

Public Document Pack



Executive Board

Thursday, 18 October 2018 2.00 p.m.
The Boardroom, Municipal Building

A handwritten signature in black ink, appearing to read 'David W R'.

Chief Executive

ITEMS TO BE DEALT WITH IN THE PRESENCE OF THE PRESS AND PUBLIC

PART 1

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2. DECLARATION OF INTEREST	
Members are reminded of their responsibility to declare any Disclosable Pecuniary Interest or Other Disclosable Interest which they have in any item of business on the agenda, no later than when that item is reached or as soon as the interest becomes apparent and, with Disclosable Pecuniary interests, to leave the meeting during any discussion or voting on the item.	
3. CHILDREN, EDUCATION AND SOCIAL CARE PORTFOLIO	
(A) LAND ACQUISITION FOR A SPECIAL FREE SCHOOL BID FOR PUPILS WITH SOCIAL EMOTIONAL AND MENTAL HEALTH NEEDS - KEY DECISION	11 - 15

*Please contact Angela Scott on 0151 511 8670 or
Angela.scott@halton.gov.uk for further information.
The next meeting of the Committee is on Thursday, 15 November 2018*

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In accordance with the Health and Safety at Work Act the Council is required to notify those attending meetings of the fire evacuation procedures. A copy has previously been circulated to Members and instructions are located in all rooms within the Civic block.

EXECUTIVE BOARD

At a meeting of the Executive Board on Thursday, 20 September 2018 in The Boardroom, Municipal Building

Present: Councillors Polhill (Chair), D. Cargill, Harris, R. Hignett, S. Hill, Jones, T. McInerney, Nelson, Wharton and Wright

Apologies for Absence: None

Absence declared on Council business: None

Officers present: G. Cook, D. Parr, M. Vasic, M. Reaney, E. Dawson and G. Ferguson

Also in attendance: One member of the press

**ITEMS DEALT WITH
UNDER POWERS AND DUTIES
EXERCISABLE BY THE BOARD**

EXB27 MINUTES

The Minutes of the meeting held on 19 July 2018 were taken as read and signed as a correct record.

CHILDREN, EDUCATION AND SOCIAL CARE PORTFOLIO

EXB28 CARE HOME PROVISION - BELVEDERE - KEY DECISION

The Board considered a report of the Strategic Director, People, on the proposed development of Belvedere as a care home for older people.

At its meeting on 19 July 2018, the Board had approved the development of a costed proposal for care home provision at Belvedere. Details were set out in the report, although further work would be required to fully understand the full financial implications.

Reason(s) for Decision

To instigate the development of Belvedere as a care home.

Action

Alternative Options Considered and Rejected

Not applicable.

Implementation Date

It was anticipated that the works would be completed within 12 months, potentially opening in October 2019.

RESOLVED: That

- 1) the contents of the report be noted; and
- 2) the Board agree in principle to further work to finalise the overall capital and revenue costs.

Strategic Director
- People

EXB29 FOUNDATION/KS1 SOCIAL, EMOTIONAL AND MENTAL HEALTH RESOURCE BASE PROVISION - KEY DECISION

The Board considered a report of the Strategic Director, People, which provided a summary of the responses received during the statutory consultation on the creation of a Resource Base at Beechwood Primary School and Halton Lodge Primary School.

Executive Board had previously agreed that a statutory consultation be undertaken on the proposal to create a Resource Base for Foundation/ Key Stage 1 Pupils with Social, Emotional and Mental Health Needs (SEMH). The report set out a summary of the consultation results for each of the schools proposed, as well as the options open to the Board as the decision maker.

Reason(s) for Decision

To provide a more inclusive offer for pupils with SEMH giving them the opportunity to be educated with support alongside their peers.

Alternative Options Considered and Rejected

Developing only one Foundation/Key Stage 1 SEMH Base and one Secondary Base was considered. No secondary schools expressed an interest in providing an SEMH base.

Implementation Date

September 2018.

RESOLVED: That

- 1) Foundation/Key Stage 1 Social, Emotional and Mental Health Resource Provision Base is developed at Beechwood Primary School;
- 2) Foundation Key Stage 1 Social, Emotional and Mental Health Resource Base is developed at Halton Lodge Primary School;
- 3) Specialist Provision Capital funding is used to provide the facilities required for the two bases; and
- 4) the revenue costs of the new provision will be met from the High Needs budget.

Strategic Director
- People

EXB30 VISION FOR EARLY HELP FOR CHILDREN AND YOUNG PEOPLE

The Board considered a report of the Strategic Director, People, which outlined the potential delivery model for Early Help Services.

The Board was advised that Halton had experienced an increase in demand within Children's Services across both Early Help and Social Care. Halton had revised its Early Help Strategy with some common principles to address how the authority worked across all ages.

It was reported that the ongoing financial pressures required a re-think on the design of Early Help Services and how the Council could improve joint working across internal services and with partners. Members were advised that a new model of provision which had been developed in other areas of the UK was that of Children's Communities. The report set out details of the three characteristics that defined the thinking and approach behind Children's Communities.

RESOLVED: That

- 1) the potential approach be agreed; and
- 2) the Board agree that a project team be established to further develop the model and

Strategic Director
- People

options.

ENVIRONMENTAL SERVICES PORTFOLIO

EXB31 VARIATION OF THE NON-STATUTORY FEES OF HALTON REGISTRATION SERVICE FOR 2020/21

The Board considered a report of the Strategic Director, Enterprise, Community and Resources, which sought approval to vary the non-statutory fees offered by Halton Registration Service for 2020/2021.

The Marriage Act 1995 and the Civil Partnership Act 2005 allowed local authorities to set fees for ceremonies in approved premises. In January 2011, the Executive Board Sub-Committee agreed to set the non-statutory fees outside of the usual timeframe for setting fees, due to ceremonies being planned up to two years in advance.

The proposed fee structure was set out in Appendix 1 for Members' consideration.

RESOLVED: That the variations to the non-statutory fees of Halton Registration Service, as set out in Appendix 1 attached to the report, be approved.

Strategic Director
- Enterprise,
Community and
Resources

EXB32 EUROPEAN REGIONAL DEVELOPMENT FUNDING (ERDF) RENEWABLE ENERGY SCHEME

The Board considered a report of the Chief Executive, which sought authority to invite tenders for the development of a Solar Farm on the former St Michael's Golf Course.

In October 2017, the Board approved proposals to develop a Solar Farm on part of the former St Michael's Golf Course. The initial proposal was to connect the Solar Farm by private wire to Halton Stadium, thereby making use of a brownfield site and a Council asset.

The report set out two options for the use of the electricity generated from the Solar Farm, and these were noted as being either a Private Wire Arrangement whereby the Stadium would use 45% of the energy generated; or a Power Purchase Arrangement where the Council would be able to use all of the electricity generated.

RESOLVED: That

- 1) approval be granted to invite tenders for the Design, Build, Operation and Maintenance contract for the development of a Solar Farm on the former St Michael's Golf Course; and
- 2) the Strategic Director, Enterprise, Community and Resources, in consultation with the Environment Portfolio holder, be authorised to determine the most appropriate use for the electricity when the financial merits of the options highlighted in the report have been assessed and determine which is the most advantageous to the Council.

Chief Executive

RESOURCES PORTFOLIO

EXB33 DIRECTORATE PERFORMANCE OVERVIEW REPORTS FOR QUARTER 1 2018 - 19

The Board considered a report of the Strategic Director, Enterprise, Community and Resources, on progress against key milestones/objectives and performance targets for the first quarter of 2018/19.

The Board was advised that the Directorate Performance Overview Report provided a strategic summary of key issues arising from performance in the relevant quarter for each Directorate, being aligned to Council priorities or functional areas. The Board noted that such information was key to the Council's management arrangements, with the Board having a key role in monitoring performance and strengthening accountability. Performance management would continue to be important in the demonstration of value for money and outward accountability.

RESOLVED: That the report and progress and performance information be noted.

EXB34 2018/19 QUARTER 1 SPENDING

The Board considered a report of the Operational Director, Finance, which summarised the overall revenue and capital spending position as at 30 June 2018.

In overall terms revenue expenditure was £1.109m above the budget profile. It was reported that based on current spend patterns, projections showed that Council would have a year-end outturn overspend position of

approximately £5.140m, if no corrective action were taken. There were a number departments where net spend for the quarter exceeded the budget profile. The main budget pressure continued to be within the Children and Families Department, despite an additional budget growth of £3m being allocated to the department at the start of the current financial year.

The Capital Programme had been revised to reflect a number of changes in spending profiles and funding, as schemes had developed; a list of those schemes that had been revised were set out in the report. Capital spending at 30 June 2018 totalled £3.8m which was 98% of the planned spending at this stage. It was noted that this represented 9.9% of the total Capital Programme of £38.2m.

The Council's balance sheet was monitored regularly in accordance with the Reserves and Balances Strategy, which formed part of the Medium Term Financial Strategy. The key reserves and balances had been reviewed and were considered prudent and appropriate at this stage in the financial year and within the current financial climate.

RESOLVED: That

- 1) all spending continues to be limited to the absolutely essential;
- 2) Strategic Directors take appropriate action to contain overall spending within their total operational budget by year-end; and
- 3) Council be recommended to approve the revised Capital Programme, as set out in Appendix 2.

Operational
Director - Finance

PHYSICAL ENVIRONMENT PORTFOLIO

EXB35 PROHIBITION OF THE SALE OF FUR AT HALTON'S MARKETS

The Board considered a report of the Strategic Director, Enterprise, Community and Resources, which proposed the prohibition of the sale of fur at Halton Markets.

Members were advised that a proposed ban on the importation and sale of fur in the UK was debated in Parliament on 4 June 2018. It was noted that the motion received strong cross party support and that the probable

next stage would be for Members of Parliament to encourage the relevant Secretary of State to bring forward a Bill for consideration.

It was reported that the National Association of British Markets Authorities (NABMA) had not yet confirmed its position on the matter, and so the decision whether to ban or prohibit the sale of fur would be left to individual local authorities. Members were asked to consider the introduction of such a ban and details of the possible impact on Halton's markets were set out in the report for consideration.

RESOLVED: That Members agree to prohibit the sale of fur at Halton's Markets.

Strategic Director
- Enterprise,
Community and
Resources

EXB36 PROCUREMENT OF FLOATING SUPPORT SERVICES

The Board considered a report of the Strategic Director, People, which sought approval for the invitation of tenders to provide a floating support service to deliver housing related support to people in their own homes.

In 2014, a procurement exercise was undertaken for floating support services to deliver housing related support to people in their own homes across all tenure, to maintain their accommodation and prevent homelessness. Two floating support services were procured at that time; one was for a generic housing support service and the other was for a service working with people with mental health problems. It was reported that the initial contracts were awarded for three years; an option to extend for a further year, which was taken up, will expire on 31 March 2019.

It was noted that both services were co-located within the Plus Dane Runcorn office. The report provided details of the numbers of people that had been helped through both services.

The Board was advised that in line with Procurement Standing Orders, approval was sought to commence a tender exercise for an integrated floating support service, which would offer a generic service across all client groups.

RESOLVED: That the Board approves the commencement of a procurement exercise for floating support services.

Strategic Director
- People

EXB37 COMMUNITY SHOP

The Board considered a report of the Strategic Director, Enterprise, Community and Resources, which provided an update on the Community Shop initiative.

Members had considered the development of a Community Shop at the Board meeting on 15 March 2018. Since then, Members had visited a Community Shop premises in Barnsley in order to gain an insight into the operation of such a facility. It was noted that, with the opening of a Community Shop store in St Helens, the infrastructure was now in place to support similar facilities in the Liverpool City Region.

It was reported that Officers had progressed the identification of potential premises for a Community Shop in Halton. Appendix 1 attached to the report provided details of the options identified for Members' consideration.

RESOLVED: That

- 1) the options set out in the report be noted; and
- 2) a further report be presented to the Board in October to consider how best to proceed to deliver Community Shop in Halton, following the outcome of the options appraisal.

Strategic Director
- Enterprise,
Community and
Resources

TRANSPORTATION PORTFOLIO AND PHYSICAL ENVIRONMENT PORTFOLIO

EXB38 WIDNES LOOPS TO WEST BANK LINK ROAD

The Board considered a report of the Strategic Director, Enterprise, Community and Resources, which provided an update on progress on the Widnes Loops Link Road and junction works.

The Board was reminded that, at its meeting on 22 February 2018, it had approved the outline development of a permanent road link between the Mersey Gateway Widnes Loops Roundabout and Victoria Road/ Waterloo Road/ Hutchinson Street junction. It was reported that during the summer, the Chief Executive in consultation with the Leader and Portfolio holders used his emergency powers to agree the land transfer to the Council.

The report advised that the SCAPE Framework contract would be utilised to procure construction works and with Board approval, also used to deliver the project. An amendment to the Capital Programme had been approved subject to further reporting at detailed design stage.

RESOLVED: That

- 1) the report be noted;
- 2) the Board notes the Chief Executive's use of his delegated powers, as outlined in paragraph 3 of the report;
- 3) Council be recommended to approve the increase of Capital Funding allocation to ensure the scheme progresses; and
- 4) the Board approves the use of the SCAPE contract to enable continued progress of the scheme.

Strategic Director
- Enterprise,
Community and
Resources

EXB39 SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AND THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

The Board considered:

- 1) Whether Members of the press and public should be excluded from the meeting of the Board during consideration of the following items of business in accordance with Section 100A (4) of the Local Government Act 1972 because it was likely that, in view of the nature of the business to be considered, exempt information would be disclosed, being information defined in Section 100 (1) and paragraphs 3 and 5 of Schedule 12A of the Local Government Act 1972; and
- 2) Whether the disclosure of information was in the public interest, whether any relevant exemptions were applicable and whether, when applying the public interest test and exemptions, the public interest in maintaining the exemption outweighed that in disclosing the information.

RESOLVED: That as, in all the circumstances of the

case, the public interest in maintaining the exemption outweighed that in disclosing the information, members of the press and public be excluded from the meeting during consideration of the following items of business in accordance with Section 100A (4) of the Local Government Act 1972 because it was likely that, in view of the nature of the business, exempt information would be disclosed, being information defined in Section 100 (1) and paragraph 3 of Schedule 12A of the Local Government Act 1972.

**COMMUNITY AND SPORT PORTFOLIO, CHILDREN,
EDUCATION AND SOCIAL CARE PORTFOLIO, HEALTH
AND WELLBEING PORTFOLIO, PHYSICAL
ENVIRONMENT PORTFOLIO AND RESOURCES
PORTFOLIO**

EXB40 SOUTHERN WIDNES KEY IMPACT AREA

The Board considered a report of the Strategic Director, Enterprise, Community and Resources, on proposals for the development of the Southern Widnes Key Impact Area.

The Board was reminded that in March 2017, it had approved the Mersey Gateway Regeneration Plan *Plus*, which focused on a cohesive package of development opportunities in eight Regeneration Impact Areas. It was reported that the Southern Widnes area had become a significant 'gateway' to Widnes and the wider Borough, with increased connectivity to and from the area following the opening of the Mersey Gateway.

The report set out details of proposals to provide an attractive, high quality and sustainable mixed use gateway providing an environment that supported business growth, promoted an improved health and wellbeing offer for local residents and encouraged visitors to the Borough.

RESOLVED: That the Board approve the recommendations as tabled at the meeting.

Strategic Director
- Enterprise,
Community and
Resources

MINUTES ISSUED: 25 September 2018

CALL-IN: 2 October 2018

Any matter decided by the Executive Board may be called in no later than 5.00pm on 2 October 2018

Meeting ended at 2.15 p.m.

REPORT TO:	Executive Board
DATE:	18 October 2018
REPORTING OFFICER:	Strategic Director - People
SUBJECT:	Application for the development of a Special Free School for pupils with Social Emotional and Mental Health Needs (SEMH)
PORTFOLIO:	Children, Education and Social Care
WARDS:	All

1.0 PURPOSE OF THE REPORT

- 1.1 To summarise the process undertaken for applying for a Special Free School for pupils with Social, Emotional and Mental Health Needs.

2.0 RECOMMENDATION: That

- 1) Approval be given for an application to establish a new joint special free school in Halton shared with St Helen's; and**
- 2) the Board agree the location of the school within Halton.**

3.0 SUPPORTING INFORMATION

- 3.1 In July 2018 the Department for Education invited Local Authorities to apply to establish special or alternative provision free schools in their borough. The guidance encouraged Local Authorities to seek partners in neighbouring authorities as part of the bid. This is to give a regional footprint to specialist provision. The bids must be made to the Regional Schools Commissioner in their area by October 15th 2018.
- 3.2 Any new school will be part of the government's free school programme. This means that the school will be an academy operated by an academy trust and set up through the presumption process. As part of this process the local authority is responsible for providing the site and the expectation is that it will be made available free or on a peppercorn basis by the local authority to the trust.
- 3.3 Local authorities are responsible for securing provision for children and young people with an Education, Health and Care Plan (EHC), funded from their high needs budget. However, in both Halton and St Helen's it has been identified that there is insufficient provision for pupils with Social Emotional and Mental Health issues. This has meant that pupils in both authorities have been placed in expensive independent provision. The proposal is to develop shared provision.

- 3.4 The Local Areas of both Halton and St Helens have been inspected recently by Ofsted/CQC. They have been found in both inspections to have a good understanding of their strengths. In Halton inspectors reported that *“leaders generally have an accurate understanding of what is working well and what needs to improve”*.
- 3.5 Halton does not have a maintained social, emotional and mental health special school. St Helen’s has one which caters for boys only. However, both authorities have experienced growing demand. In 2017/2018 Halton and St Helen’s placed a total of 47 pupils in expensive independent special provision. 43% of this figure were looked after children.
- 3.6 In many cases not only is placement in independent provision costly but it also means that many of these pupils are educated away from their local community. They frequently have to travel long distances to school and this impacts on their ability to develop friendships and contacts within the local area. It also reduces the opportunity for transition back into mainstream education.
- 3.7 It is therefore proposed that Halton and St Helens bid for the opportunity to open a co-educational, special free school which will offer a quality educational experience for 50 pupils with Social Emotional and Mental Health Needs. The school will cater for a range of issues including but not restricted to a range of attachment disorders, Attention-Deficit Hyperactivity Disorder (ADHD) and Autism Spectrum Disorder (ASD) with challenging behaviour.
- 3.8 If approved the free school will provide placements for:
- Pupils with an Educational and health Care plan;
 - Pupils who have a primary need of SEMH
 - Be aged between 11-16 years.

The length of placement will meet the needs of each individual pupil.

- 3.9 It is intended that the school will have the capacity to deliver an outreach service after the second year of opening to help pupils from becoming excluded in the mainstream and add to the continuum of support for SEMH.
- 3.10 We are seeking a location in Halton for the new free school.

4.0 FINANCIAL IMPLICATIONS

- 4.1 The Department expects that any land identified by the Local Authority will be provided for free or there will be a peppercorn rent charged to the Trust that will run the free school.

- 4.2 The capital costs for development of the building will be met by the DfE if the application is successful.
- 4.3 Each local authority will commission places from the Free School and will pay for these places from their High Needs Funding. It is anticipated that by establishing this new provision there will be a reduction in the costs of placing pupils out of borough and a reduction in the costs of transport. Currently, the average cost of an Independent SEMH school for pupils is just over £54,000 plus the costs of transport. St Helen's currently have an SEMH school and the average cost of placements at this school is £26,000. If Halton placed 25 pupils per year this could cost £650,000 placing in independent provision could cost in the region of £1,350,000.
- 4.4 Should there be any additional capacity other neighbouring authorities have expressed an interest in commissioning this provision.

5.0 POLICY IMPLICATIONS

- 5.1 If the application to develop a free schools is successful Halton and St Helen's will be required to identify a Trust sponsor through the presumption route.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 Children and Young People in Halton

Supporting pupils with SEMH in local schools is more inclusive as it allows pupils to be educated within their own community and alongside their peer group.

6.2 Employment, Learning and Skills in Halton

None identified

6.3 A Healthy Halton

The bases will provide support for pupils with social emotional and mental health difficulties.

6.4 A Safer Halton

None identified

6.5 Halton's Urban Renewal

None identified

7.0 OTHER IMPLICATIONS

7.1 It is anticipated that establishing local SEMH provision will lead to a reduction in the rates of exclusions at secondary schools.

8.0 RISK ANALYSIS

8.1 This proposal could have the effect of increasing demand for a special school place which risks long term outcomes for young people to live an independent life. To mitigate against this, it will be expected that the free school work collaboratively with local authority commissioners and schools across the boroughs to support re-integration where this can be achieved and to be a key partner with the continuum of provision for pupils with SEMH.

8.2 Where re-integration is not appropriate, the school will work with local post 16 planning and provision teams and develop strong links with FE providers and with employers to design appropriate pathways, with links into apprenticeships and supported internships.

9.0 EQUALITY AND DIVERSITY ISSUES

9.1 The aim of the proposal is to improve the local offer for key stage 3 and 4 pupils with SEMH.

10.0 REASON FOR DECISION

10.1 Provide a more inclusive offer for pupils with SEMH giving them the opportunity to be educated with support alongside their peers.

11.1 ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

11.1 Not submitting an application for a joint free school. However, lack of provision has an impact on the educational outcomes of pupils that need this support.

12.0 IMPLEMENTATION DATE

12.1 Notification as to whether the bid has been successful will be announced by the DFE in Spring 2019.

13.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
DFE – Guidance and Criteria For local authorities seeking to establish new special or alternative provision free schools – July 2018	DFE Website	Ann McIntyre Operational Director – Education, Inclusion and Provision ann.mcintyre@halton.gov.uk

REPORT TO:	Executive Board
DATE:	18 October 2018
REPORTING OFFICER:	Strategic Director – Enterprise, Community and Resources
SUBJECT:	Discretionary Non-Domestic Rate Relief
PORTFOLIO:	Resources
WARD(S):	Borough-wide

1.0 PURPOSE OF REPORT

- 1.1 The purpose of this report is to consider an application for discretionary non-domestic rate relief, under Section 47 of the Local Government Finance Act 1988.

2.0 RECOMMENDATION: That the request for discretionary rate relief of 15% from 1st July 2018, for Halton Haven Hospice be approved for their premises at Canal Walk, Halton Road, Runcorn.

3.0 SUPPORTING INFORMATION

- 3.1 Under the amended provisions of the Local Government Finance Act 1988, the Council is able to grant discretionary rate relief to any business ratepayer. This relief had previously only been available to organisations that were a registered charity, a community amateur sports club or a not-for-profit organisation.
- 3.2 From 1st April 2017 the Council became responsible for meeting the full cost of all mandatory and discretionary relief granted, as part of the Liverpool City Region 100% Business Rates Retention Pilot Scheme.
- 3.3 An application for discretionary rate relief has been received as outlined below, from Halton Haven Hospice who are a registered charity. Currently, where discretionary rate relief has been granted to registered charities, it has been provided until 31st March 2019 in order to provide the organisations with some degree of certainty.

Halton Haven Hospice

Canal Walk, Halton Road, Runcorn, WA7 5QS

- 3.4 Halton Haven is an independent hospice providing palliative care for people whose illness is treatable but cannot be cured, with the goal of achieving the best quality of life for patients and their families. The

organisation provides extensive care free of charge for terminally ill patients and their families in the local community. Although they will not exclude affected parties, their services are intended to provide assistance to the residents of Halton.

- 3.5 The Halton Haven Hospice Charity Shop at 57-61 Widnes Road, Widnes, Cheshire, WA8 6AZ is normally used to store donated furniture. However, the Widnes shop is currently closed for an extensive programme of refurbishment. Therefore, donated furniture is currently being stored at Canal Walk, Halton Road, Runcorn instead.
- 3.6 The application received is in respect of premises wholly or mainly used for the storage of donated furniture until the Halton Haven Hospice charity shops need to replenish. Once the donated furniture is moved to the shops, the furniture is sold to raise funds to financially assist the provision of care offered by the Hospice.
- 3.7 As the organisation is a registered charity, 80% mandatory rate relief has already been awarded but their application also includes a request for 15% discretionary rate relief. The hospice has been receiving 15% discretionary relief at 57-61 Widnes Road, Widnes, WA8 6AZ and 25 High Street, Runcorn, WA7 1AP since 1st April 2016. The total cost of rate relief relating to Canal Walk, Runcorn, in 2018/19 would be;

Cost of 80% mandatory relief	£3,996.94
Cost of 15% discretionary relief	<u>£ 749.43</u>
Total cost to the Council	<u>£4,746.37</u>

4.0 POLICY IMPLICATIONS

- 4.1 The Board is required by the regulations to consider each application on its own merit. Any recommendations provided are given for guidance only, are consistent with Council policy and, wherever possible, previous decisions.

5.0 FINANCIAL IMPLICATIONS

- 5.1 The Appendix presents the potential annual costs to the Council of granting rate relief and the cost in the current financial year.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 Children and Young People in Halton

None.

6.2 Employment, Learning and Skills in Halton

None

6.3 **A Healthy Halton**
None

6.4 **A Safer Halton**
None

6.5 **Halton's Urban Renewal**
None.

7.0 RISK ANALYSIS

7.1 There are no key risks associated with the proposed action.

8.0 EQUALITY AND DIVERSITY ISSUES

8.1 The applicant offer their services to all sections of the community, without any prejudice.

9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

9.1	Document	Place of Inspection	Contact Officer
	Application form	Kingsway House, Caldwell Road, Widnes	Adel Tomkins Senior Rating Officer

APPENDIX

Ratepayer	Address	Annual Rates Liability	Mandatory Rate Relief Awarded	Annual Cost of Mandatory Rate Relief to HBC	Disc. Rate Relief Claimed	Annual Cost of Disc. Rate Relief to HBC	Actual Rates Liability 2018/19	Actual Cost of Mandatory Relief to HBC from 1st July 2018 to 31st March 2019	Actual Cost of Disc. Rate Relief to HBC from 1st July 2018 to 31st March 2019
		£		£		£	£	£	£
Halton Haven Hospice	Canal Walk, Halton Road, Runcorn, Cheshire, WA7 5QS	6,655.50	80%	5,324.40	15%	998.33	4996.18	3,996.94	749.43

REPORT TO: Executive Board

DATE: 18 October 2018

REPORTING OFFICER: Strategic Director – Enterprise, Community and Resources

PORTFOLIO: Resources

SUBJECT: Re-tendering of Insurance Contracts

WARD(S): Borough-wide

1.0 PURPOSE OF REPORT

1.1 The current contracts for a range of insurance services are due to expire on 31 March 2019. This is a preliminary estimates report in compliance with Procurement Standing Order 1.3.4. The report seeks approval to commence a procurement process to re-tender the insurance services that are due to expire. The total cost of the services is expected to exceed £1,000,000 over the maximum contract duration of five years.

2.0 RECOMMENDATION: That approval be given to undertake an open procurement process via the Council's electronic procurement system (The Chest) with the purpose of securing the following insurance services:

- **Public & Employers' Liability cover**
- **Officials' Indemnity cover**
- **Professional Indemnity cover**
- **Engineering Inspection cover**
- **Engineering Insurance cover**

3.0 SUPPORTING INFORMATION

3.1 In April 2014 the Council entered into five year contracts for a range of insurance services covering public and employers' liability, officials' indemnity, professional indemnity, engineering inspection and engineering insurance. These contracts end on 31 March 2019 and no further pre-determined contract extensions are available. A procurement process therefore needs to be commenced to renew these policies.

3.2 The public sector insurance market is limited and a highly specialist area. The majority of insurers will only deal with local authorities via an insurance broker intermediary. As such, the Council's insurance broker, Aon, will manage the tender process with support from the Procurement team. An insurance tender fee will not be charged by Aon as the annual brokerage fee is inclusive of this process.

- 3.3 The aggregate annual value of the contracts to be tendered is currently in the region of £300,000. The proposed procurement is therefore estimated to exceed the European Union threshold for supplies and services and a formal competitive tender is proposed to be undertaken in line with Council's Procurement Standing Orders and the EU Public Contract Regulations 2015.
- 3.4 As part of the exercise a review of the Council's insurance programme will be undertaken and relevant alternatives considered to establish the most appropriate programme for the Council. This will include reviewing components such as the extent of cover, level of deductibles (policy excess), indemnity limits and length of contract.
- 3.5 The contracts will be divided into individual lots and an open tendering procedure will be followed. This approach is intended to encourage greater competition and allow specialist insurers to submit bids for specific lots.
- 3.6 Aon will undertake a comprehensive evaluation of tender submissions on behalf of the Council and make recommendations. Tender submissions will be assessed on both quality and price.
- 3.7 The new contracts will run from 1 April 2019. The contract durations will be for three years with an option to extend for a further two years.

4.0 POLICY IMPLICATIONS

- 4.1 The Council's approach to purchasing external insurance is set out in the Council's Risk Financing and Insurance Strategy.
- 4.2 The proposed method of procurement is consistent with the Council's procurement policies and procedures.

5.0 FINANCIAL IMPLICATIONS

- 5.1 There are a range of factors that will influence the financial outcome of this tender exercise. These include the Council's claims experience, the current market conditions and any changes to the structure of the Council's insurance programme.
- 5.2 Competition in the public sector insurance market is restricted to a small number of insurers and the Council's insurance broker has advised that the insurance market is presently challenging with some areas of risk seeing significant rate increases.
- 5.3 It should be noted that the standard rate of Insurance Premium Tax (IPT) is presently 12 per cent. IPT will apply to all insurance policies purchased as part of this tender process. Unlike VAT, the Council is unable to recover any IPT paid.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 Children and Young People in Halton

External insurance cover helps prevent the need to redirect financial resources away from the Council's priorities in the event of a significant financial loss. As such it forms a key part of the Council's financial management arrangements and therefore contributes to the delivery of all the Council's priorities.

6.2 Employment, Learning and Skills in Halton

See 6.1 above

6.3 A Healthy Halton

See 6.1 above

6.4 A Safer Halton

See 6.1 above

6.5 Halton's Urban Renewal

See 6.1 above

7.0 RISK ANALYSIS

7.1 External insurance cover helps to improve financial certainty by smoothing year on year fluctuations in the cost of claims and losses. It also provides financial protection against spikes in costs due to large losses and/or aggregate costs.

7.2 Failure to procure external insurance cover will leave the Council exposed to significant financial risk.

8.0 EQUALITY AND DIVERSITY ISSUES

None.

9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

None under the meaning of the Act.

REPORT TO: Executive Board

DATE: 18 October 2018

REPORTING OFFICER: Strategic Director Enterprise, Community and Resources

PORTFOLIO: Resources

SUBJECT: Policy changes relating to Taxi Licensing Conditions

WARDS: Boroughwide

1. PURPOSE OF REPORT

To receive a report from the Regulatory Committee recommending that the Executive Board adopt policy changes which relate to both Hackney Carriage and Private Hire conditions.

2. RECOMMENDED: That

- 1) **the policy changes as recommended by Regulatory Committee Minute Number REG 4 and as detailed in the Regulatory Committee Agenda dated 4th July 2018, be adopted as Council Policy; and**
- 2) **the Operational Director, Legal and Democratic Services, be authorised to make all appropriate changes to the existing relevant policies and guidance to ensure that they are updated accordingly.**

3. SUPPORTING INFORMATION

- 3.1 Appendix 1 to this report contains a resolution of the Regulatory Committee made at its meeting held on 4 July 2018 and Appendix 2 contains the agenda item which gave rise to the resolution
- 3.2 The policy changes recommended by the Regulatory Committee were the culmination of a consultation exercise via the Taxi Consultative Group.
- 3.3 The recommendations of the Regulatory Committee related to a number of areas. The proposals which the Regulatory Committee recommend for adoption are set out in appendix A of the Report dated 4 July 2018 and in particular column 7.
- 3.4 Members will note that the proposed changes relate to the 7 areas highlighted in that Appendix.

4. ISSUES FOR THE COUNCIL TO DETERMINE

4.1 The issues to consider are set out in Appendix 1 and Appendix 2

5. POLICY IMPLICATIONS

5.1 The subject matter of this report is to adopt policy changes

6 OTHER IMPLICATIONS

6.1 There are no other implications

7 IMPLICATIONS FOR THE COUNCILS PRIORITIES

7.1 Children and Young People in Halton

N/A

7.2 Employment Learning and Skills in Halton

N/A

7.3 A Healthy Halton

N/A

7.4 A Safer Halton

N/A

7.5 Halton's Urban Renewal

N/A

8 RISK ANALYSIS

N/A

9 EQUALITY AND DIVERSITY ISSUES

N/A

10. LIST OF BACKGROUND PAPERS UNDER SECTION 100D LOCAL GOVERNMENT ACT 1972

None.

APPENDIX 1

REG 4 TAXI POLICY CONDITIONS AMENDMENTS

The Committee considered a report on miscellaneous policy changes which have gone through a consultation process via the Taxi Consultative Group. These involved changes in existing and additional policy to elements of the Taxi Licensing Policy, Single Status Driver's, Hackney Carriage and Private Hire Vehicle and Private Hire Operator's conditions as set out in the agenda. The policy changes approved by the Committee are required to be adopted by the Executive Board.

RESOLVED that

1. the Committee endorses all of the proposals set out in Section 4 of the agenda
2. The Executive Board be recommended formally to adopt the above proposals and that the adoption will take place on a date to be determined by the Executive Board.
3. Pending the decision of the Executive Board the Operational Director Legal and Democratic Services be authorised to take decisions in respect of individual applications as if the policy changes recommended by the Committee were already in force.

APPENDIX 2

REPORT: Regulatory Committee

DATE: 4th July 2018

REPORTING OFFICER: Strategic Director Enterprise, Community and Resources

PORTFOLIO: Resources

SUBJECT: Taxi Licensing Matter

WARDS: Borough-wide

1. PURPOSE OF REPORT

To consider additions/amendments to elements of Taxi Licensing Policy, Single Status Driver's, Hackney Carriage, Private Hire Vehicle and Private Hire Operator's conditions as set out below.

2. RECOMMENDED

That the Committee considers the proposals and make appropriate recommendations to the Executive Board.

3. INTRODUCTION AND BACKGROUND INFORMATION

3.1 During meetings of the Taxi Consultative Group various changes and additions were tabled to the Single Status Driver's, Hackney Carriage and Private Hire Vehicle, and Private Hire Operator's conditions as set out below. The group was asked to consult with the taxi trade they represent regarding the proposed changes. The potential changes to existing policy are summarised at section 4 of this report.

3.2 The Committee is responsible for determining the Council's policies in connection with the grant, variation, suspension or revocation of licences relating to taxi and private hire (see Terms of Reference of the Regulatory Committee part 17B).

3.3 However, the Constitution must now be interpreted in accordance with the case of R (On the application of 007 Stratford Taxis Limited v Stratford on Avon District Council 2011. This Court of Appeal decision interpreted the meaning of the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 in respect of matters which

must be dealt with by a Council's Executive or by a committee of its council. Essentially, the court held that: (1) it was clear that individual applications relating to taxi matters must be dealt with by the equivalent of this Council's Regulatory Committee and (2) matters calculated to facilitate, or be conducive or incidental to such applications must also be dealt with in the same way but (3) any "plan or strategy" associated with such a function would be an executive function and therefore have to be determined by a council's executive. The Stratford case concerned the introduction of a wheelchair access policy. The decision was taken by the Council's cabinet rather than its Licensing Committee. The challenge from the taxi trade was that the Licensing Committee should have adopted the policy. This element of the challenge was rejected by the court.

- 3.4 Consequently, any decision of the Regulatory Committee on matters contained in this agenda will be by recommendation to the Executive Board.
- 3.5 In deciding whether or not to adopt or to recommend the adoption of a policy the following questions should be addressed:
 - 3.5.1 Has proper consultation been undertaken?
 - 3.5.2 Are the proposals necessary and proportionate?
 - 3.5.3 In considering 3.5.2 what is it about the existing policy which has proved deficient or has failed to deal adequately with changes in circumstance?

4. POTENTIAL CHANGES

- 4.1 Consider amending the period of time required to notify the Licensing Section of a medical condition that may affect their ability to drive in accordance with the Council's current medical standards.**
 - 4.1.1 Currently, all licensed drivers are required by condition to notify the Licensing Section of certain medical conditions within 28 days.
 - 4.1.2 This means that a licensed driver could continue to driver for up to 28 days before they notify the Licensing Section of a medical condition that may deem them not fit to continue to drive members of the public.
 - 4.1.3 The current condition therefore appears to go against the Council's current policy which requires a driver to meet the DVLA Group 2 standard at all times.
- 4.2 Consider amendment to the current condition that requires the fold up seats in a vehicles' boot area to be removed.**
 - 4.2.1 Hackney carriage and private hire vehicle condition 2.2.1 currently states the following:

Fold up seats within the boot area of any vehicle must be permanently removed and the connecting points sealed.

4.2.2 The current condition was introduced to ensure passengers are not carried in these seats as they are either not suitable for full size adults and/or there is no direct access from these seats to a passenger door without moving the seats in front.

4.2.3 Due to changes in manufacturer's safety features, removing seats would also involve disconnecting safety features which produce warning messages on the driver's dashboard. This would then leave the vehicle unfit for use.

4.2.4 The proposed amendment would allow for these types of vehicles to be used again.

4.3 Consider a new condition requiring private hire operators to notify the licensing section of certain types of complaints/incidents.

4.3.1 At present, operators receive allegations of incidents and complaints where they are either dealt with internally or the complainant is advised to refer the matter to the Council or the Police.

4.3.2 The Licensing Section has become aware that a number of these matters do not get reported to them for various reasons. Sometimes the complainant chooses not to report the matter to either the Police or Council. Even if a matter is referred to the Police this does not mean that there is sufficient evidence to prove an offence beyond all reasonable doubt. In these circumstances there could be sufficient evidence that a licence-holder falls below the threshold (balance of probabilities) to continue to hold a licence but as the Police do not always refer the matter to the Council's Licensing Section, no further action can be taken.

4.3.3 The proposed new condition would place a duty on a private hire operator to notify the Licensing Section of serious complaints.

4.4 Consider amending the current condition for Private Hire vehicles to make a clearer distinction between them and Hackney Carriage vehicles.

4.4.1 Vehicles that are converted to be fully wheelchair accessible are usually designed to be used as either a Hackney Carriage or Private Hire vehicle (subject to each local authority's policy).

4.4.2 The designs in question refer to illuminated pods and signs displaying the word "Taxi".

4.4.3 Private hire condition 3.2 currently states:

*The vehicle **must not** be fitted with any **roof sign and mounting**.*

4.4.4 Private hire condition 3.3 currently states:

*The vehicle **must not** be fitted with any “For Hire” sign.*

4.4.5 It is proposed to make small additions to these 2 licensing conditions to ensure clarity as to their meaning. The proposed wording can be found in appendix A.

4.5 Consider amending a condition to remove the requirement for a Single Status Driver to adhere to a bye-law about using a taximeter when driving a private hire vehicle.

4.5.1 Where a fee has not been agreed between the customer and the operator beforehand, the operator will provide a means for the driver to calculate the fare at the end of the journey.

4.5.2 The proposal is to remove the following line from Single Status Driver’s licence condition 16:

5 - use of taximeter

4.5.3 The original requirement is historical but has now been superseded therefore is recommended for amendment.

4.6 Consider a new hackney carriage and private hire vehicle licence condition to remove the ability to licence an insurance write-off vehicle:

4.6.1 Prior to any vehicle being issued with a Private Hire or Hackney Carriage vehicle licence, they are inspected by the Council’s vehicle examiners at the Lower House Lane depot to establish the vehicle’s roadworthiness. Unlike cosmetic damage, structural damage cannot always be seen during these inspections which could have an impact on the way the vehicle drives or acts in the unfortunate event of a collision.

4.6.2 If a vehicle is involved in an accident the insurance company will consider if the vehicle can be safely repaired. If it can be safely repaired but it is not financially viable to do the insurance company will “write-off” the vehicle by paying the owner an amount of money the car is believed to be worth and then notify the DVLA of this.

4.6.3 The DVLA will be notified that the vehicle is one of the following:

- Has structural damage but can be repaired (known as category S)
- Has non-structural damage but can be repaired (known as category N)

4.6.4 Category N and S vehicles can be purchased back from the insurance company and frequently sold on as used vehicles. It is not illegal to sell a category N or S vehicle as long as it is clearly advertised as such.

4.6.5 It is a risk when buying a category N or S vehicle as there is no way of fully knowing what actual damage the vehicle has sustained. In most circumstances these vehicles will sell below their normal value and usually attract a higher insurance premium.

4.6.6 The proposal does recommend continuing to licence a vehicle where it is allocated a category N status only where strict criteria are met. This will only be in circumstances where the full scale of cosmetic damage has been officially recorded, corrected and can be examined by the Council's vehicle examiners.

4.7 Consider amending the advertising policy and condition for rear windscreens of licensed private hire and hackney carriage vehicles.

4.7.1 The trade have asked if they can promote their Private Hire Operators with a larger advertisement that what is currently allowed on a vehicle's rear windscreen.

4.7.2 The current policy/condition for both Hackney Carriage and Private Hire Vehicles is as follows:

a one line display on the rear windscreen (top or bottom so as not to interfere with rear visibility), provided that letters within the advertisement shall not exceed two inches in height and provided that the display shall only contain a telephone number and the identity of the system shall be permitted.

4.7.3 It has been proposed that this policy/condition is amended to allow for an advertisement to cover the entire rear windscreen where prior approval has been obtained from the Licensing Section. Where approval has been given, the advertisement must be attached the vehicle using "one way film" which will still allow the driver some visibility through the covered glass.

4.8 Full details of the seven sets of proposals outlined above are set out in Appendix A.

5. ISSUES ARISING

It is not envisaged that any current licence-holder would be disadvantaged by the implementation of any of the recommendations made in this report.

6. REGULATORS' CODE 2014

6.1 The Regulators' Code 2014 requires regulators (such as the Council) to take into account a number of factors when introducing new policies.

6.2 For example, paragraph 1.2 of the Code states: “When designing and reviewing policies, operational procedures and practices, regulators should consider how they might support or enable economic growth for compliant businesses and other regulated entities, for example, by considering how they can best:

- understand and minimise negative economic impacts of their regulatory activities;
- minimising the costs of compliance for those they regulate;
- improve confidence in compliance for those they regulate, by providing greater certainty; and
- encourage and promote compliance.”

6.3 The Code also states that regulators should base their regulatory activities on risk. In the present case the balancing exercise is to weigh any negative consequences on the taxi trade against the positive consequences on the public who use the services of the trade.

6.4 It is taken as read that unnecessary burdens should never be imposed and that all actions need to be proportionate.

7. OPTIONS

7.1 The options available to the committee are to **recommend**:

- Agreement to some or all of the potential changes or
- Amendment to some or all of the potential changes or
- Rejection of the potential changes.

7.2 Should the Committee recommend a course of action other than outright rejection of any potential changes existing conditions will need to be altered. The Committee would therefore be requested to include within the resolution a delegation of the task of preparing detailed wording and other consequential matters.

8. POLICY IMPLICATIONS

8.1 Any changes made would change elements of existing policy and vary Conditions relating to applicants applying to hold Single Status Driver’s, Hackney Carriage & Private Hire, Vehicles and Private Hire Operator’s Licences issued by Halton Borough Council.

9. OTHER IMPLICATIONS

None

10. IMPLICATIONS FOR THE COUNCILS PRIORITIES

- 10.1 **Children and Young People in Halton**
None
- 10.2 **Employment Learning and Skills in Halton**
N/A
- 10.3 **A Healthy Halton**
N/A
- 10.4 **A Safer Halton**
None
- 10.5 **Halton's Urban Renewal**
N/A

11. RISK ANALYSIS

None

12. EQUALITY AND DIVERSITY ISSUES

There are no equality or diversity issues related to a review

13. LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
Taxi Consultative	Licensing Section	Kay Cleary Nick Wheeler

Proposed changes to elements of policy together with Single Status Drivers, Hackney Carriage, Private Hire Vehicle and Private Hire Operator licence conditions

Proposal	Mischief being addressed	Arguments in favour of change	Arguments against change	Proportionality	Grandfather rights issues	Proposed Wording of condition
Amending the current requirement of a licensed driver to notify the Council of certain medical conditions from “within 28 days” to “without undue delay”. (para 4.1 of the report relates)	Current condition allows for a licensed driver to continue driving a hackney carriage or private hire vehicle for up to 28 days before notifying the licensing section even though their medical condition may put them, as well as customers and members of the general public at risk.	Allows the licensing section to consider the drivers suitability to continue to meet the current medical standard (DVLA Group 2) at the earliest possible opportunity. This proposed amendment is solely for the purpose of public safety as well as that of the driver.	No arguments against have been submitted.	There is no perceived question of proportionality relating to this proposal as it is does not affect the medical standard of a licensed driver.	Not applicable	Driver Condition Amend condition number 4 to read as follows: <i>The licence holder must notify the Council in writing without undue delay of becoming aware of any change in medical condition which may affect the continued fitness to drive in accordance with the Council’s current medical standards.</i>
Amending the current requirement to permanently remove the fold up seats within the boot area and seal the connecting points condition to covering them instead.	The current condition (if applied) would deem a vehicle unusable as a licensed vehicle due to the disconnection of an electrical seatbelt	This is a simpler option that provides licensed drivers a larger range of vehicles available to be used as a hackney carriages or private hire	There is the possibility that a driver may abuse this rule by using the fold up seats to carry more passengers than they are licensed for.	The current requirement is now deemed to be a disproportionate way of counter-acting the perceived issue of using seats that are not suitable. This proposal	Not applicable	Vehicle Condition Amend HCV and PHV condition 2.2.1 bullet point 1 to read as follows: <i>“Fold up seats within the boot area of any vehicle must be kept in the folded down position and covered</i>

(para 4.2 of the report relates)	connection which triggers a dashboard warning light fitted to most modern vehicles.	vehicle.		addresses this issue.		<i>with a suitable boot mat, carpet or liner”.</i>
Consider a new condition requiring Private Hire Operators to notify the licensing section of certain type of complaints/incidents. (para 4.3 of the report relates)	Private Hire Operators and their staff may receive allegations or complaints that are either dealt with internally or the complainant is advised to report the matter to the Police. These matters don't always come to the attention of the Licensing Section for various reasons.	The licensing section may already hold additional or similar information which may provide a greater picture of a person's suitability to hold a licence. It may also be the case that the Police may not investigate a matter but the licensing section feel it relevant for internal investigation.	No arguments against this proposed condition have been received.	There is no perceived question of proportionality relating to this proposal as it is seen to assist the Licensing Section with its primary function of public protection.	Not applicable.	<p>Private Hire Operator Condition</p> <p>New condition</p> <p><i>Upon receiving a 'specified complaint' or allegation listed below, regarding any person licensed by this Authority, or otherwise engaged in fulfilling Private Hire bookings on behalf of the licensed Operator, the Operator must notify the Licensing Authority immediately via email to legalservices@halton.gov.uk or by telephone and forward full details of the complaint to the Licensing Section in any event within 72 hours.</i></p> <p><i>The specified complaints or allegations are:</i></p> <ul style="list-style-type: none"> • <i>Of sexual misconduct, sexual harassment or inappropriate sexual</i>

						<p><i>attention</i></p> <ul style="list-style-type: none"> • <i>Racist behaviour</i> • <i>Violence</i> • <i>Dishonesty</i> • <i>Breaches of equality</i> <p><i>In straight forward terms, allegations of criminal behaviour whilst acting as a Private Hire or Hackney Carriage Driver.</i></p>
<p>Consider amending the current condition for private hire vehicles to make a clearer distinction between a private hire vehicle and a hackney carriage vehicle.</p> <p>(para 4.4 of the report relates)</p>	<p>Certain vehicle conversions that may be licensed as a private hire vehicle in Halton appear too similar to a hackney carriage vehicle by design (not colour) and could be mistaken or used incorrectly.</p>	<p>The proposed amendments give clear instruction of how these type of vehicles must be presented to the Council for licensing so that it looks less like a hackney carriage vehicle.</p>	<p>Minor cosmetic work would have to be undertaken prior to presenting for licensing at cost to the applicant.</p>	<p>There is no perceived question of proportionality relating to this proposal this will assist in differentiating between the 2 types of licensed vehicles.</p>	<p>Grandfather rights to be granted to a small number of vehicles already licensed with roof signs or “pods”.</p>	<p>Private Hire Vehicle Condition</p> <p>Amend PHV licence condition 3.2 to read:</p> <p><i>The vehicle must not be fitted with any roof sign and mounting. This includes roof signs or “pods” previously fitted to the vehicle for any reason.</i></p> <p>Licence condition 3.3 of Halton’s PHV licence states:</p> <p><i>The vehicle must not be fitted with any “For Hire” sign.</i></p> <p>It is proposed to amend this condition to read as follows:</p>

						<i>The vehicle must not be fitted with any signs or adverts using the words “For Hire” or “Taxi” (or any derivative) unless authorised by the Council where it is incorporated into an advertisement or door sign.</i>
Consider amending a condition which requires a single status driver adhere to a bye-law about using a taximeter when driving a private hire vehicle. (para 4.5 of the report relates)	This condition is now out-dated as drivers of private hire drivers cannot use taximeters where their private hire operator charges a tariff different from that set by Halton Borough Council for hackney carriages.	The current condition cannot be legally enforced and therefore serves no purpose.	Not applicable.	There is no question of proportionality for this amendment.	Not applicable.	Driver Condition Amend condition number 16 to remove the reference to bye-law number 5 - use of taximeter.
Consider new condition regarding the licensing of insurance “write-off” vehicles. (para 4.6 of the report relates)	Certain vehicles involved in an accident and not deemed financially feasible to repair by insurance companies (“written-off”) may be repaired and put back on the	By introducing the proposed condition a more consistent approach to vehicle standards could be applied.	Applicants would no longer have the option of licensing vehicles purchased at considerably reduced prices.	The purpose of the licensing regime is to ensure public safety. It is therefore not deemed to be disproportionate to ensure the standard of vehicles being	Grandfather rights would be granted to a very small number of vehicles currently licensed that do not meet the proposed	Vehicle condition New condition <i>Halton Borough Council will not grant a licence to any vehicle that has been “written-off” by an insurance company.</i>

	road. The problem with these vehicles is that inspections may not guarantee the vehicle's roadworthiness.			used to carry the general public. There is also a proposed exemption if the licence-holder can verify where cosmetic damage only has been repaired.	condition.	<p><i>The only exception to this condition is where all the following criteria are met:</i></p> <ul style="list-style-type: none"> <i>• The vehicle held a valid licence issued by Halton Borough Council when the incident happened that lead to the insurance company deciding to write the vehicle off</i> <i>• The vehicle licence-holder can provide written evidence of the damage assessment that was used by the insurance company to decide to write-off the vehicle</i> <i>• A detailed receipt or invoice for repair work can be provided to verify that the accident damage has been repaired</i>
Consider reviewing the advertising policy and condition for rear windscreens of licensed vehicles. (para 4.7 of the	The trade have asked if they can further promote their locally licensed operator on the rear	At present, private hire operators are disadvantaged by being unable to advertise their business on vehicles within	No arguments against this proposed condition have been received.	The proposed amendment would apply to both hackney carriage and private hire vehicle licences and is not seen to	Not applicable.	<p>Advertising Policy</p> <p>Amend the advertising policy to read as follows:</p> <ul style="list-style-type: none"> <i>• Subject to what is set out below no</i>

<p>report relates)</p>	<p>windscreen.</p>	<p>(and outside) the Halton area even though companies licensed outside of Halton can. Advertising the private hire operator on the rear windscreen can provide clear identification within a busy collection area to the customer as well as to persons who feel it necessary to report the vehicle/driver for good or bad reasons.</p>		<p>be disproportionate in this instance.</p>		<p><i>advertisements will be permitted on Private Hire Vehicles except for authorised operator door and rear windscreen signs. The reason for this being that since they are pre-booked there is no necessity to draw attention to them. This policy also minimises the chance that they will be hailed in the street as a taxi.</i></p> <ul style="list-style-type: none"> <i>Hackney Carriage Vehicles that are London style vehicles (TX, FX or Metro Cabs) may be allowed to have "all-over" adverts subject to prior approval from the Council. The reason for this is that their shape denotes them as taxis and adverts do not detract from this.</i> <p><i>continued.....</i></p>
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- *All Hackney Carriage Vehicles may be permitted to have adverts on side panels and the rear windscreen subject to prior approval from the Council. Adverts will be restricted to spaces which do not detract from the overall appearance of the vehicle.*
- *Hackney Carriage Vehicles and Private Hire Vehicles will be permitted without requiring approval to have small adverts in the rear windows which advertises the licensed operator (if any) through whom they are operating. These small adverts will be permitted in the form of a one line advertisement on the rear windscreen (top or bottom so as not to interfere with rear visibility). The letters within the advertisement shall not exceed two inches (5.08mm) in height, and shall only relate to a telephone number and the identity of the licensed operator. This information may be displayed around the door signs of a PHV subject to conditions and the consent of the Council.*
- *NOTE: The door signs must be permanently affixed (not magnetic) to the front doors of Private Hire Vehicles. These signs which are described in the Private Hire Vehicle Conditions are not advertisements but notices designed to make it easier for members of the public to identify those vehicles as being Licensed Private Hire Vehicles. Approved adverts on rear windscreens will only be allowed where one way film is used to allow the driver a better view of the road through his rear mirror.*

Amend HCV condition 13.2 to read as follows:

All other vehicles not referred to in condition 13.1 may be allowed to have adverts on side panels and rear windscreen only where prior approval has been given by the Council. (The reason for this is that, since vehicles must all be black, adverts must be restricted to spaces which do not detract from their overall appearance). In respect of authorised adverts for rear windscreens, only one way film may be used.

Amend PHV condition 13 by inserting the following additional bullet point between the current bullet points 1 and 2:

A sign or advertisement covering the whole (or part) of the rear windscreen may be allowed only where prior approval has been given by the Council. In respect of authorised adverts for rear windscreens, only one way film may be used.

REPORT TO: Executive Board

DATE: 18 October 2018

REPORTING OFFICER: Strategic Director Enterprise, Community and Resources

PORTFOLIO HOLDER: Resources

SUBJECT: Policy changes relating to Hackney Carriage Stands

WARDS: Boroughwide

1. PURPOSE OF REPORT

To receive a report from the Regulatory Committee recommending that the Executive Board adopt policy changes which relate to a review of Hackney Carriage Stands in Halton.

2. RECOMMENDED: That

- 1) a Taxi Rank Order entitled “The Halton Borough Council (Various Hackney Carriage Stands, Widnes and Runcorn) Order 2018” (“the 2018 Order”) be made;**
- 2) the wording of the Schedule to the 2018 Order as set out in Appendix B of the Regulatory Committee report dated 4 July 2018 be approved except that in respect of stand number 8 (Appleton Village) in column 5 delete “any” and substitute
“The permitted times of use of the rank -
00.00 to 08.00
09.30 to 14.30
16.30 to 00.00”**
- 3) the existing taxi rank order be revoked ;**
- 4) the 2018 Order shall come into effect on 1 November 2018; and**
- 5) the Operational Director, Legal and Democratic Services, be authorised to complete the drafting of the 2018 Order and to fulfil all procedural requirements in accordance with Section 63 Local Government (Miscellaneous Provisions) Act 1976.**

3. SUPPORTING INFORMATION

3.1 Appendix 1 to this report contains a resolution of the Regulatory Committee made at its meeting held on 4 July 2018 and Appendix 2 contains the agenda item which gave rise to the resolution.

3.2 The policy changes recommended by the Regulatory Committee were the culmination of a consultation exercise via the Taxi Consultative Group and various discussions with the Council's Highways section.

3.3 The Regulatory Committee requested the Operational Director, Legal and Democratic Services in consultation with the Chair to try and achieve improvements as discussed by the Committee over and above those set out in the agenda. Improvements were made as follows –

Appleton Village. The permitted times of use of the rank -
00.00 to 08.00
09.30 to 14.30
16.30 to 00.00

The Operational Director and the Chair were therefore happy to proceed with the recommendation to the Executive Board.

3.4 The proposals were authorised by the Regulatory Committee to be advertised in accordance with Section 63 Local Government (Miscellaneous Provisions) Act 1976. The advertisement was done but no representations were received from the public or the trade to do anything different to the proposals advertised.

3.5 The differences between the proposed new taxi rank order and existing order (other than the Appleton Village Rank referred to above) are summarised in Appendix B and Appendix C of the Regulatory Committee report .

4. ISSUES FOR THE COUNCIL TO DETERMINE

4.1 The issues to be considered are set out in Appendix 1 and Appendix 2.

5. POLICY IMPLICATIONS

5.1 The subject matter of this report is to adopt policy changes.

6. OTHER IMPLICATIONS

6.1 There are no other implications arising out of this report.

7 IMPLICATIONS FOR THE COUNCILS PRIORITIES

7.1 Children and Young People in Halton

There are no new implications arising out of this report .

7.2 Employment Learning and Skills in Halton

There are no new implications arising out of this report.

7.3 A Healthy Halton

There are no new implications arising out of this report.

7.4 A Safer Halton

There are no new implications arising out of this report.

7.5 Halton's Urban Renewal

There are no new implications arising out of this report .

8. RISK ANALYSIS

N/A

9. EQUALITY AND DIVERSITY ISSUES

N/A

10. LIST OF BACKGROUND PAPERS UNDER SECTION 100D LOCAL GOVERNMENT ACT 1972

None.

APPENDIX 1

REG 3: HACKNEY CARRIAGE STAND REVIEW

The Committee considered the outcome of the Hackney Carriage Stands review which had gone through a consultation process via the Taxi Consultative Group. The policy changes sought by the Committee are required to be adopted by the Council's Executive Board. Typographical errors on page 39 of the Agenda relating to Market Street were highlighted and corrected.

The Committee was in general agreement with the proposals in the agenda but considered that certain improvements might be made in particular with regard to the Appleton Village Taxi Stand.

RESOLVED that;

- (1) The Operational Director Legal and Democratic Services (OD-LD) in consultation with the Chairman be delegated to determine the next steps to be taken with a view to try to achieve the improvements discussed at the meeting.
- (2) The proposals determined by the OD-LD in consultation with the Chairman be referred to the Executive Board; and
- (3) The Executive Board be requested to authorise the OD-LD to fulfil all procedural requirements relating to the proposals in accordance with Section 63 Local Government (Miscellaneous Provisions) Act 1976

APPENDIX 2

REPORT: Regulatory Committee
DATE: 4th July 2018
REPORTING OFFICER: Strategic Director Enterprise, Community and Resources
PORTFOLIO: Resources
SUBJECT: Taxi Licensing Matter
WARDS: Borough-wide

1. PURPOSE OF REPORT

To update members on the outcome of the consultation on taxi rank provision in Halton and seek approval for amendments to the Council's existing provision of hackney carriage stands (referred to in this report by their more common name of taxi ranks).

2. RECOMMENDED

- (1) that the information set out in the attached appendices be noted by the Committee;
- (2) the proposals set out in Appendix B be referred to the Executive Board with a recommendation for approval subject to the Executive Board considering any representations which may be made in respect thereof;
- (3) the Executive Board authorise the Operational Director, Legal and Democratic Services to fulfil all procedural requirements and relating to the proposals in Appendix B in accordance with Section 63 Local Government (Miscellaneous Provisions) Act 1976;

3. SUPPORTING INFORMATION

- 3.1 A consultation exercise has been undertaken with representatives of the Halton taxi trade on the provision of taxi ranks in the borough. Details of the consultation together with additional information can be found at **Appendix A, B and C**.
- 3.2 The various proposals have been discussed with the Council's Highways Section as the cost of implementation has been prime consideration. The Council has a very limited budget for 2018/2019 for implementing any new schemes.
- 3.3 The Council's Legal Services Licensing Section reviewed the provision for ranks and has put forward amendments for consideration. **Appendix B** provides details of these amendments together with a proposed schedule for a new order.
- 3.4 Not all requests from the trade to consider new or amended taxi ranks have been recommended. **Appendix C** sets out the reasons why certain proposals should not be pursued.

4. JURISDICTION OF THE COMMITTEE

- 4.1 The Committee is responsible for determining the Council's policies in connection with the grant, variation, suspension or revocation of licences relating to taxi and private hire (see Terms of Reference of the Regulatory Committee part 17B).
- 4.2 However, the Constitution must now be interpreted in accordance with the case of R (On the application of 007 Stratford Taxis Limited v Stratford on Avon District Council 2011. This Court of Appeal decision interpreted the meaning of the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 in respect of matters which must be dealt with by a Council's Executive or by a committee of its council. Essentially, the court held that: (1) it was clear that individual applications relating to taxi matters must be dealt with by the equivalent of this Council's Regulatory Committee and (2) matters calculated to facilitate, or be conducive or incidental to such applications must also be dealt with in the same way but (3) any "plan or strategy" associated with such a function would be an executive function and therefore have to be determined by a council's executive. The Stratford case concerned the introduction of a wheelchair access policy. The decision was taken by the Council's cabinet rather than its Licensing Committee. The challenge from the taxi trade was that the Licensing Committee should have adopted the policy. This element of the challenge was rejected by the court.
- 4.3 Consequently, any decision of the Regulatory Committee on matters contained in this agenda will be by recommendation to the Executive Board.

5. POLICY IMPLICATIONS

If approved by the Executive Board the Council's Taxi Ranks Order will be superseded and a new order created.

6. FINANCIAL CONSIDERATIONS

The cost of implementing the recommended changes must be met by the Taxi Licensing and Highways budgets except for the amendment on Hough Green Road which will be met by the property developer.

7. IMPLICATIONS FOR THE COUNCILS PRIORITIES

7.1 **Children and Young People in Halton**
None

7.2 **Employment Learning and Skills in Halton**
N/A

7.3 **A Healthy Halton**
N/A

7.4 **A Safer Halton**
None

7.5 **Halton's Urban Renewal**
N/A

8. RISK ANALYSIS

None

9. EQUALITY AND DIVERSITY ISSUES

There are no equality or diversity issues related to a review

10. LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
Driver File	Licensing Section	Kay Cleary Nick Wheeler

Appendix A

TAXI RANKS IN HALTON CONSULTATION 2017/2018

Halton Council Legal Services Licensing Section is undertaking a review of taxi rank provision in the Borough. This document sets out the background to the review together with a statement of the relevant law. The taxi trade will be asked to put forward proposals for consideration and to comment on any proposals put forward by the Licensing Section.

What is a taxi rank or stand?

- A taxi rank or stand is a place where hackney carriages “stand for hire”. When a taxi is in motion and is hailed in the street it is normally said to be plying for hire (although “plying for hire” can include standing for hire). In both cases, a taxi advertises that it is available for hire by illuminating its “for hire” light.
- Normally, a rank will provide space for more than one taxi. This has entered the language as an assumption because the expression “ranking up” means to form a queue.
- A taxi rank may exist anywhere: either on or off a highway or street. However, rules have evolved to restrict the places where taxis may rank up.

Designated taxi ranks

- National model taxi byelaw No. 7 (which has been adopted by the Council) require drivers when plying for hire in any STREET and not actually hired ... to proceed ... to one of the stands fixed by [section 63 Local Government (Miscellaneous Provisions) Act 1976].
- In this document “designated” stand means a stand fixed by an order made under the 1976 Act. The order currently in place is the Halton Borough Council (Various Hackney Carriage Stands, Widnes and Runcorn) Order 2010.
- But for byelaw No. 7 there would be no restriction on plying for hire by driving around on the highway or (subject to landowner consents) standing on any land either as a single vehicle or with others or (subject to traffic regulation orders) standing on the highway. Given that the byelaw does exist there is a responsibility on the taxi licensing authority to provide ranks so that the byelaw can be complied with. One issue to consider is whether the byelaw should continue to exist or should be revoked.

- Note that the byelaw only applies where a driver is plying for hire in any street.

What is a “street”?

- Section 3 Town Police Clauses Act 1847 defines a **street** as extending to and including any “road, square, court, alley and thoroughfare, or public passage ...”.
- The case of *Young v Scampion* (1988) overturned well established cases by holding that land will only be a street if the public has the **legal right** to be there. In that case a rank at Birmingham Airport was held not to be in a street.
- There have been different interpretations as to what constitutes a street for a number of years. The meaning of the word has also been interpreted differently depending on context. For example, the word has been re-interpreted in the context of the meaning of “street trading” by case of *West Berkshire District Council v Simon Paine* [2009] EWHC 422 (Admin). The essential point from the case is that a street can include private land such as a private car park. It does not just mean land which is part of a highway. This means that a number of activities that have not previously been considered to require a street trading consent will require one from now on. It remains to be seen whether this wider interpretation will be extended to taxi law.
- Railway stations and other railway land constitute streets.

Competition for parking space in streets

- In modern urban streets there is fierce competition for parking space. The reservation of scarce parking resources for particular user groups requires special justification.
- Taxis constitute a significant part of the public transport system. It follows that taxi ranks have a similar justification to bus stops and bus lanes.
- The existence of byelaw No. 7 also implies that a certain number of ranks must be made available. There are 267 licensed hackney carriage vehicles in Halton. Should there be a relationship between the number of designated ranks and the number of taxis? Historically, there has been a gross mismatch between the number of ranks and the number of vehicles but the trade has never indicated that this causes a problem in practice.
- Many taxi ranks are time limited so that road space is taken up only for the optimum number of hours.
- Nevertheless, each taxi rank must be justified in terms of function and amenity.

Limitations on the positioning of ranks

- The positioning of taxi ranks is subject to a number of restrictions as set out in section 63 Local Government (Miscellaneous Provisions) Act 1976.
- This states that nothing in the section shall empower a district council to appoint any such stand-
 - so as unreasonably to prevent access to any premises;

- so as to impede the use of any points authorised to be used in connection with a local service within the meaning of the Transport Act 1985 or PSV operator's licence granted under the Public Passenger Vehicles Act 1981, as points for the taking up or setting down of passengers, or in such a position as to interfere unreasonably with access to any station or depot of any passenger road transport operators, except with the consent of those operators;
- on any highway except with the consent of the highway authority;
- In deciding the position of stands a district council shall have regard to the position of any bus stops for the time being in use.

Highways issues

- The majority of taxi ranks are on adopted highways. The consent and advice of the highways authority are therefore crucial.
- Orders designating ranks under the 1976 Act have a relationship with traffic regulation orders made under the Road Traffic Regulation Act 1984.
- Taxi ranks may be placed on highways which have no other restrictions on road users: an order under the 1976 Act may then be seen to be a "free standing" order unrelated to a traffic regulation order.
- Taxi ranks may also be placed on highways which already have a number of restrictions placed on road users (such as no waiting or no stopping orders). In these cases, the designation of a taxi rank will, in effect, place an exception on the pre-existing traffic regulation order.
- Depending on the situation that applies, there will be different types of "lining and signing" designating the effect of the designation of the taxi rank.

"Private" Ranks

- The expression "private" ranks (for the purposes of this document) refers to ranks on private land which have not been designated by the taxi licensing authority. These can typically be found in certain supermarket car parks. Provided that such private ranks are not on a street the use of them does not constitute a breach of byelaw No. 7. Such ranks are often formalised (that is, marked out with lines and signs) and are sometimes restricted to particular taxi firms on payment to the landowner. Ranks at railway stations are a hybrid form of private rank because of the effect of section 76 Public Health Act 1925 (see below for further information).
- Another kind of rank to distinguish from the "private" rank described above is the informal rank. This describes off-street ranking without the formalisation associated with "private" ranks.
- With the consent of the landowner (and subject to various other control mechanisms such as the possible need for planning permission) the taxi licensing authority may designate ranks in the above categories under section 63 Local Government (Miscellaneous Provisions) Act 1976 in association with (in the case of railway stations) section 76 Public Health Act 1925.
- A list of the private ranks within the Borough is set out below.

Could the Council provide private ranks?

- There is no legal rule to prevent the Council from providing private ranks.
- However, as Licensing Authority, the Council should not put itself in a position whereby it could be accused of bias by favouring one element of the taxi trade over another.
- The Council should therefore restrict itself to providing designated ranks which would be open to all hackney carriage drivers.

Railway stations

- Section 76 Public Health Act 1925 extended the controls in the Town Police Clauses Act 1847 to include railway stations and other railway land. Essentially, the meant that the meaning of “street” was extended to include such land.
- Railway stations are deemed to be stands and (provided that drivers have the consent of the railway company) drivers may return to railway stations without contravening byelaw number 7.
- However, the Council cannot formally designate stands (i.e. fix the sites) at a railway without the consent of the railway company.

Ranking and private hire vehicles

- The basic distinction between taxis and private hire vehicles is that private hire vehicles may not be used to ply for hire in any street. The topic of taxi ranks should in theory be of no interest to the private hire trade.
- The licensing of private hire vehicles is based on a vehicle (1) not being a licensed hackney carriage vehicle or public service vehicle (2) being constructed or adapted to seat fewer than 9 passengers (3) which is used for hire with the services of a driver for the purposes of carrying passengers.
- Nevertheless, the issue of private hire “ranking” does arise. The question is what kind of activities might result in private hire vehicles being held to be being used for standing or plying for hire. The first scenario is that of a single private hire vehicle simply being parked on a street. The second scenario is two or more private hire vehicles being parked in a street. In both cases we can take “in a street” to include “very close to a street”.
- Button on Taxis puts the tests as follows¹:
 - Nothing in the legislation or case law prevents a private hire vehicle parking lawfully to await a booking made via the operator, provided that the vehicle is not standing or plying for hire;
 - The length of time that a private hire vehicle is lawfully parked is irrelevant;
 - The test of whether or not the vehicle is available for hire (i.e. is plying for hire) is based on the intentions of the driver, as evidenced by his actions if approached by a prospective passenger.

¹ Fourth Edition - Paragraph 12.46 (page 635)

- It would seem to follow that the same tests would apply if two or more private hire vehicles are parked together.

The issue of what constitutes private hire “ranking” is really outside the scope of this document. Button deals with the issue in greater detail. It is mentioned here to avoid confusion.

SCHEDULE LIST

Schedule 1	Details of Designated Ranks in Halton under the 2010 Order
Schedule 2	Details of Private Ranks in Halton
Schedule 3	Procedural Issues
Schedule 4	Legislation Relevant to Ranks

Details of Designated Ranks in Halton under the 2010 Order

**OFFICIAL TAXI STANDS REGULATED BY HALTON BOROUGH COUNCIL UNDER
SECTION 63 OF LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

WIDNES

Stand Number	Location	Order Plan Number	Permitted Maximum Number of Vehicles	Permitted Times of Use
1	Market Street (in 3 separated locations)	8902	8	Any
2	Alforde Street	8635/3	6	Any
3	Hale Road	8635/4	8	Any
4	Arley Drive	8635/5	4	Any
5	Hough Green Road	8635/6	5	Any
6	Upton Lane	8635/7	3	Any
7	Dickson Street	8635/8	5	Any
8	Cross Street	8635/11	8	Any
9	Victoria Square	8903	8	2100-0600
10	Prescot Road	8635/13	4	Any
11	Appleton Village	8635/14	10	Any
12	Cronton Lane	8635/15	4	Any
13	Croft Street	8635/16	7	2300-0300
14	Widnes Road	8901	8	0000-0600
15	Albert Road (outside Wetherspoons)	8905	3	1800-0600
16	Albert Road (outside Imperial)	9116	3	1800-0600
17	Albert Road (feeder rank to Wetherspoons)	9115	3	1800-0600

RUNCORN

Stand Number	Location	Order Plan Number	Permitted Maximum Number of Vehicles	Permitted Times of Use
18	Public Hall Street	8904	8	Any
19	Halton Lea (off Second Avenue)	TD/TM/SJ B/R/L/01	3	Any
20	High Street (in existing layby)	9118	5	2200-0500
21	High Street (outside Bargain Booze adj Mersey Road)	9117	8	2000-0600

Details of Private Ranks in Halton

Widnes

Albert Square (following Kent Street)

Asda

Morrisons/Market

Runcorn

Asda

Runcorn Railway Station

Co-op (off High Street)

“The Hut” (off High Street)

Trident Shopping Centre

PROCEDURAL ISSUES

Section 63 Local Government (Miscellaneous Provisions) Act 1976

Ranks

Where

- On any highway maintainable at public expense
- Any other land with the owner's consent.

How

- Give notice to the chief officer of police
- Advert in local paper
- Consider objections which may be received within 28 days of (first) publication

Form of order

Not specified but should identify:

- Where
- How many
- Time limits if any

Road Markings and signs

The Traffic Signs Regulations and General Directions 2016 contain detailed requirements.

The Traffic Signs Regulations and General Directions 2016 (SI 2016/362)

Legislation Relevant to Ranks

Local Government (Miscellaneous Provisions) Act 1976

Section 63 Stands for hackney carriages

— (1) For the purposes of their functions under the Act of 1847, a district council may from time to time appoint stands for hackney carriages for the whole or any part of a day in any highway in the district which is maintainable at the public expense and, with the consent of the owner, on any land in the district which does not form part of a highway so maintainable and may from time to time vary the number of hackney carriages permitted to be at each stand.

(2) Before appointing any stand for hackney carriages or varying the number of hackney carriages to be at each stand in exercise of the powers of this section, a district council shall give notice to the chief officer of police for the police area in which the stand is situated and shall also give public notice of the proposal by advertisement in at least one local newspaper circulating in the district and shall take into consideration any objections or representations in respect of such proposal which may be made to them in writing within twenty-eight days of the first publication of such notice.

(3) Nothing in this section shall empower a district council to appoint any such stand—

(a) so as unreasonably to prevent access to any premises;

(b) so as to impede the use of any points authorised to be used in connection with a local service within the meaning of the Transport Act 1985 or PSV operator's licence granted under the Public Passenger Vehicles Act 1981, as points for the taking up or setting down of passengers, or in such a position as to interfere unreasonably with access to any station or depot of any passenger road transport operators, except with the consent of those operators;

(c) on any highway except with the consent of the highway authority;

and in deciding the position of stands a district council shall have regard to the position of any bus stops for the time being in use.

(4) Any hackney carriage byelaws for fixing stands for hackney carriages which were made by a district council before the date when this section comes into force in the area of the council and are in force immediately before that date shall cease to have effect, but any stands fixed by such byelaws shall be deemed to have been appointed under this section.

(5) The power to appoint stands for hackney carriages under subsection (1) of this section shall include power to revoke such appointment and to alter any stand so appointed and the expressions "appointing" and "appoint" in subsections (2) and (3) of this section shall be construed accordingly.

Local Government (Miscellaneous Provisions) Act 1976

Section 64 Prohibition of other vehicles on hackney carriage stands

— (1) No person shall cause or permit any vehicle other than a hackney carriage to wait on any stand for hackney carriages during any period for which that stand has been appointed, or is deemed to have been appointed, by a district council under the provisions of section 63 of this Act.

(2) Notice of the prohibition in this section shall be indicated by such traffic signs as may be prescribed or authorised for the purpose by the Secretary of State in pursuance of his powers under section 64 of the Road Traffic Regulation Act 1984.

(3) If any person without reasonable excuse contravenes the provisions of this section, he shall be guilty of an offence.

(4) In any proceedings under this section against the driver of a public service vehicle it shall be a defence to show that, by reason of obstruction to traffic or for other compelling reason, he caused his vehicle to wait on a stand or part thereof and that he caused or permitted his vehicle so to wait only for so long as was reasonably necessary for the taking up or setting down of passengers.

Public Health Act 1925

Section 75 Byelaws as to persons waiting to enter public vehicles

— (1) The local authority may make byelaws for regulating the conduct of persons waiting in streets to enter public vehicles, and the priority of entry into such vehicles, and may by such byelaws require queues or lines to be formed and kept by such persons.

(2) The local authority may erect and maintain, or permit other persons to erect and maintain, in any street such barriers and posts as appear to the local authority to be necessary for the purposes of securing compliance with any such byelaws:

. . . F1

(3) Nothing in subsection (2) of this section shall be construed as empowering the local authority to hinder the reasonable use of the street by the public, or to obstruct the access to or exit from any station or goods yard belonging to a railway company or to or from any premises belonging to the owners, trustees, or conservators, acting under powers conferred by Parliament, of any canal, inland navigation, dock or harbour, and used for the purposes of the canal, inland navigation, dock or harbour, nor shall any barrier or post be erected on any bridge carrying any street over a railway or the approaches thereto.

Public Health Act 1925

Section 76 As to public vehicles taken at railway stations

In any area within which the provisions of the ^{M1}Town Police Clauses Act 1847, with respect to hackney carriages are in force, those provisions and any byelaws of the local authority with respect to hackney carriages shall be as fully applicable in all respects to hackney carriages standing or plying for hire at any railway station or railway premises within such area, as if such railway station or railway premises were a stand for hackney carriages or a street:

Provided that—

(a) the provisions of this section shall not apply to any vehicle belonging to or used by any railway company for the purpose of carrying passengers and their luggage to or from any of their railway stations or railway premises, or to the driver or conductor of such vehicle;

(b) Nothing in this section shall empower the local authority to fix the site of the stand or starting place of any hackney carriage in any railway station or railway premises, or in any yard belonging to a railway company, except with the consent of that company.

Town Police Clauses Act 1847

Section 45 Penalty for plying for hire without a licence

If the proprietor or part proprietor of any carriage, or any person so concerned as aforesaid, permits the same to be used as a hackney carriage plying for hire within the prescribed distance without having obtained a licence as aforesaid for such carriage, or during the time that such licence is suspended as hereinafter provided, or if any person be found driving, standing, or plying for hire with any carriage within the prescribed distance for which such licence as aforesaid has not been previously obtained, or without having the number of such carriage corresponding with the number of the licence openly displayed on such carriage, every such person so offending shall for every such offence be liable to a penalty not exceeding forty shillings

Town Police Clauses Act 1847

Section 64

Improperly standing with carriage; refusing to give way to, or obstructing, any other driver or depriving him of his fare

Any driver of any hackney carriage who suffers the same to stand for hire across any street or alongside of any other hackney carriage, or who refuses to give way, if he conveniently can, to any other carriage, or who obstructs or hinders the driver of any other carriage in taking up or setting down any person into or from such other carriage, or who wrongfully in a forcible manner prevents or endeavours to prevent the driver of any other hackney carriage from being hired, shall be liable to a penalty not exceeding level 1 on the standard scale.

Taxi Rank Review
Proposals consequent on review

Widnes

<p>Market Street (stand no.1)</p>	<p>The northern rank (for 4 vehicles) to have new operating hours of 21.00 till 06.00 hours</p> <p>This amendment is to allow the legal parking of vehicles (residents and employees of local businesses) in these bays during daytime hours when they are not used by Hackney Carriages.</p> <p>The two ranks (for 2 vehicles each) situated on the eastern side to be removed</p> <p>This would free up parking spaces for residents at night time and make better use of the limited road space</p> <p>A new rank to be created on the west side of the road for 3 vehicles with operating hours of 21.00 till 06.00 hours</p> <p>This would allow better use of the limited road space</p>
<p>Alforde Street (stand no.2)</p>	<p>New operating hours of 21.00 till 06.00 hours</p> <p>This amendment is to allow the legal parking of vehicles (residents and employees of local businesses) in these bays during daytime hours when they are not used by Hackney Carriages.</p>
<p>Arley Drive (stand no.4)</p>	<p>Rescind order</p> <p>The public house served by the rank has long gone (The Sundowner) and a nursery is now in that position. The rank lines and signage have been removed and a bus stop is now in place.</p>
<p>Hough Green Road (stand no.5)</p>	<p>Remove rank and rescind order</p> <p>The public house (The Sporting Ford) and bookmakers served by this rank is about to make way for a new residential development. Although a medical centre and some shops are nearby there is no suitable road space to relocate this rank.</p>

Cross Street (stand no.8)	Remove rank and rescind order This rank primarily served Top of the Town nightclub until it closed. Due to the location of the entrance/exit to the DW Sports service yard and the fact that there is no footfall in general, this location is no longer suitable for a rank.
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Croft Street (stand no.13)	Remove rank and rescind order This rank primarily served the Landmark nightclub until it closed. There is no longer any purpose for a rank in this area or the foreseeable future.
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Runcorn

High Street (opposite Chambers) (stand no.20)	New operating hours proposed of 22.00 till 06.00 hours This amendment is to allow customers of the Chambers to get taxi after closing time (05.00hours).
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High Street (offset to the immediate front of Chambers)	Create a new rank for 5 vehicles for the period 22.00 till 06.00 hours This new rank will allow for a greater number of vehicles to safely ply for hire in the immediate vicinity of a busy licensed premise and would also allow vehicles to start their journey in the opposite direction of the existing rank on the other side of the road.
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Bridge Street (outside Wilsons)	Create a new rank for 4 vehicles for the period 22.00 till 06.00 hours This new rank will allow for further hackney carriages to ply for hire at the far end of the town centre
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High Street (The Hut)	Create a new rank for 6 vehicles for the period 20.00 till 06.00 hours This area has been used as private rank for some years. By creating an official rank at this location it will allow for enforcement of non Halton BC licensed vehicles
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PROPOSED 2018 SCHEDULE

**OFFICIAL HACKNEY CARRIAGE STANDS REGULATED BY
HALTON BOROUGH COUNCIL UNDER SECTION 63 OF
THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

WIDNES

Stand Number	Location	Order Plan Number	Permitted Maximum Number of Vehicles	Permitted Times of Use
1	Market Street		7	2100 - 0600
2	Alforde Street		6	2100 - 0600
3	Hale Road		8	Any
4	Upton Lane		3	Any
5	Dickson Street		5	Any
6	Victoria Square		8	2100 - 0600
7	Prescot Road		4	Any
8	Appleton Village		10	Any
9	Cronton Lane		4	Any
10	Widnes Road		8	2300 - 0600
11	Albert Road (outside Wetherspoons)		3	1800 - 0600
12	Albert Road (feeder rank to Wetherspoons)		3	1800 - 0600
13	Albert Road (outside Imperial)		3	1800 - 0600

RUNCORN

Stand Number	Location	Order Plan Number	Permitted Maximum Number of Vehicles	Permitted Times of Use
14	Public Hall Street		8	Any
15	Shopping City (off Second Avenue)		4	Any
16	High Street (opposite side of road from Chambers)		5	2200 - 0600
17	High Street (in front of Chambers)		5	2200 - 0600
18	Bridge Street (in front of The Wilsons)		4	2200 - 0600
19	High Street (outside Bargain Booze adj Mersey Road)		8	2000 - 0600
20	High Street lay-by immediately east of entrance to Co-op car-park		6	2000 - 0600

**Taxi Rank Review
Additional Ranks Consideration**

<p>Crossville Way, Runcorn</p>	<p>Near to the Ten Lock Flight pub and restaurant.</p> <p>The space around the Ten Lock Flight is private land. There is a public car park to the far side of Costa Coffee but a taxi rank would be incompatible with the off street parking order.</p>
<p>Runcorn Railway Station (1)</p>	<p>Shaw Street - Road leading to the Railway Station (to include the section under the bridge fly-over.</p> <p>This is a busy road used for station access. This road is deemed too narrow and is frequently used by coaches.</p>
<p>Runcorn Railway Station (2)</p>	<p>Picow Farm Road - Below steps leading from/to Railway Station.</p> <p>This location is not deemed feasible due to the cost of re-locating a section of bus stop for a rank that would not be visible from the railway station.</p>
<p>Shopping City, Runcorn</p>	<p>Extending the existing rank on Second Avenue.</p> <p>Additional space in front and behind the existing rank is designed for loading/unloading of vehicles. This option may be considered in the future.</p>