

BOROUGH OF BARROW-IN-FURNESS

LICENSING COMMITTEE

Meeting, 22nd March, 2012
at 2.00 p.m.

A G E N D A

PART ONE

1. To note any items which the Chairman considers to be of an urgent nature.
2. To receive notice from Members who may wish to move any delegated matter non-delegated and which will be decided by a majority of Members present and voting at the meeting.
3. Admission of Public and Press

To consider whether the public and press should be excluded from the meeting during consideration of any of the items on the agenda.

4. Disclosure of Interests.

A Member with a personal interest in a matter to be considered at this meeting must either before the matter is discussed or when the interest becomes apparent disclose

1. ***The existence of that interest to the meeting.***
2. ***The nature of the interest.***
3. ***Decide whether they have a prejudicial interest.***

A note on declaring interests at meetings, which incorporates certain other aspects of the Code of Conduct and a pro-forma for completion where interests are disclosed accompanies the agenda and reports for this meeting.

5. Apologies for Absence/Attendance of Substitute Members.
6. To confirm the Minutes of the meeting held on 2nd February, 2012 (copy attached).

Chief Executive's Reports

FOR DECISION

- (R) 7. Policy – Guidelines relating to the relevance of convictions for applicants for the grant and renewal of licences to drive Hackney Carriages and Private Hire Vehicles.

- (D) 8. Hackney Carriage – Unmet Demand Survey
- (D) 9. Application for Street Trading Consent

Membership of Committee

Callister (Chairman)
Irwin (Vice Chairman)
Biggins
Wendy McClure
Maddox
Opie
Preston
Pemberton
Roberts
Seward
C. Thomson
Wall

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BOROUGH OF BARROW-IN-FURNESS
LICENSING COMMITTEE

Meeting: 2nd February, 2012
at 2.00 p.m.

PRESENT:- Councillors Callister (Chairman), Biggins, Irwin, Opie, Pointer, Preston, Richardson, Seward, C. Thomson and Wall.

55 – The Local Government Act, 1972 as amended by the Local Government (Access to Information) Act, 1985 and Access to Information (Variation) Order 2006

Discussion arising hereon it was

RESOLVED:- That under Section 100A(4) of the Local Government Act, 1972 the public and press be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 2 and 7 (Minute Nos. 60, 61, 62, 63, 64 and 65) of Part One of Schedule 12A of the said Act.

56 – Disclosures of Interest

Councillor Callister declared a personal and prejudicial interest in Agenda Item 8 – Hackney Carriage/Private Hire Vehicle Driver (Minute No. 60) as the applicant was known to him. He left the meeting during consideration of this item.

Councillor Pointer declared a personal interest in Agenda Item 7 – Street Trading Consent – Continental Market (Minute No. 59) as his wife worked in Barrow Market.

57 – Apologies for Absence/Attendance of Substitute Members

Apologies for absence were received from Councillors Maddox, W. McClure and Roberts.

Councillors Pointer and Richardson had replaced Councillors Maddox and Roberts respectively for this meeting only.

58 – Minutes

The Minutes of the meeting held on 8th December, 2011 were taken as read and confirmed.

59 – Street Trading Consent – Continental Market

The Commercial Services Team Leader submitted a report regarding an application for Street Trading Consent from Traditional Markets Limited to hold a Continental Market on Dalton Road, Barrow for a three day period from 2nd to 4th March, 2012.

The general criteria for allowing street trading within the town centre was that the proposed trader should satisfy one or more of the following conditions:-

- 1) Attract more people to the town centre;
- 2) Enhance the street scene;
- 3) Provide entertainment;
- 4) Complement existing businesses.

The Town Centre Manager attended the meeting to convey her support for the application and considered that it met at least three of the above criteria. A copy of her comments were attached to the report.

On previous occasions when a Continental Market had been held it had been sited on the Town Square. A survey conducted by the Council following the recent Christmas Market event had shown support for more events being held on Dalton Road.

Members were asked to consider agreeing in principle to the holding of a Continental Market on Dalton Road and to give delegated authority to officers to issue a Street Trading Consent subject to agreement with the Highways Authority, Police Authority and Fire and Rescue Authority. It was suggested that a fee of £1200 for the three day period be charged for the Street Trading Consent.

RESOLVED:- (i) To agree in principle to the holding of a Continental Market on Dalton Road from 2nd to 4th March, 2012;

(ii) That delegated authority be given to officers to issue a Street Trading consent, subject to consultees being in agreement and that their requirements were satisfied; and

(iii) That a fee of £1200 be charged for the consent.

60 – Hackney Carriage/Private Hire Vehicle Driver

The Commercial Services Team Leader submitted a report concerning information which had been drawn to his attention regarding a Hackney Carriage/Private Hire Vehicle Driver, Mr G. J. H.

Mr G. J. H. attended the meeting and addressed the Committee. A Police representative was present.

RESOLVED:- To agree to allow Mr G. J. H. to retain his Hackney Carriage/Private Hire Vehicle Drivers licence on the understanding that he received a severe written warning as to his future conduct.

61 – Application for a Private Hire Vehicle Drivers Licence

The Commercial Services Team Leader reported on an application he had received for a Private Hire Vehicle Drivers Licence from Mr J. H. He submitted information which had been drawn to his attention concerning the applicant and set out details of the Committee's policy regarding such matters.

Mr J. H. had been invited to attend today's meeting but had failed to do so.

RESOLVED:- To agree that Mr J. H's application be refused.

62 – Application for a Private Hire Vehicle Drivers Licence

The Commercial Services Team Leader reported on an application he had received for a Private Hire Vehicle Drivers Licence from Mr D. C. He submitted information which had been drawn to his attention concerning the applicant and set out details of the Committee's policy regarding such matters.

Mr D. C. attended the meeting and addressed the Committee. A Police representative was also present.

RESOLVED:- To agree to grant Mr D. C's application for a Private Hire Vehicle Drivers licence on the understanding that he received a written warning as to his future conduct.

63 – Hackney Carriage/Private Hire Vehicle Driver

Referring to Minute No. 17 of Licensing Committee, 23rd June, 2011 the Commercial Services Team Leader submitted a report regarding a Hackney Carriage/Private Hire Vehicle Driver, Mr D. O. who had been requested to attend Licensing Committee for a licence review.

Mr D. O. attended the meeting and re-addressed the Committee. A Police representative was present.

RESOLVED:- To agree to allow Mr D. O. to retain his Hackney Carriage/Private Hire Vehicle Driver's licence and no further action would be necessary.

64 – Application for a Private Hire Vehicle Drivers Licence

The Commercial Services Team Leader reported on an application he had received for a Private Hire Vehicle Drivers Licence from Mr P. H. He submitted information which had been drawn to his attention concerning the applicant and set out details of the Committee's policy regarding such matters.

Mr P. H. attended the meeting and addressed the Committee. A Police representative was also present.

RESOLVED:- To agree to grant Mr P. H's application for a Private Hire Vehicle Drivers licence on the understanding that he received a severe written warning as to his future conduct.

65 – Application for a Private Hire Vehicle Drivers Licence

The Commercial Services Team Leader reported on an application he had received for a Private Hire Vehicle Drivers Licence from Mr A. J. He submitted information which had been drawn to his attention concerning the applicant and set out details of the Committee's policy regarding such matters.

Mr A. J. attended the meeting and addressed the Committee. A Police representative was also present.

RESOLVED:- To agree to grant Mr A. J's application for a Private Hire Vehicle Drivers licence on the understanding that he received a severe written warning as to his future conduct.

The meeting closed at 3.05 p.m.

LICENSING COMMITTEE	Part One (R) Agenda Item 7
Date of Meeting: 22nd March, 2012	
Reporting Officer: Environmental Health Manager	
<p>Title: Policy – Guidelines relating to the relevance of convictions for applicants for the grant and renewal of licences to drive Hackney Carriages and Private Hire Vehicles</p> <p>Summary and Conclusions:</p> <p>This report contains details of a review of the Council’s policy on the relevance of criminal convictions in respect of taxi applications. A draft policy and guidelines relating to the relevance of convictions for applicants for the grant and renewal of licences to drive Hackney Carriages and Private Hire Vehicles is appended to the report. In addition it is suggested that “spent relevant offences” can be considered when assessing the suitability of an applicant to be licensed. The Council is recommended to consider adopting it as policy and also to agree to take into account “spent convictions” where an applicant has committed relevant offences within the last five years and has a history of offending behaviour.</p> <p>Recommendation:</p> <p>To recommend that the Council:-</p> <ol style="list-style-type: none"> 1. Adopt the draft Policy and Guidelines relating to the relevance of convictions for applicants for the grant and renewal of licences to drive hackney carriages and private hire vehicles; and 2. Agree that “spent convictions” be taken into account when determining whether an applicant is a fit and proper person to hold a licence where an applicant has offences committed within the last five years and a history of relevant “spent offences”. 	

Report

Meetings of the Taxi Licensing Working Party were held on 11th January, 2012 and 7th March 2012 and members of the group discussed the review of the current policy relating to relevance of criminal convictions in respect of Hackney Carriage and Private Hire Vehicle drivers.

The purpose of the review was to produce a policy and set of guidelines which gave more guidance than the current policy to help provide greater consistency and fairness when considering applications for drivers’ licences.

A number of examples of policies and guidelines used by other Authorities were examined and following discussions a draft policy and guidelines relating to the relevance of convictions for applicants for the grant and renewal of licences to drive Hackney Carriage and Private Hire Vehicles was produced. A copy is attached at **Appendix A** to this report. A copy of the current policy is attached at **Appendix B**.

Consideration has also been given as to how further information can be provided to enable Members to make more informed judgments when considering applications for drivers' licences. It is therefore suggested that the following paragraph concerning 'spent' convictions be included in reports concerning applications for drivers' licences and licensed drivers:-

"The Rehabilitation of Offenders Act 1974 provides that after varying periods of time certain convictions are regarded as being 'spent' and cannot be taken into account when considering an individual's suitability to hold an employment position or a licence. The Act does not apply to taxi drivers and therefore all convictions recorded against taxi drivers are 'live' and may be taken into account when considering whether an applicant for a driver's licence is a 'fit and proper' person. It is a matter for the Committee to decide what weight should be placed on such convictions having regard to the nature of the offence and the length of time that has elapsed since its commission. In addition, the Committee should have regard to the council's Guidelines on the Relevance of Convictions when reaching its decision."

It is suggested that where an applicant has a history of relevant offences in addition to those committed within the last five year period, details of these offences should either be appended to the report or read out at the meeting when the report is being considered. Consideration of these would assist Members in determining whether an applicant is a fit and proper person to hold a licence and whether a longer period of time free of convictions is necessary to demonstrate that the applicant is reformed.

Legal advice has been sought to clarify that the use of "spent convictions" in determining an application would be appropriate and lawful. The advice obtained suggests that this is allowable and can be used to determine whether an applicant is a fit and proper person.

I would ask Members to consider adopting the draft Policy and Guidelines document and also to agree to the use of "spent convictions" and the inclusion of the above standard paragraph together with details appended to the report or read out at the meeting, in determining an application for a driver's licence where the applicant has a history of relevant offences.

Background Papers

Nil

APPENDIX A

Guidelines Relating to the Relevance of Convictions for Applicants for the Grant and Renewal of Licences to Drive Hackney Carriages and Private Hire Vehicles

General Policy

1. **Each case will be decided on its own merits.**
2. The Council will as far as is possible ensure that all persons holding a licence to drive hackney carriages or private hire vehicles are fit and proper persons. In doing so, the Council will take into account previous convictions including where relevant "spent" convictions.
3. The Council will always put the protection of the public first when considering the relevance of convictions recorded against an applicant for a licence.
4. A person with a conviction for serious crime need not be permanently barred from obtaining a licence but will be expected to remain free of conviction for an appropriate period, before an application is considered. However, remaining free of conviction for a specified period may not be sufficient to show that a person is fit and proper and additional evidence may be required.
5. There is no statutory definition of the term "fit and proper person", however its purpose is to prevent licences being given to or used by those who are not suitable people taking into account their driving record, experience, their sobriety, mental and physical fitness, honesty and that they are people who would not take advantage of their employment to abuse or assault passengers.
6. There may be occasions where it is appropriate to depart from the guidelines when making a decision on an application. For example where the offence is a one-off and there are mitigating circumstances or alternately, where there are many or continuous offences which may show a pattern of offending and unfitness.
7. The following examples give a general guide as to the action that might be taken where convictions are recorded against an applicant.

(a) Dishonesty

Members of the public using hackney carriages and private hire vehicles expect the driver to be honest and trustworthy. It would be easy for a dishonest driver to take advantage of the public.

For these reasons a serious view will be taken of any conviction involving dishonesty. In general, if an application is made within the first 3 to 5 years from the date of a conviction or from the date of release from jail where a custodial sentence has been imposed, it is likely that it will be refused.

Where an application is made within the first three years since the conviction or the date of release from jail, where a custodial sentence has been imposed, for any of the following offences, the application will normally be refused:-

- Theft;
- Burglary;
- Fraud;
- Benefit fraud (including offences under ss 11A and 112 of the Social Security Administration Act 1992);
- Blackmail;
- Handling or receiving stolen goods;
- Forgery;
- Conspiracy to defraud;
- Obtaining money or property by deception;
- Other deception;
- Or similar offences to those above or any offence which may replace any of the above offences.

When a period of 3 years from conviction or the date of release from jail, where a custodial sentence has been imposed has passed, consideration will be given to the circumstances of the offence and any evidence to show that an applicant is a fit and proper person to hold a licence.

(b) Violence

As hackney carriage and private hire vehicle drivers maintain close contact with the public, a firm line will be taken with applicants who have convictions for violence. Where the commission of an offence involves loss of life, a licence will normally be refused. In other cases, a period of 3 to 10 years free of conviction from the date of conviction or the date of release from jail, where a custodial sentence has been imposed will generally be required before an application is likely to be considered favourably. The nature and seriousness of the offence(s) will be taken into consideration.

In particular:-

- (i) An application will normally be refused where the applicant has a conviction for an offence of:
 - Murder;
 - Manslaughter;
 - Manslaughter or culpable homicide while driving;
 - Or similar offence or offences which replace the above offences.
- (ii) An application will normally be refused for a period of five years from the date of the conviction or the date of release from jail, where a custodial sentence has been imposed if the applicant has a conviction for:-
 - Arson;
 - Malicious wounding or grievous bodily harm which is racially aggravated;

- Assault occasioning actual bodily harm which is racially aggravated;
- Assault with intent to cause grievous bodily harm;
- Assaulting a Police Officer in the execution of his duties;
- Malicious wounding;
- Robbery;
- Racially aggravated criminal damage;
- Racially aggravated fear or provocation of violence;
- Racially aggravated intentional harassment, alarm or distress;
- Racially aggravated harassment;
- Racially aggravated putting people in fear of violence;
- Riot;
- Possession of an offensive weapon;
- Possession of a firearm;
- Violent disorder;
- Or any arrestable offence involving violence (an arrestable offence is defined as an offence committed by a person of age 21 years or over and on conviction for the first offence may be sentenced to a term of imprisonment of 5 years or where the penalty is fixed by law).

(iii) An application will normally be refused for a period of three years from the date of conviction or the date of release from jail, where a custodial sentence has been imposed, where the applicant has a conviction for:-

- Common assault;
- Racially aggravated common assault;
- Assault occasioning actual bodily harm;
- Affray;
- Racially aggravated harassment, alarm or distress;
- Resisting arrest;
- Obstructing a police officer in the execution of his duty;
- Criminal damage;
- Any similar offence or offences which replace the above offences;

(c) Drugs.

An application will normally be refused if an applicant has a conviction for an offence that relates to the supply or importation of drugs and the date of the conviction or the date of release from jail, where a custodial sentence has been imposed, is less than 5 to 10 years before the date of the application.

However, after 5 years from the date of such a conviction or the date of release from jail, where a custodial sentence has been imposed, the circumstances of the offence and any evidence which shows that a person is now a fit and proper person to hold a licence will be taken into consideration.

An application will normally be refused where an application is made within 3 to 5 years from the date of a conviction or the date of release from jail, where a custodial sentence has been imposed for an offence relating to the possession of drugs. However, after a period of three years from the date of such a conviction or the date of release from jail, where a custodial sentence has been imposed, consideration will be given to the circumstances of the

offence and any evidence to show that an applicant is a fit and proper person to hold a licence.

An application will normally be refused where an applicant has more than one conviction for offences related to the possession of drugs and the last conviction or the date of release from jail, where a custodial sentence has been imposed, is less than 5 years before the date of the application.

Where evidence is available that an applicant who has convictions for drug related offences has been addicted to drugs, they will have to produce evidence that shows that they have been free of drug taking for at least 5 years after successfully completing a drug treatment programme.

(d) Sexual and Indecency Offences

As the driver of hackney carriages and private hire vehicles often carry passengers who are alone or may be vulnerable, applicants who have convictions for rape, indecent assault, any sexual offence involving children and any conviction for an offence under the Sexual Offences Act 2003 will normally be refused a licence.

Where an applicant has a conviction for a sexual offence such as indecent exposure they will normally be refused a licence until they can show a substantial period usually between 5 and 10 years free of any such convictions from the date of conviction or the date of release from jail where a custodial sentence has been imposed before an application is made.

After a period of 5 years from the date of a conviction or the date of release from jail, where a custodial sentence has been imposed, consideration will be given to the circumstances of the offence and any evidence to show that an applicant is a fit and proper person to hold a licence.

When considering applications, the Council may take into account any information of a sexual nature which does not amount to a criminal offence that is brought to its attention where that information may indicate that an applicant may not be a fit and proper person to hold a licence.

Note

The responsibility for hearing applications referred to Members for determination should in all cases be discharged by the Licensing Committee and not delegated to a Sub-Committee.

(e) Motoring Convictions

(i) Disqualification

Where an applicant has been disqualified from driving by the Courts for a serious traffic offence under Category "A" of Annex (i), an application will generally be refused unless a period of 5 years free of conviction has passed since the return of the DVLA licence.

Where an applicant has been disqualified from driving by the Courts for a serious traffic offence under Category "B" of Annex (i), an application will generally be refused unless a period of 5 years free of conviction has passed since the return of the DVLA licence unless the offence was an isolated one, in which case, a period of not less than 2 years shall have passed.

Where a disqualification is imposed by a court in a "totting-up" case, i.e. where an applicant has been disqualified because of several driving offences an application will generally be refused unless a period of 1 year free of conviction has elapsed since the return of the DVLA driver licence.

In "totting-up" cases where a court does not impose a disqualification because of exceptional circumstances, then because the Council apply different criteria to the Courts, an application will generally be refused unless an applicant can show a period of 1 year free of conviction from the date of the last Court appearance.

(ii) Serious traffic Offences

Where an applicant has a conviction for a serious traffic offence in Category "A" Annex (i) and a period of disqualification has not been imposed by the Courts, an application will normally be refused where an application is made in the 5 years following the date of the last conviction.

Where an applicant has a conviction for a serious traffic offence in Category "B" Annex (i) and a period of disqualification has not been imposed by the Courts, an application will normally be refused where an application is made in the 5 years following the date of the last conviction unless the offence was an isolated one in which case, a period of not less than 2 years shall have passed.

Where an applicant has had more than one conviction for a serious traffic offence in either Category "A" or "B" of Annex (i) and the Courts have not imposed a period of disqualification, an application will normally be refused where an application is made in 5 years following the date of the last conviction.

(iii) Other traffic Offences

Normally, isolated convictions for other traffic offences should not prevent someone obtaining a licence. However, the number, type and the frequency of these types of offence will be taken into account. If there are several convictions for these types of offence, an applicant will normally be expected not to have been convicted of an offence in the 6 months before an application is made.

A list of relevant offences is shown at Annex (ii). However, this is not an exhaustive list and there may be other offences which may be relevant.

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

One of the main purposes of the licensing regime set out in "the Acts" is to ensure the protection of the public. For this reason, a serious view will be taken of convictions for offences under the legislation, particularly offences of illegal plying for hire, when deciding if a person is a fit and proper person to hold a licence.

In particular, an application will normally be refused where an applicant has more than one conviction for an offence under "the Acts" in the two years preceding the date of the application.

(g) Drunkenness

(i) In a motor vehicle.

The manner in which drunkenness offences in a motor vehicle will be dealt with is outlined in Motoring Offences at paragraph "e" of these guidelines.

(ii) Not in a motor vehicle.

Where an applicant has an isolated conviction for drunkenness, this need not stop an applicant from getting a licence. In some cases, a warning may be appropriate.

However, where an applicant has a number of convictions for drunkenness, it could indicate that the applicant is an alcoholic and a special medical examination and / or assessment by an occupational health professional should be arranged before the applicant is entertained. If the applicant is found to be an alcoholic a period of 5 years should elapse after treatment is complete before a further licence application is considered. Any expense incurred in undertaking the examination / assessment is the responsibility of the applicant.

(h) Spent Convictions

The Council will only take "Spent Convictions" into consideration if it is considered they are relevant to the application.

(i) Formal Cautions and fixed penalty notices.

For the purposes of these guidelines, the Council will treat Formal Cautions issued in accordance with Home Office guidance and fixed penalty notices as though they were a conviction before the courts.

(j) Other Offences and Special Circumstances.

If an applicant has declared or committed any other offence not listed above or the circumstances of the case justify it, the matter may be referred to the Licensing Committee if appropriate for determination.

(k) Relevant information provided on application forms

It is an offence under Section 57 of the Local Government (Miscellaneous Provisions) Act 1976 to knowingly or recklessly make a false statement or omit any material particulars in giving the information required on the application form.

Annex (i)

Serious Traffic Offences

Category A

Offence Code	Offence
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Careless Driving

CD40	Causing death through careless driving when unfit through drink
CD50	Causing death through careless driving when unfit through drugs
CD60	Causing death through careless driving with alcohol level above the limit
CD70	Causing death through careless driving then failing to supply a specimen for analysis

Reckless/Dangerous Driving

DD40	Dangerous Driving
DD60	Manslaughter or culpable homicide while driving a vehicle
DD80	Causing death by dangerous driving

Miscellaneous offences

MS50	Motor racing on a highway
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Theft and unauthorised taking

UT50	Aggravated taking of a vehicle
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Any offence of Aiding, Abetting or procuring the above offences.
(Note, the offence code will have the 0 replaced by a 2)

Any offence of Causing or permitting the above offences.
(Note, the offence code will have the 0 replaced by a 4)

Inciting any of the above offences.
(Note, the offence code will have the 0 replaced by a 6)

Category B

**Offence
Code Offence**

Accident Offences

AC10 Failing to stop after an accident
AC20 Failing to give particulars or report an accident within 24 hours

**Offence
Code Offence**

Disqualified driver

BA10 Driving whilst disqualified by order of court
BA 30 Attempting to drive whilst disqualified by order of the Court

Careless Driving

CD10 Driving without due care and attention
CD20 Driving without reasonable consideration for other road users
CD30 Driving without due care and attention or without reasonable consideration for other road users

Construction and Use Offences

CU10 Using a vehicle with defective brakes
CU20 Causing or likely to cause danger by use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
CU30 Using a vehicle with defective tyre(s)
CU40 Using a vehicle with defective steering
CU50 Causing or likely to cause danger by reason of load or passengers

Drink or Drugs

DR10 Driving or attempting to drive with alcohol level above limit
DR20 Driving or attempting to drive while unfit through drink
DR30 Driving or attempting to drive then failing to supply a specimen for analysis
DR40 In charge of a vehicle while alcohol above limit
DR50 In charge of a vehicle while unfit through drink
DR60 Failure to provide specimen for analysis in circumstances other than driving or attempting to drive
DR70 Failing to provide a specimen for breath test
DR80 Driving or attempting to drive when unfit through drugs
DR90 In charge of a vehicle while unfit through drugs

Insurance offences

IN10 Using a vehicle uninsured against third party risks

Licence Offences

LC30 Driving after making a false declaration about fitness when applying for a licence

LC40 Driving a vehicle after having failed to notify a disability

Miscellaneous Offences

MS70 Driving with uncorrected defective eyesight

Any offence of Aiding, Abetting or procuring the above offences.
(Note, the offence code will have the 0 replaced by a 2)

Any offence of Causing or permitting the above offences.
(Note, the offence code will have the 0 replaced by a 4)

Inciting any of the above offences.

(Note, the offence code will have the 0 replaced by a 6)

Note! If any of the offences in Category "B" involve a licensed hackney carriage or private hire vehicle, they will be treated as though they are a Category "A" offence.

Annex (ii)

Other traffic Offences

Offence

Code

Offence

LC20	Driving otherwise than in accordance with a licence
LC50	Driving after a licence has been revoked or refused on medical grounds
MS10	Leaving a vehicle in a dangerous position
MS20	Unlawful pillion riding
MS30	Play street offences
MS60	Offences not covered by other codes
MS80	Refusing to submit to an eyesight test
MS90	Failure to give information as to identity of driver etc.
MW10	Contravention of Special Road Regulations (excluding speed limits)
PC10	Undefined contravention of Pedestrian Crossing Regulations
PC20	Contravention of Pedestrian Crossing Regulations with a moving vehicle
PC30	Contravention of Pedestrian Crossing Regulations with a stationary vehicle
SP10	Exceeding goods vehicle speed limits
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
SP30	Exceeding statutory speed limit on a public road

SP40	Exceeding passenger vehicle speed limit
SP50	Exceeding speed limit on a motorway
SP60	Undefined speed limit offence
TS10	Failing to comply with traffic light signals
TS20	Failing to comply with double white lines
TS30	Failing to comply with "stop" sign
TS40	Failing to comply with direction of a constable/warden
TS50	Failing to comply with traffic sign (excluding stop signs, traffic lights or double white lines)
TS60	Failing to comply with a school crossing patrol sign
TS70	Undefined failure to comply with a traffic direction sign

Any offence of Aiding, Abetting or procuring the above offences.
(Note, the offence code will have the 0 replaced by a 2)

Any offence of Causing or permitting the above offences.
(Note, the offence code will have the 0 replaced by a 4)

Inciting any of the above offences.
(Note, the offence code will have the 0 replaced by a 6)

Note! If any of the offences involve a licensed hackney carriage or private hire vehicle, they may be treated as though they are a Category "B" offence under Annex (ii).

APPENDIX B

POLICY ON THE RELEVANCE OF CRIMINAL CONVICTIONS IN RESPECT OF TAXI APPLICATIONS

General Policy

- 1) Each case will be decided on its own merits.
- 2) A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but should be expected to remain free of conviction for 3 to 5 years, according to the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration should be the protection of the public.

Violence

As Hackney Carriage and Private Hire vehicle drivers maintain close contact with the public, a firm line should be taken with applicants who have convictions for grievous bodily harm, wounding or assault. At least 3 years free of such convictions should be shown before an application is entertained and even then a strict warning should be administered.

Drugs

An applicant with a conviction for a drug related offence should be required to show a period of at least 3 years free of convictions before an application is entertained, or 5 years after detoxification treatment if he/she was an addict.

Dishonesty

Hackney Carriage and Private Hire Drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare etc. Overseas visitors can be confused by the change in currency and become "fair game" for an unscrupulous driver. For these reasons a serious view should be taken of any conviction involving dishonesty. In general, a period of 3 to 5 years free of conviction should be required before entertaining an application.

Drunkenness

With Motor Vehicle

- 1) A serious view should be taken of convictions of driving or being in charge of a vehicle while under the influence of drink. An isolated incident should not necessarily debar an applicant but strict warnings should be given as to future behaviour. More than one conviction for these offences should raise grave doubts as to the applicant's fitness to hold a licence.

At least 3 years should elapse (after the restoration of the driving licence) before an applicant is considered for a licence. If there is any suggestion that the applicant is an alcoholic, a special medical examination should be arranged before the applicant is entertained. If the applicant is found to be an alcoholic a period of 5 years should elapse after treatment is complete before a further licence application is considered.

Not in Motor Vehicle

- 2) An isolated conviction for drunkenness need not debar an applicant from gaining a licence. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination (see (1) above). In some cases a warning may be sufficient.

Major Traffic Offences

An isolated conviction for any endorsable offence, should normally merit a warning as to future driving and advice on the standard expected of hackney carriage or private hire vehicle drivers. More than one conviction for this type of offence within the last two years should merit refusal and no further application should be considered until a period of 1 to 3 years free from convictions has elapsed.

Minor Traffic Offences

Convictions for minor traffic offence e.g. obstruction, waiting in a restricted street, should not prevent a person from proceeding with an application. In appropriate cases a written warning should be issued as to future conduct. Persistent and repeater offenders who are prosecuted whilst using hackney carriage and private hire vehicles risk having their licences revoked.

Indecency Offences

“As Hackney Carriage and Private Hire Vehicle drivers often carry unaccompanied passengers, applicants with convictions for indecent exposure, indecent assault, importuning, or any of the more serious sexual offences, should be refused until they can show a substantial period (at least 3 to 10 years) free of such offences. More than one conviction of this kind should preclude consideration for at least 5 years. In either case if a licence is granted a strict warning as to future conduct should be issued”.

That the responsibility for hearing applications referred to Members for determination should in all cases be discharged by the Licensing Committee and not delegated to a Sub-Committee.

LICENSING COMMITTEE		Part One (D) Agenda Item 8
Date of Meeting: 22nd March, 2012		
Reporting Officer: Environmental Health Manager		
<p>Title: Hackney Carriage – Unmet Demand Survey</p> <p>Summary and Conclusions:</p> <p>The report updates Members on the results of the consultation with the Hackney Carriage trade on the carrying out of an ‘Unmet Demand Survey’ to justify retaining a limit on the number of Hackney Carriage Licences issued. The report also contains information concerning quotations to carry out an ‘Unmet Demand Survey’ and details how the survey would be financed through the trade.</p> <p>Recommendation:</p> <ol style="list-style-type: none"> 1) That delegated authority be given to the Chairman, Vice-Chairman and Environmental Health Manager to appoint one of the organisations which has submitted quotations to carry out an ‘Unmet Demand Survey’ of the Hackney Carriage Trade; and 2) That Hackney Carriage licence fees be raised for a period of one year for renewals to cover the cost of the survey. 		

Report

Members at the meeting of the Licensing Committee held on 8th December, 2011 considered a report regarding the undertaking of an ‘Unmet Demand Survey’ of the Hackney Carriage Trade in the Borough.

The Council have a quantity control policy in respect of the number of Hackney Carriage licences issued and to retain this policy the Office of Fair Trading requires Licensing Authorities to undertake a survey every three years to justify the limit.

At the meeting on 8th December, 2011 Members agreed that a consultation survey be carried out to gauge the view of the Hackney Carriage licence holders as to their willingness to fund an ‘Unmet Demand Survey’ to assess the continued need for a quantity control policy in respect of Hackney Carriage licences issued, and for a report to be submitted at a future meeting on a way forward following the consultation with the licence holders.

I wish to report on the results of the consultation with the trade.

There was only a 22.6% return of questionnaire. In 2008 there was a 36% return. Of those responding 94% were in favour of retaining the limit, 91% were willing to subsidise an “unmet demand survey” and only 82% were willing to subsidise the survey knowing that more plates may be issued as a result of the survey. Nearly half of those responding made written comments, the majority of which made the point that they thought there were too many Hackney Carriages and not enough business to go round.

Since the trade consultation exercise, two organisations have submitted quotations to carry out an ‘Unmet Demand Survey’ for the Authority.

Quotations are for approximately £7970 and £8700 plus VAT. The survey will include rank observations, public trade and other stakeholders consultations.

I would ask Members to delegate authority to the Chairman and Vice Chairman and Environmental Health manager to appoint one of the organisations to carry out an ‘Unmet Demand Survey’ taking into account value for money and depth of proposed survey.

When the previous survey was undertaken Hackney Carriage licence holders were required to fund the survey through an increase in the vehicle licence fee for one year. If the lowest quotation is selected it would equate to approximately £54.00 (exc vat) per vehicle licence extra and for the higher quotation approximately £61.00 (ex vat) per vehicle licence extra.

Background Papers

Quotations from organisations to carry out the ‘Unmet Demand Survey’.

LICENSING COMMITTEE		Part One (D) Agenda Item 9
Date of Meeting:	22nd March, 2012	
Reporting Officer:	Environmental Health Manager	
<p>Title: Application for Street Trading Consent</p> <p>Summary and Conclusions:</p> <p>This report deals with an application from Mr David Freeman for a Street Trading Consent to run a Catering Trailer on Ramsden Dock Road, Barrow-in-Furness.</p> <p>Recommendation:</p> <p>That Members approve the relaxation of the ten minute rule and agree that a consent be issued subject to no objections being received from consultees.</p>		

Report

I have received a request from Mr. David Freeman trading as Kathy's Kitchen to operate a catering trailer on Ramsden Dock Road. Mr. Freeman proposes to operate between 7am and 2pm Monday to Friday. Standard conditions for street trading consents within the Borough state that the trader must operate his/her business on a mobile basis and can, therefore, stop only ten minutes in any section of a street and thereafter must move into a different street and must not then return to the same section of that street that day.

A copy of the application is attached at **Appendix C** to this report.

To enable Mr Freeman to trade, the ten minute rule would need to be relaxed. At the time of writing this report no comments have been received from the consultees.

I would ask Members to consider the request and vary the conditions to enable the relaxation of the ten minute rule and for a street trading consent to be issued subject to no objections being received from consultees.

Background Papers

Nil