

Licensing Committee

Agenda

Date: Friday, 13th March, 2009
Time: 2.30 pm
Venue: Council Chamber, Municipal Buildings, Earle Street, Crewe
CW1 2BJ

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 February 2009.

5. **Private Hire Vehicle Licensing** (Pages 5 - 52)

To consider the proposed private hire vehicle licence conditions.

6. **Private Hire Vehicle Operator Licensing** (Pages 53 - 56)

To consider the proposed private hire vehicle operator licence conditions.

7. **Hackney Carriage and Private Hire Drivers' Licence Conditions** (Pages 57 - 62)

To consider the proposed Hackney Carriage and Private Hire Drivers' Licence Conditions.

8. **Licensing of Sex Establishments** (Pages 63 - 74)

To consider the proposed standard licence conditions for sex establishments.

9. **Date of Next Meeting**

To note the time, date, and venue of the next meeting: 10.30am on Monday 30 March 2009 in the Capesthorpe Room, Town Hall, Macclesfield.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Committee**
held on Friday, 13th February, 2009 at The Capesthorne Room - Town Hall,
Macclesfield SK10 1DX

PRESENT

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

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

Substitute

Councillor Mrs Rachel Bailey

21 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs E Gilliland and
M Parsons.

22 DECLARATIONS OF INTEREST

A number of Councillors who were existing Borough Councillors and Town
and Parish Councillors declared a personal interest in the business of the
meeting en bloc.

23 PUBLIC SPEAKING TIME/OPEN SESSION

In accordance with Procedure Rule 35, Mr Davies and Mr Gillick asked a
number of questions regarding the proposed fees with respect to taxi
licensing and the consultation process which had been undertaken, and
the Chairman responded.

24 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 14 January 2009
be approved as a correct record.

25 FEES AND CHARGES

The Committee considered a report detailing the responses received from
the licensed trade regarding the proposed fees in relation to taxi licensing
which had been approved for statutory consultation by the Licensing
Committee at its meeting on 19 December 2008.

RESOLVED

- (a) That consideration of the proposed fees and charges be deferred to a future meeting of the Committee, to be held at the end of March.
- (b) That the proposed fee for a six month test be reduced from £100 to £75 and that all proposed fees in relation to taxi licensing and charges be republished.
- (c) That a further consultation exercise be undertaken with all licensed drivers, operators and proprietors.
- (d) That the Community Safety Manager be requested to provide the Committee with a detailed breakdown of the costs involved in the issue and administration of licences.
- (e) That the Community Safety Manager be requested to provide the Committee with copies of all representations received during the consultation process.

[Note: Following consideration of this item, the meeting was adjourned from 11.05 am to 11.15 am to allow members of the public to leave the room.]

26 TERMS OF REFERENCE

The Committee considered a report relating to amended terms of reference for both the full Licensing Committee and its Sub-Committees.

At its meeting on 19 December, the Committee had approved both its terms of reference and the delegation of functions between the full Committee, Sub-Committees and Officers. The Committee had noted that the terms of reference may be subject to amendment as decisions were taken across the Council with respect to the allocation of functions between service areas.

The amended terms of reference incorporated certain additional functions, set out those licensing and registration functions covered within a schedule to the terms of reference and illustrated the previous decision of the Committee in relation to the separation of the functions between the full Committee and the Sub-Committees.

RESOLVED – That the amended terms of reference relating to the Licensing Committee and its Sub-Committees be approved.

27 STATEMENT OF LICENSING POLICY - LICENSING ACT 2003

The Committee considered a report detailing the responses which had been received from stakeholders following the approval of the draft

Statement of Licensing Policy for statutory consultation by Cabinet at its meeting on 17 December 2008.

RESOLVED – That, subject to the following amendments, Council be recommended to approve the draft Statement of Licensing Policy under the Licensing Act 2003:

- A sentence to be inserted in paragraph 3.3.1 to reflect the wording of the guidance regarding the occurrence of crime and disorder and public nuisance immediately outside licensed premises.
- Paragraph 5.6 to include a definition of small and large scale temporary events.
- The second sentence of paragraph 6.5 to be amended to read: 'It is also recognised that a capacity limit should not be imposed by way of condition on the basis of fire safety grounds as under article 43 of the Fire Safety Order.'

28 STATEMENT OF PRINCIPLES - GAMBLING ACT 2005

The Committee considered a report detailing the responses which had been received from stakeholders following the approval of the draft Statement of Principles for statutory consultation by Cabinet at its meeting on 17 December 2008.

RESOLVED – That, subject to the addition of a list of consultees, Council be recommended to approve the draft Statement of Principles under the Gambling Act 2005.

29 DATE OF NEXT MEETING

The Chairman reported that the next meeting of the Licensing Committee was scheduled to take place at 10am on Friday 13 March 2009 in the Council Chamber, Municipal Buildings, Crewe.

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

The meeting commenced at 10.00 am and concluded at 11.45 am

Councillor P Whiteley (Chairman)

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CHESHIRE EAST COUNCIL

LICENSING COMMITTEE

Date of meeting: 13th 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 January 2009 the Licensing Committee approved a set of licence conditions for private hire vehicles for the purpose of holding a consultation exercise with the private hire trade. The report puts forward the results of the consultation exercise with a proposal that the private hire vehicle licence conditions be approved, subject to certain amendments made in response to some of the comments received, and be brought into effect from 1st April 2009.
- 1.2 The proposed conditions, as amended, are attached at **Appendix C**.
- 1.3 The report also puts forward a proposal to hold a further consultation exercise on the single topic of a proposed *further* amendment to the conditions proposed for approval at this meeting whereby the overall size of a vehicle to be licensed for private hire purposes may be more effectively controlled (see paragraph 9).

2.0 Decisions Required

- 2.1 To approve the licence conditions in relation to private hire vehicles, as amended following the consultation exercise, to take effect from 1st April 2009.
- 2.2 To approve a further consultation exercise 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’.

3.0 Financial Implications for Transition Costs

- 3.1 None.

4.0 Financial Implications 2009/10 and beyond

- 4.1 The cost of the consultation exercise can be met from the licensing budget for 2009/10.

5.0 Legal Implications

- 5.1 If the conditions for licensing private hire vehicles are not in place by 1st April 2009 Cheshire East will rely on the provisions of the Transitional Regulations¹ in order to perform its statutory function as the licensing authority from Day One.

6.0 Risk Assessment

- 6.1 There would be a risk of a legal challenge to the validity of the conditions if the responses to the consultation exercise were not considered before arriving at a decision.
- 6.2 Failure to carry out a consultation exercise on the proposed amendment to condition number 1.4 could lead to a legal challenge about its validity.

7.0 Background

- 7.1 The private hire vehicle conditions approved by the Committee for the consultation exercise were largely drawn from the conditions currently in force at either one or more of the three constituent authorities of Cheshire East. They were chosen to reflect the best of the current practices from those authorities.
- 7.2 A consultation exercise with the existing holders of private hire vehicle licences at Crewe and Nantwich, Congleton and Macclesfield was held over the period from 14th January to 27th February 2009 on the proposed conditions.
- 7.3 **The responses received are appended to the report.**
- 7.4 **A Summary of the Responses** is set out at **Appendix A**.
- 7.5 **An Analysis of the Responses** is set out at **Appendix B**.

8.0 Proposed further consultation - overall size of a private hire vehicle

- 8.1 A private hire vehicle is limited by law to being fitted with no more than eight passenger seats. A PSV (public service vehicle) is a vehicle, usually a bus or a minibus, which is fitted with more than eight passenger seats.
- 8.2 The conditions upon which the consultation exercise has taken place will not however preclude the possibility of the Council being obliged to license a former PSV at the upper end of the 3.5 tonnes weight limit and which has had a number of passenger seats removed in order to bring the vehicle within the scope of private hire vehicle licensing legislation.

¹ Local Government (Structure Changes)(Transitional Arrangements)(No.2) Regulations 2008

- 8.3 In order to more effectively limit the size of vehicles which are acceptable for licensing for private hire purposes, it is proposed to revise condition number 1.4 to include a requirement that the vehicle have a minimum of four doors including two on the nearside and two on the offside. Such a requirement would in practice exclude former PSVs from being licensed for private hire as such vehicles are typically constructed with only two or three side doors.
- 8.4 It has for example been the practice at Macclesfield to prescribe a limit for the size of private hire vehicles in this way whilst at Crewe and Nantwich it has been the practice to license fairly large size ex PSVs for private hire.
- 8.5 As this proposal differs substantially from that upon which the Council went out to consultation, it is therefore proposed that a further consultation with the private hire trade be undertaken on this specific point and the results be reported to a further meeting of the Committee.

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

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

10.0 Reasons for the Recommendations

- 10.1 The recommendation to introduce Cheshire East licence conditions with effect from Day One has been made after giving due consideration to the responses received to the consultation exercise held with current holders of private hire vehicle licences.
- 10.2 The recommendation to hold a further consultation exercise on the proposed amendment to condition 1.4 has been made because the proposal could have a substantial effect on some types of vehicle which have hitherto been licensed for private hire by one of the former authorities.

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For further information:

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Background Documents:

*The current private hire vehicle licence conditions of Crewe and Nantwich BC,
Congleton BC and Macclesfield BC
Letter sent to holders of private hire vehicle licences
Road Vehicles (Construction and Use) Regulations 1986 No.1078*

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APPENDIX A**Private Hire Vehicle Licence Conditions****SUMMARY and ANALYSIS OF CONSULTATION RESPONSES**

Condition No. & subject	Responses received from	Summary of consultation responses
1.5 Minimum width of seats	L M Grace	Some manufactured seats may be narrower
1.7 Seating configuration	T Marshall	Condition not specific
2.5 Vehicle shall not be fitted with a tow bar	W A Ludgate (Aus Travel) J A Jennings (JA Luxury) K Shenton (Kenkar) M Jones (Airport Express Cheshire) T Marshall R Horton (First Class PH) P M Pumford (Autocruise Luxury Travel) K Puttock L M Grace 18 Congleton BC operators	Want to be able to tow a luggage carrying trailer (eg for skis, golf clubs) ditto ditto ditto Want to use tow bar for personal use ditto Ability to tow luggage trailer increases comfort & safety of passengers in vehicle ditto No grounds for objection given ditto If tow bars are permitted the Council should instigate a trailer licensing policy

APPENDIX A

2.7 Tinted windows	W Radcliffe (Victoria Cars) 18 Congleton BC operators	Minimum light transmission should be reduced from 70% to 50% Tinted windows are safer when broken The only minimum light restriction should be that prescribed by UK Construction & Use Regulations (ie; windscreen and front side windows). Further restriction is unnecessary
4.2 Additional six monthly testing for vehicles over 7 years old	G Tompsett (Lawtons PH) J A Jennings (JA Luxury) W A Ludgate (Aus Travel) T Marshall 18 Congleton BC operators	Requirement is excessive Additional cost to proprietor ditto ditto ditto Requirement is excessive Alternative suggestion: MOT test at 6 months instead of Council inspection
5.2 Vehicles converted to use LPG	K Puttock W Radcliffe (Victoria Cars) 18 Congleton BC operators	Carriage of spare wheel unnecessary – could carry emergency tyre inflator Unclear about definition of gas tight LPG tank box Ditto
6.1 Fire extinguisher	18 Congleton BC operators K Shenton (Kenkar)	Potential danger from using an extinguisher instead of withdrawing to safety ditto
6.2 First aid kit	A2B'R'Us K Shenton (Kenkar) T Marshall	No first aid training requirement for drivers Question of liability in the event of misuse ditto List of contents is excessive

APPENDIX A

6.3 & 6.4 Warning triangle & high visibility vest	G Tompsett (Lawtons PH)	Requirements are excessive Unnecessary costs to proprietor
	J A Jennings (JA Luxury)	ditto
	K Shenton (Kenkar)	ditto
	R Horton (First Class)	ditto
7. Compulsory signage on vehicle	G Tompsett (Lawtons PH)	Signs are unsightly and unnecessary
	J A Jennings (JA Luxury)	Ditto Additional cost to proprietor
	K Shenton (Kenkar)	Unnecessary Additional cost to proprietor
	R Horton (First Class PH)	Unsightly, indiscreet and unnecessary
	P M Pumford (Autocruise Luxury Travel)	Indiscreet Adverse effect on paintwork
	K Puttock	ditto
	W Radcliffe (Victoria Cars)	Unnecessary Adverse effect on paintwork
	W A Ludgate (Aus Travel)	Signs too large
	18 Congleton BC operators	Loss of corporate business
	P J Gillick (Sparetime)	Signing would lead to the public confusing private hire vehicles with taxis
	T Marshall	Unnecessary Adverse effect on paintwork Loss of corporate business
8.6 Window identification	G Birch	Unnecessary
	K Puttock	Excessive and unnecessary

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Private Hire Vehicle Licence Conditions**ANALYSIS OF CONSULTATION RESPONSES****1.0 Condition number 1.5 – minimum 406mm (16”) seat width**

- 1.1 The object of the condition is to prescribe a minimum width of passenger seat which is acceptable.
- 1.2 One respondent states that some seats fitted by manufacturers in ECWVTA vehicles (which are crash tested to M1 standard) are less than 406mm in width.
- 1.3 Whilst the crash testing of vehicles to M1 standard measures the robustness of vehicle seats and their anchorages, it is understood that the dimensions of the seats so tested are not specified.
- 1.4 The minimum width measurement of 406mm is part of the current Macclesfield conditions.

2.0 Condition number 1.7 – seating configuration

- 2.1 The object of the condition is to prevent the layout of the seating in minibus type vehicles from being altered after the grant of the licence.
- 2.2 One respondent noted that the condition was imprecise and the wording has accordingly been amended to address this point.

3.0 Condition number 2.5 – vehicle shall not be fitted with a tow bar

- 3.1 The object of the condition is to prevent the towing of luggage trailers. None of the three constituent authorities have in place a licensing scheme for trailers and this has been carried forward in the proposed condition.
- 3.2 Many respondents made the point that a luggage trailer facilitates the carriage of bulky items such as skis and golf clubs, particularly in the case of vehicles such as MPVs (people carriers) where the luggage space is minimal if all the seats are occupied.
- 3.3 Some respondents want to be able to tow a trailer or caravan when the vehicle is used for their own personal use.
- 3.4 A licensing scheme for trailers would necessitate approved criteria whereby the construction, maintenance, safety and suitability of trailers could be tested by the Council or its agent garages. East Cheshire Council has no such criteria in place at the present time. This latter point is acknowledged in the response signed by 18 persons.

- 3.5 The towing of trailers also raises safety issues with respect to the competence of the driver to tow such a vehicle. Again, East Cheshire has no system in place at the present time to enable the capability of licensed drivers to be assessed to tow trailers.
- 3.6 Whilst it is not illegal for a licensed driver to drive a licensed private hire vehicle on his/her own personal or social use it is submitted that it would be inappropriate to make an exception from the proposed condition to accommodate such usage.

4.0 Condition 2.7 – Tinted windows

- 4.1 The object of the condition is to provide a safer environment within the vehicle by enabling the passengers to remain visible from the outside. Excessively tinted windows make enforcement more difficult as the vehicle must be stopped in order to ascertain whether or how many passengers are on board.
- 4.2 An 18 signature response makes the point that any restriction which is over and above that allowed by UK law is unnecessary. A further respondent claims that tinted windows are safer in the event of damage in an accident.
- 4.3 UK Construction and Use Regulations prescribe that the minimum light transmission must be 75% through the windscreen and 70% through the front side windows of a vehicle. The Regulations permit any level of tint to the rear of those windows. The proposed condition would extend the minimum light transmission of 70% to include the rear window and rear side windows.
- 4.4 It is submitted that it is not unreasonable to have a condition the purpose of which is to ensure that the occupants of a licensed vehicle remain visible to enforcement authorities from the outside.

5.0 Condition number 4.2 – additional six monthly testing for vehicles over seven years old

- 5.1 The object of the condition is to impose more a frequent inspection regime on older vehicles licensed by the Council on the ground that vehicles in general become less roadworthy with age.
- 5.2 The respondents have commented that the twice yearly testing of vehicles is an excessive requirement and also imposes an additional cost upon the proprietor.
- 5.3 A regime of twice yearly testing for older vehicles is currently in force at Macclesfield Council. It is submitted that the practice adopted by Macclesfield be applied by East Cheshire Council as a matter of good practice.

6.0 Condition 5.2 – vehicles converted to use LPG

- 6.1 The object of the condition is to ensure the safe operation of vehicles converted to run on LPG.
- 6.2 The respondents commented that the part of the condition relating to the provision of a gas tight box for the LPG tank is either unclear or incorrect.
- 6.3 It is accepted that part of the condition number 5.2 is at best superfluous and the reference to the subject of the comments has accordingly been removed.

7.0 Condition number 6 – safety equipment

- 7.1 The object of the condition is to make provision for the carriage of a reasonable amount of basic safety equipment in a licensed vehicle, ie, first aid kit, fire extinguisher, warning triangle and high visibility safety vest.
- 7.2 Two respondents raised the question of liability in the case of misuse of first aid equipment by an untrained driver. 18 respondents queried the safety aspect of the use of a fire extinguisher made implicit by the provision of a fire extinguisher. The other respondents commented that the provision of a warning triangle and a high visibility vest are excessive requirements and also impose additional costs upon the proprietor.
- 7.3 It is submitted that these are basic safety items in common usage and are relatively inexpensive to provide.

8.0 Condition number 7 – signs and notices

- 8.1 The object of the condition is to identify clearly vehicles which are licensed as private hire vehicles.
- 8.2 The reason for this is twofold. Firstly it is important for the safety of the travelling public that the vehicle is clearly identifiable as a licensed vehicle and therefore easily distinguishable from unlicensed vehicles.
- 8.3 Secondly it is a legal requirement that a private hire vehicle must not have the appearance of a hackney carriage and clear signage to this effect helps to make that distinction.
- 8.4 A number of respondents questioned the need for the signs (ie, the words 'private hire', 'advanced bookings only' and the operator's telephone number, all subject to a minimum size). Additional reasons given were that the signage would be unsightly or indiscreet, particularly where an operator caters for more discerning passengers,

and the expense incurred in both providing the signs and any subsequent adverse effect on the vehicle paintwork.

- 8.5 An 18 signature response made the point that the condition could lead to a loss of work from clients who would find the signage indiscreet. A further respondent stated that the signage would lose him business as a wedding car.
- 8.6 A licensed private hire vehicle is a vehicle which is licensed to perform a particular service to the public by virtue of its status in law.
- 8.7 A licensed private hire vehicle however performs a different function from a hackney carriage which has its own separate and distinct status in law. Unfortunately in the minds of a great many of the travelling public the distinction is not so clear.
- 8.8 It is submitted therefore that the requirement for clear signage is a fundamental one. Firstly it clearly differentiates to the public in the street the difference between a licensed private hire vehicle and a hackney carriage. Secondly, from a public safety point of view, there is less scope for a potentially vulnerable member of the public to be enticed into getting into a bogus unlicensed (ie, unmarked) vehicle.
- 8.9 For those proprietors whose vehicle is used exclusively on what is sometimes termed corporate or account work and for which it is felt necessary to retain a more discreet appearance, the proposed condition number 10 - Special condition for executive limousines – will provide an opportunity to license a private hire vehicle without the usual display of signs and licence plates provided that certain safeguards are met.
- 8.10 The legislation also provides that cars which are used exclusively for weddings (or funerals) fall outside the scope of private hire licensing.
- 8.11 The proposed condition requiring the display of signs in a minimum size of the lettering has been in force at the Borough of Crewe and Nantwich since 1999.

9.0 Condition number 8.6 - identification stickers

- 9.1 The object of the condition is to generally help the public to identify that the vehicle is not only a licensed vehicle, but, more specifically, which particular vehicle in the event of a complaint.
- 9.2 One respondent has questioned the need for the window stickers in addition to the vehicle licence plates.
- 9.3 It has been the practice for Macclesfield and Crewe & Nantwich to issue further identifications stickers in addition to the vehicle licence plates. The stickers display towards a passenger within the vehicle.

Cheshire East

Private Hire Vehicle Licence Conditions

1. Type of vehicle

- 1.1 The vehicle itself or the generic vehicle manufactured by the vehicle manufacturer shall be certified as having one of the following levels of Type Approval;
- EC Whole Vehicle Type Approval
 - UK Low Volume Type Approval
 - UK Single Vehicle Approval.
- 1.2 The vehicle shall not exceed 3.5 tonnes (3500 kilogrammes) gross weight unless it is a 'novelty' vehicle to be licensed as a private hire vehicle subject to the conditions applicable to executive hire and novelty vehicles.
- 1.3 The vehicle shall be a manufacturer's right hand drive model with a minimum of four wheels, except for imported stretch limousines which may be left hand drive.
It shall be finished in a production colour of the manufacturer for the model.
- 1.4 It shall have a minimum of four doors at least three of which shall be fitted to the side of the vehicle. All the doors must be capable of use by persons for both access and egress and of being opened from both the inside and the outside. If the vehicle is fitted with an electronic locking system it must be capable of being overridden to enable the doors to be opened manually.
- 1.5 The passenger seats shall be a minimum of 406mm (16") in width with no significant intrusion by wheel arches, armrests or other parts of the vehicle.
- 1.6 The vehicle shall be fitted throughout with three point lap and diagonal seat belts; for the avoidance of doubt, lap only type seat belts shall be deemed not to comply with this condition.
- 1.7 The seats shall be permanently fixed in the configuration approved by the Council at the time the vehicle is first licensed.

2. Condition and Maintenance of the Vehicle

- 2.1 The vehicle and all its fittings and equipment shall be maintained in a safe, efficient and clean condition and be capable of satisfying the Council's mechanical inspection at all times that the licence is in force. All relevant statutory requirements including those contained in the Motor Vehicles (Construction and Use) Regulations shall be fully complied with at all times.

- 2.2 Without prejudice to the generality of the foregoing, the exterior of the vehicle shall be clean, free from unrepaired damage and finished to match existing paintwork after repair.

The vehicle shall be deemed incapable of satisfying the Council's mechanical inspection if it requires welding repair to the bodywork, floor panels or door cills.

- 2.3 The interior of the vehicle shall be clean, tidy and free of litter, any rubbish shall be removed after each journey and the upholstery, carpets and fittings free from rips and tears.
- 2.4 No material alteration or change to the mechanical or structural specification of the vehicle or its design, condition or appearance shall be made at any time that the licence is in force without the written consent of the Council.
- 2.5 The vehicle shall not be fitted with a tow bar.
- 2.6 Any roof rack or roof pod should be attached securely and fitted in accordance with the manufacturer's instructions.
- 2.7 Tinted windows

Heavily tinted glazing and tinted films applied to vehicle windows are not permitted.

The visual transmission of light shall be not less than 75% through the windscreen and not less than 70% through all other windows.

3. Wheelchair accessible vehicles (WAVs)

All WAVs

- 3.1 A vehicle which is constructed or adapted to carry one or more wheelchair bound passengers shall comply with the following conditions.
- 3.2 The wheelchair bound passenger(s) shall not be carried facing sideways.
- 3.3 The wheelchair space shall be not less than:
- i. 1300mm measured in the longitudinal plane of the vehicle;
 - ii. 750mm measured in the transverse plane of the vehicle;
 - iii. 1500mm measured vertically from any point in the wheelchair space.

- 3.4 The wheelchair space shall be fitted with a wheelchair tie down system and a three point lap and diagonal wheelchair user restraint system suitable for a wheelchair user situated centrally in the transverse plane of the wheelchair space.
- 3.5 The vehicle shall be equipped with either a ramp (fixed to the vehicle or portable) or a boarding lift or platform.
- 3.6 The incline of the ramp, where provided, shall not be greater than 16 degrees (1 in 3½).
- 3.7 The boarding lift or platform, where fitted, shall be capable of being manually operated.
- 3.8 The ramp or boarding lift or platform shall not impede either the use of or access and egress to any door or emergency exit.

Forward facing wheelchairs

- 3.9 The wheelchair space shall allow the carriage of a wheelchair and a wheelchair user facing the front of the vehicle.

Rear facing wheelchairs

- 3.10 The wheelchair space shall allow the carriage of a wheelchair and a wheelchair user facing the rear of the vehicle.
- 3.11 The wheelchair space shall be fitted with a head and back restraint at the forward end (relative to the vehicle) of the space.

4. Vehicle testing

- 4.1 All vehicles shall be tested by the Council or its agent prior to first licensing and thereafter annually prior to the renewal of the licence.
- 4.2 Vehicles which are over seven years old shall be tested every six months. The age of the vehicle shall be calculated by reference to the date of first registration recorded in the Vehicle Registration Document (form V5) unless the vehicle was not new at the date of first registration in the UK.

5. Vehicles converted to run on Liquefied Petroleum Gas (LPG)

- 5.1 A certificate of compliance of conversion issued by a Liquid Petroleum Gas Association (LPGA) approved installer must be produced to the Council in respect of a vehicle converted to run on liquefied petroleum gas (LPG). The Council must notified immediately and the certificate produced if the conversion is undertaken whilst the licence is in force.

- 5.2 The spare wheel shall be securely fixed in a suitable position where it does not obstruct the whole of the luggage space on a vehicle fitted with a 'doughnut' tank in the spare wheel well.
- 5.3 The vehicle shall display a warning sticker on the front and rear screens stating that the vehicle is fitted with a LPG tank for the purpose of alerting the emergency services in the event of an accident.

6. Safety Equipment

- 6.1 The vehicle shall be equipped at all times with a fire extinguisher manufactured to BS EN 3 and containing a minimum weight of 1.0 kilogram of dry powder or foam. The extinguisher shall be carried in such a position as to enable it to be readily available for use in an emergency. It shall be marked with the date of its last test and have the private hire licence plate number painted upon it.
- 6.2 The vehicle shall be equipped at all times with a first aid kit kept in a properly designated first aid container. The container shall have the plate number of the vehicle marked up on it. The first aid kit shall contain as a minimum the following items which should be within the manufacturer's expiry date:
a guidance leaflet, 10 x non-alcoholic wipes, 1 x conforming bandage (7.5cm x 4.5m stretched), 2 x non woven triangular bandages (size 96 x 96), 2 x eye pad dressings, 3 x large dressings (size 18 x 18) 12 x safety pins, 1 x pair blunt stainless steel scissors and 30 x plasters (assorted sizes).
- 6.3 The vehicle shall be equipped at all times with a reflective warning triangle.
- 6.4 The vehicle shall be equipped at all times with a high visibility vest for use by the driver in an emergency.

7. Signs and Notices

- 7.1 The following shall be displayed on each side of a private hire vehicle (on a body panel and not a window):-
(i) the words "PRIVATE HIRE"
(ii) the words "ADVANCED BOOKINGS ONLY"
(iii) the telephone number of the vehicle operator (fixed landline)
- 7.2 The words "PRIVATE HIRE", "ADVANCED BOOKINGS ONLY" and the telephone number of the vehicle operator shall:-
(i) be clearly and permanently affixed and displayed in a clearly contrasting colour in letters and numbers not less than 65mm in height and not less than 8mm thickness, and
(ii) be positioned together in a manner previously approved in writing by the Council.

- 7.3 For the avoidance of doubt the words "PRIVATE HIRE" and "ADVANCED BOOKINGS ONLY" and the telephone number of the operator of the vehicle shall not be deemed to be "permanently affixed and displayed" where they are so affixed and displayed by means of a demountable magnetic sign or by any other type of sign which is able to be removed and re-affixed to the vehicle.
- 7.4 No other advertisements, signs, notices, numbers, marks, etc shall be displayed on, in or from the vehicle without the prior written approval of the Council.
- 7.5 Any advertising on the vehicle shall be restricted to the name or trading name of the private hire operator of the vehicle and the operator's logo or insignia, address, fax number, web site or e-mail address and must have the prior approval of the Council. The advertising of other businesses, products or services is not permitted.
- 7.6 Any advertisements, signs, notices, numbers, marks, etc shall be so positioned as to ensure that the words "PRIVATE HIRE" and "ADVANCED BOOKINGS ONLY" and the telephone number of the vehicle operator remain clearly separate and isolated from any part of the advertisements, signs etc,.
- 7.7 Any advertisements, signs, notices, numbers, marks, etc borne on the vehicle shall not consist of or include the word "taxi" or "cab" or "for hire" whether in the singular or plural or any word of similar meaning or appearance, whether alone or as part of another word and shall not suggest that the vehicle is a Hackney Carriage.
- 7.8 The vehicle shall not display a roof sign whether illuminated or not.
- 7.9 The vehicle shall not display any illuminated signs on or from within the vehicle.
- 7.10 The types and makes of vehicle manufactured by London Taxis International and Metrocab now or from time to time operating as a taxi within the Metropolitan Police District and the City of London and licensed as such by the Public Carriage Office, Pantons Street, London shall not be used as a private hire vehicle.
- 8. Plates**
- 8.1 Private Hire vehicles shall at all times clearly display on the exterior surface of the vehicle two licence plates supplied by the Council, the form and content of which shall also be prescribed by the Council.
- 8.2 One licence plate shall be affixed securely to the front of the vehicle and one licence plate shall be affixed securely to the rear of the vehicle.

- 8.3 The plates shall not be affixed to any vehicle except the vehicle identified in the vehicle licence application form.
- 8.4 The plates (and any backing plates) shall at all times remain the property of the Council and the Licensee shall not cause or permit the information displayed upon the plates to be altered, removed or obscured in any way.
- 8.5 The Licensee shall at all times ensure so far as is reasonably practicable that information contained on the plates is complete and legible and that the plates are maintained in a clean condition.
- 8.6 Private Hire vehicles shall at all times display identification stickers supplied by the Council. The stickers shall be displayed on:
- i. the inside of the lower near-side of the windscreen, so that the sticker is visible to passengers within the vehicle;
 - ii. the top near-side rear window, facing outwards; and
 - iii. the top off-side rear window, facing outwards.

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 approved by 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 approved by 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.

10. SPECIAL CONDITION for EXECUTIVE LIMOUSINES

- 10.1 When Condition number 10 is attached to the licence Conditions numbers 7 and 8 shall not apply. Condition number 10 will only be applied to a licence at the discretion of the Council and may be withdrawn at any time if the Council is not satisfied that the vehicle is being used or operated in accordance with the plan submitted to the Council in support of an application made for it to be subject to Special Condition number 10.
- 10.2 The notice of the grant of special licence condition number 10 shall be carried in the vehicle at all times.
- 10.3 Windscreen Sign

The vehicle shall display at all times in the lower near side of the windscreen and visible from the outside of the vehicle a private hire vehicle identification badge supplied by the Council. The form and content of the badge shall be prescribed by the Council.
- 10.4 The identification badge shall at all times remain the property of the Council and the licensee shall not cause or permit the information displayed upon the badge to be altered, removed or obscured in any way.

(continued)

10.5 Interior Sign

The vehicle shall display at all times a private hire vehicle identification sign supplied by the Council and visible to passengers from within the vehicle. The form and content of the sign shall be visible shall be prescribed by the Council.

10.6 No other advertisements, signs, notices, numbers, marks, etc shall be displayed on, in or from the vehicle without the prior written approval of the Council.

10.7 Any advertisements, signs, notices, numbers, marks, etc borne on the vehicle shall not consist of or include the word "taxi" or "cab" whether in the singular or plural or any word of similar meaning or appearance, whether alone or as part of another word and shall not suggest that the vehicle is a Hackney Carriage.

10.8 The types and makes of vehicle manufactured by London Taxis International and Metrocab now or from time to time operating as a taxi within the Metropolitan Police District and the City of London and licensed as such by the Public Carriage Office of Transport for London, Panton Street, London shall not be used as a private hire vehicle.

* * * * *

*Holmes Chapel
Cheshire
CW4 7BE*

18th February 2009

Vehicle Conditions:

To Whom It May Concern:

We are writing following your request for comments on the new Vehicle conditions.

We run a small, very respectable private hire firm in Holmes Chapel, we have three vehicles including a 8 seater minibus, 6 seater people carrier, and a car, and have served the community of Holmes Chapel for 10 years our vehicles are of a high standard and we have always put the success of our business down to the smartness of our vehicles these new vehicle conditions seem to be far too extreme, under the new Cheshire East conditions none of our vehicles will meet your criteria. All our vehicles have always passed the vehicle inspections under Congleton borough council, and dramatically changing them this much is going to affect our business. Our customers book us for our respectable cars and our reputation your conditions are trying to turn us into city taxis, we live in a small village with a small population and limited work. These conditions are totally unfair.

Our first concern is this aluminium box around the gas tank, this seems to be a very loosely put, does this apply to gas tanks outside the vehicle or inside the vehicle, concerned about this I telephoned the L.P.G.A who regulates L.P.G conversions they have never heard of this aluminium box nether has the installer we use in Manchester who informed me that he has converted hundreds of Taxis in Manchester area and is a mystery to him as well as us. We have had L.P.G vehicles for over seven years and have always produced an L.P.G.A certicate for all of our vehicles and in the eyes of the law and the insurance companies have always been sufficient. We were also advised that modifying our L.P.G conversions from the way it was installed would in fact be illegal so maybe this matter needs to be made clearer. Also the new rules on tinted windows seem

unfair; most modern vehicles have tinted glass which meet the requirements of the law. We feel that the regulations is going to make it virtually impossible to source new vehicles in the future, we will have to pick vehicles which have the right glass not if the vehicle is suited for the job.

I am a female taxi driver and have held a private hire badge for 19 years, in my experience it's us as private hire drivers that need protecting from the general public outside the vehicle, as car crime and car jacking are on the increase.

We are private hire we have to keep records of our fares, it seems to me that we are guilty of some thing we haven't done again. Me as a female driver my tinted glass in my vehicles offer me protection from unwanted attention from the general public, as these don't seem to take our safety into consideration. I don't think this is fair and you are treating private hire taxis as if we are hackney which we are not. We agree that blacked out windows maybe to extreme, but the 70% light transmission is going to make it impossible to source suitable cars and if they are manufactured with the tinted glass this should be allowed so maybe this should be reduced to 50% also our views on window tint film this can be more benefit to the passengers, window tint film can reduce the heat build up in a mini bus by 40%, as you are aware most mini buses don't have opening windows in the rear this can get very hot and uncomfortable in summer, also did you know 30,000 car accidents per year are side impact collisions, 40% of multiple vehicle accidents are side impacts.

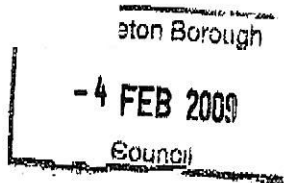
Broken window glass is a major cause of eye & facial injury. Having a light window tint film can stop flying glass and in an 8 seater mini bus, which have a lot of glass close to the passengers in the rear is more of a safety feature, again maybe reducing it to 50% light transmission would be fairer.

It's not against the law to have tinted glass in 16 seater mini buses and coaches which are also carry the general public, so we do not agree with this condition. Which brings us on to the advanced booking only signs that must be affixed to the paint work we don't agree with this we know we are private Hire; we have never picked anyone up of the street and never would. We don't see what difference this is going to make if operators are going to break the rules then they will, all this is going to do is devalue our vehicles because the paint work is damaged by the adhesive, and in addition why cant we affix them to the glass which where most people look, or better still not having them. We have taxi plates affix to all vehicles to say we are a licensed taxi so we disagree with this condition.

Mr & M



2nd February 2009



Dear Sir / Madam

I am in receipt of the new licensing conditions proposed by Cheshire East Council starting April 2009. I am currently a private hire driver with my own operators licence working under Crewe & Nantwich Borough Council, I run my own business Airport Express Cheshire Ltd transferring passengers to and from all UK airports, I do not do " Normal " taxi jobs at all. I have various contracts with Travel Agencies and also various Golf Clubs, these new conditions will cause me an issue with the "no tow bars fitted "condition on the new proposal, as this will seriously have an effect on my business and affect my current contracts. I have always had and still do have a vehicle with a tow bar simply to transport excess luggage passengers may have also golf clubs and skies etc. My vehicles have always passed council inspections with a tow bar on them, and hopefully this will continue under "Grandfather Rights ". I have a commercially built trailer 6 x 4 with a solid plastic hydraulic lid.

With being a self employed " one man band " business I also use my vehicle for private use we have a caravan and like to go on camping holidays, losing my tow bar here will also cause me a lot of concern.

I hope you will review my points raised, and hopefully they can be readdressed?

If things do stay the same when my licence is due for renewal I would have to seriously consider my options, as these conditions will seriously effect my business, I am aware that currently Vale Royal, Chester and Wrexham do not have any restrictions on tow bars. I look forward to hearing from you

licensing

From:
To:
Cc:
Subject:
Attachment

Sent: Wed 21/01/2009 12:03

Dear Mr

I write regarding the new fees and conditions which are to be introduced under the new Cheshire East Council.

Firstly I would like to know where these so called powers that-be have been for the last year.

The country is suffering the biggest recession/depression since the 1920's. Everyday we are hearing about company's struggling and indeed going bankrupt. We are hearing every day about redundancies as more and more company's go to the wall.

We in our area are not immune from it. There are a lot of company's laying people off and making them redundant. They are also making cut-backs in all areas.

Our trade is not exempt from this hostile environment.

Our business turnover is down by 30-40% at the moment.

I have had to finish a driver before Christmas and I have a driver on short-time depending on the work commitment each day. This week my full-time driver will be laid off 2 full days. We have been in business since 1995 as you know and are one of the oldest if not the oldest established private hire/taxis company in Sandbach. I have never known times like it.

I just cannot believe the new fees they propose to charge from 1st April.

Just taking the PHV Licence @ £300.00 is just over a 30% increase. That is not including the other fees.

I am very unhappy with some of the new conditions too.

I do agree with many of the conditions. They are very much in-line with the existing conditions already operated by Congleton B.C.

A few examples I am not happy with are;

a) 2 vehicle tests a year for 7 years old and above.

Why 2? Why not just 1 as existing conditions. We already have an MOT-so that's 3 tests a year.

b) Tow-bars not allowed.

I have a tow-bar on 1 of my vehicles which is used when taking Skiing/Golf party's to the airport. This is a major part of my business.

c) High Visibility Jackets/Warning triangles.

Why? All these items are an extra cost in this current economic climate. There is no legislation throughout the country for the millions of cars to have these.

d) Advanced bookings only.

Again Why? Everyone knows what private hire vehicles mean. The writing on the doors look very un-sightly, it looks like noddie's car. Again it is also the cost in the current climate when we are all trying to keep our heads above the water.

These are just some of the grievances I have with the new proposed fees & conditions.

It's all very well bringing them in when the economy is running normally.

To even think about such an extra burden when we are all in the middle of a crisis at the moment is absolutely reckless and thoughtless by the new council.

I have written to Rt.Hon. Ann Winterton MP regarding this matter and she has promised to look into this for me.

I do think that the current licensing department at Congleton B.C. should be supporting its own Private hire/Taxi's regarding these new issues in the Congleton Borough.

I confirm that I will be attending the meeting on Thursday 19th Feb.09 @2.00pm along with many other very angry operators.

20/01/08

Dear Tony,

I write with reference to our telephone conversation, regarding the Private Hire Taxi Proposals for Cheshire East.

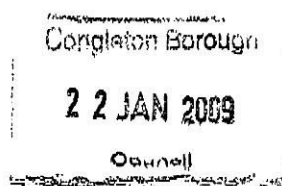
In particular the need to carry First Aid Kits as a condition of Licensing, There is Nowhere in the proposals any mention of Training to administer First Aid, therefore Leaving all drivers licensed by Cheshire East in a predicament.

The inference is if we are instructed to carry First Aid Kits then we are expected to use Them an inference made by Cheshire East Council, rendering both the Taxi Company Liable and possibly Cheshire East should something go wrong after First Aid has been Administered. I trust that you will clarify this point.

Yours Sincerely

19th January 2009

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



Dear Sir/Madam,

Re: Proposed Driver Conditions Private Hire Vehicles

Having read through the "Proposed" conditions and noted therein, some of the items which I feel will have an adverse affect on my business as a private hire license holder.

Item 1.6 Seat Belt configuration; whilst I fully concur and appreciate the use of seat belts at all times, this clause needs some reclassification especially for MPV users. My vehicle has been deemed fit for use by ROSPA, however, the middle seat has only a lap belt and there is no alternative way of fitting any other form of safety device, could this be clarified please, otherwise I will lose the use of 1 seat from my vehicle?

Item 2.5 the vehicle shall not be fitted with a tow bar; I feel this item should be sub-divided into category of vehicles. Whilst I appreciate that some cars could potentially tow an incorrect weight I feel it should be noted that MPV/Mini Bus's etc due to the passenger ratio should be allowed to have towing facilities to accommodate their Customers' luggage.

I will explain my above comment, my vehicle will seat 6 people, if at capacity I do not have room for 6 suitcases or bags, currently I have the offer of work from a local golf club and also Clients to the airport with skiing equipment. To be able to have these items securely and safely in a trailer will enable me to gain this work and will not compromise or endanger the passengers at any time, I hope this item will be reclassified in favour?

Item 4.2 Vehicles over 7 years testing; whilst I have no problem with the testing of vehicles as I welcome the opportunity to safe guard the public's well being in line with the normal M.O.T would it not be better served as a yearly test at an appropriate and affordable rate.

Continued

Continuation 2 – Licensing Dept – “Proposals Private Hire Vehicles 19.1.2009

Item 7.2 Signage; I will comply with the request to have “Advanced Bookings only” placed on my vehicle but the height of letters and placement could cause problems, especially for visibility. Could it not be said that if this wording is included in the overall signage then it is in compliance? Also to note how this would affect the already licensed and signed vehicles registered now, as it is a Council “proposed” request would the Council be prepared to refund the costs of any new /amended signs necessary for licensed vehicles?

Item 7.5 Advertising; Could this item be clarified please? Does this advertising constitute advertising for other companies or products or does it cover advertising your own business use, i.e. Airport Runs, Business Contracts etc?

On all other items of the document I am otherwise in compliance and agreement thereof.

I look forward to your comments of clarification and the opportunity for adjustment.

Yours faithfully,

Proprietor

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

2nd February 2009

To whoever it may concern

Dear Sir/Madam,

Having received and read your several letters regarding proposed changes to Private Hire fees and conditions and having responded critically to the Sandbach office on the fees issue, I now wish to comment, equally critically on the subject of conditions.

My Son and I have been operating an executive airport transfer business on a Congleton BC Private Hire licence for 14+ years. We have catered for the needs of some private individuals but, in the main, for senior management personnel (including CEO's and Managing Directors), of several large companies in North Staffordshire and South Cheshire. Our services have been very much appreciated and would be sadly missed by our loyal customers should the latest proposals put us out of business.

Should the proposals for fees and conditions be implemented this is a real possibility.

Referring to "Private Hire Vehicle License Conditions" :-

Para. 2.5 In a vehicle licensed to carry 6 passengers on an airport transfer journey with 6 senior executives plus luggage. would it be appropriate to ask the passengers to carry their cases on their knees?. Certainly not for Autocruise !!. A simple solution would appear to be to use a trailer - an arrangement employed by many operators countrywide but apparently not permitted by our new Cheshire East Council.

The use of a roof rack allows luggage to get wet in inclement weather and, as with roof pods, the task of lifting heavy cases onto the roof of even the smallest car would be frowned upon by the Health and Safety Executive.

Para. 7.1 In the case of executive transfer work the placing of prominent signage, permanently fixed or otherwise, should be avoided in the interest of discretion. Operators displaying such signs are unlikely to be selected to undertake the work of major companies.

Furthermore, operators wishing to maintain their vehicles in pristine condition would be reluctant to disfigure the vehicle paintwork by fixing permanent signs.

Para. 10 I note the inclusion of the "Special Condition for Executive Limousines". You will see from the foregoing that we at Autocruise are, and have always been, involved in work for senior executive personnel. We have always set a very high standard for reliability, presentation, punctuality and professionalism. I would therefore request that you please furnish me with details of the procedure for attaching these conditions to our licences.

Finally, in the face of genuine opposition from the many operators in this and adjacent areas of the new county may I request that the proposed new conditions be amended to a form which would help rather than hinder the activities and financial well-being of small companies in the Private Hire business ?.

Yours Sincerely

24/2/09

I am . Taxis I run private hire and public hire vehicles with in the borough of Macclesfield and I strongly object to the proposed plans to have signs added to the private hire vehicles telling the public that it is a private hire vehicle on the grounds, we use these cars as wedding cars and people would not hire these vehicles for this perpose if they have signs all over them making it harder to make a living from this side of the trade. In the borough of Macclesfield only vehicles allowed to have sign writing on the vehicles are public hire vehicles and this could confuss people even further

*

yours sincerely

CREWE
CW2 8SG

25 February 2009

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

Dear Mr Lee,

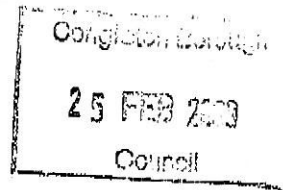
I respond to your letter as follows:

Private Hire Vehicle Licence Conditions

- 1.4 How do you envisage fitting three doors to the side of a vehicle?
 Can you supply the details of such a manufactured vehicle?
- 1.5 Qualify the reason that the seat size should be of a minimum of 406mm (16")
 whilst the standard M1 fitted seat is only 15"?
- 2.5 Why should a tow bar no longer be fitted to vehicle? How do you suggest that
 the luggage of a fully occupied vehicle be taken to the destination?
- 3.8 Surely the lift / ramp / platform would need to be fitted externally to comply with
 this? Please clarify and offer affordable, practical suggestions for implementing
 this clause.

Yours sincerely

- Please will you confirm receipt of my correspondence.
- I send copy to email and postal address.



Licensing Section
c/o Congleton Borough Council
Westfields
Sandbach
Cheshire

CW11 1HZ

Re: Proposed variation in conditions relating to Private Hire Vehicles.

I write to lodge an objection to the proposals.

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

My objections are as follows.

Currently Private Hire vehicles in Macclesfield display little to no indications that the vehicle is licenced, other than the Plate, offering no confusion whatsoever to the public (who in reality don't in the main know the difference between Private Hire and Hackney)

This clear difference between Hackney (which at the very least displays an illuminated Roof sign clearly stating the word TAXI) and Private Hire ensures the public virtually ignores Private Hire vehicles which can, without hindrance, go about its business of dealing with advanced bookings only.

As a Hackney proprietor I believe the clear distinction should continue as, because of public perception, it is probable that Private Hire vehicles would affect through abuse and public misunderstanding, my street trade.

Private Hire, because of the vehicle appearance, has opened the door to new sources on income for those operating them from companies forced by the economic climate to outsource transport requirements. Operators (indeed I may venture into this market myself) seeking this form of income stream are under pressure from clients and potential clients to supply virtually unmarked vehicles.

There are clear and valid reasons for maintaining the status quo.

Yours faithfully

A handwritten signature, possibly 'N', written in dark ink.

Subject: New Conditions Cheshire East.

I believe that you have had some input into the proposed Conditions for Hackney Carriage and PHV's.

With regard to the carrying of High viz jackets and reflective triangles I cannot see any purpose for these, it would be a complete waste of time and money (operators of course). Should any emergency arise then it would not be the first thought in anyone's mind to find his/her jacket to wear, and the same applies to a reflective triangle. In any case it is not legislation in this country to possess either.

In the case of fire extinguishers and first aid kits, which we have had to have for some years, the same applies. In case of a fire the Fire Service recommends immediate evacuation. In the case of injury to a third party I would not administer first aid for fear on being sued. I am neither a trained first aider nor fire fighter nor do I wish to be so and if I was I would not administer first aid anyway.

Your proposal not to allow tow bars is also ill thought as most private hire cars are insured for social use and this could interfere with my social life if I wanted to tow my trailer for such use and also I believe that this infringes my human rights. I cannot afford another vehicle for my social use and why should I? Trailers for luggage use do not require an MOT and I cannot understand your proposal other than to raise revenue.

Finally, your proposal to have signage on both sides of a vehicle would do nothing only to create more expense for operators. A roof sign would be more visible to the public.

I have previously put these views into the appropriate channel for consideration by the new authority but as your colleagues were unable/ reluctant to answer some questions relating to these proposals I now pass my comments directly to you.

It also appears to me that you have little knowledge of our trade and that some of your proposals are little more than justifying your position, and it appears also, that you have been swept away on the tide of the current trend of this interfering 'elf and safety regime to which we are currently exposed.

tiscali.co.uk/jobs/

licensing**From:**

o.uk]

Sent: Thu 29/01/2009 10:45**To:****Cc:****Subject:** New Private Hire Conditions**Attachments:**

I have been trying, to no avail, to raise some points concerning the new conditions and have them answered.

I have been pointed in this direction and so I will outline them again.

Vehicle Conditions

2.5 The vehicle shall not be fitted with a tow bar.

I would ask what is wrong with a tow bar? They are an approved option on vehicles throughout the land and any vehicle fitted with one would pass the governments annual MOT. This ban would be detrimental to some operators who carry parties of golfers/skiers. The other point is that some owner operators use the same vehicle for social use, like myself, for perhaps caravanning or other such trailers. You would therefore be interfering with my private life and that is not acceptable.

Safety Equipment.**6.3 Reflective Warning Triangle.**

There is no legislation for these to be carried by the general public and I cannot see any reason for PHV/Hackneys to carry them. The first rule of a breakdown is to vacate the vehicle so this would be superfluous to the protection of any passengers. A waste of MY money

6.4 High Visibility Vest.

I have been in the trade for 19 years now and I have yet to come across such an incident where one could be used. I am not qualified to direct traffic, I would leave that to the people concerned. In any case I refuse to wear one. Another waste of MY money!

7 Signs and Notices.

Another superfluous idea. A roof sign would be far more visible to the public etc. and more cost effective, i.e. it could be transferred to replacement vehicle without incurring additional cost. Yet another waste of MY money!

I would value your response to justify your proposals.

What Tiscali can do for you - <http://www.tiscali.co.uk/services>

Mrs V Robson
Congleton Borough Council
Licensing Dept.
Westfields
Middlewich Road
Sandbach
CW11 1HZ

28th January 2009

Dear Mrs Robson,

I refer to the proposed new fees and conditions for Cheshire East Council. Having already written to protest at the new fees I move on to the proposed conditions.

2.5 Tow Bars.

Tow bars are an approved option for vehicles and I cannot comprehend why you do not approve of their use on Private Hire Vehicles or Hackney Carriages. I object to this proposal as it will have a detrimental affect on those operators who use trailers to take parties of golfers/skiers etc., and also like many other operators my one and only car I also use for social purposes and I feel I should have the right to have a tow bar for that use.

6. Safety Equipment

6.2 First Aid kit.

The proposed kit sounds more like something that would be carried in an emergency vehicle. I am not a trained first aider, nor want to be, and if the occasion should arise where dressings should be applied I would NOT do so for fear of making a mistake and being sued. The same applies to fire extinguishers, I am insured and should my car burst into flames I would dial 999 and stand well back! The fire service recommends that in the case of a car fire , you evacuate as

quickly as possible. However, as we already carry these items I have no objection.

6.3. Warning Triangle.

There is no current UK legislation for cars to carry these so why should you so wish us to do so.? This would be a superfluous item.
I therefore object to this proposal.

6.4 High Visibility Vest.

I cannot foresee any incident where one of these would be of any use. What sort of emergency would it be that I could wear one and where would it be kept in the car? I am not authorised to manage traffic, I would leave that to the experts. I am under the impression that you are here to protect the public, if that is so why do you wish to impose your authority and have a vest for the driver to wear? Surely that is for the individual to decide?

I object to this proposal as I believe that it is an unnecessary and extravagant requirement.

7. Signs and Notices

I oppose the use of such permanent lettering as I believe that it is unnecessary and costly, a magnetic roof sign would be much more visible to the public and I would support that.

I have been in this business for 19 years now and do not oppose the carrying of neither a first aid kit nor a fire extinguisher, having had them for years but where does this all end? Snow chains, shovels, traffic cones, rock salt, defibrillator, flashing warning lights, flares? In that 19 years I have never had an incident where I have ever had to use such equipment and yet you wish to burden us with more cost in these very bad trading times. I do like to have a car that is no more than 3/4 years old but then every time I change I will have the extra cost of lettering at a cost of around £50.00 per year.

I move on to Drivers license conditions.

4. Medical Fitness

Whilst this will not affect me personally, I oppose the imposition of a medical every 3 years for under sixties. I also do not approve of them at sixty as once

again; there is no requirement for a UK drivers licence. This will put up the annual cost by around £30.00. I therefore object to this proposal.

I find it quite inexplicable that you come up with completely useless ideas and expect the trade to fund them without prior consultation particularly when trade is very unstable. This is typical of a Government body spending other people's money without much thought of the impact it would have on a section of the hard working community. I also find that this is indicative of the present interfering nanny state to which we are currently exposed showing no common sense whatsoever.

Yours very faithfully,

Lee, Tony

From: licensing [licensing@cheshireeast.gov.uk]
Sent: 04 February 2009 10:34
To: Potts, Tony; Lee, Tony; Robson, Vilma
Subject: FW: ditions

-----Original

From: F t@aol.com]
Sent: M
To: licer
Cc: FIR
Subject: Taxi/Private Hire PROPOSED New Fees and Conditions

FAO Mrs K Khan

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

05/02/2009

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

email.

George Osbourne MP

IRE VEHICLE Conditions.

[@btinternet.com]

Sent: 26 February 2009 21:50**To:** licensing CE**COMMENTS.****1. TYPE OF VEHICLE.**

a) Point 1.7. To avoid any possibility of doubt, this point should be more specific. i.e. State what is NOT acceptable and approved by the council. It would be unacceptable for an operator to purchase a standard, otherwise conforming vehicle, and then find the Council do not approve of the seating configuration. Surely what is to be guarded against is Non-Standard seating configuration modifications .i.e not certified by the manufacturer at the point of manufacture and thereby a material alteration to the specification of the vehicle

2. CONDITION AND MAINTENANCE OF THE VEHICLE.

a) Point 2.5. Tow bars should be allowed as they are frequently needed when taking special needs children, etc. to Summer camps, etc. Also Winter sports enthusiasts with Ski equipment. This is luggage which can not be accommodated safely within any vehicle subject to these conditions. Furthermore a proprietor, with adequate Social, Domestic and Pleasure insurance, may well wish to use a trailer tent or caravan. (Roof rack's on cars are O.K. IF fitted correctly and NOT overloaded, BUT they are not available for all vehicles, especially mini-buses, which tend to be used for sports enthusiasts and Summer Camps.)

b) It should be an additional condition that operators have the service record for vehicles available for inspection upon request and always produced at the time of licence renewal/test. Failure to produce evidence of servicing at least in accordance with the manufacturers recommended intervals/periods should result in withdrawal / refusal of a licence.

4. VEHICLE TESTING.

A) Point 4.2. **There is NO legal requirement for any vehicle which falls within scope of this licensing function, to be tested on anything other than an annual basis.** Research, including VOSA and Department for Transport, has failed to reveal any evidence which would suggest that a seven year old vehicle is any more of a safety risk than say a 3 year old vehicle. **In fact a 3 year old vehicle which has done 150,000 miles, which is not unusual, is as much, if not more, a safety risk to a 8 year old vehicle which has done only 80,000, if maintenance has not been carried out adequately. The crucial factor always is the quality and regularity of maintenance, This proposal is therefore insufficient to satisfy safety, as all vehicles should be regularly tested, and is unfair, even inequitable / discriminatory, against older vehicles which are well maintained.**

The proposal could be considered to be prescriptive, in that it says vehicles over 7 years are not really wanted to be licensed i.e. a hidden vehicle renewal policy. **It is not a Council's function to improve the image of the trade by having a hidden vehicle renewal policy.**

If safety, and NOT additional revenue, is the issue then a regime of random testing on all vehicles, together with an obligation for evidence of Service History (see 2 (b) above) would better protect the public interest.

6. SAFETY EQUIPMENT.

A) Item 6.2. Caution should be exercised in the contents of the First Aid kit, which seems to grow and grow. Is this the result of adding each of the outgoing councils requirement? 30 Plasters for example is excessive and can not be easily found in a readily available commercial First Aid kit. No problem with carrying First Aid kit with contents as specified by Congleton for example, which was extensive but practical. For a slight bit of humour around a serious subject but with an element of relativity and mis-quoting a well known phrase "Remember we are NOT an ambulance so don't treat us as such!"

7. SIGNS and NOTICES.

a) Points 7.1. & 7.2. The words "Private Hire" add nothing to the message to the public that this is not a Taxi/ Hackney Carriage. In Fact they DETRACT from the message "ADVANCED BOOKINGS ONLY", which should be sufficient. Similarly adding the telephone number of the vehicle operator does nothing other than frustrate operators who do NOT advertise but rely on recommendation for their business and who do not want their telephone number to be made available to all and sundry. The name of the operator should be displayed as this helps the public identify the vehicle at pre-arranged pick-up points. It also gives the public a name to complain about, should the occasion arise. (The public are more likely to notice the operator name than be able to get the licence number of the plate.)

It should be acceptable to have the "signing" on a window, where it does NOT present a safety hazard or restrict the view of the vehicle occupants. e.g. rear luggage area windows on a mini-bus. The lettering is as permanent as lettering on a body panel and is more easily viewed by the public. It is also less damaging to the paintwork of the vehicle which is highly relevant at it's end of PHV life. (A vehicle lettered on a body panel requires re-spraying at a considerable cost to eradicate the "shadow" of the signing.)

b) Point 7.3. Absolutely agreed that the signage be permanent and non-demountable.

c) Points 7.4, 7.5 & 7.6. Agreed that no other advertising, without prior approval... which makes 7.5 & 7.6 superfluous. However 7.7. , 7.8. & 7.9 should absolutely be retained.

d) Point 7.10. It is suggested that this should more correctly be included in Section 1 Type of Vehicle.

The remaining comments are radical in that it suggests the policy of "Signing" Private Hire Vehicles, in order to distinguish them from Hackney Carriages be abandoned, in favour of adopting "Signing" for Hackney Carriages. It is suggested it would be easier for the public to identify a Hackney Carriage, with it's illuminated TAXI sign AND associated signing i.e. Name of Operator and telephone number and the wording HACKNEY CARRIAGE. This would be make it quite clear for the public what is a hackney vehicle". (The critical identification would be the illuminated "TAXI / For Hire" light, together with the "signing.") A confusing factor for the public is seeing a Private Hire vehicle with all it's signing, which adds an air of authority / authenticity leading them to think it's a Taxi. (I only wish I had a pound for every time I had to point out my PHV is NOT a taxi).

It would also assist the PHV trade in that certain sectors, corporate, courtesy & chauffeur sectors, have a resistance to lettered vehicles having a preference for minimalist marked vehicles. This is NOT the accepted Executive Contract sector for which section 10 is provided.

As has been proved time and time again, all over the country, no amount of restrictive legislation addresses the problem of well publicised but never quantified rogue PHV operators. Only pro-active enforcement will catch the rogues and act as an effective deterrent. Within East Cheshire, to some extent the trade is self-regulatory as anyone can testify to the re-actions by the Hackney's, which stand on the rank at Crewe or Macclesfield Station, against LEGITIMATE PHV s, either dropping off or picking-up pre-booked fares.

Best Regards

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.

The following Operators from Congleton Borough were both present and in agreement with above suggestions:

(18 names)

Dear Sir/Madam

I feel I have to voice my opinion on the new Cheshire East Council's proposed conditions for private hire operators/vehicles/drivers. Apart from the new fees (which i think are outrageous, especially in the current climate) there are several points i wish to comment on.

Firstly regarding vehicles:

1. Condition 2.5 :-Why on earth are we not allowed tow bars?

2. Condition 5.2:- Regarding the spare wheel when you have a doughnut tank fitted. You can buy an emergency tyre inflator, which does away with the need to carry a spare, therefore leaving boot space uncluttered by a spare wheel.

3. Condition 7:- Signs. I am not happy with the amount, and size of the lettering. I would prefer discreet lettering, and why does it have to be stuck on the vehicle? Most of the private hire work I do is contract and account work. I am sure most of my clients would not be happy with the amount and size of lettering there would be on the side of the car which could result in the loss of some clients. Plus the fact you apparently have to get the livery okayed by the council before its put on the vehicle. Why? you've already given the proposed parameters in size and thickness of letters and where they are to be put in these conditions. Condition 8.6:- We've already got two large outside plates front and rear plus one inside the car, why two more inside? I feel that its unnecessary overkill.

5. Condition 10:- Can you please enlighten me as to what you consider to be an executive limousine?

6. Regarding drivers' badges. How long does a driver's badge last for the princely sum of £204.00?

I hope you will take this email in to consideration and respond to any questions raised

From:

Sent: 25 February 2009 10:42

To: Smetham, Lesley Cllr (Cheshireeast)

Cc: Asquith, Marc Cllr (Cheshireeast); hida.gaddum@cheshireeast.gov.uk

Subject: HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS AND VEHICLE LICENCE

To Licensing Officer

I TRIED TO SEND THIS TO THE LICENSING OFFICE, EMAIL WOULD NOT ACCEPT. IF YOU GET THIS EMAIL PLEASE SEND IT ON TO THE LICENSING OFFICE THANK YOU.

I currently hold a joint Hackney/Private Hire Drivers Licence and Private Hire Operators Licence in the Borough of Macclesfield. I live in the South of Macclesfield and sent copies of my Email to my Councillors.

PROPOSED LICENCE FEES

The annual vehicle fee of £300 (plus I understand an MOT certificate of £50) equates to an increase of £140 for each vehicle or an increase of 66% on the old Macclesfield Borough fee of £210.

I can accept a small increase in cost but a 66% increase when the local economy seems to be in melt down is excessive.

If this goes ahead I assume the Hackney Meter price will be increased by a similar percentage of 66%.

SIGNAGE ON PRIVATE HIRE VEHICLES.

We have had no need for our local Private Hire vehicles to have signage on the doors. They are clearly different due to the lack of a roof sign.

Please note my objections to the above and if your charges are put in place I will expect the Hackney Carriage Meter prices to be increased by a similar percentage.

Yours

Sent: 27 January 2009 10:54

To: Robson, Vilma

Subject: Conditions for the new East Cheshire Council

I refer to the above and wish to make the following objections:-

- 1) Two vehicle tests a year for vehicles which are 7 years old and above means such vehicles will be tested three times a year including the MOT - I believe this to be excessive and that one vehicle test a year is adequate.
- 2) Passengers know that Private Hire means pre-booking and the use of signage on vehicles looks most unsightly.
- 3) Lawtons Private Hire has managed perfectly well without high visibility jackets/warning triangles for the past 30 years and I can see no reason for them to be introduced now.

These issues are add-on costs which we can well do without as the present recession is already having an effect on my business and I would expect the East Cheshire Council to support the trade and not drive it into the ground with these thoughtless and reckless costs.

Regards, (

apel)

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CHESHIRE EAST COUNCIL

LICENSING COMMITTEE

Date of meeting: 13th March 2009

Report of: A C Lee, Principal Licensing Officer
Crewe & Nantwich Borough Council

Title: Private Hire Vehicle Operator licensing

1.0 Purpose of Report

- 1.1 On 14th January 2009 the Licensing Committee approved a set of licence conditions for private hire vehicle operators for the purpose of holding a consultation exercise with current holders of operator licences. The report recommends the approval of the licence conditions following the conclusion of the consultation period.
- 1.2 The proposed conditions are attached at the end of the report.

2.0 Decision Required

- 2.1 To approve the proposed 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 If the conditions for licensing private hire operators are not in place by 1st April 2009 Cheshire East will rely on the provisions of the Transitional Regulations¹ in order to perform its statutory function as the licensing authority from Day One.

6.0 Risk Assessment

- 6.1 No responses were received during the period of the consultation exercise. Any risk of a legal challenge to the validity of the conditions would therefore appear to be minimal.

¹ Local Government (Structure Changes)(Transitional Arrangements)(No.2) Regulations 2008

7.0 Background and Options

- 7.1 A private hire operator licence is required in order to permit bookings to be taken for journeys to be made in a licensed private hire vehicle.
- 7.2 The proposed private hire vehicle operator conditions were drawn from the conditions currently in force at either one or more of the three constituent authorities of Cheshire East. They were chosen to reflect the best of the current practices from those authorities.
- 7.3 A consultation exercise with the existing holders of private hire operator licences at Crewe and Nantwich, Congleton and Macclesfield was held over the period from 14th January to 27th February 2009. No responses were received.
- 7.4 In the absence of any comments, it is submitted that the conditions should be approved without amendment.

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

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

9.0 Reasons for Recommendation

- 9.1 The recommendation to introduce the proposed Cheshire East private hire operator licence conditions without amendment is made in the light of the lack of any comments received during the recent consultation exercise.

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:

The current private hire vehicle operator licence conditions of Crewe and Nantwich BC, Congleton BC and Macclesfield BC.

Documents are available for inspection at the respective authorities.

Letter sent to holders of current licences

Cheshire East Council

Private Hire Vehicle Operator licence conditions

1. Records

- 1.1 The operator shall keep the record required to be kept under section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 in a suitable book, the pages of which shall be numbered consecutively and the operator shall enter or cause to be entered therein, before the commencement of each journey, the following particulars of every booking of a private hire vehicle invited or accepted by him:
- a. The time and date of the booking
 - b. The name of the hirer.
 - c. How the booking was made (ie; phone, personal visit, at the request of another operator, etc).
 - d. The time of the pick-up.
 - e. The point of pick-up.
 - f. The destination.
 - g. The agreed fare.
 - h. Identification of the vehicle and the driver.
- 1.2 The operator shall also keep records of the particulars of all private hire vehicles operated by him. The particulars shall include details of the owners, registration numbers and drivers of such vehicles, together with any radio call sign used.
- 1.3 The operator shall keep all records for a period of not less than six months following the date of the last entry.

2. Standard of Service

- 2.1 The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular;

- a. Ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place.
- b. Keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access, whether for the purpose of making a booking or waiting.
- c. Ensure that any waiting area provided by the operator has adequate seating facilities.
- d. Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired.

3. Change of Address

The operator shall notify the Council in writing of any change of his address, including any address from which he operates or otherwise conducts his business as an operator, during the period of the licence within seven days of such change taking place.

4. Convictions

The operator shall within seven days disclose to the Council in writing details of any conviction imposed on him (or if the operator is a company or partnership, on the company or on any of the directors, partners or managers during the period of the licence).

5. Vehicles fitted with taxi-meters

Where a private hire vehicle is fitted with a taxi-meter the operator shall inform the Council of the tariff of charges for that vehicle and shall also inform the Council by giving seven day's notice of any proposal to amend the tariff of charges.

CHESHIRE EAST COUNCIL

LICENSING COMMITTEE

Date of meeting: 13 March 2009

Report of: Sheela Dutton. Principal Solicitor Congleton Borough Council

Title: Hackney Carriage and Private Hire Drivers' Licence Conditions

1.0 Purpose of Report

- 1.1 To ask the Sub Committee to adopt the conditions in relation to Hackney Carriage and Private Hire drivers licences as attached to this report

2.0 Decision Required

- 2.1 To adopt the conditions in relation to Hackney Carriage and Private Hire drivers licences as attached to this report

3.0 Financial Implications for Transition Costs

- 3.1 Nil

4.0 Financial Implications 2009/10 and beyond

- 4.1 None

5.0 Legal Implications

- 5.1 If the conditions for licensing hackney carriage and private hire drivers are not in place by 1st April 2009 Cheshire East will rely on the provisions of the Transitional Regulations¹ in order to perform its statutory function as the licensing authority from Day One.

6.0 Risk Assessment

- 6.1 See 5.1 above

7.0 Background and Options

- 7.1 A hackney carriage/private hire driver's licence issued by the local authority required to work as a hackney carriage and/or private hire driver in the area of that authority

- 7.2 The proposed conditions were drawn from those currently in force in the three constituent authorities of Cheshire East. They have been chosen to reflect the best of the current practices from those authorities.
- 7.3 At the meeting of this Sub Committee on 14 January 2009 it was decided that the attached proposed conditions be put out for consultation for a 6 week period.
- 7.4 The consultation period ended on 27 February 2009 and no representations were received
- 7.5 The Sub Committee is therefore asked to adopt the proposed conditions without amendment

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

- 8.1 The requirement to have Hackney Carriage and Private Hire Drivers licence conditions in place is a Year One requirement.

9.0 Reasons for Recommendation

- 9.1 The recommendation is made with a view to ensuring that Cheshire East is in position to carry out the licensing function from Day One.

1 Local Government (Structure Changes)(Transitional Arrangements)(No.2) Regulations 2008

For further information:

*Portfolio Holder: Councillor Brian Silvester
Officer: S Dutton, Congleton Borough Council
Tel No: (01270) 529724
Email: sheela.dutton@congleton.gov.uk*

Background Documents:

Current hackney carriage and private hire drivers' conditions of the 3 districts



HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE CONDITIONS

These conditions must be read in conjunction with all relevant provisions of

- Local Government (Miscellaneous Provisions) Act 1976
- Town Police Clauses Act 1847
- Transport Act 1980

NB. Drivers of Hackney Carriages must also comply with the provision of any Bye-Law in force in the area in which they operate.

The terms 'Operator', 'Private Hire Vehicle', 'Hackney Carriage', 'Proprietor' and 'Taximeter' are defined as by the above legislation.

1) GENERAL

- i. The driver shall within 7 days, notify the Council of any change of their name or home address
- ii. The driver must deposit their Private Hire/Hackney carriage driver's licence with the operator/proprietor of the vehicle at all times that they are employed/permitted to drive by the operator/proprietor

2) CONDUCT

The driver shall at all time whilst the vehicle is available or being driven for hire:

- i. attend punctually at the time and place appointed for hire unless delayed or prevented by sufficient cause
- ii. behave in a civil and orderly manner
- iii. be clean and respectable in dress
- iv. take all reasonable steps to ensure the safety of passengers conveyed in or entering or alighting from the vehicle
- v. afford all reasonable assistance with the hirer's and other passengers' luggage

- vi. not eat or drink in the vehicle whilst it is let for hire unless with the express consent of the hirer and shall not at any time smoke in the vehicle
- vii. not play any sound reproducing equipment, other than for communicating with the operator/proprietor without the express consent of the hirer
- viii. not cause or permit any sound producing equipment so as to cause a nuisance or annoyance to any person in or outside of the vehicle
- ix. keep in a clean condition and not conceal or deface all or any part any internal or external vehicle identification or licence plates.

3) DRIVER'S IDENTIFICATION BADGE

- i. The driver shall, at all times when in or with the vehicle wear the driver's Identification badge supplied by the Council so as to be plainly visible at all times.

4) MEDICAL FITNESS

- i. The driver must produce a medical certificate in the form prescribed by the Council:-
 - On first application
 - on *every other* renewal thereafter until the driver's 60th birthday
 - on *every* renewal after the driver's 60th birthday
 - at any time reasonably required by the Council
- ii. Whether a certificate has been produced or not applicants may be required to submit themselves for examination by a registered practitioner of the Council's choice as to their fitness to be a driver, the Council to bear the cost.
- iii. The driver is must cease driving vehicles for hire and contact the Council immediately if they know/become aware of any medical condition which may affect their ability to drive safely or the health and safety of themselves or their passengers

5) FARES / TAXIMETERS

- i. The driver shall not demand from any hirer any fare in excess of that previously agreed for that hiring between the hirer and the operator or if the vehicle is fitted with a taximeter the fare shown on that meter, whichever is the lesser amount

- ii. The driver shall not cause the fare recorded on the taximeter be concealed or cancelled until the hirer has had sufficient time and opportunity of examining it and has paid the fare
- iii. The driver shall, when requested, provide the hirer with a written receipt for the fare paid.
- iv. The driver shall, subject to any express directions given by the hirer, proceed to the destination by the shortest possible route.

6) PASSENGERS

- i. The driver shall not convey in the vehicle a greater number of passengers than prescribed on the Vehicle Licence and Licence Plate
- ii. The driver shall not, without the express consent of the hirer convey any person other than the hirer in the vehicle.

7) ANIMALS

The driver must **not carry any** animal in the vehicle, including his/her own or the operator's/proprietors animal **except that**

- The driver **may** at his/her discretion carry the animal of a fare paying passenger but the animal must be carried in the rear of the vehicle
- Assistance dogs **MUST** be carried unless the driver has applied for and been granted an exemption certificate.

7) WHEELCHAIR ACCESSIBLE VEHICLES

Drivers of wheelchair accessible vehicles must:

- i. Be fully conversant with the correct method of operation of all ramps, lifts and wheelchair restraints fitted to the vehicle
- ii. Before the commencement of any journey ensure that all wheelchairs are firmly secured and that the brakes of the wheelchair have been applied

8) LOST PROPERTY

- i. The driver shall immediately after the termination of each hiring, or as soon as practicable thereafter, search the vehicle for any property that may have been left there
- ii. The driver must take any property left in the vehicle to a police station within 24 hours and obtain a receipt for the property.

- iii. The driver shall notify the Council of the whereabouts of the property, and whenever possible of the details of the hirer, the journey and the date found

9) CRIMINAL CONVICTIONS

- i. The driver shall inform the Council in writing and within 7 days of any conviction, caution, warning or Fixed Penalty Notice imposed on them during the period of the licence.

CHESHIRE EAST COUNCIL

LICENSING COMMITTEE

Date of meeting: 13th March 2009

Report of: A C Lee, Principal Licensing Officer
Crewe & Nantwich Borough Council

Title: Licensing of sex establishments

1.0 Purpose of Report

1.1 On 14th January 2009 the Licensing Committee approved a set of standard licence conditions for sex establishments for the purpose of holding a consultation exercise with the holders of current sex shop licences. The report puts forward the result of the consultation exercise with a proposal that the conditions be approved subject to a small number of amendments made in response to some of the comments which were received.

1.2 The proposed conditions, as amended, are appended at **Appendix A**.

2.0 Decision Required

2.1 To approve the proposed standard licence conditions for sex shops, as amended, 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 authority to control sex establishments by licensing derives from the provisions of the Local Government (Miscellaneous Provisions) Act 1982¹. To do so an authority must first of all pass a resolution that the provisions of the Act will apply in its area. Having done so, the legislation prescribes that the authority may then approve standard conditions for the grant, renewal or transfer of a licence.

5.2 The resolutions previously passed by the three constituent authorities of Cheshire East will carry over into Cheshire East. The Council must now however approve its standard conditions.

5.3 If the conditions for licensing sex shops are not in place by 1st April 2009 Cheshire East will rely on the provisions of the Transitional Regulations² in order to perform its statutory function as the licensing authority from Day One.

6.0 Risk Assessment

6.1 There would be a risk of a legal challenge to the validity of the conditions if the responses to the consultation exercise were not considered before arriving at a decision.

7.0 Background and Options

7.1 A sex shop licence is required in order to use premises to sell or trade in items of a sexual nature.

7.2 The proposed conditions were drawn from the conditions currently in force in the Boroughs of Macclesfield and Crewe and Nantwich. They were chosen to reflect the best of the current practices from those authorities.

7.3 A consultation exercise with the holders of the three current sex shop licences was held over the period from 14th January to 27th February 2009 on the proposed conditions.

7.4 One response was received and is appended at **Appendix B**.

7.5 The proposed conditions have been amended to incorporate most of the comments made by the respondent. It is submitted however that the condition limiting the size of the lettering of the trading name (condition 5.1) should remain as originally proposed. The conditions are meant to be standard conditions and if the specific circumstances referred to by the respondent arose it would be open to the applicant to apply for a specific variation of that condition.

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

8.1 The requirement to have sex shop licence conditions in place is a Year One requirement.

9.0 Reasons for Recommendation

9.1 The recommendation to introduce the conditions, as amended, has been made after giving due consideration to the response received to the consultation exercise from the holder of two of the current licences.

2 Local Government (Structure Changes)(Transitional Arrangements)(No.2) Regulations 2008

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:

The current sex shop licence conditions of Crewe and Nantwich BC and Macclesfield BC.

Letter sent to all holders of current licences

Documents are available for inspection at the respective authorities.

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CHESHIRE EAST**SEX SHOP LICENCE – STANDARD CONDITIONS****1. Definitions**

1.1 These conditions are imposed by the Council pursuant to its powers under paragraph 13(1) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.

1.2 In these conditions, unless the context otherwise requires:

‘Approval of the Council’ or ‘Consent of the Council’ means the approval or consent of the Council in writing.

‘Approved’, ‘accepted’, or ‘permitted’ means approved, accepted or permitted by the Council in writing.

‘Approved arrangements’ means the arrangement of the premises, fittings, installations and all other things in connection therewith as approved by the Council.

‘Council’ means Cheshire East Council.

‘Licensee’ means the holder of a sex establishment licence.

‘Officer’ means any person authorised in writing by the Council.

‘Premises’ means any premises within the Council’s area licensed as a sex establishment and includes all installations, fittings and things in connection therewith.

‘Sex Establishment’, ‘Sex Shop’, and ‘Sex Article’ shall have the meanings ascribed to them in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.

2. Exhibition of Licence

2.1 The licence or a clear copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises. The licence shall be adequately protected against theft, vandalism or defacement.

3. Opening Hours

3.1 The premises shall not be open for any purpose of the licence except during the following hours:

Mondays to Saturdays from *am to *pm
Sundays from *am to *pm

** insert hours as granted*

4. Conduct of the Premises

- 4.1 The licensee shall maintain good order and take all reasonable precautions for the safety of the public and employees and, except with the consent of the Council, shall retain control over all portions of the premises.
- 4.2 The licensee shall in particular ensure that none of the following shall take place:
- Indecent behaviour, including sexual intercourse;
 - The offer of any sexual or other indecent service for reward.
- 4.3 The licensee shall ensure that the public are not admitted to any part or parts of the premises other than those which have been specified in the licence.
- 4.4 The licensee or any other person concerned in the conduct or management of the premises shall not seek to obtain custom by means of personal solicitation or touting from the premises, immediately outside the premises or in the vicinity of the premises, nor allow the premises to be used by prostitutes. Solicitation shall be taken to include the distribution of leaflets.
- 4.5. The licensed premises shall be used only for the purposes specified in the licence.
- 4.6 No person under the age of 18 years shall be admitted to the premises or be employed in the business of the sex establishment.

5. Signs, Doors and Shop Window Display

- 5.1 The business or trading title of the premises which must have received the prior written approval of the Council may be displayed in letters no more than 150mm high.
- 5.2 A notice no greater in size than 297mm by 210mm may be displayed stating the opening hours of the premises.
- 5.3 An application to change the business or trading title of the premises must have received the prior written approval of the Council. The Council shall have the absolute and unfettered discretion to permit or to refuse such a change.
- 5.4 A sign must be displayed over the entrance door stating in letters no more than 75mm high:

“WARNING
 PERSONS PASSING BEYOND THIS NOTICE WILL FIND
 MATERIAL ON DISPLAY WHICH THEY MAY CONSIDER
 INDECENT
 NO ADMITTANCE TO PERSONS UNDER 18 YEARS OF AGE”

- 5.5 No sign, words, poster, photograph, sketch, painting, display or advertisement shall be displayed outside or in the vicinity of the premises except for the premises number and/or as mentioned in conditions 5.1 and 5.2.
- 5.6 The exterior design of the premises shall be such that the interior of the premises is invisible to passers by. A scheme showing the exterior design and trading name of the premises shall be submitted to and approved by the Council before the premises are opened for business.
- 5.7 External doors shall be closed at all times other than when persons are entering or leaving the premises. The external doors shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.
- 5.8 The premises shall be fitted with an inner entrance door or screen so that no part of the interior of the premises or any of the contents of the premises shall be visible when persons are entering or leaving the premises.
- 5.9 The windows and openings of the premises shall be of a material or covered with a material which will render the interior or any items within the premises invisible to passers-by.
- 6. Employment of Persons on the Premises**
- 6.1 The licensee or some responsible person over 18 years of age nominated by him in writing for the purpose shall be in charge of, and upon, the licensed premises during the whole time that they are open to the public. Such written nomination shall be continuously available for inspection at the premises by a police officer or an officer authorised in writing by the Council.
- 6.2 The person in charge shall not be engaged on any duties which will prevent him from exercising general supervision and he shall be assisted as necessary by suitable adult persons to ensure adequate supervision. The person in charge should be conversant with these conditions, a copy of which should be held on the premises.
- 6.3 A notice showing the name of the person in charge of the premises at the time they are open under the licence shall be conspicuously exhibited in a position where it can be seen by customers.
- 6.4 The licensee shall at all times keep and maintain at the licensed premises a written record of the names, addresses and dates of birth of all persons employed within the licensed premises whether upon a full time or part time basis, and shall upon request by an authorised officer of the Council make such records available for inspection to him.

7. Responsibility of the Licensee

- 7.1 Where the licensee is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for the control or management of the body is to be notified in writing to the Council within 14 days of such change and such written details as the Council may require in respect of any new director secretary or manager are to be furnished within 14 days of a request in writing from the Council.
- 7.2 The licensee shall inform the Council within seven days if he is convicted of any offence.

8. Alterations to the Premises

- 8.1 No structural alterations (including temporary alterations) shall be made to the premises without the prior written consent of the Council. This condition shall not require notice to be given in respect of routine maintenance works.
- 8.2 Where alterations necessitate the premises being closed for a period of time, the premises shall not reopen for the purpose of the licence, until the licensee has been notified in writing by the Council of the satisfactory completion of the work.

9. Change of Use

- 9.1 No change of use of any portion of the premises from that approved by the Council shall be made until all necessary consents have been obtained from the Council. For the avoidance of doubt this includes a change from one class of sex establishment (e.g. a sex shop) to a different class of sex establishment (e.g. a sex cinema).

10. Food etc

- 10.1 No food or refreshments shall be served at the premises save to bona fide members of staff employed on the premises.

11. Music etc

- 11.1 No amplified music of any kind shall be played on the premises.

12. Goods Available in Sex Shop

- 12.1 All sex articles and other things displayed for sale, hire, exchange or loan within a sex shop shall be clearly marked to show to persons who are inside the sex shop the maximum respective prices being charged.
- 12.2 All printed matter offered for sale, hire, exchange or loan shall be available for inspection prior to purchase and a notice to this effect shall be prominently displayed within the sex establishment.

- 12.3 No film or video shall be exhibited, sold or supplied unless it complies with the Video Recordings Act 1984 and bears a certificate to that effect and is a reproduction authorised by the owner of the copyright of the film or video film so certified.

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APPENDIX B

BY POST AND E-MAIL

A C Lee
Principal Licensing Officer
Crewe & Nantwich Borough Council
Municipal Buildings
Earle Street
Crewe
CW1 2BJ

25 February 2009

Dear Sir/Madam

Sex Shop Licensing - New Licence Conditions

We refer to the consultation letter sent to us in January as holders of licences under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 in Crewe & Nantwich and Macclesfield.

The bulk of the suggested conditions are reasonably standard. We do have a small number of comments.

Para 5.1

We consider that to specify a maximum height for lettering may not take into account specific circumstances. We suggest that the last line read '*in letters of a height approved by the council*'. Also, in view of the definitions in Para 1.2, the word '*written*' in line 2 is superfluous.

Para 5.3

Most councils have found that displaying this notice, which is required by the Indecent Displays (Control) Act, on the outside of the premises runs contrary to the wish for the premises to be discreet. The norm is now for it to be placed inside the vestibule of a double-door system so that it is seen before entering the shop but it does not impinge on the consciousness of passers-by.

Para 5.4

This would prohibit the placing of a street number on our fascia which is important to assist customers and help prevent those looking for nearby shops inadvertently entering the premises. Additionally, we feel that it is not unreasonable to have our opening times displayed.

Para 6.2

We are not sure as to the exact meaning of this. The vast majority of our 100+ sex shops across the country are single-staffed for the majority of the time. There are supervisory staff visits at various times. Additional staff are deployed at certain times in shops that are on routes frequented by attendees at sporting events.

APPENDIX B

Para 8.1

This is so wide-ranging that it could include moving shelving layout within the shop. This is often done when a particular promotion is undertaken or to judge whether there is any effect of trading. It would be impossible, and unreasonable, to require this. We really need to know what potential problem it is envisaged that this will cover before we could make a suggestion as to the appropriate wording.

Para 11

The problem with this, which used to be a standard type of condition, is that, in most of our shops, the sales assistants have a radio on for company and information such as traffic for their journey home. We also pay the Performing Rights Society for this. We, nor the sales assistant, do not have any effective control over the music selection.

Para 12.1

As our sales assistants have some discretion to discount prices, we feel that the word '*maximum*' should be inserted in the third line before '*respective prices*'.

Para 12.3

The British Board of Film Classification is the designated body under the Video Recordings Act. It is possible that the Minister could change this at some time in the future. Your wording would need notification from the Council and might invalidate previously authorised products. We therefore suggest that the opening should read '*No film or video shall be exhibited, sold or supplied unless it complies with the requirements of the Video Recordings Act (1984), and bears etc.....*'.

We trust the foregoing is clear but if we can assist further in any way, please do not hesitate to contact us.

Yours faithfully
for and on behalf of
DARKER ENTERPRISES LIMITED

Barbara Francis
Licensing Administrator