 5.1 During the relevant period 2 premise licence review applications were dealt with, compared with none for the equivalent 12-month period for 2020/2021.

### **6. Details of LA03 Licences surrendered**

- 6.1 At their Meeting on 19 November 2012 Members RESOLVED that any future Performance Reports should "*provide details of surrendered Licences*".

- 6.2 During the period 1 April 2021 to 31 March 2022 25 Licences were surrendered, this representing a 47.06% increase over the 17 Licences which were surrendered during the equivalent 12-month period for 2020/2021.

### **7. Details of Service Requests received**

- 7.1 During the relevant period the Unit received and dealt with 1,002 service requests. This representing a 11.71% increase over the 897 service requests received



during the equivalent 12-month period for 2020/2021. Of these 24 took the form of LA03 complaints, 1 of GA05 complaints, whilst 3 were general licence complaints.

- 7.2 With regard to the Doorman Logbooks the Unit dealt with 9 request for Logbooks to be dispatched.
- 7.3 The following were service requests to the section for guidance, advice or information: 700 under the LA03, 21 under the GA05, with 240 under general licensing.
- 7.4 Of the remaining requests a total of 3 were received from premises advising that they were taking advantage of the Covid Temporary Off Sales provisions and 1 concerned general Covid advice.
- 7.5 All of the above matters were attended to within the departmental timescales laid down for such matters.

## **8. Statement of Gambling Licensing Policy Refresh**

- 8.1 Section 349 of the GA05 requires that all licensing authorities prepare and publish a statement of the principles that they propose to apply in exercising their functions under the GA05 during the three year period to which the Statement of Licensing Policy (the Policy) applies. A licensing policy statement will last for a maximum of three years, but can be reviewed and revised by an authority at any time.
- 8.2 The Policy required revising during 2021 in order for it to take effect from 31 January 2022 (when the new three year cycle commenced).
- 8.3 Section 349 (3) of the GA05 requires that the Licensing Authority consult with the following on the Policy (or any subsequent revision):
  - The chief officer of police for the Authority's area;
  - One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area; and,
  - One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under this Act.
- 8.4 The consultation exercise lasted 12 weeks and ended on 5 April 2021. The subsequent refreshed Policy came into force on 31 January 2022.

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# Agenda Item 6

<b>Report to:</b>	Licensing and Regulatory Committee	<b>Date of Meeting:</b>	Monday 13 June 2022
<b>Subject:</b>	St Luke's Church Road, Formby Definitive Map Modification Order		
<b>Report of:</b>	Head of Highways and Public Protection	<b>Wards Affected:</b>	Harington;
<b>Portfolio:</b>	Locality Services		
<b>Is this a Key Decision:</b>	N	<b>Included in Forward Plan:</b>	Yes / No <b>Please delete as appropriate and remove this text.</b>
<b>Exempt / Confidential Report:</b>	N		

## Summary:

To report the receipt of further correspondence regarding the Definitive Map Modification Orders, that relate to several routes in the Ravenmeols area of Formby; to consider the issues raised within the latest correspondence and seek authority to make a new, alternative Definitive Map Modification Order as a replacement to Order No.1 2021.

## Recommendation(s):

It is requested that the Committee

- (i) notes the receipt of additional correspondence relating to the Definitive Map Modification Order No.1 – 2021 and its subsequent alternative;
- (ii) authorises the making of new Modification Orders by the Chief Legal and Democratic Officer to add the following ways to the Definitive Rights of Way Map and Statement for the area:
  1. Albert Road, A-B on DC2165a – Restricted Byway,
  2. Alexandra Road, A-B on DC2166a – Restricted Byway,
  3. St. Luke's Church Road, Bushby's Lane to Alexandra Road, A-B on DC2167a – Restricted Byway,
  4. St. Luke's Church Road, Alexandra Road to Range Lane, A-B on DC2168a – Restricted Byway,
  5. St. Luke's Church Road, Range Lane to Altcar Footpath 5, A-B on DC2171 – Public Footpath,
  6. Cambridge Road, A-B on DC2169a – Restricted Byway,
  7. Range Lane, A-B on DC2170a – Restricted Byway,
  8. Two tracks connecting Albert Road to Alexandra Road, A-B on DC2126

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and DC2127 – Public Footpaths,

9. Extension of Albert Road to Shore, A-B on DC2124 – Public Footpath.

- (iii) authorise the Chief Legal and Democratic Officer to give notice of the Authority's decision to the applicant and the landowners;
- (iv) if following the making of the Orders no objections are received, give authority to the Chief Legal and Democratic Officer to confirm the Orders;
- (v) if following the making of the Orders, objections are received, submit a further report to the Licencing and Regulatory Committee to consider the objections raised;
- (vi) in the event of authorising the making of new Definitive Map Modification Orders, authorise the Chief Legal and Democratic Officer to refer the Definitive Map Modification Order No.1 – 2021 to the Secretary of State for the Environment, Food and Rural Affairs, alongside the new Orders, with the request to not confirm the Order;
- (vii) reaffirm the Council's decision to adopt a neutral stance during any determination of the Orders by the Secretary of State for the Environment, Food and Rural Affairs.

## **Reasons for the Recommendation(s):**

The Council, as Surveying Authority, is under a statutory duty, imposed by Section 53(2) of the Wildlife and Countryside Act 1981, to keep the Definitive Map and Statement of Public Rights of Way under continuous review. Under the provisions of Schedule 14 of the Act applications can be made to the Surveying Authority for a Modification Order to amend the Definitive Map and Statement of Rights of Way by way of adding, deleting, upgrading or downgrading a route.

The Licensing and Regulatory Committee has delegated powers to approve the making of Orders, under the Highways Act 1980 and the Wildlife and Countryside Act 1981, that affect the Public Right of Way network.

## **Alternative Options Considered and Rejected:** (including any Risk Implications)

Sefton Council has a duty to consider and determine Schedule 14 applications and make Modification Orders when it is considered that there is sufficient evidence to suggest that a public right of way is reasonably alleged to subsist.

## **What will it cost and how will it be financed?**

### **(A) Revenue Costs**

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Financial implications are not a consideration when determining this application as the Authority has a statutory duty to make an Order if it believes that there is sufficient evidence to support it.

Should objections to the Order be received and not withdrawn, the Authority will have to refer the Order to the Secretary of State. The Secretary of State has a choice of how to preside over the matter, they are; by written representations, an informal hearing or by way of a public inquiry. The costs associated with facilitating any of these will be met from the existing Highways and Public Protection revenue budgets and staff revenue budgets.

## **(B) Capital Costs**

Nil.

### **Implications of the Proposals:**

<b>Resource Implications (Financial, IT, Staffing and Assets):</b> Costs will be met from existing Highways and Public Protection budgets and staff revenue budgets.
<b>Legal Implications:</b> See body of the report
<b>Equality Implications:</b> There are no equality implications.
<b>Climate Emergency Implications:</b> The recommendations within this report will Have a positive impact N Have a neutral impact Y Have a negative impact N The Author has undertaken the Climate Emergency training for report authors Y This report seeks to inform Members of the receipt of objections to an Order and to seek authority to make a new Order. It does not include any Climate Change implications, positive or negative.

### **Contribution to the Council's Core Purpose:**

Protect the most vulnerable: Not applicable
Facilitate confident and resilient communities: Not applicable

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Commission, broker and provide core services: Not applicable
Place – leadership and influencer: Not applicable
Drivers of change and reform: Not applicable
Facilitate sustainable economic prosperity: An improved Rights of Way network will help provide sustainable transportation and encourage sustainable travel options.
Greater income for social investment: Not applicable.
Cleaner Greener: An improved Rights of Way network will provide better access for all to Sefton’s visitor attractions and promote healthier and more sustainable modes of transport.

## What consultations have taken place on the proposals and when?

### (A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services (FD 6789/22) and Chief Legal and Democratic Officer (LD4989/22) have been consulted and any comments have been incorporated into the report.

### (B) External Consultations

N/A

## Implementation Date for the Decision

Immediately following the Committee meeting.

<b>Contact Officer:</b>	Brian Goodwin
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## Appendices:

The following appendices are attached to this report:

## Background Papers:

Licensing and Regulatory Committee – 10 January 2022 - St Luke’s Church Road, Formby Definitive Map Modification Order – Receipt of Objections

Licensing and Regulatory Committee – 7 September 2020 - Wildlife and Countryside Act 1981, section 53, application to modify the Definitive Map and Statement to include various public rights of way on and around St Luke’s Church Road, Formby.

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Planning Inspectorate Direction Decision Ref FPS/M4320/14D/1 – 14<sup>th</sup> October 2019.

Licensing and Regulatory Committee - 18 June 2018 - St. Luke's Church Road, Formby Public Path Creation Agreements.

Certificate of service of notice of application for a Modification Order under Section 53(2) of the Wildlife and Countryside Act 1981 by Formby Parish Council on 13<sup>th</sup> February 2018.

49 public rights of way witness evidence forms submitted with the claim.

Formby Area Committee – 23<sup>rd</sup> September 2004 Wildlife and Countryside Act 1981, Section 53, Application for Modification Order to Definitive Map and Statement in respect of St. Luke's Church Road and Associated Ways.

Transportation (General Purposes) Sub-Committee – 12 February 1996 - Wildlife and Countryside Act 1981 s53 Application for the Alleged Public Footpaths West of St Luke's Church Road, Formby to be recorded on the Definitive Rights of Way Map and Statement.

Highways Committee report - 6th March 1995 - Public rights of way claim made by The Formby Society On 5<sup>th</sup> December 1991 - Result of consultation.

Highways Committee report - 5th September 1994 - Public rights of way claims made by the Formby Society on 5th December 1991.

# Agenda Item 6

## 1. INTRODUCTION

- 1.1 At the meeting of this Committee dated 10 January 2022, a report was considered regarding the receipt of objections to Definitive Map Modification Order No.1 – 2021.
- 1.2 The Committee resolved to make new Definitive Map Modification Orders as effective replacements to Order No.1 – 2021, authorise the Chief Legal and Democratic Officer to notify the applicant and landowners of the Committee's decision, confirm the replacement Orders if no subsequent objections were received, if objections were received refer the matter back to the Committee, refer the 2021 Order to the Secretary of State for the Environment, Food and Rural Affairs, alongside the new Orders and with the request to not confirm the Order and authorise the Council to adopt a neutral stance during any determination of the Orders by the Secretary of State for the Environment, Food and Rural Affairs.
- 1.3 Prior to notifying the applicant and landowners of the Committee's decision, correspondence from a representative of one of the affected landowners was received by the Council. A copy of which is appended to this report.
- 1.4 The letter suggested that should the Council make Orders for Byways Open to all Traffic, they would likely be considered fatally flawed and have no reasonable chance of success. The reasons given for this, were that there are possible procedural flaws with the original application submitted by the Formby Civic Society and with the Council's interpretation of the impact the Natural Environment and Rural Communities Act 2006 had on any unrecorded public rights of way for mechanically propelled vehicles.

## 2. REVIEW OF CORRESPONDENCE

- 2.1 In view of the potential impact the points raised within the letter from the landowner's representative could have on any replacement Orders, it was considered appropriate for the Council to fully review the points raised before formerly notifying the applicant and landowners of the Committee's decision at its meeting in January and making the replacement Orders.
- 2.2 The letter, as shown in Appendix A, raises a number of points. Firstly, it infers that the original application made by the Formby Civic Society in 1991 for the section of St Luke's Church Road between Bushby's Lane and Alexandra Road, may not have complied with the statutory requirements, as set out in paragraph 1(a) of Schedule 14 of the Wildlife and Countryside Act 1981, being that any such application shall be accompanied by a map drawn to the prescribed scale and showing the way or ways to which, the application refers.
- 2.3 If the original application failed to include a map it should not be considered as a valid application.
- 2.4 The original application for the section of St Luke's Church Road between Bushby's Lane and Alexandra Road was received in 1991 as part of a series of applications for a number of interconnected routes in the area. The copies of this



application, that the Council now has, does not include a plan for the route but does include the plans for the other interconnecting routes.

- 2.5 The applications from the Civic Society were originally put to the Highways Committee on the 5th September 1994. The report did not include a copy of the application but it did include a plan that the Council had created showing the route. It is unclear whether a plan did accompany the original application, but the Council had subsequently taken the view that it would be unlikely for the matter to be referred to the Highways Committee if the application did not comply with the statutory requirements set out in Schedule 14 of the Wildlife and Countryside Act 1981.
- 2.6 Should the Council continue to make a Modification Order for the section of St Luke's Church Road between Bushby's Lane and Alexandra Road, in relation to the Civic Society's application, it is likely that this will be challenged on the basis that the application was not duly made in the absence of evidence that a plan did in fact accompany that application.
- 2.7 Should the Committee agree that the Council should not make a Modification Order for this section of St Luke's Church Road as a result of the question of whether the Civic Society's application was duly made, it should be noted that the Formby Parish Council's application in 2018 included the same route.
- 2.8 The evidence provided by the Civic Society and that which was discovered by Sefton Council Officers in relation to this route is still applicable and has previously been considered by this Committee. The evidence submitted by the Parish Council for this route, within their application primarily consisted of user evidence forms and references to evidence previously submitted by the Civic Society. All the submitted forms related to pedestrian use although there was reference to cycle and motor vehicle use in a number of them.
- 2.9 Given that a subsequent application for the same route has been received by the Council, from the Formby Parish Council and it is considered that this application has been duly made, it would be appropriate to make any Modification Order relating to this section of St Luke's Church Road in respect to the Parish Council's application rather than the Civic Society's application.
- 2.10 The other issues raised in the letter relate to the intention of the original application and the Council's interpretation of the impact the Natural Environment and Rural Communities Act 2006 (NERCA) has had on any unrecorded public rights of way for mechanically propelled vehicles.
- 2.11 The original applications submitted by the Civic Society that were considered by the Highways Committee in 1994 and 1995, sought to add several routes on the Definitive Map & Statement as Footpaths, including that of St Luke's Church Road between Bushby's Lane and Alexandra Road. During the Council's review of the application and other relevant evidence it was considered there was sufficient evidence to reasonably allege that higher public rights subsisted. This led to the Highway Committee resolution that Orders should be made and that they should be to record a number of the routes as Byways Open to all Traffic.

# Agenda Item 6

- 2.12 Section 67 of NERCA makes provision for the “ending of certain existing unrecorded public rights of way”. Section 67(1) provides that “an existing public right of way for mechanically propelled vehicles is extinguished if it is over a way which, immediately before commencement (a) was not shown in a Definitive Map and Statement, or (b) was shown in a Definitive Map and Statement only as a Footpath, Bridleway or Restricted Byway”. That extinguishing provision is subject to a number of following sub-sections of section 67.
- 2.13 Sub-section 2(a) provides that “subsection (1) does not apply to an existing public right of way if (a) it is over a way whose main lawful use by the public during the period of 5 years ending with commencement [2 May 2006] was used for mechanically propelled vehicles”.
- 2.14 Subsection 67(3)(a) disapplies the extinguishment provision under section 67(1) where “before the relevant date [20 January 2005], an application was made under section 53(5) of the Wildlife and Countryside Act 1981 for an order making modifications to the definitive map and statement so as to show the way as a Byway Open to all Traffic”. And subsection 67(3)(b) disapplies the extinguishment provision where “before commencement [2 May 2006], the surveying authority has made a determination under paragraph 3 of Schedule 14 to the 1981 Act in respect of such an application”.
- 2.15 On reviewing the user evidence submitted at the time of the original application, the majority of users used the routes on foot. Whilst other evidence suggested that vehicle use was present it does indicate that the main lawful use by the public was by other means and not by mechanically propelled vehicles. There is no direct information relating to the type of public use for the 5 years leading up to May 2006 but again when reviewing the user evidence submitted in 2018 with the Formby Parish Council application, the majority of users again used the routes on foot. From this it is reasonable to assume that the primary use by the public in the 5 years leading up to May 2006 was on foot and not by mechanically propelled vehicles.
- 2.16 This means that that the exemption to the ending of public rights for mechanically propelled vehicles under Sub-section 2(a) does not apply in this case.
- 2.17 The 1991 Civic Society Application was to record the section of St Luke’s Church Road between Bushby’s Lane and Alexandra Road as a footpath in a Definitive Map and Statement. Defra’s guidance *entitled “Part 6 of the Natural Environment and Rural Communities Act 2006 and Restricted Byways: A guide for local authorities, enforcement agencies, rights of way users and practitioners” (Version 5 – May 2008)* says at paragraph 47 “all of the exceptions in sub-section 67(3) are dependent on an application having been made for a Definitive Map Modification Order to show the highway as a Byway open to all traffic on the Definitive Map and Statement. Therefore, an outstanding application for a Definitive Map Modification Order to show the highway as a Footpath or Bridleway would not qualify under the exemptions in sub-section 67(3), even where the Local Highway Authority had subsequently decided to make a Definitive Map Modification Order for a Byway open to all traffic”.
- 2.18 Given that the Orders associated with the application submitted by the Civic Society had not been made prior to the relevant dates within NERCA and that the

application from the Civic Society sought to add footpaths, rather than Byways Open to all Traffic, the exemptions to the extinguishments of the rights to use mechanically propelled vehicles do not apply. It is therefore now the Council officers' view that pursuant to Section 67(1) of NERCA any right of way for mechanically propelled vehicles along the claimed footpaths within the Civic Society's application have been extinguished.

- 2.19 When considering the application submitted by Formby Parish Council, it is important to note that this application did seek to record the section of St Luke's Church Road between Bushby's Lane and Alexandra Road as a Byway Open to all Traffic but that it was submitted after the commencement dates of NERCA. Therefore, unless it can be demonstrated that any of the exemptions to the extinguishment of rights for mechanically propelled vehicles apply, the route cannot be recorded as a Byway Open to all Traffic by virtue of the Parish Council's application
- 2.20 In respect to the Parish Council's application and as reviewed in paragraph 2.15 above, it is not considered that the primary public use of the route prior to 2006, was by mechanically propelled vehicles and therefore, this exemption to the statutory extinguishment does not apply.
- 2.21 The result of the above being that it would be incorrect for the Council to make the proposed replacement Modification Orders as previously resolved at the meeting of this Committee in January of this year as it included routes as Byways Open to all Traffic.
- 2.22 Within Part 6 of NERCA there is a provision for Restricted Byways to be established and recorded on the Definitive Map and Statement on the basis of either historic evidence or evidence of a qualifying period of use. Therefore, where a route carries historic vehicular rights, but rights for mechanically propelled vehicles are extinguished by section 67(1) of NERCA it is possible to record that route as a Restricted Byway, rather than a Byway Open to all Traffic.
- 2.23 In respect to the routes within both the Civic Society and Parish Council's applications, the rights for mechanically propelled vehicles will have been extinguished by section 67(1) of NERCA but given that the Council has previously taken the view that the evidence suggests that historical vehicle rights subsisted, it would be appropriate in this case to record the routes as Restricted Byways, rather than a Byways Open to all Traffic.

### **3. SUMMARY AND RECOMMENDATIONS**

- 3.1 Following the meeting of this Committee in January 2022, correspondence was received on behalf one of the affected landowners that raised issues relating to chances of any Modifications Orders being successful.
- 3.2 On reviewing the matters raised, it is the Officers' view that the conclusions in the correspondence from the landowner's representative are valid and to continue with making the Modification Orders detailed in the previous Committee report and resolution would not be appropriate.

# Agenda Item 6

- 3.3 The first matter, that of whether the Civic Society's application was duly made, would be overcome by the making of any Order relating to the section of St Luke's Church Road between Bushby's Lane and Alexandra Road being subsequent to the later Formby Parish Council application.
- 3.4 In regards to the second matter, that of whether NERCA exemptions to the extinguishment of rights to use mechanically propelled vehicles, it is the Officers' view that the exemptions do not apply and that the proposed Modification Orders should be for Restricted Byways rather than Byways Open to all Traffic.
- 3.5 Therefore, the new Definitive Map Modification Orders should be made to add the following ways (as shown in Appendix C) to the definitive rights of way map and statement for the area:
1. Albert Road, A-B on DC2165a – Restricted Byway,
  2. Alexandra Road, A-B on DC2166a – Restricted Byway,
  3. St. Luke's Church Road, Bushby's Lane to Alexandra Road, A-B on DC2167a – Restricted Byway,
  4. St. Luke's Church Road, Alexandra Road to Range Lane, A-B on DC2168a – Restricted Byway,
  5. St. Luke's Church Road, Range Lane to Altcar Footpath 5, A-B on DC2171 – Public Footpath,
  6. Cambridge Road, A-B on DC2169a – Restricted Byway,
  7. Range Lane, A-B on DC2170a – Restricted Byway,
  8. Two tracks connecting Albert Road to Alexandra Road, A-B on DC2126 and DC2127 – Public Footpaths,
  9. Extension of Albert Road to Shore, A-B on DC2124 – Public Footpath.
- 3.6 Following the making of the new Orders and completion of the associated consultation, they should be confirmed if no objections are received or referred back to this Committee to review the objections subsequent to any referral to the Secretary of State for determination if there are objections.
- 3.7 As part of any referral to the Secretary of State, the Council must state why the Order has been referred, what the request is for, i.e to confirm an Order and what position the Council is taking. In regards to Order No.1 - 2021, the Council should refer it to the Secretary of State with the request that the Order is not confirmed and effectively abandoned as the new Orders will be in its place.
- 3.8 If objections to the new Orders are received, the Council's request, whether to confirm the Orders or not, will largely depend on the content of the objections and information received.
- 3.9 The position the Council should take, when the matter is considered by the Secretary of State, is influenced by the role the Council has had and whether it fully supports the view that the Orders should be confirmed. Given that the Council has been the landowner for areas over which some of the claimed routes cross and that it played a role in the use of routes, it can be considered that there is a conflict in the determination of the Orders. Also, Green Sefton, the department of the Council that previously managed the land has objected to Order No.1 - 2021 and for these reasons it would be considered appropriate for the Council to take a neutral stance at a Public Inquiry.

- 3.10 Irrespective of whether the new Orders are objected to or not they should be issued to the Secretary of State, alongside the previous Order No.1 - 2021, so that the appointed Inspector can consider the request to not confirm the Order.

**SEFTON M.B.C.**

# Agenda Item 6

## Appendix A



**ROBIN CARR ASSOCIATES**  
Public Rights of Way Management & Consultancy Services



Your Ref:  
My Ref: [REDACTED]  
Date: 20<sup>th</sup> January 2022

Brian Goodwin  
Senior engineer – Highways Development & Design  
Sefton Metropolitan Borough Council  
Magdalen House  
Trinity Road,  
Bootle  
L20 3NJ

By email only

Dear Brian

**Wildlife & Countryside Act 1981**  
**The Metropolitan Borough of Sefton Modification Order No 1, 2021**  
My Clients [REDACTED]

Thank you for your emails dated 10<sup>th</sup> January 2022 enclosing a copy of the Schedule 14 Application that the Order Making Authority is relying upon in respect of the above Order, and more particularly in relation route Formby No 57. Thank you also for the point of clarification in your email of 20<sup>th</sup> January 2022.

For the record I note that:

- a) whilst the Schedule 14 application refers to a plan “annexed hereto” you do not have a copy of such a plan, and indeed other than the above reference you have no evidence that such a plan was actually attached to the application;
- b) the Application is question sought to add a **footpath** to the Definitive Map and Statement. The application itself did not seek to record a public right of way for mechanically propelled vehicles; and
- c) that the Council is of the view that the transitional arrangements contained within Section 67(3)(b) of the Natural Environment and Rural Communities Act 2006 act to save public rights for mechanically propelled vehicles.

Based upon the above matters, and more particularly points b) and c) I must advise that the Order to record Byway Open to All Traffic (BOAT) rights over Formby No 57 is, as a matter of law, fatally flawed, and as such it has no reasonable chance of success. I must put you on notice of this without delay as it may have future cost implications if the Council decides to pursue confirmation of the Order at BOAT status.

Section 67(3) of the Natural Environment and Rural Communities Act 2006 must be read and interpreted in its entirety. Section 67(3)(b) cannot be taken in isolation. Section 67(3) states:

*(3) Subsection (1) does not apply to an existing public right of way over a way if—*

*(a) before the relevant date, an application was made under section 53(5) of the Wildlife and Countryside Act 1981 (c. 69) for an order making modifications to the definitive map and statement so as to show the way as a byway open to all traffic,*

*(b) before commencement, the surveying authority has made a determination under paragraph 3 of Schedule 14 to the 1981 Act in respect of **such an application**, [my emphasis] or*

*(c) before commencement, a person with an interest in land has made such an application and, immediately before commencement, use of the way for mechanically propelled vehicles—*

*(i) was reasonably necessary to enable that person to obtain access to the land, or*

*(ii) would have been reasonably necessary to enable that person to obtain access to a part of that land if he had had an interest in that part only.*

You will note that Section 67(3)(b) provides a saving where the Surveying Authority has made a determination of “**such an application**”, and the nature of the application referred to is defined within Section 67(3)(a), namely an application “*for an order making modifications to the definitive map and statement so as to show the way as a byway open to all traffic*”.

It is therefore clear, from a proper reading of the legislation that the saving within Section 67(3)(b) **only applies** to the determination of an application to record BOAT rights. The Council has already acknowledged that the application relied upon only sought to record public footpath rights, and as such the savings of Section 67(3)(b) do not, as a matter of law apply to this case. The consequence of this is that any rights for mechanically propelled vehicles which may have existed (and we dispute that such rights did exist) were extinguished by virtue of Section 67(1) of the Natural Environment and Rural Communities Act 2006. The maximum rights that can exist are those set out in the dedication agreement which established Formby No 57 as a Restricted Byway.

The position is further clarified at paragraph 44 of the Defra publication “*Part 6 of the Natural Environment and Rural Communities Act 2006 and Restricted Byways A guide for local authorities, enforcement agencies, rights of way users and practitioners*” [Version 5 - May 2008] which advises:

“44. Subsection 67(3)(b) excepts highways that are the subject of **an application** [my emphasis] under the Wildlife and Countryside Act 1981 for a definitive map modification order, **to show a highway as a byway open to all traffic** [my emphasis], in cases where the local highway authority determined the application before 2 May 2006, even if the application was made after 20 January 2005 (19 May 2005 in Wales). ‘Determined’ means that the local authority has, under Schedule 14 of the Wildlife and Countryside Act 1981, decided either to make such a definitive map modification order, or decided not to.”

The same principle will, of course apply to any other route in the area where the Council has relied upon Section 53(3)(b) and where the Schedule 14 Application only sought the registration of footpath rights. The Council will be legally obliged to act upon this regardless of whether objections to such route have been duly lodged or not. To do otherwise would leave the confirmation open to Judicial

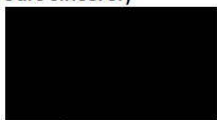
# Agenda Item 6

Review and its associated costs. This will particularly apply to any route proposed for BOAT status which leads off or relies upon access from Formby No 57.

At this stage of the proceedings the Council has an opportunity to reconsider its position and put a further report to the relevant Committee seeking to rectify the situation. If an Orders have been Confirmed following the Committee meeting on 10<sup>th</sup> January 2022 it is essential that the Council ensure that such confirmation is quashed without undue delay. This will hopefully avoid unnecessary costs for all parties by way of judicial review proceedings.

I should be obliged if you would review the above and provide a response to the issues raised as a matter of urgency, and also put a stop to any confirmation of Orders until this issue has been properly considered.

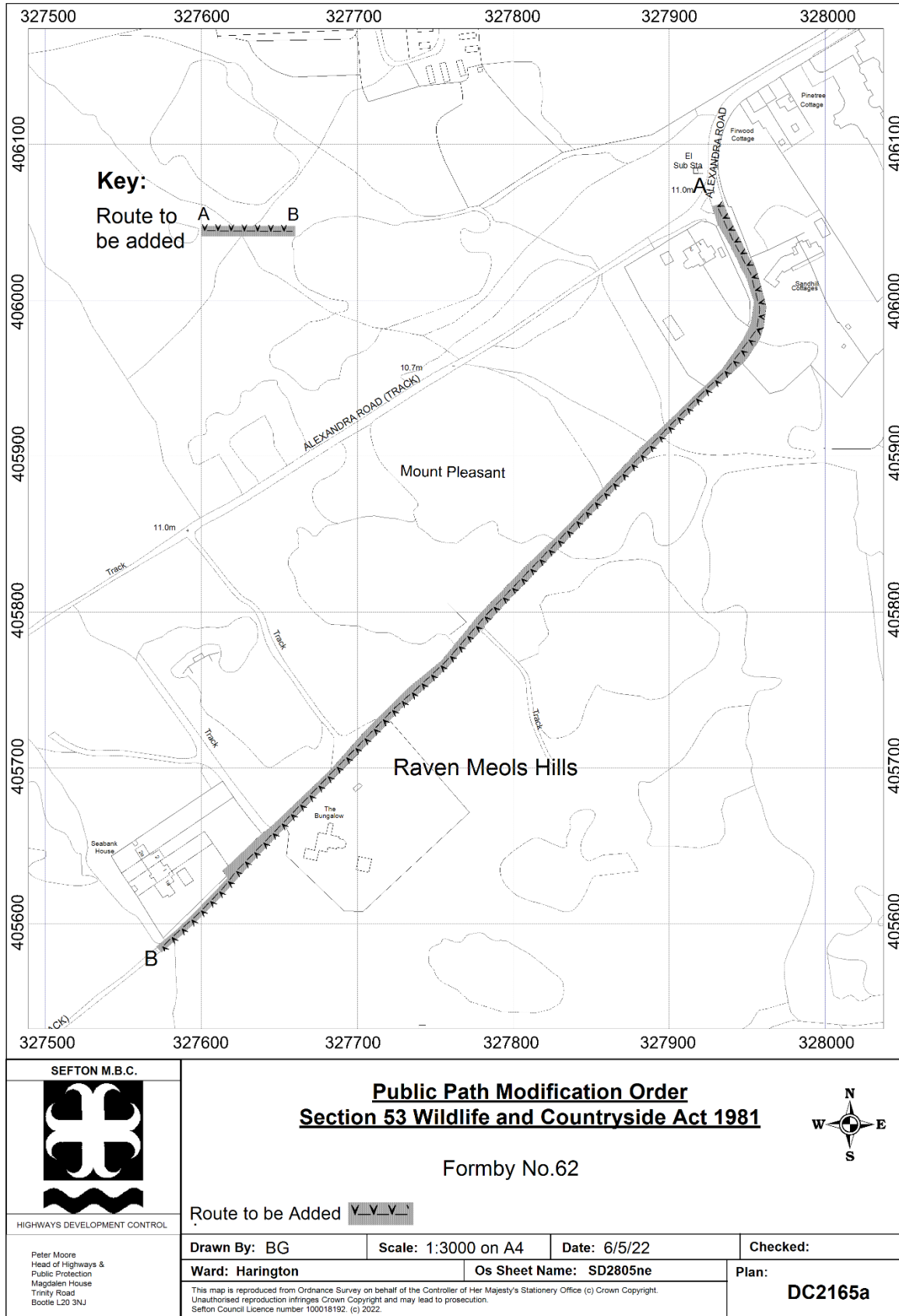
Yours sincerely






Robin Carr FIPROW  
Principal Consultant

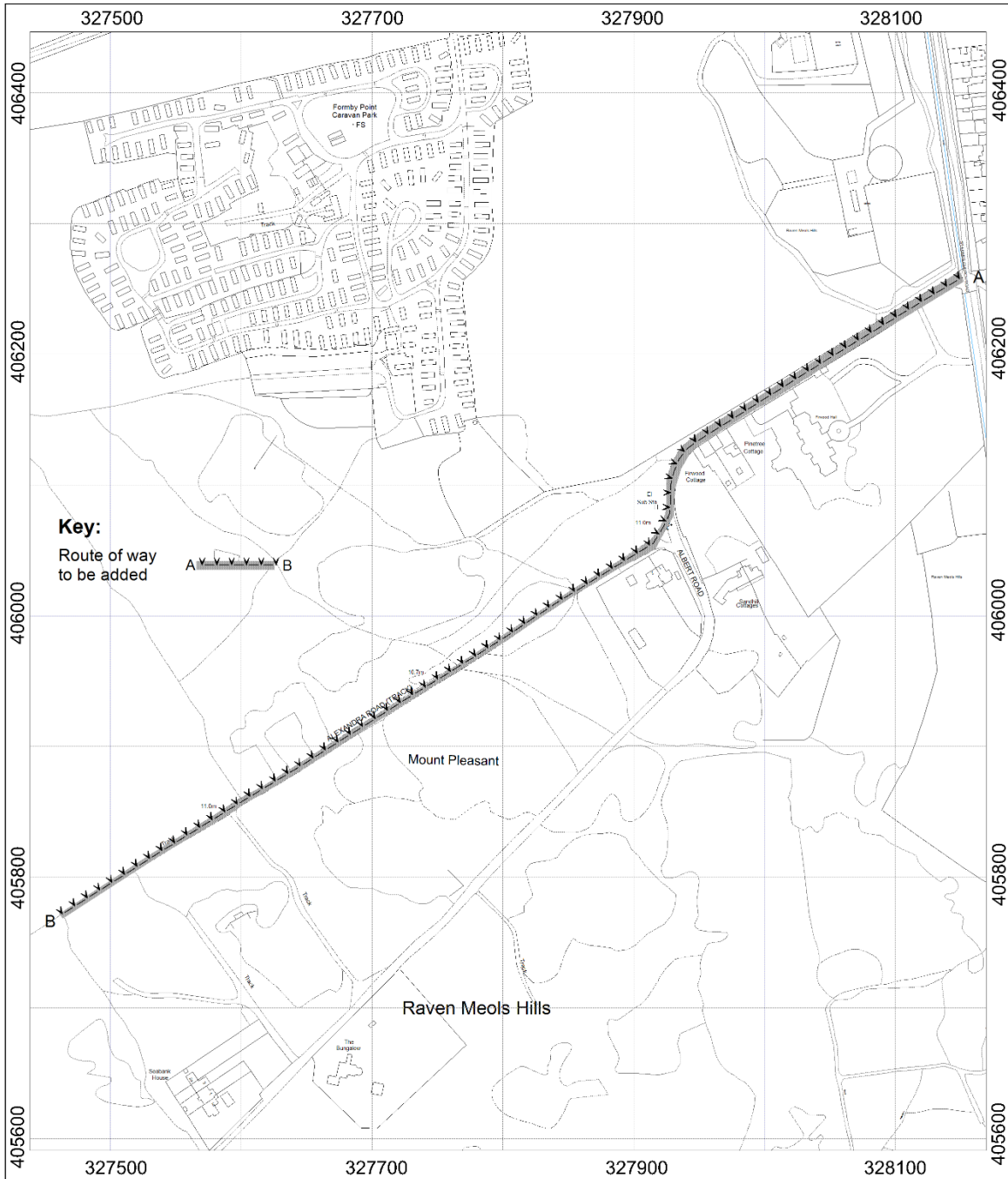


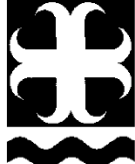


## APPENDIX B



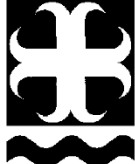


<p>SEFTON M.B.C.</p>  <p>HIGHWAYS DEVELOPMENT CONTROL</p>	<p><b>Public Path Modification Order</b> <b>Section 53 Wildlife and Countryside Act 1981</b></p> <p>Formby No.62</p> <p>Route to be Added </p>			
<p>Peter Moore Head of Highways &amp; Public Protection Magdalen House Trinity Road Bootle L20 3NJ</p>	<p>Drawn By: BG</p>	<p>Scale: 1:3000 on A4</p>	<p>Date: 6/5/22</p>	<p>Checked:</p>
	<p>Ward: Harington</p>	<p>Os Sheet Name: SD2805ne</p>		<p>Plan: <b>DC2165a</b></p>
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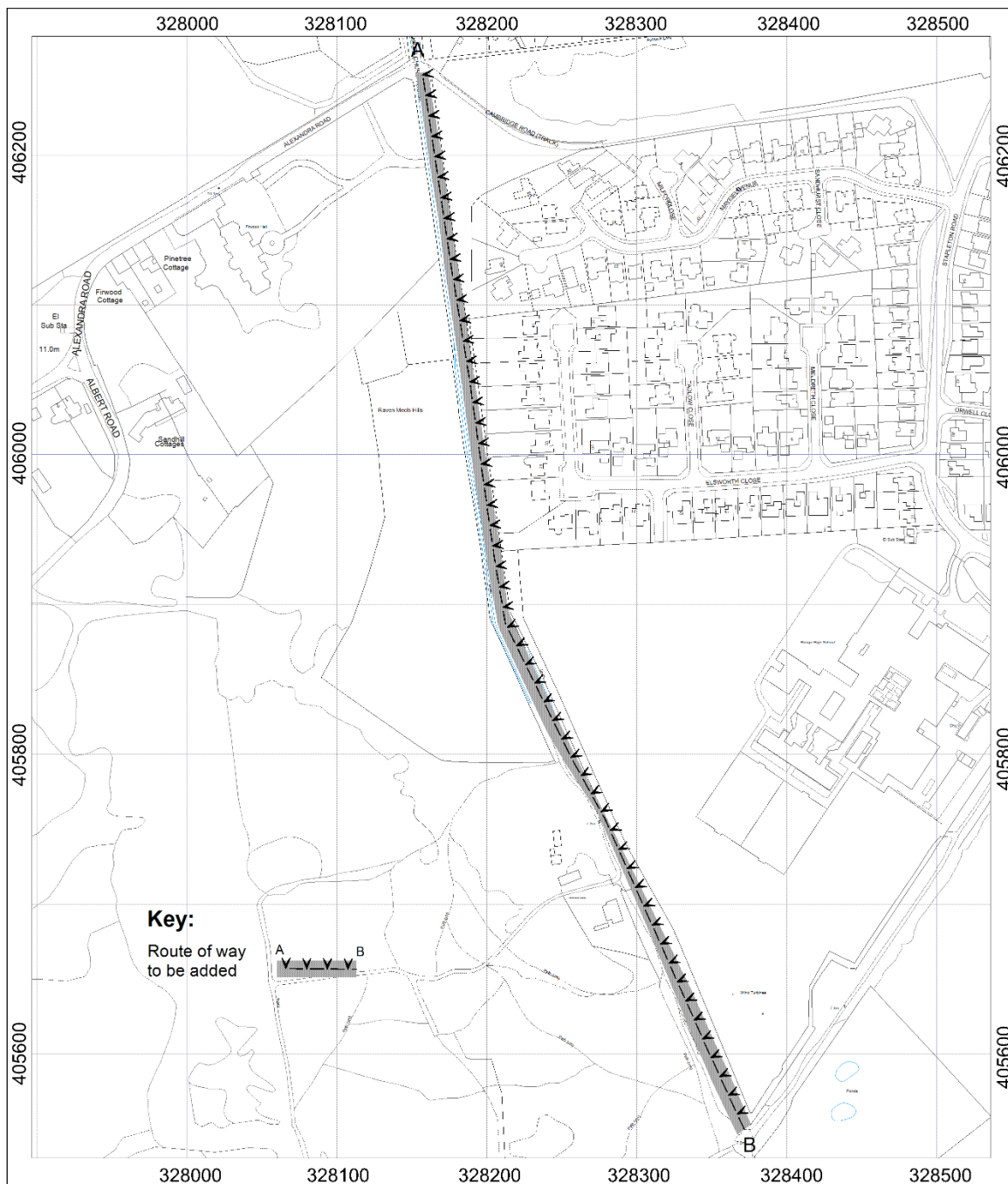





 SEFTON M.B.C. HIGHWAYS DEVELOPMENT CONTROL	<b>Public Path Modification Order</b> <b>Section 53 Wildlife and Countryside Act 1981</b> Formby No.58			
	Route to be Added 			
Peter Moore Head of Highways & Public Protection Magdalen House Trinity Road Bootle L20 3NJ	Drawn By: BG	Scale: 1:4000 on A4	Date: 6/5/22	Checked:
	Ward: Harington	Os Sheet Name: SD2806se		Plan:
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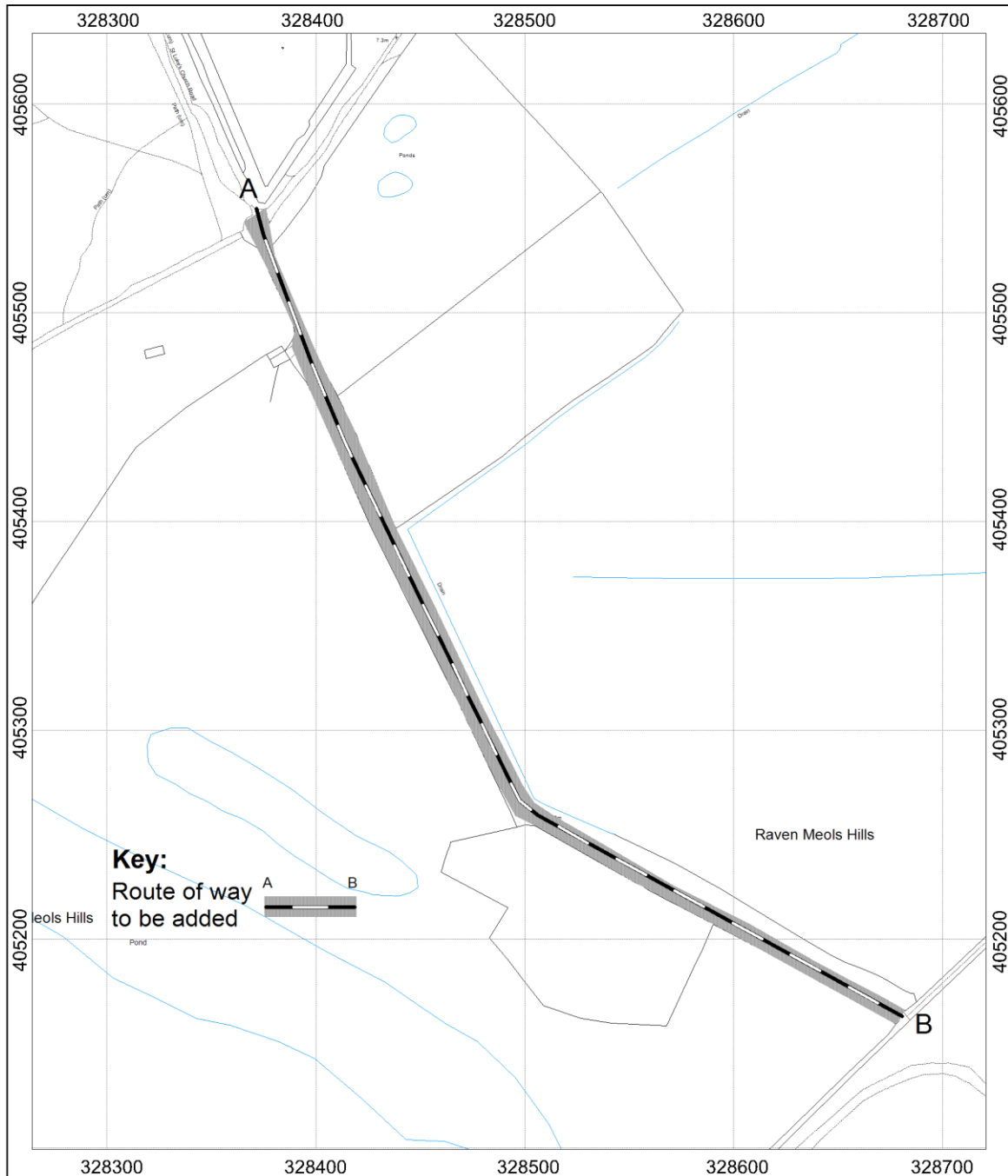





 SEFTON M.B.C. HIGHWAYS DEVELOPMENT CONTROL	<b>Public Path Modification Order</b> <b>Section 53 Wildlife and Countryside Act 1981</b>			
	Formby No.57 Route to be Added 			
Peter Moore Head of Highways & Public Protection Magdalen House Trinity Road Bootle L20 3NJ	Drawn By: BG	Scale: 1:2000 on A4	Date: 6/5/22	Checked:
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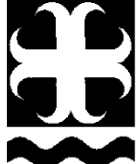


<p><b>SEFTON M.B.C.</b></p>  <p>HIGHWAYS DEVELOPMENT CONTROL</p>	<p><b>Public Path Modification Order</b>  <b>Section 53 Wildlife and Countryside Act 1981</b></p> <p>Formby No.58</p> <p>Route to be Added </p>			
<p>Peter Moore          Head of Highways &amp;          Public Protection          Magdalen House          Trinity Road          Bootle L20 3NJ</p>	<p>Drawn By: BG</p>	<p>Scale: 1:3500 on A4</p>	<p>Date: 6/5/22</p>	<p>Checked:</p>
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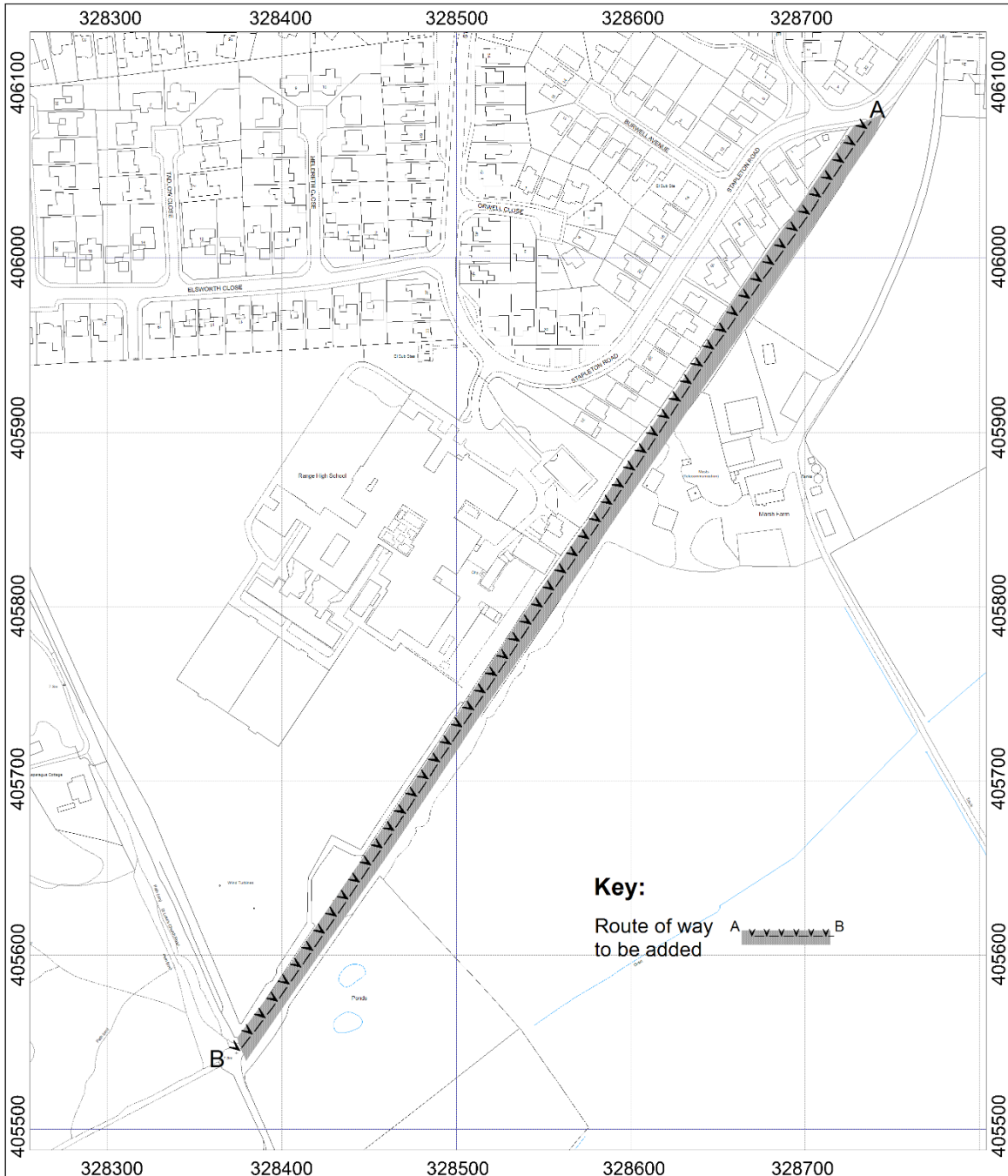


 SEFTON M.B.C. HIGHWAYS DEVELOPMENT CONTROL	<b>Public Path Modification Order</b> <b>Section 53 Wildlife and Countryside Act 1981</b>			
	Formby No.59 Route to be Added 			
Peter Moore Head of Highways & Public Protection Magdalen House Trinity Road Bootle L20 3NJ	Drawn By: BG	Scale: 1:2500 on A4	Date: 01/11/21	Checked:
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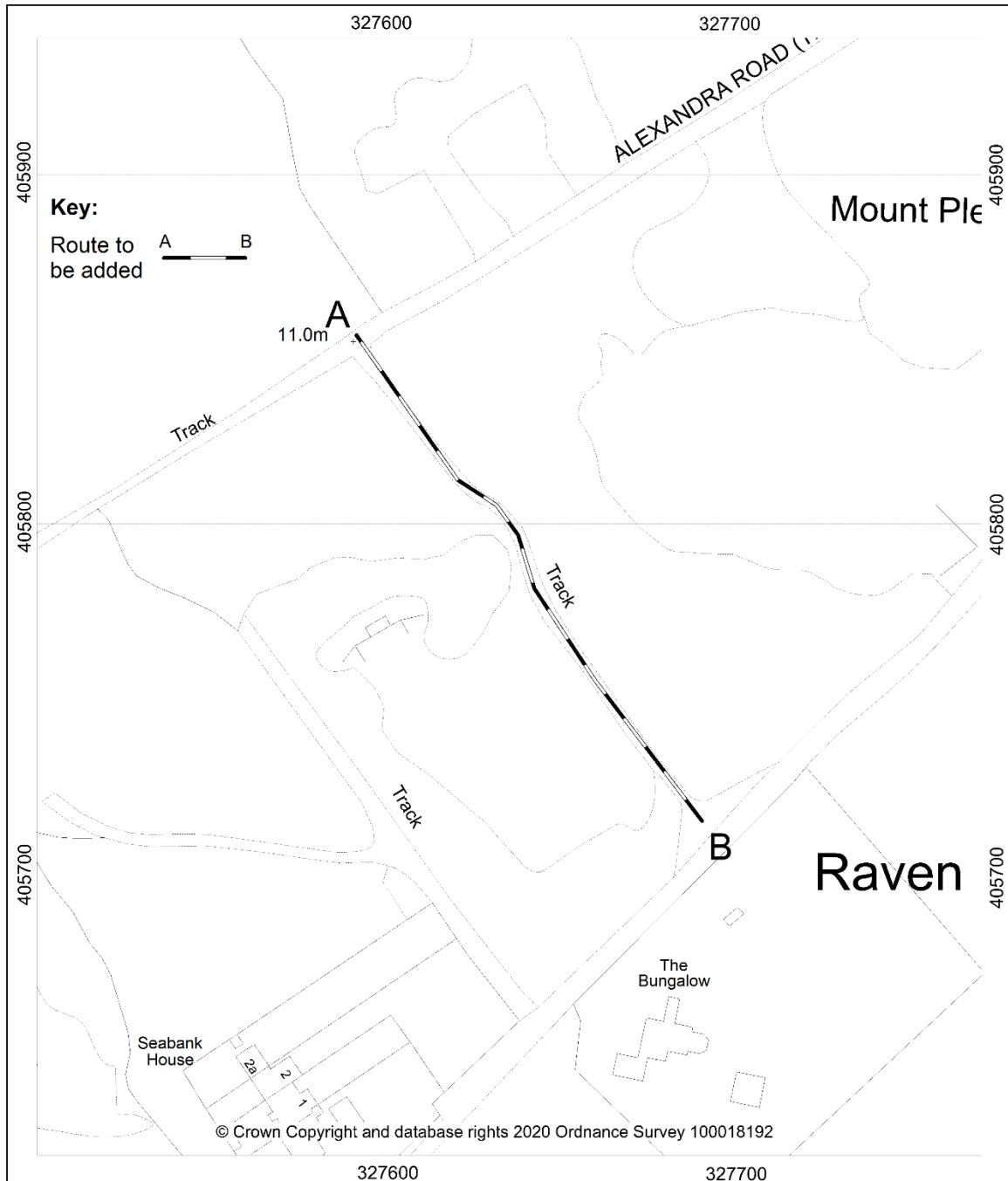





<p>SEFTON M.B.C.</p>  <p>HIGHWAYS DEVELOPMENT CONTROL</p>	<p align="center"><b>Public Path Modification Order</b> <b>Section 53 Wildlife and Countryside Act 1981</b></p> <p align="center">Formby No.67</p> <p>Route to be Added </p>			
<p>Peter Moore Head of Highways &amp; Public Protection Magdalen House Trinity Road Bootle L20 3NJ</p>	<p>Drawn By: BG</p>	<p>Scale: 1:3000 on A4</p>	<p>Date: 6/5/22</p>	<p>Checked:</p>
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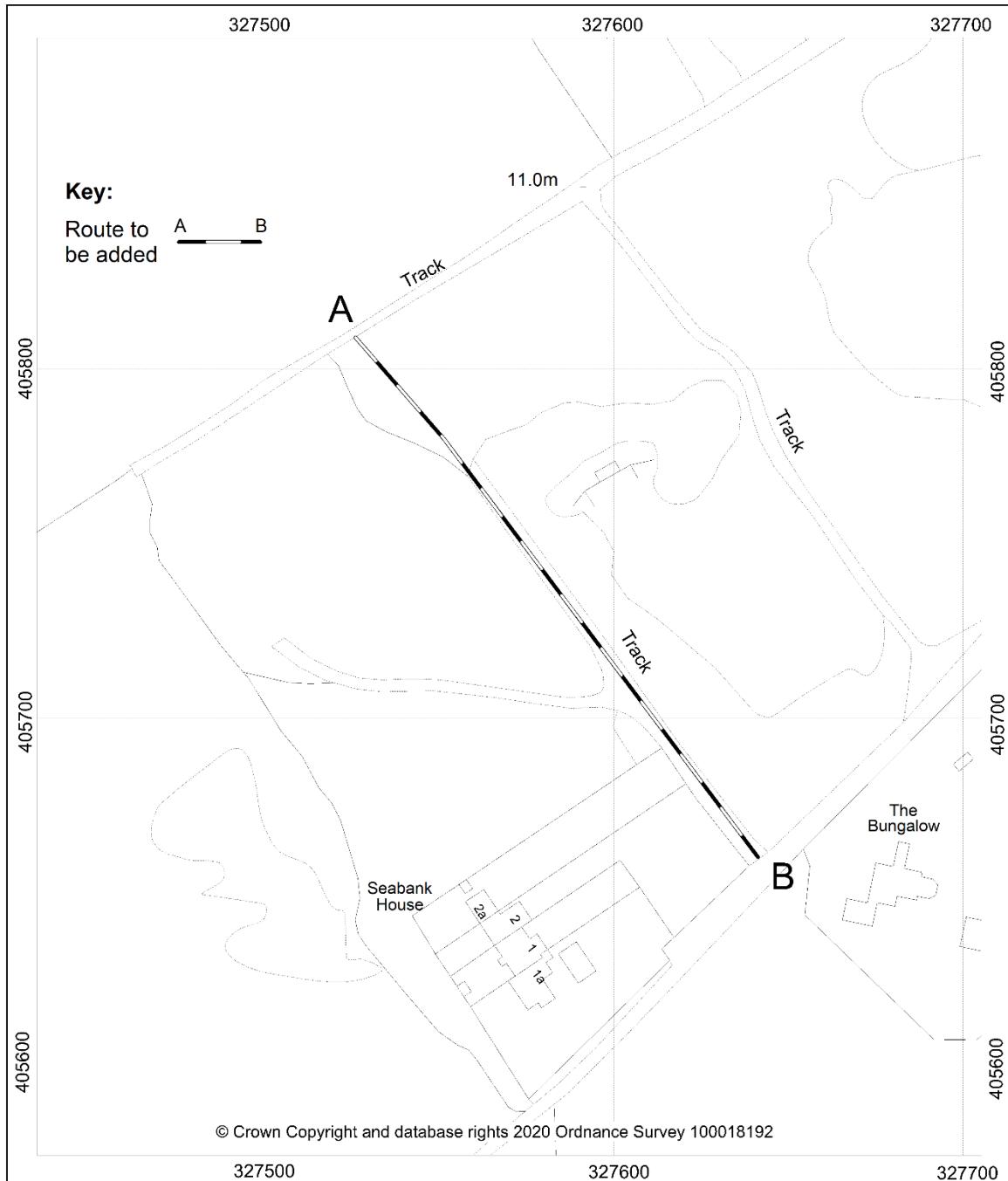
<p><b>SEFTON M.B.C.</b></p> <p>HIGHWAYS DEVELOPMENT CONTROL</p> <p><small>Peter Moore Head of Highways &amp; Public Protection Magdalen House Trinity Road Bootle L20 3NJ</small></p>	<p><b>Public Path Modification Order</b> <b>Section 53 Wildlife and Countryside Act 1981</b></p> <p>Formby No.68</p> <p>Route to be Added </p>	
<p>Drawn By: BG      Scale: 1:3000 on A4      Date: 6/5/22      Checked:</p> <p>Ward: Harington      Os Sheet Name: SD2805ne      Plan:</p> <p style="font-size: x-small;">This map is reproduced from Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution. Sefton Council Licence number 100018192. (c) 2022.</p>	<p><b>DC2170a</b></p>	



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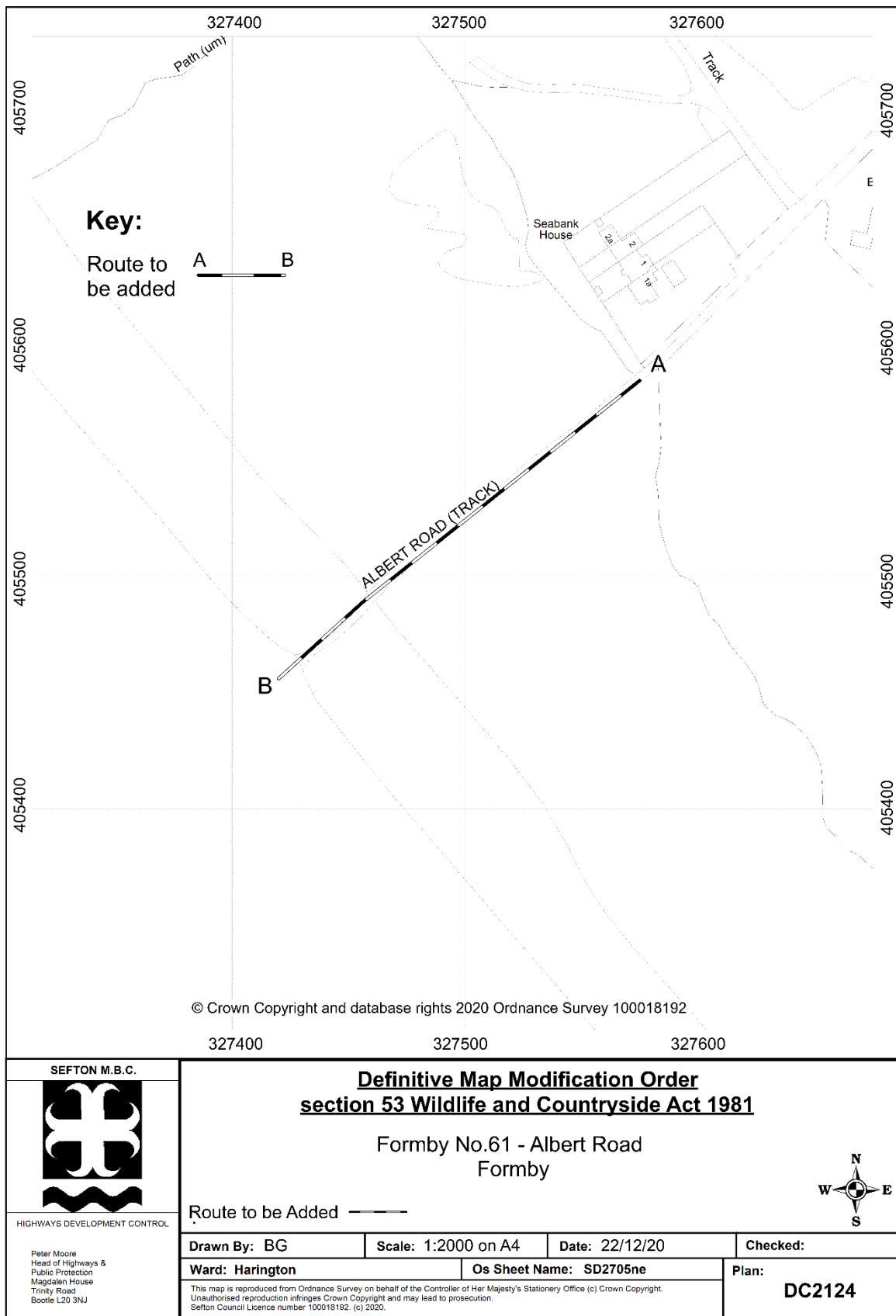
 SEFTON M.B.C. HIGHWAYS DEVELOPMENT CONTROL	<b>Definitive Map Modification Order</b> <b>section 53 Wildlife and Countryside Act 1981</b> Formby No.63 - Alexandra Road link to Albert Road Formby			
	Route to be Added 			
Peter Moore Head of Highways & Public Protection Magdalen House Trinity Road Bootle L20 3NJ	Drawn By: BG	Scale: 1:1500 on A4	Date: 22/12/20	Checked:
	Ward: Harington	Os Sheet Name: SD2705ne		Plan: <b>DC2126</b>
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 SEFTON M.B.C. HIGHWAYS DEVELOPMENT CONTROL	<b>Definitive Map Modification Order</b> <b>section 53 Wildlife and Countryside Act 1981</b> Formby No.64 - Alexandra Road link to Albert Road Formby			
	Route to be Added ———			
Peter Moore Head of Highways & Public Protection Magdalen House Trinity Road Bootle L20 3NJ	Drawn By: BG	Scale: 1:1500 on A4	Date: 22/12/20	Checked:
	Ward: Harington	Os Sheet Name: SD2705ne		Plan: <b>DC2127</b>
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# Agenda Item 6



# Agenda Item 7

<b>Report to:</b>	Licensing and Regulatory Committee	<b>Date of Meeting:</b>	Monday 13 June 2022
<b>Subject:</b>	Taxi and Private Hire Licensing Policy		
<b>Report of:</b>	Head of Highways and Public Protection	<b>Wards Affected:</b>	(All Wards);
<b>Portfolio:</b>	Regulatory, Compliance and Corporate Services		
<b>Is this a Key Decision:</b>	No	<b>Included in Forward Plan:</b>	No
<b>Exempt / Confidential Report:</b>	No		

## Summary:

To advise members of consultation on proposed revised taxi and private hire licensing policy.

## Recommendation(s):

- (1) Note the contents of this report, and
- (2) Agree to the start of a consultation exercise on revised policy

## Reasons for the Recommendation(s):

The Department for Transport (DfT) has produced Statutory Standards and expects the recommendations contained in those standards to be implemented unless there is a compelling local reason not to.

The DfT has also made it clear that licensing authorities should consult on proposed changes in licensing rules that may have significant impacts on passengers and/or the trade.

## Alternative Options Considered and Rejected: (including any Risk Implications)

None

## What will it cost and how will it be financed?

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## (A) Revenue Costs

The cost of the consultation will be met from within existing budgets for the service.

## (B) Capital Costs

There are no direct capital implications associated with the recommendations in this report.

### Implications of the Proposals:

<b>Resource Implications (Financial, IT, Staffing and Assets):</b>	
The cost of the service is wholly recovered from the ring-fenced Taxi Licensing Trade Account (Revenue Budget BD12).	
<b>Legal Implications:</b>	
The Town Police Clauses Act 1847 and The Local Government (Miscellaneous Provisions) Act 1976 provide that a district council may set out criteria when undertaking their taxi and private hire licensing functions and may attach to the grant of a licence such conditions as they may consider reasonably necessary.	
<b>Equality Implications:</b>	
There are no equality implications.	
<b>Climate Emergency Implications:</b>	
The recommendations within this report will	
Have a positive impact	Y
Have a neutral impact	N
Have a negative impact	N
The Author has undertaken the Climate Emergency training for report authors	Y
The Statutory Taxis and Private Hire Vehicle Standards have been set directly to address the safeguarding of the public and the potential impact of failings in this area. The adoption of recommendations made in this document will therefore have a positive impact on equality and diversity specifically for vulnerable individuals and children.	

### Contribution to the Council's Core Purpose:

Protect the most vulnerable: Increased safeguarding provisions to protect the most vulnerable.

Facilitate confident and resilient communities:

Commission, broker and provide core services: Updating taxi licensing service provision.
Place – leadership and influencer:
Drivers of change and reform:
Facilitate sustainable economic prosperity:
Greater income for social investment:
Cleaner Greener

**What consultations have taken place on the proposals and when?**

**(A) Internal Consultations**

The Executive Director of Corporate Resources and Customer Services (FD.6815/22.....) and the Chief Legal and Democratic Officer (LD.5015/22....) have been consulted and any comments have been incorporated into the report.

**(B) External Consultations**

Immediately following the Committee meeting.

<b>Contact Officer:</b>	Mark Toohey
Telephone Number:	Tel: Ext 2274
Email Address:	mark.toohey@sefton.gov.uk

**Appendices:**

The following appendices are attached to this report:

Annex 1 – draft handbook 4.1

**Background Papers:**

There are no background papers available for inspection.

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## **1. Introduction/Background**

- 1.1 Members will recall the previous report on ‘Statutory Taxi Licensing Guidance for Licensing Authorities’ in relation to taxi licensing at the 7 September 2020 meeting.
- 1.2 The committee considered the Government Statutory Standards for licensing authorities in relation to taxi licensing.
- 1.3 Following a consultation process, on 21 July 2020, the Secretary of State for Transport issued a set of statutory standards in relation to taxi licensing; <https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>

## **2 New Standards**

- 2.1 The proposed changes to the current conditions are as follows:
  - a) Annual DBS checks for vehicle proprietors (part 3, f)
  - b) The name of any person that responded to a booking request or dispatched a vehicle (part 4, g)
  - c) Annual DBS checks for operators and staff involved with bookings and dispatch of vehicles (part 4, p & q)
  - d) Guidelines on the relevance of previous convictions (annex 1). The draft new conditions can be seen along current conditions (shown with a line through).
- 2.2 In addition to the new statutory standards, at a Council meeting held on 3 March 2022 a suggested amendment to operator conditions in relation to workers’ rights was agreed and this has been included at part 4, r.

## **3 Consultation**

- 3.1 The standards suggest a range of amendments which will require consultation with a further report to be brought back before this committee.

## **4 Conclusion**

- 4.1 Members are requested to consider the recommended changes with further reports to be presented in order to implement the changes to current conditions and policies following a consultation period.



[www.sefton.gov.uk](http://www.sefton.gov.uk)

# Hackney Carriage, Private Hire and Omnibus Licensing Scheme Handbook

**Version 4.1**

*(Draft Version, May 2022)*

**A guide to Sefton Council's Hackney Carriage  
& Private Hire Licensing Conditions & Policies**

# Agenda Item 7

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## The Purpose of the Licensing Scheme.

The licensing scheme is primarily designed to protect the travelling public, including vulnerable children and adults, by ensuring that:

- a) No person undertakes the carrying of passengers without the relevant licences and necessary checks on their fitness to carry the public;
- b) All licensed drivers are “**fit and proper**” persons having regards to their medical fitness, standard of training, and their criminal and motoring convictions and offences (if any);
- c) All licensed vehicles are at all times road legal, safe and fit for use and properly insured for hire and reward;
- d) All licensed private hire operators are ‘fit and proper’ to conduct such a business.

The Council is responsible for ensuring the integrity of the licensing system through its ‘compliance’ role and so create and maintain a fair trading environment for legitimate hackney carriage and private hire businesses.

## Introduction to the Handbook

This handbook was designed to consolidate the many Bye Laws, conditions, advice and information for hackney carriage and private hire drivers, vehicles and operators previously held in various documents.

The handbook contains details of the relevant legislation, required standards and the Council’s conditions of licence.

The Council has adopted the various polices / standards set out in this document for the protection of the travelling public. All licence holders are expected to familiarise, understand and abide by the relevant parts of the handbook.

The handbook has been adopted as the policy document of the Council. Any requirements of legislation that has effect on the operations being carried out under the terms of any licence granted should be regarded as if they are requirements of that licence. Wherever there is a summary of any statutory provisions you are advised that such a summary may not be exhaustive.

Please ensure you also read the section Safeguarding Children and Young People and Child Sexual Exploitation (pages 8 – 10). As a taxi driver you are well placed to see signs of children and young people being exploited or abused. Information you have heard or seen could be vital to keeping the child or young person safe.

The Council’s website ([www.sefton.gov.uk](http://www.sefton.gov.uk)) contains further information explaining how to apply for the various licences available and what is required.

When you visit the website search for ‘Taxi Licensing’ for more information.

## Glossary of Terms

These are summaries only – full definitions can be found in the relevant legislation

Licence	Document issued by the Council when it is satisfied the applicant has met the criteria to drive, operate or use a particular vehicle and applies to both hackney carriages and private hire – required by statute.
Badge	Photo identification issued to drivers with a hackney carriage or private hire driver's licence – required by statute.
Hackney Carriage	Vehicle used in standing or plying for hire in any street within the Metropolitan Borough of Sefton.
Hackney Carriage Byelaws	Byelaws in force in the Metropolitan Borough of Sefton.
Operator	Means a person / business who in the course of a business makes provision for the invitation or acceptance of bookings for a private hire vehicle.
Private Hire Vehicle	Vehicle to seat fewer than nine passengers other than a hackney carriage or bus which is provided for hire with the services of a driver for the purposes of carrying passengers.
Proprietor (& Part Proprietor)	In relation to a vehicle which is subject of a hire agreement or hire purchase agreement; means the person in possession of the vehicle under that agreement.
Taximeter	Any prescribed device for calculating the fare to be charged in respect of any journey in a hackney carriage or private hire vehicle by reference to the distance travelled or time elapsed since the start of the journey or a combination of both.
Authorised Officer / Taxi Licensing Officer	An officer of Sefton Council who is authorised in writing by the Council to enforce the legislation.

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## Client Charter

### Licensing

Taxi licensing administration is provided through the Council's Contact Centre and the One Stop Shops (OSS) located at **Stanley Road, Bootle** and **Cambridge Walk, Southport**.

Licence applications, renewals, presentation of documents and licence payments can be made at either address. The 'Knowledge Test' can also be undertaken at each venue. Appointments for licence applications / renewals and the knowledge tests can be made by contacting the Council's Contact Centre on **0345 140 0845**.

The Contact Centre aims to deal with your request as quickly as possible in a helpful and courteous manner but there may be delays during peak times for 'drop in' customers.

Licence applications involve contacting 3<sup>rd</sup> party agencies such as The DVLA, The Disclosure and Barring Service and the Council and the Contact Centre cannot be held responsible for any delay caused by a third party.

Applicants are reminded that it is **essential** that they bring the correct identity documentation (Driver licence, a photographic identifier eg passport, proof of address for 10 previous years, V5 and insurance documents as appropriate) and the means to make the necessary payment by either cash or card payment. The Council does not accept cheques

### Complaints and Enforcement Issues

Complaints and service request from both the public and the trade will be investigated. Where there are potential legal issues, it will be necessary to gather evidence before taking action. This will inevitably extend the investigation and may affect the speed of resolution of your service request. However, for every user, the service we aim to:

- Respond to service request initially by contacting you by telephone / email or sending the requested information within 10 working days.
- Resolve service requests requiring investigation within 60 days.
- Resolve written requests for advice and information within 10 working days and respond to further requests for advice or information about your own particular case within 10 working days.
- Keep you advised of progress in your own particular case and make contact with you at least every 35 days.
- Ensure that pre-arranged appointments are punctually attended, or advanced notification is given of any change.

- Not reveal your name, address or other personal details to another party without first consulting you, or informing you of any legal obligations on us to reveal those details.
- Identify staff dealing with your case in correspondence and telephone calls.

You can discuss your own case with the identified officer by telephone or arrange an appointment to see them during their normal working hours. In exceptional circumstances we can also arrange out of hours visits and interpretation facilities where appropriate.

## Taxi Licensing Enforcement Policy

It is Sefton Council's policy to ensure the safety of the travelling public and an equitable trading environment exists throughout the Borough, and that legal requirements to all such services are complied with.

It is recognised that most businesses want to comply with the law. We will therefore, endeavour to help businesses and others meet their legal obligations without unnecessary expense. We believe prevention is better than cure and that our role includes actively working with the local trade to advise on, and assist with compliance. We will encourage the local trades to seek advice and information from us.

Officers of the enforcement team will visit licensed operator premises and established taxi ranks within the Borough (as part of a planned inspection programme) to ensure compliance with taxi licensing legislation. They will also investigate consumer complaints, carry out spot checks, respond to requests for advice from traders, make test purchases, and undertake survey and initiative work.

The Council has developed an 'Enforcement Policy' in accordance with the Regulators' Code to assist local businesses to comply with the many legal requirements that they have to meet. A copy of the 'Enforcement Policy' is available on request. This policy aims to ensure that the law is enforced in a fair and consistent manner. It will also assist officers in making informed decisions as to appropriate enforcement action.

In matters involving legislation, the enforcement of which is shared with other bodies or agencies, appropriate communication with those other bodies or agencies will take place, especially where responsibility for enforcement is unclear. In cases involving offences enforced by other bodies or agencies, appropriate liaison with those bodies or agencies will take place.

This policy applies to all areas of work undertaken as part of the statutory duties conferred on the Taxi Licensing Team. Additional statements of enforcement policy for particular areas of work may supplement this general policy.

If you are concerned about the standard of service you are receiving you should initially advise the case officer. If, after speaking to the case officer, you still have concerns about the standard of service you are receiving *please write to or email:* Andrew Naisbitt, Trading Standards & Licensing Manager, Sefton Council, 1st Floor, Magdalen House, 30 Trinity Road, Bootle L20 3NJ / [etscontact@sefton.gov.uk](mailto:etscontact@sefton.gov.uk)

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## Safeguarding Children and Young People & Sexual Exploitation

(L & R 30<sup>th</sup> March 2015)

1. As members of the general community, drivers of hackney carriages and private hire cars are in a good position to help to keep children and young people safe. Drivers work with all sorts of members of the public, and will often see things that seem strange or troubling, but they do not necessarily know what to do about it. The following advice is given in order to help licensed drivers to help us protect the children and young people in our area.
2. Child protection is the business of all members of every community. If a driver sees anything that seems troubling or wrong, he or she has a responsibility to report this to the relevant authorities, so that the child might be helped. People are often unwilling to get involved, but without the help of all members of the public, social workers and the police have no way of knowing which children are at risk.
3. The things that could indicate that a child or young person is at risk or being mistreated could include the following:
  - Someone punching or kicking a child or young person, or hitting them in a way that goes further than reasonable chastisement or normal physical discipline
  - A child or young person with physical injuries
  - Someone screaming or shouting at a child or young person in a way that seems more than just a person telling a child off. This can involve calling the child nasty names and speaking in a way that would be very distressing to the child or young person, and would be likely to make them feel worthless and unloved
  - A child or young person who looks very poorly dressed, perhaps, for example, a child who is wearing clothes that don't seem warm enough in the cold winter weather
  - An adult bullying a child or young person
  - A child or young person who seems hungry
  - A child or young person who seems scared and cowed
  - A child or young person who looks dirty and neglected, or is smelly and unkempt
  - A child or young person who seems to have nowhere in particular to go
  - A young child in the care of someone who seems to be so drunk or drugged that they are not in a fit state to look after them properly
  - A child or young person who seems to be going somewhere they shouldn't, such as places where there are known dangers
4. If a driver should see anything similar to the above, or anything that gives them a sense of real unease about a child, then they should ring the Multi Agency Safeguarding Hub, (the MASH) and report their concerns. The number for the MASH is **0345 140 0845**. **If, of course, you feel a child or young person is in serious danger of immediate harm, you should call the emergency Police telephone number 999.**

## Child Sexual Exploitation

5. Child sexual exploitation is another area of child protection where licensed drivers may help to protect our children and young people.
6. Child sexual exploitation is widespread across all communities, and presents a very real risk of harm to our children and young people. Children and young people of any class, race, age, religion or culture are equally vulnerable to Child Sexual Exploitation, and both boys and girls are at risk. Similarly, those who sexually exploit children and young people can be from any class, culture, race, religion or background, and both men and women might be involved in the exploitation of children and young people.
7. The following is a list of things that might indicate that a child or young person is being sexually exploited:
  - Drug or alcohol use
  - Physical injuries
  - The child or young person has run away from home or care
  - Involvement in offending and criminal activities
  - Repeated sexually transmitted infections
  - Pregnancy and termination, especially a pattern of this
  - School truancy
  - Change in physical appearance
  - Evidence of sexual bullying and/or vulnerability through the internet and/or social networking sites
  - Estranged from family
  - Receiving gifts from unknown sources
  - Having money from unknown sources
  - Poor mental or emotional health
  - Self harm
  - Thoughts of suicide or attempts to commit suicide
  - Children or young people who may seem to be getting others involved in situations that are exploitative
8. If you pick up a child or young person who seems to be involved in these kinds of activity or situations, you can do a lot to help us to help them. It is very useful to Police and Children's Services if you make a note of anything worrying that you see or hear that makes you suspicious that a child or young person may be involved in sexual exploitation. The sort of information that would be very helpful would include things like
  - Anything that is said that makes you suspicious
  - Any names that are mentioned
  - Descriptions of the children, young people and adults involved in the suspicious activity or conversations
  - Addresses of pick up and set down. This could be houses and flats, or might be, for example clubs, pubs or fast food or other premises
  - Dates and times of when you have seen and heard suspicious things happening or being discussed.

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9. If you have any information that makes you concerned that a child or young person is being sexually exploited, there is a special phone line to use, so **please ring 101 to pass on any concerns regarding possible sexual exploitation of children.**
10. Alternatively, ring the MASH on 0345 140 0845.

**PLEASE REMEMBER THAT YOU ARE IN A GOOD POSITION TO NOTICE THINGS THAT COULD BE STOPPED IF REPORTED AND HELP KEEP CHILDREN AND YOUNG PEOPLE SAFE.**



## Licensing Requirements

### Part 1. Driver Licences (All)

The Council can only grant licences to those it is sure are “fit and proper” and in deciding that the Council insists on the following **minimum** requirements:

- a) Holding a full driving licence (DVLA, EU or Northern Ireland only) for at least a total period of 12 months. A **“fee-paid”** driver record check is compulsory.
- b) Passing a full vocational (DVLA Group II) medical examination obtained via the applicant’s General Practitioner **or a GP at another practice/GMC Doctor provided they have access to the applicant’s medical records at the time of the examination.** Medicals are currently required on first licensing, on reaching 45 years of age, then 55 years of age and on reaching 65 years of age and every 3 years thereafter.
- c) Providing a **“fee-paid”** satisfactory Disclosure and Barring Service (DBS) “Enhanced” disclosure. EU applicants may be permitted a short term licence provided they can produce a “Certificate of Good Conduct” from their last country of residence until an “Enhanced” DBS certificate can be provided.
- d) Hackney Carriage & Private Hire Drivers are required to hold the VRQ level 2 qualification in **‘Transporting Passengers by Taxi and Private Hire’**.
- e) It is a requirement of all new driver applications to take a **‘Knowledge of Conditions Test’** in addition to the VRQ qualification. Both must be obtained without the aid of an interpreter.
- f) Existing drivers and driver applicants whose last licence is expired by less than 2 years do not need to retake the **‘Knowledge Test’**. (*L&R 30<sup>th</sup> July 2012*)
- g) The Council is under a duty to assess whether applicants are ‘fit and proper’. In order to do this, **all cautions, convictions and pending matters must be disclosed**, any omission may lead to a licence being refused. The Fit and Proper Assessment process will ensure that the Council Safeguarding Children’s Unit is consulted with regard to individuals presenting a risk to children and young people.
- h) Previous Convictions Policy – The Council’s statement of policy and guidance in relation to the relevance of convictions/penalties is set out in Annex 1 to the handbook.
- i) **“The Mitigation Process”** – The Council will take all relevant circumstances into account including relevant cautions and convictions. Before the Council makes its decision, it will allow an opportunity for the applicant to submit further information upon such matters and the circumstances surrounding them. The applicant may also present character references.

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- j) The Council may exercise its discretion to issue a licence if the applicant provides sufficient evidence to demonstrate he / she should be considered **exceptional to the general disqualification period contained in the ‘Statement of Policy and Guidelines Relating to the Relevance of Convictions’ (Annex 1)**. It is the applicant’s responsibility to demonstrate to a **mitigation panel**, they are exceptional to the policy and provide tangible evidence to support their case. The Council will also have regard to the level of penalty imposed by the Courts. In cases of a risk being presented to children and young people a senior representative of the Sefton Council Safeguarding Children Unit may sit on the Mitigation Panel.
- k) Council Policy may not specifically exclude an applicant but the Council may refuse an application if it has any other reasonable cause to consider an applicant as unfit.
- l) Any person who is refused the issue of a licence on the grounds that they are “not a fit and proper person” to hold a licence may **appeal to the Magistrate’s Court with 21 days of the decision**.
- m) **The Convictions Policy & Existing Drivers** – A driver licence holder is duty bound to declare any ‘new’ convictions, formal cautions, or fixed penalties to the Council within 7 days, a failure to do so may result in suspension or revocation of the licence. If the holder of a driver licence is convicted of any offence or receives a formal caution then the ‘fit and proper test’ has to be applied. If the holder is deemed ‘unfit’ the licence can be suspended or revoked.
- n) The **mitigation panel** will determine the length of any suspension or whether to revoke the licence.
- o) Where a driver is **disqualified** from driving the hackney carriage / private hire driver licence will be suspended or revoked immediately depending on the length of the disqualification.
- p) A list of current licence fees is available on the Council's website at: <http://www.sefton.gov.uk/business/licensing-registration/taxi-licensing.aspx>

## Part 2. Licence Conditions – Private Hire Drivers (see additional criteria for motorbikes)

- a) The licensed driver must deposit their Private Hire Driver's licence with the owner/ proprietor of the private hire vehicle and one copy of the Private Hire Driver's licence with the operator prior to commencing work. These documents should be retrieved if the driver ceases work.
- b) If a proprietor or operator has a justifiable and reasonable complaint / dispute with the driver he may not retain the licence but should return the licence to the Council together with written details of the complaint or dispute within 2 working days of the dispute arising or the driver requesting the licence.
- c) When driving a licensed vehicle for hire and reward, the driver must at all times display his photo badge and licence number. The badge must be produced to a Police Officer or Authorised Council Officer on demand.
- d) When driving for hire and reward the licensed driver can only use vehicles that are licensed by Sefton Council as private hire vehicles.
- e) When driving for hire or reward the driver is required to:
  - Carry out basic checks irrespective of who owns the vehicle to ensure fluid levels, tyres, brakes and obligatory lights are in good order and functioning correctly prior to commencing work;
  - Adhere to the conditions of the licence of the vehicle being driven;
  - Be clean and behave in a respectable, civil and orderly manner;
  - Take all reasonable steps to ensure the safety of passengers, (*this may include a refusal to drive off unless the passengers are wearing seatbelts*);
  - Upon request convey a reasonable quantity of luggage and give reasonable assistance in loading and unloading;
  - Upon request afford reasonable assistance to a wheelchair passenger to enter, be carried in and alight safely from the vehicle, (*reasonableness has to be determined on a case by case basis*);
  - Not play any media device without the express consent of the hirer, (*exception – two way radio system*);
  - Provide a written receipt of any fare paid upon request;
  - *The driver of a private hire vehicle shall immediately after the termination of any hiring or as soon as reasonably practicable thereafter search the carriage for any property which may have been accidentally left therein. Any property found must be reported to the Police or returned to the rightful owner within 48 hours.*
- f) In order to maintain the integrity of the licensing system, a licensed driver is required to report in writing any of the following incidents to the Council:
  - Full details of any accident involving injury or material damage (including the condition of the licensed vehicle) and an insurance policy (valid at the time of the accident), within 72 hours of the accident occurring.
  - *A change of operator – within 7 working days*
  - *A change of address – within 7 working days*

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- Full details of any cautions, 'endorseable' fixed penalty notices or convictions recorded against them within 7 working days
  - Full details of any criminal charge pending against them within 7 working days
  - Any disqualification from driving within 24 hours and return their driver's licence and badge within 7 working days.
- g) In the event that the driver / vehicle is unable to complete a journey for any reason no fare shall be charged in respect of any distance travelled unless the reason the journey was curtailed is beyond the control of the driver.

## Part 3. Licence Conditions – Private Hire Proprietors (see additional criteria for motorbikes)

- a) The proprietor of a licensed private hire vehicle shall not permit any person to drive a licensed private hire vehicle for any purpose unless they have first verified the driver has a valid Sefton private hire driver's licence;
- b) The proprietor of a licensed private hire vehicle must maintain a register of all the drivers using their vehicle/s and hold the relevant road traffic insurance for all the drivers in their employment.
- c) A proprietor operating more than one vehicle must maintain a register of the vehicles that they operate. The register must be held at the proprietor's business premises and include the following information:
  - The private hire or hackney carriage licence plate number;
  - The vehicle registration number;
  - The unique vehicle call sign or identifying number, which should not be transferred to another licensed vehicle unless the previous vehicle ceases to be a licensed vehicle (if applicable);
  - The names and addresses of the drivers of each vehicle;
- d) The driver and vehicle records must be available for inspection upon request and retain for a period of at least six months.
- e) In order to maintain the integrity of the licensing system, a proprietor is required to be able to identify the driver/s of any of their vehicles at any time, (this is particularly important if a shift system is in operation). The proprietor should also record and report in writing any of the following incidents to the Council:
  - Full details of any accident involving injury or material damage (including the condition of vehicle) and an insurance policy (valid at the time of the accident), within 72 hours of the accident occurring.
  - Any driver disqualified from driving within 24 hours.
- f) All vehicle proprietors will be required to undergo a basic DBS check on an annual basis. The current convictions policy will apply other than those relating to driving. The check will apply to individuals or directors and partners in companies or partnerships.

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## Part 4. Licence Conditions – Private Hire Operators (see additional criteria for motorbikes).

- a) The Council will only issue a private hire operator's licence to an applicant who makes provision for the invitation or acceptance of bookings at an address within Sefton and providing that.
- The operator's premises in question is subject to valid planning consent which must be evidenced to the Council on first issue.
  - The applicant completes the Council standard application form including a declaration to comply with the Operator Licensing Conditions.
  - The applicant lists all telephone numbers and email addresses through which they intend to take pre-bookings on a schedule attached to the application.
  - The applicant lodges a sample design of their preferred door signs on a schedule to their application.
  - The applicant must disclose if he (or signatory or company officer) has convictions that breach the Council's *Statement of Policy and Guidelines Relating to the Relevance of Convictions* (Annex 1). The Council will determine whether it considers an offender to be a fit and proper person to hold a licence.
- b) If an applicant is a limited company or a limited liability partnership, the certificate of incorporation must be produced to the Council and declarations must be completed by all the company's authorised signatories.
- c) No operator may advertise a telephone number on, in or from a licensed vehicle, relating to a mobile phone carried in a licensed vehicle.
- d) No operator may divert or transfer telephone calls from their base office to a mobile phone carried in a licensed vehicle.
- e) When an operator accepts a hiring, they shall ensure that a Sefton licensed private hire vehicle or hackney carriage attends at the appointed place and as near to the appointed time as is possible.
- f) All bookings must be recorded at the operator's licensed premises before the booking is transmitted to a licensed driver and vehicle for completion.
- g) When an operator accepts a hiring they shall, immediately prior to the commencement of the journey record all details of the contract including:
- The time and date of each booking;
  - The starting point for each pre-booked journey;
  - The call sign or registration number of the vehicle used for each booking together with the driver's identifying details; and
  - Sufficient identifiers for the hirer or journey.
  - **The name of any person that responded to the booking request**
  - **The name of any individual that dispatched the vehicle**
- h) The Council considers 'sufficient identifiers' to mean different things under different circumstances. For example, in the case of a hiring made from

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residential premises a record of the house/flat number and street name would be adequate. When bookings are made from more public premises (supermarkets etc) then the Council would expect a hirer name or destination to be recorded. Smart phone applications that require registration of the hirer with their chosen Operator before use and then enters the hirer's details into the Operators booking system (similar to telephone bookings) would meet these requirements if all of the conditions in (g) above are met.

*Please note these are just some typical examples and whether the information recorded is adequate may have to be decided on a case by case basis.*

- i) Journey records shall be allocated a unique reference number and kept in numerical order in a suitable format such as a ledger, record slips or computer database in an identifiable, legible and retrievable format.
- j) The journey records must be available for inspection at the operator's licensed premises for a period of not less than six months and produced on request to any Police Officer or Authorised Officer of the Council.
- k) All operators must hold a register of the drivers and vehicles that they operate. The register must be held at the operator's licensed premises and include the following information:
  - The private hire or hackney carriage licence plate number;
  - The vehicle registration number;
  - The unique vehicle call sign or identifying number, which should not be transferred to another licensed vehicle unless the previous vehicle ceases to be a licensed vehicle;
  - The names and addresses of the proprietors of each vehicle;
  - The names and addresses and the driver licence (badge) numbers of the private hire and hackney carriage drivers on their system.
- l) The driver and vehicle records must be available for inspection at the operator's licensed premises for a period of not less than six months and be produced on request.
- m) A Sefton Council licensed operator may only operate drivers and vehicles licensed by Sefton Council.
- n) In the event that the driver / vehicle is unable to complete a journey for any reason no fare shall be charged in respect of any distance travelled unless the reason the journey was curtailed is beyond the control of the driver.
- o) An operator must investigate any complaint and immediately notify the complainant of their right to forward their complaint to the Council.
- p) All vehicle operators will be required to undergo a basic DBS check on an annual basis. The current convictions policy will apply other than those relating to driving. The check will apply to individuals or directors and partners in companies or partnerships.

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- q) Operators should keep a register of all staff that take bookings or dispatch vehicles and should also be able to demonstrate that basic DBS check have been carried out on all the staff on the register.
- r) Operators are required to ensure all drivers who fall within the category of a worker are aware of their legal rights as a worker (Council Meeting, 03/03/22)



## Part 5. Hackney Carriage & Private Hire Vehicle Licenses (excluding horse omnibus & motorcycles)

If the Council determines that anything in the construction, form, working or appearance of a vehicle makes the vehicle unfit for use as a hire and reward vehicle it will not be licensed or re-licensed. There is a right of appeal to the courts from any such refusal.

Pre-requisites:

- a) All motor vehicles must pass a compliance test at one of the Council's appointed test facilities before being presented for licensing. Full details of the compliance test are published in the 'Vehicle Compliance Testing Handbook' and the tests stated are to be used for all hackney carriage and private hire vehicles submitted for testing. (L&R 6<sup>th</sup> June 2011)
- b) A compliance certificate is only valid for 28 days. Once a licence is issued the vehicle is exempt from the requirement for a normal MOT certificate.
- c) The Council **will not licence a standard motor vehicle** that is **in excess of eight years of age** unless it was previously licensed by Sefton in the preceding year. A qualifying vehicle may be re-licensed for six months at a time providing that the vehicle has not remained unlicensed for a six month period, beyond its eighth year. (L&R 6<sup>th</sup> June 2011)
- d) The Council **will not licence a separately chassis'd motor vehicle (Eg metropolitan type hackney carriage)** that is **in excess of eleven years of age** unless it has been previously licensed by Sefton in the preceding year. A qualifying vehicle may be re-licensed for six months at a time providing that the vehicle has not remained unlicensed for a six month period, beyond its eleventh year. (L&R 6<sup>th</sup> June 2011)
- e) The Council may consider any application falling outside these minimum standards on a case by case basis. Any costs incurred as a result of such an appeal are the responsibility of the applicant.

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## Part 6. Hackney Carriage & Private Hire Vehicle Licenses (excluding horse omnibus & motorcycles) – Minimum Standard Requirements.

The Minimum Vehicle Standards are listed below:

- a) The equivalent of a Department for Transport MOT test;
- b) The bodywork must be free from scratches over 25mm long and panels / trim colouring must not be mismatched.
- c) All motor vehicles with a capacity of 2 to 8 passengers must be right hand drive and fitted with 4 doors (2 offside & 2 nearside).

Exception – Imported stretched limousines may be left hand drive but will only be licensed if shown to be subject to Single Vehicle Approval Certification. Approval must be carried out at the owner's expense and certify the seating capacity as no more than 8 passengers plus the driver.

- d) All motor vehicles must be constructed to carry at least one and not more than eight passengers, in addition to the driver, in safety and comfort.
- e) Where seating is of a bench type a complete length of 406 mm (16 inches), measured along the widest part of the seat, is required for each passenger.
- f) All motor vehicles with a seating capacity of 2 to 8 passengers must be fitted with a minimum of four road wheels. Space saver tyres should only be used as a temporary 'get you home tyre' and not for the carriage of passengers. Care should be taken as regards the maximum permitted speed whilst using any tyre of this type.

Exception – the use of "run flat" tyres on all road wheels. (This should be stated on the tyre.)

Vehicles without spare wheels or "run flat" tyres should carry an emergency tyre sealant and compressor/inflator pack.

- g) All vehicles must have the registration number or the chassis number or the VIN number etched onto all exterior glass (excluding lights and mirrors) unless manufacturer VIN plates (visible from outside the vehicle) are installed on the vehicle.
- h) The front windscreen must have a minimum light transmission capacity of 75%.
- i) The windows to either side of the driver must have a minimum light transmission capacity of 70%.
- j) The rear of the vehicle must be fitted with at least one window and there must be at least one window per rear door fitted.
- k) All windows fitted to the vehicle (apart from those in (i) above) must be the manufacturer approved standard fit, whether tinted or not.

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- l) No film or spray which may alter the characteristics of any glass, from those contained within the UK or EC vehicle approval certification may be used on any motor vehicle at any time.
- m) All motor vehicles must be so constructed as to provide adequate space within their structure for the safe carriage of each passenger's luggage. If not so constructed, then a roof box will be a mandatory licensing requirement.
- n) All seats must offer passengers a clear access route.

## Insurance

- o) All vehicles presented for licensing must be subject of an appropriate hire and reward insurance policy and have one of the proprietors named on the vehicle insurance policy. Insurance cover must be in force on the first day on which the licence is valid.
- p) The insurance certificate must be produced when the vehicle is licensed or upon request as part of routine enforcement checks.

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## Part 7. Additional Licensing Conditions - All Vehicles (excluding Motorcycles)

The following additional Licensing Conditions must be adhered to:

- a) The vehicle must be maintained in a clean and tidy, complete and roadworthy condition.
- b) The seats and floor coverings of the vehicle shall be free from rips, tears and holes. Seat covers are permitted.
- c) Roof racks and roof boxes are permitted provided they are fitted to the manufacturers' specifications and the use of such do not exceed vehicle loading specifications.
- d) CCTV (with or without audio) is permitted provided that at least one warning notice is clearly displayed internally so all the passengers are made aware that they may be recorded.
- e) The large external vehicle licence plate must be securely fixed with screws to the rear of the vehicle but must be capable of being removed by an Authorised Officer or Police Officer. The plate must be clearly visible to following vehicles and may not be placed or displayed in the rear window. (See Part 8 (f) for private hire exemption.
- f) The smaller internal licence plate must be fixed inside the nearside of the vehicle front windscreen, clearly visible from the kerbside and from within the vehicle.
- g) The licence plates issued by the Council are the sole property of the Council and the licence plates must be surrendered to an Authorised Officer of the Council or Police Officer on demand.
- h) The vehicle shall not be used to carry a greater number of passengers (including infants of any age) in the vehicle than the number shown on the licence and plates.
- i) All vehicles must display at least one legible 'No Smoking' sign in a prominent position.

## Part 8. Additional Licensing Conditions - Private Hire Vehicle Licenses (excluding Motorcycles)

The additional Licensing Conditions below are applicable to private hire vehicle only:

- a) Every private hire operator must make their mileage rates and any other applicable charges available to the public at all times. Such charges could be displayed on the operator's website or on their Booking App or in each vehicle by way of a tariff card.
- b) Operator door signs must be displayed on either both the front or both the rear doors of the vehicle whilst working. (*L&R 30<sup>th</sup> July 2012*) (*Exemption see (f) below*). The signs must not exceed the maximum dimensions of 61cm x 25.4cm (24 inches by 10 inches). The signs must include:
  - The statement "PRIVATE HIRE ONLY" in 25mm (1 inch) high letters or larger along at least three quarters (75%) of the sign's length;
  - The operator name and method(s) of contacting the operator (e.g. phone number, email address, mobile phone application, website address etc.) that the vehicle is working through at the time. (L & R 30<sup>th</sup> March 2015)
  - Describing the vehicle as a TAXI or CAB and displaying the telephone number of a mobile phone carried within the vehicle is prohibited.
- c) A rear window sign measuring a maximum of 305mm x 76mm (12 inches by 3 inches) and containing the operators trading name, telephone number and a Council approved slogan may be fitted.
- d) Commercial advertising is permitted by way of magnetic or permanently fixed signs of maximum dimensions 610mm x 254mm (24 inches by 10 inches) displayed on each front or rear door of the vehicle. Such signs must comply with the Code of Advertising Practice and any sign promoting alcohol or tobacco or the sex industry is forbidden.
- e) A private hire minibus / multi-purpose vehicle with a seating capacity of between 6 and 8 passenger seats is permitted to have a full livery advertisement provided that:
  - The signs include the words PRIVATE HIRE ONLY in capital letters of a minimum 76mm (3 inches) in height;
  - The signs are permanently affixed or 'sign written'.
  - The signs are displayed on the sides and rear of the vehicle only.
  - Full livery (or body wrap) signage cannot advertise or include the name of any private hire operator or hackney carriage proprietor. (See (b) above).
- f) A vehicle can be exempted from 8(a) and 8(b) (See also Part 7e), when a vehicle is subject to an exemption notice granted by the Council for a full day hiring (24 hours). The exemption notice must be carried in the vehicle and produced upon demand.
- g) Taximeters – if used, a taximeter must be so fitted so as to be easily seen by the hirer of the vehicle. Any meter must be checked and sealed by an

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Authorised Officer or Agent of the Council and that person must issue a sealing receipt slip.

## Part 9. Additional Licensing Conditions – Hackney Carriage Vehicle Licenses (excluding horse omnibuses)

The additional Licensing Conditions below are applicable to hackney carriages only:

- a) A taximeter must be fitted to the vehicle, calibrated and sealed to show the tariffs set by the Council.
- b) The luggage compartment of a metropolitan type hackney carriage shall only be used for the carriage of luggage except where a wheelchair bound passenger is to be carried in the main passenger area. In such a case and provided the vehicle is fitted with a manufacturer / type approved and fitted tip seat in the luggage area, the driver may permit one able bodied passenger to travel in the luggage compartment to provide more space in the passenger area.
- c) Every hackney carriage shall display the applicable tariff card inside the vehicle and the fare must be calculated in accordance with the rates set by the Council. Rates cannot be more than the maximum currently permitted by the Council.
- d) A 'Moglo' licence plate showing the hackney carriage licence number shall be fitted inside every hackney carriage. *(L&R 30<sup>th</sup> July 2012)*
- e) All Sefton licensed hackney carriages shall bear a roof-sign identifying the vehicle and this sign shall:
  - (i) Unless fitted in a roof bubble, be yellow to the front and red to the rear;
  - (ii) Metropolitan type vehicles and other vehicles with a manufacturer fitted roof bubble must display the word "TAXI";
  - (iii) All other saloon/ estate/ MPV hackney carriage vehicles must display the words "TAXI HACKNEY" or "HACKNEY TAXI" to the front of the sign;
  - (iv) Non manufacturer roof signs shall have a minimum width of 420mm and a minimum height of 110mm;
  - (v) The following words in **BLACK BOLD UPPERCASE TEXT** shall be displayed on the front, the size of which shall not be less than the dimensions as specified:
    - The word "TAXI" shall have a minimum height of 70mm and a minimum width of 340mm when measured from the outer edge of the first letter to the outer edge of the last letter, all letters shall be in proportion with one another, with a minimum stroke size of 14mm;
    - The word "HACKNEY" shall have a minimum height of 30mm and a minimum width of 220mm when measured from the outer edge of the first letter to the outer edge of the last letter, all letters shall be in proportion with one another, with a minimum stroke size of 8mm.
  - (vi) Be securely attached to the vehicle and maintained in a good condition with all wording clearly legible; and

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- (vii) Be connected to the taximeter so that when the vehicle is available for hire the sign is illuminated and is not illuminated when hired.

*(L&R 30<sup>th</sup> July 2012)*

- f) A magnetic or permanently fixed sign may be displayed on both front doors of a licensed hackney carriage. This may include the Sefton logo together with the words "For Immediate Hire" and a Sefton based radio system name and telephone number.
- g) A rear window sign may be fitted, measuring a maximum of 305mm x 76mm (12 inches by 3 inches) and may contain the radio system name, telephone number and a slogan.
- h) Commercial Advertising is permitted by way of magnetic or permanently fixed signs of maximum dimensions 610mm x 254mm (24 inches by 10 inches) displayed on each rear door of the vehicle. Such signs must comply with the Code of Advertising Practice and any sign promoting alcohol or tobacco or sex industry is not permitted.
- i) A metropolitan type hackney carriage is permitted to use full livery and 'super side' advertisements. Such signs must comply with the Code of Advertising Practice and any sign promoting alcohol or tobacco or sex industry is not permitted. Such full livery and 'super side' advertisements are not permitted to advertise the name of any private hire operator or hackney carriage proprietor, see Part 8 (e).



## Part 10. The Hackney Carriage Byelaws (Sealed - 30<sup>th</sup> November 2004)

### Interpretation / Explanatory Note

This section reproduces the Byelaws made under the Town Police Clauses Act 1847 (Section 68) and the Public Health Act 1875 (Section 171) by Sefton Council. The Byelaws define specific 'rules' governing the operation of a hackney carriage.

The Byelaws are currently under review and subject to change because of changes to national legislation and guidance. This legal process can take up to a year to resolve and in the interim the Council has sought to clarify the key points under review by inserting an explanatory paragraph after the relevant sections.

The sections in question are:

- 3(i) (h) – Carriage of Fire Extinguisher;
- 11 – Smoking in Vehicles; and
- 19 – Lost Property.

### Interpretation.

- 1 *Throughout these Byelaws "the Council" means the Sefton Metropolitan Council and "the district" means the Metropolitan Borough of Sefton.*

### Displaying the Hackney Carriage Licence Number.

2(i) *The proprietor of Hackney Carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the Carriage or on plates affixed thereto.*

2(ii) *A proprietor or driver of a Hackney Carriage shall:*

- a) *Not wilfully or negligently cause or suffer any such number to be concealed from public view whilst the carriage is standing or plying for hire.*
- b) *Not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.*

### Furnishing Hackney Carriage Vehicles

3(i) *The proprietor of a Hackney Carriage shall:*

- a) *Provide sufficient means by which any person in the carriage may communicate with the driver;*
- b) *Cause the roof or covering to be kept watertight;*

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- c) *Provide any necessary windows and a means of opening and closing not less than one window on each side;*
- d) *Cause the seats to be properly cushioned or covered;*
- e) *Cause the floor to be provided with a proper carpet, mat or other suitable covering;*
- f) *Cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;*
- g) *Provide means for securing luggage if the carriage is so constructed as to carry luggage;*
- h) *Provide an efficient fire extinguisher which shall be carried in such position as to be readily available for use; and***
- i) *Provide at least two doors for the use of persons conveyed in such carriages and a separate means of ingress and egress for the driver.*

***Explanatory Note re Carrying a Fire Extinguisher – the Council's current advice in the event of fire is to immediately evacuate the vehicle and call the Emergency Services. If carried a fire extinguisher must comply with the current Fire safety standards.***

- 3(ii) *A proprietor of a Hackney Carriage shall not, during the currency of the licence of a carriage, install without the consent of the Council any fitting which interferes with the reasonable comfort of the passengers (including a wireless transmitting or receiving set) which was not installed at the time of the issue of the licence.*
- 4 *Subject to the provisions of Byelaw 5, a proprietor or driver of a Hackney Carriage shall not place or suffer to be placed any printed, written or other matter by way of advertisement on any part of the carriage except with the consent of the Council.*
- 5. *The proprietor of a Hackney Carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is to say:*
  - a) *The taximeter shall be fitted with a flag or other device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter.*
  - b) *Such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;*
  - c) *When the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures, a fare not exceeding the rate of fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by time as well as for distance in pursuance of the tariff fixed by the Council.*
  - d) *The word "Fare" shall be printed on the face of the taximeter in plain letters so as to clearly to apply to the fare recorded thereon;*

- e) *The taximeter shall be so placed so that all letters and figures on the face thereof may be at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring; and*
- f) *The taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.*

## Conduct of the proprietors and drivers of Hackney Carriages.

- 6. *The driver of a hackney carriage shall when standing or plying for hire keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;*
  - a) *Before beginning the journey for which a fare is charged for time and distance bring the machinery of the taximeter into action by moving the said key, flag or other device so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring; and*
  - b) *Cause the dial of the taximeter to be kept properly illuminated throughout any part of the hiring which is between half-an-hour after sunset and half-an-hour before sunrise, and also at any other time at the request of the hirer.*
- 7. *The proprietor or driver of a Hackney Carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.*
- 8. *The driver of a Hackney Carriage shall, when plying for hire in any street and not actually hired:*
  - a) *If a stand at the time of his arrival is occupied by the full number of carriages authorised to occupy it proceed to another stand;*
  - b) *On arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;*
  - c) *From time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.*
- 9. *A proprietor or driver of a Hackney Carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such a carriage and shall not make use of the services of any other person for the purpose.*

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10. *The driver of a Hackney Carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.*
11. ***The driver of a Hackney Carriage which is not provided with a separate compartment for the driver shall not at any time when driving on hire smoke tobacco or like substance, or play a wireless set, except with the consent of the hirer.***

***Explanatory Note re Smoking in a vehicle – The Health Act 2006 prohibits smoking in a vehicle. Drivers and passengers are no longer permitted to smoke and it is the drivers responsibility to ensure compliance***

12. *The proprietor or driver of a Hackney Carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.*
13. *A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such a carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.*
14. *If a badge has been provided by the Council and delivered to the driver of a Hackney Carriage he shall, when standing or plying for hire, and when hired, wear that badge in such a position and manner as to be plainly visible.*
- 15(i) *The driver of a Hackney Carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:*
  - a) *Convey a reasonable quantity of luggage;*
  - b) *Afford reasonable assistance in loading and unloading;*
  - c) *Afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.*
- 15(ii) *The driver of a Hackney Carriage so constructed as to carry luggage in a compartment adjoining the driver shall not use or permit the use of the said luggage compartment for any purpose other than the conveyance of luggage.*

## Fixing the rates or fares to be paid for hackney carriage services

- 16 a) *The proprietor or driver of a Hackney Carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council, the rate or fare being calculated by distance and time unless the hirer express at the commencement of the hiring his desire to engage by time.*
- b) *Provided always that where a Hackney Carriage shall be hired by distance and time the proprietor and driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of*

*the taximeter, save for any extra charges authorised by the table of fares which it may or may not be possible to record on the face of the taximeter.*

- 17 a) *The proprietor of a Hackney Carriage shall cause a statement of the fares fixed by Council resolution to be exhibited inside the carriage, in clearly distinguishable letters and figures.*
- b) *The proprietor or driver of a Hackney Carriage bearing a statement of fares in accordance with this Byelaw shall not wilfully or negligently suffer or cause the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying, standing or being used for hire.*

## Securing the safe custody and re-delivery of any property of lost property.

18. *The proprietor or driver of a Hackney Carriage shall immediately after the termination of any hiring or as soon as reasonably practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.*
19. *The proprietor or driver of a Hackney Carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him.*
  - a) ***Carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner to a Police Station within the District and leave it in the custody of an Officer in charge on his giving a receipt of it; and***
  - b) *Be entitled to receive from any person to whom the property shall be re delivered an amount equal to five pence in the pound of its estimated value (or the fare from the distance from the place of finding to a Police Station within the District, whichever be the greater) but not more than five pounds.*

## Penalties for breach of the Byelaws

20. *Every person who shall offend against any of these Byelaws shall be liable, upon summary conviction, to a fine not exceeding level 2 on the standard scale. In the case of a continuing offence, to a further fine not exceeding two pounds for each day during which the offence continues after conviction.*

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## Part 11. General Conditions (All Drivers & Proprietors)

1. In the event that the driver / vehicle is unable to complete a journey for any reason no fare shall be charged in respect of any distance travelled unless the reason the journey was curtailed is beyond the control of the driver.
2.
  - a) Smoking is not permitted in a licensed hackney carriage or licensed private hire vehicle, (Health Act 2006)
  - b) Drivers and passengers are no longer permitted to smoke and it is the driver's responsibility to enforce this requirement. Any breach of the legislation may result in a Fixed Penalty Notice being issued against the driver of the vehicle.
  - c) All vehicles must display at least one legible 'No Smoking sign in a prominent position. (see Part 7)

## Part 12. Licensing Enforcement

It is the duty of the Council's Taxi Licensing Team to ensure the licensing legislation and conditions are adhered to. This section explains the legislation and provides guidance as to what action an officer may take to remedy non compliance.

### 1. Town Police Clauses Act 1847:

- a) Errors or omissions on an application for a hackney carriage licence – Application will fail or licence suspended until errors or omissions are corrected.
- b) Failure by proprietor to disclose change of particulars within 7 working days – licence suspended until errors or omissions corrected.
- c) Plying for hire without a licence – Matter reported with a view to prosecution (may include charge for no insurance if applicable).
- d) Driver acting without a licence or a proprietor employing unlicensed drivers – Matter reported with a view to prosecution.
- e) Failure by proprietor to retain licenses of drivers - Warning on first and second occasion, matter reported with a view to prosecution on third occasion within a rolling three year period.
- f) The Council may revoke the licence of a driver or proprietor who is convicted of two hackney carriage related offences.
- g) Failure by the proprietor or driver to display the number of persons the vehicle is permitted to carry or if the proprietor or driver refuse to carry the prescribed number - Warning on first and second occasion, matter reported with a view to prosecution on third occasion.
- h) A driver standing for hire who refuses a lawful request to drive a hackney carriage without reasonable cause or a driver who demands more than the fare agreed. - Warning on first and second occasion, matter reported with a view to prosecution on third occasion.
- i) Leaving a hackney carriage unattended - Warning on first and second occasion, matter reported with a view to prosecution on third occasion.

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## 2. Local Government Miscellaneous Provisions Act 1976

- a) Driving without the appropriate licence – Matter reported with a view to prosecution.
- b) Failure to notify the Council of transfer of interest - Warning on first and second occasion, matter reported with a view to prosecution on third occasion.
- c) Failure by a proprietor:
  - to notify the Council of location where vehicle is stored
  - to report an accident within 72 hours
  - to produce licence or insurance on request –

Warning on first and second occasion, matter reported with a view to prosecution on third occasion.

- d) Failure by a driver to produce licence upon request - Warning on first and second occasion, matter reported with a view to prosecution on third occasion.
- e) Failure by driver to carry 'badge' at all times - Warning on first and second occasion, matter reported with a view to prosecution on third occasion.
- f) Failure by an operator to produce licence upon request - Warning on first and second occasion, matter reported with a view to prosecution on third offence.
- g) Failure to provide information or provision of false statements – Matter reported with a view to prosecution.
- h) Failure to return 'plates' - Warning on first and second occasion, matter reported with a view to prosecution on third occasion.
- i) Obstructing an Authorised Officer – Matter reported with a view to prosecution.

## 3. Road Traffic Act 1988 etc

- a) Vehicle in unroadworthy state – Road Vehicles (Construction and Use) Regulations. – Vehicle stop notice & matter reported with a view to prosecution
- b) Driving without valid insurance – Matter reported with a view to prosecution.

This list is not exhaustive and each case will be considered on its individual merits



## 4. Suspension and Revocation of Licenses

- a) The Council has the right to suspend or revoke any licence in certain circumstances such as conviction of offences involving dishonesty, indecency or violence. This can be an immediate suspension or revocation in the interests of public safety.
- b) The Council recognises the impact a suspension or revocation may have on a driver's livelihood and will use these powers proportionately.
- c) Typical examples of when the Council will use these powers in relation to driver licenses are listed below:

Violation	Sanction	Typical Duration
Driving with no insurance	Immediate suspension of driver licence	Until insurance produced
Driving without a drivers 'badge'	Immediate suspension of driver licence	Until in possession of 'badge'
Substantiated allegation of any form of assault	Immediate suspension of driver licence and or revocation	Determined by merits of case

- d) Typical examples of when the Council will use these powers in relation to vehicle licenses are listed below:

Violation	Sanction	Typical Duration
Vehicle has loose body parts; bonnet or boot does not shut; door/door locks do not shut; insecure windscreen	Immediate suspension of vehicle licence (Stop Notice)	Until faults rectified
Driving a vehicle in an unroadworthy / dangerous condition; eg 2 or more defective or underinflated tyres	Immediate suspension of vehicle licence (Stop Notice)	Until faults rectified
Driving with inoperative lights	24 hour Advisory (Defect) Notice	Driver has 24 hours to rectify and present vehicle for inspection.
Failing to comply with a Advisory (Defect) Notice	Immediate suspension of vehicle licence (Stop Notice)	Until faults rectified

This list is not exhaustive and each case will be considered on its individual merits.

## Annex 1

# STATEMENT OF POLICY AND GUIDELINES RELATING TO THE RELEVANCE OF CONVICTIONS

## STATEMENT OF POLICY ABOUT RELEVANT CONVICTIONS

NOTE: In the Council's view this statement and the guidelines that follow are compatible with the rights and freedoms under the European Convention on Human Rights.

This document aims to provide guidance to any person with an interest in public hire 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 Licensing Committee/ Panel (or other relevant decision making body)
- Magistrates hearing appeals against local authority 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 Licensing Committee/ Panel (or other relevant decision-making body). 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. 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.
2. The document 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 and cautions and/or arrests and pending prosecutions.
3. The Council must ensure:
  - That a person is a fit and proper person.
  - That a person does not pose a threat to the public.
  - That the public are safeguarded from dishonest persons.
  - The safeguarding of children, young and vulnerable persons.
4. The public do not normally attend Licensing hearings for hackney carriage or private hire applications. The Licensing Committee/ Panel are required to take account of current UK and European legislation in reaching their decisions.
5. When submitting an application for a licence to drive a hackney carriage or private hire vehicle, applicants are required to declare all previous convictions they may have. Applicants are also required to declare all formal cautions and all endorsable fixed penalties they have received and to provide details of all criminal matters of which they are currently the subject of criminal investigation or prosecution.
6. 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).
7. Applicants should be aware that the Council is empowered by law to check with the Disclosure and Barring Service (previously the Criminal Records Bureau) for the existence and content of any criminal record and other intelligence held in their name. Information received from the Disclosure and Barring Service (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 the requirements of the Data Protection Act 1998 and in accordance with good practice after the application is determined or any appeal against such determination is decided.
8. 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. The Council will however consider all information on an enhanced DBS and takes a serious view of any special Police warnings contained therein. If information recorded on the DBS relates to a risk to children and young people a senior representative of the Sefton Council Safeguarding Unit

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will be consulted for their professional advice as to whether the applicant is a 'Fit and Proper' individual to be granted a 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.

9. The Council may not 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.
10. In considering evidence of an applicant's good character and fitness to hold a driver's licence, where previous convictions or other information relating to criminal matters is disclosed, the Council will consider the nature of the offence, the date of conviction, the applicant's age when the offence was committed, the penalty imposed 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 [Nottingham City Council v. Mohammed Farooq (1998)].
11. The Council has adopted the following guidelines relating to the relevance of convictions to which it refers in determining applications for drivers' licences.
12. The guidelines do not deal with every type of offence, and 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 had to the factors at paragraph 10 when deciding whether any action should be taken. 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.

13. The guidelines are not an attempt to define what a "fit and proper person" is.
14. Any applicant refused a driver's licence on the ground that the Council is not satisfied he is a fit and proper person to hold such a licence has a right of appeal to the Magistrates' Court within 21 days of the notice of refusal.
15. The guidance will be used for the determination of new applications, the renewal of existing licences and the review of existing licences in relation to hackney carriage drivers, private hire drivers and operator licences.
16. It is common practice for Applicants to submit simultaneous applications for Hackney Carriage and Private Hire Driving Licence(s). Licensing Authorities may use the same application form that allows the applicant to specify if they are applying for both types of driver's licences or only one type. This provides an efficient service for the customer and saves needless duplication. For dual applications the Licensing Committee/Panel are asked to apply the fit and proper test to each individual application. Similarly were an existing driver who holds both Private Hire and Hackney Carriage Licences is referred to Committee/Panel the fit and proper test will be applied individually to each Licence.

## GUIDELINES ON THE RELEVANCE OF PREVIOUS CONVICTIONS

### General Policy

1. Each case will be decided on its own merits.
2. The Council has a duty to ensure so far as possible that drivers are fit and proper persons to hold licences. One aspect of that is the extent to which previous convictions, including but not limited to convictions for offences against children and young persons, dishonesty, sexual offences, traffic offences, violence and drugs indicate that a person is not a fit and proper person, and would not take advantage of passengers or abuse or assault them.
3. A person with a conviction for a serious offence need not be automatically barred from obtaining a licence, but would normally be expected to:
  - a) Remain free of conviction for an appropriate period; and
  - b) Show adequate evidence that he or she is a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence). Simply remaining free of conviction will not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence. (see (4) below).
  - c) **For the purpose of clarity the disqualification period runs from the end of any sentence, for example custodial sentence or suspended sentence or community service.**
4. It should be noted that serious offences and multiple repeat offences will be considered despite being outside the general disqualification period. For example:
  - There may be situations where the offence is an isolated one with mitigating circumstances or where a conviction defaults outside of the policy between the application and determination date.
  - Multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour, which will be taken into account.
  - In any case which involves certain specified sexual offences, murder or manslaughter a licence will normally be refused.
5. The following examples afford a general guide on the action, which might be taken where convictions are disclosed:
  - a) Offence of Dishonesty.

Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. **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.**

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~~Passengers may include especially vulnerable people. Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing.~~

~~The widespread practice of delivering unaccompanied property is indicative of the trust that businesses put into drivers.~~

~~For these reasons a serious view is taken of any convictions involving dishonesty. In general an applicant with convictions for dishonesty, which are less than 3-5 years old, is unlikely to be considered favourably.~~

~~In particular, an application will normally be refused where the applicant has a conviction for an offence or similar offences or offences which replace the offences below and the conviction is less than 3 years prior to the date of application:~~

- ~~• Theft~~
- ~~• Burglary~~
- ~~• Fraud~~
- ~~• Benefit fraud (including offences under ss.111A and 112 of the Social Security Administration Act 1992)~~
- ~~• Handling or receiving stolen goods~~
- ~~• Forgery (e.g. producing false insurance policy)~~
- ~~• Conspiracy to defraud~~
- ~~• Obtaining money or property by deception~~
- ~~• Other deception offences~~

- b) **Violence. 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.**

**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.**

1. ~~Offences against Children (under 14 years) and Young Persons (aged 14 to 17 years).~~

~~Drivers of hackney carriage and private hire vehicle are often entrusted with the care of children and young persons. It is comparatively easy for an unscrupulous driver to take advantage of such vulnerable persons.~~

~~The Council seeks to minimise risks associated with children and young persons and for that reason a more serious view will be taken where offences of violence involve children or young persons. Where the commission of an offence involved loss of life a licence will normally be refused. In other cases a period of 5 to 10 years free of conviction for offences involving~~

~~violence (depending on the nature and seriousness of the offence) will generally be required before an application is likely to be considered favourably.~~

- c) **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.

## ~~2. Offences against Other Persons.~~

~~As hackney carriage and private hire vehicle drivers maintain close contact with the public, where the commission of an offence involved loss of life a licence will normally be refused. In other cases a period of 3 to 10 years free of conviction for offences involving violence (depending on the nature and seriousness of the offence) will generally be required before an application is likely to be considered favourably.~~

- d) **Crimes resulting in death.** Where an applicant or licensee 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.

- i) ~~An application will normally be refused where the applicant has a conviction for an offence or similar offence(s), which replace the offences below:~~

- ~~• Murder~~
- ~~• Manslaughter~~
- ~~• Manslaughter or culpable homicide while driving~~
- ~~• Terrorism~~

- e) An application will also normally be refused where the applicant has a conviction for an offence or similar offence(s) which replace the offences below and the conviction is less than 10 years prior to the date of application:

- Arson
- ~~• Malicious wounding or grievous bodily harm (s.20 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(a) Crime and Disorder Act 1998)~~
- ~~• Actual bodily harm (s.47 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(b) Crime and Disorder Act 1998)~~
- ~~• Grievous bodily harm with intent (s.18 Offences Against the Person Act) 1861~~
- ~~• Grievous bodily harm without intent (s.20 Offences Against the Person Act) 1861~~
- Robbery
- Possession of firearm
- Riot

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- Pervert the course of justice
- ~~Common assault with racially aggravated (s.29(1)(c) Crime and Disorder Act 1998)~~
- ~~Violent disorder~~

f) **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.

An application will also normally be refused where the applicant has a conviction for an offence or similar offence(s) which replace the offences below and the conviction is less than 5 years prior to the date of application:

- ~~Racially aggravated criminal damage (s.30 Crime and Disorder Act 1998)~~
- ~~Racially aggravated s.4 Public Order Act 1986 offence (fear of provocation of violence) (s.31(1)(a) Crime and Disorder Act 1998)~~
- ~~Racially aggravated s.4A Public Order Act 1986 offence (intentional harassment, alarm or distress) (s.31(1)(b) Crime and Disorder Act 1998)~~
- ~~Racially aggravated s.2 Protection from Harassment Act 1997 offence (harassment) (s.32(1)(a) Crime and Disorder Act 1998)~~
- ~~Racially aggravated s.4 Protection from Harassment Act 1997 offence (putting people in fear of violence) (s.32(1)(b) Crime and Disorder Act 1998)~~
- ~~Racially aggravated s.5 Public Order Act 1986 offence (harassment, alarm or distress) (s.31(1)(c) Crime and Disorder Act 1998)~~

g) An application will also normally be refused where the applicant has a conviction for an offence or similar offence(s) which replace the below offences and the conviction is less than 3-5 years prior to the date of application:

- ~~Common assault~~
- ~~Assault occasioning actual bodily harm (s.47 Offences Against the Person Act) 1861~~
- ~~Affray~~
- ~~S5 Public Order Act 1986 offence (harassment, alarm or distress)~~
- ~~S.4 Public Order Act 1986 offence (fear of provocation of violence)~~
- ~~S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)~~
- ~~Obstruction~~
- ~~Possession of offensive weapon~~
- ~~Criminal damage~~
- ~~Battery~~



• ~~Assault Police~~

- h) ~~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.~~

- i) ~~Sexual and Indecency 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.~~

- k) ~~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.~~

~~Any applicant currently on the sex offenders' register would not normally be granted a licence.~~

- i) ~~Offences against Children (under 14 years) and Young Persons (aged 14 to 17 years)~~

~~Drivers of hackney carriage and private hire vehicle are often entrusted with the care of children and young persons. It is comparatively easy for an unscrupulous driver to take advantage of such vulnerable persons. Where the commission of a sexual offence involves a child or young person or a driver has sexually exploited a young person an application for a licence will normally to be refused.~~

- ii) ~~Offences against persons other than children / young persons~~

~~As hackney carriage and private hire vehicle drivers often carry unaccompanied passengers, applicants with a conviction for rape, indecent assault, assault by penetration, grooming, trafficking, any sexual exploitation offences, making or distributing obscene materials, possession of indecent materials including child pornography or any similar offences~~

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~~under the Sexual Offences Act 2003, **will normally be refused a licence**. Applicants with a conviction relating to sexual offences such as soliciting, importuning, indecent exposure or other similar offences or similar offences under the Sexual Offences Act 2003, will normally be refused a licence until they can show a substantial period (usually 10 years) free from any such conviction.~~

~~After 10 years, consideration will be given to the circumstances of the offence and any evidence demonstrating that the person is now a fit and proper person to hold a licence.~~

l) **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.**

i) ~~With a motor vehicle (No Disqualification)~~

~~A serious view will be taken of convictions of driving or being in charge of a vehicle while under the influence of drink. An application will normally be refused where the applicant has a conviction, which does not result in the normal obligatory disqualification (exceptional circumstances only), for an offence within 1 year of the date of the application. More than one conviction for this type of offence, within the last 5 years of the date of conviction is likely to merit refusal.~~

ii) ~~With a motor vehicle (Disqualification)~~

~~Where a disqualification has occurred as a result of a drink driving offence, at least 2 years free from conviction should normally elapse from the date of the restoration of the DVLA licence before an applicant is considered for a licence. In addition, applicants will normally be required to show a period of at least 3 years has elapsed after completion of detoxification treatment for alcoholism. More than one conviction for this type of offence, within the last 5 years of the date of conviction is likely to merit refusal.~~

iii) ~~Not in a motor vehicle~~

~~An isolated conviction for drunkenness need not debar an applicant from gaining a licence. In some cases, a warning may be appropriate. More than one conviction for drunkenness could indicate a medical problem necessitating critical examination and refusal of a licence. In addition, applicants will generally be required to show a period of at least 1 year has~~

~~elapsed after completion of detoxification treatment for alcoholism.~~

General Motoring Convictions.

- l) **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.

- ~~i. A driver's licence will only be granted if the Council is satisfied that the applicant is a fit and proper person – the Council will consider all information available including relevant motoring convictions and fixed penalties. Private hire and hackney carriage drivers are considered professional drivers and must be aware of the safety of their passengers, the safety of their vehicles and other road users at all times. As such, traffic offences may show a lack of responsibility whilst driving either due to the maintenance and safety of their vehicle or due to the manner of their driving.~~
- ~~ii. When considering new applications and renewals of existing licences, the number, type and frequency of offences will be taken into account. In some cases it may be appropriate to issue a short licence together with a warning as to future conduct. If a significant history of offences is disclosed, an application may be refused.~~
- ~~iii. If you have been disqualified from driving for 'totting up' points, the Council will want to be satisfied that, upon the return of your DVLA driving licence you will remain free of further incidents for a period of time. Therefore, the time period (or additional disqualification period) before you can apply for a Sefton licence will match the DVLA disqualification i.e. a 3 month DVLA ban will mean you will not be eligible to apply for a Sefton licence until 3 months after the return of your DVLA licence/entitlement (provided you have remained free of any further incidents).~~

- m) **Using a hand-held device whilst driving.** Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted

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until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

## • ~~Mitigation Panel~~

~~i) When considering licence applications, the mitigation panel will consider all relevant motoring offences and may decide to refuse an application due to the serious nature or number of offences. Each decision will be made on an individual case by case basis and it is not possible to list all circumstances when an application may be refused here. With regard to applications which pose a risk to children and young people a senior representative of Sefton Council's Safeguarding Children Unit will sit on the Mitigation Panel.~~

~~ii) The panel will give consideration to all offences but those of a more serious nature will give more cause for concern and the panel would expect to see a significant period of time free of convictions upon application.~~

~~iii) Any applicant who is refused a licence will be offered the chance to appeal the panel's decision in the Magistrates Court.~~

## n) Plying For Hire

In the case of a private hire driver found guilty of an offence of plying for hire, Committee / Panel would normally order the licence to be revoked or suspended.

## o) Breach of Conditions, Bye-laws and complaints

Any serious or repeated breach of conditions by a private hire driver or similar breach of bye-laws by a hackney carriage driver will be referred to the Committee/ Panel. A driver brought before the Committee / Panel without an associated conviction would be dealt with by formal written warning or period of suspension of up 3 months.

## p) Reapplication

Applicants are advised that Council guidelines are that where an applicant has had an application refused or a licence revoked, the Committee/Panel 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.

## q) Other Offences

i) 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.

- ii) 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 travelling 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.

## Annex 2

### Horse Drawn and Pedicab Omnibus Conditions of Licence

#### 1. Interpretation

- 'The Council' – Sefton Metropolitan Borough Council
- 'The District' – Sefton MBC Boundary
- 'The Vehicle' – Any pedicab, or horse drawn cart, carriage, landau, wagonette, omnibus or similar non-motorised vehicle let for hire for the carriage of passengers and/or goods, at separate fares.
- 'The Driver' – means the person in charge of the pedicab or omnibus at the material time.
- 'The Proprietor' as defined in Section 80 Local Government (Misc Provisions) Act 1976.

#### 2. Vehicle and Fittings Specification

Any pedicab or horse drawn omnibus must be fitted with:

- a) Fixed seating with a carrying capacity of 400mm (16 inches) (per person conveyed, measured along the front edge of the seat, excluding wheel arch or similar restrictions.
- b) Sufficient access steps, doors and sides, designed so as to ensure safe access for and carriage of, the passengers to be conveyed in the vehicle;
- c) Sufficient means of securing the carriage against adverse weather conditions to ensure the comfort of passengers conveyed therein in inclement weather;
- d) An independent, efficient and effective braking system;
- e) An efficient, working, fire extinguisher to a minimum standard BS EN3:1996 complete with gauge:
- f) Sufficient working front and rear lamps and reflectors so as to warn other road users of the presence of the omnibus in conditions of poor lighting and restricted visibility; and

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- g) Any horse drawn omnibus must be fitted with sufficient harnesses and tack to ensure that the driver at all times is able to effectively control the horse and steer the carriage as required.

## 3. Standard Vehicle and Insurance Requirements

- a) The vehicle and all its fittings and equipment, will at all times while in use or available for hire, be kept in an efficient, safe, tidy and clean condition.
- b) The vehicle must, at **all** times whilst licensed, be the subject of adequate public liability and hire/reward insurance cover appropriate to the use of the vehicle as an omnibus on the public highway. A certificate and / or a policy covering “third party” risks must be produced to the Council prior to a vehicle being licensed as a horse drawn or pedicab omnibus. A copy of the insurance certificate must be attached to the licence application.
- c) A certificate of fitness and safety for the vehicle, fittings and equipment must be produced prior to the vehicle being licensed.
  - In the case of a horse drawn vehicle any such certificate must result from an examination of the carriage by or on behalf of the British Driving Society or qualified carriage builder / repairer and must not have been issued more than one month prior to the issue of the licence and remains valid for a maximum of twelve months or as the Council deems fit.
  - In the case of a pedicab vehicle any such certificate must result from an examination of the carriage by or on behalf of a qualified cycle and pedicab examiner and must not have been issued more than one month prior to the issue of the licence and remains valid for a maximum of twelve months or as the Council deems fit.
- d) Once a licence is in force, the specification, design, condition or appearance of the vehicle must not be changed without the prior written approval of the Council. If any material specification is altered the Council may require a further certificate of fitness be produced.
- e) An Authorised Officer of the Council or Police Officer shall, at all times when the carriage is not hired, be permitted to inspect the vehicle, harnesses and fittings so as to ascertain the fitness of the omnibus for continued use for hire and reward.

## 4. Identification Plates

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The Council will provide at least one licence plate, identifying the vehicle as a licensed omnibus. Any such plate will have its number, expiry date of licence, and the number of persons which may be carried displayed upon it. Each plate must be affixed as directed by an authorised officer of the Council so that the above details are clearly visible. An authorised officer of the Council or a Police Officer may remove the plate in appropriate circumstances, upon the issue of a Section 68 Stop Notice.

## 5. Vehicle Markings

- a) The proprietor of an omnibus must clearly display on the vehicle the number of passengers permitted, as shown in the licence and on the plate. This information must be visible to passengers at all times.
- b) The proprietor must affix to the vehicle, in a prominent position such as to easily read, a tariff of the fares applicable per passenger carried.
- c) The proprietor must display any sign or notice relating to horse or pedicab omnibuses, which the Council may from time to time require, or which may be required by any statutory provision.
- d) Commercial Advertising is permitted by way of magnetic or permanently affixed signs of maximum dimensions (610mm x 254mm) 24 inches by 10 inches displayed on each rear door of the vehicle. Such signs must comply with the Code of Advertising Practice and any sign promoting alcohol or tobacco or the sex industry is forbidden.

## 6. Welfare of Horses

- a) No horse shall be used in connection with a licensed horse drawn vehicle unless a veterinary surgeon specialising in large animal practice has examined the horse within the preceding twelve months and issued a certificate of fitness in respect of that horse. The owner shall provide photographs (from each side and head on) of each horse used and shall carry the same on the omnibus. The veterinary surgeon must certify the photographs as being true representations of the horse that is subject of each certificate of fitness.
- b) The horse must be sound and free from lameness, should be at least six years of age and must not be employed whilst under any veterinary treatment, unless written permission is expressly given by the surgeon. If any horse is under six years of age then specific certification must be obtained at the applicant's expense from the British Driving Society as to that horse's suitability for use.



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- c) The person in charge shall examine the horse and omnibus carefully at the start of each day to ensure the health of the animal and good condition of the vehicle and harness.
- d) The horse shall not be in harness for more than six hours in any one day. During this six hours no more than three consecutive hours may be spent working without the horse being allowed at least one hour's rest, which will include the provision of food and water.
- e) The licence holder must have due regard to extreme or adverse weather conditions, including hot sunshine, and must at all times consider the horse's welfare.
- f) The horse must be regularly and competently shod.
- g) If in the opinion of an Authorised Officer of the Council or Police Officer, the horse appears unfit for work the use of that horse shall cease until such time as a veterinary surgeon specialising in large animal practice has certified that the horse is fit. The fees for such an examination are the responsibility of the vehicle proprietor.

## 7. Scale of Charges

The scale of charges, or tariff, must be displayed from the omnibus, in such a position that a prospective passenger can see the tariff prior to boarding the vehicle. A proprietor must lodge their proposed tariff with the Council a minimum of fourteen working days prior to the tariff becoming effective.

## 8. Fare to be Demanded

The driver shall not demand from a passenger any fare in excess of the fare tariff lodged with the Council and displayed from the omnibus.

## 9. Change of Vehicle by an Existing Proprietor

An existing proprietor must notify the Council of any change of horse or vehicle, from those recorded with the Council, before such change occurs. The existing licence and plate must be placed on hold with the Council before selling a licensed vehicle. Applications for the substitution of vehicles must be made on the official form as a new licence, following the licensing procedure supplied by the Council.

## 10. Transfer of Ownership of a Licensed Omnibus by an Existing Proprietor to Another Person.

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- a) The purchaser of a licensed vehicle must apply to the Council for plate and licence in accordance with normal licensing procedure. The old proprietor is under a legal duty to notify the Council of such a change of ownership and must do so in writing, within fourteen days of the transfer becoming effective.
- b) The transfer to a new proprietor of an existing licence in no way guarantees that the Council will renew any such transferred licence should the new owner not comply with any criteria that may from time to time be in force.

## 11. Accident Damage

If the vehicle or horse is involved in a road traffic accident, where the vehicle is damaged and/or there is injury to either horse or persons, passenger or pedestrian or where the police or emergency services attend, the details must be reported in writing, within 72 hours, to the Council.

## 12. Horse Drawn Omnibuses – Removal of Faeces

The proprietor shall ensure that the design of the omnibus is such that, as far as is practicable, no faeces will be deposited on the highway. Any device used must not cause distress or discomfort to the horse. Any faeces that are deposited on the highway are to be removed as soon, as is practicable by the driver.

## 13. Change of Address

The proprietor must notify the Council of any change of address or any conviction or caution imposed on him/her, in writing, within seven working days of the relevant occurrence.

## 14. Convictions

The proprietor must notify the Council, in writing, within seven working days of conviction.

## 15. Minimum Standards for Drivers

No omnibus proprietor may employ the services of a driver unless the driver is a holder of an appropriate class of omnibus driver's issued by the Council. The minimum requirements for the issue of such a licence are:

- Horse Drawn Vehicles – possession of a valid certificate of driving competency issued by or on behalf of the British Driving Society.
- Pedicab Vehicles – possession of a valid cycling proficiency certification.

## 16. Deposit of Drivers Licences

If the proprietor permits or employs any other person to drive the vehicle as an omnibus vehicle, he must retain the person's omnibus driver's licence until the driver ceases to be permitted or employed to drive this or any other of the proprietor's omnibus vehicles.

## 17. Permitted Times and Routes For Use

An omnibus shall only ply or stand for hire within the Council boundary:

- a) At separate fare stages;
- b) On routes and from stands that have been previously registered with or appointed by the Council. The Council shall, from time to time, serve notice of any restrictions by means of schedules issued to all omnibus proprietors;
- c) When not in contravention of any Road Traffic Orders;
- d) With all lights and reflectors lit and effective, when lighting conditions require them;
- e) On any roads and at any times that the Council has not previously prescribed as being too congested for the use of the relevant type of omnibuses.

## 18. Legal Notice

Contravention of these licensing conditions can also lead to the suspension or revocation of a licence.

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## Annex 3

### Motorcycles Conditions of Licence

(L&R 24<sup>th</sup> September 2012)

1. Pre-requisites for the issue of a motorcycle private hire vehicle licence:
  - a) Motorcycles must be approved for road use and comply with the current provisions of the Road Vehicles (Construction and Use) Regulations as amended and the Vehicle Lighting Regulations as amended;
  - b) The motorcycle must have a minimum engine size of 750cc;
  - c) Passengers must not hold any luggage and therefore a minimum of two panniers must be securely fitted and any such fitments must not exceed any manufacturer's loading instructions;
  - d) Standard footplates must be fitted for use by pillion passengers;
  - e) The vehicle must have hire and reward insurance and additional fittings or vehicle modifications must be declared and comply with motorcycle and components manufacturers' recommendations for such additional equipment; and
  - f) Anti-lock brakes (ABS) must be fitted.
2. Pre-requisites for the issue of a motorcycle private hire rider's licence:
  - a) All motorcycle private hire riders must obtain, as a minimum, the Institute of Advanced Motorist or The Royal Society for the Prevention of Accidents (RoSPA) advanced rider schemes or another course which is demonstrably equivalent or superior before being licensed;
  - b) All riders must hold a current valid full motorcycle driving licence issued by the DVLA for the type of vehicle being used and have a minimum of 5 years experience of riding motorcycles, after the issue of a full licence.
  - c) All riders must be able to communicate with passengers in English. This is particularly important with respect to the communication of safety instructions.
3. Licensing conditions attached to motorcycle private hire vehicle licence:

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- a) The vehicle must be operated in accordance with the manufacturer's specifications in all respects;
  - b) Motorcycles will only be granted a maximum 6 months licence subject to a satisfactory compliance test;
  - c) The display of the disc and any permitted signage must not interfere with the safety or operation of the vehicle;
  - d) The vehicle should not be loaded beyond the manufacturer's recommendations;
  - e) Luggage must be made secure so as not to affect the stability of the vehicle or the visibility of the driver;
  - f) Luggage must not be carried by passengers; and
  - g) The vehicle should be able to accelerate and maintain a road speed appropriate to the traffic conditions in which it operates.
4. Licensing Conditions attached to motorcycle private hire rider licences:
- a) The rider and the passenger must comply with the requirement to wear a safety helmet, the helmet(s) must satisfy the safety requirements in force at the time and properly fit the individual user and be securely fastened;
  - b) The rider should wear protective clothing to guard in the event of an accident;
  - c) The rider should also offer a passenger, protective clothing, the minimum being gloves, a jacket and trousers. All should be CE marked.
  - d) The rider and passenger should be linked through the helmets via a driver / pillion intercom system. The driver should instruct the passenger on how to use the system.
  - e) The driver should, at the point of pick-up determine whether a passenger is experienced on a motorcycle. The driver should remind pillion passengers that they have chosen to accept some risk and their co-operation is essential to the safety of both. The driver should refuse to carry a passenger who cannot be carried safely; *for example: because the passenger appears to be under the influence of alcohol or drugs.*
  - f) If the pillion passenger cannot reach the footrests, travel should not be allowed to occur; and

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- g) The rider should ride safely at all times giving due regard to the safety of his / her passenger, environmental factors, traffic conditions and other road users.
5. Licensing conditions attached to motorcycle private hire operator licences:
- a) The operator's website (if any) should display an image of the private hire operator's licence, and the operators should provide a copy of the licence to passengers on request;
  - b) Operators must indicate how they propose to meet the requirement for riders on their circuit to ensure that passengers have properly fitting and secured helmets and adequate protective clothing, including gloves, jacket and trousers;
  - c) Operators must advise passengers, at the time of booking, that they should wear sturdy boots which cover their ankles and they should alert the hirer to maximum luggage dimensions and weights;
  - d) Operators must provide a written statement to the Council setting out how they intend to assess any riders who want to join their operation;
  - e) If helmets are to be shared between riders and passengers, operators must indicate how they will ensure adequate hygiene and fitment between users;
  - f) Operators must implement and ensure compliance with a health and safety policy;
  - g) Operators should ensure that suitable maintenance plans are in place for motorcycles on their circuits and they should hold service records for those vehicles in accordance with manufacturers' recommended service plans;
  - h) If the pillion passenger cannot reach the footrests, travel should not be allowed to occur; and
  - i) Operators should not accept bookings which involve carrying a passenger who is under 16 years of age.

## Annex 4

# The Issue of Hackney Carriage Vehicle Licences

(L&R 22<sup>nd</sup> February 2010)

### THE PROCESS FOR THE DETERMINATION OF APPEALS AGAINST THE REFUSAL TO ALLOW THE “RENEWAL” OF AN EXPIRED HACKNEY CARRIAGE VEHICLE LICENCE

1. Under the terms of the Council's Constitution the Head of Environment has full Delegated Powers to determine the allocation of licences relating to the Hackney Carriage and Private Hire Licensing regime. These powers are in turn delegated to appropriate officers to exercise on a day-to-day basis. Elected Members are not involved in the consideration/determination of individual Hackney Carriage Vehicle Licences.
2. The provision for the issue of Hackney Carriage Licences is made under the Town Police Clauses Act 1847 (“The 1847 Act”), which states that Hackney Carriage Vehicle Licences shall be in force for 1 year only. A decision to refuse, suspend or revoke a Hackney Carriage Licence is subject to appeal to the Courts.
3. Council policy allows a licence holder to “renew” a Hackney Carriage Vehicle Licence, provided that such application is made prior to expiry of the licence as an expired licence cannot legally be “renewed”. As a consequence any request to “renew” an expired licence will be refused. There is no route of appeal to the Court in relation to such a refusal. In light of this, a route of appeal against a refusal to “renew” an expired licence will be provided through the Corporate Complaint process and whenever a request to “renew” an expired licence is refused, the person making the request will be advised of this process.
4. In recognition of the restriction on Hackney Carriage Vehicle Licences issued by Sefton and the consequent impact on a person's livelihood as a result of the expiry/loss of such a licence, together with the need to ensure that regulation is carried out consistently, proportionately and transparently any such complaints will be dealt with as Stage 2 Corporate Complaints and determined by the Head of Service.
5. A Complaint/Appeal against refusal to allow the “renewal” of an expired licence should normally be submitted by the complainant/appellant, to the Head of Service, **within 14 days of the date of that refusal**. The Head of Service will then, consistent with the Corporate Complaint procedure consider and determine the Complaint/Appeal within 14 days of its submission. Where consideration/determination requires a longer period the appellant will be advised of this together with the date by which they should expect the Complaint/Appeal to be determined.

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6. The basis for determining any such complaints/appeals shall include consideration of the following criteria:
  - Evidence that the party concerned had a reasonable claim on the licence in question prior to its expiry;
  - Evidence that the party concerned made reasonable attempts to renew the licence prior to its expiry;
  - Evidence of exceptional circumstances that prevented “renewal” of the previous licence prior to its expiry;

The above list is not exclusive, additional relevant criteria may also be taken into account.

7. Having considered and determined a Complaint/Appeal against a decision to refuse the “renewal” of an expired licence, the Head of Service will provide a written response to the complainant/appellant detailing the outcome of that consideration, including the basis for determination. Any subsequent Complaint/Appeal against the decision of the Head of Service will be dealt with as a Stage 3 Corporate Complaint.

## METHODOLOGY FOR ALLOCATING VACANT LICENCES FROM WITHIN THE RESTRICTED 271 HACKNEY CARRIAGE VEHICLE LICENCES

1. Where a Hackney Carriage Vehicle Licence, from within the restricted 271 licences that Sefton currently issues, is “vacant” (i.e. is unassigned to a licence holder) as a result of revocation, surrender or having otherwise expired, the Council needs an agreed methodology by which to fairly allocate that licence.
2. Any Hackney Carriage Vehicle Licence applications will be held on a chronological “first come, first served” waiting list (*determined by transaction number in Sefton Plus*) and that in the event of the number of “live” Hackney Carriage Vehicle Licences falling below the restricted number, as a result of there being a “vacant” licence(s) (i.e. unassigned to a licence holder) the opportunity to obtain a vehicle licence will be offered to the next name on the waiting list.
3. Any application would be required to detail the vehicle for which the licence application is made, as any licence issued resides with the vehicle. The said vehicle must be capable of meeting the Council’s vehicle licensing criteria. Only one place per individual/company will be entertained on the waiting list and all applications must be refreshed by the applicant on an annual basis. An applicant will not be permitted to reassign a lodged application/position within the waiting list to another person.
4. The waiting list will be held on the Council’s administrative database and will be reviewed on an annual basis. It is the **applicant’s responsibility** to ensure their contact details are correct and that the Council is advised of any material changes to the application.
5. **Any written offer of a licence will be open for 14 days** – failure to complete the application process will mean the licence will be offered to the



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next person on the waiting list. The Council will communicate any offer to the contact name/address held on record only.

**METHODOLOGY FOR ALLOCATING ADDITIONAL HACKNEY CARRIAGE VEHICLE LICENCES, ABOVE THE RESTRICTION OF 271. (Currently not required)**

Referred to Trade Working Groups

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## Annex 5

### Appointed Compliance Test Facilities

(L&R 18<sup>th</sup> January 2010 & 5<sup>th</sup> July 2010 & 6<sup>th</sup> June 2011)

In respect of hackney carriage and private hire vehicle licensing, the Council is currently authorised by the DfT Vehicle Inspectorate Agency to test vehicles under a Compliance Testing Scheme in accordance with the Motor Vehicles (Test) Regulations 1981 (as amended). The current certification was obtained on 8<sup>th</sup> July 1998.

The authorisation requires Sefton Metropolitan Borough Council to only appoint testing facilities which are Vehicle and Operator Services Agency (VOSA) approved 'MOT' facilities. In addition the Local Government (Misc. Provisions) Act 1976 requires the Council to appoint facilities that are based within the political boundary as the Council can only require vehicles to be tested at facilities which are within the area of the Council.

The current appointed testing facilities are:

<b>Facility</b>	<b>Location</b>	<b>Date of Appointment</b>
Aintree Service Centre	Aintree	15 <sup>th</sup> January 2015
Autotechnics (NW) Ltd	Southport	5 <sup>th</sup> July 2010
Beach Garage	Litherland	Pre 2000
Berry Street Garage	Bootle	18 <sup>th</sup> January 2010
Catterall Motors	Formby	5 <sup>th</sup> July 2010
Chapel Garage	Waterloo	15 <sup>th</sup> January 2015
Delta Garages Ltd	Crosby	5 <sup>th</sup> July 2010
E. Hilderley's & Co	Bootle	Pre 2000
Maghull Garages Ltd	Maghull	5 <sup>th</sup> July 2010
Reid Autos	Bootle	15 <sup>th</sup> January 2015
S&R MOT Centre Ltd	Formby	5 <sup>th</sup> July 2010
Sefton Council Hawthorne Road Depot	Bootle	28 <sup>th</sup> October 2014
Virginia St Service Station	Southport	Pre 2000
WLS Autos	Bootle	15 <sup>th</sup> January 2015

Full details of the compliance test are contained in the Council's 'Compliance Testing Station Handbook (L&R 6<sup>th</sup> June 2011).

## Annex 6

### Drop Off Facility

(L&R 28<sup>th</sup> May 2012)

Vehicle Licences may be renewed by completing an application in person at either of the One Stop Shops in Bootle or Southport.

Alternatively, applicants may now choose to use the new “**Taxi Licensing Drop Off**” facility. This facility is available at **Bootle One Stop Shop only**.

If you opt to drop off your renewal application, you will need to:

1. Complete the application form sent to you with your renewal reminder letter.
2. Provide all relevant evidence required for your renewal. (see below)
3. Make the appropriate payment at the One Stop Shop payment kiosk and enclose proof of payment with your application.

You will then be able to put everything in an envelope provided at the reception desk and leave your application for us to process.....**No Queuing! ... No Waiting!**

Details of the evidence you must provide, the amount you are required to pay & additional further information will have been sent to you in your renewal reminder letter.

Drop off applications may take up to **5 working days** to process. You will then be notified when the renewed licence and plates are ready for collection.

**It is therefore very important that drop off applications are submitted well in advance of the licence expiry date.**

Whether renewing your vehicle licence in person or by drop off, you will need to provide:

- **The current vehicle registration document**
- **A valid Mechanical Fitness Certificate** issued no more than 28 days prior to the current licence expiry date by one of our appointed testing stations. .
- **Valid current Public Hire or Private Hire Insurance certificate/cover note** for the vehicle (dependent on the type of vehicle licence you are renewing). This must be proposed in the same name(s) as at least one of the licence applicant(s).
- **Your Licence fee.** The amount due will be specified in your renewal reminder letter.
- **Taximeter sealing receipt.** If you have a meter fitted you must produce a receipt when renewing your licence unless the meter has remained sealed since you last produced a receipt.

Please note that your old Internal & External Vehicle Licence Plates must be returned when collecting your new plates.

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## Annex 7

### Traffic Regulation Orders / Hackney

### Carriage Ranks

(Cabinet Member – Technical Services 27<sup>th</sup> September 2006)

(L & R 4<sup>th</sup> September 2006)

(Updated to reflect changes to Department & Officer titles)

1. Throughout the Borough, there are currently designated Hackney Carriage Ranks, which allow Hackney Carriages to wait and ply for hire.
2. The majority of these were established many years ago and requests are received on a regular basis to change their location to reflect changes in circumstances or to address new customer needs.
3. Hackney Carriages and Private Hire Vehicles are recognised as an important mode of transport, and form a major part of public transport provision throughout Sefton.
4. The following procedures have been adopted as the formal process for requesting and establishing new facilities for Hackney Carriages or Private Hire vehicles:-
  - i) Any requests should be made on headed notepaper from the relevant Association making the request. This should be forwarded to the Council and should identify locations for the proposed facilities and reasons for the request, i.e. changes in customer requirements, new restaurants / clubs, parking issues, etc.
  - ii) A site meeting would be arranged between a representative from Traffic Management and the applicant. This should only involve the one person who has made the application, with no other trade members. The site meeting will establish the exact location of the facility and will verify that it is physically possible to fit the facility in at that location.
  - iii) After the site meeting, the application will be forwarded to representatives on a list of consultees. These will include all trade group representatives (both sides of the trade), Merseytravel (Bus Services/accessibility issues)), Merseyside Police, Sefton Council's Parking Services Team, Sefton Council's Trading Standards & Licensing Team, Sefton Council's

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Access Officer and all frontagers (residents or businesses) directly adjacent to the facility. If the original application states that the facility is being provided to address anti-social behaviour, then Merseyside Police will be reminded of this and will be requested to respond to both the traffic aspect and also the anti-social behaviour aspect.

- iv) All written comments received as part of the consultation will be reported verbatim in a report to the relevant Area Committee. The report will highlight the request for the facility, copying the original application, and will identify any objections or comments from the consultees, together with any changes and recommendations suggested by the Council Officers. Area Committee Members will then decide whether to support the application or not.
- v) If approved, and if the cost can be accommodated within the Taxi Licensing (current) annual budget of £3000, then the scheme will be progressed and the legal procedures will start. This involves advertising the intent within the local press and giving a 21-day objection period. At this stage, anyone can object, but it is hoped that any genuine objections or concerns would have already been identified within the consultation process.
- vi) If the cost cannot be accommodated within the current budget, the Area Committee report will identify this and the resolution would indicate that the facility is approved *subject to the approval of finances from the Licensing & Regulatory Committee*. This approval from Licensing & Regulatory will be sought before the legal advertising process commences.

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## Annex 8 Trade Organisations

(L & R 31<sup>st</sup> March 2008)  
(Updated to reflect membership changes)

<b>Association</b>	<b>Member</b>	<b>Substitute</b>
<b>Hackney Trade Associations</b>		
North West Taxi Association		
South Sefton Hackney Carriage Association	Mr R Jarman	
Unite The Union	Mr T McIntyre	
Southport Station Taxi Association	Mr J Murrison	Mr F McLachlan
North Sefton Hackney Night Drivers Association		
North Sefton Hackney Carriage Association	Mr T Crabtree	
<b>Private Hire Trade Associations</b>		
Central Cabs	Mr A Campbell	
Sefton Licensed Operators and Proprietors Association	Mr T Evason	Mr T Burke
Berry Street Garage Association	Mr J Johnson	Mr M Denning
Delta Merseyside Ltd	Mr P McLaughlin	Mr G Beesley
Sefton Private Hire Fleet Operators Association	Mr M Sanders	

Current contact details are available upon request

## Annex 9 Frequently Asked Questions

Question	Answer
I'm a driver, can I smoke in my own hackney carriage or private hire vehicle?	No – Smoking in a working vehicle is prohibited – if caught you may receive a fixed penalty notice.
What do I do if my passengers smoke?	As the driver it is your responsibility to enforce the no smoking ban within your vehicle. The Council provides free no smoking stickers but as driver you are responsible for the passengers in your vehicle.
Can a Sefton licensed private hire driver work for an operator licensed by another Council?	All three licenses, (driver, vehicle & operator) must be licensed by the same Council
Can a Sefton licensed hackney carriage ply for hire in Liverpool or another area?	No – although pre-booked work can be carried out by these vehicles.
Who can drive a licensed hackney carriage or private hire vehicle?	Only a person holding a valid hackney carriage or private hire driver's licence (except if the vehicle is being driven to a pre-booked compliance or licensing test).
I'm a private hire driver, can I accept a booking directly?	No – all journeys must be pre-booked via your licensed operator.
Do I need special insurance to drive a hackney carriage or private hire vehicle?	Valid insurance is required by the Road Traffic Act and should specify the type of work you carry out. If you have any doubt about you cover you should contact your insurance provider.
When do I need to produce my insurance documents?	An valid insurance certificate must be produced at the One Stop Shop when you apply or renew your vehicle licence. It should also be produced if requested by an Authorised Officer or a Police Officer.
I have received a vehicle advisory (defect) / stop notice, what do I do?	You need to arrange for the faults to be corrected and then take to vehicle to a Sefton appointed Compliance testing centre (see Annex 5) or contact the Authorised Officer who issued the notice.

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<p>I am an existing driver and need to obtain the VRQ how long do I have to take qualification?</p>	<p>You will need to have obtained the VRQ by 31<sup>st</sup> December 2015. If you do not currently have the VRQ then can only be issued with a driver licence to that date.</p>
<p>Where to I go to apply for a licence or renew an existing licence?</p>	<p>The Council's One Stop Shops, at either Stanley Road Bootle or Cambridge Walk, Southport.</p>
<p>I have a question about the licensing process who should I speak to?</p>	<p>In this first instance you should speak to a Customer Services Advisor in the One Stop Shops.</p>
<p>I am not happy with the way my enquiry / licence application has been dealt with.</p>	<p>You should make a Corporate Complaint by telephoning the Council's Contact Centre, or visit the One Stop Shop in person or complete the 'online' complaint form. The matter will then be investigated.</p>
<p>I am a driver / proprietor and I have been asked to present my vehicle for testing /checking. Do I have to attend?</p>	<p>Yes – the Council is permitted by law to require up to three vehicle examinations a year. One is required when the vehicle licence is issued or renewed at the driver's/ proprietor's expense, the others are as requested by the Taxi Licensing Team and will not be charged for. In addition an authorised officer may inspect any vehicle as a matter of routine whilst it is under licence.</p>
<p>Can an officer ask me to produce the vehicle registration document or insurance certificate?</p>	<p>Yes – an Authorised Officer is entitled to check relevant documentation.</p>
<p>Where do I get information about Council decisions about taxi licensing?</p>	<p>The Council publishes the agendas and minutes of all its Licensing &amp; Regulatory Committee meetings on the Council's website.</p>
<p>Where do I get information about trade consultation with the Council?</p>	<p>The Council holds quarterly trade consultation meetings between officers and representatives of the hackney carriage and private hire trades. The current trade representatives are listed in Annex 8. The agendas and minutes of these meetings are published on the Council's website.</p> <p>There is also one annual consultation meeting involving 3 Councillors who sit on the Licensing &amp; Regulatory Committee, officers and trade representatives.</p>



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Taxi Etiquette	<p>At the request of the Hackney Carriage Trade Working Group, it is recommended that new drivers should familiarise themselves with the good practice guide published by the National Taxi Association.</p> <p>It is not a legal requirement to follow the guide and it included for information only. The Council accepts no responsibility for its content.</p>

## Annex 10

### Healthy Lifestyle Information

(L & R 30<sup>th</sup> March 2015)

#### Healthy Lifestyle Information

1. “Bad habits are like a comfortable bed: easy to get into, but hard to get out of”. However throughout the year, on and off, things happen that make us consider making changes to our lifestyle behaviours. It is important that at these times you are equipped with the facts about the behaviours that impact on your health and know how to access services that can support you through a change.
2. We recognise the stress and time constraints that can come with the role of each driver and it can be difficult to find the time to access services which are available to improve your health. However it's important to think about your own health and look for ways to maintain and engage in healthy lifestyle initiatives alongside driving so you can remain in the job for as long as you wish.

Below are some ideas to help you to fit some healthy habits into your working day:

3. **Mental Wellbeing** can be defined as ‘feeling good’ and ‘functioning well’. Mental Wellbeing is as important as physical health. By improving your sense of wellbeing you can add 7.5yrs to your life expectancy. Evidence suggests there are five ways we can improve our mental wellbeing.

#### The 5 Ways to Mental Wellbeing are:

- **Connect** - with others. Whether its friends, family, colleagues or people in your local community. In your job role, you are connecting everyday with people getting in your taxi; you may be the only person some people talk to all day!
- **Be Active** - Go for a walk or run. Step outside, cycle, garden. Being active makes you feel good. Most importantly, discover a physical activity you enjoy and one that suits your level of mobility and fitness. Could you fit a walk in at the end or start of a shift?
- **Take Notice** - recognise what's happening in the world around you. Be curious, catch sight of the beautiful, and savour the moment. While you are driving you will be very aware of what's happening on the roads around you, try and do the same when walking and take notice of the little things we often miss when walking about.
- **Keep Learning** - try something new. Rediscover an old interest, sign up for that course. Learn to play an instrument or how to cook your favourite

food. Set a challenge you will enjoy achieving. Learning new things will make you more confident as well as being fun.

- **Give** - do something nice for a friend, or a stranger. Thank someone. Smile. Volunteer your time. Join a community group.

[www.mentalhealth.org.uk](http://www.mentalhealth.org.uk)

4. **Healthy Eating:** A healthy diet is made up of foods from five different groups:

- Fruits and vegetables (5-a-day);
- Starchy foods known as carbohydrates (bread, rice and cereals etc.);
- Proteins (meat, fish, eggs and beans) also alternatives such as quorn, tofu and soya;
- Milk and dairy products; and
- Fatty and sugary foods.

5. It can be difficult to choose healthy food options when we are surrounded by many shops selling high fat, high sugar & salt foods that are convenient and quick to access.

**Top Tips are:**

- Base your meals on starchy foods (ideally wholegrain), **vegetables and fruit** and if you can take a cool bag with an ice pack and make your own sandwich or snack, it will be much healthier than a bought one and also less expensive
- Eat more **fish** – including at least one portion of oily fish each week
- Try to **stay well hydrated**, making sure you drink enough water through the day to stay well, try not to rely on very high caffeine choices in large quantities through the day
- **Reduce salt intake** to approximately 6 grams (about a teaspoonful) per day. 75% of salt is found in processed and ready meals
- **Cut down on saturated fat and sugar** – make them an occasional treat.

[www.nhs.uk/livewell](http://www.nhs.uk/livewell)

6. **Physical Activity:** Physical activity guidelines for adults are 30 minutes or more of moderate intensity activity on at least 5 days a week - **5 x 30**. Moderate activity is an activity that should make you feel a little warmer but still able to comfortably have a conversation with someone.

The benefits of regular physical activity have been proven over the life course. 5 x 30 helps to prevent and manage over 20 chronic conditions, including coronary heart disease, stroke, type 2 diabetes, cancer, obesity, mental health problems and musculoskeletal conditions.

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## **Remember:**

Physical activity does not necessarily mean you have to join a gym; gardening, a brisk walk, a slow swim and even hoovering is considered a moderate activity.

[www.active-sefton.co.uk](http://www.active-sefton.co.uk)

7. **Smoking cessation:** Stopping smoking is the single biggest change a person can make to improve their health – for any age – it's never too late! You are 4 times more likely to quit smoking if you get help from NHS Stop Smoking services.

Like many workers, you often may be too busy to attend the stop smoking clinics and struggle to find time in the day to attend workplace groups. With this in mind the SUPPORT Stop Smoking service can:

- Offer confidential telephone support
- Provide evidence based treatment to help you reduce or stop smoking with one of their specialists
- Provide easy access to treatments at prescription cost close to where you work or live
- Help you stop using e-cigarettes and help you come completely nicotine free.

[www.healthysefton.nhs.uk](http://www.healthysefton.nhs.uk)

8. **Alcohol:** Men should not regularly drink more than 3 to 4 units a day. Women should not regularly drink more than 2 to 3 units a day (these daily amounts apply whether a person drinks every day, once or twice a week or occasionally). Binge drinking is defined as women who drink 6 units and men who drink 8 units or more in one session.

- If you're thinking about driving the morning after you've been drinking, it's best to consider how much you had, and how late into the night it was before you finished your last drink;
- Remember, the strength of different drinks can vary greatly. Some ales for example are 3.5%, but stronger continental lagers can be 5% ABV, or even 6%. White wines vary from around 8% to 15%;
- There's no fail-safe way to guarantee all the alcohol you've drunk has left your system, so it's important not to take risks. When you're under the influence of alcohol at any level, the skills you need when you're driving, such as hand eye coordination, are impaired to some extent. You're more likely to have an accident;
- "As well as the legal reasons, there are common sense reasons: you don't want to be out on the road and putting yourself and others at risk." Dr Paul Wallace, Drinkaware's Chief Medical Adviser;
- If you drink regularly, you should aim to have one or two alcohol free days each week. Following an episode of heavy drinking you should abstain for 48 hours to give your body time to recover.

More people now drink at home and as a result may underestimate the number of units poured.

## Units of alcohol:

- **White wine (glass)** – 175ml = 2.1 units, 250ml = 3 units
- **Beer / Lager** - 1 pint premium beer = 2.8 units, 1 pint standard beer = 2 units
- **Spirits (single measure)** - 1 unit
- **Wine (bottle) 12%** - 9 units

[www.drinkaware.co.uk](http://www.drinkaware.co.uk)

## 9. NHS Health Checks

The NHS Health Check is your chance to get your free midlife MOT. For adults in England aged 40-74 without a pre-existing condition, it checks your circulatory and vascular health. You should receive an invite letter from your GP. For more information please look on

[www.nhs.uk/nhshealthcheck](http://www.nhs.uk/nhshealthcheck)



A Better Plan is a web based application that allows you to:

- Reflect on your current situation
- Monitor your own health & wellbeing
- Create and manage your own personal plan

This might be something you could consider using on a smart phone or other hand held device.

[www.abetterplan.co.uk](http://www.abetterplan.co.uk)

## 10. Working Hours

Although there are no legal controls over the maximum number of hours a driver may work, the Council would urge all drivers to take regular breaks and immediately stop driving when they feel tired.

# Agenda Item 7

## Annex 11 Guide Dogs

(L & R 30<sup>th</sup> March 2015)



Each year The Guide Dogs for the Blind Association and the Council receive complaints in relation to members of the public with Guide & Assistance Dogs being refused access into licensed vehicles. These customers use these valuable and well trained dogs to assist them with their daily activities and are a part of their everyday life.

It is an offence to refuse Guide & Assistance Dogs access into any licensed vehicle. Fines up to £5000 can be imposed for refusing. Exemption from these duties, can only be obtained on Medical Grounds, otherwise there is no exception. Contact Taxi Licensing, Sefton Council should you require an Exemption Certificate.

**Please give these important and paying customers every courtesy and assistance.**

Don't hesitate to contact Sefton Licensing or The Guide Dogs for the Blind Association should you require further information.

[www.Sefton.gov.uk](http://www.Sefton.gov.uk)  
[www.Guidedogs.org.uk](http://www.Guidedogs.org.uk)

# Agenda Item 8

<b>Report to:</b>	Licensing and Regulatory Committee	<b>Date of Meeting:</b>	Monday 13 June 2022
<b>Subject:</b>	Taxi Licensing Performance Report 2021/22		
<b>Report of:</b>	Head of Highways and Public Protection	<b>Wards Affected:</b>	(All Wards);
<b>Portfolio:</b>	Regulatory, Compliance and Corporate Services		
<b>Is this a Key Decision:</b>	N	<b>Included in Forward Plan:</b>	No
<b>Exempt / Confidential Report:</b>	No		

## Summary:

To report the progress of the Taxi Licensing service during 2021/22.

## Recommendation(s):

- (1) Note the contents of this report, and
- (2) Request that similar reports be brought on an annual basis

## Reasons for the Recommendation(s):

In order that the Licensing & Regulatory Committee can have an overview of the work carried out by the Taxi Licensing Service.

## Alternative Options Considered and Rejected: (including any Risk Implications)

None

## What will it cost and how will it be financed?

### (A) Revenue Costs

The costs associated with producing Taxi Licensing Performance Reports will be met from existing service budgets.

# Agenda Item 8

## (B) Capital Costs

There are no direct capital costs associated with the recommendations in this report.

### Implications of the Proposals:

<b>Resource Implications (Financial, IT, Staffing and Assets):</b>	
The cost of the service is wholly recovered from the ring-fenced Taxi Licensing Trade Account (Revenue Budget BD12).	
<b>Legal Implications:</b>	
<b>Equality Implications:</b> There are no equality implications	
<b>Climate Emergency Implications:</b>	
The recommendations within this report will	
Have a positive impact	N
Have a neutral impact	Y
Have a negative impact	N
The Author has undertaken the Climate Emergency training for report authors	Y
There are no proposals in this report that that will alter any impact on climate change	

### Contribution to the Council's Core Purpose:

Protect the most vulnerable:
Facilitate confident and resilient communities:
Commission, broker and provide core services: Provide update on taxi licensing service provision.
Place – leadership and influencer:
Drivers of change and reform:
Facilitate sustainable economic prosperity:
Greater income for social investment:
Cleaner Greener



## What consultations have taken place on the proposals and when?

### (A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services (FD.6816/22.....) and the Chief Legal and Democratic Officer (LD.5016/22....) have been consulted and any comments have been incorporated into the report.

### (B) External Consultations

None

### Implementation Date for the Decision

N/A

<b>Contact Officer:</b>	Mark Toohey
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### Appendices:

There are no appendices to this report

### Background Papers:

There are no background papers available for inspection.

# Agenda Item 8

## Background

- 1.1 The Taxi Licensing Service comprises two distinct service elements:
  - a) The licensing function, administered through the Council's One Stop Shop (OSS); and
  - b) The 'Enforcement' function provided by the Environmental Health and Licensing Section.
- 1.2 Policy is determined and reviewed by the Council's Licensing & Regulatory Committee and client feedback provided by an established trade consultation regime.
- 1.3 The primary role of taxi licensing is to ensure the safety of the travelling public by ensuring the drivers, operators and vehicles meet standards of safety and good conduct.
- 1.4 To become a licensed driver in Sefton, all new applicants must satisfy the following;
  - A full driving licence. A driver record check is compulsory to check current entitlement to drive
  - A full vocational (DVLA Group II) medical examination obtained via the applicant's General Practitioner or a registered Doctor provided they have access to the applicant's medical records at the time of the examination. Medicals are currently required on first licensing, on reaching 45 years of age, then 55 years of age and on reaching 65 years of age and every 3 years thereafter.
  - A "fee-paid" satisfactory Disclosure and Barring Service (DBS) "Enhanced" disclosure. EU applicants may be permitted a short-term licence provided they can produce a "Certificate of Good Conduct" from their last country of residence until an "Enhanced" DBS certificate can be provided.
  - A VRQ level 2 qualification in 'Transporting Passengers by Taxi and Private Hire'.
  - It is a requirement of all new driver applications to take a 'Knowledge of Conditions Test' in addition to the VRQ qualification. Both must be obtained without the aid of an interpreter and the pass mark is 70%
  - Evidence that the applicant is legally entitled to work in the UK
- 1.5 All vehicles must obtain a 'certificate of compliance' from an approved testing station which is the equivalent of the current Department for Transport MOT plus extra checks on the condition and appearance of the vehicle.

## 2. Licence Numbers

- 2.1 The table below shows a summary of licence numbers in force during 2021/22;

## Licence Totals 2021/22

Type	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21
Hackney Carriage Driver	302	303	302	299	295	296
Hackney Carriage Vehicle	271	271	271	271	271	271
Private Hire Driver	5,973	6,002	5,928	5,876	5,822	5,850
Private Hire Operator	66	62	67	69	68	70
Private Hire Vehicle	4,031	4,156	4,156	4,151	4,192	4,244
<b>Total</b>	<b>10,643</b>	<b>10,794</b>	<b>10,724</b>	<b>10,666</b>	<b>10,648</b>	<b>10,731</b>

Type	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22
Hackney Carriage Driver	298	296	287	280	282	280
Hackney Carriage Vehicle	271	271	271	271	271	271
Private Hire Driver	5,885	5,860	5,707	5,564	5,608	5,521
Private Hire Operator	73	74	74	72	70	70
Private Hire Vehicle	4,273	4,250	4,222	4,292	4,428	4,441
<b>Total</b>	<b>10,800</b>	<b>10,751</b>	<b>10,561</b>	<b>10,479</b>	<b>10,659</b>	<b>10,583</b>

- 2.2 The total number of licences decreased by 60 over the year. During 2020/21, the total number of licences decreased by 1,865.

### 3. Driver Licence Appeals, Breaches and Panel Decisions

- 3.1 Before the Council grants any driver licence, applicants must demonstrate they are a 'fit and proper person' to hold that licence. The Council requires all drivers (new and renewals) to obtain an enhanced Disclosure and Barring Service (DBS) report which will contain information about any criminal records including motoring convictions.
- 3.2 If the applicants report potentially breaches Council Policy, then the application will normally be refused. If an applicant appeals this decision, the first step in the decision-making process is for the Council to review the original decision made during the application process at the One Stop Shop.
- 3.3 A review of the original decision is considered by a panel of officers who review the application data and hear representations from the applicants. The appeals panel have received details of 46 cases relating to new applicants for a range of convictions mainly relating to violence, harassment, driving and drugs. Out of these cases, 21 were approved and 25 were refused.
- 3.4 The panel is also convened to consider reports and allegations of misconduct by existing licence holders. In 2021/22 the panel considered 39 cases which led to 24 revocations.
- 3.5 Typical reasons for revoking a current licence holder include the possession or supply of drugs, violence, sexual offences and driving offences including drink & drug driving.

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## **4. Hackney Carriage & Private Hire Vehicle Checks**

- 4.1 During 2021/22, the Taxi Licensing Unit carried out a total of 406 inspections – 399 of these were on private hire vehicles and 7 on hackney carriage vehicles. A total of 175 defect notices were issued which were mostly for bodywork condition.

## **5. Prosecutions**

- 5.1 There is currently one prosecution pending relating to unlicensed and uninsured drivers.

## **6. The Knowledge Test**

- 6.1 Council invigilated knowledge tests were suspended during the pandemic and have not been reinstated since. New applicants that complete their training through an accredited training provider have been able to complete a knowledge test with their approved training centre since January 2020.

## **7. Requests for Service**

- 7.1 The service dealt with 1042 various requests for service, complaints or enquiries. The most common types of enquiries are as follows;

- new operator enquiries & checks
- exemption certificate applications & enquiries
- general requests for advice
- document irregularities
- unlicensed activity complaints
- driving style complaints
- complaints regarding driver conduct or appearance
- lost property enquiries
- vehicle advice requests
- overcharging complaints
- vehicle accident reports
- notification of convictions
- public body enquiries
- solicitor enquiries
- plate/livery enquiries

- 7.2 The total number of requests for service has increased by 154 over 2020/21 totals.

## 8. One Stop Shop

Total Number of Applications Per Month 2021 -22								
	Vehicles					Drivers		
	New	Renewal	Transfer	Variation (Vehicle Change)	Total Vehicles	New	Renewal	Total Drivers
Apr-21	111	303	10	42	466	21	1214	1235
May-21	77	216	8	26	327	29	835	864
Jun-21	104	338	5	32	479	38	1266	1304
Jul-21	127	417	3	39	586	27	523	550
Aug-21	108	390	8	36	542	42	246	288
Sep-21	115	459	4	37	615	43	263	306
Oct-21	72	241	7	23	343	32	214	246
Nov-21	83	374	5	25	487	44	369	413
Dec-21	93	394	8	27	522	11	1034	1045
Jan-22	154	500	7	53	714	3	421	424
Feb-22	79	332	8	38	457	26	1132	1158
Mar-22	109	348	5	31	493	40	370	410
<b>Total</b>	<b>1232</b>	<b>4312</b>	<b>78</b>	<b>409</b>	<b>6031</b>	<b>356</b>	<b>7887</b>	<b>8243</b>

8.1 **Vehicles.** The One Stop Shop (OSS) have continued to process all vehicle licence applications and renewals throughout the past year. This is all done electronically without the need to visit the OSS.

8.2 **Drivers.** Driver licences are now renewed following an appointment in the OSS. The OSS has also issued a total of 446 new driver applications since April 2021.

## 9. Summary & the Year Ahead

9.1 Service provision will need to be reviewed to adapt to demands on the service. Improvements to DBS checks and medicals have been introduced and extra resources placed in the OSS to deal with demand and reduce waiting times.

## 10 RECOMMENDATION(S):

- (1) Note the contents of this report, and
- (2) Request that similar reports be brought on an annual basis

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# Agenda Item 9

<b>Report to:</b>	Licensing and Regulatory Committee	<b>Date of Meeting:</b>	Monday 13 June 2022
<b>Subject:</b>	Determinations made under the Licensing Act 2003 and the Gambling Act 2005: period covering 1 December 2021 to 13 May 2022		
<b>Report of:</b>	Head of Highways and Public Protection	<b>Wards Affected:</b>	(All Wards);
<b>Portfolio:</b>			
<b>Is this a Key Decision:</b>	N	<b>Included in Forward Plan:</b>	N
<b>Exempt / Confidential Report:</b>	N		

## Summary:

To update Members regarding those applications, made under the Licensing Act 2003 and the Gambling Act 2005, that have been determined by Officers.

## Recommendation(s):

That Members:

- i) note this Report and its contents;
- ii) note that further Reports will be brought forward to update Members as and when necessary.

## Reasons for the Recommendation(s):

The Openness of Local Government Bodies Regulations 2014 requires that a written record of delegated decisions that would otherwise be made by a committee be published to the Council's website. The publication of this report satisfies that requirement for the delegated decisions made in relation to the administration of the Licensing Act 2003 and the Gambling Act 2005.

## Alternative Options Considered and Rejected: (including any Risk Implications)

None

## What will it cost and how will it be financed?

### (A) Revenue Costs

There are no financial costs associated with the proposals in this report

# Agenda Item 9

## (B) Capital Costs

There are no financial costs associated with the proposals in this report

### Implications of the Proposals:

<b>Resource Implications (Financial, IT, Staffing and Assets):</b> None.	
<b>Legal Implications:</b> None.	
<b>Equality Implications:</b> There are no equality implications.	
<b>Climate Emergency Implications:</b> The recommendations within this report will	
Have a positive impact	N
Have a neutral impact	Y
Have a negative impact	N
The Author has undertaken the Climate Emergency training for report authors	Y
This is an information only Report and contains no proposals that will alter any impact on climate change.	

### Contribution to the Council's Core Purpose:

Protect the most vulnerable: Yes
Facilitate confident and resilient communities:
Commission, broker and provide core services: Yes
Place – leadership and influencer:
Drivers of change and reform:
Facilitate sustainable economic prosperity:
Greater income for social investment:
Cleaner Greener



## What consultations have taken place on the proposals and when?

### (A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services has been consulted and notes the report indicates no direct financial implications for the Council. (FD 6788/22).

The Chief Legal and Democratic Officer has been consulted with regard to any legal implications and any comments have been incorporated into the report. (LD 4988/22).

### (B) External Consultations

None.

## Implementation Date for the Decision

Immediately following the Committee meeting.

<b>Contact Officer:</b>	Kevin Coady
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## Appendices:

Annex 1: Numbers determined – Licensing Act 2003

Annex 2: Numbers determined – Gambling Act 2005

## Background Papers:

There are no background papers available for inspection.

### 1. Background

- 1.1 Members will recall that the Statement of Licensing Policy (issued under the Licensing Act 2003) and the Statement of Gambling Licensing Policy (issued under the Gambling Act 2005) both follow the recommended delegation of functions contained within the Guidance issued under Section 182 of the Licensing Act 2003 and the Guidance issued under Section 25 of the Gambling Act 2005.
- 1.2 In effect this means that where there are no relevant representations to applications then these matters are dealt with by Officers. This ensures that decisions and functions, particularly for non-contentious applications and purely administrative functions, are taken or carried out in a speedy, efficient and cost-effective way.
- 1.3 The Openness of Local Government Bodies Regulations 2014 requires that a written record of delegated decisions that would otherwise be made by a committee be published to the Council's website. The publication of this report satisfies that requirement for the delegated decisions made in relation to the administration of the Licensing Act 2003 and the Gambling Act 2005.

# Agenda Item 9

## 2. Numbers determined – Licensing Act 2003

2.1 During the period covering 1 December 2021 to 13 May 2022 the following number of applications have been determined under this Act:

- Applications made under Premise Licences **126**
- Applications made under Personal Licences **50**
- Notification of Temporary Event Notices **117**
- Notification of Late Temporary Event Notices **33**

2.2. Details of determinations made under Premise Licences are attached within Annex 1 to this Report.

## 3. Numbers determined – Gambling Act 2005

3.1 During the period 1 December 2021 to 13 May 2022 the following number of applications have been determined under this Act:

- Applications made under Licensed Premises Gaming Permits **1**
- Notifications given for Licensed Premises Automatic Gaming **3**

3.2. Details of determinations made under the above are attached within Annex 2 to this Report.

**ANNEX 1**

<b>name</b>	<b>address2</b>	<b>address3</b>	<b>action</b>	<b>closeddate</b>
B & M Bargains	91 Lord Street	Southport	Variation of DPS	01/12/2021
Reliance Service Station	555 Liverpool Road	Ainsdale	Grant	01/12/2021
Lord St. Hotel	178-180 Lord Street	Southport	Variation of DPS	02/12/2021
The Phoenix	4-6 Coronation Walk	Southport	Variation of DPS	03/12/2021
Sapori	519 Lord Street	Southport	Transfer	03/12/2021
Sapori	519 Lord Street	Southport	Variation of DPS	03/12/2021
Shell Derby Road	100 Derby Road	Bootle	Variation of DPS	06/12/2021
Contained	20-30 Derby Road	Bootle	Grant	07/12/2021
Red Lion Hotel	121 Bridge Road	Litherland	Licence Holder Transfer & Variation of DPS	07/12/2021
Retro	38 West Street	Southport	Transfer	07/12/2021
Bargain Booze	278 Liverpool Road	Birkdale	Variation of DPS	08/12/2021
Sacre Bleu	3C Seabank Road	Southport	Transfer	13/12/2021
Petters On Hoghton	26 Hoghton Street	Southport	Variation	16/12/2021
ies	459 Lord Street	Southport	Variation	17/12/2021
amps Bistro And Wine Bar	Liverpool Road	Crosby	Variation	17/12/2021
argain Booze	2 Liverpool Avenue	Ainsdale	Variation of DPS	20/12/2021
asa Italia	517 Lord Street	Southport	Transfer	20/12/2021
Aldi Store	Northway	Maghull	Grant	21/12/2021
Bread and Wine	135 Knowsley Road	Bootle	Licence Holder Transfer & Variation of DPS	21/12/2021
Budapest Corner Shop	66 Stanley Road	Bootle	Grant	21/12/2021
Chews Noodle Bar	55 South Road	Waterloo	Grant	23/12/2021
Gambinos	79 Coronation Road	Crosby	Transfer	23/12/2021
Scoozi Pizza and Pasta	183 Altway	Aintree	Grant	23/12/2021
	60 St Johns Road	Waterloo	Grant	24/12/2021
The Liver Public House	137 South Road	Waterloo	Minor Variation	01/01/2022
The Frank Hornby	Eastway	Maghull	Variation of DPS	04/01/2022
Alikkos Turkish Bar & Grill	201 Strand Road	Bootle	Grant	05/01/2022
Careys Convenience Store	107 Knowsley Road	Bootle	Grant	05/01/2022
Casa Italia	517 Lord Street	Southport	Variation of DPS	05/01/2022

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Crosby Cheese & Charcuterie Ltd	127 St Johns Road	Waterloo	Grant	06/01/2022
Pacific Hotel	168 Linacre Road	Litherland	Variation of DPS	06/01/2022
L20 Restaurant	Stanley Road	Bootle	Variation of DPS	10/01/2022
Bread and Wine	135 Knowsley Road	Bootle	Variation	12/01/2022
Grapes Hotel	Green Lane	Formby	Variation of DPS	17/01/2022
Morrisons	1 Stafford Moreton Way	Maghull	Change of Name and/or Address	20/01/2022
Morrisons	Lord Street	Southport	Change of Name and/or Address	20/01/2022
Morrisons Filling Station	Winter Gardens Lord Street	Southport	Change of Name and/or Address	20/01/2022
Formby Hall Golf Resort & Spa	Southport Old Road	Formby	Variation of DPS	25/01/2022
Royal Clifton Hotel & Spa	Promenade	Southport	Variation of DPS	25/01/2022
Hesketh Arms	Botanic Road	Southport	Variation of DPS	27/01/2022
Meadows Hotel	89A Liverpool Road South	Maghull	Variation of DPS	27/01/2022
Tesco Stores Limited	50-52 Chapel Street	Southport	Variation of DPS	27/01/2022
West Lancashire Yacht Clubhouse	Marine Drive	Southport	Variation of DPS	27/01/2022
Co-operative	142a Cambridge Road	Southport	Variation of DPS	28/01/2022
Woolworths	4-18 Virginia Street	Southport	Change of Name and/or Address	31/01/2022
Woolworths	Bridge Road	Litherland	Change of Name and/or Address	31/01/2022
Lidl	Stanley Road	Bootle	Change of Name and/or Address	31/01/2022
Lidl Supermarket	Northway	Maghull	Change of Name and/or Address	31/01/2022
Southport Tavern	63 London Street	Southport	Change of Name and/or Address	31/01/2022
Crosby Cocktail Bar	Unit 1 Glenn Buildings South	Moor Lane	Variation of DPS	01/02/2022
Railway Hotel	2 Duke Street	Formby	Variation of DPS	01/02/2022
New Pleasureland	Marine Drive	Southport	Variation of DPS	02/02/2022
Morrisons Daily	1-3 St James Place	St James Street	Minor Variation	03/02/2022
Tesco Stores	42-46 Eastbank Street	Southport	Variation of DPS	03/02/2022
Harun's Charcoal Grill	2c Coronation Walk	Southport	Grant	07/02/2022
Valentine	70 Haileybury Avenue	Aintree	Transfer	07/02/2022
Gambinos	79 Coronation Road	Crosby	Variation following Review	08/02/2022
Spar	21-23 Liverpool Road	Birkdale	Variation of DPS	09/02/2022
The Cabin	9A Stafford Moreton Way	Maghull	Grant	10/02/2022

Iceland Frozen Foods Plc	94-97 New Strand The Hexagon	Bootle	Variation of DPS	10/02/2022
Cock & Rabbit	69 Manchester Road	Southport	Variation of DPS	17/02/2022
Lords Cafe Bar	659-661 Lord Street	Southport	Licence Holder Transfer & Variation of DPS	17/02/2022
Spar	111-121 Cambridge Road	Southport	Variation of DPS	18/02/2022
Next	Ormskirk Road	Aintree	Grant	21/02/2022
Valentine	70 Haileybury Avenue	Aintree	Minor Variation	21/02/2022
Aldi Store	Northway	Maghull	Variation of DPS	23/02/2022
TDS Convenience Stores	64 Aintree Road	Bootle	Licence Holder Transfer & Variation of DPS	23/02/2022
Marks and Spencer	Unit 4 Aintree Retail & Business Park	Ormskirk Road, Aintree	Variation of DPS	24/02/2022
Tesco Stores	42-46 Eastbank Street	Southport	Variation of DPS	24/02/2022
Valentine	70 Haileybury Avenue	Aintree	Variation of DPS	25/02/2022
Marks & Spencer Simply Foods	Halsall Lane	Formby	Variation of DPS	01/03/2022
	40 Crosby Road North	Waterloo	Grant	02/03/2022
ie Bottle Room	657 Lord Street	Southport	Transfer	02/03/2022
ailway Hotel	2 Duke Street	Formby	Variation of DPS	02/03/2022
Colls	146 Portland Street	Southport	Variation of DPS	07/03/2022
Valentine	70 Haileybury Avenue	Aintree	Variation	07/03/2022
The Dog House	4c Bold Street	Southport	Variation of DPS	10/03/2022
Iceland Frozen Foods Plc	5-9 King Street	Southport	Variation of DPS	10/03/2022
New Pleasureland	Marine Drive	Southport	Minor Variation	11/03/2022
Home Bargains	Unit 2c Meols Cop Retail Park	Foul Lane	Variation of DPS	14/03/2022
Bold Arms	59-61 Botanic Road	Southport	Variation of DPS	15/03/2022
Chung Lok	156-158 Linacre Road	Litherland	Licence Holder Transfer & Variation of DPS	15/03/2022
Shell COOP Waterloo	13 Crosby Road North	Waterloo	Minor Variation	15/03/2022
Le Bistrot Pierre	385 Lord Street	Southport	Variation of DPS	16/03/2022
Go Local	278 Stanley Road	Bootle	Grant	17/03/2022
	187 Sussex Road	Southport	Grant	18/03/2022
Red Lion Hotel	121 Bridge Road	Litherland	Variation	18/03/2022

Shell Waterloo	13 Crosby Road North	Waterloo	Change of Name and/or Address	21/03/2022
KRK Kirishika Convenience Store	52 St Johns Road	Waterloo	Grant	22/03/2022
Nandos	Unit 10A Aintree Racecourse Retail Park	Ormskirk Road, Aintree	Variation of DPS	24/03/2022
The Marsh Harrier	Fylde Road	Southport	Change of Name and/or Address	30/03/2022
One Stop Shop	30-32 Belmont Street	Southport	Variation of DPS	30/03/2022
Cat & Fiddle	Stanley Road	Bootle	Variation of DPS	31/03/2022
One Stop	128-130 Bispham Road	Southport	Variation of DPS	31/03/2022
Addison Arms	Podium Level Units 1-3 Triad Buildings	Stanley Road, Bootle	Variation of DPS	01/04/2022
Waitrose	Three Tuns Lane	Formby	Variation of DPS	01/04/2022
Bliss Hotel	Promenade	Southport	Change of Name and/or Address	04/04/2022
Co-operative	142a Cambridge Road	Southport	Variation of DPS	04/04/2022
The Dram Gift Shop	76 Botanic Road	Southport	Grant	04/04/2022
Southport & Ainsdale Golf Club	Bradshaws Lane	Ainsdale	Variation of DPS	06/04/2022
Southport & Ainsdale Golf Club - Alf Way House	Bradshaws Lane	Ainsdale	Variation of DPS	06/04/2022
Super Store	14 - 16 Sefton Road	Litherland	Variation of DPS	06/04/2022
Asda Stores Ltd	Ormskirk Road	Aintree	Variation of DPS	07/04/2022
Sainsburys	1 - 3 Liverpool Road	Crosby	Variation of DPS	07/04/2022
Railway Hotel	2 Duke Street	Formby	Variation of DPS	11/04/2022
The Endbutt Hotel	63 Endbutt Lane	Crosby	Variation of DPS	12/04/2022
Hare & Hounds	53 Liverpool Road North	Maghull	Variation of DPS	12/04/2022
Frankie & Benny's	Ormskirk Road	Aintree	Transfer	13/04/2022
Morrisons Daily	83/89 Queens Road	Southport	Minor Variation	13/04/2022
Morrisons Daily	146 Portland Street	Southport	Minor Variation	13/04/2022
PN Super Store	160/162 Linacre Road	Litherland	Grant	13/04/2022
Sefton Meadows Garden Centre	Sefton Lane	Maghull	Grant	14/04/2022
Gigi's Bar & Lounge	1 Bath Street	Southport	Grant	19/04/2022
Cross House Inn	Cross Green	Formby	Variation of DPS	20/04/2022

The Marsh Harrier	Fylde Road	Southport	Variation of DPS	20/04/2022
Netherton Hotel	Church Road	Litherland	Variation of DPS	20/04/2022
Bliss Hotel	Promenade	Southport	Variation of DPS	26/04/2022
Marks & Spencer Simply Foods	Halsall Lane	Formby	Variation of DPS	26/04/2022
Toby Carvery	537-553 Liverpool Road	Ainsdale	Variation of DPS	26/04/2022
Home Bargains	12-14 Moor Lane	Crosby	Variation of DPS	28/04/2022
Le Grog	3A Seabank Road	Southport	Transfer	29/04/2022
Sacre Bleu	3C Seabank Road	Southport	Variation of DPS	29/04/2022
	46 Church Road	Formby	Grant	04/05/2022
Morrisons	1 Stafford Moreton Way	Maghull	Variation of DPS	04/05/2022
The Grand	182 Lord Street	Southport	Grant	04/05/2022
Co-op Late Shop	99 Deyes Lane	Maghull	Variation of DPS	11/05/2022

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**ANNEX 2**

<b>name</b>	<b>address2</b>	<b>address3</b>	<b>action</b>	<b>closeddate</b>	<b>activity</b>
Oast House	12-14 Stanley Street	Southport	Grant	19/01/2022	Licensed Premises Automatic Gaming
The Park Hotel	36 Weld Road	Birkdale	Grant	16/02/2022	Licensed Premises Automatic Gaming
Railway Hotel	11 Bridge Road	Litherland	Grant	18/03/2022	Licensed Premises Automatic Gaming
Valentine	70 Haileybury Avenue	Aintree	Grant	18/03/2022	Licensed Premises Gaming Permit

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