

Central Bedfordshire
Council
Priory House
Monks Walk
Chicksands,
Shefford SG17 5TQ



please ask for Martha Clampitt

direct line 0300 300 4032

date 6 May 2010

NOTICE OF MEETING

REGULATION COMMITTEE

Date & Time

Wednesday, 19 May 2010 9.30 a.m.

Venue at

Council Chamber, Priory House, Monks Walk, Shefford

Richard Carr
Chief Executive

To: The Chairman and Members of the REGULATION COMMITTEE:

Cllrs L Birt (Chairman), T Green (Vice-Chairman), D Bowater, I Dalgarno, A Fahn,
M Gibson, K Janes, H J Lockey, Ms J Nunn, A A J Rogers, G Summerfield and
P F Vickers

[Named Substitutes:

P N Aldis, R D Berry, Ms C Maudlin, D McVicar, B J Spurr and Mrs C Turner]

All other Members of the Council - on request

***MEMBERS OF THE PRESS AND PUBLIC ARE WELCOME TO ATTEND THIS
MEETING***

AGENDA

1. APOLOGIES FOR ABSENCE

Apologies for absence and notification of substitute Member appointments.

2. CHAIRMAN'S ANNOUNCEMENTS

To receive any announcements from the Chairman and any matters of communication.

3. MINUTES

To receive and sign the Minutes of the Regulation Committee held on 24 February 2010.

(attached)

4. MEMBERS' INTERESTS

To receive from Members declarations and the **nature** thereof in relation to:-

- (a) Personal Interests in any Agenda item
- (b) Personal and Prejudicial Interests in any Agenda item

5. PETITIONS

To receive petitions in accordance with the scheme of public participation as set out in Annex 2 of Part A4 of the Constitution.

6. PUBLIC PARTICIPATION

To deal with general questions and statements from members of the public in accordance with the scheme of public participation set out in Appendix 1 to Part A4 of the Constitution.

7. EXCLUSION OF PRESS AND PUBLIC

To consider whether to pass a resolution under Section 100A of the Local Government Act 1972 to exclude the Press and Public from the meeting for the following item of business on the grounds that the consideration of the item is likely to involve the disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Act.

8. STATEMENT OF POLICY ABOUT RELEVANT CONVICTIONS

A copy of the statement of policy about relevant convictions is attached to assist Members in relation to items 9 and 10.

ITEMS FOR CONSIDERATION IN PUBLIC

Reports

Item	Subject	Page Nos.
9	Advertisements on Hackney Carriages	* 11 - 14
	This report proposes permitting advertisements on hackney carriages, in order to take advantage of current marketing practice, providing no objection is received from the trade.	
10	Petitions received on Fees and Charges	* 15 - 20
	This report is for member information in relation to objections received regarding the new Hackney Carriage and Private Hire fees.	

ITEM LIKELY TO BE CONSIDERED FOLLOWING THE EXCLUSION OF THE PUBLIC

Item	Subject	Exempt Para.	Page Nos.
EX1	Petitions received on Fees and Charges - Exempt Appendix B	* 1	21 - 32
EX2	Application for a Private Hire Vehicle Licence	* 1	33 - 42

To make a decision on whether or not to grant a private hire vehicle licence to William Rees of A to B Travel in view of the age of the vehicle.

EX3	Application for the Grant of a Combined Hackney Carriage / Private Hire Driver's Licence	* 1	43 - 68
	To make a decision on whether or not to grant a combined Hackney Carriage / Private Hire Driver's Licence to Mr Shabir Visanji.		
EX4	Application for the Grant of a Combined Hackney Carriage Driver's Licence	* 1	69 - 84
	To make a decision on the application to renew a Hackney Carriage Drivers Licence in respect of Mr Nazik Sabir.		
EX5	Application for Renewal of Private Hire Driver's Licence	* 1	85 - 100
	To make a decision on the application to renew a Private Hire Driver's Licence in respect of Mrs Paula Francis.		

CENTRAL BEDFORDSHIRE COUNCIL

DRAFT

STATEMENT OF POLICY ABOUT RELEVANT CONVICTIONS

POLICY AIM

To promote and maintain the highest professional standard of hackney carriages and private hire drivers by the continuous monitoring of services and to ensure that each driver is a fit and proper person to hold a hackney carriage or a private hire driver licence.

1. Licences for drivers of hackney carriages and private hire vehicles may only be granted where the Council is satisfied that the applicant is a fit and proper person to hold such a licence.
2. The policy is intended to give guidance to applicants where he or she has previous convictions and or cautions.
3. The Council will endeavour to ensure:-
 - (a) That a person is a fit and proper person
 - (b) That a person does not pose a threat to the public
 - (c) That the public are safeguarded from dishonest persons
4. When submitting an application for a licence to drive a hackney carriage/private hire vehicle, applicants are required to declare all previous convictions they may have. Applicants are also required to declare all formal cautions and all endorsable fixed penalties together with details of all criminal matters of which they are currently subject of criminal investigation or prosecution.
5. Existing holders of driver licences are required to notify the Council, in writing, within seven days of receiving a driving licence endorsement, fixed penalty notice or criminal conviction (including cautions)
6. The information given will be treated in confidence and will only be taken into account in relation to the relevant application to assist the Council in determining whether the applicant is a fit and proper person to hold a driver's licence for the purposes of Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976.
7. Applicants should be aware that the Council is empowered by Law to check with the Criminal Records Bureau (CRB) for the existence and content of any criminal record held in their name. This Council abides by

the CRB's Policy on the secure storage, handling, use, retention and disposal of disclosure information, which is available on request.

8. The disclosure of a criminal record or other information relating to criminal matters will not necessarily debar an applicant from obtaining a driver's licence. Whether or not an applicant will be granted a licence will depend upon whether or not the Council can be satisfied that the applicant is a fit and proper person to hold such a licence.
9. In accordance with current case law, the Council will not seek to go behind the convictions by reinvestigating the circumstances of the case or questioning the decision of the relevant judicial authority. It will be for applicants to persuade the Council that the conviction is no longer serious, relevant, or is so old that it should not affect their ability to hold a licence.
10. The Council may fail to be satisfied that an applicant is a fit and proper person to hold a driver's licence for any good reason. If adequate evidence that a person is a fit and proper person is not received, or if there is good reason to question or doubt the evidence provided, it could amount to good reason to refuse a licence.
11. In considering evidence of an applicant's good character and fitness to hold a driver's licence, where previous convictions or other information relating to criminal matters are disclosed, the Council will consider the nature of the offence, when it was committed, the date of conviction, the applicant's age when the offence was committed and any other factors which might be relevant.
12. The Council is also entitled to use other records and information that may be available to it in determining applicants or an entitlement to continue holding a licence. This may include information held by the Council or other Councils, and information disclosed by the Police under the Home Office scheme for reporting notifiable offences.
13. Any applicant refused a driver's licence on the grounds that the Council is not satisfied that he or she is a fit and proper person to hold such a licence has a right of appeal to the Magistrates' Court within 21 days of the notice of refusal.
14. The Council has adopted the following guidelines relating to the relevance of convictions to which it refers in determining applications for drivers' licences.
15. The guidelines will also be taken into account by the Council when dealing with applications for the renewal of existing driver's licences and when considering whether to suspend or revoke an existing driver's licence.

GENERAL POLICY GUIDELINES

1. Each case will be decided on its own merits.
2. The Council has a duty to ensure, so far as possible, that drivers are fit and proper persons to hold licences.
3. A person with a conviction for a serious crime need not be automatically barred from obtaining a licence but would normally be expected to (a) remain free of conviction for an appropriate period and (b) show adequate evidence that he or she is a fit and proper person to hold a licence. Simply remaining free of conviction will not generally be regarded as sufficient evidence that a person is a fit and proper person to hold a licence.
4. In some circumstances it may be appropriate to depart from the general policy, for example, where the offence is isolated and there are mitigating circumstances. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour which will be taken into account. **Applicants will be invited to make representation to the Head of Service, Public Protection, before a final decision on whether an applicant is considered a fit and proper person to hold a licence.**
5. The following examples afford a general guide on the actions which might be taken where convictions are disclosed. **The period of post convictions before applications will be considered are based on the Home Office Guidelines.**

Offence of Dishonesty

- a. Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare. A serious view is taken of any conviction for dishonesty. In general, an application less than 3 – 5 years after conviction is unlikely to be considered favourably.
- b. After 3 years the circumstances of the offence, together with any evidence demonstrating that the person is now a fit and proper person to hold a licence, will be taken into account.

Violence

- a. As hackney carriage and private hire vehicle drivers maintain close contact with the public, a period of 3 to 10 years free of conviction for offences involving violence (depending on the nature and seriousness of the offence) will generally be required before an application is likely to be considered.

Drugs

- a. An application will normally be refused where the applicant has a conviction for an offence related to the supply of drugs and the conviction is less than 5 – 10 years prior to the date of application.
- b. After 5 years the circumstances of the offence, together with any evidence demonstrating that the person is now a fit and proper person to hold a licence, will be taken into account.
- c. An application from an applicant who has an isolated conviction for an offence related to the possession of drugs within the last 3 to 5 years will require careful consideration of the facts.

Sexual and Indecency Offences

- a. As hackney carriage/private hire vehicle drivers often carry unaccompanied passengers, applicants with a conviction for rape, indecent assault, or other similar offences will normally be refused a licence.
- b. Applicants with a conviction relating to sexual offences will normally be refused a licence until they can show a substantial period (usually between 3 and 10 years) free from any such conviction.

Motoring Convictions

Disqualification.

- a. Where an applicant has been disqualified from driving because of a major traffic offence, the applicant will generally be refused unless a period of 3 years free from conviction has elapsed from the restoration of the DVLA licence, and 5 years where the disqualification relates to drink driving or a major traffic offence.
- b. **Where several motor traffic offences have resulted in the applicant being disqualified from driving for a period of time, this will normally be taken as reflecting seriously on the applicant's driving standard. Generally a period of 3 years free from conviction must have elapsed from the restoration of the DVLA licence.**

- c. In 'totting-up' cases where disqualification is considered by the Court, even if the court does not disqualify a driver (e.g. because of exceptional circumstances), the Council is likely to refuse a hackney carriage./private hire driver's licence because different criteria apply and an applicant will normally be expected to show a period of 12 months free from conviction from the date the Court made its finding of exceptional circumstances justifying the non-disqualification.

Major Traffic Offences.

- a. An application will normally be refused where the applicant has a conviction for an offence within 2 years of the date of the application.
- b. More than one conviction for this type of offence within the last 5 years is likely to merit refusal.

Minor Traffic Offences.

- a. Isolated convictions for minor traffic offences should not prevent a person from obtaining a licence. However, the number, type and frequency of this type of offence will be taken into account and if there are several offences of this nature, the applicant will normally be expected to show a period free of conviction of at least 6 months.

Drunkenness

With a motor vehicle

- a. A serious view will be taken of convictions of driving or being in charge of a vehicle while under the influence of drink. An application will normally be refused where the applicant has a conviction for an offence within 2 years of the date of the application. More than one conviction for this type of offence or one such offence within the last five years is likely to merit refusal. Where a disqualification has occurred as a result of a drink-drive offence, at least 5 years free from conviction should elapse after the restoration of the DVLA licence before an applicant is considered for a licence.
- b. **In addition, applications will normally be required to show a period of at least 5 years following successful completion of any rehabilitation course imposed as part of a community penalty.**

Not in a motor vehicle.

- a. An isolated conviction for drunkenness need not debar an applicant from gaining a licence. In some cases, a warning may be appropriate. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination and refusal of a licence. In addition, applicants will normally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if he or she was an alcoholic.

Offences under the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 and Hackney Carriage Byelaws.

One of the main purposes of the licensing regime set out in the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 ('the Acts') and Hackney Carriage Byelaws is to ensure the protection of the public. For this reason a serious view is taken of convictions for offences under the Acts (including illegally plying for hire) when deciding whether an applicant is to be treated as a fit and proper person to hold a licence.

In particular an applicant will normally be refused a licence if he or she has been convicted of an offence under the Acts at any time during the 2 years preceding the application or has more than one conviction within the last 5 years preceding the date of the application.

Spent convictions

The Council will only consider spent convictions if it appears to be relevant for deciding whether the applicant is a fit and proper person to hold a licence.

Cautions and Endorsable Fixed Penalties

For the purpose of these guidelines, formal cautions and endorsable fixed penalties shall be treated as though they were convictions.

Meeting: Regulation Committee
Date: 19 May 2010
Subject: Advertisements on Hackney Carriages
Report of: Gary Alderson – Director of Sustainable Communities
Summary: This report proposes permitting advertisements on hackney carriages, in order to take advantage of current marketing practice, providing no objection is received from the trade.

Contact Officer: Margaret James, Licensing and Enforcement Officer
Public/Exempt: Public
Wards Affected: All
Function of: Council

CORPORATE IMPLICATIONS

Council Priorities:

Supporting and Caring for an ageing population – provision of safe public transport supports independent living.

Financial:

Fees are payable for this type of licence, the fees being charged represent the cost of the Council of producing this type of licence.

Legal:

Local Government (Miscellaneous Provisions) Act 1976.
Town Police Clauses Act 1847.

Risk Management:

Ensuring that Hackney Carriage and Private Hire vehicles operating in Central Bedfordshire are safe and properly regulated.

Staffing (including Trades Unions):

There are no staffing implications.

Equalities/Human Rights:

The Council has a legal duty to proactively promote race, gender and disability equality and to tackle discrimination experienced by other vulnerable groups. In order to ensure the personal safety of all vulnerable groups wishing to use licensed vehicles, conditions attached to licences ensure that this duty is met.

Community Safety:

Contributes to a safer public transport system and a safer night time economy. The Council has a statutory duty under Section 17 of the Crime and Disorder Act to do all that it reasonably can to reduce crime and disorder in its area. The provision of sufficient numbers of taxis is a key component of reducing crime and disorder problems linked to the night time economy and licensed premises. In addition, it is essential to ensure that the public, and particularly more vulnerable members of the community, are not left without safe transport options which may lead them to take decisions which put their safety at risk.

Sustainability:

By regulating this service area we can ensure that those businesses who are compliant can be supported and resources can be focused at those businesses that will not comply.

RECOMMENDATION:

that the Committee consider permitting advertisements on the outside of hackney carriages provided no objection is received from the hackney carriage trade.

Background

1. The Council is the Licensing Authority for hackney carriage and private hire drivers, vehicles and operators and is responsible for providing a licensed service to the community that is safe and accessible.
2. The hackney carriage and private hire trade have a right to expect a fair and reasonable licensing regime.
3. The conditions attached to hackney carriages state:

‘Vehicles currently licensed as wheelchair accessible hackney carriages will be permitted to be re-licensed annually provided they pass the mechanical requirements, but any replacement vehicle will be required to meet all requirements’.
4. The signage allowed on hackney carriages formally licensed by Mid Bedfordshire District Council permitted an inscription on the outside of the vehicle identifying the proprietor of the licensed vehicle or the association of proprietors to which he or she belongs, together with a telephone number.
5. The signage allowed on hackney carriages formally licensed by South Bedfordshire District Council permitted advertisements on the outside of the vehicle promoting the proprietor. It also permitted advertising on the outside of the vehicle promoting certain products or companies to take advantage of current marketing practice.

Central Bedfordshire permitted signage.

6. The current conditions attached to hackney carriages do not permit advertisements.
7. Members may wish to consider, therefore, permitting advertising on the outside of hackney carriages.
8. If Members do wish to allow such advertising, it is recommended that the hackney carriage conditions be amended to include the following permitted signage:
 - (a) An inscription identifying the proprietor of the licensed vehicle or the association of proprietors to which he or she belongs, together with a telephone number.
 - (b) Advertisements on the outside of the vehicle promoting certain products or companies providing the proprietor has the prior approval of the Council for the content of the advertisement.

Consultation with the trade.

9. Before a local authority can make a decision on policies and conditions affecting the hackney carriage trade, they must consider the views of all interested parties.
10. If Members do wish to allow advertising on hackney carriages, it is proposed that such a condition be permitted providing no objection is received from the trade.

Appendices:

None

Background Papers:

None

Location of papers: The Council Offices, Dunstable.

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Meeting: Regulation Committee
Date: 19 May 2010
Subject: Petitions received on fees and charges
Report of: Gary Alderson – Director of Sustainable Communities
Summary: This report is for member information in relation to objections received regarding the new Hackney Carriage and Private Hire fees.

Contact Officer: Margaret James, Licensing and Enforcement Officer
Public/Exempt: Public
Wards Affected: All
Function of: Council

CORPORATE IMPLICATIONS

Council Priorities:

Supporting and Caring for an ageing population – provision of safe public transport supports independent living.

Financial:

Fees are payable for this type of licence, the fees being charged represent the cost of the Council of producing this type of licence and have been set in line with the requirements of the fees and charges working group. By varying the fees in line with the objections received the council and council tax payer would have to subsidise the provision of this service.

Legal:

Local Government (Miscellaneous Provisions) Act 1976.
Town Police Clauses Act 1847.

Risk Management:

Ensuring that Hackney Carriage and Private Hire vehicles operating in Central Bedfordshire are safe and properly regulated.

Staffing (including Trades Unions):

There are no staffing implications.

Equalities/Human Rights:

The Council has a legal duty to proactively promote race, gender and disability equality and to tackle discrimination experienced by other vulnerable groups. In order to ensure the personal safety of all vulnerable groups wishing to use licensed vehicles, conditions attached to licences ensure that this duty is met.

Community Safety:

Contributes to a safer public transport system and a safer night time economy. The Council has a statutory duty under Section 17 of the Crime and Disorder Act to do all that it reasonably can to reduce crime and disorder in its area. The provision of sufficient numbers of taxis is a key component of reducing crime and disorder problems linked to the night time economy and licensed premises. In addition, it is essential to ensure that the public, and particularly more vulnerable members of the community, are not left without safe transport options which may lead them to take decisions which put their safety at risk.

Sustainability:

By regulating this service area we can ensure that those businesses that are compliant can be supported and resources can be focused at those businesses that will not comply.

RECOMMENDATION:

1. **that the Committee note the petitions and objection received in relation to hackney carriage and private hire fees.**

Background

1. The Council is the Licensing Authority for hackney carriage and private hire drivers, vehicles and operators and is responsible for providing a licensed service to the community that is safe and accessible.
2. The hackney carriage and private hire trade have a right to expect a fair and reasonable licensing regime.

Central Bedfordshire Hackney Carriage and Private Hire Fees

3. Each year a member's working party considers the fees and charges that should be set in relation to the services provided within Central Bedfordshire. This year these included details of the harmonised fees that should be charged following the introduction of a single Central Bedfordshire licensing zone for all hackney carriage and private hire services.
4. All fees and charges were calculated using a formula provided by finance, which is based on officer time to provide the service, multiplied by officer costs.
5. As stipulated in the Local Government (Miscellaneous Provisions) Act 1976 (LG(MP)A 1976) the fees charged for the hackney carriage and private hire service can be set to cover the reasonable costs of providing the licensing scheme. Should the reasonable costs not be covered the council and as a result the local council tax payer would be required to subsidise the provision of this service.

6. On the 10 November 2009 the Executive considered and agreed the fees and charges report for 2010/11 including the fees for hackney carriage and private hire services.

Consultation with the trade.

7. In order to vary the fees charged for the provision of the hackney carriage and private hire service a notice (Appendix A) was published on 7 March 2010 in the Beds on Sunday (all editions), as required under the LG(MP)A 1976. The notice was also available for public inspection, at reasonable hours, in the council offices. A period of 28 days was allowed for any objections to be received.
8. A letter setting out the proposed fees and charges was also sent to all hackney carriage and private hire operators, proprietors and drivers on 5 March 2010.
9. Two petitions and one letter of objection were received and are shown at Appendix B.
10. Objections should be on the grounds that the fees are higher than the costs of the provision of the service. None of the objections received were on this basis.
11. One of the petitions also covered some matters which are being dealt with as part of the day to day running of the service and not matters that need consideration at Committee.
12. Members are asked to note the petitions and that there are no objections on relevant grounds to the fees as set out in the notice at Appendix A.

Further Actions

13. The LG(MP)A 1976 require that the variations to the fees shall come into force, with or without modification after consideration of the objections, on a date no later than two months from the expiration of the 28 day period starting the 7 March 2010.
14. The varied fees must come into effect before the 4 June 2010. It is proposed that the varied fees will come into effect from the 1 June 2010.

Appendices:

A – Copy of notice published in the Beds on Sunday (all editions) 7 March 2010

B – Petitions and letter of objection (Exempt from public due to signatures)

Background Papers:

Local Government (Miscellaneous Provisions) Act 1976

Location of papers: The Council Offices, Dunstable.

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CENTRAL BEDFORDSHIRE COUNCIL
REVISED LICENCE AND OTHER FEES IN RESPECT OF HACKNEY
CARRIAGE AND PRIVATE HIRE VEHICLES, OPERATORS AND DRIVERS

NOTICE IS HEREBY GIVEN that the Central Bedfordshire District Council in exercise of its powers under Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 has agreed to vary the fees charged for the licensing of Hackney Carriage and Private Hire Vehicles, Operators and Drivers as specified below:

Private Hire & Hackney Carriage Fees

Licence Fee (12 months or less)

Private Hire Vehicle	£240.00*
Renewal	£162.00*
Hackney Carriage	£290.00*
Renewal	£220.00*
Replacement Plate	£25.00
Temporary Replacement Vehicle (up to 3 months)	£90.00*

* Excludes the cost of vehicle inspection

Transfer of Ownership of Vehicles

Where the ownership of a vehicle already licensed by Central Bedfordshire Council is transferred to another person, the following fees will be due by the new owner upon receipt of a successful application. £110.00

Transfer of Vehicle

Where the vehicle licence is transferred to another vehicle (not a temporary replacement) and is to remain in force until its expiry date £110.00

Where the vehicle is transferred and a 12 month licence is required. Full fee

Private Hire and Taxi Driver Licence

New or Renewal Combined 1 year Drivers Licence	£90.00
Driver Knowledge Test	£25.00

Replacement Badge	£20.00
CRB / ISA Registration	At cost
CRB / ISA administration fee	£15.00
DVLA enquiry fee	£7.00

Private Hire Operator Licence

New Private Hire Operators Licence	£195.00
Renewal Private Hire Operators Licence	£72.00

Administration fee for application withdrawal/variation etc. £25.00

The above variations will come into effect after the expiration of the 28 day period mentioned below. If any objections are received in response to the Notice, then on a date no later than two months from the expiration of the period mentioned below, the variations shall come into force with or without modification after consideration of the objections.

Any objections to the above variations should be sent in writing to the address below stating the grounds of objections within the 28 day period beginning on the date of publication of this notice.

A copy of this notice is available for inspection free of charge at The Council Offices, during normal office hours.

Dated 1 March 2010.

Mr Gary Alderson
Director of Sustainable Communities
Central Bedfordshire Council
Priory House, Monks Walk
Chicksands, Shefford
Bedfordshire SG17 5TQ

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