

# Licensing Committee

## Agenda

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**Date:** Monday 16th January 2012  
**Time:** 2.00 pm  
**Venue:** Committee Suite 1,2 & 3, Westfields, Middlewich Road,  
Sandbach CW11 1HZ

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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**

To receive 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.

Members of the public are not required to give notice to use this facility. However, as a matter of courtesy, a period of 24 hours' notice is encouraged.

Members of the public wishing to ask a question at the meeting should provide at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given.

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Please contact Julie Zientek on 01270 686466  
E-Mail: [julie.zientek@cheshireeast.gov.uk](mailto:julie.zientek@cheshireeast.gov.uk) with any apologies or requests for further information or to give notice of a question to be asked by a member of the public

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

To approve the minutes of the meeting held on 12 September 2011.

5. **Minutes of Licensing Sub-Committees** (Pages 5 - 50)

To receive the minutes of the following meetings:

**Licensing Act Sub-Committee**

6 June 2011  
13 June 2011  
22 July 2011  
15 August 2011  
26 August 2011  
8 September 2011  
23 September 2011  
28 October 2011  
3 November 2011  
2 December 2011  
22 December 2011

**General Licensing Sub-Committee**

20 June 2011  
27 July 2011  
31 October 2011  
28 November 2011

6. **Byelaws Relating to Acupuncture, Tattooing, Semi-permanent Skin Colouring, Cosmetic Piercing and Electrolysis** (Pages 51 - 62)

To consider a report on draft byelaws relating to the regulation of acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis.

7. **Hackney Carriage Tariffs** (Pages 63 - 82)

To consider a report on the potential harmonisation of the hackney carriage 'table of fares' across the three hackney carriage zones within the Borough of Cheshire East.

8. **Private Hire Vehicle Conditions and Vehicle Test Guidelines** (Pages 83 - 98)

To consider a report on the consultation responses received in relation to the proposed amendment of condition 2.7 of the Private Hire Vehicle Conditions and the accompanying vehicle test guidelines.

9. **Hackney Carriage Vehicle Conditions** (Pages 99 - 136)

To consider a report on the consultation responses received in relation to a proposed set of hackney carriage vehicle conditions and vehicle test guidelines to apply in each of the three hackney carriage zones.

**THERE ARE NO PART 2 ITEMS**

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Licensing Committee**  
held on Monday, 12th September, 2011 at Committee Suite 1,2 & 3,  
Westfields, Middlewich Road, Sandbach CW11 1HZ

**PRESENT**

Councillor P Whiteley (Chairman)  
Councillor W S Davies (Vice-Chairman)

Councillors C Andrew, D Bebbington, H Davenport, I Faseyi, L Gilbert,  
M Hardy, A Harewood, D Mahon, G Morris, M Parsons, M Sherratt and  
L Smetham

**OFFICERS IN ATTENDANCE**

Mrs K Khan, Solicitor  
Mr D Hawkes, Team Leader Investigations  
Mrs J Zientek, Democratic Services Officer

**Apologies**

Councillor Rhoda Bailey

**7 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**8 PUBLIC SPEAKING TIME/OPEN SESSION**

There were no members of the public present.

**9 MINUTES OF PREVIOUS MEETING**

RESOLVED – That the minutes of the meeting held on 8 June 2011 be approved as a correct record and signed by the Chairman.

**10 RE-ADOPTION OF SECTIONS 14 - 17 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 (AS AMENDED)**

The Committee considered a report regarding a proposal to re-adopt the provisions of sections 14 - 17 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended), which related to acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis within the Borough of Cheshire East.

Each of the three predecessor district Councils had made resolutions to adopt sections 14 – 17 of the 1982 Act. Re-adoption of the legislation would consolidate the three previous resolutions into one resolution,

providing consistency and ensuring certainty in any enforcement action taken under the legislation.

RESOLVED - That it be recommended to Council

- (a) That sections 14 to 17 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended) ('the 1982 Act') be adopted and shall apply to the Borough of Cheshire East with effect from 1 December 2011; and that section 15 of the 1982 Act shall apply within the Borough of Cheshire East to all of the descriptions of persons within sub-section 15(1), i.e. persons carrying on the business of tattooing, of semi-permanent skin-colouring, of cosmetic piercing, or of electrolysis; and
- (b) That the Borough Solicitor, or officer acting on her behalf, be authorised to publish notice of the above resolution in accordance with statutory requirements.

#### **11 RE-ADOPTION OF SCHEDULE 4 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - STREET TRADING**

The Committee considered a report regarding a proposal to re-adopt the provisions of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 (in relation to street trading) within the Borough of Cheshire East.

Each of the three predecessor district Councils had made resolutions to adopt Schedule 4 of the 1982 Act. Re-adoption of the legislation would consolidate the three previous resolutions into one resolution, providing clarity for the future and ensuring certainty in any enforcement action taken under the legislation.

RESOLVED - That it be recommended to Council that Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended) be adopted and shall apply to the Borough of Cheshire East with effect from 1 December 2011.

#### **12 HACKNEY CARRIAGE VEHICLE CONDITIONS**

The Committee considered a report regarding proposed hackney carriage vehicle conditions and hackney carriage vehicle test guidelines for each of the three zones.

Different hackney carriage vehicle conditions were in operation in each of the three hackney carriage zones. On 7 March 2011, the Licensing Committee had resolved that officers be requested to produce a draft set of hackney carriage vehicle conditions to be applicable in each of the three zones and a draft set of vehicle test guidelines which reflected the requirements of the draft conditions.

RESOLVED

- (a) That, subject to consultation, the draft hackney carriage vehicle conditions attached as Appendix D to the report be approved to apply in each of the three hackney carriage zones, subject to the inclusion of the following conditions:
- 1.3 All vehicles presented for a new hackney carriage vehicle licence shall be purpose-built wheelchair accessible vehicles.
  - 1.4 The vehicle shall be a manufacturer's right hand drive model with a minimum of four wheels and a minimum of four passenger seats and shall be finished in a production colour of the manufacturer for the model.
  - 2.5 The vehicle shall not be fitted with a tow bar.
  - 2.7 All glazing shall comply with the Road Vehicles (Construction and Use) Regulations 1986 (as amended).
  - 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.
- (b) That, subject to consultation, the vehicle test guidelines in relation to hackney carriage vehicles attached as Appendix F to the report be approved, subject to '(could be carried in the boot area)' being deleted from the guidelines in relation to fire extinguishers (point 56).
- (c) That officers be authorised to carry out a consultation exercise in relation to the draft conditions and vehicle test guidelines.
- (d) That, if no objections are received within the consultation period, or if any objections that are received are withdrawn, the conditions and vehicle test guidelines will come into operation in each of the three zones on the day after the last day of the consultation period; and that it be noted that if objections are received and not withdrawn, these will be reported to a future meeting of the Licensing Committee for consideration.

**13 PRIVATE HIRE VEHICLE CONDITIONS**

The Committee considered a report regarding the existing private hire vehicle conditions, which had been approved on 13 March 2009 and had been in operation across the Borough of Cheshire East since 1 April 2009, apart from a subsequent minor amendment to condition 1.5. The report also outlined options for the review of certain of the conditions, in response to representations which had been received from the trade.

RESOLVED

- (a) That the existing position with respect to tow bars within condition 2.5 be maintained and that tow bars continue to be expressly prohibited, thereby preventing the use of trailers with private hire vehicles;
- (b) That there be no amendment to condition 4.2, and that vehicles over seven years old continue to be tested every six months;
- (c) That, subject to consultation, condition 2.7 of the private hire vehicle conditions be deleted and replaced with: 'All glazing shall comply with the Road Vehicles (Construction and Use) Regulations 1986 (as amended).'
- (d) That, subject to consultation, the vehicle test guidelines in relation to private hire vehicles attached as Appendix C to the report be approved.
- (e) That officers be authorised to carry out a consultation exercise in relation to the proposed amendment to the conditions and in relation to the accompanying vehicle test guidelines.
- (f) That, if no objections are received within the consultation period, or if any objections that are received are withdrawn, the amended condition and vehicle test guidelines will come into operation throughout the Borough on the day after the last day of the consultation period; and that it be noted that if objections are received and not withdrawn, these will be reported to a future meeting of the Licensing Committee for consideration.

The meeting commenced at 2.00 pm and concluded at 3.50 pm

Councillor P Whiteley (Chairman)

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Licensing Act Sub-Committee**  
held on Monday, 6th June, 2011 at The Tatton Room - Town Hall,  
Macclesfield SK10 1DX

**PRESENT**

Councillor P Whiteley (Chairman)

Councillors C Andrew and W S Davies

**IN ATTENDANCE**

Councillor D Mahon

**OFFICERS IN ATTENDANCE**

Mrs N Cadman (Licensing Officer) and Mrs K Khan (Licensing Solicitor)

**1 APPOINTMENT OF CHAIRMAN**

RESOLVED – That Councillor P Whiteley be appointed Chairman.

**2 DECLARATIONS OF INTEREST**

None.

**3 APPLICATION FOR THE VARIATION OF A PREMISES LICENCE: THE FARMERS ARMS, 71 CHAPEL LANE, WILMSLOW SK9 5JH**

The Sub Committee considered a report regarding an application by J W Lees & Co (Brewers) Ltd for the variation of a Premises Licence in respect of The Farmers Arms, 71 Chapel Lane, Wilmslow Cheshire under Section 34 of the Licensing Act 2003.

The Designated Premises Supervisor, the Area Manager from J W Lees & Co (Brewers) and an objector attended the hearing and made representations with respect to the application.

After a full hearing of the application and in accordance with the rules of procedure, the Chairman reported that, having taken account of:

- The Secretary of State's Guidance under Section 182 of the Licensing Act 2003
- Cheshire East Borough Council's Statement of Licensing Policy
- The four licensing objectives (namely the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm)

- All the evidence, including the representations made at the meeting and the written representations of the objectors and Environmental Health

the following course of action had been agreed:

RESOLVED

The Sub-Committee granted the application for the variation of the Premises Licence as applied for subject to the following conditions agreed by Environmental Health and the applicant:-

1. There shall be no additional lighting or heating to the front of the premises.
2. There shall be no external entertainment allowed to the front of the premises;
3. There shall be no external speakers;
4. There shall be a 21.00 hours curfew to the front of the premises;
5. The J.W. Lees Operating Plan shall be included as a condition.

In addition to this the above agreed conditions were amended by the Sub Committee as follows:-

1. To amend reference to “to the front of the premises” in Agreed Conditions 1, 2 and 4 to “in the area to the front of the public house building;” and
2. To add the word ‘regulated’ in condition 2, so that it reads, “no external regulated entertainment....”

Furthermore the Sub Committee imposed three additional conditions as follows:-

1. CCTV coverage at the premises will include the area to the front of the public house building;
2. Tables and chairs shall be removed from the area to the front of the public house building by no later than 21.00;
3. The area to the front of the public house building will be checked by the Designated Premises Supervisor, or a member of staff nominated by him, on a regular basis.

The Sub Committee wished to highlight the fact that should problems relating to the licensing objectives be linked to the operation of licensable activities at this premises then Responsible Authorities or Interested Parties could call for a review of the licence at any time.

The applicant and parties who had made relevant representations were reminded of the right to appeal the decision to the Magistrates Court.



**4 APPLICATION FOR A PREMISES LICENCE: MORRISONS, 51 WHITECROFT HOUSE, WATER LANE, WILMSLOW**

The Sub Committee considered a report regarding an application by W M Morrison Supermarkets Plc for the grant of a Premises Licence in respect of Morrisons, 51 Whitecroft House, Water Lane, Wilmslow, Cheshire under Section 17 of the Licensing Act 2003.

The Solicitor for the applicant, the Licensing Manager for the applicant, the Area Manager for the applicant and two objectors attended the hearing and made representations with respect to the application.

After a full hearing of the application and in accordance with the rules of procedure, the Chairman reported that, having taken account of:

- The Secretary of State's Guidance under Section 182 of the Licensing Act 2003
- Cheshire East Borough Council's Statement of Licensing Policy
- The four licensing objectives (namely the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm)
- All the evidence, including the representations made at the meeting, the written representations of the objectors and the Police

the following course of action had been agreed:

**RESOLVED**

That the application to grant a Premises Licence for Morrisons, 51 Whitecroft House, Water Lane, Wilmslow, Cheshire be granted as follows:

**Supply of alcohol (for consumption off the premises)**

Monday to Sunday 06.00 to 24.00

The Sub-Committee wished to highlight the fact that should problems relating to the licensing objectives be linked to the operation of licensable activities at this premises then Responsible Authorities or Interested Parties could call for a review of the licence at any time.

Parties who had made relevant representations had the right to appeal the decision to the Magistrates Court within 21 days.

**5 APPLICATION FOR A PREMISES LICENCE: CAFE AMMA, 26-28 GREEN LANE, WILMSLOW**

The matter was not dealt with by the Sub Committee as the objection to the application had been withdrawn prior to the meeting.

The meeting commenced at 9.30 am and concluded at 12.30 pm

Councillor P Whiteley (Chairman)

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Licensing Act Sub-Committee**  
held on Monday, 13th June, 2011 at Delamere 2, Floor 6, Delamere House,  
Delamere Street, Crewe CW1 2JZ

### **PRESENT**

Councillors M Parsons and M Sherratt and P Whiteley

### **OFFICERS PRESENT**

Mrs J Cornes, Licensing Administration Officer  
Mrs K Khan, Solicitor  
Mr P Mountford, Democratic Services Officer

### **6 APPOINTMENT OF CHAIRMAN**

#### **RESOLVED**

That Councillor P Whiteley be appointed Chairman for the meeting.

Councillor P Whiteley in the Chair

### **7 DECLARATIONS OF INTEREST**

No interests were declared.

### **8 APPLICATION FOR THE VARIATION OF A PREMISES LICENCE: STAFFORDSHIRE KNOT, 15 WEST STREET, CONGLETON CW12 1JN**

The Sub-Committee considered an application for the variation of a Premises Licence under section 34 of the Licensing Act 2003 in respect of the Staffordshire Knot, 15 West Street, Congleton.

The applicant, a business partner, and a number of objectors attended the meeting and made representations in respect to the application.

After a full hearing of the application and in accordance with the rules of procedure, the Chairman reported that, having taken account of:

- The Secretary of State's Guidance under section 182 Licensing Act 2003
- Cheshire East Borough Council's Statement of Licensing Policy
- The four licensing objectives (namely the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm)
- All the evidence, including the representations made at the meeting

The following course of action had been agreed:

**RESOLVED**

That the Sub-Committee, having taken careful consideration of all the evidence in this matter and having determined that the operating schedule as amended below will be sufficient to prevent harm to the licensing objectives, grants the application on the following basis:

1. The hours for the sale and supply of alcohol and the forms of regulated entertainment applied for will be as follows:

Monday to Sunday 11.00 – 02.00

Christmas Eve and Saturdays and Sundays preceding Bank Holidays  
11.00 – 02.30

New Year Eve 11.00 – 04.00

2. The hours the premises are open to the public shall be:

Monday to Sunday 10.00 – 02.30

Christmas Eve and Saturdays and Sundays preceding Bank Holidays  
10.00 – 03.00

New Year Eve 10.00 – 04.30

The Sub-Committee has determined to impose the terminal hours referred to above in order to prevent harm to the objective of the prevention of public nuisance in the light of the close proximity of residential properties. The Sub-Committee is mindful of the conditions agreed between the Environmental Health Department and the Applicant, however feels that this terminal hour is a reasonable and proportionate limitation in the light of the evidence provided about the nature of the area in which the premises is located.

3. The following conditions are added to the Premises Licence:

- (a) there shall be no entry to the Premises after 00.30 with the exception of those patrons who have been using the outside areas associated with the Premises;

The Sub-Committee has heard that the applicant's intention is to facilitate pleasant dining conditions by allowing the consumption of food ordered up until 23.00 to be followed by the ability to enjoy relaxed drinking to complete their dining experience. The Sub-Committee has imposed this condition in the interests of the prevention of public nuisance by ensuring that patrons are not entering the premises in the early hours of the morning purely to consume alcohol in the relatively short period before the Premises closes to the public.

- (b) The outside areas associated with the Premises shall only be open for use by patrons until 00.30, with the exception of those patrons who wish to smoke;

- (c) The Designated Premises Supervisor or a member of staff nominated by him shall monitor the outside areas on a regular basis after 00.30 to ensure that a nuisance is not being caused as a result of the use of these areas;

These conditions are again imposed in order to prevent harm to the objective of the prevention of public nuisance in the light of the proximity of residential properties to the outside areas associated with the Premises.

- 4. The conditions suggested by the Police and Environmental Health Department, and agreed by the applicant, as set out below, are imposed on the grant of the variation to the licence subject to the amendment of Environmental Health condition 4 by the addition of "with the exception of access and egress."

The Police Conditions:

- 1. A CCTV system will be installed at the premises to the satisfaction of the Police Licensing Officer and this will continuously record at all times the premises are open to the public. Unedited recorded images will be securely stored at the premises for a minimum period of 28 days and copies made freely available upon request to a constable or to an employee of Cheshire Police or the local authority.
- 2. 2 Door supervisors will be on duty at the premises every Friday and Saturday and on New Years Eve from 10pm and they are to remain at the premises until the premises close to the public.
- 3. The Designated Premises Supervisor, or another responsible member of the management team, will regularly attend the local Pubwatch meetings.
- 4. No glass, bottle or other vessel may be taken outside the premises after 10pm.
- 5. The proof of age scheme Challenge 25 will be operated for all sales of alcohol.

The Environmental Health Conditions:

- 1. Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby residents.
- 2. Refuse such as bottles shall be disposed of from the premises at a time (i.e. between 08.00 to 22.00) when it is not likely to cause a disturbance to residents in the vicinity of the premises.

3. There shall be placed at all exits from the premises in a place where they can be seen and easily read by the public, notices requiring customers to leave the premises and the area quietly.
4. Whist regulated entertainment is taking place, all windows and doors shall remain closed.

The Committee would wish to highlight the fact that should problems relating to the licensing objectives be linked to the operation of licensable activities at this premises then Responsible Authorities or Interested Parties may call for a review of the licence at any time.

Parties who made relevant representations have the right to appeal this decision to the Magistrates Court within 21 days as does the Applicant.

Having reported the Sub-Committee's decisions, the Chairman asked that the applicant:

1. consider providing contact details for use by local residents in relation to the public house; and
2. consider providing a doorway from the building direct onto the outside seating area as he had proposed earlier in the meeting.

At the conclusion of the meeting, the Chairman thanked everyone for attending and declared the meeting closed.

The meeting commenced at 9.30 am and concluded at 12.35 pm

Councillor P Whiteley (Chairman)

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Licensing Act Sub-Committee**  
held on Friday, 22nd July, 2011 at The Tatton Room - Town Hall, Macclesfield  
SK10 1DX

### **PRESENT**

Councillor P Whiteley (Chairman)

Councillors D Mahon and G Morris

### **OFFICERS IN ATTENDANCE**

Mrs N Cadman (Licensing Officer) and Mrs K Khan (Licensing Solicitor)

### **9 APPOINTMENT OF CHAIRMAN**

#### **RESOLVED**

That Councillor P Whiteley be appointed Chairman for the meeting.

### **10 DECLARATIONS OF INTEREST**

No interests were declared.

### **11 APPLICATION FOR A PREMISES LICENCE - FUSION SUPER DELI, 2 MOOR LANE, WILMSLOW SK9 6AG**

The Sub Committee considered a report regarding an application by for the grant of a Premises Licence in respect of Fusion Super Deli Ltd, 2 Moor Lane, Wilmslow, Cheshire under Section 17 of the Licensing Act 2003.

The applicant and his representative attended the hearing and made representations with respect to the application.

After a full hearing of the application and in accordance with the rules of procedure, the Chairman reported that, having taken account of:

- The Secretary of State's Guidance under Section 182 of the Licensing Act 2003
- Cheshire East Borough Council's Statement of Licensing Policy
- The four licensing objectives (namely the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm)
- All the evidence, including the representations made at the meeting, the written representations of the objectors and the Police

the following course of action had been agreed:

RESOLVED

That the application to grant a Premises Licence for Fusion Super Deli Ltd, 2 Moor Lane, Wilmslow, Cheshire be granted as follows:

**Supply of alcohol (for consumption off the premises)**

Monday to Sunday 08.00 to 23.00

The Sub-Committee wished to highlight the fact that should problems relating to the licensing objectives be linked to the operation of licensable activities at this premises then Responsible Authorities or Interested Parties could call for a review of the licence at any time.

Parties who had made relevant representations had the right to appeal the decision to the Magistrates Court within 21 days.

The meeting commenced at 9.30 am and concluded at 10.10 am

Councillor P Whiteley (Chairman)



## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Licensing Act Sub-Committee**  
held on Monday, 15th August, 2011 at West Committee Room - Municipal  
Buildings, Earle Street, Crewe, CW1 2BJ

### **PRESENT**

Councillor P Whiteley (Chairman)

Councillors Rhoda Bailey and I Faseyi

### **OFFICERS IN ATTENDANCE**

Ms S Dutton, Solicitor

Ms C Kerr, Licensing Officer

Mrs J Zientek, Democratic Services Officer

### **12 APPOINTMENT OF CHAIRMAN**

RESOLVED – That Councillor P Whiteley be appointed Chairman.

### **13 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **14 APPLICATION FOR A PREMISES LICENCE - 2-3 WESTON COURT, CREWE ROAD, SHAVINGTON, CREWE CW2 5AL**

The Sub-Committee considered a report regarding an application from M H and N Services Ltd for a Premises Licence for numbers 2-3 Weston Court, Crewe Road, Shavington, Crewe.

The following attended the hearing and made representations with respect to the application:

two local residents

the applicant

Councillor S Hogben, representing Councillor D Brickhill

After a full hearing of the application and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of:

- The Secretary of State's Guidance under section 182 of the Licensing Act 2003
- Cheshire East Borough Council's Statement of Licensing Policy
- The four licensing objectives (namely the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm)

- All the evidence, including the oral representations made at the meeting and the written representations of interested parties

the following course of action had been agreed:

RESOLVED

1. That the application for a Premises Licence for the sale of alcohol for consumption off the premises from 06:00am to 23:00 (Mon – Sun) at numbers 2-3 Weston Court, Crewe Road, Shavington, Crewe be approved.
2. That the following conditions suggested by the Police be attached to the Premises Licence:
  - The proof of age scheme Challenge 25 will be operated for all sales of alcohol.
  - A CCTV system is to be maintained at the premises to the satisfaction of the Police Licensing Officer and it must record at all times the premises are open to the public. Unedited images must be securely retained for at least 14 days and copies made freely available upon request to a constable or an employee of the Police Authority, Local Authority or Security Industry Authority.
3. That the following condition volunteered by the applicant be attached to the Premises Licence:
  - There will be only one customer entrance to the premises

The meeting commenced at 9.30 am and concluded at 11.10 am

Councillor P Whiteley (Chairman)

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Licensing Act Sub-Committee**  
held on Friday, 26th August, 2011 at Committee Suite 1,2 & 3, Westfields,  
Middlewich Road, Sandbach CW11 1HZ

### **PRESENT**

Councillors D Bebbington, L Gilbert and P Whiteley

### **Officers**

Kate Khan Licensing Solicitor  
Jane Cornes, Licensing Officer  
Rachel Graves, Democratic Services Officer

### **15 APPOINTMENT OF CHAIRMAN**

#### **RESOLVED:**

That Councillor P Whiteley be appointed Chairman.

### **16 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **17 APPLICATION FOR A PREMISES LICENCE - CONGLETON TOWN FOOTBALL CLUB, BOOTH STREET, CONGLETON CW12 4DG**

The Sub Committee considered a report regarding an application from Congleton Town Limited for a Premises Licence in relation to Congleton Town Football Club, Booth Street, Congleton.

The Solicitor for the Applicant, two Congleton Town Football Club representatives and five interested parties attended the hearing and made representations with respect to the application.

After a full hearing of the application, and in accordance with the rules of procedure, the Chairman of the Sub Committee reported that, after taking account of:

- The Secretary of State's Guidance under section 182 of the Licensing Act 2003
- Cheshire East Borough Council's Statement of Licensing Policy
- The four licensing objectives (namely the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm)
- All the evidence, including the oral representations made at the meeting and the written representations of interested parties

the following course of action had been agreed:

**RESOLVED:**

That the Sub-Committee, having taken careful consideration of all the evidence in this matter and having determined that the operating schedule as amended below would be sufficient to prevent harm to the licensing objectives, grants the application on the following basis:

- 1. The hours for forms of regulated entertainment applied for will be as follows:**

**Sunday to Thursday 10.00 – 23.00**

**Friday and Saturday 10.00 – 24.00**

**Seasonal variations as applied for**

- 2. The hours for sale and supply of alcohol will be:**

**Monday to Sunday 10.00 – 24.00**

**Seasonal variations as applied for**

- 3. The hours for late night refreshment will be:**

**Monday to Sunday 23.00 – 24.00**

**Seasonal variations as applied for**

- 4. The hours the premises are open to the public shall be:**

**Monday to Sunday 09.00 – 00.30**

**Seasonal variations as applied for**

The Sub-Committee has determined to impose the terminal hours referred to above in order to prevent harm to the objective of the prevention of public nuisance in the light of the close proximity of residential properties. The Sub-Committee is mindful of the conditions agreed between the Environmental Health Department and the Applicant, however feels that the terminal hour in relation to regulated entertainment is a reasonable and proportionate limitation in the light of the evidence provided about the nature of the area in which the premises is located and the acoustic weakness of the premises.

- 3. The following condition is added to the Premises Licence:**

**No alcohol, bottles or glasses shall be taken outside the boundary of the football club site by patrons.**

This condition has been imposed in recognition of the fact that off sales are to be permitted to allow consumption outside the clubhouse but within the club site, but not outside the site itself. Additionally, the condition limits the removal of bottles or glasses from the premises to ensure that littering is not caused in the vicinity of the premises.

**4. The conditions suggested by the Police and Environmental Health Department, and agreed by the applicant, are imposed on the grant of the licence subject to the amendment of Environmental Health condition 4 by the addition of “with the exception of access and egress.”**

The Sub-Committee would wish to highlight the fact that should problems relating to the licensing objectives be linked to the operation of licensable activities at this premises then Responsible Authorities or Interested Parties may call for a review of the licence at any time.

Parties who made relevant representations have the right to appeal this decision to the Magistrates Court within 21 days as does the Applicant.

The meeting commenced at 9.30 am and concluded at 11.40 am

Councillor P Whiteley

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## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Licensing Act Sub-Committee**  
held on Thursday, 8th September, 2011 at Council Chamber, Municipal  
Buildings, Earle Street, Crewe CW1 2BJ

### **PRESENT**

Councillor P Whiteley (Chairman)

Councillors W S Davies and H Davenport

### **OFFICERS IN ATTENDANCE**

Mrs K Khan, Solicitor

Mrs J Cornes, Licensing Officer

Mrs J Zientek, Democratic Services Officer

### **18 APPOINTMENT OF CHAIRMAN**

RESOLVED – That Councillor P Whiteley be appointed Chairman.

### **19 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **20 APPLICATION TO VARY A PREMISES LICENCE - BARGAIN BOOZE, 131-133 BROAD STREET, CREWE, CW1 3UD - WITHDRAWN**

The Sub-Committee had been informed that, as the applicant had formally amended the application and was no longer applying to extend the opening hours/hours for the sale of alcohol on a Sunday night from 22.30 to 23.00, the objection was no longer valid. There was therefore no requirement to hold a hearing with respect to above application.

### **21 APPLICATION FOR PREMISES LICENCE - MILTON PARK, ALSAGER, STOKE ON TRENT ST7 2YS**

The Sub-Committee considered a report regarding an application from Cheshire East Borough Council for a Premises Licence for Milton Park, Alsager.

The following attended the hearing and made representations with respect to the application:

a local resident

a representative of the applicant

an individual supporting the application.

After a full hearing of the application and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of:

- The Secretary of State's Guidance under section 182 of the Licensing Act 2003
- Cheshire East Borough Council's Statement of Licensing Policy
- The four licensing objectives (namely the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm)
- All the evidence, including the oral representations made at the meeting and the written representations of interested parties

the following course of action had been agreed:

RESOLVED

That the application for a Premises Licence be granted as applied for, subject to the following additional condition:

There shall be a maximum of twelve events per year at which amplified live music or amplified recorded music is performed or played after 18.00.

Parties who had made relevant representations were reminded of the right to appeal the decision to the Magistrates Court within 21 days.

The meeting commenced at 11.00 am and concluded at 1.05 pm

Councillor P Whiteley (Chairman)



## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Licensing Act Sub-Committee**  
held on Friday, 23rd September, 2011 at The Tatton Room - Town Hall,  
Macclesfield SK10 1DX

### **PRESENT**

Councillor P Whiteley (Chairman)

Councillors D Mahon and M Parsons

### **OFFICERS IN ATTENDANCE**

Mrs N Cadman (Licensing Officer) and Ms J Openshaw (Deputy Monitoring Officer)

### **22 APPOINTMENT OF CHAIRMAN**

RESOLVED – That Councillor P Whiteley be appointed Chairman.

### **23 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **24 APPLICATION FOR A PREMISES LICENCE - BEST ONE, 4 - 6 MERRIDEN ROAD, MACCLESFIELD SK10 3AN**

The Sub-Committee considered a report regarding an application by Mr Noaman Malik for a Premises Licence in respect of Best One, 4-6 Merriden Road, Macclesfield

The following attended the hearing and made representations with respect to the application:

The applicant  
The applicant's Solicitor

After a full hearing of the application and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of:

- The Secretary of State's Guidance under section 182 of the Licensing Act 2003
- Cheshire East Borough Council's Statement of Licensing Policy
- The four licensing objectives (namely the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm)
- All the evidence, including the oral representations made at the meeting and the written representations of interested parties

the following course of action had been agreed:

RESOLVED

That the application for a Premises Licence be granted as applied for.

Parties who had made relevant representations would be informed of the right to appeal the decision to the Magistrates Court within 21 days.

**25 APPLICATION FOR THE VARIATION OF A PREMISES LICENCE -  
HOTSPOT, 11 HIGH STREET, SANDBACH CW11 1AH**

This application was withdrawn prior to the meeting.

The meeting commenced at 9.30 am and concluded at 10.30 am

Councillor P Whiteley (Chairman)

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Licensing Act Sub-Committee**  
held on Friday, 28th October, 2011 at Delamere 2, Floor 6, Delamere House,  
Delamere Street, Crewe CW1 2JZ

### **PRESENT**

Councillor P Whiteley (Chairman)

Councillors Rhoda Bailey and D Bebbington

### **OFFICERS IN ATTENDANCE**

Mrs K Khan, Solicitor

Ms C Kerr, Licensing Officer

Mrs J Zientek, Democratic Services Officer

### **26 APPOINTMENT OF CHAIRMAN**

RESOLVED – That Councillor P Whiteley be appointed Chairman.

### **27 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **28 APPLICATION FOR THE VARIATION OF A PREMISES LICENCE - WHITE HORSE, PILLORY STREET, NANTWICH**

The Sub-Committee considered a report regarding an application to vary the Premises Licence for the White Horse, Pillory Street, Nantwich under section 34 of the Licensing Act 2003.

The following attended the hearing and made representations with respect to the application:

a representative of the Environmental Health Service  
the designated premises supervisor  
a representative of the applicant, Spirit Pub Company Ltd  
two local residents

The applicant's representative reported that the element of the application relating to the provision of recorded music outdoors had been withdrawn, and that the applicant had agreed that the terminal hour for late night refreshment would be 02.30 and that the premises would close to the public at 02.30.

After a full hearing of the application and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of:

- The Secretary of State's Guidance under section 182 of the Licensing Act 2003
- Cheshire East Borough Council's Statement of Licensing Policy
- The four licensing objectives (namely the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm)
- All the evidence, including the oral representations made at the meeting and the written representations of interested parties

the following course of action had been agreed:

**RESOLVED**

- (a) That the element of the application relating to the extension of the terminal hours for live and recorded music be refused, as there are no conditions which could be imposed to mitigate the risk of public nuisance were this element of the variation application to be granted.
- (b) That the remaining elements of the application be granted, i.e.:  
Sale of alcohol Monday to Sunday 10.00 to 02.00  
Late night refreshment Monday to Sunday 23.00 to 02.30  
Opening hours of the premises Monday to Sunday 09.00 to 02.30
- (c) That the following condition be added to the Premises Licence:  
No glasses, or open bottles or vessels shall be taken outside the premises by patrons after 01.00.

The applicant and parties who had made relevant representations were reminded of the right to appeal the decision to the Magistrates Court within 21 days.

**29 APPLICATION FOR A PREMISES LICENCE - AROMA CAFE BAR, UNIT 1, CHATTERTON HOUSE, 7 HOSPITAL STREET, NANTWICH CW5 5RH**

The Sub-Committee considered a report regarding an application for a Premises Licence for Aroma Cafe Bar, Unit 1, Chatterton House, 7 Hospital Street, Nantwich.

The applicants attended the hearing and made representations with respect to the application.

After a full hearing of the application and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of:

- The Secretary of State's Guidance under section 182 of the Licensing Act 2003
- Cheshire East Borough Council's Statement of Licensing Policy

- The four licensing objectives (namely the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm)
- All the evidence, including the oral representations made at the meeting and the written representations of interested parties

the following course of action had been agreed:

RESOLVED

That the application for a Premises Licence be granted as applied for, subject to the following additional conditions:

- The proof of age scheme Challenge 25 will be operated for all sales of alcohol.
- Alcohol may only be served to customers seated at a table by means of waiter/waitress service.
- A tamper proof CCTV system is to be maintained at the premises to the satisfaction of the Police Licensing Officer and it must record at all times the premises are open to the public. Unedited images must be securely retained for at least 14 days and copies made freely available upon request to a constable or an employee of the Police Authority, Local Authority or Security Industry Authority.
- No nuisance shall be caused by noise coming from the premises.
- Refuse such as bottles shall be disposed of from the premises at a time (i.e. between 08:00 to 20:00) when it is not likely to cause a disturbance to residents in the vicinity of the premises.
- There shall be placed at all exits from the premises in a place where they can be seen and easily read by the public, notices requiring customers to leave the premises and the area quietly.

Parties who had made relevant representations were reminded of the right to appeal the decision to the Magistrates Court within 21 days.

The meeting commenced at 9.30 am and concluded at 1.30 pm

Councillor P Whiteley (Chairman)

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## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Licensing Act Sub-Committee**  
held on Thursday, 3rd November, 2011 at Heritage Centre, Roe, Street,  
Macclesfield

### **PRESENT**

Councillor P Whiteley (Chairman)

Councillors M Hardy and L Smetham

### **OFFICERS IN ATTENDANCE**

Mrs N Cadman, Licensing Officer

Mrs K Khan, Solicitor

Mrs J North, Senior Democratic Services Officer

### **30 APPOINTMENT OF CHAIRMAN**

RESOLVED – That Councillor P Whiteley be appointed Chairman.

### **31 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **32 APPLICATION FOR A PREMISES LICENCE: CAFÉ WATERSIDE, CLARENCE MILL, CLARENCE ROAD, BOLLINGTON, MACCLESFIELD, CHESHIRE**

The Sub-Committee considered a report regarding an application for a Premises Licence for Café Waterside, Clarence Mill, Clarence Road, Bollington, Macclesfield.

The applicant and two local residents attended the hearing and made representations with respect to the application.

After a full hearing of the application and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of:

- The Secretary of State's Guidance under section 182 of the Licensing Act 2003
- Cheshire East Borough Council's Statement of Licensing Policy
- The four licensing objectives (namely the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm)
- All the evidence, including the oral representations made at the meeting and the written representations of interested parties

the following course of action had been agreed:

RESOLVED - That the application for a Premises Licence be granted as applied for, subject to the following additional conditions:

1. The use of any outdoor areas by members of the public for the purpose of eating or drinking shall terminate at 21.30 hours.
2. The playing of live music outdoors shall be restricted to acoustic instruments only (i.e. no amplified instruments / amplified voice) and should terminate at 18.00 hours on any day.
3. The playing of recorded music indoors shall be background music only.
4. The playing of live music indoors shall be restricted to acoustic instruments only (i.e. no amplified instruments / amplified voice).
5. Regular monitoring shall be made by the management to ensure that noise from the premises is controlled - for the purpose of ensuring that nuisance is not caused to the residents of the nearest properties.

Parties who had made relevant representations were reminded of the right to appeal the decision to the Magistrates Court within 21 days.

**33 APPLICATION FOR A PREMISES LICENCE: ALDERLEY EDGE GOLF CLUB, BROOK LANE, ALDERLEY EDGE, SK9 7RU**

The Sub-Committee had been informed that the applicant had agreed to the three conditions recommended by the Environmental Health Department and that the objection had been withdrawn. There was therefore no requirement to hold a hearing with respect to above application.

The meeting commenced at 9.30 am and concluded at 11.10 am

Councillor P Whiteley (Chairman)



## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Licensing Act Sub-Committee**  
held on Friday, 2nd December, 2011 at Committee Suite 1,2 & 3, Westfields,  
Middlewich Road, Sandbach CW11 1HZ

### **PRESENT**

Councillor P Whiteley (Chairman)

Councillors Rhoda Bailey and D Bebbington

### **OFFICERS IN ATTENDANCE**

Kate Khan, Licensing Solicitor  
Nikki Cadman, Licensing Officer  
Rachel Graves, Democratic Services Officer

### **34 APPOINTMENT OF CHAIRMAN**

#### **RESOLVED:**

That Councillor P Whiteley be appointed Chairman.

### **35 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **36 APPLICATION FOR PREMISES LICENCE: 30-34 LAWTON STREET, CONGLETON CW12 1RS**

The Sub Committee considered a report regarding an application from Sedgwick Riley Ltd for a Premises Licence in relation to 30-34 Lawton Street, Congleton.

The Applicants and two interested parties attended the hearing and made representations with respect to the application.

After a full hearing of the application, and in accordance with the rules of procedure, the Chairman of the Sub Committee reported that, after taking account of:

- The Secretary of State's Guidance under section 182 of the Licensing Act 2003
- Cheshire East Borough Council's Statement of Licensing Policy
- The four licensing objectives (namely the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm)
- All the evidence, including oral representations made at the meeting and the written representations of interested parties

the following course of action had been agreed:

**RESOLVED:**

The Sub Committee, having taken careful consideration of all the evidence in this matter and having determined that the operating schedule would be sufficient to prevent harm to the licensing objectives, grants the application on the following basis:

1. Sale and supply of alcohol (for consumption both on and off the premises)  
Films (indoors)  
Live music (indoors)  
Recorded music (indoors)

**Sale and supply of alcohol  
For consumption off the premises**

Sunday to Thursday 07.00 to 00.00  
Friday and Saturday 07.00 to 01.00

**For consumption on the premises**

Sunday to Thursday 11.00 to 00.00  
Friday and Saturday 11.00 to 01.00

New Years Eve 09.00 to 03.30

To continue from 11.00 to 02.00 on Valentines Day, St Georges Day, Christmas Eve, Christmas Day, Boxing Day, New Years Eve, Maundy Thursday and the Sunday and Monday of each bank holiday

**Regulated entertainment**

**Live Music**

Monday to Sunday inclusive 07.00 to 00.00  
Christmas Eve and New Years Eve 07.00 to 02.00

**Regulated entertainment**

**Recorded Music**

Sunday to Thursday 07.00 to 00.00  
Friday and Saturday 07.00 to 01.00  
To continue from 11.00 to 02.00 on Valentines Day, St Georges Day, Christmas Eve, Christmas Day, Boxing Day, New Years Eve, Maundy Thursday and the Sunday and Monday of each bank holiday

**Regulated entertainment**

**Films**

Sunday to Thursday 07.00 to 00.00  
Friday and Saturday 07.00 to 01.00

**Hours Premises Open to the Public**

Sunday to Thursday 07.00 to 00.00  
Friday and Saturday 07.00 to 01.00

To continue from 11.00 to 02.00 on Valentines Day, St Georges Day, Christmas Eve, Christmas Day, Boxing Day, New Years Eve, Maundy Thursday and the Sunday and Monday of each bank holiday

2. Subject to the following conditions agreed with the Police and Fire Service:
- The proof of age scheme Challenge 25 will be operated for all sales of alcohol.
  - The premise licence holder will, if he/she receives written notification from the Police Licensing Officer that they are required to do so, provide a minimum of two door supervisors every Friday and Saturday from 8pm until the premises close to the public.
  - The premises licence holder will, if he/she receives written notification from the Police Licensing Officer that they are required to do so, install a tamper proof CCTV system on the premises to the satisfaction of the Police Licensing Officer. That CCTV system will be used to record during all hours that the premises are open for business, its images be recorded and securely retained in an unedited form for a period of not less than 21 days and copies be made freely available on demand to an employee of the Local Authority, Security Industry Authority or a Police Constable.
  - Seating for at least 50 people must be provided at all times.
  - Means of escape. The amended plans now show two front doors, both of which are to be turned to open outwards, the rear doors are also to be turned to open outwards. The maximum occupancy is to be 200 persons.
  - A fire alarm is to be provided to BS5839, type M.
  - Emergency lighting is to be provided throughout to BS5266.

The Sub-Committee wished to highlight the fact that should problems relating to the licensing objectives be linked to the operation of licensable activities at this premises then Responsible Authorities or Interested Parties may call for a review of the licence at any time.

Parties who had made relevant representations were reminded of the right to appeal the decision to the Magistrates Court within 21 days.

The meeting commenced at 9.30 am and concluded at 11.50 am

Councillor P Whiteley (Chairman)

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## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Licensing Act Sub-Committee**  
held on Thursday, 22nd December, 2011 at Committee Suite 2/3 - Westfields,  
Middlewich Road, Sandbach, CW11 1HZ

### **PRESENT**

Councillor P Whiteley (Chairman)

Councillors W S Davies and L Gilbert

### **OFFICERS IN ATTENDANCE**

Mr J Hopper, Licensing Officer

Mrs K Khan, Solicitor

Mrs J Zientek, Democratic Services Officer

### **37 APPOINTMENT OF CHAIRMAN**

RESOLVED – That Councillor P Whiteley be appointed Chairman.

### **38 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **39 APPLICATION FOR A PREMISES LICENCE: BEST ONE (NISA), 65 BOND STREET, MACCLESFIELD, SK11 6QR**

The Sub-Committee considered a report regarding an application for a Premises Licence for Best One (Nisa), 65 Bond Street, Macclesfield.

The following attended the hearing and made representations with respect to the application:

the applicant

a representative of the applicant

a local resident

Councillor K Edwards, representing the local resident

After a full hearing of the application and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of:

- The Secretary of State's Guidance under section 182 of the Licensing Act 2003
- Cheshire East Borough Council's Statement of Licensing Policy
- The four licensing objectives (namely the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm)

- All the evidence, including the oral representations made at the meeting and the written representations of interested parties

the following course of action had been agreed:

RESOLVED - That the application for a Premises Licence be granted as applied for, subject to the adoption of a Challenge 25 policy, as requested by the Police.

Parties who had made relevant representations were reminded of the right to appeal the decision to the Magistrates Court within 21 days.

**40 APPLICATION FOR A PREMISES LICENCE: BARLEY HOPS, 5 DERWENT CLOSE, MACCLESFIELD, SK11 7XS**

The Sub-Committee considered a report regarding an application for a Premises Licence for Barley Hops, 5 Derwent Close, Macclesfield.

The following attended the hearing and made representations with respect to the application:

the applicants

Councillor L Jeuda, representing local residents

After a full hearing of the application and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of:

- The Secretary of State's Guidance under section 182 of the Licensing Act 2003
- Cheshire East Borough Council's Statement of Licensing Policy
- The four licensing objectives (namely the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm)
- All the evidence, including the oral representations made at the meeting and the written representations of interested parties

the following course of action had been agreed:

RESOLVED - That the application for a Premises Licence be granted as applied for, subject to the following additional conditions:

- No home sales to general public, home delivery sales service operation only.
- All sales shall be conducted by telephone and or by online sales only for consumption off the premises;
- Proof of age Challenge 25 shall be conducted on delivery.
- All deliveries to and from the application site shall be restricted to/made between 9am and 6pm from Monday to Sunday inclusive and including Bank Holidays.

- There shall be no direct sales made to the general public or other type of customer (e.g. other companies) from the garage site.
- There shall be no deliveries to the premises of stock for use in the business by suppliers or commercial carriers.

The applicants and parties who had made relevant representations were reminded of the right to appeal the decision to the Magistrates Court within 21 days.

The meeting commenced at 9.30 am and concluded at 12.35 pm

Councillor P Whiteley (Chairman)

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## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **General Licensing Sub-Committee**  
held on Monday, 20th June, 2011 at Committee Suite 2/3 - Westfields,  
Middlewich Road, Sandbach, CW11 1HZ

### **PRESENT**

Councillor P Whiteley (Chairman)

Councillors Rhoda Bailey, H Davenport, L Gilbert and I Faseyi

### **OFFICERS IN ATTENDANCE**

Mrs K Khan, Solicitor  
Mr J Hopper, Licensing Officer  
Mr P Simester, Licensing Officer  
Mrs C Jones, Democratic Services Officer

#### **1 APPOINTMENT OF CHAIRMAN**

RESOLVED – That Councillor P Whiteley be appointed Chairman.

#### **2 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

#### **3 DECLARATIONS OF INTEREST**

There were no declarations of interest.

#### **4 EXCLUSION OF THE PUBLIC AND PRESS**

RESOLVED - That the press and public be excluded from the meeting during consideration of the following items pursuant to Section 100(A) 4 of the Local Government Act 1972 on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 1, 2 and 3 as appropriate of Part 1 of Schedule 12A of the Local Government Act 1972 and public interest would not be served in publishing the information.

#### **5 11-12/01 - APPLICATION FOR EXEMPTION FROM THE REQUIREMENT TO DISPLAY LICENCE PLATES ON A PRIVATE HIRE VEHICLE AND REMOVAL OF PRIVATE HIRE CONDITIONS**

The Sub-Committee considered a report regarding an application for a private hire vehicle licence, a request to waive condition 2.7 of the Private Hire Vehicle Conditions in relation to tinted windows, and a request to exempt the vehicle from the requirements to display signage and display licence plates to the front and rear of the vehicle, as required by conditions

7 and 8 of Cheshire East Council's Private Hire Vehicle Licensing Conditions.

The Sub-Committee was informed that the application fell within the Council's policy for determination by the Sub-Committee. Accordingly the hearing had been convened to enable the Sub-Committee to determine whether the application should be granted.

The applicant attended the hearing and made representations in respect of his application.

After a full hearing of the application, and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of all the evidence, including the applicant's oral representations, the following course of action had been agreed.

**RESOLVED**

- (a) That a private hire vehicle licence be granted, subject to the vehicle passing an inspection at the Council's approved test centre.
- (b) That condition 2.7 of Cheshire East Council's Private Hire Vehicle Licensing Conditions in relation to tinted windows be waived.
- (c) That special condition 10 of Cheshire East Council's Private Hire Vehicle Licensing Conditions be attached to the licence, thereby exempting the vehicle from the requirement to display signage (condition 7) and from the requirement to display licence plates to the front and rear of the vehicle (condition 8).

**6 11-12/02 - CONSIDERATION OF FITNESS TO HOLD A HACKNEY CARRIAGE DRIVER LICENCE**

The Sub-Committee considered a report regarding a complaint made against the holder of a Hackney Carriage Driver's Licence which involved allegations of incivility and of parking a licensed Hackney Carriage vehicle in a designated disabled parking bay.

The Sub-Committee was informed that the application fell within the Council's policy for determination by the Sub-Committee. Accordingly the hearing had been convened to enable the Sub-Committee to determine whether the licence holder remained a fit and proper person to hold a Hackney Carriage Driver's Licence.

The licence holder and the complainant attended the hearing and made representations in respect of the complaint.

After a full hearing, and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of all

the evidence, including the complainant's and the licence holder's oral representations, the following course of action had been agreed.

RESOLVED

- (a) That the licence holder remains a fit and proper person to hold a Hackney Carriage Driver's Licence;
- (b) That a warning be issued to the licence holder in respect of his future conduct and the importance both of treating all members of the public in a civil manner and of complying with the parking restrictions about disabled spaces.

**7 11-12/03 - APPLICATION FOR A JOINT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE**

The Sub-Committee considered a report regarding an application for a Hackney Carriage/Private Hire Driver's Licence.

The Sub-Committee was informed that the application fell within the Council's policy for determination by the Sub-Committee. Accordingly the hearing had been convened to enable the Sub-Committee to determine whether the application for a Hackney Carriage/Private Hire Driver's Licence should be granted.

The applicant and a representative of the applicant attended the hearing and made representations in respect of the application.

After a full hearing of the application, and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that after taking account of all of the evidence, including the applicant's oral representations, the following course of action had been agreed.

RESOLVED – That the applicant is a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence and that the application for a licence be granted, subject to a review twelve months after the date of issue to allow the applicant to demonstrate that he continues to be a fit and proper person to hold a hackney carriage/private hire driver's licence. On review, the licence holder will be required to produce to Licensing Officers a reference from his employer and his DVLA driving licence.

The applicant was reminded of the right to appeal this decision to the Magistrates Court within 21 days.

**8 11-12/04 - APPLICATION FOR A JOINT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE**

The Sub-Committee considered a report regarding an application for a Hackney Carriage/Private Hire Driver's Licence.

The Sub-Committee was informed that the application fell within the Council's policy for determination by the Sub-Committee. Accordingly the hearing had been convened to enable the Sub-Committee to determine whether the application for a Hackney Carriage/Private Hire Driver's Licence should be granted.

The applicant and a representative of the applicant attended the hearing and made representations in respect of his application.

After a full hearing of the application and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that after taking account of all the evidence, including the oral representations of the applicant's representative, the following course of action had been agreed.

RESOLVED – That the applicant is not a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence at this time and that the application be refused.

The applicant was reminded of the right to appeal this decision to the Magistrates Court within 21 days.

The meeting commenced at 2.00 pm and concluded at 5.00 pm

Councillor P Whiteley (Chairman)

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **General Licensing Sub-Committee**  
held on Wednesday, 27th July, 2011 at The Tatton Room - Town Hall,  
Macclesfield SK10 1DX

### **PRESENT**

Councillor P Whiteley (Chairman)

Councillors C Andrew, M Hardy and L Smetham

### **OFFICERS PRESENT**

Mr J Hopper (Licensing Officer) and Mrs K Khan (Licensing Solicitor)

### **9 APPOINTMENT OF CHAIRMAN**

**RESOLVED:** That Councillor P Whiteley be elected Chairman for the meeting.

### **10 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor M Sherratt.

### **11 DECLARATIONS OF INTEREST**

None.

### **12 EXCLUSION OF THE PUBLIC AND PRESS**

#### **RESOLVED:-**

That the press and public be excluded from the meeting during consideration of the following items pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that it involved the likely disclosure of exempt information as defined in Paragraphs 1 and 2 as appropriate, of Part 1 of Schedule 12A of the Local Government Act 1972 and the public interest would not be served in publishing the information.

### **13 11-12/05 - APPLICATION FOR A JOINT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE**

The Sub-Committee considered a report regarding an application for a Hackney Carriage/Private Hire Driver's Licence.

The Sub-Committee was informed that the application fell within the Council's policy for determination by the Sub-Committee. Accordingly the hearing had been convened to enable the Sub-Committee to determine

whether the application for a Hackney Carriage/Private Hire Driver's Licence should be granted.

The applicant attended the hearing and made representations in respect of his application.

After a full hearing of the application, and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of all the evidence, including the applicant's oral representations, the following course of action had been agreed.

**RESOLVED -**

The Sub-Committee determined that the applicant was a fit and proper person to hold a hackney carriage/private hire drivers licence and therefore granted the application for a three year licence subject to the successful completion of the Council's hackney carriage/private hire theory test.

The Sub-Committee wished to emphasise that the role of taxi driver was one which involved a position of responsibility for the safety of the public. Therefore it was of great importance that taxi drivers followed the rules, both of the criminal law and also the conditions attached to the licence. The Sub-Committee would take a serious view of any breach of the conditions or any future convictions. The applicant was reminded that the conditions attached to the licence require the applicant to promptly report any convictions received to the Licensing Section.

**14 11-12/06 - APPLICATION FOR A JOINT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE**

The applicant and his representative attended the meeting, whereby the applicant requested that the meeting to consider his application be adjourned.

The meeting commenced at 9.30 am and concluded at 10.30 am

Councillor P Whiteley (Chairman)

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **General Licensing Sub-Committee**  
held on Monday, 31st October, 2011 at Committee Suite 1, Westfields,  
Middlewich Road, Sandbach CW11 1HZ

### **PRESENT**

Councillor P Whiteley (Chairman)

Councillors S Davies, M Hardy, A Harewood and G Morris

### **OFFICERS IN ATTENDANCE**

Mrs K Khan, Solicitor

Mr J Hopper, Licensing Officer

Mrs J Zientek, Democratic Services Officer

### **15 APPOINTMENT OF CHAIRMAN**

RESOLVED – That Councillor P Whiteley be appointed Chairman.

### **16 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

### **17 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **18 EXCLUSION OF THE PUBLIC AND PRESS**

RESOLVED - That the press and public be excluded from the meeting during consideration of the following items pursuant to Section 100(A) 4 of the Local Government Act 1972 on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A of the Local Government Act 1972 and public interest would not be served in publishing the information.

### **19 11-12/07 - CONSIDERATION OF FITNESS TO HOLD A HACKNEY CARRIAGE DRIVER LICENCE**

The Sub-Committee considered a report regarding the holder of a Hackney Carriage Driver's Licence who had not declared a relevant conviction, contrary to the conditions of his Hackney Carriage Drivers Licence.

The Sub-Committee was informed that the matter fell within the Council's policy for determination by the Sub-Committee. Accordingly the hearing had been convened to enable the Sub-Committee to determine whether

the licence holder remained a fit and proper person to hold a Hackney Carriage Driver's Licence.

The licence holder and a representative of the licence holder attended the hearing and made representations.

After a full hearing of the application, and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of all the evidence, including the oral representations of the licence holder and his representative, the following course of action had been agreed.

RESOLVED – That the Licence Holder remains a fit and proper person to hold a Hackney Carriage Driver's Licence and that no formal action be taken in relation to the future of his licence.

**20 11-12/08 - CONSIDERATION OF FITNESS TO HOLD A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE**

The Sub-Committee considered a report regarding the holder of a Joint Hackney Carriage/Private Hire Driver's Licence who had reported a conviction, in accordance with the conditions of his licence.

The Sub-Committee was informed that the matter fell within the Council's policy for determination by the Sub-Committee. Accordingly the hearing had been convened to enable the Sub-Committee to determine whether the licence holder remained a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver's Licence.

The licence holder, a representative of the licence holder and a witness attended the hearing and made representations.

After a full hearing of the application, and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of all the evidence, including the oral representations of the licence holder, the licence holder's representative and the witness, the following course of action had been agreed.

RESOLVED – That the Licence Holder remains a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver's Licence and that no formal action be taken in relation to the future of his licence.

The meeting commenced at 2.30 pm and concluded at 5.00 pm

Councillor P Whiteley (Chairman)



## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **General Licensing Sub-Committee**  
held on Monday, 28th November, 2011 at Executive Meeting Room 1 -  
Town Hall, Macclesfield SK10 1DX

### **PRESENT**

Councillor P Whiteley (Chairman)

Councillors C Andrew, L Gilbert, D Mahon and L Smetham

### **OFFICERS IN ATTENDANCE**

Mrs K Khan, Solicitor  
Mr J Hopper, Licensing Officer  
Mrs N Cadman, Licensing Officer  
Mrs J Zientek, Democratic Services Officer

### **21 APPOINTMENT OF CHAIRMAN**

RESOLVED – That Councillor P Whiteley be appointed Chairman.

### **22 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

### **23 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **24 EXCLUSION OF THE PUBLIC AND PRESS**

RESOLVED - That the press and public be excluded from the meeting during consideration of the following items pursuant to Section 100(A) 4 of the Local Government Act 1972 on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A of the Local Government Act 1972 and public interest would not be served in publishing the information.

### **25 11-12/09 - CONSIDERATION OF FITNESS TO HOLD A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE**

The Sub-Committee considered a report regarding a complaint which had been made against the holder of a Joint Hackney Carriage/Private Hire Driver's Licence.

The Sub-Committee was informed that the matter fell within the Council's policy for determination by the Sub-Committee. Accordingly the hearing had been convened to enable the Sub-Committee to determine whether

the licence holder remained a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver's Licence.

The licence holder and the complainant attended the hearing and made representations.

After a full hearing of the application, and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of all the evidence, including the oral representations of the licence holder and the complainant, the following course of action had been agreed.

RESOLVED – That the Licence Holder remains a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver's Licence and that no formal action be taken in relation to the future of his licence.

**26 11-12/10 - APPLICATION FOR A JOINT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE**

The Sub-Committee considered a report regarding an application for a Hackney Carriage/Private Hire Driver's Licence.

The Sub-Committee was informed that the application fell within the Council's policy for determination by the Sub-Committee. Accordingly the hearing had been convened to enable the Sub-Committee to determine whether the application for a Hackney Carriage/Private Hire Driver's Licence should be granted.

The applicant and a representative of the applicant attended the hearing and made representations in respect of the application.

After a full hearing of the application, and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of all the evidence, including the oral representations of the applicant and his representative, the following course of action had been agreed.

RESOLVED – That the applicant is not a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence, and that the application for a licence be refused.

The applicant was reminded of the right to appeal this decision to the Magistrates Court within 21 days.

**27 11-12/11 - APPLICATION FOR A JOINT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE**

The Sub-Committee considered a report regarding an application for a Hackney Carriage/Private Hire Driver's Licence.

The Sub-Committee was informed that the application fell within the Council's policy for determination by the Sub-Committee. Accordingly the hearing had been convened to enable the Sub-Committee to determine whether the application for a Hackney Carriage/Private Hire Driver's Licence should be granted.

The applicant attended the hearing and made representations in respect of his application.

After a full hearing of the application, and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of all the evidence, including the applicant's oral representations, the following course of action had been agreed.

RESOLVED – That the applicant is not a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence, and that the application for a licence be refused.

The applicant was reminded of the right to appeal this decision to the Magistrates Court within 21 days.

The meeting commenced at 9.30 am and concluded at 2.10 pm

Councillor P Whiteley (Chairman)

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## CHESHIRE EAST COUNCIL

### LICENSING COMMITTEE

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<b>Date of Meeting:</b>	<b>16 January 2012</b>
<b>Report of:</b>	<b>Head of Community Services</b>
<b>Subject/Title:</b>	<b>Byelaws Relating to Acupuncture, Tattooing, Semi-Permanent Skin Colouring, Cosmetic Piercing and Electrolysis</b>

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#### **1.0 Report Summary**

- 1.1 The report provides background in relation to byelaws regarding the regulation of acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis and asks the Licensing Committee to make recommendations to Council in relation to a set of draft byelaws.

#### **2.0 Decision Requested**

- 2.1 The Licensing Committee is requested:
- 2.1.1 Subject to consultation, to authorise the Borough Solicitor, or an officer acting on her behalf, to submit the draft byelaws attached as an appendix to this report, to the Department of Health for provisional approval; and
- 2.1.2 Subject to provisional approval being received from the Department of Health, to recommend the following resolutions to Council:
- (a) that the byelaws relating to the regulation of acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis attached as an appendix to this report be approved and authorisation be provided for the affixing of the common seal of the Council to the byelaws; and
  - (b) that the Borough Solicitor, or officer acting on her behalf, be authorised to carry out the relevant statutory procedures in relation to the making of the byelaws and to apply to the Secretary of State for confirmation of the byelaws.

#### **3.0 Reasons for Recommendations**

- 3.1 At the meeting of Council on 13<sup>th</sup> October 2011 Council resolved that sections 14 to 17 of the Local Government (Miscellaneous Provisions) Act 1982 ('the 1982 Act') be adopted and shall apply to the Borough of Cheshire East with effect from 1 December 2011.
- 3.2 Section 14(7) of the 1982 Act provides the power to make byelaws relating to acupuncture. Section 15(7) of the 1982 Act provides the power to make

byelaws relating to tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis.

- 3.3 Paragraph 4.4.10 of Chapter 4 of the Council's Constitution provides that the functions of "making, amending, revoking, re-enacting, adopting or enforcing byelaws..." are functions of the Full Council.

**4.0 Wards Affected**

- 4.1 All

**5.0 Local Ward Members**

- 5.1 All

**6.0 Policy Implications including - Carbon reduction  
- Health**

- 6.1 The making of byelaws in relation to the regulation of acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis is requested in order to further the promotion of public health. It is suggested that the byelaws would provide safeguards to reduce the risk of blood borne disease transmission.

**7.0 Financial Implications (Authorised by the Director of Finance and Business Services)**

- 7.1 There will be costs of approximately £1,300 (exclusive of VAT) associated with the publication of the notice of the Council's intention to apply for confirmation of the byelaws. These costs would be met from existing budget provision within the Public Protection and Health Service.

**8.0 Legal Implications (Authorised by the Borough Solicitor)**

- 8.1 Section 14(7) of the 1982 Act provides that a local authority may make byelaws for the purpose of securing – (a) the cleanliness of premises registered under section 14 (i.e. in relation to acupuncture) and fittings in such premises; (b) the cleanliness of persons so registered and persons assisting persons so registered in their practice; and (c) the cleansing and, so far as is appropriate, the sterilisation of instruments, materials and equipment used in connection with the practice of acupuncture.
- 8.2 Section 15(7) of the 1982 Act provides that a local authority may make byelaws for the purpose of securing - (a) the cleanliness of premises registered under section 15 (i.e. in relation to tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis) and fittings in such premises; (b) the cleanliness of persons so registered and persons assisting persons so registered in the business in respect of which they are registered; and (c) the cleansing and, so far as is appropriate, the sterilisation of instruments, materials and equipment

used in connection with a business in respect of which a person is registered under section 15.

- 8.3 The procedure for making byelaws under sections 14 and 15 of the 1982 Act is prescribed by section 236 of the Local Government Act 1972 ('the 1972 Act'). Section 236 of the 1972 Act provides that once the common seal of the Council has been affixed to byelaws and at least one clear calendar month before applying to the Secretary of State for confirmation, the Council is required to publish notice of its intention to apply for confirmation in one or more local newspapers circulating in the area to which the byelaws are to apply. A copy of the byelaws must also during this period be held on deposit for inspection by members of the public at the Council's offices. At the conclusion of the notice period the Council may apply to the Secretary of State for the confirmation of the byelaws. Once byelaws have been confirmed copies must be sent to the proper officer of every parish or community council, or in the case of a parish not having a council, to the chairman of the parish meeting.
- 8.4 Paragraph 4.4.10 of Chapter 4 of the Council's Constitution provides that the functions of "making, amending, revoking, re-enacting, adopting or enforcing byelaws..." are functions of the Full Council.
- 8.5 Consideration has been given to the application of the 'public sector equality duty' (as per section 149 Equality Act 2010) to the decision requested within paragraph 2.0 above. It is suggested that the decision requested would have a neutral impact in terms of its impact on those individuals with 'protected characteristics.'

## **9.0 Risk Management**

- 9.1 It is suggested that the byelaws would provide safeguards to reduce the risk of blood borne disease transmission.

## **10.0 Background and Options**

- 10.1 As Members will recall, Part VIII of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Local Government Act 2003) contains provisions in relation to the regulation of acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis.
- 10.2 Members will also be aware that on 13<sup>th</sup> October 2011 Council resolved to readopt sections 14 to 17 of the Local Government (Miscellaneous Provisions) Act 1982 ('the 1982 Act') so that the provisions apply to the Borough of Cheshire East with effect from 1 December 2011.
- 10.3 Section 14(7) of the 1982 Act provides the power to make byelaws relating to acupuncture. Section 15(7) of the 1982 Act provides the power to make byelaws relating to tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis. At the present time the following byelaws are in force within the Borough as a result of original adoptions made by the predecessor district councils:

- (a) Byelaws for acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis made by Crewe and Nantwich Borough Council on 29<sup>th</sup> January 2007 and confirmed by the Secretary of State for Heath on 16<sup>th</sup> August 2007;
- (b) Byelaws relating to ear-piercing and electrolysis made by Congleton Borough Council on 7<sup>th</sup> August 1986 and confirmed by the Secretary of State for Social Services on 7<sup>th</sup> November 1986;
- (c) Byelaws relating to tattooing made by Congleton Borough Council on 7<sup>th</sup> August 1986 and confirmed by the Secretary of State for Social Services on 7<sup>th</sup> November 1986;
- (d) Byelaws relating to acupuncture made by Congleton Borough Council on 7<sup>th</sup> August 1986 and confirmed by the Secretary of State for Social Services on 7<sup>th</sup> November 1986.

- 10.4 It is proposed that a set of byelaws in relation to acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis be made in relation to the Borough of Cheshire East as a whole. As referred to above, such byelaws are currently in force in the Crewe and Congleton areas of the Borough. However, there are currently no byelaws in force in the Macclesfield area dealing with the regulation of such activities.
- 10.5 It is suggested that the adoption of the set of draft byelaws attached within the appendix would be beneficial in ensuring a consistent approach to regulation across the Borough and will assist in reducing the risk of blood borne disease transmission. The draft byelaws are based on the model byelaws relating to the regulation of acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis produced by the Department of Health in February 2007 and, if made, would repeal the existing byelaws referred to in paragraph 10.3 above.
- 10.6 For the reasons set out above it is proposed that consultation on the proposed byelaws is carried out by way of publication of the proposals on the Council's website and direct correspondence with individuals and businesses currently registered with the Council. In the event that no substantive responses are received it is proposed that the Borough Solicitor be authorised to submit the draft byelaws to the Secretary of State for provisional approval. If substantive consultation responses are received these would be reported to a future meeting of the Licensing Committee for consideration. The Committee is further requested to recommend to Council that, if provisional approval is received, the byelaws be made and authorisation given for an application for confirmation by the Secretary of State.

## **11.0 Access to Information**

Byelaws for acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis made by Crewe and Nantwich Borough Council on 29<sup>th</sup> January 2007 and confirmed by the Secretary of State for Heath on 16<sup>th</sup> August 2007.



Byelaws relating to ear-piercing and electrolysis made by Congleton Borough Council on 7<sup>th</sup> August 1986 and confirmed by the Secretary of State for Social Services on 7<sup>th</sup> November 1986;

Byelaws relating to tattooing made by Congleton Borough Council on 7<sup>th</sup> August 1986 and confirmed by the Secretary of State for Social Services on 7<sup>th</sup> November 1986;

Byelaws relating to acupuncture made by Congleton Borough Council on 7<sup>th</sup> August 1986 and confirmed by the Secretary of State for Social Services on 7<sup>th</sup> November 1986.

The background papers relating to this report can be inspected by contacting the report writer:

Name: Mr Terry Coppenhall

Designation: Commercial Team Leader

Tel No: (01270) 537434

Email: [terry.coppenhall@cheshireeast.gov.uk](mailto:terry.coppenhall@cheshireeast.gov.uk)

**APPENDIX**

**CHESHIRE EAST BOROUGH COUNCIL**

**BYELAWS**

Acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis

Byelaws for the purposes of securing the cleanliness of premises registered under sections 14(2) or 15(2) or both of the Local Government (Miscellaneous Provisions) Act 1982 and fittings in such premises and of persons registered under sections 14(1) or 15(1) or both of the Act and persons assisting them and of securing the cleansing and, so far as appropriate, sterilization of instruments, materials and equipment used in connection with the practice of acupuncture or the business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis, or any two or more of such practice and businesses made by Cheshire East Borough Council in pursuance of sections 14(7) or 15(7) or both of the Act.

**Interpretation**

**1.—(1)** In these byelaws, unless the context otherwise requires—

“The Act” means the Local Government (Miscellaneous Provisions) Act 1982;

“client” means any person undergoing treatment;

“hygienic piercing instrument” means an instrument such that any part of the instrument that touches a client is made for use in respect of a single client, is sterile, disposable and is fitted with piercing jewellery supplied in packaging that indicates the part of the body for which it is intended, and that is designed to pierce either—

(a) the lobe or upper flat cartilage of the ear, or

(b) either side of the nose in the mid-crease area above the nostril;

“operator” means any person giving treatment, including a proprietor;

“premises” means any premises registered under sections 14(2) or 15(2) of the Act;

“proprietor” means any person registered under sections 14(1) or 15(1) of the Act;

“treatment” means any operation in effecting acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis;

“the treatment area” means any part of premises where treatment is given to clients.

(2) The Interpretation Act 1978 shall apply for the interpretation of these byelaws as it applies for the interpretation of an Act of Parliament.

**2.**—(1) For the purpose of securing the cleanliness of premises and fittings in such premises a proprietor shall ensure that—

- (a) any internal wall, door, window, partition, floor, floor covering or ceiling is kept clean and in such good repair as to enable it to be cleaned effectively;
- (b) any waste material, or other litter arising from treatment is handled and disposed of in accordance with relevant legislation and guidance as advised by the local authority;
- (c) any needle used in treatment is single-use and disposable, as far as is practicable, or otherwise is sterilized for each treatment, is suitably stored after treatment and is disposed of in accordance with relevant legislation and guidance as advised by the local authority;
- (d) any furniture or fitting in premises is kept clean and in such good repair as to enable it to be cleaned effectively;
- (e) any table, couch or seat used by a client in the treatment area which may become contaminated with blood or other body fluids, and any surface on which a needle, instrument or equipment is placed immediately prior to treatment has a smooth impervious surface which is disinfected—
  - (i) immediately after use; and
  - (ii) at the end of each working day.
- (f) any table, couch, or other item of furniture used in treatment is covered by a disposable paper sheet which is changed for each client;
- (g) no eating, drinking, or smoking is permitted in the treatment area and a notice or notices reading “No Smoking”, and “No Eating or Drinking” is prominently displayed there.

(2)(a) Subject to sub-paragraph (b), where premises are registered under section 14(2) (acupuncture) or 15(2) (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the 1982 Act, a proprietor shall ensure that treatment is given in a treatment area used solely for giving treatment;

(b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is ear-piercing or nose-piercing using a hygienic piercing instrument.

(3)(a) Subject to sub-paragraph (b), where premises are registered under section 15(2) (tattooing, semi-permanent skin-colouring and cosmetic piercing) of the 1982 Act, a proprietor shall ensure that the floor of the treatment area is provided with a smooth impervious surface;

(b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is ear-piercing or nose-piercing using a hygienic piercing instrument.

**3.—(1)** For the purpose of securing the cleansing and so far as is appropriate, the sterilization of needles, instruments, jewellery, materials and equipment used in connection with treatment—

(a) an operator shall ensure that—

(i) any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such article used in treatment—

(aa) is clean and in good repair and, so far as is appropriate, is sterile;

(bb) has not previously been used in connection with another client unless it consists of a material which can be and has been adequately cleansed and, so far as is appropriate, sterilized.

(ii) any needle, metal instrument, or other instrument or equipment used in treatment or for handling such needle, instrument or equipment and any part of a hygienic piercing instrument that touches a client is sterile;

(iii) any jewellery used for cosmetic piercing by means of a hygienic piercing instrument is sterile;

(iv) any dye used for tattooing or semi-permanent skin-colouring is sterile and inert;

(v) any container used to hold dye for tattooing or semi-permanent skin-colouring is either disposed of at the end of each treatment or is cleaned and sterilized before re-use.

(b) a proprietor shall provide—

(i) adequate facilities and equipment for—

(aa) cleansing; and

(bb) sterilization, unless only pre-sterilized items are used.

(ii) sufficient and safe gas points and electrical socket outlets;

(iii) an adequate and constant supply of clean hot and cold water on the premises;

(iv) clean and suitable storage which enables contamination of the articles, needles, instruments and equipment mentioned in paragraphs 3(1)(a)(i), (ii), (iii), (iv) and (v) to be avoided as far as possible.

**4.—(1)** For the purpose of securing the cleanliness of operators, a proprietor—

(a) shall ensure that an operator—

(i) keeps his hands and nails clean and his nails short;

(ii) keeps any open lesion on an exposed part of the body effectively covered by an impermeable dressing;

(iii) wears disposable examination gloves that have not previously been used with another client, unless giving acupuncture otherwise than in the circumstances described in paragraph 4(3);

- (iv) wears a gown, wrap or protective clothing that is clean and washable, or alternatively a disposable covering that has not previously been used in connection with another client;
  - (v) does not smoke or consume food or drink in the treatment area; and
- (b) shall provide—
- (i) suitable and sufficient washing facilities appropriately located for the sole use of operators, including an adequate and constant supply of clean hot and cold water, soap or detergent; and
  - (ii) suitable and sufficient sanitary accommodation for operators.
- (2) Where an operator carries out treatment using only a hygienic piercing instrument and a proprietor provides either a hand hygienic gel or liquid cleaner, the washing facilities that the proprietor provides need not be for the sole use of the operator.
- (3) Where an operator gives acupuncture a proprietor shall ensure that the operator wears disposable examination gloves that have not previously been used with another client if—
- (a) the client is bleeding or has an open lesion on an exposed part of his body; or
  - (b) the client is known to be infected with a blood-borne virus; or
  - (c) the operator has an open lesion on his hand; or
  - (d) the operator is handling items that may be contaminated with blood or other body fluids.

**5.** A person registered in accordance with sections 14 (acupuncture) or 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Act who visits people at their request to give them treatment should observe the requirements relating to an operator in paragraphs 3(1)(a) and 4(1)(a).

**6.** The byelaws relating to acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis that were made by Crewe and Nantwich Borough Council on the 29<sup>th</sup> January 2007 and were confirmed by Secretary of State for Heath on 16<sup>th</sup> August 2007 are revoked.

**7.** The byelaws relating to ear-piercing and electrolysis that were made by Congleton Borough Council on the 7<sup>th</sup> August 1986 and were confirmed by the Secretary of State for Social Services on 7<sup>th</sup> November 1986 are revoked.

**8.** The byelaws relating to tattooing that were made by Congleton Borough Council on the 7<sup>th</sup> August 1986 and were confirmed by the Secretary of State for Social Services on 7<sup>th</sup> November 1986 are revoked.

**9.** The byelaws relating to acupuncture that were made by Congleton Borough Council on the 7<sup>th</sup> August 1986 and were confirmed by the

Secretary of State for Social Services on 7<sup>th</sup> November 1986 are  
revoked.

The COMMON SEAL of                    )  
CHESHIRE EAST BOROUGH                )  
COUNCIL was hereunto affixed        )  
on the        day of                    2012 )  
in the presence of:                    )

AUTHORISED SIGNATORY

The foregoing byelaws are hereby confirmed by the Secretary of State for  
Health  
on   and shall come into operation on

Member of the Senior Civil Service  
Department of Health

**NOTE – THE FOLLOWING DOES NOT FORM PART OF THE BYELAWS**

Proprietors shall take all reasonable steps to ensure compliance with these byelaws by persons working on premises. Section 16(9) of the Local Government (Miscellaneous Provisions) Act 1982 provides that a registered person shall cause to be prominently displayed on the premises a copy of these byelaws and a copy of any certificate of registration issued to him under Part VIII of the Act. A person who contravenes section 16(9) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale (see section 16(10)).

Section 16 of the Local Government (Miscellaneous Provisions) Act 1982 also provides that any person who contravenes these byelaws shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale. If a person registered under Part VIII of the Act is found guilty of contravening these byelaws the Court may, instead of or in addition to imposing a fine, order the suspension or cancellation of the person's registration. A court which orders the suspension of or cancellation of a person's registration may also order the suspension or cancellation of the registration of the premises in which the offence was committed if such premises are occupied by the person found guilty of the offence. It shall be a defence for the person charged under the relevant sub-sections of section 16 to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.

Nothing in these byelaws extends to the practice of acupuncture, or the business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis by or under the supervision of a person who is registered as a medical practitioner, or to premises in which the practice of acupuncture, or business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis is carried out by or under the supervision of such a person.

Nothing in these byelaws extends to the practice of acupuncture by or under the supervision of a person who is registered as a dentist, or to premises in which the practice of acupuncture is carried out by or under the supervision of such a person.

The legislative provisions relevant to acupuncture are those in section 14. The provisions relevant to treatment other than acupuncture are in section 15.

The key differences in the application of requirements in respect of the various treatments are as follows:

*The references in the introductory text to provisions of section 14 (acupuncture) of the Local Government (Miscellaneous Provisions) Act 1982 only apply to acupuncture.*

*The references in the introductory text to provisions of section 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Local Government (Miscellaneous Provisions) Act 1982 do not apply to acupuncture.*

*The references in paragraph 1(1) in the definition of “premises” to provisions of section 14 (acupuncture) **only apply to acupuncture.***

*The references in paragraph 1(1) in the definition of “premises” to provisions of section 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) **do not apply to acupuncture.***

*The requirement in paragraph 2(2) that treatment is given in a treatment area used solely for giving treatment **applies to acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis but not to ear-piercing or nose-piercing using a hygienic piercing instrument.***

*The requirement in paragraph 2(3) that the floor of the treatment area be provided with a smooth impervious surface **applies to tattooing, semi-permanent skin-colouring and cosmetic piercing but not to acupuncture or electrolysis or ear-piercing or nose-piercing using a hygienic piercing instrument.***

*The requirements relating to dye or a container used to hold dye used for treatment in paragraphs 3(1) (a) (iv) and (v) **apply to tattooing and semi-permanent skin-colouring.***

*The requirement in paragraph 4(1)(a)(iii) that an operator wears disposable examination gloves that have not previously been used with another client **does not apply to acupuncture otherwise than in the circumstances described in paragraph 4(3).***

*The provisions of paragraph 4(2) in relation to washing facilities **apply to cosmetic piercing using only a hygienic piercing instrument.***

*The exception whereby the byelaws do not apply to treatment carried out by or under the supervision of a dentist **applies only to acupuncture (see section 14(8) of the Act).***



## CHESHIRE EAST COUNCIL

### LICENSING COMMITTEE

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<b>Date of Meeting:</b>	<b>16 January 2012</b>
<b>Report of:</b>	<b>Head of Community Services</b>
<b>Subject/Title:</b>	<b>Hackney Carriage Tariffs</b>

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#### **1.0 Report Summary**

- 1.1 The report provides background in relation to the potential harmonisation of the 'table of fares' across the three hackney carriage zones within the Borough.

#### **2.0 Decision requested**

- 2.1 The Licensing Committee is requested to:

- 2.1.1 consider the options set out within paragraph 10.11 of the report in relation to the potential harmonisation of the hackney carriage 'table of fares' across each of the three zones within the Borough of Cheshire East;
- 2.1.2 subject to consultation, to determine whether to approve a variation to the 'table of fares' in one, two or all of the hackney carriage zones and, if any such variation is proposed, to determine the level of that variation(s);
- 2.1.3 if a proposed variation or variations are approved pursuant to 2.1.2 above, to authorise the Borough Solicitor, or office acting on her behalf, to publish the relevant notice(s) of variation, making provision for any objections to be submitted within the statutory consultation period of fourteen days; and
- 2.1.4 if no objections are received within the statutory consultation period in response to any notice of variation published in accordance with 2.1.3 above (or if any such objections which are received are withdrawn), the relevant table(s) of fares will come into operation in the relevant zone or zones on the date of the expiration of the consultation period (or, if later, on the date that the last objection, if any, is withdrawn). If objections are received and not withdrawn they would be reported to a subsequent meeting of the Licensing Committee for consideration.

#### **3.0 Reasons for Recommendations**

- 3.1 At its meeting on 8<sup>th</sup> June 2011, the Licensing Committee requested that the Head of Safer Stronger Communities submit a report in relation to the potential of the harmonisation of tariffs.

**4.0 Wards Affected**

4.1 All

**5.0 Local Ward Members**

5.1 All

**6.0 Policy Implications including – Carbon reduction; Health**

6.1 None

**7.0 Financial Implications (Authorised by the Director of Finance and Business Services)**

7.1 There would be a cost implication associated with the publication of statutory notices in relation to a variation of the 'table of fares'. The publicity costs relating to the statutory notices are estimated to be in the region of £3,000. These costs would be met from existing budget provision within the Licensing Section's budget.

**8.0 Legal Implications (Authorised by the Borough Solicitor)**

8.1 Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 provides that the following is required when varying a table of fares:

- (i) publication of a notice setting out the variation to the table of fares (specifying the period within and manner in which objections can be made) in at least one local newspaper circulating in the district; and
- (ii) deposit of the notice for the period of fourteen days at the offices of the Council for public inspection.

8.2 If no objection to the variation is made within the relevant fourteen day period (or if all such objections are withdrawn) the variation comes into operation on the date of the expiration of the period specified in the notice (or the date of withdrawal of the last objection (if any)). If objection is made and not withdrawn, a further date (not later than 2 months after the first specified date) shall be set on which the table of fares shall come into force with or without modifications as decided after consideration of the objections.

8.3 Consideration has been given to the application of the 'public sector equality duty' (as per section 149 Equality Act 2010) to the decision requested within paragraph 2.0 above. It is suggested that the decision requested would have a neutral impact in terms of its impact on those individuals with 'protected characteristics.'

## **9.0 Risk Management**

- 9.1 Full consideration of any objections received in response to publication of any notice would mitigate the risk of challenge to any subsequent decision taken.

## **10.0 Background and Options**

- 10.1 As Members will recall, on the 8<sup>th</sup> June 2011 the Committee resolved to amend the tables of fares as per the notices attached in appendices A, B and C; these changes came into force on the 14<sup>th</sup> June 2011.
- 10.2 The decision taken by Members on 8<sup>th</sup> June 2011 followed a previous report which dealt with a review of various issues relating to hackney carriages, including hackney carriage tariffs. On the 7<sup>th</sup> March 2011 the Committee resolved, subject to consultation, to increase the 'table of fares' by 10% across each of the three zones. The Committee's decision on 7<sup>th</sup> March 2011 was taken following consideration of the report and consultation responses received from the licensed trade. An extract from the report can be found at Appendix D and the relevant consultation responses at Appendix E.
- 10.3 As Members will note, the consultation responses varied greatly as to whether the adoption of a harmonised tariff was acceptable and broadly fell into three distinct philosophies as to the best approach:
- (i) harmonise to the highest current tariff that being Crewe & Nantwich;
  - (ii) a staged increase over a number of years to the highest tariff;
  - (iii) no harmonisation and changes to the tariffs are carried out on each individual zone independently.
- 10.4 Those respondents who argued for harmonisation suggested that the Council is one area and as such should have one tariff to ensure consistency and to avoid the public becoming confused.
- 10.5 Those against, mainly being in the Congleton Zone, argued that a large increase from their current tariff would damage their businesses driving customers away from taxis and into other modes of transport.
- 10.6 Those that argue for a staged approach state that this would be the only fair way to harmonise the tariffs without having a negative impact on the trade in Congleton.
- 10.7 It is the opinion of Officers that generally harmonisation is a positive step forward and would aid the Licensing Team in offering a more streamlined and efficient service.
- 10.8 In its request for this report to be submitted the Licensing Committee was particularly interested in understanding why the former borough of Crewe's tariff was so much higher than the other zones. Unfortunately there is limited

information available to Officers in relation to the historical tariffs. However former Crewe Licensing Officers are of the opinion that the Crewe tariff may be higher simply because the drivers in this area were determined in their pursuit of an annual increase.

- 10.9 It should be noted that in June 2011, the taxi trade paid for their taxi meters to be adjusted to accommodate the new tariffs. Obviously another change will dictate that this expense will have to be met again by a trade that is suffering in the current economic climate.
- 10.10 It should also be noted that the meter charge is the maximum that can be charged and it is legal to charge an amount less than that which appears on the meter.
- 10.11 The options which are available in relation to tariffs are:
- 10.11.1 To determine that no variation is made to the existing tariffs in any of the three hackney carriage zones;
- 10.11.2 To determine, subject to consultation, that a variation, at a level (or levels) to be determined by the Committee, should be made to the existing tariffs in one, two or all of the hackney carriage zones. If Members do wish to progress a harmonised approach they may wish to consider:
- a) a phased approach whereby the tables in one or two or all of the zones are varied at differing levels so that the tariffs move progressively closer together;
  - b) to vary two of the existing tariffs to that of the third zone; or
  - c) to propose a new harmonised tariff (at a level to be determined) to be applicable in each of the three zones.

## **Access to Information**

**APPENDIX A – Table of fares (zone 1)**

**APPENDIX B – Table of fares (zone 2)**

**APPENDIX C – Table of fares (zone 3)**

**APPENDIX D – Extract from Licensing Committee report (7<sup>th</sup> March 2011)**

**APPENDIX E – Extract from appendix to Licensing Committee report (7<sup>th</sup> March 2011)**

The background papers relating to this report can be inspected by contacting the report writer:

Name: Dustin Hawkes

Designation: Team Leader Investigations

Tel No: (01270) 686303

E-mail: [dustin.hawkes@cheshireeast.gov.uk](mailto:dustin.hawkes@cheshireeast.gov.uk)

CHESHIRE EAST BOROUGH COUNCIL (CONGLETON) ZONE  
LICENSING DIVISION

CHESHIRE EAST BOROUGH COUNCIL (CONGLETON ZONE)

HACKNEY CARRIAGE - SCALE OF FARES  
WITH EFFECT FROM 14<sup>th</sup> June 2011

1. Mileage

If the distance does not exceed 1,760 yards or part thereof	£2.90
For the second mile and further miles (metered in units for each 176 yards or part thereof)	£2.00
2. Waiting time £26.40 per hour
3. Soilage charge £44.00
4. Extra charges

(a)	(i)	For hiring begun between 11.30 pm and 7.00 am	Time and one half
	(ii)	Sundays and Bank Holidays	Time and one half
(b)	Christmas Eve	- 7.00 am to 6.00 pm	Ordinary time
		6.00 pm to 12 midnight	Time and one half
	Christmas Day	- 0.00 am to 7 a.m. on Boxing Day	Double time
	New Year's Eve	- 7.00 am to 6.00 pm	Ordinary time
		6.00 pm to 12 midnight	Time and one half
	New Year's Day	- 0.00 am (1 <sup>st</sup> January)	
		to 7.00 am (2 <sup>nd</sup> January)	Double time

Any comment about the Taxi or Driver should be sent in writing to Licensing Department, Westfields, Middlewich Road, Sandbach, Cheshire. CW11 1HZ, quoting either the Registration number or Plate number of the taxi or Drivers' badge.



**TARIFF OF CHARGES FOR THE HIRE OF HACKNEY CARRIAGES IN THE CREWE and NANTWICH ZONE OF CHESHIRE EAST COUNCIL**

**FARES FOR DISTANCE**

**(1) MILEAGE**

<b>TARIFF 1</b>		<b>£</b>
i	<b>DAY RATE (7am to 9pm)</b>	
ii	The first 176 yards	2.40
iii	Subsequent 176 yards	0.20
iv	Waiting time Each minute (or part of)	0.33
<b>TARIFF 2</b>		<b>£</b>
v	<b>NIGHT RATE (9pm to 7am) ALL SUNDAYS</b>	
vi	The first 160 yards	2.40
vii	Subsequent 160 yards	0.20
viii	Waiting time Each minute (or part of)	0.33
<b>TARIFF 3</b>		<b>£</b>
ix	<b>ALL BANK HOLIDAYS (midnight to midnight) CHRISTMAS &amp; NEW YEAR (from 6pm 24th December to 8am 27th December and from 6pm 31st December to 8am 2nd January)</b>	
x	The first 135.38 yards	3.50
xi	Subsequent 135.38 yards	0.20
xii	Waiting time Each minute (or part of)	0.33
<b>(2) EXTRA CHARGES</b>		<b>£</b>
xiii	Per person (over one)	0.33
xiv	Soiling Charge	44.00

**(3) VALUE ADDED TAX**

xv The above tariff is inclusive of VAT where applicable

Tariffs effective from 14th June 2011



TAXI FARES from 14<sup>th</sup> June 2011 in Cheshire East Council – Zone 3 Macclesfield  
 Fares for Distance – meters automatically display the correct fare for the time and date

Tariff 1	Tariff 2 Night Rate	Tariff 3	Tariff 4
Monday to Saturday	Monday to Sunday	Sunday and Bank Holidays except Christmas Day, Boxing Day and New Year's Day	Christmas Day, Boxing Day and New Years Day
7.00am to 11.30pm	11.30pm to 7.00am	7.00am to 11.30pm	7pm 24 Dec to 7am 27 Dec 7pm 31 Dec to 7am 2 Jan
First mile 1760yds (1609.34m) £3.30 Subsequent miles £2.00	Tariff 1 + 50%	Tariff 1 + 33.3%	Tariff 1 + 100%
Initial or minimum fare First 1320yds £2.70 Each subsequent 88yds £0.10 Up to every 24.8 seconds of Waiting time £0.10			

Extra charges at the discretion of the driver	The fare shown on the meter is the fare to be paid
For each person in excess of one £0.22	Any comment about the Taxi or Driver should be send to writing to:
Use of luggage space £0.11 per item not to exceed £0.44	Licensing Department, Westfields, Middlewich Road, Sandbach, Cheshire, CW11 1HZ – quoting
Wheel chairs, guide dogs and other assistance dogs No charge	either the registration number or the plate number of the taxi, or the driver's badge number.
Extra Charges will not exceed £1.10	
Except vehicles licensed to carry up to 8 passengers and are carrying in excess of 5 then extra charges will not exceed £1.98	
Soilage charge £49.50	

## FROM LICENSING COMMITTEE REPORT (7th March 2011)

authorities; and (3) That local authorities should be encouraged to look at ways of encouraging fair competition on taxi services where appropriate.

10.2.7 The Government's response to the OFT report was published in March 2004. The Government did not accept the principle recommendation of the OFT (i.e. that local licensing authorities' power to restrict the number of taxi licences they issue should be repealed), taking the view that local authorities should continue to be responsible for making decisions about whether or not to control taxi numbers in their respective areas. However, the Government conveyed its belief that, in general terms, quantity restrictions were unlikely to be in the best interests of consumers. Local licensing authorities that imposed quantity controls were asked to review their policies with particular emphasis on benefits for consumers.

10.2.8 Paragraphs 45 to 51 of Guidance set out the recommendations of central government's in relation to quantity restrictions of taxi licences outside London. Paragraph 47 states:

*Most local licensing authorities do not impose quantity restrictions; the Department regards that as best practice. Where restrictions are imposed, the Department would urge that the matter should be regularly reconsidered. The Department further urges that the issue to be addressed first in each reconsideration is whether the restrictions should continue at all. It is suggested that the matter should be approached in the interests of the travelling public – that is to say, the people who use taxi services. What benefits or disadvantages arise for them as a result of the continuation of the controls; and what benefits or disadvantages would result for the public if the controls were removed? Is there evidence that removal of the controls would result in a deterioration in the amount or quality of taxi service provision?*

10.2.9 The Licensing Committee may recommend to the Cabinet Member for Safer & Stronger Communities one (or a combination) of the following options:

- (a) that a formal consultation is undertaken in relation to the removal of the existing quantity restriction within zone 1 (Congleton zone);
- (b) that the current position of 'de-limitation' within either zone 2 (Crewe & Nantwich) or zone 3 (Macclesfield) is maintained;
- (c) that an unmet demand survey is commissioned in one, two or all of the hackney carriage zones.

### 10.3 Table of Fares ('Tariffs')

10.3.1 As Members are aware, local authorities have the power, under section 65 of the 1976 Act, to set the 'table of fares' which apply to hackney carriage vehicles. As previously reported, due to the fact that the licensing of hackney carriages within Cheshire East remains on a zoned basis, it is not possible at present to set a 'table of fares' or 'tariff' which relates to the Borough as a whole and tariffs must still be set for each individual zone.



10.3.2 The tariffs which are currently in operation came into force within the areas of the predecessor district Councils during the course of 2008 (Congleton – 1 April 2008; Crewe & Nantwich – 29 September 2008; and Macclesfield – 16 April 2008). Copies of the existing tariffs are set out within appendices A, B & C of Appendix 1 to this report. The table below summarises the fares in a manner which allows a simple comparison to be made between the existing provisions:

	<b>ZONE 1 Congleton</b>	<b>ZONE 2 Crewe &amp; Nantwich</b>	<b>ZONE 3 Macclesfield</b>
<b>Flag drop</b>	£2.60 (up to first 1,760 yards)	£2.20 (first 200 yards)	£2.60 (first 1,466.69 yards)
<b>First mile</b>	£2.60	£3.80	£3.00
<b>Two miles</b>	£4.40	£5.60	£4.80

10.3.3 The consultation document asked consultees to comment in response to the following questions: (a) *what are your views on how the differing tariffs should be brought into line?*; and (b) *whether or not the tariffs can or should be standardised across Cheshire East, what are your views on the current table of fares?*

10.3.4 Whilst the majority of consultees support the principle of standardising the tariffs across the three zones, a number of consultees suggest that the differentiation between the tariffs are too great to be harmonised and express concerns about the impact on trade/consumers in the zones where the existing fares are lowest.

10.3.5 As can be seen within the table at Appendix 2, a number of the consultation responses include proposals in relation to amended tariffs. For ease of comparison, details of these proposals are set out alongside the existing tariffs within the table at Appendix 3.

10.3.6 Paragraph 52 of the Department of Transport Best Practice Guidance states that fare scales should be designed with a view to practicality and that it is seen as good practice to “review the fare scales at regular intervals, including any graduation of the fare scale by time of day or day of the week.” The paragraph continues “The Department also suggests that in reviewing fares authorities should pay particular regards to the needs of the travelling public, with reference both to what it is reasonable to expect people to pay but also so the need to give taxi drivers sufficient incentive to provide a service when it is needed. There may well be a case for higher fares at times of higher demand.” Members will also note the content of paragraphs 53 and 54 of the Guidance in relation to downward negotiation of fares between passengers and drivers.

10.3.7 The options which are available in relation to the future of tariffs are as follows:

- (a) to harmonise each of the tariffs to one of the existing tariffs;
- (b) to harmonise each of the tariffs to a new level;
- (c) to separately vary each of the existing tariffs; or
- (d) not to vary the existing tariffs.

10.3.8 Subject to the above, the Committee is requested to formulate proposals in relation to the variation to the table of fares in each of the three hackney carriage zones within the Borough and to authorise the Borough Solicitor, or an officer acting on her behalf, to publish notice of the proposals, making provision for any objections to be submitted within the statutory consultation period of fourteen days. As Members will note the consultation responses suggest a number of different approaches to tariffs, however these are not the only options available and Members have the discretion to consider differing fare structures.

#### 10.4 Hackney carriage vehicle conditions

10.4.1 The existing vehicle conditions within the three zones are set out within appendices D, E & F of the consultation document at Appendix 1 to this report. As Members will note, there are differences between the conditions as they relate to matters such as the acceptable vehicle specification and frequency of testing. The consultation document asked the following questions in relation to existing terms and conditions: *"Which of the conditions do you think should be retained? Which do you think should be abolished or changed? Please provide reasons for your responses to this question."*

10.4.2 The responses received appear to be broadly supportive of the harmonisation of vehicle conditions across each of the three zones. The responses received do make certain specific suggestions in relation to an amended set of vehicle conditions. If Members are minded, subject to consultation, to approve amendments to the hackney carriage vehicle conditions in each of the zones, the following conditions may be considered in order to address the points raised within the consultation responses.

##### 10.4.3 Vehicle specification

The representatives of the Association have suggested the vehicle specification in relation to private hire vehicles within Cheshire East be adopted in relation to hackney carriages, with the addition of a requirement that all new hackney carriage vehicles must be wheelchair accessible (to M1 specification) (whilst all existing saloon cars would have the benefit of 'grandfather rights.').

A copy of the Council's existing Private Hire Vehicle conditions are attached as Appendix 5.

## EXTRACT FROM APPENDIX TO LICENSING COMMITTEE REPORT

	<p>around 1990 we had a survey in Crewe &amp; Nantwich funded by an increase in our fees of £20.00 for 3 years however the £20.00 was never removed and so in Crewe &amp; Nantwich we are already funding it.</p> <p>I feel the zoning should remain in place in the short term however the knowledge test should be changed in the way of having an extensive knowledge of the driver's chosen zone and a reasonable knowledge of the other two. I also think they should be fluent in English.</p>
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Consultation question 2:

What are your views on how the differing tariffs should be brought into line?

Consultation question 3:

Whether or not the tariffs can or should be standardised across Cheshire East, what are your views on the current tables of fares?

RESPONDENT	COMMENTS
Representatives of Association	<p>Suggested that the tariffs should be harmonised to the Crewe rates inflated by 5% and 2.5% (to take account of the increased VAT rate). Stated that wished the legal position about charging less than the meter fare to be made clear.</p> <p>A meeting was held in Macclesfield on the 22<sup>nd</sup> February 2011 to discuss the setting of a standard Hackney Tariff across East Cheshire.</p> <p>It is agreed by all that a standard Tariff would be the prelude to de-zoning and pave the way for rationalising of all other conditions, byelaws and regulations.</p> <p>The meeting was attended by representatives from Wilmslow, Knutsford Macclesfield and East Cheshire Taxi &amp; Private Hire Association.</p> <p>The following proposal, with options, agreed after lengthy discussions, is presented via the Councils Officers to the Licensing committee for their consideration.</p> <p>The proposal reflects current costs to running a Taxi, which are escalating, customer expectation of a fare(</p>

a very lengthy discussion), the different ways which the old Borough's calculated the Fare and the Councils duty to its electorate to agree a fair and equitable rate for all Hackney Drivers, Proprietors and their customers so ensuring the continuing high standard of service.	
Tariff 1 7am to 9pm	
Flag 200yds	2.35
Consecutive 195yds	0.21
Consecutive Mile	1.90
Tariff 2 9pm to 12 midnight	+ 12%
Option 1	
Tariff 3 12 midnight to 7am	+ 33.3%
Option 2	
Tariff 3 12midnight to 7am	+ 50%
Tariff 4 Sunday & Bank Holidays	+ 33.3%
Tariff 5	
7pm Christmas Eve to 12 midnight Boxing Day	
7pm New Years Eve to 12 midnight New Years Day	+ 100%
Waiting Time per hour	18.00
Soilage	75.00

Mottram St Andrew Parish Council	(2) They should be standardised, average and simplify, 1 <sup>st</sup> mile charge and a fixed rate for subsequent 196 yards. (3) Yes – should be similar subject to 1 <sup>st</sup> mile charges.
Knutsford Town Council	The Town Council sees no reason for differing charges throughout the borough and would support common charges. The Town Council would welcome the publication of charges in the most effective way possible.
Wilmslow driver (zone 3)	I think the day rate should be increased by 20p and the night rate should stay the same as people do complain about the rates that's why Lynx get a lot of the work around the Wilmslow area, as they are cheaper.
Driver (zone 2)	With regard to the tariffs in the different zones, the logical solution for this would be recalculate all the tariffs with regard to how they run. i.e. all zones could just run the three tariffs. Although I would assess the judging by the documents shown, if fares were standardised the biggest reduction in income would be in zone 2 as our first mile is £3.80 compared to £2.60 in zone 1. This may not seem a large amount but over a night and week it will add up to a significant sum. For me this would require a lot of consultation and compromise. I myself would be happy with a combination of the tariffs in zones 1 – 2 something like this:
(PROPOSAL B in Appendix 4)	<u>Tariff 1 (Day rate)</u>
	First 1,500 yards            £3.20
	Each 195 yards after       £0.20
	Waiting time                £0.30
	<u>Tariff 2 (Night rate)</u>
	First 1,300 yards            £3.20
	Each 176 yards after       £0.20
	Waiting time                £0.30
	<u>Tariff 3 (Bank Holiday Rate)</u>
	First 1,100 yards            £4.20
	Each 146 yards             £0.20
	Waiting time                £0.30

	<p>Soling Charge            £40.00</p> <p>I believe if we dropped as low as zone 3 prices people would lose jobs and firms would go under.</p> <p>The current fares in zone 2 would seem to be slightly high but not when you consider the increase cost of fuel and insurance and not to mention VAT. Looking at the other zone I am confident I would be unable to run my taxi at them rates.</p>																								
Hackney Carriage Firm (zone 3)	<p>We feel that in your next meeting you need to review the rate that the tariff is set at an increase the rate. Since the last rate increase a number of factors have changed and the result is that our company profit is getting less and less which penultimately will cause the larger companies to close.</p> <p>The factors I mentioned which have changed since the last rate increase are as follows:</p> <ul style="list-style-type: none"><li>(a) fuel has increased by at least 30p per litre</li><li>(b) vehicle MOT has increased by over £100.00 per year</li><li>(c) vehicle insurance has increased by 25%</li><li>(d) vehicle maintenance costs have increased by 20%</li><li>(e) VAT has gone up by 2.5%</li><li>(f) You are allowing too many hackney carriage independent drivers in zone 3</li></ul> <p>As I'm sure you will agree for companies like ourselves who are VAT registered and with costs going up as much as they have already and likely to increase further, a rate increase is the only viable option for all concerned.</p> <p>We have enclosed a list of our old rates with what we would consider a fair increase and I hope you will take this into consideration too.</p> <table><tr><td>Tariff 1</td><td>Monday to Saturday</td><td>7.20am to 11.30 pm</td><td>Proposed</td></tr><tr><td></td><td></td><td></td><td>Current</td></tr><tr><td></td><td></td><td></td><td>£3.00</td></tr><tr><td></td><td></td><td></td><td>£1.80</td></tr><tr><td></td><td></td><td></td><td>£3.40</td></tr><tr><td></td><td></td><td></td><td>£2.10</td></tr></table> <p>First mile (1760 yards)</p> <p>Subsequent miles</p>	Tariff 1	Monday to Saturday	7.20am to 11.30 pm	Proposed				Current				£3.00				£1.80				£3.40				£2.10
Tariff 1	Monday to Saturday	7.20am to 11.30 pm	Proposed																						
			Current																						
			£3.00																						
			£1.80																						
			£3.40																						
			£2.10																						
(PROPOSAL C in Appendix 4)																									

	<p>Initial or minimum fare (first 1,466.69 yards) £2.60 £3.00</p> <p>Each subsequent 97.77 yards 10p 13p</p> <p>Waiting time £13.19 /hour £20 /hour</p> <p>Up to every 27.3 seconds 10p 15p</p> <p>Soilage charge £45.00 £50.00</p> <p>Extra charges to be done away with</p>
Driver (zone 3)	<p>One tariff calculated using the Brighton &amp; Hove formula, with yearly inflation increases. Yes, the tariffs should be standardised across Cheshire East.</p>
Company operating hackney carriages (zone 3)	<p>I refer to your invitation for observations on various issues contained in the consultation document in relation to hackney carriage services. Whilst there are comments which pertain to individual questions I would like to offer my thoughts on the business of providing taxi services in the borough as a newish company looking at the expansion of it's fleet.</p> <p>I assume it is the Borough's aim to provide the borough's residents and businesses with hackney carriages that meet all rules and regulations laid down by Cheshire East and that the vehicles (after they have had their annual test) are well maintained , safe, serviceable and well presented? To achieve such a situation requires an adequate level of income to ensure proper servicing budgets are realistic. So the matter of a credible fare structure is vital to ensure that there is adequate income.</p> <p>It seems to me, regarding the standardisation of fares, that it is obvious that the fares have to go to the highest level that is currently in place. That region is quite clearly not going to accept a decrease in tariff when costs, like fuel, have increased by 20-30% and insurance premiums are following a similar trend. If you are going to standardise fares then an overall increase in the tariff should be done at the same time and it is vitally necessary. We are all suffering increased costs but fuel is our lifeblood and just like the haulage industry which is really struggling, it is our main cost, so please standardise but increase at the same time.</p>

	<p>I also feel that minibus owners like ourselves should be allowed to charge more when we are carrying in excess of 4 passengers. The current surcharge is derisory and must hark back to Hansom cab days and needs to be increased in line with private hire operators.</p> <p>You only have to take a trip around the ranks in Macclesfield to see how the current economic climate is impacting on both vehicles and operators alike.</p>
<p>x 42 hackney carriage drivers (zone 1)</p>	<p>The differentiation between the tariffs are too insurmountable to be harmonised in a manner that would be fair to all groups of taxi drivers in the existing separate boroughs. In the short term it would be impossible to implicate these new prices without causing damage to the trade, and in the current difficult economic conditions it would be very unfair to the public, as they are already suffering in the uncertain financial climate as it is.</p> <p>No, I do not believe that the tariffs should be standardised across Cheshire East. The different tariffs exist because each one has been formed so that it is appropriate to each area, hence the current Congleton tariff means that we only get £2.60 for 1,760 yards, whereas Crewe receive nearly just as much (£2.30) for only 200 yards!</p> <p>We in Congleton have already asked for a small fare increase on account of the current fuel and insurance prices that have risen way above the rate of inflation, meaning that many of use struggle to meet our running costs. However, to ask for more than this and increase the fares too much would be equally damaging to the taxi trade in Congleton, in not more so, as the people of Congleton will not be able to pay such high prices and as a result withdraw their business from the industry altogether by using other means of transport. For whilst it is important for us as taxi drivers to be able to earn enough to survive, it is also not fair to ask customers to pay way above what they can afford just because of the fare imposed on other areas.</p> <p>Proposed variation: An increase of 20 pence for the 1<sup>st</sup> mile flag fall, from £2.60 to £2.80 The second and further miles an increase of 10 pence, from £1.80 to £1.90</p>
	<p>PROPOSAL D in Appendix 4</p>



	Also, as a long standing Congleton driver, I personally don't feel that it is right or proper for myself or any other Congleton drivers to comment on the states of fares in other areas of Cheshire East. I respect the decisions regarding fares that taxi drivers in other neighbouring areas have made, and hope that they would feel the same with regards to ours.
Driver (zone 3)	<p>If you are to keep the three separate zones and we cant work in each others zone then there is no point amalgamating the three different tariffs.</p> <p>As above. Not until you abolish the 3 zone system. Current fares are overdue for an increase. I was last allowed to put my prices up on April 1st 2009, I can't think of another business that is treated in this way, certainly not Shell or Esso who have increased their prices by a third in the same time. Also don't forget the insurance companies in this equation. Whatever increase you do decide on, it will hardly effect the taxi drivers income, as we have been subsidising ourselves for the last eighteen months. This is without taking into account the cost of living, inflation, VAT rise, mechanical suppliers costs and the current economic climate, coupled with the fact that less people are using taxis. Do I need to go on ?</p>
Driver (zone 2)	Our last increase was in 2008, we agreed with the trade under discussion to hold back our 2009 proposal for increase in a bid to allow the other zones to be brought into line. Unfortunately the council failed to act and we put in for an increase in 2010 which we have received no correspondence from the council about. Now with a VAT increase and fuel going through the roof we need the increase and urgently.
Chorley Parish Council	<p>Tariffs should be the same rate across Cheshire East.</p> <p>Should be made simpler and described in the same way across all Hackney Carriages.</p>
Proprietor/Driver (zone 3)	Fare standardisation is a must as if we are Cheshire East we should be one zone not three as it is hard to lower a price than to raise a price a rate as it seems Macclesfield is the higher it should be aligned across the board.
Proprietor/Driver (zone 3)	If these are tariffs are to merge, then there must be proper meetings between drivers and taxi companies from all the three zones as well as council members to discuss the merging of the tariffs.

	Between Macclesfield and Congleton zones I would have thought that they could be merged together, fairly easily and without too many problems. However, the C & N tariffs are so much more, that if their rates were to be adopted by the other zones, then it would decimate their taxi-rank businesses. I feel that the only way forward to be to increase the tariffs in Macclesfield and Congleton zones in steps over a number of years.
x79 drivers	Tariffs should be standardised across the whole of Cheshire. So we can be flagged down in Cheshire East anywhere.
Proprietor/driver	I personally would like to see all the fares in Cheshire East to be standardised for uniformity. I don't think having yellow, blue, red triangles in the licence plate makes a difference. Example is: You drop off a fare in Congleton at 01.45 am and someone is flagging you down because they want to go home and you can't pick them up because the tariffs in Congleton and Macclesfield and Crewe are different. People see a taxi sign they don't see what colour triangle is in the plate to distinguish which area you are coming from. So standardising the fares will make it easier for us to serve the public so that if I drop off in Crewe and I see people needing a taxi I can drop in and help shift the people home safe and sound after all it's one Cheshire East Council. This also applies to the bye-laws. By merging them into one standard law will make the area more organised and we as drivers will be working together to achieve one common goal.
Private Hire Driver	A short note to you, I have been a Private Hire Driver for 12 years. What bothers me the amount of taxis or private hire cars running is what do they charge for a journey, how much goes in the books or back pocket no one is checked only the VAT boys. One more, what insurance do they carry. It makes people wonder you can go from Holmes Chapel to Man Air return for £50.00 with a Middlewich taxi company.
Proprietor/Driver (zone 3)	(a) First of all Crewe appears the only zone which includes Vat within the tariff. This needs amendment immediately. Only vat registered proprietors should be permitted to charge Vat as they are the only ones paying Vat to the treasury. If the Vat is taken out of the tariff then this immediately reduces to the general public (and allows the Vat reg proprietor to decide if he wishes to charge it to that customer) and prevents problems when the Vat rate fluctuates. Eg: When the Vat increased from 17.5% to 20% I applied for the tariff to be adjusted, this was rejected and I suggest that this is bordering on being illegal. The treasury has increased the amount I have to pay in Vat yet I am unable to increase the amount I charge ???

	(b) The tariff for the 3 zones requires standardising but as for the best way of reaching a satisfactory conclusion I have no suggestions at present.
Sandbach Town Council	Differing tariffs should be brought in line with Crewe and Nantwich who currently offer the fairest of tariffs.
Sutton Parish Council	Q2 - What are your views on how the differing tariffs should be brought into line. A - <b>Average tariff across all zones</b>  Q3 - a) Whether or not the tariffs can or should be standardised across Cheshire East. A - <b>Yes</b>  b) What are your views on the current tables of fares A - <b>Too diverse</b>  I also think the Council should automatically award an increase in fares annually, and only consult if we object on any grounds.
Driver (zone 2)	

**Consultation question 4:**  
**Which of the conditions do you think should be retained? Which do you think should be abolished or changed?**  
 Please provide reasons for your responses to this question.

RESPONDENT	COMMENTS
Representatives of the Association	<ul style="list-style-type: none"> <li>• adopt vehicle specification for hackney carriages from existing Cheshire East Borough Council Private Hire Vehicle conditions – with the addition of a requirement that all new hackney carriages must be wheelchair accessible (M1 specification);</li> <li>• all existing saloon cars could remain as hackney carriages (i.e. there would be 'grandfather rights' in relation to the wheelchair accessibility requirement);</li> <li>• any new application for a vehicle licence must relate to a vehicle under eight years of age, and no vehicle may remain licensed once it is over twelve years old, together with removal of six monthly testing</li> </ul>

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## CHESHIRE EAST COUNCIL

### LICENSING COMMITTEE

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Date of Meeting:	16 January 2012
Report of:	Head of Community Services
Subject/Title:	Private Hire Vehicle Conditions and Vehicle Test Guidelines

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#### 1.0 Report Summary

- 1.1 The report provides background in relation to a consultation exercise on private hire vehicle conditions and vehicle test guidelines together with the consultation responses received by the Council.

#### 2.0 Decision requested

- 2.1 The Licensing Committee is requested:
- 2.1.1 to consider consultation responses received in relation to the proposed amendment of condition 2.7 of the Private Hire Vehicle Conditions and the accompanying vehicle test guidelines; and
- 2.1.2 to determine whether to approve, with or without amendment:
- (a) the deletion of the existing condition 2.7 of the private hire vehicle conditions and its replacement with: "All glazing shall comply with the Road Vehicles (Construction and Use) Regulation 1986 (as amended)" and
- (b) the Private Hire Vehicle test guidelines.

#### 3.0 Reasons for Recommendations

- 3.1 At its meeting on 12<sup>th</sup> September 2011 the Licensing Committee resolved that, subject to consultation, condition 2.7 of the private hire vehicle conditions be deleted and replaced with: "All glazing shall comply with the Road Vehicles (Construction and Use) Regulation 1986 (as amended)." The Licensing Committee further resolved to consult on a set of proposed Private Hire Vehicle test guidelines.
- 3.2 The consultation period has now concluded and responses have been received in relation to these proposals. The Licensing Committee is therefore requested to consider the consultation responses before making a decision on these issues.

**4.0 Wards Affected**

4.1 All

**5.0 Local Ward Members**

5.1 All

**6.0 Policy Implications including – Carbon reduction; Health**

6.1 The report deals with a proposed amendment to the Private Hire Vehicle Conditions and the adoption of a set of Vehicle Test Guidelines; full details are set out within the body of the report.

**7.0 Financial Implications (Authorised by the Director of Finance and Business Services)**

7.1 None.

**8.0 Legal Implications (Authorised by the Borough Solicitor)**

8.1 Section 48(1) of the Local Government (Miscellaneous Provisions) Act 1976 ('the 1976 Act') provides that a local authority shall not grant a licence to a private hire vehicle unless it is satisfied that the vehicle is (i) suitable in type, size and design for use as a private hire vehicle; (ii) not of such a design and appearance as to lead any person to believe that the vehicle is a hackney carriage; (iii) in a suitable mechanical condition; (iv) safe; and (v) comfortable. Section 48(2) of the 1976 provides local authorities with the power to attach to private hire licences such conditions as they may consider 'reasonably necessary.' The imposition of conditions on a private hire vehicle licence is subject to a right of appeal to the Magistrates' Court.

8.2 Consideration has been given to the application of the 'public sector equality duty' (as per section 149 Equality Act 2010) to the decision requested within paragraph 2.0 above. It is suggested that the decision requested would have a neutral impact in terms of its impact on those individuals with 'protected characteristics.'

**9.0 Risk Management**

9.1 Full consideration of consultation responses is required in order to avoid the risk of challenge to any decision.

**10.0 Background and Options**

10.1 As Members will recall on 12<sup>th</sup> September 2011 the Committee considered a report in relation to the Council's existing private hire vehicle conditions. The Committee was requested to review specific conditions including condition 2.7, relating to tinted windows.

- 10.2 The existing condition 2.7 of the private hire vehicle conditions states: "With the exception of the rear window of a vehicle, heavily tinted glazing and tinted films applied to vehicle windows are not permitted. All glazing shall comply with the Motor Vehicles (Construction and Use) Regulations 1986 (as amended), with regard to the level of tint. A minimum light transmission value of 70% shall be maintained in all side windows; windscreens shall have a minimum light transmission value of 75%." Members were advised that the requirements of the Construction and Use Regulations (enforced by VOSA) are that the light transmitted through the windscreen must allow at least 75% whilst the side windows (to the front of the 'B' pillar) must transmit at least 70%. Members were also referred to paragraph 30 of the DfT Best Practice Guidance in relation to tinted windows which states:

*The minimum light transmission for glass in front of, and to the side of, the driver is 70%. Vehicles may be manufactured with glass that is darker than this fitted to windows rearward of the driver, especially in estate and people carrier style vehicles. When licensing vehicles, authorities should be mindful of this as well as the large costs and inconvenience associated with changing glass that conforms to both Type Approval and Construction and Use Regulations.*

- 10.3 Having considered the information within the report the Committee resolved that, subject to consultation, condition 2.7 of the private hire vehicle conditions be deleted and replaced with: "All glazing shall comply with the Road Vehicles (Construction and Use) Regulation 1986 (as amended)."
- 10.4 A consultation exercise was carried out between 12<sup>th</sup> October 2011 and 3<sup>rd</sup> January 2012. Correspondence in relation to the consultation was sent directly to private hire vehicle proprietors, private hire vehicle operators and private hire vehicle drivers, the three Chambers of Commerce & Enterprise within the Borough and to Cheshire Constabulary. In addition, consultation documentation was published on the Council's website and correspondence sent to Cheshire East Council Transport Co-ordination and the two Council appointed testing centres.
- 10.5 The Council has received seven responses to the proposal within paragraph 10.3 above; details of these consultation responses are set out in full within Appendix A to this report. As Members will note three of the consultation responses received from private hire vehicle proprietors are in support of the proposed amendment of condition 2.7. The response from Cheshire Constabulary suggests that the Police have no issues or concerns to bring to the attention of the Committee in respect of the proposals. Meanwhile the response from the South Cheshire Chamber of Commerce & Industry states: "...it is important that the quality and safety of taxis should be at the highest level possible as they are often the first point of contact for visitors and create a lasting impression. For this reason therefore we would support any proposals that improve current arrangements."

- 10.6 Members are requested to consider the consultation responses attached within Appendix A and to determine whether to approve the deletion of the existing condition 2.7 of the private hire vehicle conditions and its replacement with: "All glazing shall comply with the Road Vehicles (Construction and Use) Regulation 1986 (as amended)."
- 10.7 On 12<sup>th</sup> September 2011 Members also considered a proposed set of vehicle test guidelines which were proposed to be applicable to the testing of private hire vehicles across the Borough. It was suggested that formalising a set of vehicle test guidelines would be beneficial by ensuring transparency and consistency in the way that vehicles are tested. The draft guidelines, as sent out for consultation, are attached as Appendix B to the report.
- 10.8 The Council has received two responses in relation to the content of the vehicle test guidelines. The specific points raised and the officer recommendations in relation to each of the points are set out in the table below. Members are asked to consider the consultation responses and determine whether to make any amendments to the proposed vehicle test guidelines.

Relevant paragraph of vehicle test guidelines	Consultation response	Officer recommendation
Section A - 1	Request for clarification about the production of an official MOT record for that part of the test	As current practice, an official MOT record is not required; the requirement is rather that vehicle is tested to the MOT standard
Section A – 2	Draws attention to the requirement that seating configuration must be approved by the Council at the time the vehicle is first licensed. Query relating to recording of seating configuration.	Officers will address this issue directly and consider the form used for recording test results.
Section A – 16	We assume that the absence of a spare wheel would be acceptable as per the Hackney Carriage guidelines and therefore the text from those would need copying over into this section.	Yes – it is recommended that (subject to the point below about the level of tread) an amendment is made to bring this in line with the proposed Hackney Carriage Vehicle Test Guidelines, i.e.  16. Condition of spare tyre: Must have more than 2mm over total width of tyre;  Space saver tyres: Slim/space saver type must be to manufacturer specification;  Tyre inflation devices: Spare tyre may be replaced by an approved specified inflation system.
Section A – 19	It may be worth further clarification that tools such as the jack and wheel brace would not be required for vehicles not fitted with a spare wheel.	Accepted.



Section A – 25	This may need further clarification about whether all 'welding repairs' are prohibited.(i.e. clarification to state that only 'patch' type welding repairs for example for corrosion damage would not be acceptable, as otherwise some body work repairs carried out by specialist accident repair centres which may include the welding in of complete new panels (floors, cills, quarter panels etc) to the manufacturer's specification would be prevented).	Accepted. Recommended that the test guidelines be amended to state that 'patch' repairs and unacceptable but welding repairs of whole new panels to manufacturer's specification are acceptable.
Section B – 2	Submitted that would be more appropriate for the Licensing Section to check the LPG certificate when the licence application is submitted.	Accepted. Recommended that this requirement be removed from the test guidelines and added to the application procedure.
Section A – 16 & 43	<p>Wheels and tyres UK legal requirement is 1.6 mm over 75% of the tyre breadth in a continuous band over the whole of the circumference.</p> <p>Advocating a 2 mm over the total width of the tyre on the full circumference creates ambiguity when police/insurance companies or legal advisors are dealing with accidents etc as well as increasing the costs of operating a taxi.</p>	

### Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

Name: Dustin Hawkes

Designation: Team Leader Investigations

Tel No: (01270) 686303

E-mail: [dustin.hawkes@cheshireeast.gov.uk](mailto:dustin.hawkes@cheshireeast.gov.uk)

## **APPENDIX A**

### **South Cheshire Chamber**

Thank you for your letter dated 17<sup>th</sup> October 2011 giving the Chamber the opportunity to comment on your proposals in relation to private hire vehicles and hackney carriages.

Whilst we feel unable to comment in detail on the technicalities involved, it is our view that from an image perception point of view it is important that the quality and safety of taxis should be at the highest level possible as they are often the first point of contact for visitors and create a lasting impression.

For this reason we would support any proposals that improve current arrangements.

### **Cheshire Constabulary**

Re: (i) Consultation in relation to proposed hackney carriage vehicles conditions (zones 1,2 & 3) and hackney carriage test guidelines; (ii) consultation in relation to private hire condition 2.7 and private hire guidelines.

Thank you for recent correspondence forwarded to Cheshire Constabulary Roads Policing Unit, in respect of the proposed amendments detailed above, which have been forwarded for my attention.

I have reviewed the information you have sent. The conditions imposed on Private Hire/Hackney carriages are a matter for the Licensing Committee to determine. The guidelines forwarded to me would appear to set a clear and unambiguous criteria for the standards expected of a Private Hire or Hackney Carriage Vehicle. I have no issues or concerns to bring to the attention of the Licensing Committee in respect of these proposals.

### **Private Hire Vehicle Proprietors (x 2)**

Thank you for your letter dated 12 October 2011.

I would like to express my approval to the proposed changes to the above (condition 2.7 – in relation to tinted windows).

I would agree most strongly with the new proposal regarding tinted glass in private hire vehicles as most vehicles that I would like to purchase for my business are inaccessible to me because of the current regulations regarding tinted glass. Once I have selected a new vehicle to purchase it is only after the initial MOT that I am told that I do not conform to current regulations because of the current regulations. Under the current regulations I would have to incur considerable expense to change the glass in a new vehicle (as I have previously had to do) which is totally unacceptable in the current economic climate, or alternatively the purchase of a proposed new vehicle falls through.

Please accept this written acknowledgement that both myself and my partner wholeheartedly agree with the new proposal.

Thank you for your help and assistance in this matter. I look forward to hearing from you regarding the outcome of the proposed changes.

### **Private Hire Vehicle Proprietor**

Firstly may I say how disappointed I am at the Licensing Committee for not recognizing that the meeting time is just totally inconvenient for most Business's or sole drivers, being around the school time, can this be resolved to fit more in the timetable of a working Business.

Please do not get me wrong I fully understand there have to be rules but as a Genuine Business owner I feel that the Committee have gone 1 step too far and all you are doing is hindering Businesses like ours from surviving.

### Objection

There has been a total misunderstanding between the Committee and the Trade, this can only be resolved if both parties are willing to form a working party, this way the Committee will have a real understanding of how the Trade works in the 21st Century.

### Tow Bars

I am speaking on behalf of myself as the Owner of a business which has a small fleet of 10 cars, these cars are owned by myself for the purpose of running a business, but are also insured for myself to use as a personal vehicle, therefore if I wish to tow my own trailer/caravan then that is my business and nothing to do with the PH rules, I have never asked nor will I do for the Committee to consider allowing a trailer to be passed to use for Business/Trade, therefore can we please clarify the use of tow bars on vehicles, as it has not yet been passed by law that we can not fit such extra's, you the Committee have no power to stop the use of tow bars on personal vehicles.

### 6 Month Inspection

Again a total misunderstanding, I personally drive a vehicle which is over 7 years old, but I challenge you to tell me how old the car is in fact, because as a Business owner I look after my cars and maintain them to a very high standard, by employing a full time mechanic (ex Ford - time served). As far as I am aware, please correct me if I am wrong, the DoT set rules for vehicle over 3 years old to have a Vehicle test once a year, therefore how can you pass a rule to make 7 year olds have a vehicle test twice a year, if what you have done is passed as law then I apologize, but if not please accept this as I will challenge you through Court if necessary to correct the issue.

### Glazing

Can I please ask have any of the Committee actually read the Road Vehicles (Construction and Use) Regulations 1986?

Finally please do not misunderstand me, I am all for following the law when it comes to running a Business, but please leave it to the responsible people to run their Business in the interest of their customers, I feel very strongly that this is not the case with the Committee, but by working together I am sure we can harmonize the Trade.

### **Private Hire Vehicle Proprietor**

I am writing to express my views on the proposed consultation in relation to Private Hire Vehicles.

I am happy about the change to the vehicle window spec, as I didn't see any benefit to anyone for this new rule and after recently purchasing a new vehicle the options were limited, also I would like to express my view on the tow bar issue.

While I understand your reasoning for the abolition of tow bars on private hire vehicles, it is my concern that like me my vehicle is also my private car and because I own a caravan this rule seems to discriminate me. If I could make a suggestion that maybe the rule may be changed from not allowing trailers to be used for the purpose of hire or reward, I then think this would meet everyone's criteria, please let me know what you think about this proposal.

### **Approved Testing Centre**

We don't see any problem with the deletion of condition 2.7 and replacing it with the new text.

### **Taxi proprietor**

Condition 2.7 – no objection, new proposed condition welcomed.

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## PRIVATE HIRE VEHICLE TEST GUIDELINES

The vehicle test comprises a standard MOT and an additional test against all points listed in column 1 below. In deciding whether a vehicle satisfies each point you must have regard to the guidelines in column 2 – “Point for Failure or Comment”.

Any clarification necessary can be obtained from the Council by contacting the Licensing Section.

### Section A

THE VEHICLE (Column 1)	POINT FOR FAILURE OR COMMENT (Column 2)
1. Pass MOT style inspection	Fail if vehicle does not pass current MOT test.
INTERIOR	POINT FOR FAILURE OR COMMENT
2. Seating <ul style="list-style-type: none"> <li>- condition (see condition 2.3)</li> <li>- size (see condition 1.5)</li> <li>- seating configuration (see condition 1.7)</li> </ul> 3. Operation of all seat mechanisms	<p>All seats, seat coverings (where fitted), upholstery and trims must be free from rips and tears, clean and in a good state of repair.            Passenger seats must be properly cushioned, covered, fixed and secured.</p> <p>Passenger seats must be at least 406mm wide per passenger with no significant intrusion by wheel arches, armrests or other parts of the vehicle.</p> <p>Must be permanently fixed in the configuration approved by the Council at the time the vehicle is first licensed</p> <p>If designed to do so the front passenger/driver seat must slide back and forth without snagging and allow for adequate passenger legroom. Hackney flip up rear facing seats must return to the vertical position when unoccupied</p>
4. Condition of headlining.	Cut, tear etc more than 1cm in width/length unacceptable.

5. Operation/fitting of sunroof.	No leakage or sign of leakage. If retrofit, must have been fitted to a reasonable standard.
6. Condition of carpets (see condition 2.3)/gear lever/handbrake gaiter.	Interior flooring – Must be appropriate covering - fair wear and tear acceptable but should be clean and in good condition with no tears, rips or holes.  Gaiter – Fair wear and tear acceptable. Tears or insecurity unacceptable.
7. Condition of trim.	Must not be loose or missing.
8. Windows and operation of window mechanisms	All windows must have handles or switches and all windows must be able to be opened fully
9. Doors (see condition 1.4) and door mechanisms including child locks.	Must have a minimum of four doors of which either (a) where the rear door is 'split' two doors shall be on the near side and two on the offside; or (b) where the rear door is 'split' at least three doors shall be fitted to the side of the vehicle. All doors must be capable of being opened from both the inside and outside. If fitted with an electronic locking system must be capable of being overridden to enable doors to be opened manually.
10. Operation of reversing lights.	Fail if water penetration or wrong bulb has been fitted. Occasional misting acceptable.
11. Operation of spot lights (if fitted).	Fail if water penetration or wrong bulb has been fitted. Must be firmly fixed to vehicle if retrofit. Occasional misting acceptable
12. Operation of heated rear window (if fitted).	Fail if more than one element defective.
13. Operation of heater / demister fan.	Must work on all settings.
14. Operation of courtesy lights.	Must operate automatically on opening and closing any passenger door (if fitted).
15. Seat belts (see condition 1.6)	Seat belts must be inertial reel seat belts of the three point type for all seats. All seat belts must be to the M1 approved standard or equivalent.

BOOT / LUGGAGE AREA	POINT FOR FAILURE OR COMMENT
16. Condition of spare tyre.	Must have more than 2mm over total width of tyre.
17. Condition of spare wheel rim.	Fail if damaged and unsatisfactory for road use.
18. Condition of boot carpet, trim and parcel shelf.	Missing, torn or badly stained carpet/matting unacceptable.
19. Condition of tools (if fitted).	Must carry manufacturer's wheel brace (or acceptable alternative) and jack or B.S. alternative.
20. Tools and spare wheel stowed correctly.	Fail if spare wheel is unable to be secured. Tools/jack to be stowed.
21. Internal boot/hatch and opening mechanism.	Estate cars must be fitted with adequate means of preventing stowed luggage entering passenger compartment (grille or manufacturer's cover). Boot lid/hatch must stay fully open.
22. Signs of water ingress.	Minor ingress to be reported. Major ingress failure.
EXTERIOR	POINT FOR FAILURE OR COMMENT
23. Bodywork, bumpers and damage.	Bumpers: slight dents acceptable. Cracks/holes unacceptable.  Unless two tone, must be same colour all over. Paintwork must be clean and not show undue discolouration. Bodywork must not be capable of injuring a passenger or pedestrian. Corrosion at point of fixing of seat to the floor of vehicle unacceptable

24. Paintwork - scratches and rust.	Minor scratches acceptable. Extensive scratches not acceptable or if scored to metal. No extensive rust but minor surface rust acceptable.
25. Evidence of previously repaired bodywork damage (see condition 2.2)	Must be free from unrepaired damage and finished to match existing paintwork after repair.  Vehicle will fail if requires welding repair to the bodywork floor panels or door cills.
26. Trim damaged/missing.	Unacceptable if any trim etc. is missing, or if trim has sharp or protruding edges.
27. Condition of front and rear wiper blades.	Must effectively clear screen. Must operate on all settings.
28. Side and rear glass.	Minor chips acceptable but to be clear and free from cracks. Professional repairs to glass acceptable if to standard.
29. Windows/Windscreen general.	All glazing shall comply with the Road Vehicles (Construction and Use) Regulations 1986 (as amended)
30. Wheel trims.	All wheel trims must match. Fail if damaged or missing.
31. Condition and legality of number plates.	'Fogging' or damage, not acceptable.
32. Trailers/roof racks	The vehicle shall not be fitted with a tow bar.  Any roof rack must be fitted securely and in compliance with manufacturer's specifications.



ENGINE COMPARTMENT	POINT FOR FAILURE OR COMMENT
33. Cam box/rocker cover gasket not leaking.	Any leak is a failure.
34. Radiator for leakage/damage/security.	Excessive leaks fail.
35. Hoses and clips for leakage/damage/security.	Minor leakage to be reported. Major leakage or serious deterioration of hoses etc. failure.
36 Condition of washer bottle.	Pump must be working and bottle not damaged.
37. All engine wiring for wear.	Bare wire(s) unacceptable.
38. Oil leaks from engine.	Excessive leaking unacceptable.
39. Oil leaks from gearbox/axle/final drive assembly (as applicable).	Excessive leaking unacceptable.
UNDER THE VEHICLE	POINT FOR FAILURE OR COMMENT
40. Steering assembly for damage.	Any sign of damage is unacceptable.
41. Steering assembly for wear and leaks.	Steering must be positive and free from wear and leaks.
42. Propshaft / driveshafts and gaiters for security, signs of wear and leaks.	Excessive play or leaks unacceptable.
WHEELS AND TYRES	POINT FOR FAILURE OR COMMENT
43. Tyres for tread depth and pressures.	Must have more than 2 mm over the total width of the tyre on the full circumference. Pressure to be at manufacturer's standard.
44. Sidewalls for cracks/damage and tyre compatibility.	Fail for cracks or damage.
45. Wheels for Damage.	Fail if heavily damaged or warped.

VEHICLE PERFORMANCE CHECK	POINT FOR FAILURE OR COMMENT
46. Clutch slip/drag/judder (or kickdown and change speed operation on automatic).	Must perform to manufacturers guidelines.
47. Gearbox operation. All gears must work/engage.	All gears must be easily selected. Gear stick must be secure.
48. Transmission/axle noise.	Excessive noise unacceptable.
49. Speedometer operation.	Must be working.
50. Odometer / trip-meter operation.	Both must work.
51. Operation of fuel and temperature gauges.	Both gauges must work.
52. Operation of wiper/washer of front and rear.	Must clear screen. If rear wiper/washer fitted by manufacturer, must be in place and working.
53. Door or wing mirrors.	One must be fitted either side of the vehicle No tape or other fastening acceptable. Manufacturer's specification mirrors only acceptable.
54. Operation, security and glass of interior rear view mirror.	Must be fitted and adjustable.
GENERAL	POINT FOR FAILURE OR COMMENT
55. First Aid Kit and Fire Extinguisher (see condition 6.1 & 6.2)	<p><b>A first aid kit</b> - must be clean, well stocked and must be carried securely within the vehicle (could be carried in the boot area).</p> <p>Fail if missing or if not clean and well stocked.</p> <p><b>A fire extinguisher</b> - Must be carried securely within the vehicle. Must comply with British Standards (or equivalent).</p> <p>Disposable - Reject if beyond expiry date or no expiry date visible.</p> <p>Non-Disposable – Reject if not accompanied with stamped service log carried-out within previous 12 months.</p>

56. Signage (see condition 7)	<p>The following <u>must</u> be displayed on the side of the vehicle (on a body panel NOT a window)</p> <ul style="list-style-type: none"> <li>(i) "PRIVATE HIRE"</li> <li>(ii) "ADVANCED BOOKINGS ONLY"</li> <li>(iii) The fixed landline number of the operator</li> </ul> <p>The wording must be (i) clearly and permanently affixed in contrasting colour in letters and numbers not less than 65 mm in height and not less than 8 mm thickness (ii) positioned together in a manner approved by the Council.</p> <p>Fail if displayed by means of magnetic sign or other removable sign</p> <p>Any other advertising must be with permission of Council and may not include the words 'taxi' or 'cab' or 'for hire.'</p> <p>Must not have a roof sign or any illuminated signage.</p>
<p>57. Wheelchair accessible vehicles (see condition 3):</p> <p>Internal layout</p> <p>Ramps / Boarding lift / Platform</p> <p>Straps, belts and anchorage equipment</p>	<p>Wheelchair space must not be less than (i) 1,300 mm (in longitudinal plane); (ii) 750mm (in transverse plane); and (iii) 1,500 mm vertically.</p> <p>Wheelchair ramps/lifts/platforms must be adequate for the purpose. Incline of ramp shall not be greater than 16 degrees. Boarding lift/platform must be capable of manual operation.</p> <p>Ramps, boarding lifts and platforms must not hinder access to or egress from the vehicle or to the handle or any mechanism used for opening a door.</p> <p>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. The restraint system must be installed and operated in accordance with the manufacturer's instructions.</p>
<b>Section B</b>	
<b>GENERAL</b>	<b>POINT FOR FAILURE OR COMMENT</b>
B1. Vehicle must be right-hand drive.	Fail if left-hand drive.

<p>B2. Liquefied Petroleum Gas (LPG)</p> <p>If the vehicle has been constructed or adapted to use LPG the proprietor must produce a certificate of compliance by an approved Liquid Petroleum Association (LPGA) approved installer.</p> <p>A sticker stating that the vehicle has been fitted with an LPG tank must be displayed on the front and rear screens.</p> <p>If a doughnut tank is fitted in the spare wheel well of the boot, the spare wheel must be securely fixed in a position not obstructing the entire boot space.</p>	<p>Failure if no certificate produced.</p>
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## CHESHIRE EAST COUNCIL

### LICENSING COMMITTEE

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<b>Date of Meeting:</b>	<b>16 January 2012</b>
<b>Report of:</b>	<b>Head of Community Services</b>
<b>Subject/Title :</b>	<b>Hackney Carriage Vehicle Conditions</b>

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#### **1.0 Report Summary**

- 1.1 The report provides background to a consultation exercise in relation to a proposed set of hackney carriage vehicle conditions and vehicle test guidelines to apply in each of the three hackney carriage zones together with the consultation responses received by the Council.

#### **2.0 Decision requested**

- 2.1 The Licensing Committee is requested:
- 2.1.1 to consider consultation responses received in relation to the proposed hackney carriage vehicle conditions and the accompanying vehicle test guidelines; and
- 2.1.2 to determine whether to approve, with or without amendment, the hackney carriage vehicle conditions and the vehicle test guidelines.

#### **3.0 Reasons for Recommendations**

- 3.1 At its meeting on 12<sup>th</sup> September 2011 the Licensing Committee resolved that, subject to consultation, to approve a set of hackney carriage vehicle conditions and vehicle test guidelines to apply in each of the three hackney carriage zones.
- 3.2 The consultation period has now concluded and responses have been received in relation to these proposals. The Licensing Committee is therefore requested to consider the consultation responses before making a decision on these issues.

#### **4.0 Wards Affected**

- 4.1 All

#### **5.0 Local Ward Members**

- 5.1 All

## **6.0 Policy Implications including – Carbon reduction; Health**

- 6.1 The report deals with a proposed set of hackney carriage vehicle conditions and vehicle test guidelines to apply in each of the three hackney carriage zones; full details are set out within the body of the report.

## **7.0 Financial Implications (Authorised by the Director of Finance and Business Services)**

- 7.1 If Members determined that further consultation is required (see paragraph 10.7 below) there would be further costs (of approximately £1,000) associated with printing and postage. It is suggested that any such costs would have to be met from existing budget provision within the Licensing Service's budget.

## **8.0 Legal Implications (Authorised by the Borough Solicitor)**

- 8.1 Section 47(1) of the 1976 Act provides local authorities with the power to attach to hackney carriage licences such conditions as they may consider 'reasonably necessary.' Section 47(2) states that without prejudice to the generality of section 47(1), a council may require vehicles to be "of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage." The imposition of conditions on a hackney carriage vehicle licence is subject to a right of appeal to the Magistrates' Court.

### **8.2 Equality considerations:**

- 8.2.1 Consideration has been given to the application of the 'public sector equality duty' (as per section 149 Equality Act 2010) to the decision requested within paragraph 2.0 above. A screening assessment identified a potential impact on individuals or groups with a 'protected characteristic' in the context of the proposed requirement relating to wheelchair accessible vehicles. As set out within the Equality Impact Assessment documentation appended to this report, a positive impact for wheelchair users was identified, i.e. that the proposed policy would assist in the aim of ensuring that wheelchair users can access hackney carriage vehicles with as little delay and inconvenience as possible. However, a potentially detrimental impact was identified in relation to non-wheelchair users who, due to mobility impairment, may find it more difficult to access a purpose-built wheelchair accessible vehicle.
- 8.2.2 Consultation has been carried out in order to seek the views of relevant stakeholders on this issue. Whilst a response from one disability group was supportive of the proposals, a number of other responses received suggested: (i) that, where possible, wheelchair users who are not wheelchair bound prefer to use a saloon vehicle and put the wheelchair in the boot of the vehicle; and (ii) that wheelchair accessible vehicles are more difficult for elderly passengers or those with mobility impairments to access.
- 8.2.3 The Equality Impact Assessment has identified that the proposed requirement in relation to wheelchair accessible vehicles raises potentially competing

interests between different groups with 'protected characteristics.' The decision-maker is required to consider the consultation responses and to make a decision balancing these interests.

## **9.0 Risk Management**

- 9.1 Full consideration of any consultation responses received is required in order to avoid challenge to any decision made.

## **10.0 Background and Options**

- 10.1 As Members will recall on 12<sup>th</sup> September 2011 the Committee considered a report in relation to the Council's existing hackney carriage vehicle conditions which are different in each of the three hackney carriage zones. The Committee resolved as follows:

### **RESOLVED**

*(a) That, subject to consultation, the draft hackney carriage vehicle conditions attached as Appendix D to the report be approved to apply in each of the three hackney carriage zones, subject to the inclusion of the following conditions:*

- *1.3 - All vehicles presented for a new hackney carriage vehicle licence shall be purpose-built wheelchair accessible vehicles.*
- *1.4 - The vehicle shall be a manufacturer's right hand drive model with a minimum of four wheels and a minimum of four passenger seats and shall be finished in a production colour of the manufacturer for the model.*
- *2.5 - The vehicle shall not be fitted with a tow bar.*
- *2.7 - All glazing shall comply with the Road Vehicles (Construction and Use) Regulations 1986 (as amended).*
- *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.*

A copy of the proposed hackney carriage vehicle conditions as submitted for consultation is attached as Appendix A.

- 10.2 A consultation exercise was carried out between 12<sup>th</sup> October 2011 and 3<sup>rd</sup> January 2012. Correspondence in relation to the consultation was sent directly to hackney carriage vehicle proprietors and hackney carriage drivers, the three Chambers of Commerce & Enterprise within the Borough, to organisations representing those with disabilities and to Cheshire Constabulary. In addition, consultation documentation was published on the

Council's website and correspondence sent to Cheshire East Council Transport Co-ordination and the two Council appointed testing centres.

- 10.3 The Council has received submissions from one hundred respondents to the proposed conditions; details of these consultation responses are set out in full within Appendix B to this report. As Members will note the vast majority of responses received relate to the issue of wheelchair accessible vehicles and, with one exception, these responses include objections to the principle of introducing a requirement that all new hackney carriage vehicles are wheelchair accessible. In summary, the respondents object to the proposal on the following grounds:
- (a) the cost to hackney carriage proprietors of purchasing wheelchair accessible vehicles;
  - (b) the suggestion that there is not a demand for this level of provision;
  - (c) the suggestion that, where possible, wheelchair users who are not wheelchair bound prefer to use a saloon vehicle and put the wheelchair in the boot of the vehicle;
  - (d) the suggestion that wheelchair accessible vehicles are both more difficult for elderly passengers or those with mobility impairments to access, and less comfortable for them than saloon cars;
  - (e) health and safety considerations in relation to the loading of vehicles;
  - (f) the suggestion that the imposition of a blanket requirement for wheelchair accessible vehicles would have a detrimental effect on the specialist companies currently providing this service; and
  - (g) the suggestion that wheelchair accessible vehicles have a more detrimental environmental impact than saloon vehicles.
- 10.4 As Members will recall, condition 3 of the zone 1 (Congleton zone) currently requires that "the minimum standard for all new licensed vehicle licences issued shall be: (a) a purpose built wheelchair accessible four door passenger saloon/estate or hatchback with minimum seating space of 16" per person." The conditions within zone 2 (Crewe) sets out the specification for wheelchair accessible vehicles; it is a policy requirement within the Crewe zone that new hackney carriages are wheelchair accessible. The conditions which relate to zone 3 (Macclesfield) include requirements for wheelchair accessible vehicles, but do not require that all new vehicle licences will only be issued to wheelchair accessible vehicles. However, it has become apparent since the report to the Committee in September that the policies in the Congleton and Crewe zones have been applied in such a manner as to provide 'grandfather rights' to existing licensed operators, i.e. those proprietors who held hackney carriage licences in relation to a saloon car were permitted to replace that vehicle with another saloon car despite the conditions in relation to wheelchair accessibility.
- 10.5 The issue in relation to the application of 'grandfather rights' has been raised within a number of the consultation responses. Responses query whether the approach previously taken in the Crewe and Congleton areas would apply or whether it is proposed that any vehicle which was to be licensed for the first



time after the introduction of such a condition would need to be wheelchair accessible.

- 10.6 Given the approach taken in the Crewe and Congleton zones, the imposition of the proposed condition relating to wheelchair accessibility for all new licensed vehicles would not simply be a method of harmonising the current approach but would rather impose a new policy in each of the three zones. Members are therefore specifically requested to consider the proposed condition relating to wheelchair accessible vehicles in the light of this information and the consultation responses received. Officers are also mindful that whilst one disability group has expressed support for the proposal a limited response has been received from wheelchair users. Further background information about the issues relating to wheelchair accessibility is set out within the extract from the 12<sup>th</sup> September 2011 Licensing Committee report attached as Appendix C.
- 10.7 Members are requested to consider the consultation responses attached within Appendix B and to determine whether to (i) approve the hackney carriage vehicle conditions with or without amendment; and/or (ii) in the light of the information within paragraph 10.3 – 10.6 above, to authorise additional consultation on the issue of wheelchair accessibility. It is further suggested that if any substantial amendments to the conditions are proposed then further consultation on any such amendments would be required.
- 10.7 On 12<sup>th</sup> September 2011 Members also considered a proposed set of vehicle test guidelines which were proposed to be applicable to the testing of hackney carriage vehicles across the Borough. It was suggested that formalising a set of vehicle test guidelines would be beneficial by ensuring transparency and consistency in the way that vehicles are tested. The draft guidelines, as sent out for consultation, are attached as Appendix D to the report.
- 10.8 The Council has received four responses in relation to the content of the vehicle test guidelines. The specific points raised and the officer recommendations in relation to each of the points are set out in the table below. Members are asked to consider the consultation responses and determine whether to make any amendments to the proposed vehicle test guidelines.

<b>Relevant paragraph of vehicle test guidelines</b>	<b>Consultation response</b>	<b>Officer recommendation</b>
Section A - 1	Request for clarification about the production of an official MOT record for that part of the test	As current practice, an official MOT record is not required; the requirement is rather that vehicle is tested to the MOT standard
Section A – 2	Draws attention to the requirement that seating configuration must be approved by the Council at the time the vehicle is first licensed. Query relating to recording of seating configuration.	Officers will address this issue directly and consider the form used for recording test results.

Section A – 16	We assume that the absence of a spare wheel would be acceptable as per the Hackney Carriage guidelines and therefore the text from those would need copying over into this section.	<p>Yes – it is recommended that an amendment is made to bring this in line with the proposed Hackney Carriage Vehicle Test Guidelines, i.e.</p> <p>16. Condition of spare tyre: Must have more than 2mm over total width of tyre;</p> <p>Space saver tyres: Slim/space saver type must be to manufacturer specification;</p> <p>Tyre inflation devices: Spare tyre may be replaced by an approved specified inflation system.</p>
Section A – 19	It may be worth further clarification that tools such as the jack and wheel brace would not be required for vehicles not fitted with a spare wheel.	Accepted.
Section A – 25	This may need further clarification about whether all 'welding repairs' are prohibited.(i.e. clarification to state that only 'patch' type welding repairs for example for corrosion damage would not be acceptable, as otherwise some body work repairs carried out by specialist accident repair centres which may include the welding in of complete new panels (floors, cills, quarter panels etc) to the manufacturer's specification would be prevented).	Accepted. Recommended that the test guidelines be amended to state that 'patch' repairs and unacceptable but welding repairs of whole new panels to manufacturer's specification are acceptable.
Section B – 2	Submitted that would be more appropriate for the Licensing Section to check the LPG certificate when the licence application is submitted.	Accepted. Recommended that this requirement be removed from the test guidelines and added to the application procedure.
Section A – 17	<p>Condition of spare tyre Standard MOT's require minimum tread depth of 1.6 mm over 75% of the total width of the tyre. I appreciate that taxis need to show a greater level of safety measures and I agree that 2 mm is acceptable, however, as most tyres even when new show a reduction in tread towards the edge of each tyre when approaching the sidewall, then requesting tyres should show a minimum of 2mm over a 100% of the width of the tyre is near on impossible and impractical and therefore will be open to interpretation by examiners. Therefore I believe that the minimum tread depth should be 2mm over a maximum of 90% of the tyre and not 100% to allow for the manufactured reduction in tread depth towards the sidewall.</p> <p>Therefore the condition should read – "must have more than 2mm continuous tread over at least 90% of the total width of the tyre on the full circumference."</p>	

Section A – 44	<p>Wheels and tyres “Must have more than 2 mm over the total width of the tyre on the full circumference.”</p> <p>See comment in relation to Section A – 17 above. Therefore the condition should read – “must have more than 2 mm continuous tread over at least 90% of the total width of the tyre on the full circumference.”</p>	
Section A – 17 & 44	<p>Wheels and tyres UK legal requirement is 1.6 mm over 75% of the tyre breadth in a continuous band over the whole of the circumference.</p> <p>Advocating a 2 mm over the total width of the tyre on the full circumference creates ambiguity when police/insurance companies or legal advisors are dealing with accidents etc as well as increasing the costs of operating a taxi.</p>	
Section A – 12	<p>Elements of heated rear window Regarding rear window heater, this I think should change to 4 or 5 not working elements</p>	Recommended that the requirement should stay as drafted, i.e. all elements should be working.
Section A – 56	<p>First aid kit Page 6 regarding First Aid kit, none of the drivers have any first aid training, maybe some could be sorted out, and if not why do we carry a kit?</p>	A first aid kit is required for the benefit of both the driver and the travelling public. There is no requirement from the Licensing Section for drivers to undertake first aid training.

## Access to Information

### APPENDIX A – Proposed hackney carriage conditions

### APPENDIX B – Consultation responses

### APPENDIX C – Extract from Licensing Committee report (12<sup>th</sup> September 2011)

### APPENDIX D – Proposed hackney carriage vehicle test guidelines

### APPENDIX E – Equality Impact Assessment documentation

The background papers relating to this report can be inspected by contacting the report writer:

Name: Dustin Hawkes

Designation: Team Leader Investigations

Tel No: (01270) 686303

E-mail: [dustin.hawkes@cheshireeast.gov.uk](mailto:dustin.hawkes@cheshireeast.gov.uk)

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Cheshire East Borough Council ('the Council')

**Hackney Carriage Vehicle Licence Conditions**  
(applicable in all of the hackney carriage zones within Cheshire East)

TOWN POLICE CLAUSES ACT 1847; LOCAL GOVERNMENT  
(MISCELLANEOUS PROVISIONS) ACT 1976

**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.
- 1.3 All vehicles presented for a new hackney carriage vehicle licence shall be purpose-built wheelchair accessible vehicles.
- 1.4 The vehicle shall be a manufacturer's right hand drive model with a minimum of four wheels and a minimum of four passenger seats and shall be finished in a production colour of the manufacturer for the model.
- 1.5 The vehicle shall have a minimum of four doors of which either:
- (a) in circumstances where the rear door of the vehicle is not a 'split door,' two doors shall be on the near side and two on the offside or
  - (b) in circumstances where the rear door of the vehicle is a 'split door' at least three doors shall be fitted to the side of the vehicle.
- All of the doors must be capable of use by persons for both access and egress and of being opened from both the inside and 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.
- 1.6 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.
- 1.7 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.
- 1.8 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 Road 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 All glazing shall comply with the Road Vehicles (Construction and Use) Regulations 1986 (as amended).

**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 be 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 hackney carriage 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. Plates and identification of vehicle**

- 7.1 The vehicle 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.
- 7.2 One licence plate shall be affixed securely to the front of the vehicle



**APPENDIX B**

**Response from hackney carriage vehicle proprietor**

Please could you clarify 'grandfather rights' in relation to existing licence holders.

Eg. 1. Would an existing licence holder be able to replace his/her vehicle like for like (not wheelchair accessible vehicle) indefinitely until that licence is surrendered providing the vehicle is less than seven years old.

Eg. 2. My present vehicle 5 years old is written off – can I replace it like for like or under proposed new guidelines would I be forced to replace it with a wheelchair accessible vehicle.

Eg. 3 My present vehicle is due for test in November 2012 and is seven years old then – could I present a new vehicle (non wheelchair accessible vehicle) and retest that vehicle for a further seven years under the new proposed conditions.

**Response from hackney carriage vehicle proprietor**

I would like to lodge an objection to include a condition that hackney carriages in Macclesfield must be wheelchair accessible.

I have invested a considerable sum of money in a brand new vehicle in April this year which is a licensed Hackney Carriage. There is evidence that people who rely on a wheelchair prefer sitting in a proper car seat with a normal seat belt and their wheelchair stowed in the boot.

I regularly take people who are in this position without any problems. If an approached on the taxi rank or flagged down by a person who is wheelchair bound I will contact one of several colleagues who do operate taxis with suitable access.

I am therefore raising an objection to the inclusion of the above mentioned condition.

**Petition signed by 24 hackney carriage drivers/proprietors**

We the undersigned petition against Cheshire East Council's proposal to introduce wheelchair accessible vehicles on the grounds of cost and lack of driver support at a time when the economics of such a move would adversely affect our ability to earn a living.

**Response from a member of the public**

I have heard that you are considering obtaining new vehicles for any of the taxis covering your area. I believe that they will be wheelchair friendly, this I presume meaning that they will take the wheelchairs inside and the passenger still sitting in it. I do not like this idea. I like the one that is used by the DS Taxi Company. The chair is folded up and I can sit in the passenger seat with no problem. This way I do not feel like an invalid, the other way I will.

These cars are very comfortable, the Black Cabs are not. You are also thrown about in them. I know I have been in a few.

Please reconsider your ideas and leave it as they are at the moment.

**Response from hackney carriage vehicle proprietor**

I refer to your consultation document of the 12<sup>th</sup> October.

Do you have the research criteria that shows the level of expected usage by wheelchair users? I assume that proper research has been carried out which provides overwhelming proof that all new hackney carriages need to be wheelchair friendly because of the demand?

At present I am only working on anecdotal evidence from other companies and drivers but the historic demand seems to have been virtually nil and that those wheelchair users visiting Macclesfield have made prior arrangements with local specialist companies.

**Petition signed by 65 hackney carriage drivers and joint hackney carriage/private hire drivers**

In response to your Vehicle consultation proposal dated 12 October 2011 as follows:

It is agreed by all that the following proposal be considered:

(a) Regarding your proposal to changing all vehicles to wheelchair friendly.

If you have an existing vehicle with a pre-existing plate then you should be able to keep your plate and change the vehicle as present.

If you do not have an existing plate and are putting a new vehicle on the road with a new plate then the vehicle will have to be wheelchair friendly, that way there will be sufficient wheelchair vehicles.

(b) Regarding your proposals to change the terms and conditions.

There should be no difference to terms and conditions between MOT tests for hackney vehicles, private hire vehicles and chauffeur vehicles.

We should all be working to excellent high standards and privacy glass should be allowed in ALL vehicles if fitted by the factory.

(c) Allowing the fitting of tow bars on vehicles.

If the tow bar is to be used for business purposes then the tow bar and trailer are to be MOT tested in the same manner as the car.

Also the driver is to be tested to prove competence at towing both the vehicle and trailer.

Regarding the policing of whether the vehicle and trailer are fit for purpose, and if the driver is competent to tow a trailer then a 'T' to be printed on the vehicle licence plate and also the drivers badge. This will then show at a glance at the vehicle and driver are legal.

**Response from driver**

I object to the new conditions of hackney carriage vehicles. I feel that purpose built wheelchair accessible vehicles are not needed on the scale you propose. For me this would be a very expensive venture in this current climate and can say that most people think likewise.

Purpose built vehicles are not needed on the scale you propose. Having all these vehicles can't be good for the environment. They are heavy and use more fuel and expensive to run. I feel in this current climate this will have an effect on the livelihood of most taxi drivers. Also most of the general public I talk to would prefer to be a saloon car. Most of the elderly folk I take shopping have trouble getting in and out of these purpose built vehicles.

**Response from Disability Resource Exchange**

Initially queried whether the proposed condition in relation to wheelchair accessible vehicles would apply only to hackney carriages or whether they would also apply to private hire vehicles. Subsequently verbally confirmed support for the proposals.

**Response from testing centre**

1) Section 1.7 – It should be noted that some rear facing seats may only have lap belts fitted by the manufacturer, so you may need to check whether such vehicles would be suitable for use as a Hackney Carriage and if so amend the condition. This may not be an issue for the types of vehicles that will be submitted from now on.

2) Section 2.2 – This condition may need clarification to state only “patch” type welding repairs for say corrosion damage would not be acceptable, as some body work repairs carried out by specialist accident repair centre may include the welding in of complete new panels (floors, cills, quarter panels, etc) to the manufacturers specifications would be prevented.

3) Section 5.1 – Can we ensure that all LPG certification paperwork is presented to the licensing office on submission of the application? We believe there is a 72 hour period from submitting the application before they can book a test appointment so plenty of time for everything to be checked (certificates, type of vehicle, seat configuration, etc).

4) Section 5.2 – Note that some cars don’t come with spare wheels now. This point is mentioned again in the test guidelines.

5) Section 6.3 & 6.4– Up to now, only the Private Hire Vehicles have required a warning triangle and high visibility vest, so we assume this is part of unification of the conditions?

6) Section 9.1. vi – From our experience we only ever see taximeters that do display “FOR HIRE” sign at some time. If there is another type available then perhaps it should be made clear than existing operators cannot reuse their old taximeters in new vehicles if they don’t comply.

### **Response from vehicle proprietor**

I am a Chartered professional with twenty years experience in factory management before starting my career in the service industry. Responses are, therefore, measured and based on 21 years experience in the taxi profession and on the premise that to develop an increasingly demanded professionalism in the industry has to move forward taking into consideration, customer preferences, the practicality of potential achievements and the economic viability of such developments/policies.

#### **Proposed hackney carriage conditions**

I have no objections to the proposed conditions with the exception of:

1.3 all vehicles presented for a new hackney carriage vehicle licence shall be a purpose built wheelchair accessible vehicle.

I am lodging an objection to the above proposed condition. I have summarised my reasons below

: Non- powered loading systems (3.5) present an appreciable risk to Driver and client i.e. whilst all Drivers are passed physically fit to drive a Taxi – Drivers vary in size, strength and age clearly any Driver faced with a situation where physical strength etc is required to facilitate loading presents serious Health & Safety concerns for both Driver and client. Liability in the event of an accident while loading falls to whom, the Driver or the Licensing Authority? Is the ability to push a heavy load up a 16 degree incline going to be part of the medical?

: There are currently a number of Companies and individuals operating in the Borough, as your records will verify, who have invested considerably in the correct equipment and training to supply a vehicle “Fit For Purpose”. Blanket requirement that all hackney carriages be wheelchair accessible seriously prejudices existing services would through market forces possibly reduce availability i.e. operating a specific service would become uneconomical.

: Non wheelchair bound i.e. those clients who require a wheelchair to alleviate mobility issues, from experience prefer to use non purpose built vehicles, presenting to themselves, as much as anyone else a “normal” life.

: Consideration has to be given to able bodied clients who due to age or limb immobility (e.g. Arthritic joints etc) i.e. unable to “climb” into a purpose built vehicle or preference i.e. unwilling to hire a modified vehicle. This situation currently occurs but to a lesser extent, should all Hackney carriages have to be modified vehicles the situation would be exacerbated, reducing consumer choice and seriously disadvantaging Hackney carriage owners.

: Supply and demand, it was mooted by licensing that phone calls were received relating to the unavailability of specifically modified vehicles at certain peak times which could perhaps be viewed as an unmet demand. Unavailability at peak times is equally applicable to the able bodied community, as peak times can, over a 24 hour period amount to approximately 4 hours; no one is suggesting there should be more Taxis licensed, 4 hours a day would not make a Taxi economically viable.

Grandfather rights- when applied to the plate (not the vehicle) would retain the current level of "normal" Hackney carriages in the Borough i.e the plate being attributed to a specific type of vehicle e.g. saloon, estate etc until the plate is surrendered. New plates only being issued to purpose built WAV's would over time increase the overall number of WAV's in the Borough.

The Taxi ranks across the Borough would continue to offer its customers, the electorate, choices that are required to accommodate the needs of

Wheelchair dependant

Wheelchair assisted

Mobility challenged

Aged and Able bodied customers a variety of vehicles to suit their particular requirements.

Good for the Council, good for the electorate and good for the Taxi Industry.

#### **Response from hackney carriage company**

Many thanks for the opportunity to have some input into the consultation of the Hackney Carriage Conditions etc.

I do have a few points to put to the Council, while most of what has been suggested seems mostly reasonable, the main point is that of the seven year age test limit. This would affect many cars in Congleton, and while I can see the Council's thinking on this, I would point out that since the closure of the Brunswick Wharf depot, we in Congleton have to make a journey to Crewe for the testing of our vehicles, this takes a lot of time, both in travelling to and from Crewe, plus the test and then there is the possibility that the car may fail and we have to do it all again.

May I suggest that we go back to the ways of old and have a MOT six months after the Council test, a MOT in Congleton would take very little time, and could be done when a quiet time was available. It is also much cheaper to have a MOT than a second Council test charge. If the Council's reasons for a second test is purely safety on older vehicles then I don't see any reason why this could be done.

My second point is the word "harmonisation". I am sick to death of this word. The problem in the wider world and in particular in the Euro zone is because people in high places are putting too many eggs in one basket. It would seem to most people that to harmonise Greece with Germany would always be a harmonisation too far. I feel that to try to put Macclesfield, Crewe and Congleton in one Cheshire Zone basket would be a folly, and a huge waste of time and money.

Both Crewe and Macclesfield have larger populations, larger bus stations, larger train stations, larger shopping centres. They have large taxi numbers because of this. So why do the Council think that to harmonise Congleton with our larger neighbours is going to be a good idea. The only harmonisation that should be done, would be to put a limit on taxi numbers in Crewe and Macclesfield to harmonise with Congleton. Rank space in all towns is too few in number, and footfall in all town centres is much lower now, than in other years.

This brings me onto deregulation. There are now many part time taxis in Congleton, too many to make a living. Deregulation would have the effect of less taxis in the week, as more taxis would make it harder and harder for the full time taxi drivers who provide a fantastic service to many older residents, and those because of the economic downturn have got rid of their cars to make a living.

The full time drivers/owners try to subsidise their weekday trade, and work weekends, as this can be much busier, but as more and more taxi plates issued would flood the town at weekends, and as trade reduced I fear that the full time drivers would move on to pastures new. Some days takings of

£30-£40 is the norm, many elderly, mums and disabled people rely on taxis during the week, issuing more plates would put this service at risk.

The public of East Cheshire know their taxi service. The zones work to a certain level, we all know the different regulations, and some of the different ones could be "harmonised", but I feel that each town has its own identity and its own differences that the public and the taxi trade understand.

I have little confidence in this letter making any impact with the Council. Years ago the Congleton taxi trade entered into a consultation about the redevelopment of the taxi rank/bus station, we put many ideas forward, told officials what would or wouldn't work. The Council then went ahead and did what it wanted, took nothing on board, and we ended up with a dog's dinner.

I have one last point to make, and this isn't a criticism at anyone or even the Council. Having been to many meetings over many years, it is obvious that members of the Licensing Committee have limited knowledge of the taxi trade, and why should they, many don't ever need a taxi and have little idea of the problems etc of our trade, I am sure that they mean well and try to make a honest and intelligent contribution to the meetings.

Just as an idea, maybe for the future as and when the Council have meetings about the taxi trade of East Cheshire, and particularly if the three zones are maintained, would it be worthwhile if the Council invited a member from each zone to act as an information guide, each zone member could put to the Council issues of note, parking, rank space, violence to drivers, illegal taxis from other towns etc, etc. Anyway just an idea, I am sorry to have gone on so long, but it is important to me and many other owner/drivers, how the Council handle our lives.

And I know the taxi trade is only a very small part to the Council's bigger issues, but hopefully you will make some good decisions.

An operator in Congleton

P.s. as you have noticed, I have gone a bit wayward with what you were asking for. The test guidelines are a great idea, a big help at test time, just 1 or 2 comments. Page 2 regarding rear window heater, this I think should change to 4 or 5 not working elements. My other comment is page 6 regarding First Aid kit, none of the drivers have any first aid training, maybe some could be sorted out, and if not why do we carry a kit? My other moan is contained in my letter regarding the testing.

### **South Cheshire Chamber**

Thank you for your letter dated 17<sup>th</sup> October 2011 giving the Chamber the opportunity to comment on your proposals in relation to private hire vehicles and hackney carriages.

Whilst we feel unable to comment in detail on the technicalities involved, it is our view that from an image perception point of view it is important that the quality and safety of taxis should be at the highest level possible as they are often the first point of contact for visitors and create a lasting impression.

For this reason we would support any proposals that improve current arrangements.

### **Cheshire Constabulary**

Re: (i) Consultation in relation to proposed hackney carriage vehicles conditions (zones 1,2 & 3) and hackney carriage test guidelines; (ii) consultation in relation to private hire condition 2.7 and private hire guidelines.

Thank you for recent correspondence forwarded to Cheshire Constabulary Roads Policing Unit, in respect of the proposed amendments detailed above, which have been forwarded for my attention.

I have reviewed the information you have sent. The conditions imposed on Private Hire/Hackney carriages are a matter for the Licensing Committee to determine. The guidelines forwarded to me would appear to set a clear and unambiguous criteria for the standards expected of a Private Hire or Hackney Carriage Vehicle. I have no issues or concerns to bring to the attention of the Licensing Committee in respect of these proposals.

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## EXTRACT FROM LICENSING COMMITTEE REPORT 12/09/11

*particular proposals to allow those consulted to give intelligent consideration and intelligent response; adequate time must be given for this purpose; and the product of consultation must be conscientiously taken into account when the ultimate decision is taken."*

8.3 Further legal implications are set out within the body of the report.

### 9.0 Risk Management

9.1 Full consideration of any consultation responses received will mitigate any risk of challenge to any subsequent decision.

### 10.0 Background and Options

10.1 As Members are aware, at the present time different hackney carriage vehicle conditions are in operation in each of the three hackney carriage zones. The existing conditions are attached as Appendices A, B and C for information. On 7<sup>th</sup> March 2011 the Licensing Committee resolved that officers be requested to produce a set of harmonised conditions based on the existing private hire vehicle conditions. Attached as Appendix D is a set of draft hackney carriage vehicle conditions which are intended to be applicable in each of the three hackney carriage zones. Members will note that certain of the draft conditions currently refer back to specific paragraphs of this report; in these cases Members are asked to consider the information below and to determine the content of the draft conditions so that the conditions may be subject to consultation.

#### 10.2 Vehicle specification

10.2.1 As set out above, the Committee requested that a set of conditions be drafted on the basis of the existing specification within the Private Hire Vehicle conditions. With the exception of conditions 1.3 and 1.4, the conditions within paragraph 1 of Appendix D follow the vehicle specification with the private hire vehicle conditions.

10.2.2 Paragraphs 26 to 29 of the Best Practice Guidance deals with the specification of vehicles. Paragraph 27 states: "Normally, the best practice is for local licensing authorities to adopt the principle of specifying as many different types of vehicle as possible...." Paragraph 28 continues: "It is suggested that local licensing authorities should give very careful consideration to a policy which automatically rules out particular types of vehicles or prescribes only one type or a small number of types of vehicle..."

#### 10.2.3 Condition 1.3 – Wheelchair accessibility

As Members will note, condition 3 of the zone 1 (Congleton zone) requires that "the minimum standard for all new licensed vehicle licences issued shall be: (a) a purpose built wheelchair accessible four door passenger saloon/estate or hatchback with minimum seating space of 16" per person."

The conditions within zone 2 (Crewe) sets out the specification for wheelchair accessible vehicles; it is a policy requirement within the Crewe zone that new hackney carriages are wheelchair accessible.

The conditions which relate to zone 3 (Macclesfield) include requirements for wheelchair accessible vehicles, but do not require that all new vehicle licences will only be issued to wheelchair accessible vehicles.

As Members may be aware, section 32 of the Disability Discrimination Act provides the Secretary of State for Transport the power to make taxi accessibility regulations covering the design and construction of new taxis. The introduction of accessibility regulations has been under consideration for a number of years, however in October 2009 the Minister for State for Transport announced that the Department would be undertaking demonstrations in three licensing authority areas to "research the needs of disabled people when using taxis and private hire vehicles, how to tailor the fleet to demand and use patterns and how driver training can assist disabled passengers. The demonstration schemes will provide the basis on which the Department will be able to issue comprehensive guidance to licensing authorities to assist them with improving the availability of taxis and private hire vehicles for disabled passengers."

Section 161 of the Equality Act 2010 qualifies section 16 of the Transport Act 1985 so that licensing authorities may not refuse a hackney carriage application on the basis of numbers if that vehicle fulfils prescribed requirements in relation to wheelchair accessibility and if the number of wheelchair accessible vehicles in the district is less than the proportion prescribed by the Secretary of State. For this section to have effect regulations would need to be made specifying the dimensions of a wheelchair that a wheelchair accessible vehicle must be capable of carrying in order for it to fall within the provisions. These regulations have yet to be made.

Paragraph 14 of the Best Practice Guidance states:

*Different accessibility considerations apply between taxis and PHVs. Taxis can be hired on the spot, in the street or at a rank, by the customer dealing directly with a driver. PHVs can only be booked through an operator. It is important that a disabled person should be able to hire a taxi on the spot with the minimum delay or inconvenience, and having accessible taxis available helps to make that possible. For PHVs, it may be more appropriate for a local authority to license any type of saloon car, noting that some PHV operators offer accessible vehicles in their fleet.*

It may therefore be argued that a policy of requiring all new hackney carriage vehicles to be wheelchair accessible would be advantageous for wheelchair users within the Borough. However, counter-arguments may include the suggestion that certain passengers (for example the elderly) find non-wheelchair accessible saloon vehicles easier to get in and out of. It should also be noted that there would be cost implications for members of the trade



when purchasing new vehicles if a requirement for wheelchair accessible vehicles were to be imposed in zone 3.

On 7<sup>th</sup> March 2011, Members of the Committee indicated a preferred option in relation to the introduction of a condition about wheelchair accessibility; however, the options that are option to members in relation to the proposed condition 1.3, subject to consultation, are as follows:

- (a) to introduce a condition which requires that all vehicles presented for a new hackney carriage vehicle licence are purpose-built wheelchair accessible vehicles. This would mean that the current position in Congleton and Crewe would continue and that, if implemented following consultation, any new hackney carriage vehicle in the Macclesfield zone would also have to be wheelchair accessible. It is suggested that existing hackney carriage vehicles which are not wheelchair accessible could continue to be used for the duration of their existence as a licensed vehicle.
- (b) not to include a condition requiring all new hackney carriage vehicles to be wheelchair accessible. If implemented following consultation this would continue the existing position within the Macclesfield zone but would fundamentally alter the position in the Congleton and Crewe zones. Any such decision could potentially have an impact on the number of licensed vehicles within these zones. In particular it should be highlighted that whilst the number of hackney carriages which may be licensed within the Congleton zone is 42, the number of vehicle licensed currently issued is 38 (it is understood that the fact that the limit has not been reached is due to the requirement that new hackney carriages are wheelchair accessible).
- (c) to preserve the current position, i.e. a requirement for wheelchair accessible vehicles in the Congleton and Crewe zones but not in the Macclesfield zone. Members may wish to consider this option in the light of the fact that further guidance is due from the Department of Transport on accessibility requirements, however this approach could be open to criticism on the basis that it would not produce a 'level playing field' across the Borough. In response to this point, it should be highlighted that whilst the differing policies about quantity restrictions remain in place the issues within the zones do differ and can be distinguished.

#### 10.2.4 Condition 1.4

The draft condition states: "The vehicle shall be a manufacturer's right hand drive model with a minimum of four wheels and a minimum of four passenger seats and shall be finished in a production colour of the manufacturer for the model."

This condition varies from the content of the Private Hire Vehicle specification by the inclusion of a requirement that the vehicle shall have a minimum of four passenger seats. This condition follows the requirements within the existing Crewe conditions and is suggested due to the difference between the

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## HACKNEY CARRIAGE VEHICLE TEST GUIDELINES

The vehicle test comprises a standard MOT and an additional test against all points listed in column 1 below. In deciding whether a vehicle satisfies each point you must have regard to the guidelines in column 2 – “Point for Failure or Comment”.

Any clarification necessary can be obtained from the Council by contacting the Licensing Section.

### Section A

THE VEHICLE (Column 1)	POINT FOR FAILURE OR COMMENT (Column 2)
1. Pass MOT style inspection	Fail if vehicle does not pass current MOT test.
INTERIOR	POINT FOR FAILURE OR COMMENT
2. Seating <ul style="list-style-type: none"> <li>- condition (see condition 2.3)</li> <li>- size (see condition 1.6)</li> <li>- seating configuration (see condition 1.8)</li> </ul> 3. Operation of all seat mechanisms	<p>Must be a minimum of four passenger seats</p> <p>All seats, seat coverings (where fitted), upholstery and trims must be free from rips and tears, clean and in a good state of repair. Passenger seats must be properly cushioned, covered, fixed and secured.</p> <p>Passenger seats must be at least 406mm wide per passenger with no significant intrusion by wheel arches, armrests or other parts of the vehicle.</p> <p>Must be permanently fixed in the configuration approved by the Council at the time the vehicle is first licensed</p> <p>If designed to do so the front passenger/driver seat must slide back and forth without snagging and allow for adequate passenger legroom. Hackney flip up rear facing seats must return to the vertical position when unoccupied</p>
4. Condition of headlining.	Cut, tear etc more than 1cm in width/length unacceptable.

5. Operation/fitting of sunroof.	No leakage or sign of leakage. If retrofit, must have been fitted to a reasonable standard.
6. Condition of carpets (see condition 2.3)/gear lever/handbrake gaiter.	Interior flooring – Must be appropriate covering - fair wear and tear acceptable but should be clean and in good condition with no tears, rips or holes.  Gaiter – Fair wear and tear acceptable. Tears or insecurity unacceptable.
7. Condition of trim.	Must not be loose or missing.
8. Windows and operation of window mechanisms	All windows must have handles or switches and all windows must be able to be opened fully
9. Doors (see condition 1.5) and door mechanisms including child locks.	Must have a minimum of four doors of which either (a) where the rear door is 'split' two doors shall be on the near side and two on the offside; or (b) where the rear door is 'split' at least three doors shall be fitted to the side of the vehicle. All doors must be capable of being opened from both the inside and outside. If fitted with an electronic locking system must be capable of being overridden to enable doors to be opened manually.
10. Operation of reversing lights.	Fail if water penetration or wrong bulb has been fitted. Occasional misting acceptable.
11. Operation of spot lights (if fitted).	Fail if water penetration or wrong bulb has been fitted. Must be firmly fixed to vehicle if retrofit. Occasional misting acceptable
12. Operation of heated rear window (if fitted).	Fail if more than one element defective.
13. Operation of heater / demister fan.	Must work on all settings.
14. Operation of courtesy lights.	Must operate automatically on opening and closing any passenger door (if fitted).
15. Operation illuminated 'TAXI' roof sign	Illuminated 'TAXI' roof sign must be fitted to vehicle and must operate in 'for hire' mode and be clearly visible from outside the vehicle.
16. Seat belts (see condition 1.7)	Seat belts must be inertial reel seat belts of the three point type for all seats. All seat belts must be to the M1 approved standard or equivalent.

BOOT / LUGGAGE AREA	POINT FOR FAILURE OR COMMENT
<p>17. Condition of spare tyre.</p> <p>Space Saver tyres</p> <p>Tyre inflation devices</p>	<p>Must have more than 2mm over total width of tyre.</p> <p>Slim/space saver type tyre must be to manufacturer specification.</p> <p>Spare tyre may be replaced by an approved specified inflation system.</p>
<p>18. Condition of spare wheel rim.</p>	<p>Fail if damaged and unsatisfactory for road use.</p>
<p>19. Condition of boot carpet, trim and parcel shelf.</p>	<p>Missing, torn or badly stained carpet/matting unacceptable.</p>
<p>20. Condition of tools (if fitted).</p>	<p>Must carry manufacturer's wheel brace (or acceptable alternative) and jack or B.S. alternative.</p>
<p>21. Tools and spare wheel stowed correctly.</p>	<p>Fail if spare wheel is unable to be secured. Tools/jack to be stowed.</p>
<p>22. Internal boot/hatch and opening mechanism.</p>	<p>Estate cars must be fitted with adequate means of preventing stowed luggage entering passenger compartment (grille or manufacturer's cover). Boot lid/hatch must stay fully open.</p>
<p>23. Signs of water ingress.</p>	<p>Minor ingress to be reported. Major ingress failure.</p>
EXTERIOR	POINT FOR FAILURE OR COMMENT
<p>24. Bodywork, bumpers and damage.</p>	<p>Bumpers: slight dents acceptable. Cracks/holes unacceptable.</p> <p>Unless two tone, must be same colour all over. Paintwork must be clean and not show undue discolouration. Bodywork must not be capable of injuring a passenger or pedestrian. Corrosion at point of fixing of seat to the floor of vehicle unacceptable</p>

25. Paintwork - scratches and rust.	Minor scratches acceptable. Extensive scratches not acceptable or if scored to metal. No extensive rust but minor surface rust acceptable.
26. Evidence of previously repaired bodywork damage (see condition 2.2)	Must be free from unrepaired damage and finished to match existing paintwork after repair.  Vehicle will fail if requires welding repair to the bodywork floor panels or door cills.
27. Trim damaged/missing.	Unacceptable if any trim etc. is missing, or if trim has sharp or protruding edges.
28. Condition of front and rear wiper blades.	Must effectively clear screen. Must operate on all settings.
29. Side and rear glass.	Minor chips acceptable but to be clear and free from cracks. Professional repairs to glass acceptable if to standard.
30. Windows/Windscreen general.	All glazing must comply with the Road Vehicles (Construction and Use) Regulations 1986 (as amended).
31. Wheel trims.	All wheel trims must match. Fail if damaged or missing.
32. Condition and legality of number plates.	'Fogging' or damage, not acceptable.
33. Trailers/roof racks	The vehicle shall not be fitted with a tow bar.  Any roof rack must be fitted securely and in compliance with manufacturer's specifications.
<b>ENGINE COMPARTMENT</b>	<b>POINT FOR FAILURE OR COMMENT</b>
34. Cam box/rocker cover gasket not leaking.	Any leak is a failure.

35. Radiator for leakage/damage/security.	Excessive leaks fail.
36. Hoses and clips for leakage/damage/security.	Minor leakage to be reported. Major leakage or serious deterioration of hoses etc. failure.
37 Condition of washer bottle.	Pump must be working and bottle not damaged.
38. All engine wiring for wear.	Bare wire(s) unacceptable.
39. Oil leaks from engine.	Excessive leaking unacceptable.
40. Oil leaks from gearbox/axle/final drive assembly (as applicable).	Excessive leaking unacceptable.
<b>UNDER THE VEHICLE</b>	<b>POINT FOR FAILURE OR COMMENT</b>
41. Steering assembly for damage.	Any sign of damage is unacceptable.
42. Steering assembly for wear and leaks.	Steering must be positive and free from wear and leaks.
43. Propshaft / driveshafts and gaiters for security, signs of wear and leaks.	Excessive play or leaks unacceptable.
<b>WHEELS AND TYRES</b>	<b>POINT FOR FAILURE OR COMMENT</b>
44. Tyres for tread depth and pressures.	Must have more than 2 mm over the total width of the tyre on the full circumference. Pressure to be at manufacturer's standard.
45. Sidewalls for cracks/damage and tyre compatibility.	Fail for cracks or damage.
46. Wheels for Damage.	Fail if heavily damaged or warped.
<b>VEHICLE PERFORMANCE CHECK</b>	<b>POINT FOR FAILURE OR COMMENT</b>
47. Clutch slip/drag/judder (or kickdown and change speed operation on automatic).	Must perform to manufacturers guidelines.
48. Gearbox operation. All gears must work/engage.	All gears must be easily selected. Gear stick must be secure.

49. Transmission/axle noise.	Excessive noise unacceptable.
50. Speedometer operation.	Must be working.
51. Odometer / trip-meter operation.	Both must work.
52. Operation of fuel and temperature gauges.	Both gauges must work.
53. Operation of wiper/washer of front and rear.	Must clear screen. If rear wiper/washer fitted by manufacturer, must be in place and working.
54. Door or wing mirrors.	One must be fitted either side of the vehicle No tape or other fastening acceptable. Manufacturer's specification mirrors only acceptable.
55. Operation, security and glass of interior rear view mirror.	Must be fitted and adjustable.
GENERAL	POINT FOR FAILURE OR COMMENT
56. First Aid Kit and Fire Extinguisher (see condition 6.1 & 6.2)	<p><b>A first aid kit</b> - must be clean, well stocked and must be carried securely within the vehicle (could be carried in the boot area).</p> <p>Fail if missing or if not clean and well stocked.</p> <p><b>A fire extinguisher</b> - Must be carried securely within the vehicle. Must comply with British Standards (or equivalent).</p> <p>Disposable - Reject if beyond expiry date or no expiry date visible.</p> <p>Non-Disposable – Reject if not accompanied with stamped service log carried-out within previous 12 months.</p>
57. Tariff card	Tariff card – an up-to-date tariff card must be displayed in the vehicle.



<p>58. Wheelchair accessible vehicles (see condition 3):</p> <p>Internal layout</p> <p>Ramps / Boarding lift / Platform</p> <p>Straps, belts and anchorage equipment</p>	<p>All vehicles presented for a new hackney carriage vehicle licence shall be a purpose-built wheelchair accessible vehicle.</p> <p>Wheelchair space must not be less than (i) 1,300 mm (in longitudinal plane); (ii) 750mm (in transverse plane); and (iii) 1,500 mm vertically.</p> <p>Wheelchair ramps/lifts/platforms must be adequate for the purpose. Incline of ramp shall not be greater than 16 degrees. Boarding lift/platform must be capable of manual operation.</p> <p>Ramps, boarding lifts and platforms must not hinder access to or egress from the vehicle or to the handle or any mechanism used for opening a door.</p> <p>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. The restraint system must be installed and operated in accordance with the manufacturer's instructions.</p>
<b>Section B</b>	
<b>GENERAL</b>	<b>POINT FOR FAILURE OR COMMENT</b>
B1. Vehicle must be right-hand drive.	Fail if left-hand drive.
<p>B2. Liquefied Petroleum Gas (LPG) If the vehicle has been constructed or adapted to use LPG the proprietor must produce a certificate of compliance by an approved Liquid Petroleum Association (LPGA) approved installer.</p> <p>A sticker stating that the vehicle has been fitted with an LPG tank must be displayed on the front and rear screens.</p> <p>If a doughnut tank is fitted in the spare wheel well of the boot, the spare wheel must be securely fixed in a position not obstructing the entire boot space.</p>	Failure if no certificate produced.



## Initial EIA Form Template (Screening)

Department		Initial EIA Form Template (Screening)		
Safer & Stronger Communities		Dustin Hawkes		
Section	Licensing	Officer responsible for the Assessment		
Name of Policy Procedure function being assessed	Review of Hackney carriage vehicle conditions (zones 1, 2 & 3)	Date of assessment	January 2012	Is this a new or existing policy
		Proposed amendment to existing.		
If there are any other policies or procedures associated or linked with this one, please note them here		<p>The policy in question relates to the requirements to be imposed by the Council, as licensing authority, in relation to hackney carriage vehicles which include the specification of the vehicles which the Council will permit to be used as hackney carriages. The proposed decision seeks to harmonise the existing conditions in each of the three hackney carriage zones within the Borough.</p> <p>Other significant policies relating to the licensing of hackney carriages in Cheshire East include policies on quantity restrictions and the tariffs which may be charged for the use of a hackney carriage vehicle.</p> <p>It is also noted that Transport Co-ordination have separate criteria in relation to the types of vehicle which will be authorised for school contracts.</p>		
Briefly describe the aims, objectives and outcomes of the policy / procedure / function		<p>As the licensing authority, the Council has the responsibility for the licensing of Hackney Carriage Vehicles. The relevant legislation provides local authorities with the power to attach to hackney carriage licences such conditions as they may consider 'reasonably necessary.' Section 47(2) states that without prejudice to the generality of section 47(1), a council may require vehicles to be "of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage."</p> <p>The hackney carriage vehicle conditions are designed to ensure that licensed hackney carriages within the Borough of Cheshire East are suitable for use as such. This includes issues, such as safety, passenger comfort and accessibility. The policy therefore aims to</p>		

	<p>achieve a standard of hackney carriage service that provides a safe and effective service to members of the public.</p> <p>One of the particularly significant conditions relates to wheelchair accessibility. The proposed conditions which were sent out for consultation included a requirement that all new hackney carriage vehicles be purpose built wheelchair accessible vehicles. The aim of this condition was to increase accessibility for disabled service users by ensuring that wheelchair users can access a hackney carriage vehicle with as little delay and inconvenience as possible.</p> <p>The effect of the hackney carriage vehicle conditions will be to restrict the types of vehicle that the Council will licence as hackney carriages.</p> <p>The proposed outcome also includes the adoption of a set of vehicle test guidelines which are aimed to ensure a consistent approach to vehicle testing.</p>
Who is intended to benefit from this policy – procedure - function	<p>The proposed conditions are designed to meet the needs of the public who use hackney carriage vehicles and to ensure their safety. In making decisions in relation to vehicle specifications the Council must take into consideration not only any potential impact on members of the public who travel in licensed vehicles, but also to the views of members of the licensed trade. A set of conditions which, whilst not being unnecessarily restrictive, meet the needs of the travelling public will benefit all parties involved in the operation and use of hackney carriage vehicles.</p> <p>It is suggested that the adoption of a set of vehicle test guidelines would be beneficial to vehicle proprietors as they would have a clear understanding of the standards to which their vehicles will be tested. The proposal would also be of assistance to the Council's testing centres in providing clarity and ensures transparency generally.</p>
What factors could contribute to or detract from the outcomes	<p>Consideration must be given to the consultation responses received. This may result in a decision not to impose particular condition(s) and/or a requirement for additional consultation.</p>
Who are the main stakeholders in relation to the	Hackney Carriage Vehicle Proprietors

<p>policy – procedure- function? Please consider key equality groups</p>	<p>Hackney Carriage Drivers Cheshire Constabulary Groups representing those with disabilities Members of the public who travel in Hackney Carriage Vehicles.</p> <p>Consultation in relation to the proposed conditions will take place over a 12 week period and has included direct correspondence with (i) the members of the trade referred to above; (ii) local Chambers of Commerce; (iii) groups representing those with disabilities; and (iv) the Police, as well of publication of the proposals on the Council's website.</p>
<p>Who is responsible for the policy – procedure – function?</p>	<p>Licensing Section</p>

Racial equality - Is there an impact?	No		
Gender Equality - Is there an impact?	No		
Disability Equality - Is there an impact?	Yes		<p>It is suggested that the implementation of the proposed policy in relation to wheelchair accessible vehicles would have a positive impact on wheelchair users, i.e. that the proposed policy would assist in the aim of ensuring that wheelchair users can access hackney carriage vehicles with as little delay and inconvenience as possible. However, it is also suggested that there may be a potentially detrimental impact was identified in relation to non-wheelchair users who, due to mobility impairment, may find it more difficult to access a purpose-built wheelchair accessible vehicle</p>
Sexual Orientation Equality - Is there an impact?	No		
Age Equality - Is there an impact?	Yes		<p>It has been suggested that elderly people may find it more difficult to access a purpose-built wheelchair accessible vehicle due to the requirement to step up into the vehicle.</p>

Religion and Belief Equality - Is there an impact?	<b>No</b>		
Other disadvantaged groups (carers, white families from poor areas).	<b>No</b>		
Please give details of any other potential impacts of this policy (i.e. Poverty & deprivation, community cohesion, environmental)	N/A		

Could the impact constitute unlawful discrimination in relation to any of the Equality Duties	<b>Yes</b>		Please see above in relation to the protected characteristics of disability and age.
Does this policy – procedure – function have any effect on good relations between the council and the community	<b>Yes</b>		The policy seeks to achieve a standard of hackney carriage service that provides a safe and effective service to members of the public.
Should the policy – procedure – function proceed to a full equality impact assessment	<b>Yes</b>		
If you are not proceeding to a full EIA make sure you have evidence to justify this decision should it be challenged. Please state the date the policy/procedure/function will be reassessed			

## Full Equality Impact Assessment Template (EIA)

This form should be accompanied by the completed Initial Equality Impact Assessment Form, and be used to plan for the completion of an EIA.

Department	Safer & Stronger Communities			Full Equality Impact Assessment Template (EIA)		
Section	Licensing		Officer responsible for the Assessment	Dustin Hawkes		
Name of Policy Procedure function being assessed	Review of Hackney carriage vehicle conditions (zones 1, 2 & 3)	Date of assessment	January 2012	Is this a new or existing policy	Amendment to existing	
Start date of EIA			Expected completion date	January 2012		
Please specify what the question(s)/issue(s) will be for this full EIA (based on those identified in the initial EIA)	<p>The screening EIA identified a potential impact of the imposition of a condition relating to wheelchair accessible vehicles in relation to individuals with the following 'protected characteristics' (i) disability and (ii) age.</p> <p>It was suggested that the implementation of the proposed policy in relation to wheelchair accessible vehicles would have a positive impact on wheelchair users, i.e. that the proposed policy would assist in the aim of ensuring that wheelchair users can access hackney carriage vehicles with as little delay and inconvenience as possible.</p> <p>However, it was also suggested that there may be a potentially detrimental impact was identified in relation to non-wheelchair users who, due to mobility impairment, may find it more difficult to access a purpose-built wheelchair accessible vehicle</p>					
Please indicate what research, information and intelligence may be required	<ul style="list-style-type: none"> <li>Information contained within the Department of Transport Best Practice Guidance</li> <li>Information relating to central government's proposals re: accessibility regulations</li> <li>Consultation responses from stakeholders</li> </ul>					
	Internal (Staff/Members)		External (stakeholders/service users/partners)			
Please state who will be involved/engaged/consulted	Licensing staff		Hackney Carriage Vehicle Proprietors Hackney Carriage Drivers			

		Cheshire Constabulary Groups representing those with disabilities Members of the public who travel in Hackney Carriage Vehicles.
	Internal (Staff/Members)	External (stakeholders/service users/partners)
Please state what methods will be used to involve / engage and consult	Discussions	A 12 week consultation process involving direct correspondence with (i) the members of the trade referred to above; (ii) local Chambers of Commerce; (iii) groups representing those with disabilities; and (iv) the Police, as well of publication of the proposals on the Council's website.
Please indicate expected costs & resource requirements for completing the EIA	Staff time	Staff time

## Action Plan

Equalities Impact Assessment Action plan: Making Changes				
REF	Action	Responsible Person/s	Action Deadline	Tasks
1	Carry out consultation on the proposed hackney carriage vehicle conditions with the stakeholders referred to above	Dustin Hawkes	Consultation to be commenced in October 2011	<ol style="list-style-type: none"> <li>1. Send out consultation letters to members of the trade;</li> <li>2. Send out consultation letters to other stakeholders (i.e. Chambers of Commerce, the Police and Disability Groups);</li> </ol>
				<p>The consultation exercise concluded on 3<sup>rd</sup> January 2012 and the responses are set out within the report to Licensing Committee on 16<sup>th</sup> January 2012.</p> <p>Whilst a response from one disability group was supportive of the proposals, a number of other responses</p>



				<p>3. Publish information in relation to the consultation exercise on the Council's website.</p>	<p>received suggested: (i) that, where possible, wheelchair users who are not wheelchair bound prefer to use a saloon vehicle and put the wheelchair in the boot of the vehicle; and (ii) that wheelchair accessible vehicles are more difficult for elderly passengers or those with mobility impairments to access.</p> <p>The decision-maker has been requested to consider the consultation responses and to make a decision balancing these interests.</p>
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Signed (Service Manager) ..... Date

Signed (Head of Section) ..... Date

