

Licensing Committee

Agenda

Date: Monday, 30th March, 2009
Time: 10.30 am
Venue: The Capesthorne Room - Town Hall, Macclesfield SK10 1DX

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Apologies for Absence**

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests in any item on the agenda

3. **Public Speaking Time/Open Session**

In accordance with Procedure Rules Nos.11 and 35 a total period of 10 minutes is allocated for members of the public to address the Committee on any matter relevant to the work of the Committee.

Individual members of the public may speak for up to 5 minutes but the Chairman will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers.

Note: In order for officers to undertake any background research it would be helpful if questions were submitted at least one working day before the meeting.

4. **Minutes of Previous meeting** (Pages 1 - 4)

To approve the Minutes of the Meeting held on 13 March 2009.

5. **Fees and Charges** (Pages 5 - 88)

To consider the consultation responses received and to determine the fees to be charged by the Council in relation to the licensing of hackney carriage and private hire vehicles, drivers and operators.

6. **Private Hire Vehicle Licensing** (Pages 89 - 92)

To consider an amendment to the approved licence conditions for private hire vehicles.

7. **Taxi Licensing - Medicals** (Pages 93 - 106)

To consider proposals in relation to medical certification relating to applicants for hackney carriage and private hire drivers licences.

8. **Taxi Licensing - Convictions Policy** (Pages 107 - 112)

To consider the proposed policy on convictions as they relate to applicants for hackney carriage and private hire drivers licences and licence holders who commit offences.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Committee**
held on Friday, 13th March, 2009 at Council Chamber, Municipal Buildings,
Earle Street, Crewe CW1 2BJ

PRESENT

Councillor P Whiteley (Chairman)
Councillor D Bebbington (Vice-Chairman)

Councillors Mrs Rachel Bailey, Mrs Rhoda Bailey, T Beard, H Davenport,
B Dykes, J Goddard, M Hardy, M Parsons, A Ranfield and Mrs C Tomlinson

30 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors G Baxendale, L Gilbert and Mrs E Gilliland.

31 DECLARATIONS OF INTEREST

A number of Councillors who were Members of existing Borough Council Licensing Committees declared a personal interest in the business of the meeting en bloc. In accordance with the Code of Conduct, they remained in the meeting during consideration of these items.

32 PUBLIC SPEAKING TIME/OPEN SESSION

In accordance with Procedure Rule 35, members of the public addressed the meeting on the following matters relevant to the work of the Committee and the Chairman responded:

Mr Trevena

The proposed licence conditions for private hire vehicles.

Mr Bradbury

Taxi ranking facilities in Crewe and Nantwich.

33 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 13 February 2009 be approved as a correct record.

34 PRIVATE HIRE VEHICLE LICENSING

The Committee considered a report detailing the responses received from the private hire trade regarding the proposed licence conditions for private hire vehicles which had been approved for consultation by the Licensing Committee at its meeting on 14 January 2009.

RESOLVED

- (a) That the proposed licence conditions in relation to private hire vehicles, as amended following the consultation exercise, be approved for implementation from 1 April 2009.
- (b) That a further consultation exercise be undertaken with the holders of private hire vehicle licences on the proposal to amend the wording of the first sentence of condition number 1.4 to:

‘It shall have a minimum number of four doors, including two on the near side and two on the offside’.

35 PRIVATE HIRE VEHICLE OPERATOR LICENSING

The Committee considered a report regarding the proposed licence conditions for private hire vehicle operators, which had been approved for consultation by the Licensing Committee at its meeting on 14 January 2009.

RESOLVED - That the proposed licence conditions in relation to private hire vehicle operators be approved for implementation from 1 April 2009.

36 HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS' LICENCE CONDITIONS

The Committee considered a report regarding the proposed licence conditions for hackney carriage and private hire drivers, which had been approved for consultation by the Licensing Committee at its meeting on 14 January 2009.

The Solicitor reported that, since the report had been published, it had become apparent that a representation had been made in relation to these conditions within the consultation period and therefore should have been referred to within the report. The comments made had been sent to Members of the Committee, and copies were tabled at the meeting.

RESOLVED – That, subject to the following amendments, the proposed licence conditions for hackney carriage and private hire drivers be approved for implementation from 1 April 2009:

- 2 Conduct (vii) to be amended to read: ‘not to play any sound reproducing equipment within the vehicle other than for communicating with the operator/proprietor without the express consent of the hirer’
- 5 Fares/Taximeters (iv) to be amended to read: ‘The driver shall proceed to the destination by the shortest possible route unless:
(a) he/she receives an express direction given by the hirer; or

(b) he/she receives express consent of the hirer to an alternative route.'

- Wheelchair Accessible Vehicles to be renumbered 8
- Lost Property to be renumbered 9
- Criminal Convictions to be renumbered 10
- 9 Lost Property (ii) to be amended to read: 'The driver must take any property left in the vehicle to a police station, wherever possible within twenty four hours and in any event no longer than within forty-eight hours, and obtain a receipt for the property.'

37 LICENSING OF SEX ESTABLISHMENTS

The Committee considered a report regarding the proposed licence conditions for sex establishments, which had been approved for consultation by the Licensing Committee at its meeting on 14 January 2009.

RESOLVED - That the proposed standard licence conditions for sex shops, as amended following the consultation exercise, be approved for implementation with effect from 1 April 2009.

38 DATE OF NEXT MEETING

The Chairman reported that the next meeting of the Licensing Committee was scheduled to take place at 10.30am on Monday 30 March 2009 in the Capesthorpe Room, Town Hall, Macclesfield.

RESOLVED – That the time, date, and venue of the next meeting be noted.

The meeting commenced at 2.30 pm and concluded at 3.40 pm

Councillor P Whiteley (Chairman)

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CHESHIRE EAST COUNCIL

LICENSING COMMITTEE

Date of meeting: 30th March 2009
Report of: Tony Potts, Community Safety Manager
Title: Fees and Charges

1.0 Purpose of Report

- 1.1 The purpose of the report is to provide the Licensing Committee with the responses to the consultation exercise on fees and charges and to seek a decision as to the fees to be charged by the Council in relation to the licensing of hackney carriage and private hire vehicles, drivers and operators.

2.0 Decision Required

- 2.1 The Licensing Committee is requested to:
- 2.1.1 Consider the consultation responses received from the licensed trade in relation to fees; and
- 2.1.2 To determine the fees to be charged by Cheshire East Council in relation to the licensing of hackney carriage vehicles and drivers and private hire vehicles, drivers and operators, with effect from 1 April 2009.

3.0 Financial Implications for Transition Costs

- 3.1 There are no significant costs involved in the implementation of the revised charging options.

4.0 Financial Implications 2009/10 and beyond

- 4.1 The harmonisation and review of fees and charges across Cheshire east does result in an increase in revenue in some areas, and to a decrease in others. However should the committee decide to change the proposed fees and charges then this will have an impact upon the 2009/10 budgets.

5.0 Legal Implications

- 5.1 Section 53 of the Local Government (Miscellaneous Provisions) Act 1976 ('the 1976 Act') provides the local authority with the power to charge "such a fee as they consider reasonable with a view to recovering the costs of issue and administration" for the grant of hackney carriage/private hire drivers licences.

Section 70 of the Act provides the authority with a similar power to make a reasonable charge for the grant of vehicle and operators licences.

- 5.2 Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 prescribes that fees in relation private hire and hackney carriage vehicle licences and private hire operator's licences must be subject to a statutory publication requirement with provision for representations to be made within twenty-eight days of publication of the notice. Where objections are received the Council must consider these representations when coming to its determination as to the level of fees.

6.0 Risk Assessment

- 6.1 If no decision as to fees for Cheshire East were made by the Committee, the position would revert to that within the exiting three district authorities. It is suggested that leaving the charges as they (i.e. with differences between the three districts) would be inequitable.
- 6.2 Failure to carry out a consultation exercise or to consider the representations received as a result of the consultation would leave the local authority open to challenge on the fees.

7.0 Background and Options

- 7.1 As Members will recall, at its meeting on 19th December the Licensing Committee resolved to approve proposed fees in relation to taxi licensing so that these fees may be subject to statutory consultation. The fees that were proposed in the report are set out at **Appendix A**.
- 7.2 In accordance with the requirements of section 70 of the 1976 Act, notice of the proposed fees were published in newspapers throughout the administrative area of Cheshire East during the week commencing 29th December. In addition correspondence advising of the proposals in relation to fees and providing details of how to make a representation was sent to all licensed drivers, operators and proprietors in mid January. The date by which representations were required to be submitted was 5th February 2009.
- 7.3 At the meeting of the 13th February 2009 members considered a summary of the responses received from the licensed trade and the proposed fees. At this stage members felt that they could not reach a decision without additional information including detailed breakdowns of costings. The committee agreed to amend the proposed fee in relation to the six month test for vehicles from £100 to £75 and to defer their decision on the setting of other fees until their meeting of 30th March 2009. The trade would be consulted further on the proposed and amended fee. (**Appendix B**).

- 7.4 The Council has received a grand total of 131 representations as part of the consultation exercise. These are split into 2 appendices as we have consulted on two separate occasions **appendix C** relates to the first consultation period 31st December 2008 to 5th February 2009, **appendix D** relates to consultation period 20th February 2009 to 20th March 2009. Summaries of the main issues raised are provided on the appendix. For further information a copy of all the letters received are attached (**Appendix E and F**). Due to the timescales involved in the preparation of this report, there may well be additional representations to follow, as the closing date for all representations is the 20th of March 2009.
- 7.5 The Community Safety Manager has met with representatives from the Trade (Macclesfield and Congleton) to enable discussions on the proposals to take place. He has undertaken a review of the costings in relation to the fees having regard for all the views received from the trade.
- 7.6 It has been possible to reduce the costs associated with the licensing of Hackney Carriage and Private Hire vehicles from £300 to £275.
- 7.7 It has also been possible to reduce the cost of renewal for the driver's licence from £204 to £154.
- 7.8 To ensure that existing drivers will not be prejudiced it is recommended that the renewal fee will cover the type of licence they already hold, ie Hackney Carriage only, Private Hire only or the dual licence. There will also be an opportunity for those drivers holding a single licence to convert to a dual licence should they wish. This will involve taking the council knowledge test and a fee of £50 for the test and £10 for the new licence. All new driver applicants will be required to pay the proposed fee of £204 and will receive the dual licence.

As set out above, section 53 of the 1976 Act provides that the authority may set fees in relation to drivers licences which they 'consider reasonable with a view to recovering the costs of issue and administration' of such licences. Section 70 provides that the authority may "charge such fees for the grant of vehicle and operators' licences as may be resolved by them from time to time and as may be sufficient in the aggregate to cover in whole or in part –

- (a) The reasonable cost of the carrying out on behalf of the district council of inspections of hackney carriages and private hire vehicles for the purpose of determining whether any such licence should be granted or renewed;
 - (b) The reasonable cost of providing hackney carriage stands; and
 - (c) Any reasonable administrative or other costs in connection with the foregoing and with the control of supervision of hackney carriages and private hire vehicles.'
- 7.9 For this reason, in determining the level of fee to be set, the Council must take into account the cost of providing the service to ensure that the fees are reasonable and relate to cost recovery.

7.5 The fees included at (**Appendix B**) were calculated based on an hourly rate of £50 per hour of officer time (which takes into account all direct and indirect costs including insurance, accommodation, telephones, IT, printing and stationery together with staffing costs such as salary and pension/NI contributions). A breakdown of officer time and other costs used to calculate the charges in relation to each licence type are set out at **Appendices G and H**.

7.6 The Licensing Committee is requested to consider the representations received, and to determine the fees to be charged in relation to taxi licensing by Cheshire East.

8.0 Overview of Day One, Year One and Term One Issues

8.1 It is suggested that the setting of fees for taxi licensing across Cheshire East is a Day One requirement to ensure that the same fee is charged to all applicants.

9.0 Reasons for Recommendation

9.1 The Licensing Committee is requested to consider the representations received and to take these into account when making its determination on the fees. The Committee is requested to decide the amount of the fees to be charged by Cheshire East so that this may be resolved and be in place for 1 April 2009.

For further information:

Portfolio Holder: Councillor Brian Silvester

Officer: Tony Potts

Tel No: 01270 529869

Email: tony.potts@congleton.gov.uk

Background Documents:

None

Appendix A

Fees proposed in relation to taxi licensing

Hackney Carriage (Annual)	£300
Private Hire Vehicle (Annual)	£300
6 month test (hackney carriage/private hire vehicle) (Vehicles over 7 years old)	£100
Joint Hackney Carriage/Private Hire Drivers Licence (3 years)	£204 not including CRB
Private Hire Operators Licence (5 years)	£345

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Appendix B

Fees proposed in relation to taxi licensing

Hackney Carriage (Annual)	£300
Private Hire Vehicle (Annual)	£300
6 month test (hackney carriage/private hire vehicle) (Vehicles over 7 years old)	£75
Joint Hackney Carriage/Private Hire Drivers Licence (3 years)	£204 not including CRB
Private Hire Operators Licence (5 years)	£345

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Appendix C

1st Consultation 31/12/08 to 05/02/09

Comments received in relation to proposed Cheshire East Licensing Fees

	Drivers/Vehicles/ Operators	Name	Summary of comments
1	1. Drivers 2. Vehicles 3. Operators	Mr A T Hudson	1. Proposals above inflation. 2. If capped increase would be acceptable. 3. Part time operators should pay higher costs.
2	Questions	Mr T Marshall	No comments.
3	1. Drivers 2. Vehicles 3. Operators	Mr K Shenton	1. Increase 87%. 2. Increase 30%. 3. Why do we need a 5 year licence.
4	As above	Mr K Shenton	As above
5	1. Drivers 2. Vehicles	Mr A James	1. Increase equates to 92.4% 2. Increase 30.4%
6	3. Operators	George Bean	3. No added benefit for ourselves.
7	1. Drivers 2. Vehicles 3. Operators	Mr G Tompsett	1. The increased rates are above the rate of inflation. Merging three councils into one should reduce costs. 2. As above 3. As above
5	1. Drivers 2. Vehicles	Mr J Ratcliffe	1. Increase equates to 92.4% 2. Increase equates to 30.4%
8	1. Drivers 2. Vehicles	Mr J Hanmer	1. Objects to the increases. 2. Objects to increases.
9	General	Mr P J Gillick	Justify fee increases.
10	1. Drivers	Mr D C Lea	1. Increasing from £75 to £204
10	1. Drivers	Mr P Parker	1. Increasing from £75 to £204
11	General	Mr J R Beresford	Increases should be phased in gradually
10	1. Drivers	Mr M Jarvis	1. Increases from £75 to £204
10	1. Drivers	Mr J Sheen	1. Increases from £75 to £204
10	1. Drivers	Mr M C Martin	1. Increases from £75 to £204
12	2. Vehicles	David Bradshaw	2. Increase cost by 43% is unfeasible.
12	2. Vehicles	Vahid Pir-Siahbaz	2. Increase cost by 43% is unfeasible.
12	2. Vehicles	Brett Warburton	2. Increase cost by 43% is unfeasible.
12	2. Vehicles	Hazim Al-Mallak	2. Increase cost by 43% is unfeasible.
12	2. Vehicles	I A Shewan	2. Increase cost by 43% is unfeasible.
12	2. Vehicles	Mazin Al Mallak	2. Increase cost by 43% is unfeasible.
12	2. Vehicles	Archange-Michel Gomath	2. Increase cost by 43% is unfeasible.
12	2. Vehicles	Choudhry Babar	2. Increase cost by 43% is unfeasible.
12	2. Vehicles	D Stennett	2. Increase cost by 43% is unfeasible.
12	2. Vehicles	H Jupp	2. Increase cost by 43% is unfeasible.
12	2. Vehicles	C J Hall	2. Increase cost by 43% is unfeasible.
12	2. Vehicles	W Mahon	2. Increase cost by 43% is unfeasible.

Appendix C

1st Consultation 31/12/08 to 05/02/09

	Drivers/Vehicles/ Operators	Name	Summary of comments
12	2. Vehicles	S Collins	2. Increase cost by 43% is unfeasible.
12	2. Vehicles	G Mellor	2. Increase cost by 43% is unfeasible.
12	2. Vehicles	E McCabe	2. Increase cost by 43% is unfeasible.
12	2. Vehicles	C Larsen	2. Increase cost by 43% is unfeasible.
12	2. Vehicles	T Carr	2. Increase cost by 43% is unfeasible.
12	2. Vehicles	R Myers	2. Increase cost by 43% is unfeasible.
12	2. Vehicles	Peter Howard	2. Increase cost by 43% is unfeasible.
12	2. Vehicles	R Hewitt	2. Increase cost by 43% is unfeasible.
12	2. Vehicles	D J Podmore	2. Increase cost by 43% is unfeasible.
12	2. Vehicles	B Milne	2. Increase cost by 43% is unfeasible.
12	2. Vehicles	R Finney	2. Increase cost by 43% is unfeasible.
12	2. Vehicles	Ms K Capper	2. Increase cost by 43% is unfeasible.
12	2. Vehicles	Farzad Abdi	2. Increase cost by 43% is unfeasible.
12	2. Vehicles	C Neokli	2. Increase cost by 43% is unfeasible.
12	2. Vehicles	T Neokli	2. Increase cost by 43% is unfeasible.
12	2. Vehicles	Faisal Nawaz	2. Increase cost by 43% is unfeasible.
12	2. Vehicles	M C Martin	2. Increase cost by 43% is unfeasible.
12	2. Vehicles	MT Fleming	2. Increase cost by 43% is unfeasible.
12	2. Vehicles	E Hoyle	2. Increase cost by 43% is unfeasible.
12	2. Vehicles	E Young	2. Increase cost by 43% is unfeasible.
12	2. Vehicles	Carl Warburton	2. Increase cost by 43% is unfeasible.
12	2. Vehicles	Kevin Whittle	2. Increase cost by 43% is unfeasible.
12	2. Vehicles	L Rutter	2. Increase cost by 43% is unfeasible.
12	2. Vehicles	Clive Mather	2. Increase cost by 43% is unfeasible.
12	2. Vehicles	Mr P Barry	2. Increase cost by 43% is unfeasible.
12	2. Vehicles	T R Barber	2. Increase cost by 43% is unfeasible.
12	2. Vehicles	T Kashmiri	2. Increase cost by 43% is unfeasible.
12	2. Vehicles	D V Frankling	2. Increase cost by 43% is unfeasible.
12	2. Vehicles	Dave Goodall	2. Increase cost by 43% is unfeasible.
12	2. Vehicles	Tony Bently	2. Increase cost by 43% is unfeasible.
12	2. Vehicles	Jim Leonard	2. Increase cost by 43% is unfeasible.
12	2. Vehicles	Rafique Ahmed	2. Increase cost by 43% is unfeasible.
12	2. Vehicles	P Cheakley	2. Increase cost by 43% is unfeasible.
12	2. Vehicles	M Murray	2. Increase cost by 43% is unfeasible.
13	1. Drivers 2. Vehicles	Mr Radcliffe	1. Increase of £95.00 is too high 2. Increase of £70.00 is too high
14	2. Vehicles	D Wilcock	2. Increase up to £300 is unfair. 2.Extra tests for vehicles over 7 years old unfair. Comments made about pricing the zones

Appendix C1st Consultation 31/12/08 to 05/02/09

	Drivers/Vehicles/ Operators	Name	Summary of comments
15	2. Vehicles	P Cairns	2. Represents an increase of 28% without a corresponding tariff rise.
16	General	B Milne	Increased licence fees do not seem to be justified.
17	1. Drivers	T E Perry	1. Increase is too high from £75 to £204.
18	1. Drivers 2. Vehicles	S Taylor	1. Increase from £75 to £204. 2. Increase from £205 to £300.
19	2. Vehicles	W Ludgate	2. The amount for renewal should be less. Comments made about fees for testing.
20	1. Drivers	R Hilton & G. Travena	1. Increase is too high £75 to £204.
17	1. Drivers	S Tayce	1. Increase is too high from £75 to £204.
17	1. Drivers	M Kellat	1. Increase is too high from £75 to £204.
17	1. Drivers	B Ault	1. Increase is too high from £75 to £204.
17	1. Drivers	S J Wrench	1. Increase is too high from £75 to £204.
17	1. Drivers	P Dolan	1. Increase is too high from £75 to £204.
17	1. Drivers	J Mycroft	1. Increase is too high from £75 to £204.
17	1. Drivers	W Bracegirdle	1. Increase is too high from £75 to £204.
17	1. Drivers	A M Whalley	1. Increase is too high from £75 to £204.
17	1. Drivers	J C Goodier	1. Increase is too high from £75 to £204.
17	1. Drivers	N Varty	1. Increase is too high from £75 to £204.
21	1. Drivers 2. Vehicle	T Potts	1. Justify £204 plus CRB, Medical & Photos. 2. Why the big difference between 1 st test (£300) and 2 nd test (£100).
22	General	L M Grace	Objects to the proposed charges.
23	1. Drivers 2. Vehicles	D Whiston	1. Increase from £109 to £204. 2. Increase from £230 to £300.
24	General	C A & P M Pumford	Huge rises in licence fees having a direct impact on our running costs.
25	1. Drivers 2. Vehicles	P Rumfitt	1. Increase from £75 to £204. 2. Increase from £210 to £300.
26	2. Vehicles	T A Norbury	2. Previous fee is quite sufficient.
27	1. Drivers	R F Lynch	1. Increase is very high from £75 to £204.
27	1. Drivers	M J Worrall	1. Increase is very high from £75 to £204.
27	1. Drivers	L M Davies	1. Increase is very high from £75 to £204.
27	1. Drivers	P Groom	1. Increase is very high from £75 to £204.
27	1. Drivers	O Zammit	1. Increase is very high from £75 to £204.
27	1. Drivers	C Davies	1. Increase is very high from £75 to £204.
27	1. Drivers	W Bracegirdle	1. Increase is very high from £75 to £204.

A total of 93 letters

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Appendix D

2nd Consultation 20/02/09 to 20/03/09

Comments received in relation to proposed Cheshire East Licensing Fees

	Drivers/Vehicles/ Operators	Name	Summary of comments
1	1.Drivers 2.Vehicles	Mr D Whiston	1.Phased approach to price increases. 1 year badge for new drivers. 2.Would advise tests to be done 6 months after MOT test done.
1	1.Drivers 2.Vehicles	Mr P Ratcliffe	1.Phased approach to price increases. 1 year badge for new drivers. 2.Would advise tests to be done 6 months after MOT test done.
1	1.Drivers 2.Vehicles	Mr A Lowe	1.Phased approach to price increases. 1 year badge for new drivers. 2.Would advise tests to be done 6 months after MOT test done.
1	1.Drivers 2.Vehicles	Mr Jennings John Anders	1.Phased approach to price increases. 1 year badge for new drivers. 2.Would advise tests to be done 6 months after MOT test done.
1	1.Drivers 2.Vehicles	Mr P Cairns	1.Phased approach to price increases. 1 year badge for new drivers. 2.Would advise tests to be done 6 months after MOT test done.
1	1.Drivers 2.Vehicles	Mr T Hargreaves	1.Phased approach to price increases. 1 year badge for new drivers. 2.Would advise tests to be done 6 months after MOT test done.
1	1.Drivers 2.Vehicles	Gerrards Private Hire	1.Phased approach to price increases. 1 year badge for new drivers. 2.Would advise tests to be done 6 months after MOT test done.
1	1.Drivers 2.Vehicles	Peters Private Hire	1.Phased approach to price increases. 1 year badge for new drivers. 2.Would advise tests to be done 6 months after MOT test done.
1	1.Drivers 2.Vehicles	Adrian Marshall	1.Phased approach to price increases. 1 year badge for new drivers. 2.Would advise tests to be done 6 months after MOT test done.
1	1.Drivers 2.Vehicles	K Stubbs	1.Phased approach to price increases. 1 year badge for new drivers. 2.Would advise tests to be done 6 months after MOT test done.
1	1.Drivers	Mr Radcliffe	1.Phased approach to price increases. 1 year badge for new drivers.

Appendix D

2nd Consultation 20/02/09 to 20/03/09

	2.Vehicles		2.Advises tests to be done 6 months after MOT test done.
1	1.Drivers 2.Vehicles	Mr T Brooks	1.Phased approach to price increases. 1 year badge for new drivers. 2.Would advise tests to be done 6 months after MOT test done.
1	1.Drivers 2.Vehicles	Mr Jackson	1.Phased approach to price increases. 1 year badge for new drivers. 2.Would advise tests to be done 6 months after MOT test done.
1	1.Drivers 2.Vehicles	Terrys Taxis	1.Phased approach to price increases. 1 year badge for new drivers. 2.Would advise tests to be done 6 months after MOT test done.
1	1.Drivers 2.Vehicles	Riverside Taxis	1.Phased approach to price increases. 1 year badge for new drivers. 2.Would advise tests to be done 6 months after MOT test done.
1	1.Drivers 2.Vehicles	Bill M	1.Phased approach to price increases. 1 year badge for new drivers. 2.Would advise tests to be done 6 months after MOT test done.
1	1.Drivers 2.Vehicles	G M Toupsett	1.Phased approach to price increases. 1 year badge for new drivers. 2.Would advise tests to be done 6 months after MOT test done.
1	1.Drivers 2.Vehicles	Jo Beresford	1.Phased approach to price increases. 1 year badge for new drivers. 2.Would advise tests to be done 6 months after MOT test done.
2	1.Drivers 2.Vehicles	Paul Rumfitt	1.Increase too high from £75 to £204. 2.Increase too high from £210 to £300.
3	1.Drivers 2.Vehicles 3.Operators	Mr A T Hudson	1.Proposals above inflation. 2.If capped increase would be acceptable. 3.Part time operators should pay higher costs.
4	General	Patrick J Gillick	Justify price increase.
5	General	T E Perry	Justify price increase. Reduction in people using taxis and too many licences being issued.
6	General	Miss C Binns	Price increases. Unaffordable. Objects to MOT less than 3 years old.
7	General	Mr Pumford	Price increases too high.
8	1.Drivers	Mr Jack Woolcock	Unacceptable increase from £75 to £204.
9	1.Drivers 2.Vehicles	Mr J Quigley	1.Increase of approx 180%. 2.Increasing by approx 50%

Appendix D

2nd Consultation 20/02/09 to 20/03/09

10	General	Mr Alan Thompson	Price increase too high.
11	1.Drivers 2.Vehicles	Mr Brian Smith	Suggestions to increase gradually in line with inflation. Minimum fares to cover the first 2 miles.
12	1.Drivers 2.Vehicles	Mr I Davies	1. Why do we want a joint badge? 2. £90 increase just under 49% Further comments test fees.
13	1.Drivers 2.Vehicle	Mr Robert Horton	1. Increase of 172% 2. Increase of 43%
14	Questions	Mr David Jackson	Vehicle licence excessive.
15	General	Mr Alan Thompson	Price increase too high.
16	General	Mr G Stennett	Price increase too high.
17	General	Mr M Kellett	Price increase too high.
18	General	Mr G Trevena	Price increase too high.
19	1.Drivers 2.Vehicle 3.Operators	Mr Terry Marshall	1. Price increase too high. Justify costs. 2. Unfair that hackney fees not being zoned. 3. Price increase too high. Justify costs.
20	General	Mr Ivan F Davies	Price increase too high.
21	General	Mr P. A. Wilson	Price increase too high.

A total of 38 Letters

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I have recently applied to renew my Hackney drivers badge at a cost of £111, which includes the CRB check.

My Hackney Carriage vehicle license is at present £210.

Your proposals are way above inflation and are quite unacceptable.

If the vehicle licenses were capped then the proposed increase would be more acceptable.

As it stands, the majority of owner drivers like myself, drive taxis for a living and have no other income.

Because our local authority deregulated the Hackney plates many years ago it has allowed part time operators to simply license there family saloon car and become taxi owner/drivers who simply trade after they have finished there normal employment.


We are not only competing with other taxi companies, but with other part time owners who simply top up there earnings.

Maybe a part time operator should pay the higher cost of both Hackney Carriage vehicle and drivers licenses.

After all they have other income from there full time employer.

Would it not make sense to deter these part time operators from stealing our livelihood.

Yours faithfully,
Hackney Carriage



Sent: 02 January 2009 21:39
Cc: Licensing Mail Box
Subject: Hackney / Private Hire Fees

Could the following points about the proposed fees be clarified;

a) Will the option to renew a PH/Hackney drivers licence for 12 months still be available? If yes what would be the proposed cost?

b) How many vehicles would be covered by the Private Hire Operators Licence? Currently there are two tiers in Congleton 2-4 & 5+.

c) Currently in Macclesfield, Specially Adapted vehicles are not subject to bi-annual inspection / test until they attain 10 years of age. Will this be continued or will they be subject to the 7 year "rule" as other vehicles.

and not related to the new fees.

d) Drivers who are EXCLUSIVELY employed on fixed run contracts (Corporate and Education - predominantly female drivers) and who never do general PH or Hackney work are they (CBC) and will they (ECC) be subject to the drivers "Knowledge" test.

Many Thanks

ment.

Sent: 06 January 2009 14:06
To: Licensing Mail Box
Subject: Proposed License Fees 1st April 2009

I wish to object to the proposed license fees as published by yourselves. There can be no justification for such a large increase which is way over inflation. The vehicle license from £230.00 to £300.00 is a 30.00 % increase, the drivers license from £109.00 to £204.00 is an increase of 87.00%. The proposed 5 year license for Operators amounts to pretty much the same per year as the existing charge but is unnecessary. Remember, it was Congleton BC who some years ago reduced it from a 3 year to a 2 year but for the same charge! A 3 year one is ample. These proposed increases are preposterous and disgraceful and will add yet another burden on operators and will surely lead to fare increases to the paying public. If the departments costs have/are increased(ing) by that amount then let us have some cost cutting to show that the Council does really care. Otherwise you are treating us like a "cash cow".

Your confirmation of this communication would be appreciated.

Attachments:

My Council.doc



My Council.doc (30 KB)

I write to you in the vain hope that you can be of help. The new authority has just published its proposed increases in its license fees to the taxi trade. I attach a copy for your perusal. In it the vehicle license is proposed at £300.00, currently £230.00 an increase of 23.33% and Driver license is proposed at £204, currently £109.00 an increase of 87.00%!! This is without the £39.00 CRB fee. The other main change is the operators license at £345.00 for 5 years which on an annual basis is not an increase but at the moment we pay £159.00 for 2 years. This was changed some few years ago by CBC when it was reduced from 3 to 2 years but for the same fee!! Why do we need a 5 year license? It is a large sum to pay out. To put these prices into perspective 20 years ago a car was £80.00, drivers £45.00 for 3 years and operators license was £100 for 3 years!!

If this is the future after this reorganization then I can't wait for the Council Tax bill!! I thought that a new streamlined council would be more cost effective. Do they know what that means? They are just treating us as a "cash cow" but these proposed fees will have to be passed on to the public and other government bodies who use our services.

I have made my objections known to the Council as have many others so I am not asking you to write to them on my behalf, unless you feel that would help, but is there anything else that you/we could do?

regards,



Your ref:

Our ref:

Date: 7th January 2009

The Licensing Officer
Congleton Borough Council
Westfields
Middlewich Road
Sandbach
Cheshire
CW11 1HZ

Re: Proposed increase in Private Hire/Hackney Carriage - Driv Lic Fees - Licence Plate Fees

Dear Sir/Madam

I have been contacted by a fellow Private Hire Operator re the above proposed increases.

I was unaware that these increases were in the pipeline and was somewhat shocked when I was told how much they are likely to be. The figures that have been quoted are (a), an increase in the 3year drivers licence fee from £106.00p to ££204, and (b), an increase in the Licence Plate fees from £230 to £300.

The drivers licence increase equates to 92.4% and the Licence Plate fee to 30.4%.

The reason for these increases, I am informed, are because of an amalgamation of local authorities and the licence fees re-assessed.

Congleton Borough Council will apparently be shredding their responsibilities for these increases and and 'flak' will be passed on to the new licensing authority. However, this does not sit well with existing operators within the Congleton Borough licensing area.

During the past year and beyond, private hire and taxi operators have been subjected to **massive increases** in operating costs and to my knowledge I am still operating on a Scale of Fares "with effect from midnight on 22nd June 2005."

Although the individual operator can do little to oppose these increases, there is perhaps a route through the Member of Parliament for the area concerned, and maybe through the European Court system.

These increases are completely unacceptable and I am forwarding a copy of this letter to my MP.

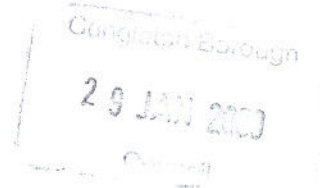
But before I send a copy of the letter to the MP, will you please acknowledge that the increases I have outlined are correct and also the reason for them.

I look forward to an early reply.

Yours faithfully

5

Licensing Section (Cheshire East)
c/o Congleton Borough Council,
Westfields,
Sandbach,
Cheshire
CW11 1HZ



FAO: Licensing Section

Dear Sir / Madam,

I am writing in response to the proposed changed in Taxi Licensing Charges.

I feel that increase in the cost of operating my hackney carriage vehicle(s) by 43% is quite unfeasible and counter-intuitive. In the current economic climate, central government is committed to making sure that businesses can stay in business. The idea of increasing operating costs so dramatically without any added benefits to ourselves as operators does not fit with this principle.

According to the Local Government (Miscellaneous Provision) Act of 1976 it is the council's responsibility to keep the cost of the licenses proportionate to the cost of administrating the licenses and the public ranks. I fail to see how this cost has shot up by 43% in the last 12 months.

I would like to see the current proposals reconsidered and a more reasonable proposal put forward.

Yours sincerely.

New Cheshire East Council license fees for Hackney Carriage & Private Hire Vehicles, Drivers & Operators

I wish to object most strongly to the new proposed license fees above which have increased by a huge proportion from the current Congleton Borough rate.

The increased rates are significantly above the rate of inflation and will lead to fare increases to the public and will particularly affect those of my customers who are poor, elderly or have health problems. Some live in the countryside where there is no public transport and rely on our support to take them to the shops, doctors, dentist, hospital etc.

I would expect the license rates to reduce as streamlining three councils into one should create significant cost savings within the Licensing Department.

The proposed increases are preposterous and disgraceful and will increase costs/create problems for the already hard hit Taxi/Private Hire trade & the paying public.

In this challenging economic climate when so many people are losing their jobs, increasing the Drivers License fee is a disincentive for firms to employ drivers. I would suggest that the proposed rates need to be reviewed again with consideration given to the implications.

Licensing Section
c/o Congleton Borough Council
Westfields
Sandbach
Cheshire
CW11 1HZ

Re: Proposed variation in Licence Fees relating to hackney carriage and private hire vehicles, drivers and operators.

I write to lodge an objection to the proposed increase in licence fees re; your published notification of December 2008.

I am a Macclesfield Taxi Proprietor, with 11 years experience, trading as Silvertown / Call a Car currently operating 16 Taxis and Private Vehicles in Macclesfield plus providing facilities management services for a further 27 Taxis. I employ 30 staff.

My objections to the increases, in order of publication, are as follows.

1. Hackney Carriage/Private Hire

Your proposal represents a 42.85% increase in the annual charge, which is unprecedented in the current economic climate, especially as our fares, through negotiation with MBC increased by 5.77% in April 2008. Such a proposed increase could not be passed on to the customer and therefore would have to be borne by the Taxi proprietor reducing already diminishing margins, seriously compromising ability to continue to trade.

2. 6 month Test – no objection

3. Joint Badge Fee

Borne by drivers, the proposed increase of 9.67%, is 3.9% above the "wage" increase of 5.77%, and would impose unnecessary hardship.

4. Operators Licence - no objection

Notes:

I am concerned that the transition from MBC to Cheshire East is ill prepared for dealing with the complex issues of the Taxi/ private Hire industry and that the shadow council underestimates size of the Industry, over 2200 personnel, and its contribution directly to Council funds as well as the local economy.

9

My concerns are such that with others I am organising the formation of a liaison group. Rumour and hearsay abound therefore a number of proprietors would like the opportunity to meet and discuss with the shadow licensing committee what the future plans are for fare structure, testing facilities and administrative centres.

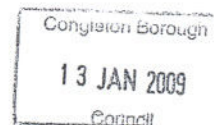
Guidance as to how this could be facilitated would be appreciated.

Yours Sincerely

/



10



Licensing Section
c/o Congleton Borough Council
Westfields
Sandbach
Cheshire
CW11 1HZ

Re: Proposed variation in Licence Fees relating to hackney carriage and private hire vehicles, drivers and operators.

I write to lodge an objection to the proposed increase in licence fees as described in your published notification of December 2008.

I am a Macclesfield Taxi Proprietor trading as Sparetime, operating 8 Taxis in Macclesfield, with 20 years experience.

My objections to the increases, in order of publication, are as follows.

1. Hackney Carriage/Private Hire

After months of negotiation via Macclesfield Licensing Committee and representatives of the Macclesfield Borough Taxi Trade a new Tariff was agreed to represent a fair increase in Fares(in force from 23April 2008) which reflected both the Council's on what would be a fair deal for the Council, the public and the Trade. This figure represented a 5.77 – 6.2% increase. The proposed increase represents a 42.85% increase in the annual charge. An increase of this magnitude could not be passed on to the customer and therefore would have to be borne by the Taxi proprietor seriously compromising ability to continue to trade. In the current economic climate an increase, if at all justified, relating to the agreed Fare rate of 5.77 – 6.2% may, after negotiations, be acceptable.

2. 6 month Test – no objection

3. Joint Badge Fee

A cost directly borne by drivers, who via the fare increase have seen a “wage” increase of 5.77 – 6.2%, therefore the proposed increase of 9.67%, 3.9% above the “wage” increase, would not be acceptable, imposing unnecessary hardship.

4. Operators Licence

No tangible objection as an increase of 4.54% reflects the net effect of the increase in fares.

Notes:

I am not proposing that an increase in fees is not warranted, Council admin & operating costs increase as do Taxi Trade costs. I am proposing that, through negotiation, fees are appropriate, reasonable and reflect a fair and equitable result for all parties.

Little seems to be forthcoming on the combined Fare structure, Testing facilities and administrative/ enforcement arrangements for Cheshire East.

The Fees, Fare structure, Testing facilities, administrative areas are all interlinked and there appears to be no forum for discussion between the Trade and the shadow Council representatives.

There are 566 Licenced drivers in the (old) Borough of Macclesfield, plus a further (approx) 140 support staff which include: Booking and despatch clerks: Accounts clerks: School Escorts: Car mechanics and valeters.

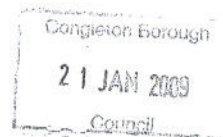
706 people from the Macclesfield borough with a vested interest in the future of the Taxi Trade in East Cheshire, add to this a conservative estimate of 1400(I will establish the exact numbers in due course) from Congleton, Crewe & Nantwich that is 2106 personnel, a large employer.

The extent of the contribution of the Taxi Industry to the service sector, the economic success and potential for Cheshire East Council cannot be underestimated.

There are a number of proprietors interested in forming a liaison group to facilitate an effective transition and provide a "voice for those working in the Trade.

Guidance as to how this could be facilitated would be appreciated.

Yours faithfully,



19 January 2009

Dear Sir / Madam

I am writing to you with regard to the published increases for Hackney and Private Hire Vehicles and drivers.

The percentage of the increases is very high, i.e. £75 increasing to £204 for drivers.

Due to the decline in trade and the current economic climate I feel this is not supportive of sole traders and small businesses.

I look forward to hearing about consultation with the trade regarding this matter.

Kind regards

Licence Fees:

To Whom It May Concern:

We are writing to you concerning the letters that we received from you on Monday 19th January 2009.

The comments that we would like to put forward, about the new licensing fees of Cheshire East Council seem to be over inflated.

Private Hire Vehicle licence has increased £70.00 and if your Vehicle is seven years old it will be then be £170.00 a year increase as there is now a extra re test every six months, which one of our Vehicles is approaching, plus a normal m.o.t. Private Hire/Hackney badges have increased £95.00.

Last year the fees came to £676.66 a year for our business, and now it will increase to £1205.00 (Excluding C.R.B) to us running three vehicles is a lot of money for a small company like ours to sustain every year, especially in a looming recession and there seems to be more and more Taxi Firms starting up. Which the local economy clearly isn't going to sustain, and these increases in fees don't seem to be justified, we would like to know what we are going to get of Cheshire East Council for this extra £528.34 a year increase approximately.

It seems to be that some one else has made this decision for all of us, and it's the small business that are going to suffer as usual. The news reports that we hear on the TV and radio announce that the government want to support and protect small businesses in this recession, but it seems to us that the only people who will benefit again is the government.

We never asked to join Cheshire East Council, and we think the fees and the vehicle conditions are totally unfair, unacceptable and unjustified. We are going to forwarded a letter of complaint to our local M.P.

To whom it may concern,

I am writing to object to the proposed licence fee increase for hackney carriage a private hire.

1/ The increase up to £300.00 for a hackney licence is in my opinion both unfair and unjust, and must have been dreamt up by some council official or officials suffering from "recession denial". Your % increase is totally out of step with falling inflation and the economic troubles of the local and wider world. The downturn in the High St, + the introduction of bus passes, more taxis on the Congleton Bank and the threat to almost everyones jobs have all hit the Taxi trade, and if these unrealistic hikes in charges would be a massive blow to us all.

2

The proposal to have an extra vehicle test for vehicles over 7yrs old also seems to be something dreamt up by council officials with too much time on their hands.

While I agree totally that vehicles used for the transportation of the public "and ourselves" need to be in tip top condition, surely if the operators of

Taxis/private hire vehicles agree to re-align their
D.V.L.A MOT test, so that it is done 6 months after
the council test, this in my opinion would be adequate

Also the proposed charge of £100.00 for what is more or less an M.O.T test, where on earth do the council think that is a fair price for that test, you can get a M.O.T test for about £30 around Congleton, and I may add, it is a more extensive test than the Council's. Staffordshire Moorland Council charge £45 + VAT for there test, How Cheshire East think that £100.00 is a fair and honest price beggers belife.

You are having Zones, mainly because of the
tariff difference between the 3 council Crews
charge £3.80 for there 1st mile, here in Congleton
it is £2.60 " " " ". Where do you think
we as operators can just go out and find extra
money, to help pay for the grand plan of Cheshire
East. You could include the council fees as well
as fares in your 3 zones.

I understand that things go up, but you "the council" control our earnings, our lives in many ways, this massive increase is unfair and unjust, and totally out of touch with the real world and the difficulties faced by all of us.

22nd January 2009

Ref: Cheshire East Hackney Carriage/Private Hire Driver Licensing Conditions

In reply to your letter dated 16th January 2009 inviting views on the new proposed conditions, I feel I must strongly comment on the proposed increase of the annual testing fee to £300.

This represents an increase of 28% without a corresponding tariff rise, the effect would mean that this increase would have to be absorbed by the vehicle licence holder. Under the current recession climate this would represent a significant increase in operating expenses during what are already difficult and trying times for us all.

Could this figure be reviewed and revaluated taking this into account?

CHESHIRE C.W.

DEAR SIRS,

REF - YOUR LETTER REGARDING
NEW LICENCE CONDITIONS
(FROM MACCLESFIELD B.C.)

I WISH TO MAKE THE COMMENT
THAT THE NEW LICENCE FEES PROPOSED,
ARE INCREASED BY FAR TOO MUCH.

A £10 TO £15 INCREASE ON THE CURRENT
CHARGES WOULD BE FAR BETTER, ESPECIALLY
AS THERE ISN'T AS MUCH WORK OWING TO
THE CURRENT FINANCIAL CLIMATE, THE
PROPOSED INCREASES DO NOT SEEM FULLY
JUSTIFIED.

I HOPE YOU TAKE THE ABOVE INTO
CONSIDERATION.



19/1/2009

Dear Sir or Madam,

Any sudden increase in the cost of licence fees or to taxi fares caused by the integration of the three local authorities to form the new East Cheshire Council will be very damaging to the trade in Congleton, coming into force when the trade and many of its customers are left financially vulnerable, from the high fuel prices last year to the present recession, which has left many businesses struggling and people out of work.

It is very important that these increases are phased in gradually over two or three years period. We need to give a lot of consideration to what the public and the trade can afford during this difficult time.

Yours faithfully,

I am writing to you with regard to the published increases for Hackney and Private Hire Vehicles and drivers.

The percentage of the increases is high, i.e. £75 increasing to £204 for drivers.

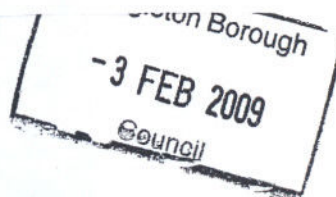
I feel that due to the decline in trade and the current economic climate this increase is not supporting sole traders or small businesses.

I wait to hear from you regarding future consultation with the trade.

Yours truly

31 January 2009

C/O Congleton borough council
Westfield's
Middlewich Road
Sandbach
Cheshire
CW11 1HZ



Dear Sir or Madam:

I am a Hackney carriage driver in Macclesfield, and I am writing to express my grave concerns regarding the proposed licence fee increases, your recent discussions and your pending decision to excessively increase these fees far beyond the 4, 1% rate of inflation. I do believe that these increases are disproportionate and unfair, Please see the examples below.

- Hackney carriage drivers licence £75.00 to £204.00 a 173% rise.
- Hackney carriage car licence £205.00 to £300.00 a 43% rise.

How can you justify these increases, in this current economic climate it is outrageous I was told by my local licensing officer that this amount was an average based on the three zones one of which is one the most expensive in the northwest. But not only that you have also added an extra £25.00 in my opinion this is pure greed I would like you to please explain these vast increases. If the council tax went up at this rate there would be riots.

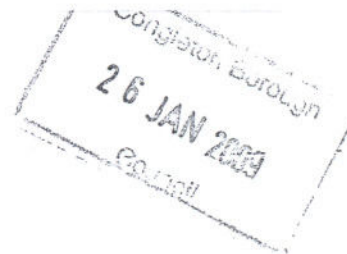
Could you also forward me a copy of the following documents, so I can read them as you request in conjunction with your letter dated 20 January 2009.

1. Local Government (Miscellaneous Provisions) Act 1976
2. Town Police Clauses Act 1847
3. Transport Act 1980

Also under the freedom of information act 2000 could you please supply me the last ten years detailed fees for vehicles and drivers of hackney carriage and private hire vehicles in the three new Cheshire east council zones (Crewe Congleton and Macclesfield).

19th January 2009

Licensing Section
C/o Crewe & Nantwich Borough Council
Municipal Buildings
Earle Street
Crewe CW1 2BJ



Dear Sir/Madam,

Re: Proposed Fees

I have just received your letter and documents regarding the proposed fees and wish to comment thus.

As I am an interested party for Private Hire Vehicles I shall address this situation only. If you wish to increase the application fee as stated to £300.00 you should have a lesser amount for renewal fee, given that the applicant has conformed to the regulations they originally signed up for and have no outstanding grievances reported to the Council.

The test fee for vehicles over 7 years should be set at £25.00 accompanied by a bone fide M.O.T and emission statement from a recognised garage. The M.O.T. must have at least 3 months to run at the time of the test, therefore ensuring the vehicle is in good order.

With regard to such testing one would ask that a differential be made between cars and passenger/MPV vehicles due to the nature of use and the quality of the vehicles and mileage etc.

I was unsure of the figure quoted for "Private Hire Operator (five years) as this item came after the testing fees so I am unclear as to what this relates to?

My feelings are that if you make the fees reasonable in the area's mentioned you are far more likely to achieve them and have a concise picture of the vehicles and personnel operating them under your control.

Yours faithfully,

19 January 2009

Dear Sir / Madam

I am writing to you with regard to the published increases for Hackney and Private Hire Vehicles and drivers.

In Macclesfield there have been no measures to cap the amount of drivers or cars. We do not feel it is fair to pay the same as Congleton, Crewe and Nantwich as they have some measures in place.

Also the percentage of the increases is very high, i.e. £75 increasing to £204 for drivers.

In Macclesfield the trade has on several occasions met with licensing to discuss increase in taxi spaces, capping on cars / drivers and vehicle spec amongst other issues and none have been acted on or resolved.

Therefore we feel that we do not receive a supportive service for our money now so why should we pay more?

I look forward to receiving a response from you as this matter is now urgent and needs addressing.

Kind regards



2009

LEGAL SECTION

Dear Mr Mike Jones & Mrs K Khan

I won't beat around the bush, but I am sick of being ^{nice} to people. I got your letter and thought it was a joke, "How" much money do you think taxi drivers earn, when you have been giving Taxi plates out like confetti, It's getting harder to earn money "HAVE YOU SEEN THE TAXI PLATES" You can't move for Taxis, I see all NEW EAST CHESHIRE council is just another way to rip off the Taxi drivers.

Rip Off 1, CAR TEST

I have to pay £300 for my 1st Test which has been increase of £90 (It's a joke). Then my 2nd Test is only £100 why the big difference,

If this is for administrations fees like I read in the news paper that Tony Potts said, why the big difference again in price, (NOT THE TONY POT WRITING THIS LETTER). So could you please send me a break down of the administration so I can see what I am getting for my extra £200, or is this just to penalize Taxi Drivers that can't afford ne-er Taxis or won't get one on credit.

Rip Off 2, THE BADGE

A Badge is £204 plus C.B.R. Check,
 Plus medical
 Plus Photo's

Which take it up to £300 plus, I have been driving a Taxi in macclesfield for 21 yrs or more and I remember it being £10.00 when I first started, so how do you justify this

Rip off 3 THE ZONES

If we are suppose to be one council that should mean when we pick up we should be able to do this in any area of the borough,

Zoning is your way of bailing out of making one borough, could you tell me if the macclesfield zone are going to stop giving plates out like the other two zone, May be the problem is that those that are running the Taxi Licensing office from the Town halls have never been a Taxi driver and dont understand what it's like,

So if these proposed conditions go through I shall write to my MP and parliament and the news paper, to ask why in this credit crunch cheshire East council can put these stupid increases and rules while other people are freezing prices

I did notice that the change over is the 1st of April and I am hoping that this is just a April fools Joke or may be you think we are the fools.

Yours Sincerely...

Mr. A.C. Lee

Licensing Section,
% Congleton Borough Council
Westfields
Middlewich Road,
Sandbach.

Dear Mr Lee,

Ref: Proposed license fees - Cheshire East

In view of the current economic situation countrywide it seems a ridiculous time to introduce financial penalties to the owners of older vehicles. Whilst the benefits of more frequent safety checks are acceptable the financial realities are costly and in my opinion victimises the small, independent businesses in the area. I object to the planned changes.

Could you please clarify who will be responsible for obtaining CRB checks, what the proposed procedure will be and who will be responsible for the costs incurred?

Do you also have an idea of the proposed costs if it is expected that the individual is to be charged?

I object to the proposed changes when the costs etc have not been clearly advised.

4th February 2009

Dear Vilma,

Proposed New Licence Fees – 01-04-09

I should like to make the following observations in connection with the above.

1. The annual licence fee for a Private Hire Vehicle has increased from £230 to £300 – a rise of 34.43%. How can this be justified?
2. A Private Hire Drivers Licence for a three year term has increased from £109 to £204 – a rise of 87.16% - CRIMINAL !! This means that a prospective driver would have to pay at least £300 (licence fee, CRB and a medical) before he knows whether he has a job or not. How many people are likely to do that? Surely there should be a 12 month licence (at a reasonable rate) to begin with.

Vilma Robson
Westfields
Middlewich Road
Sandbach, CW11 1HZ.

2nd February 2009

Dear Ms Robson

I am in receipt of your letters regarding New Licence Conditions and Licence Fees. I realise that you are not responsible for setting the new rates and dreaming-up the new conditions but I would like to register the strongest possible objection to both fees and conditions and would be obliged if you would convey my comments to the appropriate authority.

My son and I have operated a Private Hire business in this area for the past 14+ years. We have provided an efficient, reliable and much valued service to some private individuals and, mainly, to senior executives of several large companies in South Cheshire and North Staffordshire and even abroad.

It may not have been noticed by those responsible for setting rates and conditions, but the country is currently suffering difficult trading conditions. We at AUTOCRUISE are experiencing the lowest level of business since setting-up 14 years ago. I am aware that many operators are in the same position. Welcome to CHESHIRE EAST !! What perfect timing by our new "leaders", to introduce huge rises in licence fees, having a direct impact on our running costs, when our main focus is on survival which, unless the fee increases are rescinded, we may not achieve.

As partners in the business my son and I both require to take some remuneration out of the company as do our three part time drivers. With the current down-turn in business, due largely to several of our client businesses closing down or moving abroad, we are unable to achieve even the minimum standard wage. These proposed fee increases could be the "final straw".

I hope those responsible will reconsider the proposed changes in order to ensure continuation of the excellent service provided by some of the long serving companies

Licensing Section
Congleton Borough Council
Westfields
Middlewich Road
Sandbach
Cheshire
CW11 1HZ



22nd January 2009

Dear Sir/Madam

Re: Proposed Licence Fees with effect from 1st April 2009

I write in response to a letter from Mrs Khan the Principal Legal Officer on behalf of Cheshire East Council dated 20th January 2009.

The proposed fees are extortionate and unjustified in the current economic climate. Many Private Hire and Hackney Carriage are already struggling with poor trading conditions and may cease to trade as a result of the proposed increases.

The current fee for Private Hire Vehicles is £210 the proposed fee with effect from the 1st April 2009 is £300. This is an increase of £90 per vehicle and a percentage increase of 42.8% per licence. I currently operate 11 vehicles therefore my annual costs will increase by £990.

The current fee for Private Hire Drivers is £75 the proposed fee with effect from the 1st April 2009 is £204. This is an increase of £129 per driver and a percentage increase of 172.0% per licence. I currently operate with 40 drivers and because it is not seen as a major career move by many people I will pay the licence fee for both current and new drivers. (Many companies pay the licence fee for drivers) On an annual basis therefore I will pay for 30 Private Hire Drivers Licenses therefore my annual costs will increase by £3870.

I strongly object to the proposed fees for both Private Hire Vehicles and Private Hire Drivers because the increases are both unjustified and unaffordable.

22 January 2009

Licensing Section
C/o Congleton Borough Council
Westfields
Middlewich Road
Sandbach, Cheshire
CW11 1HZ

Dear Sir or Madam

Hackney Carriage/Private Hire Driver Licensing
New Proposal of Fees

Borough of Macclesfield
Joint Driver Licence
Trevor Anthony Norbury
No. JD0048 Expiry date: 21/05/2011

I am writing to complain about the proposed increase in the licensing fees.

I feel that the previous licensing fee, along with the medical examination, which was approximately £235, is quite sufficient.

Your new proposals are going to put a lot of people out of work especially the part-time taxi drivers who will not be able to pay this excessive increase in fees that you are proposing per annum, along with the medical examination.

A lot of part-time and self-employed taxi drivers are working on a percentage and find it hard to make some sort of living on their takings which are based on 40 – 45% of what they earn.

Your proposals are going to put a lot of taxi drivers out of work with this proposed increase, as they are not earning the minimum wage as stipulated by law per hour, considering the amount of ours they have to work.

I would be grateful for a reply

Yours faithfully

19th February 2009

Dear Cheshire East Licensing Committee,

A recent meeting took place with Congleton Borough Licensing Authority Officers and Private Hire/Hackney Carriage operators of the borough; at which proposed changes currently under consideration for the Cheshire East authority area were discussed. Operators later reconvened and would like to suggest the following amendments to those proposals. The operators present at the meeting are listed separately.

Licence Fees

In the present financial climate where many have to realign their business's to allow for falls in turnover, to increase the current fees would make it much harder for operators to maintain what is currently a good level of service.

Though increased fees are inevitable, if the Operators are to maintain and improve the service they provide, we would like to suggest a phased approach to the price increases, which is relative to passenger fare prices from what is effectively the lowest fare area, Macclesfield.

In addition to ease the cost burden for new drivers to our industry, who face several hundred pound costs to meet all the legal criteria required, plus a wait of 8-12 weeks for CRB checks to be completed before they can start earning, we would like to suggest a new one year badge to be issued for new drivers at a reduced cost instead of the current three year only application. This would make it more financially attainable.

Vehicle Conditions

4. Vehicle Testing: The value of a rule which states vehicles in excess of 7 years of age is unacceptable, when these vehicles if maintained and well presented still have a market within the hire industry. If a vehicle is deemed to be not of acceptable condition it should not be passed for licence whatever age.

We would further suggest that the Council test date be geared in such a way that it would be due 6 months after MOT testing. Currently some vehicles have an MOT followed by a Council test within one week. This way no additional 6 monthly test would be required. This would ensure that regular 6 monthly safety checks are carried out and provide better value for money for the operator.

2.5 Tow Bars. If a tow bar is fitted to a Hire Vehicle this implies the use of a trailer which enables operators to carry outsize luggage i.e. ski's or larger than normal amounts of luggage whilst ensuring the passenger areas remain safe. This is a valuable facility to some Operators, We would like to propose that if a tow bar is fitted then the trailer must also be tested for structural integrity, lights, brakes, if applicable, and a council plate fitted corresponding to the vehicle.

Deregulation

Operators feel strongly that deregulation at this point in time would be totally counter productive and we would like to suggest the current zones are maintained until further investigation into the implications be made.

7.1 Car Markings/Signage on vehicles. Many operators retain on their client lists executive customers who prefer to travel in un-logo'd vehicles, these vehicles currently carry Council Plates front and rear, have the necessary safety checks and the authority markings inside the vehicles. We believe that the proposed signage to all vehicles will mean that we will lose this type of business. We therefore suggest that vehicle exterior markings be left to the operator's discretion, or reconsidered.

6. Fire Extinguishers. Clarification on the subject of testing and who and how this can be effectively carried out is required, some operators questioned the requirement of extinguishers on the grounds that they are not trained fire fighters and their first priority in the event of a fire is to get their passengers and themselves out of harm's way, the presence of an extinguisher tempts a driver into what is a very dangerous situation. The vehicle after all is insured as are all contents, many operators indicated they would take a dim view of any driver who placed himself in harms way to save a vehicle.

2.7 Tinted Glass. National and European Law currently states to what degree glass may be tinted. In most cases manufacturers supply vehicles with tinted windows which are legally allowed under current legislation which has been arrived at following extensive investigation and testing. Can we remain within these criteria without adding a further complication to vehicles which are acceptable within the law of the land.

5.2 LPG The proposed modifications to vehicles fitted with LPG fuel options are felt to be both illegal and dangerous, and a little ill perceived. LPG systems are legally only fitted by accredited garages and trained engineers, and carry a certificate which is required by all insurance companies prior to cover being provided, this allows no modifications of any kind be carried out by unauthorized persons, the proposed modifications of further shields fitted to tanks would invalidate warranty and insurance and is deemed unnecessary following extensive design and testing by manufactures of the systems.

Vehicle Usage

Currently insurance companies provide policy cover of 'Private Hire/Social and Domestic use' on vehicles, we request the council recognize and allow this usage of vehicles where operators own one vehicle negating the necessity of purchase of two vehicles where one would be constantly parked when not in use, this aside from the financial impact also would be the environmentally friendly avenue.

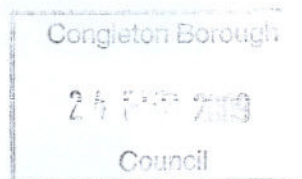
Consultations

May we finally suggest that a reorientation of the industry operators be appointed to the committee to allow a balanced input to the decision making process from those that any decisions will directly effect.

I would like to thank the committee for taking the time to consider these proposals and attach the list of Congleton Operators who support these proposals.

Licensing Section
Congleton Borough Council
Westfields
Middlewich Road
Sandbach
Cheshire
CW11 1HZ

22nd January 2009



Dear Sir/Madam

Re: Proposed Licence Fees with effect from 1st April 2009

I write in response to a letter from Mrs Khan the Principal Legal Officer on behalf of Cheshire East Council dated 20th January 2009.

The proposed fees are extortionate and unjustified in the current economic climate. Many Private Hire and Hackney Carriage Operators are already struggling with poor trading conditions and may cease to trade as a result of the proposed increases.

The current fee for Private Hire Vehicles is £210 the proposed fee with effect from the 1st April 2009 is £300. This is an increase of £90 per vehicle and a percentage increase of 42.8% per licence. I currently operate 11 vehicles therefore my annual costs will increase by £990.

The current fee for Private Hire Drivers is £75 the proposed fee with effect from the 1st April 2009 is £204. This is an increase of £129 per driver and a percentage increase of 172.0% per licence. I currently operate with 40 drivers and because it is not seen as a major career move by many people I will pay the licence fee for both current and new drivers. (Many companies pay the licence fee for drivers) On an annual basis I will pay for 30 Private Hire Drivers Licenses therefore my annual costs will increase by £3870.

I strongly object to the proposed fees for both Private Hire Vehicles and Private Hire Drivers because the increases are both unjustified and unaffordable.

I would like to protest to the proposed increase of Hackney carriage licenses. Page 52

3

I have recently applied to renew my Hackney drivers badge at a cost of £111, which includes the CRB check.

My Hackney Carriage vehicle license is at present £210.

Your proposals are way above inflation and are quite unacceptable.

If the vehicle licenses were capped then the proposed increase would be more acceptable.

As it stands, the majority of owner drivers like myself, drive taxis for a living and have no other income.

Because our local authority deregulated the Hackney plates many years ago it has allowed part time operators to simply license there family saloon car and become taxi owner/drivers who simply trade after they have finished there normal employment.

We are not only competing with other taxi companies, but with other part time owners who simply top up there earnings.

Maybe a part time operator should pay the higher cost of both Hackney Carriage vehicle and drivers licenses.

After all they have other income from there full time employer.

Would it not make sense to deter these part time operators from stealing our livelihood.

Your increase is totally unacceptable.



**Spare Time**

Licensing Section
c/o Congleton Borough Council
Westfields
Sandbach
Cheshire
CW11 1HZ

Re: Proposed variation in Licence Fees relating to hackney carriage and private hire vehicles, drivers and operators.

I write to lodge an objection to the proposed increase in licence fees as described in your published notification.

I am a Macclesfield Taxi Proprietor trading as Sparetime, operating 8 Taxis in Macclesfield, with 20 years experience.

My objections to the increases, in order of publication, are as follows.

1. Hackney Carriage/Private Hire

After months of negotiation via Macclesfield Licensing Committee and representatives of the Macclesfield Borough Taxi Trade a new Tariff was agreed to represent a fair increase in Fares(in force from 23April 2008) which reflected both the Council's on what would be a fair deal for the Council, the public and the Trade. This figure represented a 5.77 – 6.2% increase. The proposed increase represents a 42.85% increase in the annual charge. An increase of this magnitude could not be passed on to the customer and therefore would have to be borne by the Taxi proprietor seriously compromising ability to continue to trade. In the current economic climate an increase, if at all justified, relating to the agreed Fare rate of 5.77 – 6.2% may, after negotiations, be acceptable.

2. 6 month Test – no objection

3. Joint Badge Fee

A cost directly borne by drivers, who via the fare increase have seen a “wage” increase of 5.77 – 6.2%, therefore the proposed increase of 9.67%, 3.9% above the “wage” increase, would not be acceptable, imposing unnecessary hardship.

A joint badge is surplus to requirement for most drivers, particularly Owner Drivers who have either a Hackney Vehicle or a Private Hire Vehicle. It should remain an option available to those who by choice want greater flexibility when seeking work as a Driver.

4. Operators Licence

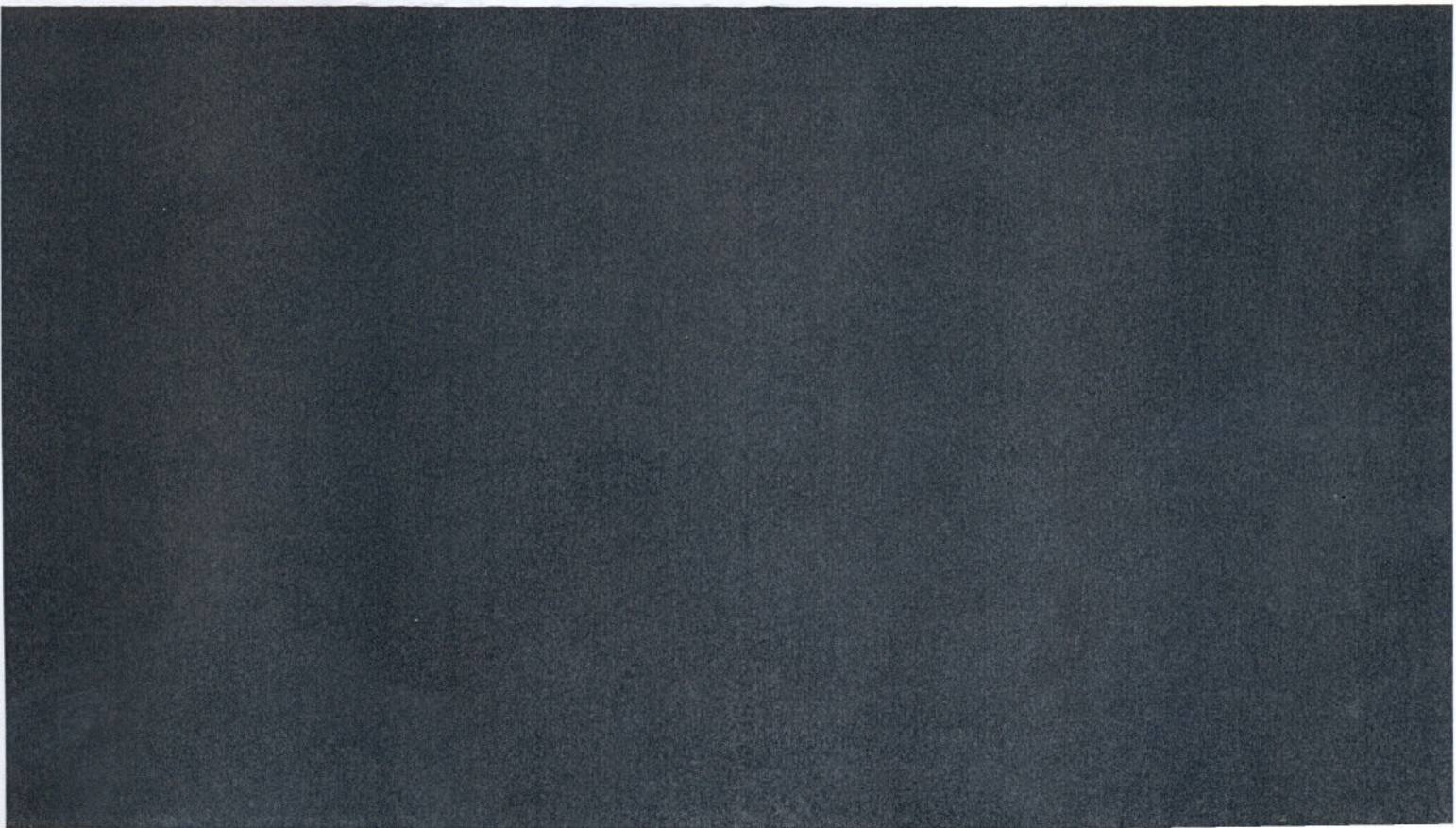
No tangible objection as an increase of 4.54% reflects the net effect of the increase in fares.

Notes:

Having attended the Public meeting it seems patently clear that there is considerable room for the sharing of information between the Licensing Committee and the Taxi Trade.

I would propose that a working group is formed which combines members of the Committee, Taxi Trade representatives and Licensing professionals so that a reciprocal sharing of information can occur ensuring all parties reach fair and equitable solutions. This would engender a level of trust and understanding which currently is at a low point.

The extent of the contribution of the Taxi Industry to the service sector, the economic success and potential for Cheshire East Council cannot be underestimated.



In response to the proposed increase in Private hire and Hackney carriage Licenses I object for two main reasons.

Firstly the present financial climate means there is a large reduction in people using taxis and the general increase in the cost of fuel and repairs.

Secondly there are too many licenses being issued and that is reducing the share of business available to make a reasonable income.

Is the M O T certificate included in the increase in fees or are we expected to pay out again for something which has been unnecessary in the past?

Yours faithfully,



DEAR SIR/MADAM

RE:PROPOSED LICENCE FEES WITH EFFECT FROM 1ST APRIL 2009

I WRITE IN RESPONSE TO LETTER FROM MRS KHAN THE PRINCIPAL LEGAL OFFICER ON BEHALF OF CHESHIRE EAST COUNCIL DATED 20TH JANUARY 2009.

THE FEES THAT HAVE BEEN PROPOSED WITH THE EFFECT FROM THE 1ST OF APRIL 2009 IS UNJUSTIFIED .AND I STRONGLY OBJECT TO THIS INCREASE FOR HACKNEY CARRIAGE / PRIVATE HIRE.

I ALSO OBJECT TO CHESHIRE EAST COUNCIL REQUIREING AN M.O.T CERTIFICATE WHEN VEHICLE.S

ARE NOT 3 YEARS OLD. THE INCREASE IS UNAFFORDABLE AS WE ARE TAKING LESS , AND LESS INCOME WITH MORE AND MORE LICENCES GIVEN OUT .AND LESS PEOPLE TRAVELING IN TAXIS.

YOURS SINCERELY

Licensing Section
C/o Congleton Borough Council
Westfields
Middlewich Road
Sandbach, CW11 1HZ

3rd March 2009

Dear Sir/Madam,

As you will have seen from my previous letter addressed to Vilma Robson on 2nd February 2009, we at Autocruise are extremely unhappy regarding the proposed new fees for Private Hire licences.

It would be difficult to absorb any increase in the current economic trading conditions, but the huge increases proposed will be extremely damaging to many small businesses such as ours,

I note from your letter of (no date), advising of the re-published proposals, that the only reduction from previous proposals, relates to the additional charge for the testing of vehicles over 7 years old. Surely the Council should be discouraging the use of older vehicles for the carriage of people rather than rewarding their use.

I understand that some local authorities refuse to licence vehicles over a certain age. There would seem to be some logic in this approach by any council wishing to enhance its image with local and foreign travellers.

Many of the more prestigious vehicles operated in the Congleton Borough area are owned by small 2 or 3 car businesses. These vehicles are a credit to their operators and to their licensing authorities, but I fear your proposed new fees will put some of these small operators out of business.

The Licensing Committee should be aware that the margins in running a small business with modern vehicles, renewed regularly, rising insurance costs and now, crippling licence fees, are very small indeed. If the Committee wishes to retain a thriving Private Hire industry in the new Cheshire East area, the current proposals should be withdrawn and replaced by more business-friendly charges.

Yours sincerely

∩ ∩

Cheshire East Council
Licensing Section
c/o Congleton Borough Council
Westfields
Middlewich road
Sandbach
Cheshire
CW11 1HZ

28th February 2009

Dear sir,

Re:- Private Hire Driver Licence Fee

Currently I am the holder of a Private Hire Drivers Licence Issued by Macclesfield Borough Council which cost the following, **£75.00** (excluding the CRB check cost and £100.00 fee for a medical examination).

I have been informed by letter that in future the Private Hire Drivers Licence which will be issued by the new Cheshire East Council is a proposed **£204.00** (not including the CRB check fee and medical examination fee), this represents an increase of **172%**.

Last year inflation reached **5%**, so the question is quite simple. How does the new Cheshire East Council, which has been promoted as of great benefit to its residents, justify such a jaw dropping increase. Also I hope that the Council is aware that the country is in recession with inflation rapidly falling, if not, then its not just us poor private hire drivers that are in for a shock.

Please will you forward my objection to this unacceptable rise in licence fee to the Licensing Committee, particularly on the grounds of it being vastly in excess of the current rate of inflation.

Yours faithfully.

Dear Sir/Madam

SR 10 5 11

9

Re: Proposed Licence Fee's with Effect From 1st April 2009

In response to a letter from Mrs Khan Legal Officer for Cheshire East Council dated 20th January 2009.

I **STRONGLY** disagree with the proposed increase's in fee's for the private hire and hackney carriage operators as the trade is already struggling with the economic climate.

The current fees are about right and I find that the new proposed fee's for vehicle plates are increasing by approx 50%.

Also an increase of driver's badge's Fee's are an increase of approx 180% and that is not taking into account medical and photographs.

J Quigley

Dear Mr Potts, (I assume is the person relating to proposed fee increases)

First I would like to deal with the lack of information provided by your department, to anyone in the taxi/private hire business with regard to changes in licensing fees, I only became aware of the proposed charges by accident via an article in a newspaper.

Your department should be ashamed of the fact that it has not contacted anyone in the hire business either about the increased fees or any information about a consultation on the subject ! Had it not been for the article in a newspaper I would be totally unaware of your proposals and any consultation.

Next, I would like to deal with the fees themselves, what you are proposing is a 43% increase in fees at a time when you are fully aware that everyone in the vehicle hire business is earning far less than in previous years due to market conditions, the current RPI is less than 2% and you pluck out a massive increase from out of the blue which bears no relation to current conditions, We, unlike yourselves, do not have a steady income, it rises and falls along with the economic conditions, I put it to you that you would be most unhappy if I were in a position to take 43% more off YOUR income just to go to work !

Not only are you squeezing incomes by proposing this hike you are also going in direct opposition to Government policy, which is to conserve as many jobs as possible and (as Gordon Brown requests) create more employment by spending in shops etc, how can we do this if you are taking more money out of a depleting business ?

I request that this policy is dumped into a waste bin never to see the light of day again, particularly as the current fees are among the highest among other authorities, I do not find the article about the proposals humorous or funny, I see it as a rip off by your licensing dept that is plainly not fair in the current times and is only possible due to the powers that you have been given and are abusing.

I also have much more to say about this, so I await a consultation meeting being put forward by you that all in the business are made aware of and can attend in which to advise you of the anger we all feel.

Yours

I would like to comment on the proposed licence fee changes for hackney/private hire licences in the new Cheshire East Council.

In making my comments the following points should be taken into consideration;

- a) Any merger of authority offers an excellent opportunity for economies of scale, savings, and the sensible rationalisation of the best aspects each individual offered before merging.
- b) We are in a recession and for the last 3-6 months my income has dropped to around £3-£5 per hour, well below the minimum wage. Even in a small combined region like the new Cheshire east there are great regional variances in opportunity for earning (ie train timetables, local business and availability of night/evening custom from the pub/club trade (which in Wilmslow has reduced to almost negligible levels)). Costs have risen for operators while income reduces and soon operators who offer a better service by investing in new cars will have to pay the government's increased road tax prices having no option but to purchase larger more powerful cars (I doubt the new council would plate a gee-whiz or Toyota Prius for hire!!!)
- c) Many drivers in Wilmslow are disillusioned and looking for alternative careers. I myself will be ceasing to trade as a hackney driver in February but leave my comments in the hope they may benefit those drivers still trading.
- d) A council's duty is to serve the public. The public does not exclude the drivers and operators themselves without whom there would not even be a licensing dept for hackney/private hire or a service to offer the public.

Taking the above into account it is difficult to see how the new council can propose and justify such an increase in fees both for driver and vehicle licensing.

It would be interesting to know if these fees are the average or the highest of the previous individual councils fees.

Any increase at this time can only have the effect of forcing experienced drivers particularly independent owner operators to leave the trade.

With the economies of scale savings in a combined council I'd be interested to hear the increased costs in production of said licences that justify a 100% increase in the driver licence for example when it gives no benefit to the driver unless he/she happens to wish to drive separate private hire vehicle in addition to his/her hackney carriage or vice versa.

I can only suggest licence fees are increased in line with inflation until they reach your target. It would not even be fair to apply these increases to new licence applications only. Or compensation and justification is offered with a flag increase as suggested at the end of this e-mail.

In relation to the conditions I note the sensible condition re a medical only being required every other year. This will offset the licence fees increase noted above every other renewal and I am surprised the council has not even mentioned this in mitigation of the licence increase which suggests the council is ignorant of the impact the increased fees will have.

On a separate note and with regard to my comment about not even earning the minimum wage, the council should be aware that trade has diminished to such an extent and new licences in Macclesfield granted to a number of new drivers meaning the average wait on a rank for a fare has increased while the length of that fare is much more likely not to be reward enough for the wait. It is common to wait over an hour on the rank for a £2.60 fare. Working for a company I get 40%, some company drivers

. 50% and independent drivers say they work on 50-60% **meaning an hourly rate of £1.56** or less. With respect to the paying customer who should also be considered, it would not be unfair to suggest they should pay a fare which affords the driver a minimum wage and that currently they are using a service and not paying the full cost of that service.

I therefore suggest a minimum fare or flag of £5 to cover the first 2 miles with all other rates remaining as they are.

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26th February, 2009

To all members of the Cheshire East Licensing Committee:

We would like to raise some points on the issues of fees.

1. This is a £90 increase equivalent to just under 49%. We now find we have got to have an MOT Certificate as well as the normal test. Macclesfield has always had an outside independent body which is an approved MOT testing station, so in real terms the rise to Macclesfield operators is around £143. For this we can see no justification, when we are being told that there are no changes to take place in the foreseeable future, we will still be applying to Macclesfield Licensing for our plates, testing will be the same, etc. As I understand, Macclesfield is not behind on its budget for 2008/09 and when we were asked to vote on the formulation of Cheshire East (as a resident), we were told that this would cut costs overall. So would someone please explain the need for extra revenue, when everything is staying the same for the time being, and what will this extra revenue be used for? We would also like to know how the council officials can determine that it costs £50 per hour to process an application, when Cheshire East, at present, does not have an office to process applications? Also when you speak to officials concerned, no-one seems to know if they yet have a job in the new Cheshire East.
2. The introduction of a joint badge:- Why is there a need for drivers to incur excessive charges when most of the single operators have either Hackney or Private Hire, not both.

3. Operators License:- I have no concerns in the increase in the price for the operators license, as this seems to fall within a proportional increase to the tariff increases we received in 2008.
4. Six monthly test fees:- Our personal views on this is that the issue of 2 plates a year is more justifiable than issuing 1 plate for a year, than having to have enforcement officers chasing around removing plates on cars that have not been tested. We think the 6 monthly test should £100 with the issue of 2 x 6 monthly plates is a better alternative as previously proposed.
5. Incidentals:- We are also concerned that the council has not published the charges for replacement plates, replacement licenses (driver, vehicle and operator) and replacement badges if they are lost, as the prices seem to vary significantly, depending on who processes the request.

In conclusion, when Cheshire East decide when zoning is to finish, it would be a good time to sit down with the trade and discuss a way forward to end zoning and re-align fees. At which time I would assume that the council will have a better idea of the cost of administration in the newly formed Licensing Department, instead of using guess work.

I have been a Taxi Driver in the Borough of Macclesfield for 18 years and there has been talk for all of that time of the formulation of a Macclesfield Taxi Association. I am astonished that since the meeting of the Licensing Committee on 13th February, 2009 that the people from within the Taxi Trade (that have personal differences) have come together to form a Macclesfield Hackney & Private Hire Association. For this to happen after all these years, people obviously feel very strongly about all the changes.

The last year for our trade, has been one of the hardest years we could have had, with the large rise in fuel costs. Running a fleet of vehicles has been a nightmarish experience and our overdraft over this time has increased significantly and now with the credit crunch, having to find an extra £90 for the plate, extra funding for our badges and now approximately £50 for an MOT certificate, also our banks wanting to reduce our debt levels, we can see no alternative to cutting our fleet size, stopping our renewal programme (of cars) and probably having to cut corners on our maintenance and service schedules.

All this at a time when our overall turnover seems to be down about 22% on the previous year. We have approximately 60 staff at present and a significant number of these are going to lose their jobs if these large increases come into force.

Dear Mr Osbourne

As I am sure you are aware, the new Cheshire East Council have put forward their proposals regarding the local regulation and pricing of the taxi/private hire industry. The following, sent to Mrs K Khan at licensing@cheshireeast.gov.uk, is my initial reaction and response to these ill-thought proposals, and I would be grateful for your comments and support for local businesses in these difficult times:

1st Class Private Hire are based in Knutsford, regulated by Macclesfield B.C. at present. Although based in Knutsford our cars ACTUALLY do travel throughout the North West of England, occasionally London, South Wales and the Southern Coast.

We employ 6 full/part time office personnel and 26 full/part time drivers. Our drivers are all in their maturer years and have generally retired from professional backgrounds. When driving they wear a shirt and tie as standard.

Our customer base is corporate with a few private accounts. 97% of our turnover is account custom.

We have 14 licensed vehicles of which 3 mercedes vehicles have licenses under Condition 10. All vehicles have private registration plates to enhance our professional image and we have NO other marks or signs. Our customers EXPECT clean and discreet as possible vehicles.

Here are my views and concerns in respect of your PROPOSED conditions, and I note on the M.B.C Website Public Notice of variation, that we are expected to GIVE FULL GROUNDS FOR OBJECTION, so I would expect a response giving \'FULL GROUNDS\' for the proposals.

Can we deal with \'TAXI FEES\' firstly.

Private Hire Vehicle (Annual) MBC £ 210. East Cheshire £ 300 = an increase of 43%

Hackney/Private Hire Driver Licence MBC £ 75. East Cheshire £ 204. = an increase of 172%

I drivers and myself do not have nor will ever have cause for a Hackney Licence, nor will need to learn how to use a taxi meter, therefore we would all oppose a dual type licence.

The majority of my drivers are part time, and any significant increase in licence renewal would deter most from renewing their licence.

Five years ago 1st Class bought out our local competitor Briton Tours, there were many price differences between the two companies, which caused me a huge problem as it appears, you, as a council may have. If I had increased a customer price significantly I would have lost their business. I believe that if you as a council increase the fees the way you are proposing you will cause drivers to leave, I should be unable to recruit and you will lose my business, and I will be without a business. Please also consider inflation is less than 3% and wages are generally less than 5%. In view of your significant fees outlined 43% and 172% please could you give full grounds for this outrageous increase.

My next major concern is Magnetic Signs applied to the side of my cars. I accept when Hackney taxi's are in busy town centre area's, people looking for taxi's need to distinguish that they are not getting into the wrong type of persons car, but PRIVATE HIRE should mean privately booked and our customers know where to meet, and know our vehicle registration numbers, as ours are C1 FCH to C15 FCH, meaning Car No. and First Class Hire. If we were forced to apply signs to our cars not only would our cars look unsightly, we would not be able to retain the type of customer base we have worked so hard over the past 10 years to build up.

You granting this condition to us would be like picking up your grandmothers glass vase and smashing it.

I strongly oppose these signs on the grounds they are unsightly and unnecessary and degrade our business. It takes the meaning out of the wording 1st Class Private Hire and Private Hire itself. Please consider signs as 'Optional' if at all. Because of the clientele base we have, if I had my way ALL vehicles would apply for Condition 10.

Another condition is No Vehicle should be fitted with a tow bar. My view is so long as the council have tested and approved the towing unit, surely this free's up any obstruction of luggage within a vehicle allowing passengers in an emergency a free and safe passage to egress from the vehicle. Those officials that visit i.e Manchester Airport would many times see passengers climbing over cases to get out, vehicles in particular MPV's. (NB. 1st Class Private Hire DO NOT have tow bars.)

I also note you expect vehicles to be equipped with a Reflective Warning Triangle and a High Visibility Vest for the drivers for use in an emergency. Why does the council feel the need to demand this at extra cost to us, when the D.O.T. does not enforce it for a normal MOT. Again another additional cost in a difficult economic climate.

As outlined my two main concerns are ridiculous rises in the fees and 'Stickers, Signs' on our vehicles.

Unless serious consideration is given to your new proposals I will lose more custom than I have already done in these difficult economic times and go out of business. Please do not make life any harder for us small businesses who do things the correct way.

Yours faithfully

David Bolton

Please confirm receipt of this e mail.

Telephone

5th March 2009

Licensing Section
C/o Congleton Borough Council

Dear Sir or Madam

I am in receipt of your letter dated 18th February regarding the increase in the licence fees.

The increase in the vehicle licence seems to be particularly excessive and because of this I have to ask you a number of questions and also make a number of requests.

Firstly. Would this increase have been as great if Macclesfield Borough alone had been dealing with the licensing?

Secondly. What are the factors that have brought about such a large increase?

Thirdly. How many local authority employees are involved in the licensing of public and private hire vehicles in Macclesfield at the moment and how many vehicles does this involve and what is the total wage bill for these employees.

Fourthly. How do the above figures compare to the same numbers involved in 1999?

Fifthly. Can you assure me that the taxi account is entire of itsself and that none of the money goes to any other source?

I know that you will understand that there has been an unprecedented fall of incomes in the taxi business at the moment and it is a time of great anxiety for all who are involved.

I look forward to hearing from you in due course.

Yours faithfully

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Thank you for your recent letter which included a letter and agenda from Cheshire East Council.

I have several problems with the content of the letter from Cheshire East it seems apparent that there are Committee meetings taking place to discuss licensing fees which are not being held open to the public or the trade to which they account for, I was not made aware of the meeting that took place on the 19th December 08 and likewise the forthcoming one in March of this year, neither was I sent (in good time) a copy of the proposed fees which I became aware of via a local newspaper.

I would also like to refer to the "Charges" made by the Council that discovered were being made for a Licensing officer based on a per hour rate of £50ph ? Based on a 40 hour week that would mean that the officers income would be £104,000 pa ! (apart from wishing to apply for such a position I doubt that any officer is on this income level) which brings me to the legal element of what Councils are allowed to charge, in the Cheshire East letter they quote section 53 of the 1976 act " provides the Authority with the power to charge "such a fee as they consider reasonable with a view to recovering the costs of issue and administration" however the bit they left out reads "it does not allow for transferable surpluses of profit".

I give you the case of Manchester City Council V King (1991) LGR696 (QBD) in which it was held that the Act did not allow the Council to raise anything other than the costs of the scheme.

Therefore the fees could not subsidise any other Council function and were "ring fenced" for the purposes of the licensing section.

I would therefore like to see details of the "ring fenced income" and the number of licences issued for both PH and Hackney (including plates, licences, testing fees, etc) so that a gross income figure can be obtained with which to account for costs versus fees in order to ascertain whether there is an element of profit being made or foreseen in the licensing section of the Council.

I also would like to make a statement about the list of objectors to the Licensing increase in fees that was included in the letter, some 62 representations were received by the Council however they state that 46 of them were the same letter (this leaves a possible interpretation that all the letters were from the same person and it is not clear whether they were the same "Type" of letter from 46 individuals or from "One " person ?) Of course I was not surprised to find that my name was not in the list of objectors they provided, which begs the question as to how many "Actually" have made a complaint to the Council ?

One last point to make about the Licensing section of the Council is that they are not solely dealing with Taxi/PH licensing, they are also responsible for Public House, Street Traders, Events, Licensing etc,etc, so calculations as to costings cannot be based on the vehicle licensing section alone, I have yet to see a breakdown for this.

Yours faithfully

Dear Sirs,

I write in response to your letters of 20-1-09, and 18-2-09, re the proposed increase of Hackney Carriage and Private Hire licence fees to which I most strongly object to, and my reasoning is, as follows.

My background is that I am a Macclesfield Hackney Carriage owner/driver with over 20 years experience in the taxi trade during which time I have seen the number of taxis increase from (approx) 100 to the present figure of (approx) 400 Hackney Carriage and 120 Private Hire vehicles.

Last year (23rd April 2008) we had a new taxi-tariff introduced, which increased the initial minimum fare from £2.25 for the first 1,290.8 yards to £2.60 for the first 1,466.69 yards. At first glance it seems a reasonable increase of 35p (even if the distance was extended by 13.626%), but this was our first and only increase since 14th March 2005, over 3 years ago. During that time fuel has gone up from 83.9p/litre to 101.9p at the pumps today, but reaching a high of 133.9p/litre in July 2008 inbetween. This, together with all the other "cost of living" increases has seen my expenses go up from £10,350 in 2004/05 to approx. £14,000 this financial year. While my takings have gone down by over £3,000 in the last two years alone. Nowadays, like a lot of other drivers in the trade, to try and offset some of this loss in earnings I've increased my working week to approx. 75+ hours/week.

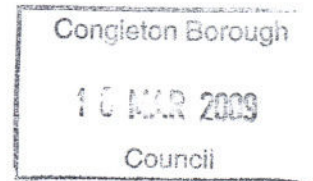
On top of this economic downturn, we are now being told of your proposed increases of;

- (i) Taxi Vehicle Test and License, from £210 to £300 per year,
- (ii) Hackney Carriage / Private Hire Drivers License, from £111.00 including the cost of a C.R.B., to £204.00 per 3 years, but now plus the cost of a C.R.B.

When you look at your proposed increases, to what increase we got to the taxi tariff, there is no comparison. I do understand that everybody's costs do go up and an inflation rate rise would certainly be a lot more readily accepted by the taxi trade in the present economic climate. My own costs would only be affected by "times one", but for companies their costs would be increased by many hundreds or thousands of pounds per year, causing hardship at best, or closure of business at worst.

I believe also, that one of the reasons these proposed fees are being introduced is to try and standardise into one set of charges for the new district of East Cheshire formed by the merger of Macclesfield, Congleton, Crewe and Nantwich Boroughs. Although you would have one set of fees, you would have three separate taxi tariffs, in regulated and deregulated areas, in three separate zones where drivers from one old borough area would not be able to work in any of the other two. In your proposal this situation would continue until a completely unknown date, to be decided upon sometime in the future. Surely common sense should prevail and that a common set of taxi tariffs be introduced as and only when the three different zones, tariffs and regulatory, or deregulatory conditions disappear and merge into one.

I thank you for your time in reading



16TH MARCH 2009

DEAR SIR/MADAM

I AM WRITING TO YOU REGARDING YOUR LETTER ABOUT PROPOSED INCREASES IN
PRIVATE HIRE & HACKNEY LICENSE FEES FROM 1ST APRIL 2009.
CONSIDERING THE PRESENT ECONOMIC CLIMATE I THINK THE PROPOSED INCREASES
ARE FAR TO EXCESSIVE

Licensing Section,
(Cheshire East Council),
c/o Congleton Borough Council,
Westfields,
Middlewich Road,
Sandbach,
CW11 1HZ.

Re: Proposed Fee Increase

On behalf of the M.H.P.H.A. members we write in response to your proposed increase in charges for joint hackney/private hire drivers badge and hackney/private hire vehicle license.

Firstly the present cost for our members for either a hackney or a private hire badge is £75.00 ,very few members have a desire for both badges therefore the proposal to only offer a joint badge at a cost of £204.00 incurs a massive hike of 172%.

We feel the proposal speaks for itself in terms of its audacity as a result of a merger. We strongly oppose the new increases as our trade has suffered dramatically over the past 12 to 24 months like many other trades. One only has to look at the boarded up public houses and shops in our town centre to see the decline in trade in general. We have no wish to propose an increase in tariffs as our customers are also blighted by the current economic situation.

Secondly we object to the proposed increase of 43% in the cost of an annual hackney/private hire plate on the above mentioned grounds. To our knowledge we are approaching an era of redundancies and many people accepting marginal or no increases in pay. This must apply to local councils also as its not only your workforce that you should be protecting but the community as a whole.

Yours Sincerely

Sent: Wednesday, March 18, 2009 12:18 AM

Subject: Representation - Proposed Hackney Carriage / Private Hire Licence Fees.

The comments / objections relate to the results of the harmonising exercise rather than the principle of harmonisation, which is accepted.

(Reference is made to the figures in the attached file, which is a Microsoft Excel worksheet saved in HTML format, which should be capable of being read by any Windows (XP and vista) machine. PLEASE ADVISE IF ANY PROBLEM WITH THIS FORMAT AND I WILL SUPPLY ANOTHER FORMAT)

A. GENERAL PREAMBLE.

Whilst there are areas with an increase in revenue and a decrease in others, the preponderance is in the area of increase. Where a decrease is seen, the figures are relatively minor -10%, -13 % for vehicle licences in Crewe.

The apparent 15 % decrease for a Private Hire Operators licence in Congleton is misleading because it is calculated on the new 5 year basis when historically it has only been available on a 2 year basis. To be clear until now a Congleton operator has paid £163 for 1-4 vehicles for a 2 year licence but will now have to pay £345 for a 5 year licence i.e. an actual 112% increase in immediate expenditure.

Similarly the % increase for a Drivers Licence in Macclesfield is misleading because currently a Hackney Licence and Public Hire Licence are available on an individual basis at a cost of £75 for 3 years. This relates very well to business needs, where drivers tend to operate as PH drivers, e.g. Corporate/contract work and do not "work the ranks" can be obtained individually. The % increase in this case then becomes a staggering 172%!

The remaining percentages are equally frightening an increase of 87% for a Drivers licence in Congleton, 74% for a vehicle licence if over 7 years old. In Macclesfield Vehicle licences will increase by 43 % and Drivers at best 36% and at worst 172%.

It is not surprising that no objections come from Crewe as the costs will at best be lower and at worst be neutral. However for Congleton & Macclesfield the opposite is the case, very significant increased. See also point D below, which indicates Crewe have a higher charging tariff. They will be ecstatic!

It is noted that the proposed fees appear incomplete as no mention is made of the fees for vehicle Inspection on Vehicle replacement nor the fees for any retest following "Pink Remedial Ticket" on Vehicle inspection nor the fee for less than 7 days notice of test. **Can it be assumed that as Committee approval is not being sought that these fees have been abandoned?**

B. GENERAL OBJECTIONS / COMMENTS.

1. If approved, these fees will generate an INCREASE IN REVENUE for East Cheshire Council of at

19/03/2009

least 19.24% as to that received by the replaced councils, and this without any increase in service level or support! (This figure is based on the actual number of current licences, as informed by the 3 outgoing councils, and does NOT take into consideration revenue from the miscellaneous replacement/transfer fees.) **In the current economic climate and taking into consideration that an objective of LGR was a reduction in cost to consumers/customers, this is totally unjustifiable and unsupportable.**

Consideration must be given to producing a proposal which is NEUTRAL in terms of revenue to the council. This could be achieved by adopting fees as outlined in the counterproposal document. This allows for a small Inflationary Increase.

2. If approved this would leave East Cheshire as one of the most expensive areas in the region e.g. Stoke-on-Trent City Council proposed £240 for vehicle licence fees; Staffordshire Moorlands £171 for Private Hire Vehicle (PHV) licence and £125 for a Hackney Vehicle Licence; Vale Royal Borough Hackney £220, PHV £200, PHV Operators £220 (up to 9 vehicles). This would suggest that, with the exception of Crewe, the previous fees were in line with other authorities. It is difficult to accept that ALL these authorities were not covering their cost base.

3. The approach of establishing a "scientific" method to establish the costs is most welcome and should be applauded. However, the number of hours estimates used to support the fees would appear to be inflated. For example, experience of the vehicle testing function, including the test itself and the administration aspects of copying documentation, etc is that 1 hour is about correct and not 1.5. VOSA recommendations for an M.O.T test, which is no more and no less stringent than the council test is 45 mins. It is also difficult to understand, when considering the content of the applications forms how the estimates are justified. There is nothing in any of the forms which would require lengthy investigation. It should be a matter of following a simple checklist, e.g. Has the vehicle been tested by the council, is it insured, valid MOT, Operators licence in Force, CRB report O.K. Controversial and even cynical though it may be, perhaps an external work study engineer could help to ratify the work estimates and establish appropriate "check lists". Extreme care must be taken also to ensure that "management" overheads are not included as an apportionment unless they are relevant to the item in question and have not also been included in the "Labour Rate" calculation already. i.e. the £50 per hour.

4. Other authorities recognise that a renewal of a licence is less costly than an application for a new licence. i.e. licence renewals less costly than new licences. This is not reflected anywhere in the proposal. However the logic is sound a renewal takes less work than a new application, fewer new records to create on systems.

C, 6 MONTH TEST PROPOSED FEE.

1. The proposed fee £75 is excessive. This is 1.5 times as expensive as a VOSA M.O.T., and the council test is quite rightly no more and no less rigorous than a VOSA MOT. It would be less costly to use an outside agency, where a fee of £50 is the average payable. A VOSA M.O.T is very rigorous nowadays with computer controlled testing for most safety items, i.e. brakes, emissions and lighting. (The only major safety item not computer controlled is the seat belts.)

D. HACKNEY CARRIAGE VEHICLE LICENCE FEE.

IT IS TOTALLY AND ABSOLUTELY INEQUITABLE AND UNFAIR THAT THE HACKNEY FEES ARE NOT BEING "ZONED" IN THE SAME MANNER AS THE FARE STRUCTURE.

This proposal will lead to a totally indefensible situation where by "cabbies" in Congleton and Macclesfield will pay the same fees as their colleagues in Crewe & Nantwich, yet will have their earnings controlled AT A LOWER LEVEL than their colleagues in Crewe & Nantwich. Reminder; the Authority controls the Fare Tariffs, which sets the maximum amount which can be lawfully charged by Hackney carriages. It is these Tariffs which are automatically implemented in the Taximeters, which are legally obliged to be fitted to Hackneys. Whilst the current tariff 1's are stated in different ways the bottom line is Congleton £2.60 for first mile and £1.80 each subsequent mile; Macclesfield £2.80 for first mile and £1.70 each subsequent mile and Crewe £3.80 for first mile £1.80 each subsequent mile.

TO BE EQUITABLE, FOR BOTH PUBLIC, WHO PAY THE FARES, AND THE CABBIES, HARMONISATION SHOULD TAKE PLACE AT THE SAME TIME. THE HACKNEY LICENCE FEE PROPOSAL SHOULD BE ABANDONED AND INCLUDED AS PART OF THE "ZONING" STUDY.

As a point of interest in a "De-regulation Study" commissioned for Ellesmere Port & Neston in August 2007, from a total population of 377 authorities, Crewe & Nantwich ranked 84, Macclesfield ranked 224 and Congleton ranked 278 in terms of fares. I.E. Crewe & Nantwich ABOVE AVERAGE FOR WHAT IS TYPICAL ELSEWHERE ACROSS THE U.K. whilst Congleton & Macclesfield BELOW AVERAGE.

E. DRIVER LICENCE FEE.

It is accepted that IF THE FEE CAN BE SHOWN TO BE AN ACCURATE RECOVERY OF ACTUAL COSTS INCURRED, then grounds for a "cheaper" 1 year licence or a separate PHV licence for Corporate / Contract drivers, will be difficult to justify, ALBEIT that any cheaper option would be of benefit to the trade at the current time.

F. PRIVATE HIRE OPERATOR FEE.

Similar to (E) above, it is accepted that IF THE FEE CAN BE SHOWN TO BE AN ACCURATE RECOVERY OF ACTUAL COSTS INCURRED, then grounds for a "tiered licence, tiered either by number of vehicles or for annual, biannual, 5 year tiers, will be difficult to justify.

Best Regards

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18th. March, 2009.

Licensing Section,
c/o Congleton Borough Council,
Westfields,
Middlewich Road,
Sandbach,
Cheshire,
CW11 1HZ

Local Government (Miscellaneous Provisions) Act 1976
Fees and associated charges for the Licensing of Vehicles, Operators and Drivers.

Dear Sirs,

We note the contents of the letter of 18th February, 2009 from Cheshire East Council advising the further period for the submission of Objections to the proposed fees for the licensing of vehicles, drivers and Operators for the new Cheshire East Council area to be effective from 1st April, 2009.

In order that the trade might consider the detailed terms of our objection to these proposed fees and charges we submitted a written request to the council on 6th March, under the Freedom of Information Act, seeking certain information to assist in preparing the substance of our Objection.

We received a confirmation of that request and were advised by Mr. Potts, Licensing Officer, that the information would be supplied in due course.

You will appreciate the limited amount of time allowed for the submission of objections and at present we must advise you that to date we have not received the information requested and therefore have been unable to consider and prepare a detailed statement in support of our Objection.

We set out below a number of observations in respect of the process by which the council has proposed the fees advertised. We would hope that it might be possible to prepare a further submission when we have received the information requested and that this might be considered by the Committee at its forthcoming meeting to be held on 30th March, 2009.

We note the report to the Licensing Committee held on 13th February, 2009 which includes recommendations to determine the fees for the grant and renewal of various licences, both those for holders of existing licences issued by the three constituent authorities of the new body and for new applicants after 01 04 09.

We are concerned that the total cost of licensing for a driver and vehicle proprietor is significantly higher than in many authorities and in particular the fees previously demanded by the current Macclesfield Borough Council.

We must note with concern that the proposed fee for the renewal of driver licences is considerably higher than that charged in many authorities.

We have shown below (Appendix A) a comparison of fees in a metropolitan authority in North East England, which indicates considerable differences.

Specifically, we would ask the council to note that the fee for the grant/renewal of Driver licences is stated in Section 53 (2) of the Act as being levied

‘with a view to recovering the costs of issue and administration’

In that respect we find it difficult to understand how the council will have such significantly greater costs associated with that activity.

We appreciate that almost all councils do not maintain subjective cost centre accounting for driver licences distinct from other taxi-related licensing; indeed, we are unaware of any council which accounts separately for driver licensing.

To submit any reasoned argument in relation to the overall cost of taxi licensing borne by the members of the trade, it is essential that we are able to consider the costs and staff time allocated and charged to the taxi licensing activities of the council.

The Report to the Committee did not provide members with any detailed financial forecasts or budgetary information.

The proposed level of fees has been advised to be based upon an ‘hourly rate’ for officers’ time associated with the administration of licences; this rate having been derived from direct and indirect cost data.

We believe the new Council should be establishing a Subjective Cost Centre for the administration of Taxi licensing from 01 04 09 and to that end the authority must necessarily have a draft budget to demonstrate that the income likely to be derived from the new fees proposed will not exceed the forecast costs of operating the licensing function for Taxis. Without such information the council could not comply with the requirement of S70 of the Act

We would wish to have sight of (as requested) the most recent annual accounts, current year budget and results to the last accounting period for each of the current authorities to the end of the last accounting period for which they might be available, and the budget for 2009/10, to assist in submitting a detailed commentary on the fees proposed.

Therefore, we ask the council to note that this statement from the trade has been prepared in the absence of the detailed information still awaited.

APPENDIX A

Cheshire East Council – Fees for the licensing of Hackney Carriages, Private Hire Vehicles, Drivers and Operators – from 1st April, 2009.

Appendix A to letter of 18th March, 2009,
Submitted by Macclesfield Hackney and Private Hire Association.

We set out below a comparison of the proposed fees for Cheshire East Council and a metropolitan district authority in North East England.

Comparative licence fees are:-

	North Tyneside MBC	Cheshire East	[Macclesfield.] (Current)
(Proposed from 01 04 09 all per annum)	£	£.	
Drivers Licence - Renewal /Grant			
Single - Hackney Carriage/PHV	42		[25 – single]
Combined Licence	54	68	
Vehicle licence fees			
Hackney Carriage/ PHV	236	300	210
Under 4 years – incl. 1 test			
Hackney Carriage/ PHV	274	375	310
Over 4 years old - incl. 2 tests			
Operator licences	350	345	330 [Five yrs]

All fees for vehicles in North Tyneside MBC include standard testing to the Council's desired frequency at the fees stated and carried out by the council's own transport department and are budgeted on a full cost basis..

What evidence has the Council to justify fees for the issue of drivers' licences substantially higher than those charged by many authorities in England and Wales?

Why does the Council assume there is benefit to drivers in issuing a 'universal' driver licence. Drivers of Hackney Carriages are subject to the bye-laws, PHV Drivers are subject to the council's Conditions of Licence. These are two distinct regimes. The use of combined licence fees does not mean that two licences are not in force.

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Date; 18 March 2009

The Licencing Committee,

I am writing to you to formally complain about the proposed increases in licensing and vehicle testing fees. The proposed figures bare no relation to the present economic climate and are not consistent with other Cheshire East budgets.

As part of the ongoing consultation between the Licensing committee and the taxi trade I would like to see a breakdown of the proposed figures to see how the numbers were arrived at, without having any access to your accounts, it is difficult to understand increases of 43% and 172%, these seem to be, bewildering.

As Cheshire East forms and the centralisation of local government begins its new regime of efficiency, can you please explain how clerical staff will take three times longer to process an application form than they do now? How else could you arrive at such figures? Is the taxi test going to be any more stringent than it already is? And therefore take two hours longer to complete?

Then how else can you explain or justify such increases?

Yours faithfully

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Appendix G

Breakdown of costs by licence type

Hackney carriage/private hire vehicle licence (annual licence)

Item	Number of hours	Cost ¹
Initial processing of application	2h:45m	137
Vehicle test ² including administration	1h:30m	75
Issue of licence/plates	0:30m	25
Cost of materials (plate/backing plate/rivets and seals etc)		23
Element for 'control and supervision'		15
TOTAL		275

Hackney carriage/private hire drivers licence (three year licence new application)

Item	Number of hours	Cost
Initial processing of application	2h	100
Knowledge test	1h	50
Issue of licence/plates	0:30m	25
Cost of materials (drivers badge etc)		10
Element re: Committee hearing		19
TOTAL		204

¹ Based on an hourly rate of £50 per hour

² Based on an average over the three existing districts

Appendix GHackney carriage/private hire drivers licence (three year licence renewal application)

Item	Number of hours	Cost
Initial processing of application	2h	100
Issue of licence/plates	0.30m	25
Cost of materials (drivers badge etc)		10
Element re: Committee hearing		19
TOTAL		154

Operators' licence (five year licence)

Item	Number of hours	Cost
Initial processing of application	3h	150
Issue of licence	0.30	25
Element for 'control and supervision' (Over 5 year period £34 per year)		170
TOTAL		345

Appendix H

LICENCE APPLICATION PROCESSES

Process of Drivers Application – New Application

2 hours 15 minutes approx without the Knowledge test

1. Applicant requests information and application pack
2. Applicant makes appointment to return with application form and all relevant forms of ID
3. CRB completed by applicant
4. Fee taken (could be over the telephone)
5. Documentation photocopied
6. CRB form I D added, checked, countersigned and posted
7. Application inputted into database (Licensing software) checks as to medical and CRB application carried out
8. Photographs imported into Database
9. CRB form checked and posted out
10. If CRB returned with no convictions input check on database (If convictions disclosed consult with Manager and possible referral for interview and/or Licensing Committee)
11. If the CRB comes back clear and their medical form has still not been handed in by the applicant reminder letter sent
12. When medical returned complete additional checks on Database
13. Applicant contacted the Licensing Office to make an appointment for a knowledge test
14. Appointment made for knowledge test
15. Production of licence and badge

Process of Vehicle Application – New Application

4 hours 45minutes (includes vehicle test)

1. Applicant requests information and application pack
2. Applicant makes appointment to return with application form and all relevant forms of vehicle ID
3. Application documents submitted and checked
4. Copies of original documentation made and appointment for vehicle test arranged
5. Application information input into Database (Licensing software) – Approx 30 minutes
6. Vehicle test carried out
7. Paperwork relating to vehicle checks received and checked
8. Licence produced and posted out to applicant

Process of Operators Licence – New Application

3 hours 30minutes

1. Applicant seeks advice and application pack
2. Applicant to liase with planning department
3. Licensing team contact planning and liaise in relation to planning permission (cannot issue licence until satisfactory)
4. Application documentation submitted

Appendix H

5. Consultation checks carried out with partners ie police, highways (in addition to planning)
6. Documentation copied and checked (additional checks for number of vehicles to be used at premises carried out)
7. Application data input into Database (Licensing software)
8. Licence produced and posted to applicant

N.B. Please note that the timings are approximate and should there be any deviation from the 'normal,' process timings always increase.

CHESHIRE EAST COUNCIL

LICENSING COMMITTEE

Date of meeting: 30th March 2009
Report of: A C Lee, Principal Licensing Officer
Crewe & Nantwich Borough Council
Title: Private Hire Vehicle licensing

1.0 Purpose of Report

- 1.1 On 13th March 2009 the Licensing Committee approved a set of licence conditions for private hire vehicles following a consultation exercise with the holders of current licences. This report draws attention to an error which has subsequently become evident in condition number 9.1 and proposes approval of an amendment to the condition to rectify the matter.
- 1.2 The proposed condition number 9.1, as amended, is attached at **Appendix A**.
- 1.3 If approved, the amended condition will come into force on 1st April 2009 in line with the remainder of the licence conditions previously approved on 13th March 2009.

2.0 Decisions Required

- 2.1 To approve the amendment to licence condition number 9.1 of the Cheshire East private hire vehicle licence conditions with effect from 1st April 2009.

3.0 Financial Implications for Transition Costs

- 3.1 None.

4.0 Financial Implications 2009/10 and beyond

- 4.1 None.

5.0 Legal Implications

- 5.1 The wording of condition number 9.1 as previously approved is incorrect in law.

6.0 Risk Assessment

If condition number 9.1 is not amended in line with the recommendation, the incorrect wording previously approved by the Committee could leave the Council open to a challenge as to the validity of the condition.

7.0 Background

- 7.1 Private hire vehicle licence condition number 9 relates to vehicles which are fitted with a taxi-meter. The fitting of a taxi-meter is not compulsory and most proprietors choose not to.
- 7.2 The Council has no power to set or control the fare charged in a private hire vehicle, including those vehicles fitted with a meter. The Council however has sought by means of the conditions to control the practical operation of any meter fitted, including the accuracy of the recording of the operator's tariff.
- 7.3 The proposed amendment to the condition at 9.1 at (iii) and (viii) respectively makes it clear that the tariff of charges is set by the operator and is not subject to the approval of the Council.

8.0 Overview of Day One, Year One and Term One Issues

- 8.1 The requirement to have private hire vehicle licence conditions in place is a Year One requirement.

9.0 Reasons for the Recommendations

- 9.1 The recommendation is made in order to remedy an error in the drafting of the conditions previously approved by the Committee on 13th March 2009.

* * * *

For further information:

*Portfolio Holder: Councillor Brian Silvester
Officer: A C Lee, Crewe & Nantwich Borough Council
Tel No: (01270) 537121
Email: tony.lee@crewe-nantwich.gov.uk*

Background Documents:

None

APPENDIX A

Condition number 9 is amended to read as shown below. The substitute words are shown in bold type.

9. Taximeters

9.1 If the vehicle is fitted with a taximeter;

- i. the taximeter shall be of a calendar type approved by the Council and shall be maintained in a sound condition at all times and shall be located within the vehicle in accordance with the reasonable instructions of an authorised officer;
- ii. the tariff of fares shall be displayed inside the vehicle in clearly distinguishable letters and figures;
- iii. the taximeter shall be set to display the private hire operator's tariff of fares **which has been notified to the Council**;
- iv. the proprietor shall not use or permit to be used a taximeter that has not been sealed by the Council;
- v. the taximeter shall be fitted with a key to bring the machinery into action and cause the word "HIRED" to appear on the face of the meter as soon as the vehicle is on hire;
- vi. when the vehicle is not hired the key shall be locked and the machinery kept inactive and the meter shall show no fare at that time;
- vii. the taximeter shall not display a "FOR HIRE" sign at any time;
- viii. when the taximeter is brought into action the fare and permitted extras shall be shown legibly on the face of the meter and shall be no more than that permitted by the private hire operator's tariff of fares **which has been notified to the Council**;
- ix. the "FARE" shall be printed on the face of the meter in clear letters so as to apply the fare recorded thereon;
- x. the taximeter shall be in such a position in the vehicle that the figures recorded thereon are clearly visible to any passenger being carried therein;
- xi. the taximeter shall be sufficiently illuminated that when in use it is visible to all passengers;
- xii. the taximeter and all its fittings shall be affixed to the vehicle with seals or by other means so that it shall not be practicable for any person to tamper with the meter except by breaking or damaging or permanently displacing the seals or other fittings.

* * * * *

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CHESHIRE EAST COUNCIL

LICENSING COMMITTEE

Date of meeting: 30th March 2009
Report of: Mrs K Khan – Licensing Solicitor

Title: Taxi Licensing - Medicals

1.0 Purpose of Report

- 1.1 The purpose of the report is to request approval from the Committee for the proposals in relation to medical certification relating to applicants for hackney carriage and private hire drivers licences.

2.0 Decision Required

- 2.1 The Licensing Committee is requested to:
- 2.1.1 confirm the application of the Group II medical standards in relation to applicants for hackney carriage and private hire drivers licences;
 - 2.1.2 approve the medical certification form as appended to the report;
 - 2.1.3 approve the adoption of the C1 standards in relation to applicants with insulin treated diabetes.

3.0 Financial Implications for Transition Costs

- 3.1 None

4.0 Financial Implications 2009/10 and beyond

- 4.1 None.

5.0 Legal Implications

- 5.1 Subsection 57(2) of the Local Government (Miscellaneous Provisions) Act 1976 provides that applicants for drivers licences may be required to produce (i) a certificate signed by a registered medical practitioner to the effect that he is physically fit to be the driver of a hackney carriage or private hire vehicle; and (ii) whether or not such a certificate has been produced, to submit to examination by a registered medical practitioner selected by the district council as to his physical fitness to be the driver of a hackney carriage or private hire vehicle.

6.0 Risk Assessment

- 6.1 Appropriate medical certification is required in order for the Council to properly determine whether an applicant is fit to drive a licensed vehicle. The Committee is requested to adopt Group II standards to ensure that all drivers meet the level of fitness which is recognised to be applicable to professional drivers. The recommendations within the report therefore seeks to avoid risk to the public by ensuring that drivers are medically fit to drive licensed vehicles.

7.0 Background and Options

- 7.1 As Members will be aware the Council, as Licensing Authority, must issue drivers licences to applicants who have held a driving licence for twelve months and who are a 'fit and proper' person to hold a licence. To assist local authorities with the determination of applications, the legislation (namely section 57 Local Government (Miscellaneous Provisions) Act 1976) provides the Council with the power to require applicants to submit certain information. Subsection 57(2) provides that applicants may be required to produce (i) a certificate signed by a registered medical practitioner to the effect that he is physically fit to be the driver of a hackney carriage or private hire vehicle; and (ii) whether or not such a certificate has been produced, to submit to examination by a registered medical practitioner selected by the district council as to his physical fitness to be the driver of a hackney carriage or private hire vehicle.
- 7.2 In February 1995 the House of Commons Select Committee on taxis and private hire vehicles recommended that taxi licence applicants should pass a medical examination before a licence could be granted. Current best practice advice in relation to such medical examinations is contained with the document "Medical Aspects of Fitness to Drive" published by the medical commission on accident prevention and reiterated in "At a Glance Guide to the Current Medical Standards of Fitness to Drive for Medical Practitioners." This recommends that the Group II medical standards should be applied by local authorities to taxi drivers. Group II imposes a higher medical standard, applicable under UK legislation to the drivers of larger vehicles. These higher standards are justified because professional drivers spend substantially longer at the wheel than do private motorists, so that the risk of illness occurring whilst actually driving is greater.¹
- 7.3 All three of the existing district licensing authorities currently apply the Group II medical standards. The Committee is requested to confirm the continued application of the Group II standards for Cheshire East.
- 7.4 The medical form proposed to the Committee for adoption on behalf of Cheshire East and annexed as Appendix A to this report is in the form originally adopted by Macclesfield Borough Council in 2007. This was drafted in consultation with Occupational Health Advisors and asks questions specifically

¹ Page 13 "Medical Aspects of Fitness to Driver" (Medical Commission on Accident Prevention)

relating to the elements of the Group II requirements as set out within “Medical Aspects of Fitness to Drive.”

- 7.5 It is recognised that the Group II standards preclude the licensing of drivers with insulin treated diabetes. However, exceptional arrangements do exist for drivers with insulin treated diabetes, who can meet a series of medical criteria, to obtain a licence to drive category C1 vehicles (i.e. 3500-7500 kgs lorries). In the Department of Transport publication “Taxi and Private Hire Vehicle Licensing: Best Practice Guidance” it is suggested as best practice that licensing authorities apply the C1 standards to taxi and private hire drivers with insulin treated diabetes. In the light of the DfT best practice guidance, the Committee is requested approve the application of these C1 standards (set out at Appendix B) to taxi and PHV drivers with insulin treated diabetes. The medical form as drafted makes provision for certification in relation to the C1 standards at page 7.

8.0 Overview of Day One, Year One and Term One Issues

- 8.1 The need to resolve the medical standards which shall be applicable to applicants hackney carriage and private hire drivers licences is a Day One requirement.

9.0 Reasons for Recommendation

- 9.1 The Council is required to determine whether applicants for hackney carriage and private hire drivers and physically fit to drive such licensed vehicles. In order to make this determination the Council must confirm the medical standards it will apply and the form of certification which applicants are required to provide as part of the application process.

For further information:

Officer: Mrs K Khan

Tel No: (01625) 504264

Email: k.khan@macclesfield.gov.uk

Background Documents:

None

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CHESHIRE EAST COUNCIL DRIVER MEDICAL

BLOCK LETTERS PLEASE:

FULL NAME OF APPLICANT: DATE OF BIRTH:

ADDRESS:

..... POST CODE

This certificate, which must be completed by a Registered Medical Practitioner within the practice with which the Applicant is registered, is NOT one which must be issued free of charge as part of the National Health Service. Cheshire East Council accepts no liability to pay for it. Unless any other arrangements have been made for the payment of the fee, the applicant is to pay.

In completing this Certificate, Medical Practitioners are asked to have regard to the recommendations by the Medical Commission for Accident Prevention in their booklet "Medical Aspects of Fitness to Drive" and/or to the notes for the Guidance of Doctors conducting these examinations prepared by the British Medical Association. Cheshire East Council make no discrimination between Group 2 and Taxi Licences.

I CERTIFY THAT I HAVE TODAY EXAMINED, THE APPLICANT, WHO HAS SIGNED THIS FORM IN MY PRESENCE, AND DECLARE THAT IN MY OPINION, AND IN THE LIGHT OF THE APPLICANT'S FULL MEDICAL HISTORY, **HE/SHE IS FIT/UNFIT*** TO DRIVE A HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLE.

**delete as necessary*

IF A FURTHER EXAMINATION IS NECESSARY, PLEASE STATE IN WHAT PERIOD OF TIME:

MEDICAL PRACTITIONER DETAILS

To be completed by the Medical Practitioner carrying out the examination

Name

Address

.....

Surgery Stamp

SIGNATURE OF MEDICAL PRACTITIONER:

TELEPHONE NO: DATE

SIGNATURE OF APPLICANT:

MEDICAL CERTIFICATE - to be completed by the Doctor
Please answer all questions

SECTION 1 VISION**YES NO**

- (a) Is the visual acuity as measured by the Snellen Chart AT LEAST 6/9 in the better eye and AT LEAST 6/12 in the other? (Corrective lenses may be worn) ☐ ☐
- (b) If corrective lenses have to be worn to achieve this standard:
- (i) is the **UNCORRECTED** acuity AT LEAST 3/60 in the **RIGHT EYE**? ☐ ☐
- (ii) is the **UNCORRECTED** acuity AT LEAST 3/60 in the **LEFT EYE**? ☐ ☐
- (c) Please state all the visual acuities for all applicants:

UNCORRECTED**CORRECTED** *(if applicable)*

Right Left Right Left

- (d) If there is **NO** perception of light in one eye, on what date did the applicant become monocular or lose the sight in one eye?
- (e) Is there a full binocular field of vision? (central and/or peripheral) ☐ ☐
- (f) Is there uncontrolled diplopia? ☐ ☐
-

SECTION 2 NERVOUS SYSTEM

- (a) Has the applicant had major or minor epileptic seizure(s)?
- (i) Please give date of last seizure
- (ii) Please give date when treatment ceased
- (b) Is there a history of blackout or impaired consciousness within the past 5 years? ☐ ☐
- (c) Is there a history of stroke or TIA within the past 5 years? ☐ ☐
- (d) Is there a history of sudden disabling dizziness/vertigo within the last 1 year? ☐ ☐
- (e) Is there a history of chronic and/or progressive neurological disorder?
If **YES** please give details in **SECTION 7**. ☐ ☐
- (f) Is there a history of brain surgery? If **YES** please give date and details in **SECTION 7**. ☐ ☐
- (g) Is there a history of serious head injury? If **YES** please give details in **SECTION 7**. ☐ ☐
- (h) Is there a history of brain tumour, either benign or malignant, primary or secondary?
If **YES** please give details in **SECTION 7**. ☐ ☐
-

	YES	NO
SECTION 3 DIABETES MELLITUS		
(a) Does the applicant have diabetes mellitus? If YES please answer the following questions. If NO proceed to SECTION 4 .	<input type="checkbox"/>	<input type="checkbox"/>
(b) Is the diabetes managed by:	<input type="checkbox"/>	<input type="checkbox"/>
(i) Insulin? If YES refer to SECTION 8 .	<input type="checkbox"/>	<input type="checkbox"/>
(ii) Oral hypoglycaemic agents and diet?	<input type="checkbox"/>	<input type="checkbox"/>
(iii) Diet only?	<input type="checkbox"/>	<input type="checkbox"/>
(c) Is the diabetes control generally satisfactory?	<input type="checkbox"/>	<input type="checkbox"/>
(d) Is there evidence of:	<input type="checkbox"/>	<input type="checkbox"/>
(i) Loss of visual field?	<input type="checkbox"/>	<input type="checkbox"/>
(ii) Has there been bilateral laser treatment? If YES please give date	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="text"/>	
(iii) Severe peripheral neuropathy?	<input type="checkbox"/>	<input type="checkbox"/>
(iv) Significant impairment of limb function or joint position sense?	<input type="checkbox"/>	<input type="checkbox"/>
(v) Significant episodes of hypoglycaemia?	<input type="checkbox"/>	<input type="checkbox"/>

SECTION 4 PSYCHIATRIC ILLNESS

(a) has the applicant suffered from or required treatment for a psychosis in the past 3 years? If YES please give details in SECTION 7 .	<input type="checkbox"/>	<input type="checkbox"/>
(b) has the applicant required treatment for any other psychiatric disorder within the past 6 months? If YES please give details in SECTION 7 .	<input type="checkbox"/>	<input type="checkbox"/>
(c) Is there confirmed evidence of dementia?	<input type="checkbox"/>	<input type="checkbox"/>
(d) (i) Is there a history of alcohol misuse or alcohol dependency in the past 3 years?	<input type="checkbox"/>	<input type="checkbox"/>
(ii) Is there a history of illicit drug/substance use or dependency in the past 3 years? If YES please give details in SECTION 7 .	<input type="checkbox"/>	<input type="checkbox"/>

SECTION 5 GENERAL

(a) Has the applicant currently a significant disability of the spine or limbs which is likely to impair control of the vehicle? If YES please give details in SECTION 7 .	<input type="checkbox"/>	<input type="checkbox"/>
--	--------------------------	--------------------------

	YES	NO
(b) Is there a history of bronchogenic or other malignant tumour with a significant liability to metastasise cerebrally? If YES please give dates and diagnosis and state whether there is current evidence of dissemination.	<input type="checkbox"/>	<input type="checkbox"/>
.....		
.....		
(c) Is the applicant profoundly deaf?	<input type="checkbox"/>	<input type="checkbox"/>
(d) Could this be overcome by any means to allow a telephone to be used in an emergency?	<input type="checkbox"/>	<input type="checkbox"/>
(e) Is the applicant taking any medication that would impair his/her level of attention whilst driving?	<input type="checkbox"/>	<input type="checkbox"/>

SECTION 6 CARDIAC

(a) Coronary Heart Disease

Is there a history of:

(i) Myocardial Infarction?
If **YES** please give date.

<input type="checkbox"/>	<input type="checkbox"/>
<input type="text"/>	

(ii) Coronary artery by-pass graft?
If **YES** please give date.

<input type="checkbox"/>	<input type="checkbox"/>
<input type="text"/>	

(iii) Coronary Angioplasty?
If **YES** please give date

<input type="checkbox"/>	<input type="checkbox"/>
<input type="text"/>	

(iv) Any other Coronary artery procedure?
If **YES** please give details in **SECTION 7**.

<input type="checkbox"/>	<input type="checkbox"/>
<input type="text"/>	

(v) Has the applicant suffered from angina?

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

(vi) Is the applicant **STILL** suffering from angina or only remains angina free by the use of medication?

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

(vii) Has the applicant suffered from Heart Failure?

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

(viii) Is the applicant **STILL** suffering from Heart Failure?

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

(ix) Has a resting ECG been undertaken?
If **YES** please give date.

<input type="checkbox"/>	<input type="checkbox"/>
<input type="text"/>	

(x) Does it show pathological Q waves?

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

(xi) Does it show Left Bundle branch block?

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

(xii) Has an exercise ECG been undertaken (or planned)?

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

(xiii) Has an angiogram been undertaken?
If **YES** please give date.

<input type="checkbox"/>	<input type="checkbox"/>
<input type="text"/>	

	YES	NO
(b) Cardiac Arrhythmia		
(i) Has the applicant had a significant documented disturbance of cardiac rhythm within the past 5 years? If YES please give details in SECTION 7 .	<input type="checkbox"/>	<input type="checkbox"/>
(ii) Has the arrhythmia (or medication) caused symptoms of sudden dizziness or impairment of consciousness or any symptom likely to distract attention driving within the past 2 years?	<input type="checkbox"/>	<input type="checkbox"/>
(iii) Has Echocardiography been undertaken? If YES please give details in SECTION 7 .	<input type="checkbox"/>	<input type="checkbox"/>
(iv) Has any exercise test been undertaken? If YES please give details in SECTION 7 .	<input type="checkbox"/>	<input type="checkbox"/>
(v) Has a PACEMAKER been implanted?	<input type="checkbox"/>	<input type="checkbox"/>
(vi) If YES was it implanted to prevent Bradycardia?	<input type="checkbox"/>	<input type="checkbox"/>
(vii) Is the applicant now free of sudden and/or disabling symptoms?	<input type="checkbox"/>	<input type="checkbox"/>
(viii) Does the applicant attend a pacemaker clinic regularly?	<input type="checkbox"/>	<input type="checkbox"/>
(ix) Has a Cardiac defibrillator been implanted or antivenricular tachycardia been fitted?	<input type="checkbox"/>	<input type="checkbox"/>
(c) Other Vascular Disorders		
(i) Is there a history of Aortic aneurysm with a transverse diameter of 5 cm or more? (Thoracic or abdominal)	<input type="checkbox"/>	<input type="checkbox"/>
(ii) If YES has the aneurism been successfully repaired?	<input type="checkbox"/>	<input type="checkbox"/>
(iii) Is there symptomatic peripheral arterial disease?	<input type="checkbox"/>	<input type="checkbox"/>
(d) Blood Pressure		
(i) Is there a history of hypertension with BP readings consistently greater than 180 systolic or 100 diastolic? If YES please supply most recent reading with dates.	<input type="checkbox"/>	<input type="checkbox"/>
(ii) If treated, does the medication cause any side effects likely to affect safe driving?	<input type="checkbox"/>	<input type="checkbox"/>
(e) Valvular Heart Disease		
(i) Is there a history or valvular heart disease (with or without surgery)?	<input type="checkbox"/>	<input type="checkbox"/>
(ii) Is there any history of embolism?	<input type="checkbox"/>	<input type="checkbox"/>

	YES	NO
(iii) Is there any history of arrhythmia – intermittent or persistent?	<input type="checkbox"/>	<input type="checkbox"/>
(iv) Is there persistent dilation or hypertrophy of either ventricle? If YES please give details in SECTION 7 .	<input type="checkbox"/>	<input type="checkbox"/>
(f) Cardiomyopathy		
(i) Is there established cardiomyopathy? If YES please give details in SECTION 7 .	<input type="checkbox"/>	<input type="checkbox"/>
(ii) Has there been a heart or heart/lung transplant? If YES please give details in SECTION 7 .	<input type="checkbox"/>	<input type="checkbox"/>
(g) Congenital Heart Disorders		
(i) Is there a congenital heart disorder?	<input type="checkbox"/>	<input type="checkbox"/>
(ii) If YES is it currently regarded as minor?	<input type="checkbox"/>	<input type="checkbox"/>
(iii) Is the patient in the care of a Specialist clinic? If YES please give details in SECTION 7 .	<input type="checkbox"/>	<input type="checkbox"/>

SECTION 7

You may wish to forward copies of hospital notes separately if you need to provide extra information.

SECTION 8

The Council recognises that the Group 2 standards preclude the licensing of drivers with insulin treated diabetes. However, exceptional arrangements do exist for drivers with insulin treated diabetes, who can meet a series of medical criteria, to obtain a licence to drive category C1 vehicles (i.e. 3500-7500 kgs lorries). The Council has determined to apply the C1 standards to taxi and PHV drivers with insulin treated diabetes.

The additional medical criteria which are required to be met in relation by applicants with insulin treated diabetes are as follows¹:

Qualifying Conditions for applicants

- They must have had no hypoglycemic attacks requiring assistance whilst driving within the previous 12 months.
- They will not be able to apply for category C1 or C1E entitlement until their condition has been stable for a period of at least one month.
- They must regularly monitor their condition by checking their blood glucose levels at least twice daily and at times relevant to driving. (The use of a memory chip meters for such monitoring is advised).
- They must arrange to be examined every 12 months by a hospital consultant, who specialises in diabetes. At the examination the consultant will require sight of their blood glucose records for the last 3 months.
- They must have no other condition, which would render them a danger when driving C1 vehicles.
- They will be required to sign an undertaking to comply with the directions of doctors(s) treating the diabetes and to report immediately to DVLA any significant change in their condition.

DECLARATION to be completed by applicants with insulin treated diabetes

I undertake that I will arrange to be examined every 12 months by a hospital consultant who specialises in diabetes.

I undertake to comply with the directions of doctor(s) treating the diabetes and to report immediately to the DVLA and the Council any significant change in my conditions.

SIGNATURE:..... Date:

¹ Taken from "At a glance Guide to the current Medical Standards of Fitness to Drive" DVLA (February 2007)

APPLICANT'S DETAILS

**To be completed in the presence of the Medical Practitioner
carrying out the examination**

SECTION 9

Your Name: Date of Birth

Address:

..... Post Code:

Telephone No (home): (work):

ABOUT YOUR GP/GROUP PRACTICE *(if applicable)*

GP/GROUP NAME:

ADDRESS:

..... TELEPHONE NO:

ABOUT YOUR CONSULTANT/SPECIALIST *(if applicable)*

CONSULTANT NAME:

ADDRESS:

..... Post Code: Telephone No:

DECLARATION AND AUTHORISATION to be completed by applicant.

(If you have knowingly given false information in this examination you are liable to prosecution)

Consent and Declaration

This section MUST be completed and must NOT be altered in any way. Please sign the statement below.

I declare that I have checked the details I have given and to the best of my knowledge they are correct. I authorise the release of any relevant medical reports to the examining doctor, if required, for the purpose of obtaining a licence to drive Hackney Carriages or Private Hire Vehicles.

SIGNATURE:..... Date:

The additional medical criteria which are required to be met in relation by applicants with insulin treated diabetes are as follows¹:

Qualifying Conditions for applicants

- They must have had no hypoglycaemic attacks requiring assistance whilst driving within the previous 12 months.
- They will not be able to apply for category C1 or C1E entitlement until their condition has been stable for a period of at least one month.
- They must regularly monitor their condition by checking their blood glucose levels at least twice daily and at times relevant to driving. (The use of a memory chip meters for such monitoring is advised).
- They must arrange to be examined every 12 months by a hospital consultant, who specialises in diabetes. At the examination the consultant will require sight of their blood glucose records for the last 3 months.
- They must have no other condition, which would render them a danger when driving C1 vehicles.
- They will be required to sign an undertaking to comply with the directions of doctors(s) treating the diabetes and to report immediately to DVLA any significant change in their condition.

¹ Taken from "At a glance Guide to the current Medical Standards of Fitness to Drive" DVLA (February 2007)

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CHESHIRE EAST COUNCIL

LICENSING COMMITTEE

Date of meeting: 30th March 2009
Report of: Mrs K Khan – Licensing Solicitor
Title: Taxi Licensing – Convictions Policy

1.0 Purpose of Report

- 1.1 The purpose of the report is to request approval from the Committee for the proposed policy on convictions as they relate to applicants for hackney carriage and private hire drivers licences and licence holders who commit offences.

2.0 Decision Required

- 2.1 The Licensing Committee is requested to approve the convictions policy to relate to both applicants for hackney carriage and private hire drivers licences and licence holders who receive convictions during the course of a licence, as set out within the appendix to this report.

3.0 Financial Implications for Transition Costs

- 3.1 None

4.0 Financial Implications 2009/10 and beyond

- 4.1 None.

5.0 Legal Implications

- 5.1 Section 51(1) of the Local Government (Miscellaneous Provisions) Act 1976 ('the Act') provides that a district council shall not grant a private hire drivers licence unless it is satisfied that the applicant is a 'fit and proper' person to hold such a licence. Section 59(1) of the Act provides that a district council shall not grant a licence to driver a hackney carriage unless it is satisfied that the applicant is a 'fit and proper' person to hold a driver's licence.
- 5.2 The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002 had the effect of including licensed drivers within the 'regulated occupations' for the purposes of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975; this effectively means that the provisions of the Rehabilitation of Offenders Act 1974 do not apply to applicants for hackney carriage and private hire drivers licences.

- 5.3 The local authority may not fetter its discretion and each application must be considered on its own merits.

6.0 Risk Assessment

- 6.1 In order to achieve consistency of decision making, and thereby avoid the risk of successful legal challenge, the Council will require a policy for the consideration of criminal records.

7.0 Background and Options

- 7.1 As set out above, it is a requirement that no licence should be granted to an applicant for a hackney carriage or private hire vehicle licence unless they are a 'fit and proper' person to hold such a licence.
- 7.2 It is suggested that the adoption of a policy in relation to previous conviction is required in order both that applicants have an understanding of the considerations which will be taken into account in relation to their application, and to ensure consistency of decision-making. Any policy adopted by the Council must not preclude the consideration of each application on its own merits as the Council cannot fetter its discretion.
- 7.3 The joint Department of Transport and Home Office Circular (DFt 2/92 and Home Office 13/92) provided guidelines relating to the relevance of convictions. The convictions policies used within the three existing district authorities were based on the guidelines within Circular 2/92. Similarly the policy presented to Committee for adoption on behalf of Cheshire East (attached as an appendix to this report) broadly follows the guidelines within the Circular.

8.0 Overview of Day One, Year One and Term One Issues

- 8.1 It is necessary to have a convictions policy in place for Day One to ensure that applications may be determined on a consistent basis.

9.0 Reasons for Recommendation

- 9.1 The Council is required to ensure that applicants for hackney carriage and private hire drivers licences are 'fit and proper' to hold such a licence. The adoption of a convictions policy allows consistency of decision-making in relation to the consideration of convictions.

For further information:

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Email: k.khan@macclesfield.gov.uk

Background Documents:

None

CHESHIRE EAST COUNCIL

POLICY ABOUT RELEVANT CONVICTIONS

1. Each case will be decided on its own merits
2. The disclosure of a criminal record or other information will not debar an applicant from being licensed unless the Council considers that the conviction/information renders the applicant unsuitable. In making this decision the Council will consider the nature of the offence, how long ago the offence was committed and any other factors which may be relevant.
3. Each application will be decided on its own merits but the general guidelines set out below have been adopted by the Council. The Council will be particularly concerned with convictions for offences involving violence or drugs, indecency offences, or dishonesty. Generally, the Council will be looking for an applicant to have remained free of conviction for a minimum period of three to five years, according to the circumstances, before an applicant is considered to be suitable.
4. Although any mitigating factors will be considered the overriding requirement is the protection of the public.
5. Whilst this policy refers to applicants, the provisions in relation to the relevance of convictions apply equally to licence holders who have received convictions during the course of a licence.

Violence

As licensed drivers are in close contact with members of the public a serious view will be taken with regard to convictions for grievous bodily harm, wounding, assault, or criminal damage. At least 3 years free of such convictions will generally be required before an applicant may be considered suitable to be granted a licence.

Drugs

In view of concern with which the licensing authority view the distribution and use of drugs, an applicant with a conviction for drug related offences will usually be required to show a period of at least 3 years free of convictions before an application is entertained, or 5 years after detoxification treatment if he/she was a drug addict.

Indecency and sexual offences

Licensed drivers are in close contact with members of the public of both sexes. Applications from persons with convictions for indecent exposure, indecent assault, importuning or any of the more serious sexual offences will be examined particularly carefully. At least 3 to 5 years free of such conviction will be expected before consideration is given to an application. More than one conviction will generally preclude consideration of an application although individual circumstances of each case will be examined.

Dishonesty

Licensed drivers are often in situations where money will change hands and where a considerable degree of trust is placed in the driver by the public. Applicants with convictions for any offence in which dishonesty was a factor will usually be refused until they can show a substantial period (at least 3 years) free of such conviction.

Dishonesty includes theft, burglary, handling stolen property, fraud, etc.

Motoring Convictions

Licensed drivers will be expected to demonstrate competence in the handling of motor vehicles. An applicant with 12 or more penalty points endorsed on his/her DVLA driving licence – but who has not been disqualified under the ‘totting up’ procedure – will generally be considered to be unsuitable.

Where a disqualification has been received either as a result of a single motoring offence or as a result of ‘totting up’ of motoring offences, an applicant will generally be considered to be unsuitable until a period of one to three years after the restoration of the driving licence has elapsed.

Convictions for offences involving alcohol or drugs, which resulted in a period of disqualification, will also be generally considered to render the applicant unsuitable. At least three years should elapse (after the restoration of the driving licence) before an applicant is considered for a licence. If there is any suggestion that the applicant is an alcoholic, a special medical examination should be arranged before the application is entertained. If the applicant is found to be an alcoholic a period of five years should elapse after treatment is complete before a further licence application is considered.

Plying For Hire Convictions

In the case of a first conviction for an offence of plying for hire, the driver’s licence will normally be suspended for a period of time.

In the case of a second conviction for an offence of plying for hire, the driver's licence will normally be revoked.

At least one to two years free of such convictions will generally be required before an applicant with two convictions for plying for hire may be considered suitable to be granted a licence.

In every instance however, each case will be considered on its own merits.

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