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Regulatory Committee

**Wednesday, 2 September 2020 6.30 p.m.
Via public remote access (please contact
the Clerk named below for instructions)**



Chief Executive

COMMITTEE MEMBERSHIP

Councillor Pamela Wallace (Chair)
Councillor John Abbott (Vice-Chair)
Councillor Eddie Dourley
Councillor Mike Fry
Councillor Pauline Hignett
Councillor Kath Loftus
Councillor Tony McDermott
Councillor Angela McInerney
Councillor Stef Nelson
Councillor Gareth Stockton
Councillor Kevan Wainwright

*Please contact Gill Ferguson on 0151 511 8059 or e-mail gill.ferguson@halton.gov.uk for further information.
The next meeting of the Committee is on Wednesday, 7 October 2020*

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

Part I

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1. MINUTES	1 - 3
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.	
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PART II

In this case the Board has a discretion to exclude the press and public and, in view of the nature of the business to be transacted, it is **RECOMMENDED** that under Section 100A(4) of the Local Government Act 1972, having been satisfied that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act.

9. TAXI LICENSING MATTER	103 - 113
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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.

REGULATORY COMMITTEE

At a meeting of the Regulatory Committee on Wednesday, 19 February 2020 in the Council Chamber - Town Hall, Runcorn

Present: Councillors Wallace (Chair), Abbott (Vice-Chair), Dourley, Fry, P. Hignett, K. Loftus, A. McInerney and Nelson

Apologies for Absence: Councillors McDermott, G. Stockton and Wainwright

Absence declared on Council business: None

Officers present: K. Cleary, J. Tully, Wheeler and L. Wilson-Lagan

Also in attendance: Cllr Andrea Wall, 1 Member of the Press and 1 member of the public

**ITEMS DEALT WITH
UNDER DUTIES
EXERCISABLE BY THE COMMITTEE**

REG8 MINUTES

The Minutes of the meeting held on 27th November 2019 having been circulated were signed as a correct record.

REG9 APPLICATION FOR A PREMISES LICENCE - SPIKE ISLAND EVENT WIDNES

The Committee was advised as follows by the Legal Officer.

Earlier that afternoon the Licensing Authority was informed that the applicant and Cheshire Constabulary had reached agreement as to the conditions to be attached to the Operating Schedule which formed part of the application. The representations made by Cheshire Constabulary were withdrawn subject to the imposition of these conditions. The Council's Environmental Section consequently withdrew its representations. The concerns of the Cheshire Fire and Rescue Authority and the Council's Trading Standards had been resolved earlier and those representations were also withdrawn.

Action

The applicant and the statutory bodies had therefore requested not to attend the hearing and had been informed that there was no need for them to attend.

A hearing could have been dispensed with if all persons who made representations have given notice to the Licensing Authority that they have agreed that the hearing is unnecessary. However, the withdrawal of representations within 24 hours of a hearing may only be given verbally at the hearing.

Because the applicant took so long to agree the conditions, the hearing had to be formally to be opened.

However, since all representations had been withdrawn the Regulatory Committee was asked to formally approve the application without evidence being called.

It was regrettable that the Members had to go through a large amount of background material which had proved to be unnecessary.

It was also explained that proposed event would take place on Council land. Consequently, in addition to requiring a premises licence under the Licensing Act 2003 the applicant would require a separate licence from the Council as landowner. That second licence would be far more detailed and far ranging than a premises licence. That second licence would be subject to detailed negotiation and scrutiny before it was issued. This was outside of the scope of the powers of the regulatory Committee.

RESOLVED: That the application be approved as amended.

REG10 SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AND THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

The Committee considered:

- (1) Whether Members of the press and public should be excluded from the meeting of the Board during consideration of the following item of business in accordance with Sub-Section 4 of Section 100A 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 paragraph 3 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.

REG11 TAXI MATTER

Case No. 724

RESOLVED: The Committee considered this matter to be extremely serious but in view of the matters disclosed at the meeting, decided not to revoke the licence. The decision was that the licence be suspended for a period of one week.

Meeting ended at 7.50 p.m.

REPORT:	Regulatory Committee
DATE:	2 September 2020
REPORTING OFFICER:	Strategic Director Enterprise, Community and Resources
PORTFOLIO:	Resources
SUBJECT:	Restriction on Hackney Carriage Vehicle Numbers in the Borough
WARDS:	Borough-wide

RECOMMENDATIONS: That

- (1) the Committee further consider the requests to issue additional hackney carriage vehicle plates in addition to the current limits; and**
- (2) the Committee recommend to the Executive Board to adopt/readopt as Council policy the option listed at section 2.10 of the agenda which the Committee considers most appropriate.**

1. PURPOSE OF THE REPORT

- 1.1 To comply with a court order to further consider requests to issue additional hackney carriage vehicle plates in addition to the current limits and
- 1.2 To consider recommending that the Executive Board adopt/readopt as Council policy the option listed at section 2.10 of the agenda which the committee considers most appropriate.

2 BACKGROUND

- 2.1 Members are referred to the agenda of the Committee dated 28 November 2018. The relevant minute of that meeting is set out as **Appendix 1** of this report.
- 2.2 As can be seen from the minute applications had been received from John Roberts, Lee Barks and Darren Dickson. Mr Roberts requested 14 plates (reduced to 13) and Mr Barks and Mr Dickson made single applications. Following a hearing the applications were all refused *inter alia* because the Committee considered that there was no significant unmet demand for Hackney Carriages in the Borough.
- 2.3 The Committee based its conclusion on what was considered to be overwhelming statistical evidence comparing populations and numbers of hackney carriages in other boroughs.

- 2.4 However, only Mr Roberts exercised his right of appeal to the Crown Court. The court did not accept that the statistical evidence put before the Committee was sufficient. It ruled on 4 July 2019
- 2.4.1. First that an unmet demand survey be commissioned to 'ascertain' definitively whether there is significant unmet demand for hackney carriages within the borough. Thereafter, if significant unmet demand is identified, to issue licenses in a manner fair to all persons who would wish to be considered for such a licence and
- 2.4.2 secondly, that on the survey being completed the licensing authority reconsider the Applicants' application.
- 2.5 Consequently, the Council commissioned Jacobs (a Leeds based company) to undertake an unmet demand survey on behalf of the Council.
- 2.6 The results of the survey which was sent to the Council was dated 14 April 2020 and are appended as **Appendix 2**.
- 2.7 The unmet demand survey demonstrates that the Regulatory Committee was completely correct in concluding that there was no significant unmet demand for hackney carriages in the Borough. The methodology used in the survey is a little complicated but it boils down as saying that if the number 80 is the threshold at which there is a significant unmet demand any numbers in excess of 80 would be converted into the additional plates which ought to be issued to bring the system back into balance (i.e. where there would then be no significant unmet demand).
- 2.8 The survey concluded that the number applicable to Halton was 60 (i.e. 25% below the threshold at which there would be a significant unmet demand). Although the survey was not designed to consider this question, it is legitimate for the Council to conclude that not merely is there no significant unmet demand in the Borough, there is no unmet demand at all.
- 2.9 The exercise has cost nearly £30,000: £15,000 for the survey and the rest in costs for the Crown Court hearing. This is being claimed back from the hackney carriage trade over a five year period.
- 2.10 The conclusions of the survey includes the following: "On this basis the authority has the discretion in its taxi licensing policy and may either:
- 2.10.1 Maintain its current policy of limiting to 267 hackneys ;

2.10.2 Issue any number of additional plates as it sees fit, either in one allocation or a series of allocations; or

2.10.3 Remove the numerical restriction on licences.

2.11 There are therefore two matters for the Committee to address:

2.11.1 The first is to re-consider the applications again.

2.11.2 The second is to recommend the Executive Board to adopt/re-adopt as Council policy the option listed at 2.10 above which the Committee considers most appropriate.

3. SUPPORTING INFORMATION

3.1 The applicant Mr Roberts has been sent a copy of the unmet demand survey on 10 June 2020 however no comment has been received from him since that date.

3.2 The applicant Mr Roberts has been notified of this meeting and has been given the opportunity of making representations to the Committee.

4. OPTIONS

4.1 The options available to the committee with regards to the reconsideration of the applications are:

- Grant the applications for 13 new hackney carriage vehicles (subject to the usual application process being successfully completed).
- Refuse the applications.

4.2 The options available to the committee with regards to the Council's policy on the limitation on taxi numbers in the Borough are set out at section 2.10 of the agenda.

5. POLICY IMPLICATIONS

5.1 The applications were not posed as applications to change Council policy but rather as pre-cursors to individual applications. Consequently this is a matter entirely for the Regulatory Committee to determine – it is not a matter for recommendation to Executive Board.

5.2 Nevertheless, the Committee may take the view that granting the applications would have a detrimental effect on the current policy.

5.3 Part of the recommendation to this agenda is to formally recommend the Executive Board to adopt/re-adopt as Council policy the maximum

number of hackney carriages to be licensed within the Borough.

- 5.4 The relationship between Regulatory Committee decision making and Executive Board decision making must be interpreted in accordance with (1) the Local Government Act 2000, (2) the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (SI 2000/2853), and (3) 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.
- 5.5 Consequently, any decision of the Regulatory Committee relating to policy matters will be by recommendation to the Executive Board.
- 5.6 In deciding whether or not to adopt or to recommend the adoption of a policy the following questions should be addressed:
- 5.6.1 Has proper consultation been undertaken?
- 5.6.2 Are the proposals necessary and proportionate?

5.6.3 In considering 5.4.2 what is it about any existing policy which has proved deficient or has failed to deal adequately with changes in circumstance?

6. OTHER IMPLICATIONS

There are no other implications arising out of this report.

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

N/A

9. EQUALITY AND DIVERSITY ISSUES

N/A

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

Document	Place of Inspection	Contact Officer
Various Documents	Licensing Department	Kay Cleary

APPENDIX 1

Restriction of Hackney Carriage Vehicle Numbers in the Borough

- [Meeting of Regulatory Committee, Wednesday, 28th November, 2018 6.30 p.m. \(Item 15.\)](#)

Minutes:

The Committee were requested to consider issuing additional hackney carriage vehicle licenses in addition to the current limits.

Applications were received from John Roberts, Lee Barks and Darren Dickson. Mr Roberts requested 14 plates (reduced to 13) and Mr Barks and Mr Dickson made single applications.

Mr Roberts was represented at the Committee meeting by Mr Angus Gloag Counsel Kings View Chambers. Mr Barks and Mr Dickson were not represented.

At the beginning of the hearing the Chair introduced the members of the Committee and the officers present, and asked the applicants to introduce themselves.

Mr Tully outlined the procedure which would be followed at the hearing and Mr Wheeler summarised the details set out in the agenda. He also reminded those present that the report was produced whilst having regard to the following documents:

Department of Transport Circulars 3/85 and 4/87

Department for Transport Best Practice Guidance 2006 with March 2010 revision

The Competition and Marketing Authority statement issued in April 2017

Mr Barks had prepared a written statement which was read out to Members. This made the following points:

1. The Council was legally bound to undertake an unmet demand survey every three to five years.
2. The Council had not done this.
3. The population had risen since 1985.
4. The Council had refused applications for hackney carriage licences in 2017 and 2018.
5. New companies such as Delta and Abba operating in the Borough demonstrated unmet demand.
6. District Taxis were taking many wheelchair user bookings every week.
7. There were only 21 (or 19) fully wheelchair accessible vehicles licensed in Halton.
8. Sure Start had repeatedly informed the Council about the massive shortages of fully wheelchair accessible vehicles.
9. The world has changed over 30 years and we now have an aging population.

Mr Gloag presented his case on behalf of his client Mr Roberts and made the following points:

1. He disagreed with paragraphs 2.4, 4.5, 6.1 and 6.2 of the printed agenda.
2. He commented on the allegedly non-existing policy limiting the number of hackney carriages.
3. There was no audit trail for the last unmet demand survey.

- i. He went through the text of section 16 Transport Act 1985 and stated that the only way that the applications could be removed was if the Committee were satisfied that there was no unmet demand.
- ii. He did not agree with paragraphs 1 and 2 of Appendix A of the printed agenda as referred to at paragraphs 2.6.2 and 2.6.2 of the agenda.
- iii. Taking up the point made by Mr Barks about Sure Start he referred to an email of 1 June 2017.
- iv. He claimed that paragraphs 2.1, 2.2 and 2.6.3 of the agenda were deliberately foggy and that Appendix A paragraph 5 was a vague summary.

Mr Roberts claimed in the last 2 years he had 2000 calls per week from people who cannot get a wheelchair vehicle. He had 75 vehicles of which 36 are fully wheelchair accessible.

Mr Dickson was asked if he wished to address the Committee and he said he agreed with Mr Roberts that there is a lack of wheelchair accessible vehicles in Halton. He also confirmed that the statement read out by Mr Barks should be taken as a joint statement on behalf of Mr Barks and Mr Dickson.

The Committee asked a number of questions throughout the hearing. Mr Wheeler was asked about the email from Sure Start. He could not remember specifically this email and had been given no notice of it.

Mr Tully confirmed that the legal advice was that there was no legal obligation to carry out an unmet demand survey notwithstanding the circular advice to do this. The original policy of limiting the number of hackney carriages could no longer be challenged and the last unmet demand survey was presumably destroyed many years ago. Its findings were no longer relevant since the test in section 16 of the Transport Act 1985 had to be applied as at the date of the hearing.

Mr Gloag summed up their representations following which the Committee retired to consider the applications. At the conclusion of the Committee's considerations the parties re-assembled and the Chairman directed Mr Tully to read out the decision of the Committee.

RESOLVED: That

- i. For the reasons set out in the report as amplified during the hearing the Committee is satisfied that there is no significant demand for the services of hackney carriages in the Borough which is unmet.
- ii. Nothing put forward by the applicants justifies a different conclusion; and
- iii. Consequently, the applications are refused.

Supporting documents:

- [Hackney Carriage Vehicle Applications - 28.11.2018 Final \(2\), item 15.](#)  PDF 103 KB
- [HCV Applications - 28.11.2018 \(Appendices\) Final, item 15.](#)  PDF 151 KB

APPENDIX 2

Jacobs

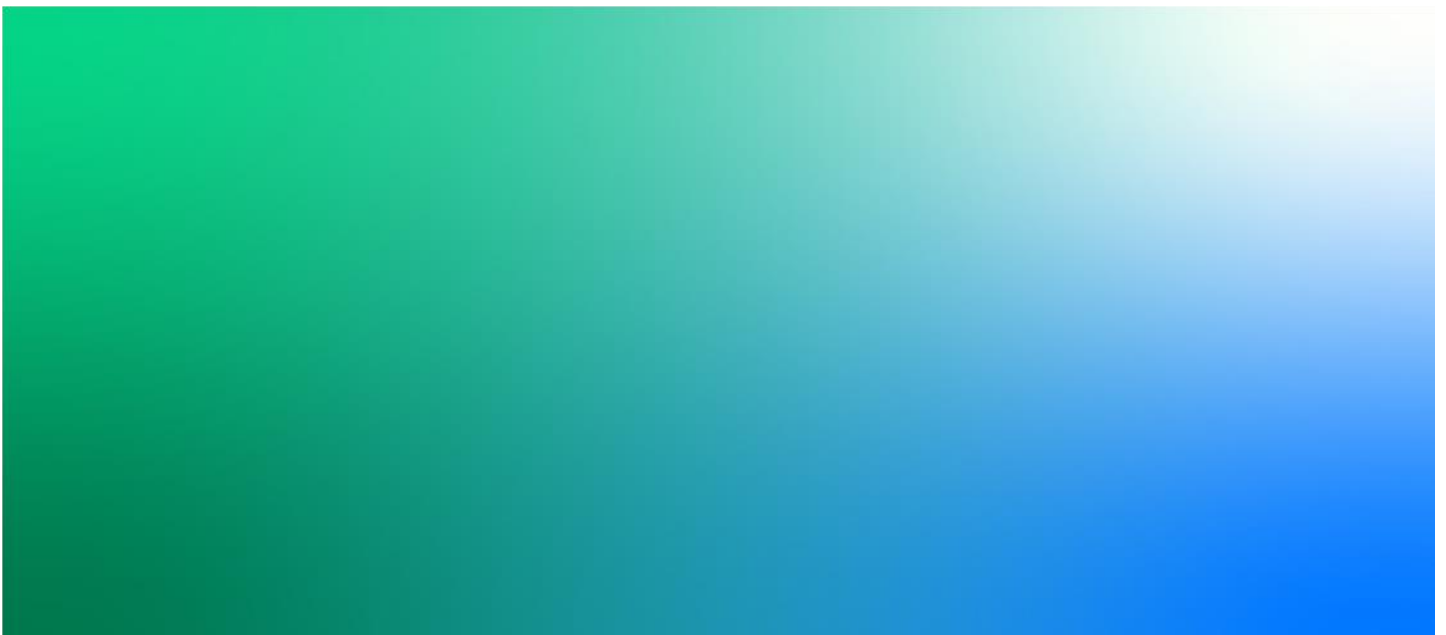
Halton Hackney Unmet Demand Study

Final Report

1 | 0

14th April 2020

Halton Borough Council



Halton Hackney Unmet Demand Study

Project No: Project Number
 Document Title: Final Report
 Document No.: 1
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Document history and status

Revision	Date	Description	Author	Checked	Reviewed	Approved
1	14.04.20	Final report	EP	LR	LR	LR

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Executive Summary

This study has been conducted by Jacobs on behalf of Halton Borough Council. Halton Borough Council wishes to undertake an unmet demand study of Hackney Carriage provision in the borough. The purpose of the survey is to:

- determine whether or not there is a significant unmet demand for Hackney Carriage services within Halton as defined in Section 16 of the Transport Act 1985; and
- recommend how many additional taxis are required to eliminate any significant unmet demand.

In terms of the licensing of hackney carriages and private hire vehicles, Halton Borough Council operates a policy of limitation. The authority limits the number of hackney carriage vehicles at 267.

The 2019 study has identified that there is NO evidence of significant unmet demand for taxis in Halton. This conclusion is based on an assessment of the implications of case law that has emerged since 2000, and the results of Jacobs's analysis.

Public perception of the service was obtained through the undertaking of an online survey. Overall the public were generally satisfied with the service – key points included:

- 88% of respondents have used a taxi in Halton in the last 3 months;
- Over half (58%) of these journeys were obtained via booking over the telephone;
- Generally, respondents were satisfied with the promptness of their taxi arrival in Halton (77%), obtaining a taxi at a rank had the greatest level of satisfaction (95%) and by telephone was the least (69%);
- 56% of respondents believe there are enough taxis in Halton and 36% believe there isn't;

Our 2019 study has identified that there is NO evidence of significant demand in Halton. This conclusion covers both patent and latent/suppressed demand and is based on an assessment of the implications of case law that has emerged since 2000, and the results of our analysis.

On this basis the authority has the discretion in its taxi licensing policy and may either:

- Maintain its current policy of limiting to 267 hackneys ;
- Issue any number of additional plates as it sees fit, either in one allocation or a series of allocations; or
- Remove the numerical restriction on licences.

1. Introduction

This study has been conducted by Jacobs on behalf of Halton Borough Council. Halton Borough Council wishes to undertake an unmet demand study of Hackney Carriage provision in the borough. The purpose of the survey is to:

- determine whether or not there is a significant unmet demand for Hackney Carriage services within Halton as defined in Section 16 of the Transport Act 1985; and
- recommend how many additional taxis are required to eliminate any significant unmet demand.

In 2010 the Department for Transport (DfT) re issued Best Practice Guidance for Taxi and Private Hire licensing. The Guidance restates the DfT's position regarding quantity restrictions. Essentially, the DfT stated that the assessment of significant unmet demand, as set out in Section 16 of the 1985 Act, is still necessary but not sufficient in itself to justify continued entry control. The Guidance provides local authorities with assistance in local decision making when they are determining the licensing policies for their local area. Guidance is provided on a range of issues including: flexible taxi services, vehicle licensing, driver licensing and training.

An update to this Guidance was put out for consultation in early 2019. Revisions focussed on public safety and improving standards. No further update has been provided about when this guidance will be introduced.

Taxi Licensing has been subject to a number of reforms and reviews over the last few years. The Law Commission produced a report in 2014 which set out a number of recommendations on Taxi and Private Hire reform that have yet to be accepted. In its 2014 report the Law Commission concluded that the ability of local authorities to impose quantity restrictions on licensed taxis should remain, but that there should be controls on the transferability of licence plates in areas introducing new quantity restrictions. Transfers would continue to be permitted in areas where quantity restrictions were already in place.

The Equality Act 2010 provided a cross-cutting legislative framework to protect the rights of individuals and advance equality of opportunity for all; to update, simplify and strengthen the previous legislation; and to deliver a simple, modern and accessible framework of discrimination law which protects individuals from unfair treatment and promotes a fair and more equal society.

Sections 165, 166 and 167 of the Equality Act 2010 are concerned with the provision of wheelchair accessible vehicles and place obligations on drivers of registered vehicles to carry out certain duties unless granted an exemption by the licensing authority on the grounds of medical or physical condition. Section 166 allows taxi drivers to apply to their licensing authority for an exemption from Section 165 of the Equality Act 2010.

2. Background

2.1 General

This section of the report provides a general background to the taxi market in Halton and the relevant legislation governing the market.

2.2 Background

Halton Borough is situated in the North West of England and comprises the towns of Widnes and Runcorn. It has a resident population of 128, 432 (2018 mid year estimate, Office of National Statistics).

In terms of the licensing of hackney carriages and private hire vehicles, Halton Borough Council operates a policy of limitation. The authority limits the number of hackney carriage vehicles at 267. At the Regulatory Committee, held on 28th November 2018, an application for issuing 15 additional plates was heard. The Committee were requested to consider issuing these additional licences in addition to the current numerical limit. The Committee decided at this meeting that there was no significant demand for the services of hackney carriages that was unmet and therefore refused the applications.

Following this decision, the limitation policy was the subject of a Crown Court appeal in 2019. The Court suggested that an unmet demand survey be commissioned to 'ascertain definitively whether there is significant unmet demand for hackney carriages within the borough. Thereafter, if significant unmet demand is identified, to issue licences in a manner fair to all persons who would wish to be considered for such a licence'.

As of 31st March 2019, there were 267 licensed taxis operating in Halton, of which 54 (20%) were fully wheelchair accessible vehicles¹. The private hire fleet consists of 113 vehicles, of which 19 (17%) are fully wheelchair accessible. In view of the size of this fleet relative to the taxi fleet, it is evident that taxis are the dominant force in the Halton market.

Many of the hackney carriages working in Halton are also on radio circuits and undertake contracted work on behalf of the local authority.

2.3 Provision of Taxi Stands

There are currently 20 official taxi ranks located throughout the Halton licensing area; the locations and times of operation of each of the ranks are provided in Appendix 1. In addition to these official ranks there are a number of unofficial ranks located at supermarkets across the borough.

¹ In Halton, fully wheelchair accessible vehicles are those vehicles capable of carrying a wheelchair in a folded and stored condition with the wheelchair passenger seated in a standard seat or at the election of the wheelchair passenger capable of carrying the passenger while sitting in the wheelchair and meets the criteria required by Halton Borough Council



Figure 2.1: Morrisons rank, Widnes



Figure 2.2: Albert Road rank, Widnes

2.4 Taxi Fares and Licence Premiums

Taxi fares are regulated by the Local Authority. There are three tariffs. Tariff 1 applies at all times, except where Tariff 2 and Tariff 3 apply. Tariff 2 applies for journeys longer than 6 miles and Tariff 3 applies for journeys between 11pm and 6am, all day on Bank and Public Holidays, Easter Sunday, and between midday to 11pm Christmas Eve and New Year's Eve. Tariff 3 also applies for hiring's between 11pm Christmas Eve and 6am Boxing Day as well as 11pm New Year's Eve and 6am New Year's Day.

The standard charge tariff is made up of two elements: an initial fee (or 'drop') of £2.40 for entering the vehicle, and a fixed price addition of 20p per 220yds, 165yds or 132 yds of distance, plus fixed additions for waiting time. Fixed additional charges are also in place for extra passengers, luggage, additional passengers, fouling and tolls. A standard two-mile daytime fare undertaken by one individual would therefore be £5.20. The tariffs are outlined in detail in the fare card in Figure 2.3 below.

Figure 2.3 – Farecard for Halton. The values were set August 2017

Hackney Carriage		
Table of Maximum Fares 5 th August 2017		
		
Tariff 1	£2.40 for the first 440 yards (402 meters) then £0.20 for each 220 yards (201.2 meters) or part thereof	
Tariff 2	£3.20 for the first 440 yards (402 meters) then £0.20 for each 165 yards (150.9 meters) or part thereof	
Tariff 3	£4.00 for the first 440 yards (402 meters) then £0.20 for each 132 yards (120.7 meters) or part thereof	
Waiting Time		
The hirer will be charged £0.20 for the following periods or uncompleted part thereof		
Tariff 1 - 60 seconds	Tariff 2 - 40 seconds	Tariff 3 - 30 seconds
Extra Charges		
Luggage	- For each article of luggage outside the passenger compartment	£ 0.20
Multiple Passengers	- For each passenger carried in excess of 5	£ 0.50
Fouling	- The cost to the hirer of cleaning the vehicle when fouled by them	£50.00
Bridge Crossing	- For a passenger journey involving a crossing of the River Mersey within the Borough the toll for that crossing may be charged at the rate for the time being in force for the vehicle	
<ol style="list-style-type: none"> 1. Tariff 1 applies at all times when neither tariff 2 nor Tariff 3 applies 2. Tariff 2 shall apply (where Tariff 1 would otherwise apply) for any journey at and beyond six miles from the commencement of the journey 2. Except when Tariff 3 applies, Tariff 2 applies for hirings between 11.00pm and 6.00am, all day on Bank and Public Holidays, Easter Sunday, and between midday to 11.00pm Christmas Eve and New Year's Eve 3. Tariff 3 applies for hirings between: <ol style="list-style-type: none"> a) 11.00pm Christmas Eve and 6.00am Boxing Day b) 11.00pm New Year's Eve and 6.00am New Year's Day 4. If any journey ends outside the Borough boundary the fare should be agreed in advance with the driver otherwise the Table of Fares must be applied 5. Only mileage and waiting time charges will appear on the taximeter. Other charges will be charged separately 6. Taximeters are calibrated in yards and metric equivalents are approximate only 		

The Private Hire and Taxi Monthly magazine publish monthly league tables of the fares for 365 authorities over a two mile journey. Each journey is ranked with one being the most expensive. The January 2020 table shows Halton rated 316th in the table, indicating that Halton has lower than average fares. Table 2.1 provides a comparison of where a selection of neighbouring authorities rank in terms of fares, showing that fares in Halton are lower than most neighbouring authorities.

Table 2.1 - Comparison of neighbouring authorities in terms of fares (Source Private Hire and Taxi Monthly, January 2020)

Local Authority	Rank
Chester	49
Wirral	189
Liverpool	248
St Helens	304
Halton	316
Warrington	322
Knowsley	351

3. Definition, Measurement and Removal of Significant Unmet Demand

3.1 Introduction

Section 3 provides a definition of significant unmet demand derived from experience of over 100 unmet demand studies since 1987. This leads to an objective measure of significant unmet demand that allows clear conclusions regarding the presence or absence of this phenomenon to be drawn. Following this, a description is provided of the SUDSIM model which is a tool developed to determine the number of additional hackney licences required to eliminate significant unmet demand, where such unmet demand is found to exist. This method has been applied to numerous local authorities and has been tested in the courts as a way of determining if there is unmet demand for Hackney Carriages.

3.2 Overview

Significant Unmet Demand (SUD) has two components:

- patent demand – that which is directly observable; and
- “suppressed” demand – that which is released by additional supply.

Patent demand is measured using rank observation data. Suppressed (or latent) demand is assessed using data from the rank observations and public attitude interview survey. Both are brought together in a single measure of unmet demand, ISUD (Index of Significant Unmet Demand).

3.3 Defining Significant Unmet Demand

The provision of evidence to aid licensing authorities in making decisions about hackney carriage provision requires that surveys of demand be carried out. Results based on observations of activity at hackney ranks have become the generally accepted minimum requirement.

The definition of significant unmet demand is informed by two Court of Appeal judgements:

- R v Great Yarmouth Borough Council ex p Sawyer (1987); and
- R v Castle Point Borough Council ex p Maud (2002).

The Sawyer case provides an indication of the way in which an Authority may interpret the findings of survey work. In the case of Sawyer v. Yarmouth City Council, 16 June 1987, Lord Justice Woolf ruled that an Authority is entitled to consider the situation from a temporal point of view as a whole. It does not have to condescend into a detailed consideration as to what may be the position in every limited area of the Authority in relation to the particular time of day. The area is required to give effect to the language used by the Section (Section 16) and can ask itself with regard to the area as a whole whether or not it is satisfied that there is no significant unmet demand.

The term “suppressed” or “latent” demand has caused some confusion over the years. It should be pointed out that following Maud v Castle Point Borough Council, heard in the Court of Appeal in October 2002, the term is now interpreted to relate purely to that demand that is measurable. Following Maud, there are two components to what Lord Justice Keene prefers to refer to as “suppressed demand”:

- what can be termed inappropriately met demand. This is current observable demand that is being met by, for example, private hire cars illegally ranking up; and
- that which arises if people are forced to use some less satisfactory method of travel due to the unavailability of a hackney carriage.

If demand remained at a constant level throughout the day and week, the identification and treatment of significant unmet demand would be more straight-forward. If there were more cabs than required to meet the existing demand there would be queues of cabs on ranks throughout the day and night and passenger waiting times would be zero. Conversely, if too few cabs were available there would tend to be queues of passengers

throughout the day. In such a case it would, in principle, be a simple matter to estimate the increase in supply of cabs necessary to just eliminate passenger queues.

Demand for hackney carriages varies throughout the day and on different days. The problem, introduced by variable demand, becomes clear when driver earnings are considered. If demand is much higher late at night than it is during the day, an increase in cab supply large enough to eliminate peak delays will have a disproportionate effect on the occupation rate of cabs at all other times. Earnings will fall and fares might have to be increased sharply to sustain the supply of cabs at or near its new level.

The main implication of the present discussion is that it is necessary, when considering whether significant unmet demand exists, to take account of the practicability of improving the standard of service through increasing supply.

3.4 Measuring Patent Significant Unmet Demand

Taking into account the economic, administrative and legal considerations, the identification of this important aspect of significant unmet demand should be treated as a three stage process as follows:

- identify the demand profile;
- estimate passenger and cab delays; and
- compare estimated delays to the demand profile.

The broad interpretation to be given to the results of this comparison are summarised in Table 3.1.

Table 3.1 Existence of Significant Unmet Demand (SUD) Determined by Comparing Demand and Delay Profiles

	Delays during peak only	Delays during peak and other times
Demand is: Highly Peaked	No SUD	Possibly a SUD
Not Highly Peaked	Possibly a SUD	Possibly a SUD

It is clear from the content of the table that the simple descriptive approach fails to provide the necessary degree of clarity to support the decision making process in cases where the unambiguous conclusion is not achievable. However, it does provide the basis of a robust assessment of the principal component of significant unmet demand. The analysis is therefore extended to provide a more formal numerical measure of significant unmet demand. This is based on the principles contained in the descriptive approach but provides greater clarity. A description follows.

The measure feeds directly off the results of observations of activity at the ranks. In particular it takes account of:

- case law that suggests an authority should take a broad view of the market;
- the effect of different levels of supply during different periods at the rank on service quality;
- the need for consistent treatment of different authorities, and the same authority over time.

The Index of Significant Unmet Demand (ISUD) was developed in the early 1990's and is based on the following formula. The SF element was introduced in 2003 and the LDF element was introduced in 2006 to reflect the increased emphasis on latent demand in DfT Guidance.

$$\text{ISUD} = \text{APD} \times \text{PF} \times \text{GID} \times \text{SSP} \times \text{SF} \times \text{LDF}$$

Where:

APD = Average Passenger Delay calculated across the entire week in minutes.

PF = Peaking Factor. If passenger demand is highly peaked at night or during the day the factor takes the value of 0.5. If it is not peaked the value is 1. Following case law this provides dispensation for the effects of peaked demand on the ability of the Trade to meet that demand. To identify high peaking we are generally looking for demand at night (at weekends) to be substantially higher than demand at other times. However in some cases it may be that demand is much higher during the day.

GID = General Incidence of Delay. This is measured as the proportion of passengers who travel in hours where the delay exceeds one minute.

SSP = Steady State Performance. The corollary of providing dispensation during the peaks in demand is that it is necessary to focus on performance during "normal" hours. This is measured by the proportion of hours during weekday daytimes when the market exhibits excess demand conditions (i.e. passenger queues form at ranks).

SF = Seasonality factor. Due to the nature of these surveys it is not possible to collect information throughout an entire year to assess the effects of seasonality. Experience has suggested that hackney demand does exhibit a degree of seasonality and this is allowed for by the inclusion of a seasonality factor. The factor is set at a level to ensure that a marginal decision either way obtained in an "untypical" month will be reversed. This factor takes a value of 1 for surveys conducted in September to November and March to June, i.e. "typical" months. It takes a value of 1.2 for surveys conducted in January and February and the longer school holidays, where low demand the absence of contract work will bias the results in favour of the hackney trade, and a value of 0.8 for surveys conducted in December during the pre Christmas rush of activity. Generally, surveys in these atypical months, and in school holidays, should be avoided.

LDF = Latent Demand Factor. This is derived from the public attitude survey results and provides a measure of the proportion of the public who have given up trying to obtain a hackney carriage at either a rank or by flagdown during the previous three months. It is measured as 1+ proportion giving up waiting. The inclusion of this factor is a tactical response to the latest DfT guidance.

The product of these six measures provides an index value. The index is exponential and values above the 80 mark have been found to indicate significant unmet demand. This benchmark was defined by applying the factor to the 25 or so studies that had been conducted at the point it was developed. These earlier studies had used the same principles but in a less structured manner. The highest ISUD value for a study where a conclusion of no significant unmet demand had been found was 72. The threshold was therefore set at 80. The ISUD factor has been applied to over 80 studies by Halcrow and has been adopted by others working in the field. It has proved to be a robust, intuitively appealing and reliable measure.

Suppressed/latent demand is explicitly included in the above analysis by the inclusion of the LDF factor and because any known illegal plying for hire by the private hire trade is included in the rank observation data. This covers both elements of suppressed/latent demand resulting from the Maud case referred to above and is intended to provide a 'belt and braces' approach. A consideration of latent demand is also included where there is a need to increase the number of hackney carriage licences following a finding of significant unmet demand. This is discussed in the next section.

3.5 Determining the Number of New Licences Required to Eliminate Significant Unmet Demand

To provide advice on the increase in licences required to eliminate significant unmet demand, Halcrow has developed a predictive model. SUDSIM is a product of over 20 years' experience of analysing hackney carriage demand. It is a mathematical model, which predicts the number of additional licences required to eliminate significant unmet demand as a function of key market characteristics.

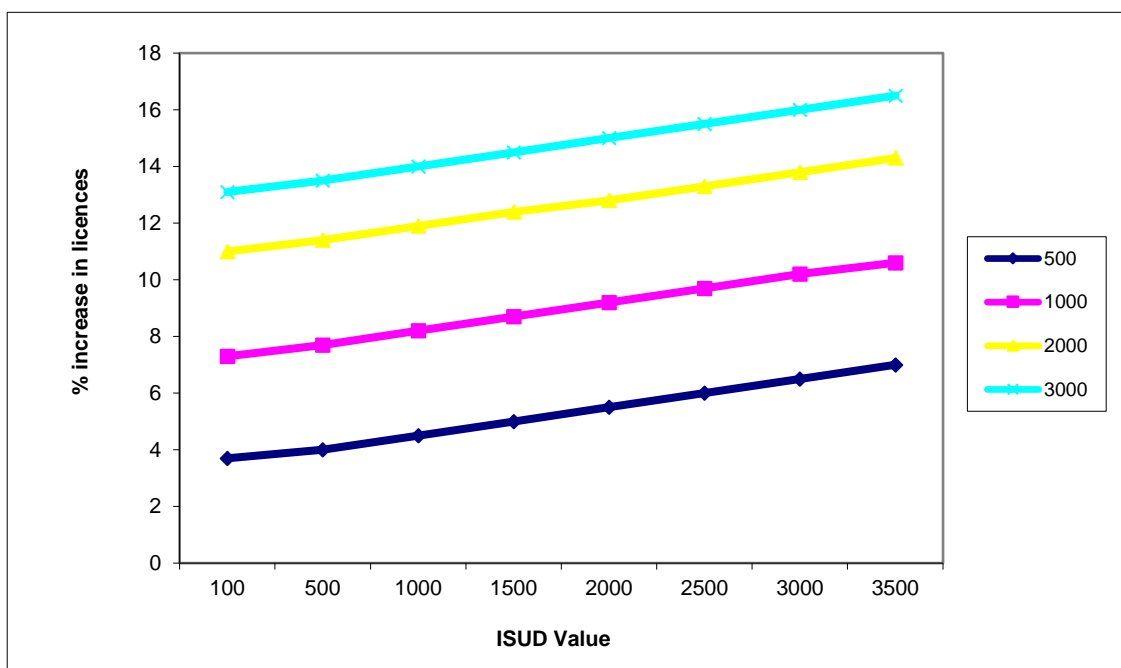
SUDSIM represents a synthesis of a queue simulation work that was previously used (1989 to 2002) to predict the alleviation of significant unmet demand and the ISUD factor described above (hence the term SUDSIM). The benefit of this approach is that it provides a direct relationship between the scale of the ISUD factor and the number of new hackney licences required.

SUDSIM was developed taking the recommendations from 14 previous studies that resulted in an increase in licences, and using these data to calibrate an econometric model. The model provides a relationship between the recommended increase in licences and three key market indicators:

- the population of the licensing Authority;
- the number of hackneys already licensed by the licensing Authority; and
- the size of the SUD factor.

The main implications of the model are illustrated in Figure 3.1 below. The figure shows that the percentage increase in a hackney fleet required to eliminate significant unmet demand is positively related to the population per hackney (PPH) and the value of the ISUD factor over the expected range of these two variables.

Figure 3-1: Forecast Increase in Hackney Fleet Size as a Function of Population Per Hackney (PPH) and the ISUD Value



Where significant unmet demand is identified, the recommended increase in licences is therefore determined by the following formula:

New Licences = SUDSIM x Latent Demand Factor

Where:

Latent Demand Factor = (1 + proportion giving up waiting for a hackney at either a rank or via flagdown)

3.6 Note on Scope of Assessing Significant Unmet Demand

It is useful to note the extent to which a licensing authority is required to consider peripheral matters when establishing the existence or otherwise of significant unmet demand. This issue is informed by *R v Brighton Borough Council, exp p Bunch 1989*². This case set the precedent that it is only those services that are exclusive to hackney carriages that need concern a licensing authority when considering significant unmet demand.

² See Button JH 'Taxis – Licensing Law and Practice' 4th edition Tottel 2017 P379

Telephone booked trips, trips booked in advance or indeed the provision of bus type services are not exclusive to hackney carriages and have therefore been excluded from consideration.

4. Evidence of Patent Unmet Demand – Rank Observation Results

4.1 Introduction

This section of the report highlights the results of the rank observation survey. The rank observation program covered a period of 232 hours during October 2019 and November 2019, some additional observations were undertaken in January 2020. Some 7,645 passengers and 7,102 departures were recorded across twelve ranks. A summary of the rank observation programme is provided in Appendix 2.

- The results presented in this section summarise the information and draw out its implications. This is achieved by using five indicators:
- The Balance of Supply and Demand – this indicates the proportion of the time that the market exhibits excess demand, equilibrium and excess supply;
- Average Delays and Total Demand – this indicates the overall level of passengers and cab delays and provides estimates of total demand;
- The Demand/Delay Profile – this provides the key information required to determine the existence or otherwise of significant unmet demand;
- The Proportions of Passengers Experiencing Given Levels of Delay – this provides a guide to the generality of passenger delay.

4.2 The Balance of Supply and Demand

The results of the analysis are presented in Table 4.1 below. The predominant market state is one of equilibrium. Excess supply (queues of cabs) was experienced during 3% of the hours observed while excess demand (queues of passengers) was experienced 13% of the hours observed. Conditions are generally favourable to customers at all times of the day, with periods of excess demand occurring during the weekday and weekend daytime and on an evening at a weekend.

Table 4.1 – The balance of supply and demand in the Halton rank-based taxi market (percentage of hours observed)

Period		Excess Demand (Max Passenger Queue \geq 3)	Equilibrium	Excess Supply (Min Cab Queue \geq 3)
Weekday (<i>Monday to Friday daytime</i>)	Day	13	75	12
	Night	11	89	0
Weekend (<i>Saturday day and Friday and Saturday night</i>)	Day	14	84	2
	Night	19	81	0
Sunday	Day	7	93	0
Total 2019		13	84	3

NB – Excess Demand = Maximum passenger queue ≥ 3 . Excess Supply = Minimum Cab Queue ≥ 3 – values derived over 12 time periods within an hour.

4.3 Average Delays and Total Demand

The following estimates of average delays and throughput were produced for each selected rank in Halton (Table 4.2).

The survey suggests some 7,645 passenger departures occur per week from ranks in Halton involving some 7,102 cab departures. The taxi trade is concentrated at the rank at ASDA in Widnes, accounting for 30.4% of the total passenger departures. On average cabs wait 8.51 minutes for a passenger. On average passengers wait 0.91 minutes for a cab. At many of the ranks, hackney carriages were observed leaving without a passenger, presumably having taken a booking via a radio circuit.

Observations were also undertaken at Public Hall Street in Runcorn, and the two ranks by High Street Chambers but were removed from the analysis as neither the public or trade were using the rank as no passenger or cab departures were observed. The observations did demonstrate that private cars occasionally used it for parking.

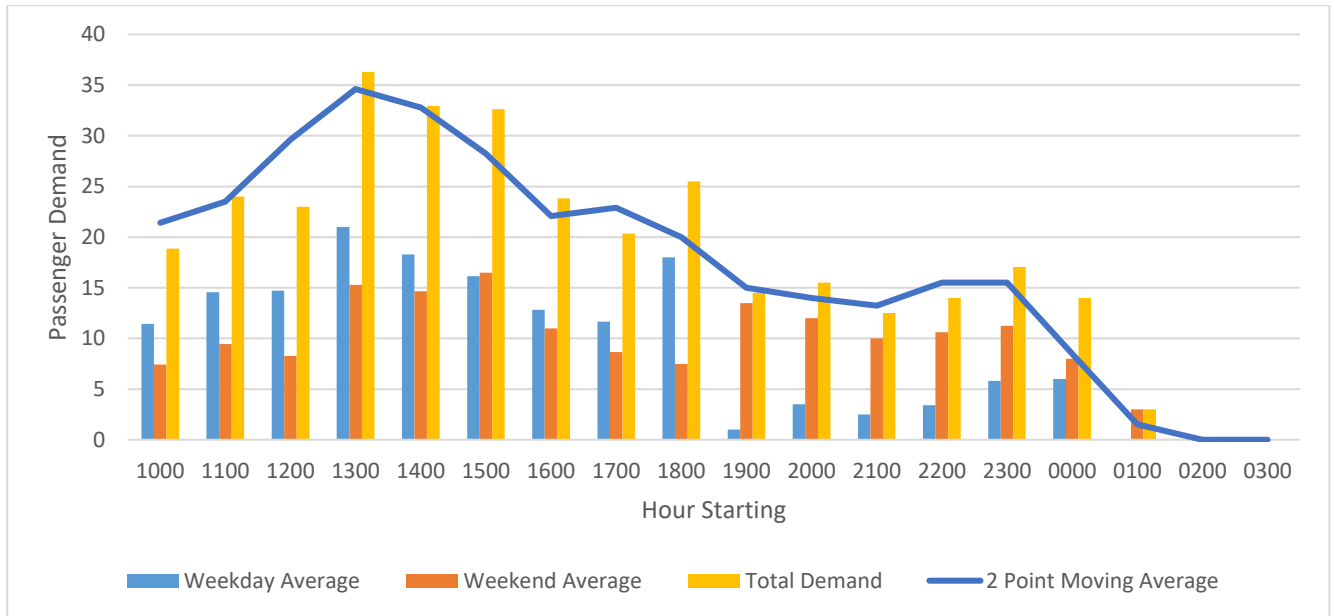
Table 4.2 Average Delays and Total Demand (Delays in Minutes)

Rank	Passenger Departures	Cab Departures	Average Passenger Delay in Minutes	Average Cab Delay in Minutes
ASDA, Widnes	2,335	1,824	1.53	6.41
Morrisons, Widnes	1,740	1,500	0.15	10.16
Albert Road, Widnes	284	227	3.67	4.92
Victoria Square, Widnes	27	23	4.17	6.00
Rear of Iceland Supermarket, Widnes	41	92	4.44	9.51
Widnes North Station, Widnes	157	141	0.00	4.25
Runcorn Rail Station, Runcorn	741	953	0.82	11.41
Co op, Runcorn	695	789	0.67	5.33
High Street, Runcorn	725	757	0.80	6.75
Trident Retail park, Runcorn	899	797	0.13	13.33
TOTAL	7,645	7,102	0.91	8.51

4.4 The Delay/Demand Profile

Figure 4.1 provides a graphical illustration of passenger demand for the Monday to Saturday period between the hours of 10:00 and 03:00. It shows that demand peaks at 1300 and then reduces as the day progresses .

Figure 4.1 Passenger Demand by Time of Day in 2019 (Monday to Saturday)



The profile of demand shows a peak at 1300 which is much greater demand than at all other times of day. This has implications for the interpretation of the results and is classed as 'highly peaked' and therefore a factor of 0.5 is assigned to this in the results.

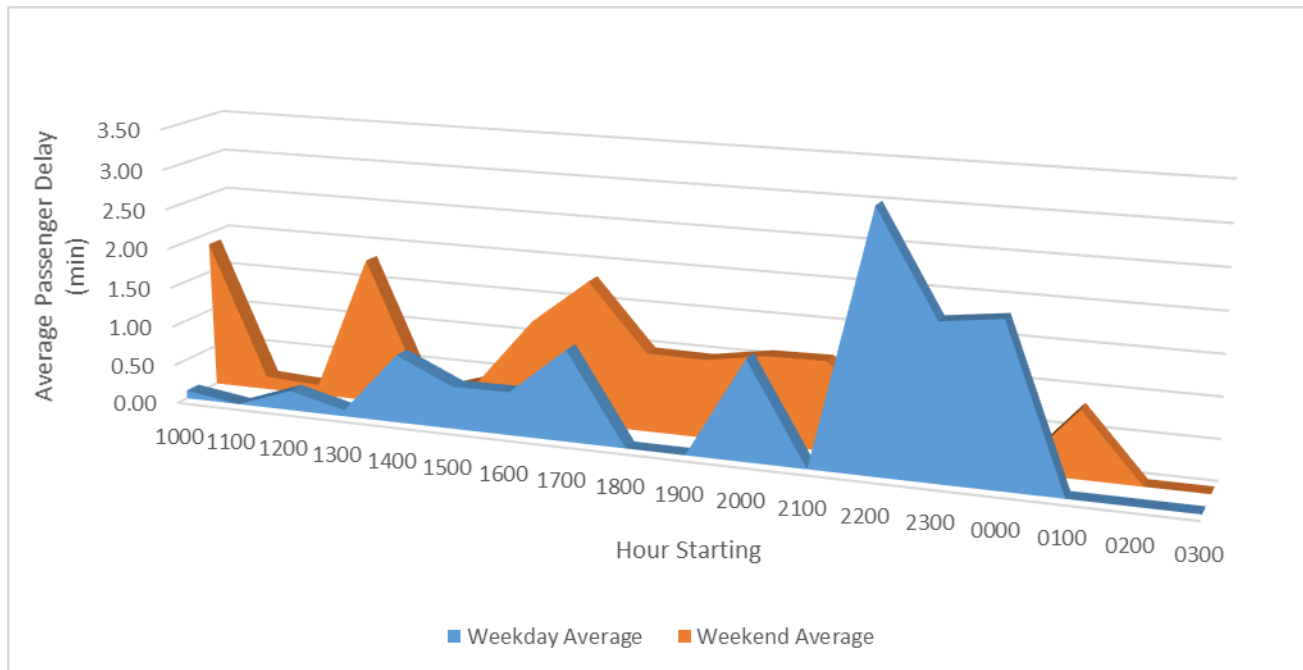
Figure 4.2 Passenger Delay by Time of Day in 2019 (Monday to Saturday)


Figure 4.2 provides an illustration of passenger delay by the time of day for the weekday and weekend periods. It shows that delay peaks on weekdays between 1400 and 1700 and at 2200, and 1700 on weekends.

4.5 The General Incidence of Passenger Delay

The rank observations data can be used to provide a simple assessment of the likelihood of passengers encountering delay at ranks. The results are presented in Table 4.3 below.

Table 4.3 – General incidence of passenger delay (percentage of passengers travelling in hours where delay exceeds one minute)

Year	Delay > 0	Delay > 1 min	Delay > 5 min
2019	11.48	7.17	0.70

In 2019, 7.17% of passengers are likely to experience more than a minute of delay. It is this proportion (7.17%) that is used within the ISUD as the 'Generality of Passenger Delay'.

5. Public Consultation

5.1 Introduction

A public attitude survey was designed with the aim of collecting information regarding opinions on the taxi market in Halton.

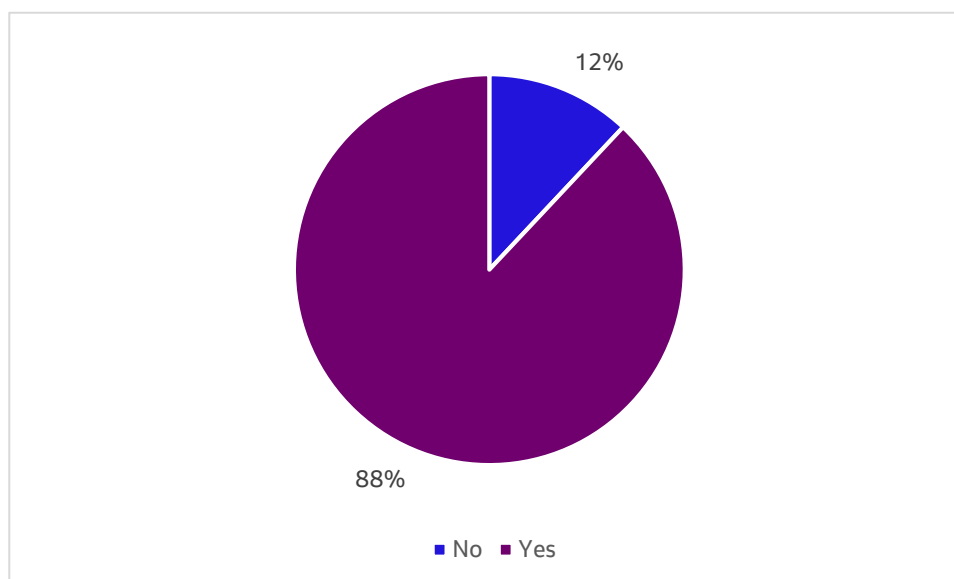
The survey was hosted online and promoted via Halton Borough Council's website and the link was emailed to a range of stakeholders. In total, 241 people responded to the survey. Of these, 39 respondents identified themselves as being involved in the taxi trade in Halton, whether that be as a driver, owner or operator of the taxi trade or private hire car trade. This screening question was designed to remove bias, we have discarded their responses meaning that 202 responses were taken forward for analysis, portraying the views of the general public.

It should be noted that in the tables and figures that follow the totals do not always add up to the same amount which is due to one of two reasons. First, not all respondents were required to answer all questions; and second, some respondents failed to answer some questions that were asked.

5.2 General Information

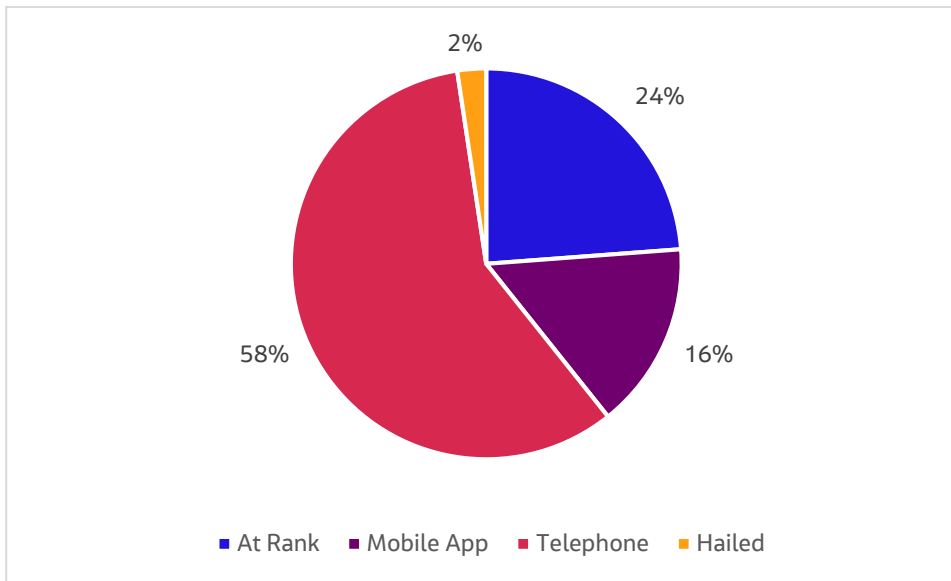
Respondents were asked whether they had made a trip by taxi (hackney carriage or private hire) in the past three months. Figure 5.1 shows that 88% (176) of the survey population that had responded to the question had made a trip by taxi in the last three months and only 12% (24) had not.

Figure 5.1 – Have you made a trip by taxi in the last three months?



Respondents that had identified themselves as trip makers were asked how they obtained their taxi or private hire vehicle (Figure 5.2). Of the responses, the most common answer (58%) stated that they obtained their taxi by telephone. Some 24% hired their taxi at a rank whereas obtaining it via an app accounted for 16%. Respondents who used an app (mobile, smartphone or tablet) to obtain their taxi (26 people) were asked which app they used to obtain their taxi – the only response received stated 'Britannia'.

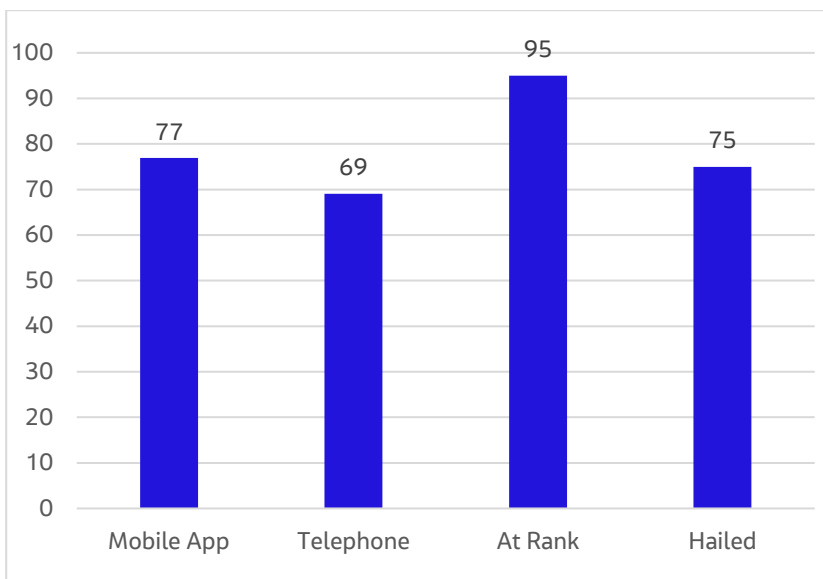
Figure 5.2 – Method of hire for last trip



Respondents were asked what type of vehicle they had obtained on their last trip. Some 70% were saloons, and 25% were wheelchair accessible – the remaining 5% were categorised as other and varied from cars to mini busses.

Trip makers were then asked if they were satisfied with the time taken and the promptness of the vehicles arrival. When considering all hiring's, the majority of respondents (77%) were satisfied with the promptness of their last taxi journey. Figure 5.3 looks at the individual methods of hire and how that transpires to the satisfaction (presented as a percentage) with the time taken and promptness of its arrival. Obtaining your taxi at a taxi rank presented the most satisfied respondents (95%) and the least satisfied were those who ordered by telephone (69%).

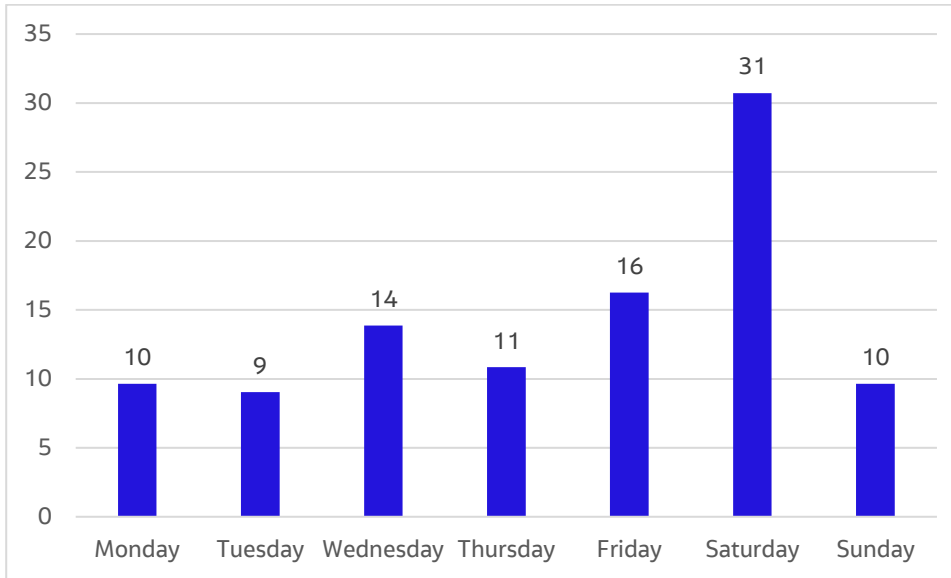
Figure 5.3 – Satisfaction with the promptness of vehicle arrival, split by method of hire



Respondents were also asked at what time of the day they obtained their taxi and on what day of the week it was. The results indicate that the majority (41%) took a taxi in the day time (before 6pm), followed by 39% in the evening (6pm-10pm) and 20% at night time (after 10pm). Figure 5.4 shows what day of the week respondents

obtained a taxi (as a percentage). Saturday was the most popular, with 31% of respondents journeys occurring on this day, followed by 16% happening on a Friday. Tuesday was the least popular day, with only 9% of journeys occurring; generally, the main demand for Taxi's came between Wednesday and Saturday.

Figure 5.4 – Day of the week respondents obtained a taxi



Respondents were asked to rate five elements from their last taxi journey in Halton from very poor to very good. The results in Figure 5.5 show that most elements were generally very good, apart from price which was good. When poor ratings were given respondents were asked to provide a reason for their rating. Negative ratings included reasons such as:

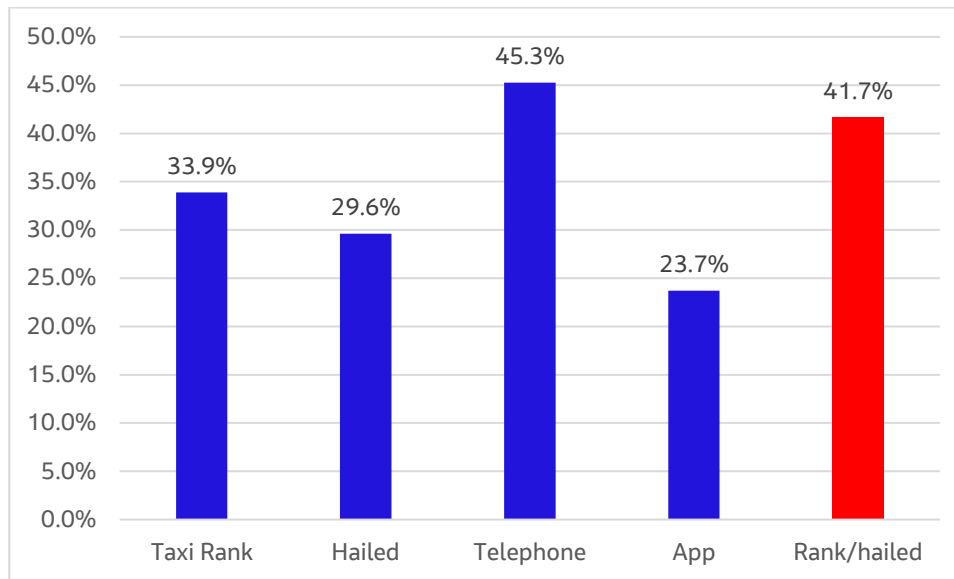
- Communication issues between booking the taxi and the taxi arriving;
- Prices too high/expensive;
- Dissatisfaction with the car being travelled in; and,
- Driver incompetency regarding local road knowledge.

Figure 5.5 – Rating of last journey



In order to measure demand suppression, all respondents were asked to identify whether they had given up waiting for a taxi at a rank, on the street, by telephone or through their app in Halton in the last three months. The results are summarised in Figure 5.6, as percentages of respondents that have given up. This indicates that most people gave up waiting for a taxi after ordering it via telephone, followed by waiting for a taxi at a rank. Some 41.7% of respondents had given up trying to obtain a taxi by rank or by flag down - this has implications for the interpretation of the results (see Chapter 8 below).

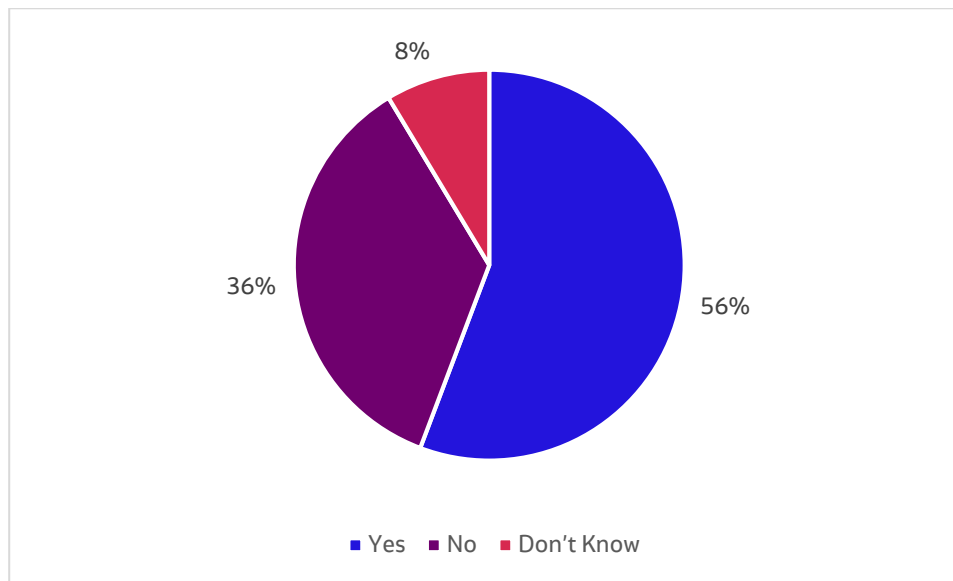
Figure 5.6 – Latent demand by method of hire – Given up trying to get a taxi?



Respondents who had given up trying to obtain a taxi in the last three months were asked the location where they had given up waiting for a taxi. The most common areas respondents gave were various locations throughout Runcorn, particularly the old town centre and Widnes, again, in the town centre and Hough Green train station. In addition, most respondents had given up waiting at night (from 19:00) and into the early hours of the morning (02:00). When asked how long they had waited before giving up, the average time was 30 minutes and the maximum recorded time was 45 minutes.

Participants were subsequently asked whether they feel there are enough taxis in Halton at the current time for their personal needs. Some 56% commented that there are enough taxis in Halton (see Figure 5.7).

Figure 5.7 – Do you think there are enough taxis in Halton to suit your needs?



The survey then asked respondents whether taxi services in Halton could be improved. Out of the response, 53% believed that taxi services in Halton could be improved and with 25% feeling that no improvement was needed, the rest (22%) didn't know at the time. Those that believed improvements could be made were asked how they could be improved. Some common suggestions were:

- Cheaper taxis/ more competitive pricing;
- Improved standard of driving;
- More competitive companies i.e. Uber;
- Better maintained taxis;
- Competent and nicer drivers;
- More taxis and especially at night.

Respondents were asked if they felt there was enough provision of taxi ranks in Halton. 55% of respondents felt that there are currently enough ranks in Halton and a quarter of respondents (25%) believe there are not, the remaining (21%) did not know at the time. Suggested improvements from respondents who answered 'no' are listed in Table 5.1.

Table 5.1 – Suggested improvements for taxi ranks in Halton

Suggested Improvement	No. of Responses
Provide information on location of existing	21
Provide new ranks	22
Improve signage of existing ranks	30
Other	10

Some of the other suggested improvements included:

- Having sheltered waiting areas at ranks;
- Improved reliability of taxis at the ranks.

Respondents were asked if there were any locations in Halton where new ranks were needed. In total, 25% of respondents said that no new ranks were needed in Halton whilst 54% stated they did not know. The remaining 21% of respondents who stated that they would like to see new ranks were asked to provide a location. The most common locations cited included:

- Near retail locations (Tesco, Aldi (Green Oaks Way) and B&M);
- The Hive;
- Hough Green Road.

5.3 Summary

Key points from the public attitude survey can be summarised as:

- 202 legitimate responses populated the public consultation section of the Halton taxi demand study report;
- 88% of respondents have used a taxi in Halton in the last 3 months;
- Over half (58%) of these journeys were obtained via booking over the telephone;
- Generally, respondents were satisfied with the promptness of their taxi arrival in Halton (77%), obtaining a taxi at a rank provided the greatest level of satisfaction (95%) and a telephone was the least (69%);
- Saturday was the most popular day for a taxi service to be used, across the week, the most popular time and the highest demand for a taxi was in the day time (pre 6pm);
- The journey was rated on various factors of satisfaction and price was remarked as the least satisfying aspect of a trip, all other factors were remarked as very good;
- Booking a taxi via the telephone had the most latent demand;
- 56% of respondents believe there are enough taxis in Halton and 36% believe there isn't;
- If improvements were to be made, the survey have revealed that the respondents desire cheaper taxis, a better standard of driving and more taxis available at night;
- 55% of respondents believe that there are enough taxi ranks throughout Halton, however if new ranks were to be made, then retail shops, The Hive and Hough Green Road have been identified as areas that would benefit from having a rank in place.

6. Consultation

6.1 Introduction

Guidelines issued by the Department for Transport state that consultation should be undertaken with the following organisations and stakeholders:

- All those working in the market;
- Consumer and passenger (including disabled) groups;
- Groups which represent those passengers with special needs;
- The Police;
- Local interest groups such as hospitals or visitor attractions; and
- A wide range of transport stakeholders such as rail/bus/coach providers and transport managers.

In order to consult with relevant stakeholders across Halton, written consultation was undertaken.

6.2 Indirect (Written) Consultation

A number of stakeholders were contacted by email. This assured the DfT guidelines were fulfilled and all relevant organisations and bodies were provided with an opportunity to comment.

In accordance with advice issued by the DfT the following organisations were contacted:

- Halton Borough Council;
- Trade representatives;
- User/disability groups representing those passengers with special needs;
- Local interest groups including hospitals, visitor attractions, entertainment outlets and education establishments; and
- Rail bus and coach operators.

A summary of the responses received are provided below.

Halton Taxis Ltd

A Director provided the following response:

- There are normally plenty of hackney vehicles available both on the ranks or by phoning a licensed Operator in the area at any time of day or night.
- Halton Council's policy on supply has always been led by demand, and this is monitored and reviewed regularly with the trade. It works well.
- All Private Hire companies in the Halton Borough operate 24/7/265. The public are well serviced.
- All taxis, private hire vehicles and Drivers licensed by Halton Council have to adhere to the criteria specified in regards to dress and age, size and condition of vehicles. The standards here are probably the highest and best monitored in the UK.
- Hackney ranks are mostly well placed and where changes to roads and infrastructure make it necessary, moved.
- The Council and Trade also have agreed part time ranks placed for specific demand at different times of day and night.

- No additional wheelchair access Hackneys are needed. They use the ranks and are available by phone from all Taxi Companies. Most are all custom built vehicles for purpose.
- By agreement, Halton's fare structure applies to all vehicles, Private Hire and Hackney. They are considered to be medium when compared nationally.
- Advertising is mainly down to the individual companies.
- As all hackneys are licensed and controlled by Halton Council. They are as safe as is possible. Any issues can be reported to the Taxi officer.
- Same applies to all locally licensed private hire drivers and vehicles. However, there is a problem with some uncontrolled vehicles and drivers from outside the borough that are not.
- Hackneys are an integral part of the local transport system.

District Taxis

District Taxis provide the following response:

"So for the record you can not get a taxi on the ranks or train stations after 3pm as when all the drivers Have finished there school contracts they don't work . And on a weekends it's even worse . Also the problem is they have never addressed this fully wheel chair accessible H/C vehicles . People simply can not go out who have disabilities and the council is fully aware of the problem. As the ask the people who complain to ring my office which is in Cheshire West"

7. Deriving the Significant Unmet Demand Index Value

7.1 Introduction

The data provided in the previous chapters can be summarised using Jacobs ISUD factor as described in Chapter 3.

The component parts of the index, their source and their values are given below;

Average Passenger Delay (Table 4.2)	0.91
Peak Factor (Figure 4.2)	0.5
General Incidence of Delay (Table 4.3)	7.17
Steady State Performance (Table 4.1)	13
Seasonality Factor (Section 3)	1
Latent Demand Factor (Section 5)	1.417
ISUD (0.91*0.5*7.17*13*1*1.417)	60

The cut off level for a significant unmet demand is 80. It is clear that Halton is below this cut off point as the ISUD is 60 indicating that there is NO **significant unmet demand**. This conclusion covers both patent and latent/suppressed demand.

8. Summary and Conclusions

8.1 Introduction

Jacobs has conducted a study of the taxi market on behalf of Halton Borough Council. The present study has been conducted in pursuit of the following objectives. To determine;

- Whether or not there is a significant unmet demand for taxi services within Halton as defined in Section 16 of the Transport Act 1985; and
- How many additional taxis are required to eliminate any significant unmet demand.

This section provides a brief description of the work undertaken and summarises the conclusions.

8.2 Significant Unmet Demand

The 2019 study has identified that there is NO evidence of significant unmet demand for taxis in Halton. This conclusion is based on an assessment of the implications of case law that has emerged since 2000, and the results of Jacobs's analysis.

8.3 Public Perception

Public perception of the service was obtained through the undertaking of an online survey. Overall the public were generally satisfied with the service – key points included:

- 88% of respondents have used a taxi in Halton in the last 3 months;
- Over half (58%) of these journeys were obtained via booking over the telephone;
- Generally, respondents were satisfied with the promptness of their taxi arrival in Halton (77%), obtaining a taxi at a rank had the greatest level of satisfaction (95%) and by telephone was the least (69%);
- 56% of respondents believe there are enough taxis in Halton and 36% believe there isn't;

8.4 Recommendations

Our 2019 study has identified that there is NO evidence of significant demand in Halton. This conclusion covers both patent and latent/suppressed demand and is based on an assessment of the implications of case law that has emerged since 2000, and the results of our analysis.

On this basis the authority has the discretion in its taxi licensing policy and may either:

- Maintain its current policy of limiting to 267 hackneys ;
- Issue any number of additional plates as it sees fit, either in one allocation or a series of allocations; or
- Remove the numerical restriction on licences.

Appendix 1 Rank List

**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	HCS 1	7	2100 - 0600
2	Alforde Street	HCS 2	6	2100 - 0600
3	Hale Road	HCS 3	8	Any
4	Upton Lane	HCS 4	3	Any
5	Dickson Street	HCS 5	5	Any
6	Victoria Square	HCS 6	8	2100 - 0600
7	Prescot Road	HCS 7	4	Any
8	Appleton Village	HCS 8	10	0000 - 0800 & 0930 - 1430 & 1630 - 0000
9	Cronton Lane	HCS 9	4	Any
10	Widnes Road	HCS 10	8	2300 - 0600
11	Albert Road (outside Wetherspools)	HCS 11	3	1800 - 0600
12	Albert Road (feeder rank to Wetherspools)	HCS 12	3	1800 - 0600
13	Albert Road (outside Imperial)	HCS 13	3	1800 - 0600

RUNCORN

Stand Number	Location	Order Plan Number	Permitted Maximum Number of Vehicles	Permitted Times of Use
14	Public Hall Street	HCS 14	8	Any
15	Shopping City (off Second Avenue)	HCS 15	3	Any
16	High Street (opposite side of road from Chambers)	HCS 16	5	2200 - 0600
17	High Street (in front of Chambers)	HCS 17	5	2200 - 0600
18	Bridge Street (in front of The Wilsons)	HCS 18	4	2200 - 0600
19	High Street (outside Bargain Booze adj Mersey Road)	HCS 19	8	2000 - 0600
20	High Street lay-by immediately east of entrance to Co-op car-park	HCS 20	6	2000 - 0600

Appendix 2 Rank Observations

Rank Observations on subsequent pages

Asda Widnes											
Friday 25/10/2019 1000-1800											
Hour	Rank Throughput		Queue 'Snap-Shot' Totals		Service Quality		Queue Extremes		Market Conditions		
	Passengers	Cabs	Passenger Queue	Cab Queue	Average Passenger Delay	Average Cab Delay	Maximum Passenger Queue	Minimum Cab Queue	Excess Demand	Equilibrium	Excess Supply
1000-1100	23	23	0	57	0.00	12.39	0	1	0	1	0
1100-1200	29	26	0	41	0.00	7.88	0	1	0	1	0
1200-1300	34	28	12	33	1.76	5.89	6	0	1	0	0
1300-1400	56	33	3	34	0.27	5.15	2	0	0	1	0
1400-1500	47	25	33	6	3.51	1.20	8	0	1	0	0
1500-1600	48	30	22	7	2.29	1.17	5	0	1	0	0
1600-1700	23	16	15	17	3.26	5.31	5	0	1	0	0
1700-1800	35	24	6	28	0.86	5.83	5	0	1	0	0
Total	295	205	91	223	1.54	5.44			5	3	0

Thursday 24/10/2019 1800-0000											
Hour	Rank Throughput		Queue 'Snap-Shot' Totals		Service Quality		Queue Extremes		Market Conditions		
	Passengers	Cabs	Passenger Queue	Cab Queue	Average Passenger Delay	Average Cab Delay	Maximum Passenger Queue	Minimum Cab Queue	Excess Demand	Equilibrium	Excess Supply
1800-1900	18	14	0	25	0.00	8.93	0	1	0	1	0
1900-2000	1	10	0	22	0.00	11.00	0	0	0	1	0
2000-2100	5	8	4	18	4.00	11.25	2	0	0	1	0
2100-2200	1	5	0	6	0.00	6.00	0	0	0	1	0
2200-2300	3	1	12	0	20.00	0.00	3	0	1	0	0
2300-0000	3	2	5	0	8.33	0.00	2	0	0	1	0
Total	31	40	21	71	3.39	8.88			1	5	0

Saturday 26/10/2020 1000-1800											
Hour	Rank Throughput		Queue 'Snap-Shot' Totals		Service Quality		Queue Extremes		Market Conditions		
	Passengers	Cabs	Passenger Queue	Cab Queue	Average Passenger Delay	Average Cab Delay	Maximum Passenger Queue	Minimum Cab Queue	Excess Demand	Equilibrium	Excess Supply
1000-1100	12	11	0	31	0.00	14.09	0	1	0	1	0
1100-1200	16	16	0	33	0.00	10.31	0	2	0	1	0
1200-1300	20	15	0	51	0.00	17.00	0	2	0	1	0
1300-1400	25	23	6	18	1.20	3.91	2	0	0	1	0
1400-1500	33	21	7	47	1.06	11.19	7	0	1	0	0
1500-1600	40	22	6	20	0.75	4.55	4	0	1	0	0
1600-1700	19	14	24	16	6.32	5.71	6	0	1	0	0
1700-1800	16	18	13	18	4.06	5.00	5	0	1	0	0
Total	181	140	56	234	1.55	8.36			4	4	0

Saturday 26/10/2019 1800-0100											
Hour	Rank Throughput		Queue 'Snap-Shot' Totals		Service Quality		Queue Extremes		Market Conditions		
	Passengers	Cabs	Passenger Queue	Cab Queue	Average Passenger Delay	Average Cab Delay	Maximum Passenger Queue	Minimum Cab Queue	Excess Demand	Equilibrium	Excess Supply
1800-1900	11	11	1	14	0.45	6.36	1	0	0	1	0
1900-2000	11	8	3	12	1.36	7.50	3	0	1	0	0
2000-2100	4	8	0	6	0.00	3.75	0	0	0	1	0
2100-2200	6	9	0	7	0.00	3.89	0	0	0	1	0
2200-2300	0	0	0	0	0.00	0.00	0	0	0	1	0
Total	32	36	4	39	0.63	5.42			1	4	0

Sunday 27/10/2019 1400-1800											
Hour	Rank Throughput		Queue 'Snap-Shot' Totals		Service Quality		Queue Extremes		Market Conditions		
	Passengers	Cabs	Passenger Queue	Cab Queue	Average Passenger Delay	Average Cab Delay	Maximum Passenger Queue	Minimum Cab Queue	Excess Demand	Equilibrium	Excess Supply
1200-1300	12	13	0	21	0.00	8.08	0	0	0	1	0
1300-1400	26	22	4	34	0.77	7.73	4	0	1	0	0
1400-1500	19	16	0	33	0.00	10.31	0	0	0	1	0
1500-1600	19	13	8	25	2.11	9.62	5	0	1	0	0
Total	76	64	12	113	0.79	8.83			2	2	0

Morrisons Widnes											
Friday 18/09/2019 1000-1800											
Hour	Rank Throughput		Queue 'Snap-Shot' Totals		Service Quality		Queue Extremes		Market Conditions		
	Passengers	Cabs	Passenger Queue	Cab Queue	Average Passenger Delay	Average Cab Delay	Maximum Passenger Queue	Minimum Cab Queue	Excess Demand	Equilibrium	Excess Supply
1000-1100	29	25	0	103	0.00	20.60	0	5	0	0	1
1100-1200	42	31	0	82	0.00	13.23	0	5	0	0	1
1200-1300	39	35	0	4	0.00	0.57	0	4	0	0	1
1300-1400	39	36	0	59	0.00	8.19	0	1	0	1	0
1400-1500	32	28	0	68	0.00	12.14	0	2	0	1	0
1500-1600	29	29	5	46	0.86	7.93	4	0	1	0	0
1600-1700	25	24	0	58	0.00	12.08	0	1	0	1	0
1700-1800	15	12	3	27	1.00	11.25	2	0	0	1	0
Total	250	220	8	447	0.16	10.16			1	4	3

Saturday 19/10/2019 1000-1600

Hour	Rank Throughput		Queue 'Snap-Shot' Totals		Service Quality		Queue Extremes		Market Conditions		
	Passengers	Cabs	Passenger Queue	Cab Queue	Average Passenger Delay	Average Cab Delay	Maximum Passenger Queue	Minimum Cab Queue	Excess Demand	Equilibrium	Excess Supply
1000-1100	15	14	0	57	0.00	20.36	0	2	0	1	0
1100-1200	23	16	0	44	0.00	13.75	0	0	0	1	0
1200-1300	20	17	0	71	0.00	20.88	0	2	0	1	0
1300-1400	42	32	0	42	0.00	6.56	0	1	0	1	0
1400-1500	41	27	0	69	0.00	12.78	0	3	0	0	1
1500-1600	40	23	0	25	0.00	5.43	0	0	0	1	0
1700-1800	26	16	6	19	1.15	5.94	4	0	1	0	0
1800-1900	10	6	0	23	0.00	19.17	0	0	0	1	0
Total	217	151	6	350	0.14	11.59			1	6	1

Sunday 25/03/2018 1400-1800

Cab Queue

Hour	Rank Throughput		Queue 'Snap-Shot' Totals		Service Quality		Queue Extremes		Market Conditions		
	Passengers	Cabs	Passenger Queue	Cab Queue	Average Passenger Delay	Average Cab Delay	Maximum Passenger Queue	Minimum Cab Queue	Excess Demand	Equilibrium	Excess Supply
1200-1300	11	11	0	11	0.00	5.00	0	0	0	1	0
1300-1400	10	9	0	14	0.00	7.78	0	0	0	1	0
1400-1500	15	12	4	5	1.33	2.08	2	0	0	1	0
1500-1600	4	9	0	32	0.00	17.78	0	1	0	1	0
Total	40	41	4	62	0.50	7.56			0	4	0

Albert Road

Thursday 17/10/2019 2000-0200

Hour	Rank Throughput		Queue 'Snap-Shot' Totals		Service Quality		Queue Extremes		Market Conditions		
	Passengers	Cabs	Passenger Queue	Cab Queue	Average Passenger Delay	Average Cab Delay	Maximum Passenger Queue	Minimum Cab Queue	Excess Demand	Equilibrium	Excess Supply
2000-2100	3	3	0	5	0.00	8.33	0	0	0	1	0
2100-2200	2	1	0	10	0.00	50.00	0	0	0	1	0
2200-2300	1	1	0	0	0.00	0.00	0	0	0	1	0
2300-0000	10	6	10	1	5.00	0.83	3	0	1	0	0
0000-0100	9	4	18	1	10.00	1.25	5	0	1	0	0
Total	25	15	28	17	5.60	5.67			2	3	0

Saturday 19/10/2019 2000-0000

Hour	Rank Throughput		Queue 'Snap-Shot' Totals		Service Quality		Queue Extremes		Market Conditions		
	Passengers	Cabs	Passenger Queue	Cab Queue	Average Passenger Delay	Average Cab Delay	Maximum Passenger Queue	Minimum Cab Queue	Excess Demand	Equilibrium	Excess Supply
2000-2100	9	9	2	4	1.11	2.22	2	0	0	1	0
2100-2200	2	6	0	10	0.00	8.33	0	0	0	1	0
2200-2300	2	8	0	10	0.00	6.25	0	0	0	1	0
2300-0000	16	10	0	4	0.00	2.00	0	0	0	1	0
0000-0100	0	0	0	0	0.00	0.00	0	0	0	1	0
Total	29	33	2	28	0.34	4.24			0	5	0

Victoria Square

Thursday 30/01/2020 2200-0200

Hour	Rank Throughput		Queue 'Snap-Shot' Totals		Service Quality		Queue Extremes		Market Conditions		
	Passengers	Cabs	Passenger Queue	Cab Queue	Average Passenger Delay	Average Cab Delay	Maximum Passenger Queue	Minimum Cab Queue	Excess Demand	Equilibrium	Excess Supply
2200-2300	0	0	0	0	0.00	0.00	0	0	0	1	0
2300-0000	0	0	0	0	0.00	0.00	0	0	0	1	0
0000-0100	0	0	0	0	0.00	0.00	0	0	0	1	0
0100-0200	0	0	0	0	0.00	0.00	0	0	0	1	0
Total	0	0	0	0	0.00	0.00			0	4	0

Saturday 01/02/2020 2200-0200

Hour	Rank Throughput		Queue 'Snap-Shot' Totals		Service Quality		Queue Extremes		Market Conditions		
	Passengers	Cabs	Passenger Queue	Cab Queue	Average Passenger Delay	Average Cab Delay	Maximum Passenger Queue	Minimum Cab Queue	Excess Demand	Equilibrium	Excess Supply
2200-2300	0	1	0	4	0.00	20.00	0	0	0	1	0
2300-0000	0	2	1	0	0.00	0.00	0	0	0	1	0
0000-0100	0	0	0	0	0.00	0.00	0	0	0	1	0
0100-0200	6	2	4	2	3.33	5.00	3	0	1	0	0
Total	6	5	5	6	4.17	6.00			1	3	0

Rear of Iceland

Friday 18/10/2019 1000-1800

Hour	Rank Throughput		Queue 'Snap-Shot' Totals		Service Quality		Queue Extremes		Market Conditions		
	Passengers	Cabs	Passenger Queue	Cab Queue	Average Passenger Delay	Average Cab Delay	Maximum Passenger Queue	Minimum Cab Queue	Excess Demand	Equilibrium	Excess Supply

1000-1100	2	2	0	4	0.00	10.00	0	0	0	1	0
1100-1200	0	2	0	1	0.00	2.50	0	0	0	1	0
1200-1300	0	2	0	10	0.00	25.00	0	0	0	1	0
1300-1400	1	4	0	7	0.00	8.75	0	0	0	1	0
1400-1500	1	3	0	4	0.00	6.67	0	0	0	1	0
1500-1600	0	1	0	2	0.00	10.00	0	0	0	1	0
1600-1700	0	0	3	0	0.00	0.00	1	0	0	1	0
1700-1800	1	0	1	0	5.00	0.00	0	0	0	1	0
Total	5	14	4	28	4.00	10.00			0	8	0

Saturday 19/10/2019 1000-1800

Hour	Rank Throughput		Queue 'Snap-Shot' Totals		Service Quality		Queue Extremes		Market Conditions		
	Passengers	Cabs	Passenger Queue	Cab Queue	Average Passenger Delay	Average Cab Delay	Maximum Passenger Queue	Minimum Cab Queue	Excess Demand	Equilibrium	Excess Supply
1000-1100	1	4	2	5	10.00	6.25	0	0	0	1	0
1100-1200	1	1	0	0	0.00	0.00	0	0	0	1	0
1200-1300	0	1	0	4	0.00	20.00	0	0	0	1	0
1300-1400	3	2	6	0	10.00	0.00	3	0	1	0	0
1400-1500	0	0	0	4	0.00	0.00	0	0	0	1	0
1500-1600	3	2	1	2	1.67	5.00	1	0	0	1	0
1600-1700	0	0	0	0	0.00	0.00	0	0	0	1	0
1700-1800	3	2	3	1	5.00	2.50	3	0	1	0	0
Total	11	12	12	16	5.45	6.67			2	6	0

Rear of Iceland Sunday 20/10/2019 1200-1600

Hour	Rank Throughput		Queue 'Snap-Shot' Totals		Service Quality		Queue Extremes		Market Conditions		
	Passengers	Cabs	Passenger Queue	Cab Queue	Average Passenger Delay	Average Cab Delay	Maximum Passenger Queue	Minimum Cab Queue	Excess Demand	Equilibrium	Excess Supply
1200-1300	0	0	0	0	0.00	0.00	0	0	0	1	0
1300-1400	0	0	0	0	0.00	0.00	0	0	0	1	0
1400-1500	0	0	0	0	0.00	0.00	0	0	0	1	0
1500-1600	0	0	0	0	0.00	0.00	0	0	0	1	0
Total	0	0	0	0	0.00	0.00			0	4	0

Widnes Rail Station

Friday 18/10/2019 1200-1800

Hour	Rank Throughput		Queue 'Snap-Shot' Totals		Service Quality		Queue Extremes		Market Conditions		
	Passengers	Cabs	Passenger Queue	Cab Queue	Average Passenger Delay	Average Cab Delay	Maximum Passenger Queue	Minimum Cab Queue	Excess Demand	Equilibrium	Excess Supply
1200-1300	2	3	0	11	0.00	18.33	0	0	0	1	0
1300-1400	1	1	0	2	0.00	10.00	0	0	0	1	0
1400-1500	0	2	0	2	0.00	5.00	0	0	0	1	0
1500-1600	0	1	0	0	0.00	0.00	0	0	0	1	0
1600-1700	2	1	0	0	0.00	0.00	0	0	0	1	0
1700-1800	2	1	0	0	0.00	0.00	0	0	0	1	0
Total	7	9	0	15	0.00	8.33			0	6	0

Thursday 17/10/2019 1800-2200

Hour	Rank Throughput		Queue 'Snap-Shot' Totals		Service Quality		Queue Extremes		Market Conditions		
	Passengers	Cabs	Passenger Queue	Cab Queue	Average Passenger Delay	Average Cab Delay	Maximum Passenger Queue	Minimum Cab Queue	Excess Demand	Equilibrium	Excess Supply
1800-1900	0	0	0	0	0.00	0.00	0	0	0	1	0
1900-2000	4	2	0	0	0.00	0.00	0	0	0	1	0
2000-2100	0	0	0	0	0.00	0.00	0	0	0	1	0
2100-2200	0	0	0	0	0.00	0.00	0	0	0	1	0
Total	4	2	0	0	0.00	0.00			0	4	0

Saturday 19/10/2019 1200-1800

Hour	Rank Throughput		Queue 'Snap-Shot' Totals		Service Quality		Queue Extremes		Market Conditions		
	Passengers	Cabs	Passenger Queue	Cab Queue	Average Passenger Delay	Average Cab Delay	Maximum Passenger Queue	Minimum Cab Queue	Excess Demand	Equilibrium	Excess Supply
1200-1300	0	1	0	0	0.00	0.00	0	2	0	1	0
1300-1400	1	1	0	0	0.00	0.00	0	0	0	1	0
1400-1500	1	1	0	0	0.00	0.00	0	0	0	1	0
1500-1600	0	1	0	1	0.00	5.00	0	0	0	1	0
1600-1700	0	1	0	1	0.00	5.00	0	0	0	1	0
Total	2	5	0	2	0.00	2.00			0	5	0

Friday 18/10/2019 1800-0000

Hour	Rank Throughput		Queue 'Snap-Shot' Totals		Service Quality		Queue Extremes		Market Conditions		
	Passengers	Cabs	Passenger Queue	Cab Queue	Average Passenger Delay	Average Cab Delay	Maximum Passenger Queue	Minimum Cab Queue	Excess Demand	Equilibrium	Excess Supply
1800-1900	5	2	0	0	0.00	0.00	0	0	0	1	0
1900-2000	6	5	0	1	0.00	1.00	0	0	0	1	0
2000-2100	0	0	0	0	0.00	0.00	0	0	0	1	0
2100-2200	2	2	0	0	0.00	0.00	0	0	0	1	0
2200-2300	2	2	0	0	0.00	0.45	0	0	0	1	0

Total	15	11	0	1	0.00	0.45			0	5	0
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Sunday 16/06/2019 1200-1800

Hour	Rank Throughput		Queue 'Snap-Shot' Totals		Service Quality		Queue Extremes		Market Conditions		
	Passengers	Cabs	Passenger Queue	Cab Queue	Average Passenger Delay	Average Cab Delay	Maximum Passenger Queue	Minimum Cab Queue	Excess Demand	Equilibrium	Excess Supply
1200-1300	0	0	0	0	0.00	0.00	0	0	0	1	0
1300-1400	0	0	0	0	0.00	0.00	0	0	0	1	0
1400-1500	2	1	6	0	15.00	0.00	2	0	0	1	0
1500-1600	3	2	0	0	0.00	0.00	0	0	0	1	0
Total	5	3	6	0	6.00	0.00			0	4	0

Runcorn Rail Station

Friday 18/10/2019 1200-1800

Hour	Rank Throughput		Queue 'Snap-Shot' Totals		Service Quality		Queue Extremes		Market Conditions		
	Passengers	Cabs	Passenger Queue	Cab Queue	Average Passenger Delay	Average Cab Delay	Maximum Passenger Queue	Minimum Cab Queue	Excess Demand	Equilibrium	Excess Supply
1000-1100	4	11	0	73	0.00	33.18	0	2	0	1	0
1100-1200	4	11	0	30	0.00	13.64	0	0	0	1	0
1200-1300	10	11	0	7	0.00	3.18	0	0	0	1	0
1300-1400	6	9	0	20	0.00	11.11	0	0	0	1	0
1400-1500	11	13	0	32	0.00	12.31	0	0	0	1	0
1500-1600	4	13	0	35	0.00	13.46	0	2	0	1	0
1600-1700	9	11	0	9	0.00	4.09	0	0	0	1	0
1700-1800	9	11	0	20	0.00	9.09	0	0	0	1	0
Total	57	90	0	226	0.00	12.56			0	8	0

Thursday 17/10/2019 2000-0000

Hour	Rank Throughput		Queue 'Snap-Shot' Totals		Service Quality		Queue Extremes		Market Conditions		
	Passengers	Cabs	Passenger Queue	Cab Queue	Average Passenger Delay	Average Cab Delay	Maximum Passenger Queue	Minimum Cab Queue	Excess Demand	Equilibrium	Excess Supply
2000-2100	5	10	1	16	1.00	8.00	1	0	0	1	0
2100-2200	4	7	0	17	0.00	12.14	0	0	0	1	0
2200-2300	6	8	0	12	0.00	7.50	0	0	0	1	0
2300-0000	6	0	0	8	0.00	0.00	0	0	0	1	0
Total	21	25	1	53	0.24	10.60			0	4	0

Saturday 19/10/2019 1000-1800

Hour	Rank Throughput		Queue 'Snap-Shot' Totals		Service Quality		Queue Extremes		Market Conditions		
	Passengers	Cabs	Passenger Queue	Cab Queue	Average Passenger Delay	Average Cab Delay	Maximum Passenger Queue	Minimum Cab Queue	Excess Demand	Equilibrium	Excess Supply
1000-1100	0	4	0	28	0.00	35.00	0	1	0	1	0
1100-1200	1	7	0	29	0.00	20.71	0	1	0	1	0
1200-1300	3	8	0	17	0.00	10.63	0	0	0	1	0
1300-1400	5	7	0	29	0.00	20.71	0	1	0	1	0
1400-1500	6	9	0	26	0.00	14.44	0	0	0	1	0
1500-1600	1	6	0	27	0.00	22.50	0	1	0	1	0
1600-1700	5	6	0	24	0.00	20.00	0	1	0	1	0
1700-1800	9	8	0	9	0.00	5.63	0	0	0	1	0
Total	30	55	0	189	0.00	17.18			0	8	0

Saturday 19/10/2019 1800-0200

Hour	Rank Throughput		Queue 'Snap-Shot' Totals		Service Quality		Queue Extremes		Market Conditions		
	Passengers	Cabs	Passenger Queue	Cab Queue	Average Passenger Delay	Average Cab Delay	Maximum Passenger Queue	Minimum Cab Queue	Excess Demand	Equilibrium	Excess Supply
1800-1900	4	7	2	23	2.50	16.43	0	0	0	1	0
1900-2000	16	13	5	9	1.56	3.46	3	0	1	0	0
2000-2100	18	13	3	6	0.83	2.31	0	0	0	1	0
2100-2200	13	16	11	19	4.23	5.94	5	0	1	0	0
2200-2300	35	20	29	28	4.14	7.00	10	0	1	0	0
2300-0000	0	1	0	1	0.00	5.00	0	0	0	1	0
0000-0100	0	0	0	0	0.00	0.00	0	0	0	1	0
0100-0200	0	0	0	0	0.00	0.00	0	0	0	1	0
Total	86	70	50	86	2.91	6.14			3	5	0

Sunday 20/10/2019 1200-1600

Hour	Rank Throughput		Queue 'Snap-Shot' Totals		Service Quality		Queue Extremes		Market Conditions		
	Passengers	Cabs	Passenger Queue	Cab Queue	Average Passenger Delay	Average Cab Delay	Maximum Passenger Queue	Minimum Cab Queue	Excess Demand	Equilibrium	Excess Supply
1200-1300	0	0	0	0	0.00	0.00	0	0	0	1	0
1300-1400	2	1	0	8	0.00	40.00	0	0	0	1	0
1400-1500	0	0	0	0	0.00	0.00	0	0	0	1	0
1500-1600	0	0	0	1	0.00	0.00	0	0	0	1	0
Total	2	1	0	9	0.00	45.00			0	4	0

Co op Runcorn

Thursday 18/10/2019 1000-1800

Hour	Rank Throughput		Queue 'Snap-Shot' Totals		Service Quality		Queue Extremes		Market Conditions		
	Passengers	Cabs	Passenger Queue	Cab Queue	Average Passenger Delay	Average Cab Delay	Maximum Passenger Queue	Minimum Cab Queue	Excess Demand	Equilibrium	Excess Supply
1000-1100	7	11	1	22	0.71	10.00	1	0	0	1	0
1100-1200	16	15	0	16	0.00	5.33	0	0	0	1	0
1200-1300	6	9	0	10	0.00	5.56	0	0	0	1	0
1300-1400	18	18	1	16	0.28	4.44	1	0	0	1	0
1400-1500	14	13	7	5	2.50	1.92	3	0	1	0	0
1500-1600	17	17	2	15	0.59	4.41	1	0	0	1	0
Total	78	83	11	84	0.71	5.06			1	5	0

Saturday 19/10/2019 1200-1600

Hour	Rank Throughput		Queue 'Snap-Shot' Totals		Service Quality		Queue Extremes		Market Conditions		
	Passengers	Cabs	Passenger Queue	Cab Queue	Average Passenger Delay	Average Cab Delay	Maximum Passenger Queue	Minimum Cab Queue	Excess Demand	Equilibrium	Excess Supply
1000-1100	13	16	3	14	1.15	4.38	1	0	0	1	0
1100-1200	14	16	0	13	0.00	4.06	0	0	0	1	0
1200-1300	4	8	0	27	0.00	16.88	0	1	0	1	0
1300-1400	8	14	1	12	0.63	4.29	1	0	0	1	0
Total	39	54	4	66	0.51	6.11			0	4	0

Sunday 20/09/2019 1200-1600

Hour	Rank Throughput		Queue 'Snap-Shot' Totals		Service Quality		Queue Extremes		Market Conditions		
	Passengers	Cabs	Passenger Queue	Cab Queue	Average Passenger Delay	Average Cab Delay	Maximum Passenger Queue	Minimum Cab Queue	Excess Demand	Equilibrium	Excess Supply
1200-1300	3	3	0	3	0.00	5.00	0	0	0	1	0
1300-1400	3	5	1	5	1.67	5.00	1	0	0	1	0
1400-1500	3	6	0	9	0.00	7.50	0	0	0	1	0
1500-1600	1	6	0	11	0.00	9.17	0	0	0	1	0
Total	10	20	1	28	0.50	7.00			0	4	0

High Sreet, Runcorn

Thursday 17/10/2019 2000 - 0100

Hour	Rank Throughput		Queue 'Snap-Shot' Totals		Service Quality		Queue Extremes		Market Conditions		
	Passengers	Cabs	Passenger Queue	Cab Queue	Average Passenger Delay	Average Cab Delay	Maximum Passenger Queue	Minimum Cab Queue	Excess Demand	Equilibrium	Excess Supply
2000-2100	1	3	0	1	0.00	1.67	0	0	0	1	0
2100-2200	3	4	0	17	0.00	21.25	0	0	0	1	0
2200-2300	7	8	3	7	2.14	4.38	2	0	0	1	0
2300-0000	10	14	0	24	0.00	8.57	0	0	0	1	0
0000-0100	9	13	0	16	0.00	6.15	0	0	0	1	0
Total	30	42	3	65	0.50	7.74			0	5	0

Saturday 19/10/2019 2000-0100

Hour	Rank Throughput		Queue 'Snap-Shot' Totals		Service Quality		Queue Extremes		Market Conditions		
	Passengers	Cabs	Passenger Queue	Cab Queue	Average Passenger Delay	Average Cab Delay	Maximum Passenger Queue	Minimum Cab Queue	Excess Demand	Equilibrium	Excess Supply
2000-2100	17	15	12	13	3.53	4.33	5	0	1	0	0
2100-2200	19	15	5	18	1.32	6.00	3	0	1	0	0
2200-2300	16	16	0	28	0.00	8.75	0	0	0	1	0
2300-0000	29	27	4	34	0.69	6.30	0	1	0	1	0
0000-0100	32	28	0	30	0.00	5.36	0	0	0	1	0
Total	113	101	21	123	0.93	6.09			1	3	0

Trident Retail Park

Friday 18/10/2019 1000-1800

Hour	Rank Throughput		Queue 'Snap-Shot' Totals		Service Quality		Queue Extremes		Market Conditions		
	Passengers	Cabs	Passenger Queue	Cab Queue	Average Passenger Delay	Average Cab Delay	Maximum Passenger Queue	Minimum Cab Queue	Excess Demand	Equilibrium	Excess Supply
1000-1100	13	12	0	46	0.00	19.17	0	3	0	0	1
1100-1200	11	12	0	35	0.00	14.58	0	1	0	1	0
1200-1300	14	14	0	64	0.00	22.86	0	3	0	0	1
1300-1400	26	21	0	50	0.00	11.90	0	2	0	1	0
1400-1500	22	16	0	47	0.00	14.69	0	3	0	0	1
1500-1600	15	13	0	19	0.00	7.31	0	1	0	1	0
1600-1700	20	14	0	29	0.00	10.36	0	0	0	1	0
1700-1800	9	13	0	28	0.00	10.77	0	0	0	1	0
Total	130	115	0	318	0.00	13.83			0	5	3

Saturday 19/10/2019 1000-1800

Rank Throughput	Queue 'Snap-Shot' Totals	Service Quality	Queue Extremes	Market Conditions
-----------------	--------------------------	-----------------	----------------	-------------------

Hour	Passengers	Cabs	Passenger Queue	Cab Queue	Average Passenger Delay	Average Cab Delay	Maximum Passenger Queue	Minimum Cab Queue	Excess Demand	Equilibrium	Excess Supply
1000-1100	10	7	0	23	0.00	16.43	0	1	0	1	0
1100-1200	10	8	2	28	1.00	17.50	2	0	0	1	0
1200-1300	11	14	2	27	0.91	9.64	1	0	0	1	0
1300-1400	21	12	4	22	0.95	9.17	2	0	0	1	0
1400-1500	8	7	0	20	0.00	14.29	0	0	0	1	0
1500-1600	12	10	0	23	0.00	11.50	0	0	0	1	0
1600-1700	16	14	0	24	0.00	8.57	0	0	0	1	0
1700-1800	11	7	0	0	0.00	0.00	0	0	0	1	0
Total	99	79	8	167	0.40	10.57			0	8	0

Sunday 20/09/2019 1200-1600

Hour	Rank Throughput		Queue 'Snap-Shot' Totals		Service Quality		Queue Extremes		Market Conditions		
	Passengers	Cabs	Passenger Queue	Cab Queue	Average Passenger Delay	Average Cab Delay	Maximum Passenger Queue	Minimum Cab Queue	Excess Demand	Equilibrium	Excess Supply
1200-1300	5	7	0	20	0.00	14.29	0	0	0	1	0
1300-1400	7	7	5	1	3.57	0.71	1	0	0	1	0
1400-1500	6	5	1	12	0.83	12.00	1	0	0	1	0
1500-1600	7	8	0	32	0.00	20.00	0	1	0	1	0
Total	25	27	6	65	1.20	12.04			0	4	0

REPORT:	Regulatory Committee
DATE:	2 nd September 2020
REPORTING OFFICER:	Strategic Director Enterprise, Community and Resources
PORTFOLIO:	Resources
SUBJECT:	Taxi Licensing Matter
WARDS:	Borough-wide

1. PURPOSE OF REPORT

To seek approval for 2 new hackney carriage stands (referred to in this report by their more common name of taxi ranks) as part of the Council's regeneration of the Runcorn Station Quarter.

2. RECOMMENDED:

- (1) that the information set out in this report and attached appendices be noted by the Committee;**
- (2) the proposals set out in Appendix A and 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 contained within this report in accordance with Section 63 Local Government (Miscellaneous Provisions) Act 1976.**

3. SUPPORTING INFORMATION

- 3.1 On 15th November 2019, the Council's Executive Board formally endorsed the preferred road scheme for the proposed Runcorn Station Quarter development.
- 3.2 Part of the Runcorn Station Quarter development scheme is to enhance not just the visual appeal of the immediate area to Runcorn Station but to make the best use of all available transport links.

- 3.3 Previous provisions for a hackney carriages at this station were on private land. They were limited to a specific number of vehicles and were subject to an addition fee from the rail franchise company for the privilege of working from there. Due to the landscaping designs this space will no longer be available.
- 3.4 The 2 proposed ranks can be found at Appendix A and B. If approved, these ranks will be on public highway, therefore all hackney carriage vehicles licensed by Halton Borough Council may ply for hire from this new location should they wish with no additional levy applied to do so (subject to a maximum number of vehicles at any one time).
- 3.5 A greater view of the proposed area can be found at Appendix C. Due to the detail of this map, larger copies of this plan will be made available at the Committee hearing.
- 3.6 Representatives of the licensed trade have been made aware of potential changes to the Runcorn Station layout at a number of taxi forum meetings.

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 a new Taxi Ranks Order will be created to sit alongside the existing Order created in October 2018.

6. FINANCIAL CONSIDERATIONS

The cost of implementing the proposed ranks will be shared between the Runcorn Station Quarter redevelopment and the licensing budget.

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

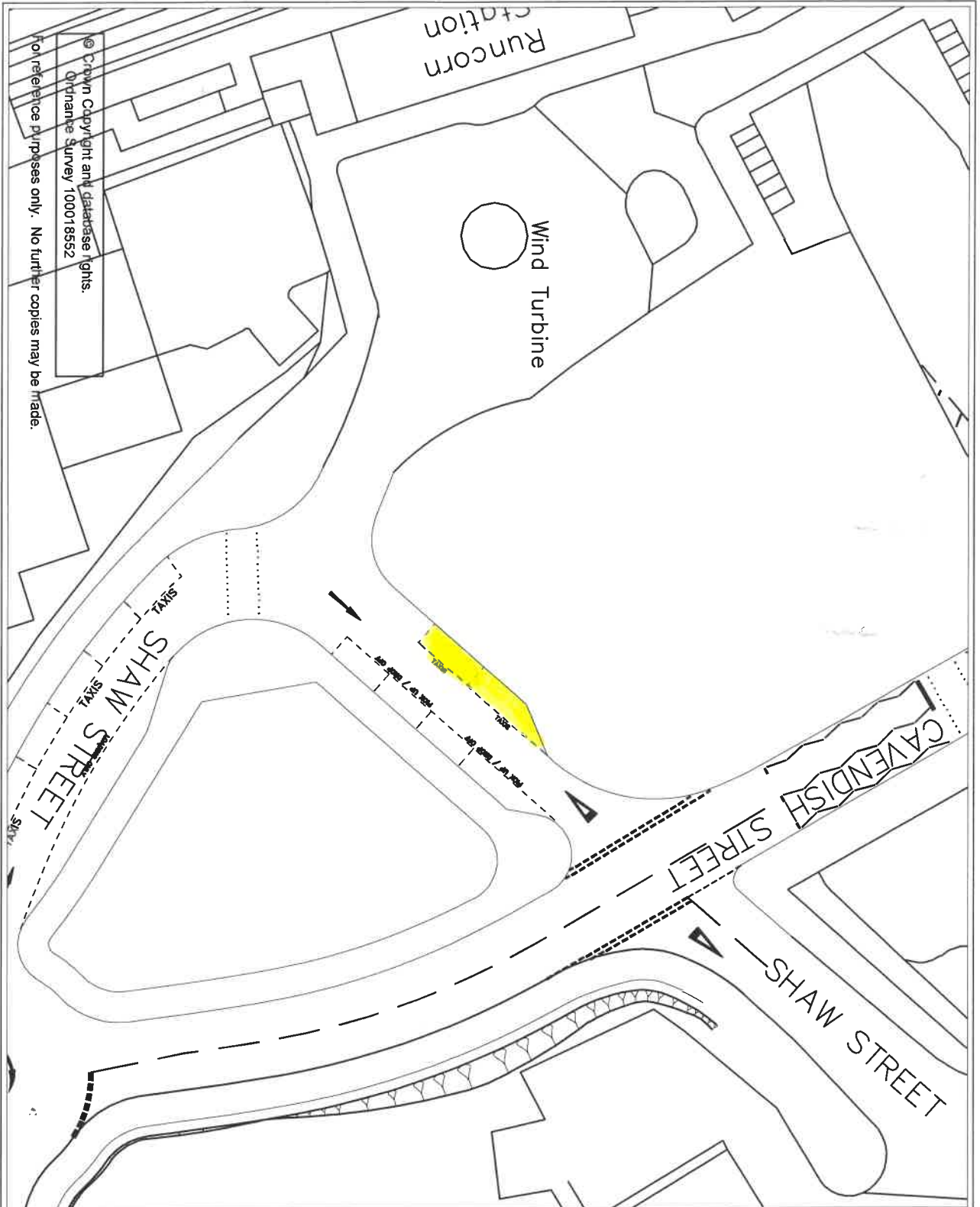
9. EQUALITY AND DIVERSITY ISSUES


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

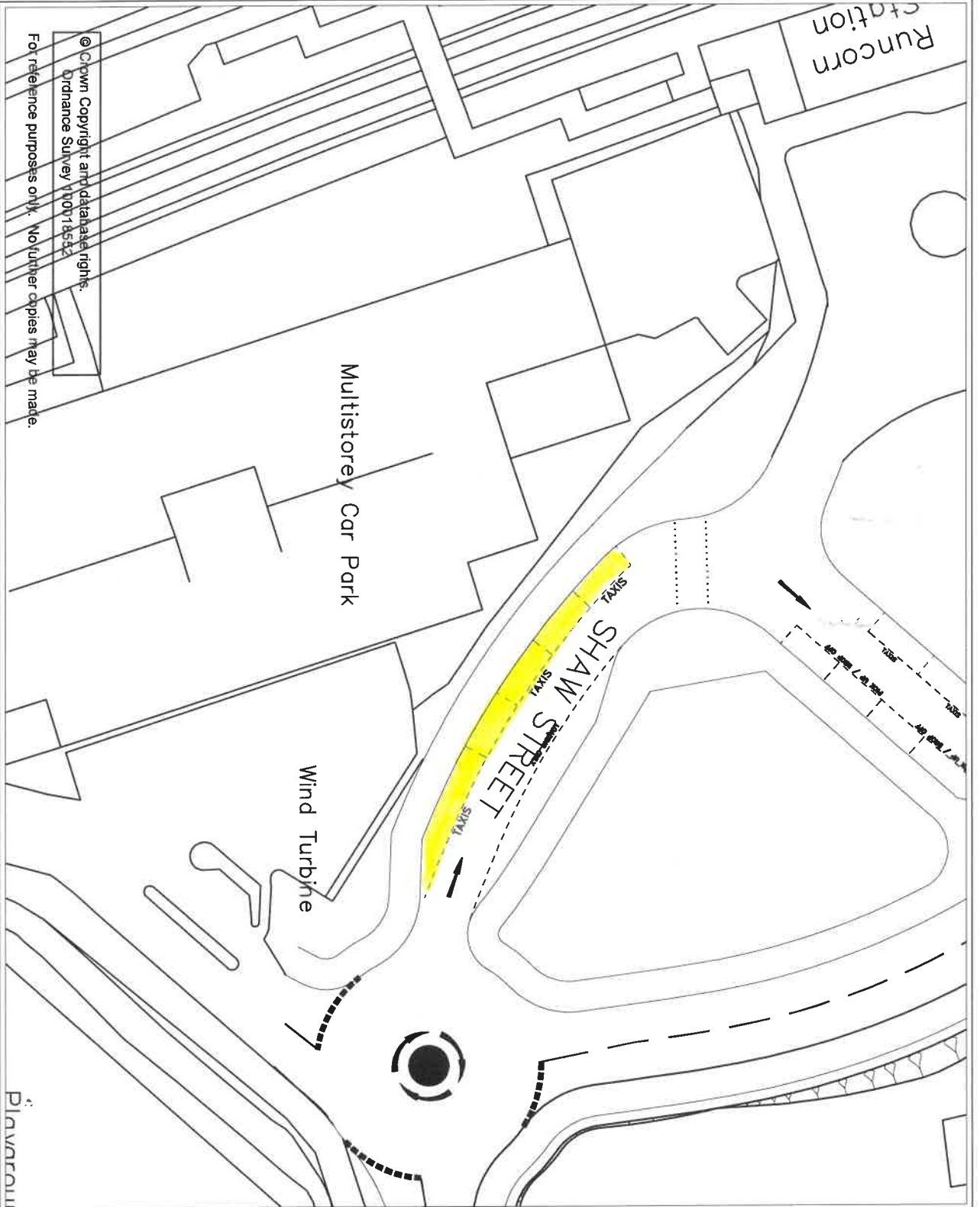
Document	Place of Inspection	Contact Officer
Executive Board Report/Minutes	Halton Borough Council Website	Kay Cleary Nick Wheeler

APPENDIX A



<p>Notes:</p> <p>21</p> <p>MAX. VEHICLES - 2</p> <p>ANY TIME</p>	<p>REVISIONS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </table>													 <p>HALTON BOROUGH COUNCIL</p> <p>POLICY, PLANNING & TRANSPORTATION DEPARTMENT</p> <p>T. 01828 854 185, Fax: 01828 487811, MCRS Operational Director Municipal Buildings, Kewenew Wharfedale, W8A 7GF, Tel: 0203 333 4300</p>	<p>SHAW STREET (RUNCORN STATION)</p> <p>TAXI RANK</p>
<p>Scale:</p> <p>1:500</p> <p>Drawn by:</p> <p>AS</p> <p>Plan No:</p> <p>HCS 21</p>	<p>Date:</p> <p>06/02/00</p> <p>Checked by:</p> <p> </p>	<p>Row:</p>	<p>© Crown Copyright and database rights. Ordnance Survey 100018552</p> <p>For reference purposes only. No further copies may be made.</p>												

APPENDIX B



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Note:
22
 MAX. VEHICLES - 5
 ANY TIME

REVISIONS

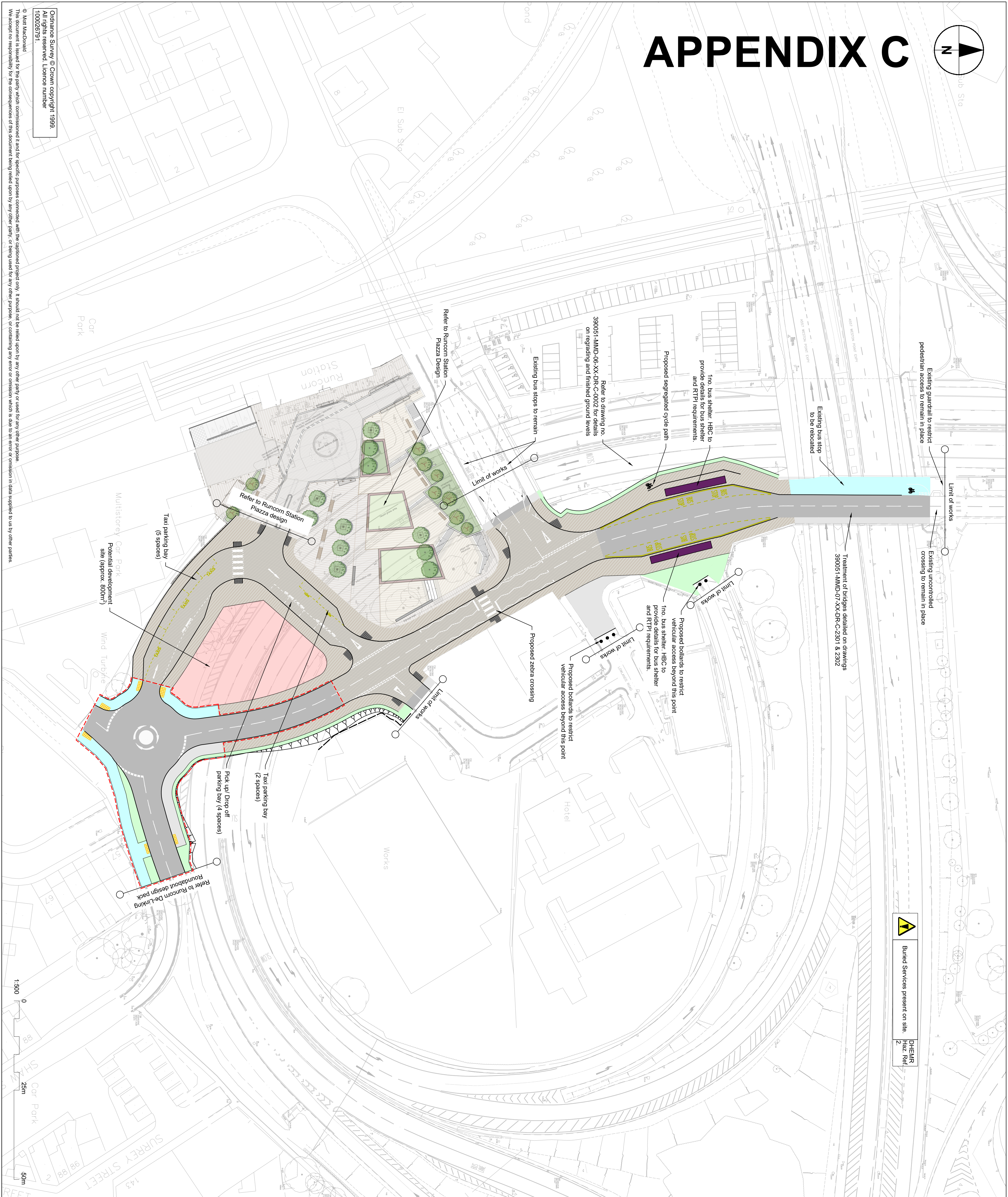
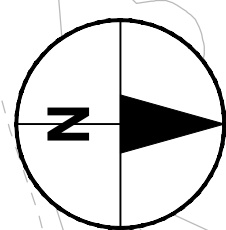


HALTON
 BOROUGH COUNCIL
 POLICY, PLANNING
 TRANSPORTATION DEPARTMENT
 T. Gabea BSc. MSc. Dip. Surv. MERTM MRCIS
 Operational Director
 Municipal Building, Kingsway
 Widnes, WA9 7DF. Tel: 0303 333 4300

**SHAW STREET
 (RUNCORN STATION
 FEEDER)
 TAXI RANK**

Scale:	Date:
1:500	05/04/20
Drawn By:	Checked By:
ala	
Plan No:	Rev:
HCS 22	

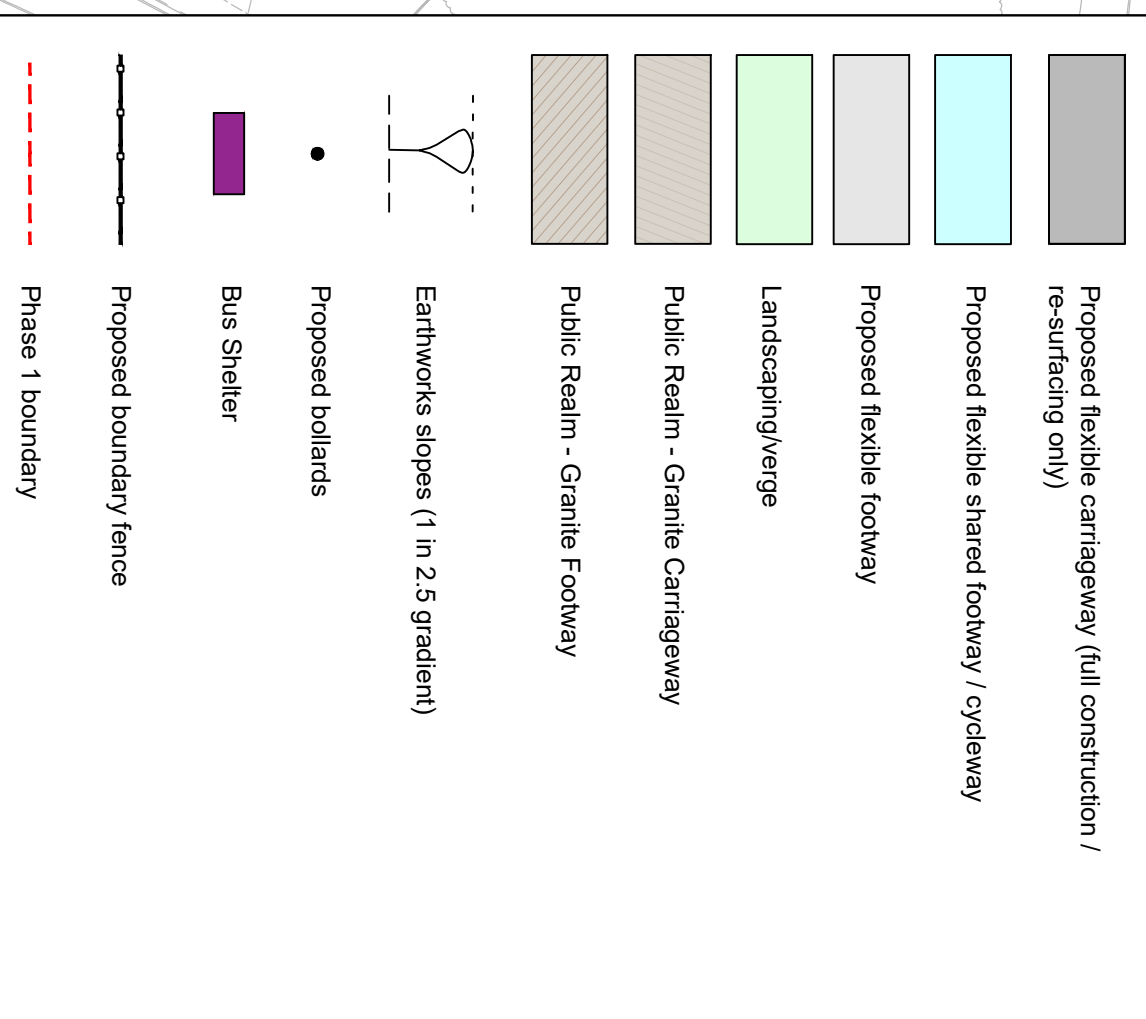
APPENDIX C



Buried Services present on site.
DHEMR
Haz. Ref.
Z

- Notes
1. Do not scale from this drawing
 2. Design based on topographical survey supplied by Malcolm Hughes in October 2018. Ref: 51405
 3. To be read in conjunction with General Arrangement Drawings 390051-MMD-01-XX-DR-C-0101 & 0102

Key to symbols



Reference drawings
 390051-MMD-01-XX-DR-C-0101 - Phase 1 General Arrangement Sheet 1 of 2
 390051-MMD-01-XX-DR-C-0102 - Phase 1 General Arrangement Sheet 2 of 2
 390051-MMD-06-XX-DR-C-0002 - Proposed General Arrangement

Rev	Date	Description	Drawn	Chk'd	App'd
A	15/05/2020	Construction Issue	JJ	PM	SA

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 W www.mottmac.com



Title
**Runcom De-Linking
 RSQ Highway Design
 General Arrangement**

Drawn	Checked	Eng check	P Mckee	PM
J Johnson	JJ	P Mckee	P Mckee	PM
Dwg check	P Mckee	PM	Approved	S Alexander
Scale at A1	1:500	CON	Rev	A
Drawing Number	390051-MMD-07-XX-DR-C-0101			
Status	CON	Rev	A	STD

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 P:\Mackenzie\Northwest\Projects (Gaul)\390051-MMD-07-XX-DR-C-0101_GA.dwg May 15, 2020 - 5:30PM MCG7124

REPORT:	Regulatory Committee
DATE:	2 nd September 2020
REPORTING OFFICER:	Strategic Director Enterprise, Community and Resources
PORTFOLIO:	Resources
SUBJECT:	Statutory Taxi & Private Hire Vehicle Standards
WARDS:	Borough-wide

1. PURPOSE OF REPORT

To update the Committee on the Statutory Taxi & Private Hire Vehicle Standards and to make a recommendation to the Executive Board on the assessment of previous convictions.

2. RECOMMENDED: That

- 1. the Report be endorsed;**
- 2. further reports be submitted at the earliest opportunity; and**
- 3. the Executive Board be recommended to resolve as follows:**
 - “(1) The Assessment of Previous Convictions provisions in the Statutory Taxi & Private Hire Vehicle Standards (July 2020) be adopted a Council Policy in respect of its taxi and private hire jurisdiction;**
 - (2) All existing Relevance of Convictions Policies be revoked”.**

3. SUPPORTING INFORMATION

- 3.1 In February 2019 the Department for Transport issued a consultation draft version of a document entitled ‘Taxi and Private Hire Licensing: Protecting Users’.
- 3.2 The final version was issued in July 2020. This is entitled ‘Statutory Taxi & Private Hire Standards’ (“the 2020 Standards”).
- 3.3 The draft version was reported to the Committee and the section in the draft relating to the treatment of convictions was adopted by the Committee on an interim unofficial basis alongside the existing Relevance of Convictions Policy.
- 3.4 The following link is to the full text of the 2020 Standards: <https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>
- 3.5 The 2020 Standards have been issued under section

177 Policing and Crime Act 2017. This means that the Council is required to 'have regard' to the document when exercising its taxi and private hire licensing functions.

- 3.6 It should be noted that 'have regard' to does not mean 'follow' (as with an Act of Parliament). Where there is sufficient justification the Council may depart from the 2020 Standards. In other words, local conditions can require alternative approaches.
- 3.7 Fortunately, the Council has adopted procedures over many years which coincide with most of the provisions within the 2020 Standards.
- 3.8 **Appendix 1** to this report sets out a detailed response to the 2020 Standards.

4. RESPONSE TO THE 2020 STANDARDS

- 4.1 The 2020 Standards have a number of implications for both the Regulatory Committee and the Executive Board.
- 4.2 The Regulatory Committee has jurisdiction over individual applications (non-executive functions) and the Executive Board has jurisdiction over the adoption of policies (executive functions).
- 4.3 The 2020 Standards make recommendations which affect: policies; individual applications; office procedures; decision making; training; and public information.
- 4.4 Taking policies by way of example, the central recommendation is to have a single policy document dealing with taxi and private hire matters. Historically, the Council has had a number of policies on different elements of its taxi and private hire functions. Ultimately, this is a presentational issue since it has nothing to say about content. Work will be undertaken to establish which is the more efficient approach. It will be noted that one of the recommendations in this report is to introduce a new *ad hoc* policy dealing with assessment of convictions. This demonstrates that the introduction of a single policy document may be some way off.
- 4.5 It is regrettable that the 2020 Standards have nothing to say about resources available to local authorities and how this can impact on the review of existing policies etc. The Council will undertake its approach having regard to the resources available to it. The impact will be on the time required to complete this process rather than on seeking further financial or personnel resources.
- 4.6 At the earliest opportunity further reports will be made

on different aspects of the 2020 Standards.

4.7 In the meantime two specific matters can be dealt with:

4.7.1 The first matter is that a statement will be put on the Council's web site corresponding with the fourth Annex to the 2020 Standards (Staying Safe: Guidance for Passengers).

4.7.2 The second matter relates to the first Annex (Assessment of Previous Convictions). The Regulatory Committee has adopted the equivalent content from the 2019 draft for the purposes of individual hearings. It is now appropriate to formally revoke existing Relevance of Convictions Policies and recommend the adoption of a new policy based on that Annex and associated provisions of the 2020 Standards. The full text of the new proposed policy is set out at **Appendix 2** to this report.

5. POLICY IMPLICATIONS

A central part of the 2020 Standards is the review of existing policies.

6. FINANCIAL CONSIDERATIONS

The approach will be to act within existing resources but this will impact on the speed of implementation.

7. IMPLICATIONS FOR THE COUNCILS PRIORITIES

7.1 Children and Young People in Halton

See Appendix

7.2 Employment Learning and Skills in Halton

N/A

7.3 Healthy Halton

See Appendix

7.4 A Safer Halton

See Appendix

7.5 Halton's Urban Renewal

N/A

8. RISK ANALYSIS

None

9. EQUALITY AND DIVERSITY ISSUES

See Appendix

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

Document	Place of Inspection	Contact Officer
Executive Board Report/Minutes	Halton Borough Council	Kay Cleary
Regulatory C/ee Reports/ Minutes	Website	Nick Wheeler

APPENDIX 1

Statutory Guidance for Licensing Authorities

Taxi and Private Hire Vehicle Licensing Standards July 2020

Issued under section 177 Policing and Crime Act 2017 with the object of protecting children and vulnerable individuals who are 18 or over from harm

Section	Guidance category	Comment	Representations
2	Consideration of the Statutory Taxi and Private Hire Vehicle Standards		
2.1 to 2.4		Focuses on the Government’s Modern Crime Prevention Strategy & in particular to protect children and young people from the risk of child sexual abuse and exploitation (CSAE)	The focus of the statutory document is understandable on a national level. The Council is fortunate that there is no evidence that the extremes of behaviour in the cited reports has occurred in Halton. The Council is in regular contact with the police and other agencies to establish and deal with any link between the taxi trade and crime and/or abuse.
2.5 to 2.7		Status of the document & need to fully consider it.	The Council is fully aware of section 177 Policing and Crime Act 2017 and the meaning of “must have regard to”. This document demonstrates the rigorous consideration of the statutory document.
2.8		In the interests of transparency the Council should publish its consideration	The statutory document will be considered both by the Regulatory Committee and the Executive Board – and relevant documents will be placed on the Council’s website.

3	Administering the Licensing Regime		
	Licensing policies		
3.1		Recommends having a single cohesive policy document.	Agreed. This will be brought in by collating existing separate policies. We will maintain a distinction between guidance, conditions, pre-conditions and policies proper.
3.2 to 3.4		Overriding objectives	Noted. This has always been the Council's overriding objective – so no change needed.
3.5		Review policies every 5 years but consider interim reviews	This can be built in but historically, ad hoc reviews have been much more frequent
	Duration of licences		
3.6 & 3.7			The Council complies with these duration provisions – which really only reflect the legislation.
	Whistleblowing		
3.8 to 3.11		Linked in with safeguarding awareness	The Council's whistleblowing policy is set out in the Constitution (Chapter 5) and is fully compliant. Although linked in the statutory document, whistleblowing and safeguarding are distinct topics. The Licensing staff have regular discussions on safeguarding and members have received presentations on the topic.
	Consultation at local level		
3.12 & 3.13		Emphasises a range of consultees and neighbouring authorities	<ol style="list-style-type: none"> 1. The range is too wide for available resources 2. The Council already consult neighbouring authorities (both within the Mersey region as well as "old" Cheshire. 3. The Council's primary consultation is via its Taxi Consultative Group.

	Changing the licensing policy requirements		
3.14		Changes should follow a review – have a pragmatic approach	We disagree with this sequential approach. When changing policies the Council has built in the need or otherwise for “grandfather” rights and built them into the policy changes. This gives a full picture at the outset.
3.15		Consider cases on their merits but depart from policy only if exceptional, clear and compelling reasons.	The Council has always adopted this approach. Some policies may be “absolute” but some need to be approached on an individual basis. Nevertheless, departure from policy is seen as exceptional and full reasons for deviating from policy are given – otherwise, a “policy” has no meaning.
4	Gathering and Sharing Information		
4.1		The Council should make use of the full range of information available to it.	This has always been the Council’s approach.
	The Disclosure and Barring Service		
4.2 to 4.4			This only contains generic information which is already adhered to. Note that section 4.3 cross-references with the DBS Annex.
	The Disclosure and Barring Service Update Service		
4.5 to 4.8		This allows those with a standard or enhanced DBS to keep them up	Currently only a small proportion of the licensed trade have subscribed to the DBS update system. This is something that is going to be discussed in

		to date and allows nominees to check the status of the certificate	further detail with the trade and the Regulatory Committee.
	Common Law Police Disclosure		
4.9 to 4.11		In place since March 2015. The Council should maintain close links with the police to ensure effective information sharing	The Council does maintain close links with the Police and welcomes any disclosure made by the police to the Council. The Council recognises the resource limitations of the Police which can mean that personnel and information may not always be shared with the Council.
	Licensee self-reporting		
4.12 & 4.13		Now includes arrest & release as well as charge or conviction. Failure to disclose questions honesty	These sections largely reflect existing policies. However, the new provisions relating to arrest and release can be added to existing policies.
	Referrals to the DBS and the Police		
4.14 to 4.16		Where an decision is taken to refuse or revoke a licence as an individual is thought to present a risk of harm to a child or vulnerable adult should be referred to the DBS	The Council already adheres to this requirement as it is required under current legislation.
	Working with the Police		
4.17 to 4.19		Building an effective working relationship with the Police	The Council has a good working relationship with the Police who attend the Taxi Consultative Group meetings when they are able and also provide intelligence on individuals. This practice is 'two way' and is mutually beneficial. This has been in place for some time.

	Sharing licensing information with other licensing authorities		
4.20 to 4.25		Applicants should be required to disclose if they hold or previously held a licence with another authority or if the licence has been revoked or suspended by any other Licensing Authority	There is a specific question on the application form dealing with this matter and the applicant signs to say if a false statement is made or information omitted it may be a criminal offence. If a previous licence was suspended or revoked checks are made with that authority to gain further information. The national register (NR3) was looked into when it was being originally set up. However, there were significant problems with the system and it has not been used by the Council. Now that it has had time to 'bed in' it will be looked at it again to see if has become a more useable system.
	Multi-agency Safeguarding Hub (MASH)		
4.26 to 4.28			This matter will be looked into shortly.
	Complaints against licensees		
4.29 to 4.33		Licensing Authorities should have a robust system for recording complaints including analysing trends across all licensees as well as complaints against individual licensees.	The Licensing section has sourced and now use its own software for Taxi Licensing complaints which allows for the better management of complaints. A customer complaint form is available on the Council's website. The Council is probably in the minority of local authorities in that customers can contact the licensing staff directly and this includes by e mail, direct telephone numbers and a public counter.

	Oversees convictions		
4.34 to 4.36		This is largely simply declaratory of the current system.	This largely reflects existing policy. However, the Council can add the reference to taking independent legal advice set out in section 4.36.
5	Decision Making		
	Administration of the licensing framework		
5.1 & 5.2		Stresses that a policy is only effective if administered properly and that the licensing function is properly resourced.	This is agreed. The Council's record demonstrates that the policies have been effectively administered. The taxi licensing system is administered by a very small team who deal with a number of other (non taxi related) forms of licences, permits etc. Adequate resourcing is kept under constant review but the realities of local authority financing must also be balanced with the needs of the service. The taxi trade pays for most of the costs of the taxi licensing system and the financial burden on the trade is always taken into account.
	Training decision makers		
5.3 to 5.5		Training recommendations are considered here together with a note on prejudicial interests.	See also comments to section 9.1. The Council is fully compliant with these matters. All hearings stress the need to avoid prejudice and prevent members taking part if they have any relevant interests or could be accused of bias.
	The regulatory structure		
5.6 to 5.11		Deals with frequency of meetings, delegation to officers, bias and procedures for being able to revoke matters immediately.	The Council has a time-tabled schedule of meetings but the Regulatory Committee often meets outside of this schedule to deal with matters as and when they arise. The Council's Constitution is being

			discussed to review the scheme of delegations to make the process more efficient and make better use of member and officers time.
	Fit and proper test		
5.12 to 5.14		These sections simply provide a short summary of the test.	These sections are declaratory only and reflect existing practice and procedure. No changes are required.
	Criminal convictions and rehabilitation		
5.15 to 5.17		Must take each case on its own merits	This goes without saying. It has always been a fundamental element of hearings. The Assessment of Convictions statements in the statutory document will be adopted in full (just as the equivalent statements in the 2019 draft). As with all policies the Council will review this further in due course to ensure that it meets the need of both the Halton licensed area and the Liverpool City Region.
6	Driver Licensing		
	Criminality checks for drivers		
6.1 to 6.4		Licensing Authorities are entitled to request an enhanced criminal record certificate with checks of the barred lists from the DBS for all driver Licence holders	The Council has adhered to these requirements for some considerable time. The advice that DBS checks should routinely be checked every 6 months will be reviewed
	Safeguarding awareness		
6.5 to 6.7		The role taxi and private hire vehicle drivers can play in spotting and reporting the abuse,	Safeguarding awareness information has been provided to all new applicants for some time. This area is being constantly reviewed.

		exploitation or neglect of children and vulnerable adults.	
	'County lines' exploitation		
6.8 to 6.13		Safeguarding awareness	Relevant Home Office material provided to the Council is distributed to the trade. It is being considered whether giving additional information to drivers (for example urgent contact details and telephone numbers) would assist with this topic.
	Language proficiency		
6.4 & 6.5		These sections stress the importance of language proficiency	These sections reflect existing policies in Halton.
7	Vehicle Licensing		
7.1		Proprietors should have no links to serious criminal activity	At present the legislation has no fit and proper test for proprietors. It is extremely doubtful as to whether this element of the statutory document is enforceable.
	Criminality checks for vehicle proprietors		
7.2 to 7.6		These sections attempt to draw a distinction between proprietors and drivers in terms of the recommended criminality checks.	At present the legislation has no fit and proper test for vehicle proprietors. The Council undertakes a standard DBS check every three years for vehicle proprietors who do not already hold a drivers licence with Halton. Unfortunately, the statutory document provides no additional guidance on the legality of undertaking proprietor DBS checks.
	In-vehicle visual and audio recording - CCTV		
7.7 to 7.13		These sections make a number of statements regarding the use of	See comments to the CCTV Guidance Annex below. The case for introducing mandatory CCTV in

		CCTV and have to be read in conjunction with the CCTV Guidance Annex	Halton has not been made out. It is surprising that the statutory document makes no comment on the proportionality of such a policy despite the costs involved and no data is supplied to influence any change of policy in Halton.
	Stretched Limousines		
7.14 & 7.15		These sections make a distinction between 'small' and 'large' stretched limousines	This authority will consider any application for a stretched limousine. In the guidance it states 'However in some circumstances a vehicle with space for more than eight passengers can be licensed as a private hire vehicle where the precise number of passenger seats is hard to determine' – This statement is rejected in its entirety. It is not in the public interest for safety reasons to licence a vehicle where a seatbelt is not fitted.
8	Private Hire Vehicle Operator Licensing		
8.1		Private Hire Operators do not have direct contact with passengers. However, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed.	The reference to links to serious criminal activity in this section reflects existing legislation.
	Criminality checks for private hire vehicle operators		
8.2 to 8.6		Licensing Authorities should request a basic disclosure certificate for private hire vehicle operators	The Council currently undertakes a Standard DBS check every three years. However, the logistics of undertaking annual checks will be considered. The whole of the current PHO conditions/policies will be

			reviewed in due course and will take into consideration what is referred to in this document.
	Booking and dispatch staff		
8.7 to 8.12		As a condition of granting an operator licence there should be a register of all staff that will take bookings or dispatch vehicles	This is brand new guidance from the Department for Transport which has far reaching consequences. The Council will fully review this. However, this element of the guidance may be outside the licensing regime.
	Record keeping		
8.13 to 8.15		Minimum requirements for Private Hire Operators to record for each booking	These requirements have more or less been a feature of the Council's licensing system since the introduction of private hire licensing in 1976. It is regrettable that the guidance does not take into account modern technology such as internet booking and apps. Consequently, there is still a need to review this topic at local, regional and national level.
	Use of passenger carrying vehicles (PCV) licensed drivers		
8.16 & 8.17		Drivers who hold a PCV Licence or PSV licence should not be permitted without the informed consent of the booker.	The recommended condition will be put forward for inclusion within the Council's conditions.
9	Enforcing the Licensing Regime		
9.1		Ensure full range of information available and have suitably trained decision makers	The Council has always done this. The Regulatory Committee has received training on all aspects of its jurisdiction and will continue to do so both

			formally and informally. Officers also receive regular training on the same basis.
	Joint authorisation of enforcement officers		
9.2		Joint authorisations so that enforcement action can be taken against drivers from outside of an area.	The Council has tried to do this over many years but with little enthusiasm from other authorities. It is in regular dialogue with other authorities to make progress on this topic. However, current proposals in the Merseyside area have focussed on assisting Liverpool City Council. This Council has one taxi enforcement officer and joint exercises are undertaken as an when possible.
	Setting expectations and monitoring		
9.3 & 9.4		Making drivers aware of policies and points based systems together with making the public aware of how to make complaints.	The Council has always communicated policies and complaints procedures. Points systems have been tried but found to have little or no value.
	Suspension and revocation of driver licences		
9.5 to 9.10		Section 61 Local Government (Miscellaneous Provisions) Act 1976 referred to together with comments on decision making.	This part of the statutory document simply restates the relevant legislation and procedures. The Council is fully aware of these matters and has correctly applied them for many years.
	Annex – Assessment of Previous Convictions		The Regulatory Committee adopted the draft Annex in 2019 on an interim basis. This Annex will be formally adopted as the Council’s approach to previous convictions – subject, of course, to the requirement to treat each case on its merits as set

			out at paragraph 3.15 of the statutory document. In addition the provisions of sections 2.49 and 2.50 of the statutory document should be attached to the Annex and reported to Committee when convictions are being considered.
	Annex – DBS Information		This Annex is purely for information. It presents in table format the information contained in the various forms of DBS check. No action required or recommended. This Annex cross-references with section 4.3 above.
	Annex – CCTV Guidance		The text at sections 7.7 to 7.13 of the statutory document are relevant to this Annex. This Annex is not directly relevant to the Council as licensing authority because the use of CCTV is not mandatory in Halton. The making of a mandatory policy has been considered on a number of occasions and has been considered to be disproportionate and an unjustified financial burden on the taxi trade. Nevertheless, the Council has encouraged the trade to use CCTV in its own interests and when grants were available has funded the provision of CCTV. Although not strictly about licensing, the Council will incorporate in its new guidance references to data protection for the benefit of drivers, operators and proprietors. Conditions already exist regarding the use of CCTV where it is installed in vehicles.

	<p>Annex – Staying Safe: Guidance for Passengers</p>		<p>The Council's guidance has been available on the Council's website for a number of years. As part of the Council's review of its documentation (as recommended in the statutory document) we can put out a specific sheet reflecting this Annex. This will be tailored for Halton. For example, the Council has no taxi marshals – which has been discussed extensively – and these are rare outside of the larger cities. This Annex also reflects a new initiative regarding the use of local drivers when booking taxis and private hire vehicles.</p>
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APPENDIX 2

Annex – Assessment of Previous Convictions

Legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence. The following recommendations to licensing authorities on previous convictions reflect this.

Authorities must consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application. Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

Crimes resulting in death

Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person **they will not be licensed**.

Exploitation

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, **they will not be licensed**. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

Offences involving violence against the person

Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted **until at least 10 years** have elapsed since the completion of any sentence imposed.

Possession of a weapon

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at **least seven years** have elapsed since the completion of any sentence imposed.

Sexual offences

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, **a licence will not be granted**.

In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.

Dishonesty

Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at **least seven years** have elapsed since the completion of any sentence imposed.

Drugs

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.

Discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

Drink driving/driving under the influence of drugs

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Using a hand-held device whilst driving

Where an applicant has a conviction for using a hand-held mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

REPORT:	Regulatory Committee
DATE:	2 September 2020
REPORTING OFFICER:	Strategic Director Enterprise, Community and Resources
PORTFOLIO:	Resources
SUBJECT:	Licensing Act 2003 Statement of Licencing Policy
WARDS:	Borough-wide

1. PURPOSE OF REPORT

To approve a draft Statement of Licencing Policy for recommendation to Council for adoption.

2. RECOMMENDED: That the report be noted and endorsed.

3. SUPPORTING INFORMATION

- 3.1 The current Statement of Licensing Policy is due to expire at midnight on 6 January 2021 and a new Statement of Licensing Policy must be in place on 7 January 2021.
- 3.2 The Committee has no jurisdiction in adopting the Statement of Licensing Policy. However, since the Committee is responsible for taking decisions on individual applications and must have regard to the Statement of Licensing Policy this report gives the Committee an opportunity to consider the matter and let the Council know its views.
- 3.3 The Operational Director Legal and Democratic Services (ODLD) has undertaken a consultation exercise in respect of the Council's Statement of Licensing Policy in accordance with section 5 Licensing Act 2003. The consultation started on 6 July 2020 and the exercise was completed on 10 August 2020. No responses were received.
- 3.4 An updated version of the Statement of Licensing Policy is attached at Appendix A for information.
- 3.4 The appropriate Council meeting to consider the adoption of the Statement of Licencing Policy will be 14 October 2020

4.0 Policy Implications

- 4.1 Once it comes into effect, the Statement of Licensing Policy will be used in accordance with the Licensing Act 2003.

5.0 Other Implications

5.1 There are no other implications arising out of this report

6.0 IMPLICATIONS FOR THE COUNCILS PRIORITIES

6.1 Children and Young People in Halton

The Council's Statement of Licensing Policy operates under a separate statutory code but since it involves licensable activities it is designed to contribute to the licensing objective of the protection of children from harm.

6.2 Employment Learning and Skills in Halton

N/A

6.3 A Healthy Halton

Health is not a licensing objective but to the extent that health impacts on the licensing objectives health issues may be taken into consideration.

6.4 A Safer Halton

The Council's Statement of Licensing Policy operates under a separate statutory code but since it involves licensable activities it is designed to contribute to licensing objectives of promoting public safety.

6.5 Halton's Urban Renewal

N/A

7. RISK ANALYSIS

None

8. EQUALITY AND DIVERSITY ISSUES

There are no equality or diversity issues related to a review

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

Document	Place of Inspection	Contact Officer
Agenda and Minutes	Municipal Building	Kay Cleary

APPENDIX A

Updated Draft Consultation Document

**This Statement of Licensing Policy was adopted by Halton
Borough Council on**

LICENSING ACT 2003

HALTON BOROUGH COUNCIL

STATEMENT OF LICENSING POLICY

1. Introduction

2. The Licensing Act 2003 (“the Act”) requires Licensing Authorities, in our case Halton Borough Council (“the Council”), to provide a Statement of Licensing Policy (“the Policy”) before it can make any decisions on licence applications.

3. The Policy is set out in this document. It details the general principles that the Council will take into account when making its licensing decisions. In drawing up the Policy the Council is required to have regard to Government Guidance (“the Guidance”) produced under Section 182 of the Act. If the Policy departs from the Guidance the Council must be able to justify its decision should there be a legal challenge. This Council believes that the Policy is consistent with the Guidance as well as with the provisions of the Act.

4. The aim of the Policy is to promote the four licensing objectives set out in the Act, namely:-

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

5. The Council wish to promote these objectives whilst still encouraging a vibrant and sustainable entertainment and leisure industry. The Council recognises both the needs of local residents for a safe and healthy environment in which to work and live and the importance of safe and well-run entertainment and leisure facilities to the area.

6. The Policy aims to provide guidance to applicants, responsible authorities and interested parties on the general approach to licensing in the area. Although each and every application will be dealt with separately and on its own individual merits, the Council in writing this Policy is offering guidance on the wider considerations that will be taken into account.

7. The Policy comes into force on 7th January 2021 and will apply for the five year period commencing on that date subject to any amendments or reviews which may be undertaken during that period.

The Policy is intended for the guidance of the Council's Regulatory Committee (which has responsibility for the Council's licensing functions) as well as to assist applicants in presenting their application. It is not intended to limit the power or fetter the discretion of the Regulatory Committee who will listen to, and determine on its own individual merits, any application placed before it.

8. Scope of the Policy

9. The Policy covers applications, reviews, transfers and variations of licences for the following licensable activities:

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of a member of that club
- The provision of regulated entertainment, and
- The provision of late night refreshment

10. Licensing Objectives

11. The Council will carry out its functions under the Act with a view to promoting the licensing objectives, namely;

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance, and
- The protection of children from harm

12. No one objective is considered to be of any more importance than any other.

13. In carrying out its functions the Council will also have regard to this Policy and to the Guidance as issued by the Secretary of State under section 182 of the Act from time to time.

14. Individual applicants will be required to address the licensing objectives and address the issues of the needs of the local community, the way in which the premises is to operate, the size, location and type of premises, and any entertainment which is to be provided.

15. The Council's vision as set out within the Corporate Strategy 2018/2020 and within Halton's fifteen year Sustainable Community Strategy 2011–2026 is that:

“Halton will be a thriving and vibrant Borough where people can learn and develop their skills; enjoy a good quality of life with good health; a high quality, modern urban environment; the opportunity for all to fulfil their potential; greater wealth and equality, sustained by a thriving business community; and safer, stronger and more attractive neighbourhoods”.

16. The Council has identified strategic priorities and key themes that are set out in its Corporate Plan 2011–2016 and within its fifteen year Sustainable Community Strategy 2011 – 2026. These are:

- A Healthy Halton

- Employment, Learning and Skills in Halton
- A Safer Halton
 - Halton's Children and Young People
 - Environment and Regeneration in Halton
 - Corporate Effectiveness & Business Efficiency

17. Locally due to the high levels of alcohol-related harm Halton experiences the Halton Health and Wellbeing Strategy 2017/2022 includes the reduction in the harm from alcohol as a priority area.

18. The strategy identified a number of issues which may be affected by the licensing regime in Halton including:

- A significant proportion of cases of domestic violence are alcohol related
- Alcohol related crime and alcohol related violent crimes are worse in Halton than for both the North West and England as a whole
- Alcohol specific admissions (both among adults and those aged under 18) are much higher than the national and regional averages.

19. In addition due to the high levels of alcohol-related harm Halton was one of only twenty areas in the country to be awarded the status of being a "Local Alcohol Action Area" (LAAA). This award provided support from the Home Office and Public Health England during 2014/15 related to addressing the harm from alcohol across three areas – health, crime and anti-social behaviour, and diversifying the night time economy.

20. Working in collaboration a local alcohol strategy has been developed and agreed. The *Halton Alcohol Strategy: Reducing alcohol-related harm across the life course, 2014-2019* makes the case that the impact of drinking on public health and community safety in Halton is so great that radical steps are needed to change our relationship with alcohol.

21. The vision of the strategy is to:

"Enable people in Halton to have a sensible relationship with alcohol that promotes good health and wellbeing and ensures Halton is a safe place to live".

22. In order to achieve this vision and minimise the harm from alcohol in Halton the strategy will seek to deliver three interlinked outcomes:

1. Reduce alcohol-related health harms
2. Reduce alcohol-related crime, antisocial behaviour and domestic abuse
3. Establish a diverse, vibrant and safe night-time economy.

22. So far as is consistent with the licensing objectives, the Council will carry out its licensing functions with a view to promoting these priorities and themes (including priorities and themes which may be adopted from time to time).

23. The Council will encourage the provision of a wide range of entertainment activities within the Halton area including promotion of

live music, dance and so on, in the interests of broadening cultural opportunities within the local community.

24. General principles

25. If an application for a premises licence or club premises certificate has been made lawfully and there have been no representations from responsible authorities or other persons, the licensing authority must grant the application, subject only to conditions that are consistent with the operating schedule and relevant mandatory conditions. It is recommended that licence applicants contact responsible authorities when preparing their operating schedules.

26. Integrating Strategies

27. The Council's core plans and strategies are set out in the Corporate Plan and the Sustainable Communities Strategy.

28. The Council will secure the proper integration of its licensing Policy with its core plans and strategies as well as its local crime prevention, planning, transport, tourism, equal opportunities, race equality schemes, and cultural strategies and any other plans introduced for the management of town centres and the night-time economy (as to which, see below).

29. This will be achieved by ensuring that the Council's Regulatory Committee receive appropriate reports on all relevant strategies, plans and policies. Many of these strategies are not directly related to the promotion of the four licensing objectives, but, indirectly, impact upon them. Co-ordination and integration of such policies, strategies and initiatives are therefore important.

30. Many licensable activities take place at night-time: when much of the rest of the economy has closed down. It follows that licensable activities can contribute a very significant element of the night-time economy, particularly within town centres. Emerging Town Centre Strategies for Widnes and Runcorn will contribute to the development of the night-time economy and assist the Council in exercising its licensing functions.

32. This statement sets out the Council's general approach to the making of licensing decisions. It does not override the right of any person to make representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the Act.

33. Licensing is about regulating the carrying on of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Act. Conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others in possession of relevant authorisations. Accordingly, the Council will focus its attention on the premises being used for licensable activities and the vicinity of those premises.

34. In addressing this matter, the Council will primarily focus on the direct impact of the activities taking place at the licensed premises on members of public living, working or engaged in normal activity in the area concerned. Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy in town and city centres.

35 The need for licensed premises

36. There can be confusion about the difference between “need” and the “cumulative impact” of premises on the licensing objectives, for example, on crime and disorder. “Need” concerns the commercial demand for another pub or restaurant or hotel. This is not a matter for the Council in discharging its licensing functions. “Need” is a matter for planning committees and for the market.

37. The cumulative impact of a concentration of licensed premises

38. “Cumulative impact” is not mentioned specifically in the Act but means in the Guidance the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. For example, the potential impact on crime and disorder or public nuisance on a town or city centre of a large concentration of licensed premises in that part of the Council’s area. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for the Council to consider in developing its licensing Policy statement.

39. The Council will not impose any arbitrary quotas on numbers of licensed premises, nor will it impose any restriction or limitation on trading hours in a particular area.

40. The Council considers that there are presently no areas within the Borough of Halton which can be considered to be causing cumulative impact on one or more of the licensing objectives. However, the position will be reviewed should evidence be produced to justify a change in policy.

41. It should be noted that the absence of a special Policy does not prevent the Council or any responsible authority or interested party making representations on a new application for the grant of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.

42. Notwithstanding what is set out in this statement about other mechanisms for controlling cumulative impact, applicants will be expected to demonstrate (where appropriate) how their proposals are consistent with dealing with crime and disorder and nuisance in the

vicinity of their premises. Attention should be paid to their proposals in respect of hours of operation and the management of their premises generally. Regard should be had to issues such as taxis and transportation and the pattern of licensed premises and food premises in the vicinity, and, not least, the distribution of residential premises in the vicinity.

43. Other mechanisms for controlling cumulative effect

44. Early Morning Restriction Order (EMRO) - Police Reform & Social Responsibility Act 2011. An early morning restriction order (EMRO) is a power in the Licensing Act 2003 that will enable licensing authorities to restrict the sale of alcohol in the whole or a part of their areas for any specified period between 12 midnight and 6 a.m. if they consider this appropriate for the promotion of the licensing objectives. The Council is not currently considering introducing an EMRO.

45 Late Night Levy.- Police Reform & Social Responsibility Act 2011. The late night levy (“the levy”) will enable licensing authorities to raise a contribution from late-opening alcohol suppliers towards policing the night-time economy. It will be a local power that licensing authorities can choose whether or not to exercise. It must cover the whole of the licensing authority’s area. However, the licensing authority will also choose the period during which the levy applies every night between midnight and 6am and decide what exemptions and reductions should apply from a list set out in regulation. The Council is not currently considering introducing a Late Night Levy but the position will be reviewed should evidence be produced to justify a change in policy.

46. Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy in town and city centres. Once away from the licensed premises, a minority of consumers will behave badly and unlawfully. The general public needs to be made aware that there is a much broader strategy for addressing these problems than the licensing regime of the Act. There are other mechanisms both within and outside the licensing regime that are available for addressing such issues. For example:

- planning controls;
- positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority;
- the provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;
- powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly;

- police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
- the confiscation of alcohol from adults and children in designated areas;
- closure notices and orders under the Anti-Social Behaviour, Crime and Policing Act 2014; and
- the power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question.

47. These can be supplemented by other local initiatives that similarly address these problems.

48. Licensing hours

49. With regard to licensing hours, consideration will be given to the individual merits of an application.

- The Council recognises that, in certain circumstances, longer licensing hours with regard to the sale of alcohol can help to ensure that concentrations of customers leaving premises simultaneously are avoided. This is necessary to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport which lead to disorder and disturbance.
- The Council also wants to ensure that licensing hours should not inhibit the development of a thriving and safe evening and night-time local economy.

50. The term “zoning” is used in the Guidance to refer to the setting of fixed trading hours within a designated area. At the moment the Council sees no need to adopt such a policy. The Council has followed the advice in the Guidance and will not be adopting such a Policy within the Borough. However, stricter conditions with regard to noise control will be expected in areas which have denser residential accommodation, but this will not limit opening hours without regard to the individual merits of any application.

51. Shops stores and supermarkets

52. With regard to shops, stores and supermarkets, the norm will be for such premises to be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are very good reasons for restricting those hours. For example, a limitation may be appropriate following police representations in the case of some shops known to be a focus of disorder and disturbance because youths gather there.

53. Mobile, remote, internet and other delivery sales

54. The sale by retail of alcohol is a licensable activity and may only be carried out in accordance with an authorisation under the 2003 Act.

Therefore, a person cannot sell alcohol from a vehicle or moveable structure at a series of different locations (e.g. house to house), unless there is a premises licence in respect of the vehicle or moveable structure at each location at which a sale of alcohol is made in, on or from it.

55. The place where the order for alcohol, or payment for it, takes place may not be the same as the place where the alcohol is appropriated to the contract (i.e. the place where it is identified and specifically set apart for delivery to the purchaser). This position can arise when sales are made online, by telephone, or mail order. Section 190 of the 2003 Act provides that the sale of alcohol is to be treated as taking place where the alcohol is appropriated to the contract. It will be the premises at this location which need to be licensed; for example, a call centre receiving orders for alcohol would not need a licence but the warehouse where the alcohol is stored and specifically selected for, and despatched to, the purchaser would need to be licensed. These licensed premises will, as such, be subject to conditions including the times of day during which alcohol may be sold. The premises licence will also be subject to the mandatory licence conditions.

56. Persons who run premises providing 'alcohol delivery services' should notify the Council that they are operating such a service in their operating schedule. This ensures that the Council can properly consider what conditions are appropriate. Premises with an existing premises licence, which choose to operate such a service in addition to their existing licensable activities, should contact the Council for its view on whether this form of alcohol sale is already permitted or whether an application to vary the licence will be required. Steps must be in place to ensure that any designated premises supervisor and members of staff involved with the delivery of alcohol to residential addresses are made fully aware of their responsibilities to ensure that no alcohol is sold to persons underage.

57. Protection of children from harm

58. The Body the Council judges to be competent to act as the responsible authority in relation to the protection of children from harm is Halton Borough Council People Directorate: contact details are set out in **Appendix A**.

59. The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). The Council must also consider the need to protect children from sexual exploitation when undertaking licensing functions.

60. The Council will give considerable weight to representations about child protection matters. In addition to the responsible authority whose

functions relate directly to child protection, the Director of Public Health and Trading Standards may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers and the impacts of parental drinking on children.

61. The Council considers that children and family groups in general should be encouraged to be present in places subject to premises licences unless the environment in those premises (by nature of the activities carried on) is unsuitable. As a general principle, the presence of children and family groups is felt to have a positive influence on the atmosphere within such premises and to produce a more balanced age range within the premises.

62. The Council will not seek to limit the access of children to any premises unless it is necessary for the prevention of physical, moral or psychological harm to them. The Council will not attempt to anticipate every issue of concern that could arise in respect of children with regard to individual premises and as such, general rules will be avoided. Consideration of the individual merits of each application remains the best mechanism for judging such matters.

63. The Act makes it an offence to permit children under the age of 16 who are not accompanied by an adult to be present on premises being used exclusively or primarily for supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or where that activity is carried on under the authority of a temporary event notice. In addition, it is an offence to permit the presence of children under 16 who are not accompanied by an adult between midnight and 5am at other premises supplying alcohol for consumption on the premises under the authority of any premises licence, club premises certificate or temporary event notice.

64. Outside of these hours, the offence does not prevent the admission of unaccompanied children under 16 to the wide variety of premises where the consumption of alcohol is not the exclusive or primary activity at those venues. Accordingly, between 5am and midnight the offence would not necessarily apply to many restaurants, hotels, cinemas and even many pubs where the main business activity is the consumption of both food and drink. This does not mean that children should automatically be admitted to such premises and the following paragraphs are therefore of great importance notwithstanding the new offences created by the Act.

65. The fact that the Act may effectively bar children under 16 unaccompanied by an adult from premises where the consumption of alcohol is the exclusive or primary activity does not mean that the Act automatically permits unaccompanied children under the age of 18 to have free access to other premises or to the same premises even if they are accompanied or to premises where the consumption of alcohol is not involved.

66. Subject only to the provisions of the Act and any licence or certificate conditions, admission will always be at the discretion of those managing the premises. The Act includes on the one hand, no presumption of giving children access or on the other hand, no presumption of preventing their access to licensed premises. Each application and the circumstances obtaining at each premises will be considered on its own merits.

67. Certain areas need to be highlighted that will give rise to particular concern in respect of children. For example, these will include premises:

- where entertainment or services of an adult or sexual nature are commonly provided;
- where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking;
- with a known association with drug taking or dealing;
- where there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines); and
- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

68. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. The Council, applicants, and responsible authorities will need to apply common sense to this matter. However, such entertainment or services, for example, would generally include topless bar staff, striptease, lap-, table- or poledancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

69. Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:

- limitations on the hours when children may be present;
- imitations on the exclusion of the presence of children under certain ages when particular specified activities are taking place;
- limitations on the parts of premises to which children might be given access;
- age limitations (below 18);
- requirements for accompanying adults (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
- full exclusion of those people under 18 from the premises when any licensable activities are taking place.

70. Conditions requiring the admission of children to any premises cannot be attached to licences or certificates.

71. Where no licensing restriction is necessary, this will remain a matter for the discretion of the individual licensee or club or person who has given a temporary event notice. Venue operators seeking premises licences and club premises certificates may also volunteer such prohibitions and restrictions in their operating schedules because their own risk assessments have determined that the presence of children is undesirable or inappropriate. Where no relevant representations are made to the Council, these volunteered prohibitions and restrictions will become conditions attaching to the licence or certificate and will be enforceable as such. No other conditions concerning the presence of children on premises may be imposed by the Council in these circumstances.

72. In connection with the protection of children from harm, the responsible authorities include a body that represents those who are responsible for, or interested in, matters relating to the protection of children from harm and is recognised by the licensing authority for that area as being competent to advise it on such matters. The Council is a unitary authority and competent in this area. Applications will therefore not need to be copied to any other competent authority in this area: the Council will liaise where appropriate with its own social services department.

73. Proof of Age

74. It is unlawful for children under 18 to attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them. It is also an offence for an over 18 to purchase alcohol for an under 18 – this is called proxy purchasing. To prevent such crimes, it may be necessary to require a condition to be applied at certain licensed premises going beyond the mandatory minimum requirements requiring the production of "proof of age" before such sales are made. This should not be limited to recognised "proof of age" cards, but allow for the production of other proof, such as photo-driving licences, student cards and passports. Trading Standards regulate the sale of alcohol to under 18s and can provide advice and materials relating to the prevention of underage sales. They can also provide free staff training.

75. Responsible authorities

76. A full list of the responsible authorities in the area and appropriate contact details are set out at **Appendix A**.

77. The inclusion of the health service as a responsible authority under the Licensing Act 2003, which occurred in 2012, enables health bodies to have a say in alcohol licensing. The Licensing and Public Health teams work together within the council to ensure that the health impacts of alcohol licensing are considered.

78. As there is not a specific licensing objective related directly to health within the current legislation, health bodies, when making a representation, are most likely to relate such representations to the

objectives on public safety and protecting children from harm. This is likely to include the prevention of accidents, injuries and other immediate harms that can result from alcohol consumption, such as unconsciousness or alcohol poisoning. Anonymised data can be collected about incidents relating to specific premises or areas when representations are made.

79. Health bodies hold valuable information which may not be recorded by other agencies, including analysis of data on attendance at emergency departments and the use of ambulance services following alcohol related incidents. Sometimes it may be possible to link ambulance callouts and attendance to irresponsible practices at specific premises.

80. The Director of Public Health is responsible for making representations and observations on applications on behalf of health bodies.

81 The Portman Group code of Practice on the Naming Packaging and promotion of alcoholic drinks

82. The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published on the Portman Group's website, in the trade press and in an annual report. If a product's packaging or point-of-sale advertising is found to be in breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until the decision has been complied with.

83. The Code is an important weapon in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner which may appeal to or attract minors. The Council commends the Code and applicants will be expected to state how they intend to apply the Code.

84. Plastic containers and toughened glass

85. The Council has concerns about the dangers of bottles and glasses being used as weapons. It believes that the use of safer forms of glasses can help to reduce injuries and will expect applicants to state in their operating schedule what proposals they have to minimise such injuries through the use of safer forms of glasses, bottles and other means.

86. Consideration will therefore be given to conditions requiring either the use of plastic containers or toughened glass which inflicts less severe injuries. Location and style of the venue, the activities carried on there, and the hours of operation, would be particularly important in assessing whether a condition is necessary: for example, the use

of glass containers on the terraces of outdoor sports grounds may be of concern.

87. CCTV

88. The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Conditions should not just consider a requirement to have CCTV on the premises, but also the precise siting of each camera, the requirement to maintain cameras in working order, and to retain recordings for an appropriate period of time.

The police should provide individuals conducting risk assessments when preparing operating schedules with advice on the use of CCTV to prevent crime.

89. Children and cinemas

90. In the case of premises giving film exhibitions, the Council will expect licensees or clubs to include in their operating schedules arrangements for restricting children from viewing age restricted films classified according to the recommendations of the British Board of Film Classification or the Council itself. The Council has no current plans to adopt its own system of classification.

91. The Act also provides that it is mandatory for a condition to be included in all premises licences and club premises certificates authorising the exhibition of films for the admission of children to the exhibition of any film to be restricted in accordance with the recommendations given to films either by a body designated under section 4 of the Video Recordings Act 1984 - the British Board of Film Classification is the only body which has been so designated – or by the licensing authority itself.

92. Crime prevention

93. Conditions attached to premises licences and club premises certificates will, so far as possible, reflect local crime prevention strategies. For example, the provision of closed circuit television cameras in certain premises. Conditions will, where appropriate, also reflect the input of the local Crime and Disorder Reduction Partnership.

94 Drugs

The Council recognises that the supply and use of illegal drugs by individuals is not relevant to all licensed premises but it is recognised that conditions may need to be attached to the licences for certain venues if representations are received. The aim will be to endeavour to reduce the availability, sale, and consumption of illegal drugs and to create a safer environment for those who may have taken them. Any conditions will take into account the relevant guidance and advice from appropriate bodies.

The Council expects licensees of all venues to take all reasonable steps to:

- Prevent the entry of drugs into licensed premises
- Prevent drugs changing hands within the premises
- Understand the signs of drug misuse in people so that practical steps can be taken to deal with any instances that occur
- Have appropriately trained staff to deal with drug related incidents.

The Council expects licensees to permit the access and use of drug dogs within the public and staff areas of the premises upon request of the Council and/or police involved in such an initiative.

The increasing prominence and dangers that can occur from Novel (New) Psychotic Substances (Legal Highs) is recognised and the Council would encourage all venues to include suitable steps within their Drugs Policy to deal with legal highs. The Council will consider whether it would be appropriate to impose a condition in order to promote one or more of the statutory licensing objectives where there is evidence to do so.

95 The control of excessive Alcohol consumption

It is an offence under the Licensing Act 2003 to sell to, or obtain alcohol for, a person who is drunk on licensed premises.

In practical terms this includes:

- Selling an alcoholic drink to someone who you know is drunk
- Buying an alcoholic drink for someone who you know is drunk

The Council expects all premises licence holders to take steps to control excessive consumption and drunkenness on relevant alcohol licensed premises. All serving staff should be trained in recognising the signs of drunkenness, how to refuse service and the premises duty of care. The premise should display prominent signage at point of sale that it is an offence to sell alcohol to anyone who is drunk.

This will reduce the risk of anti-social behaviour occurring both on and away from the premises after customers have departed. Premises licence holders are expected to be able to demonstrate a general duty of care to customers using their premises and others affected by their activities.

96. Capacity limits

97. Although most commonly made a condition of a licence on public safety grounds, consideration should also be given to conditions which set capacity limits for licensed premises or clubs where it may be necessary to prevent overcrowding which can lead to disorder and violence. Where such a condition is considered necessary, consideration should also be given to whether door supervisors would be needed to ensure that the numbers are appropriately controlled.

98. Good Management

99. Certain kinds of physical environment within places subject to premises licences (such as an over preponderance of vertical drinking) are generally thought to be less conducive to avoiding crime

and disorder. Good management and adequate staff training are vital. Where appropriate the provision of food in addition to alcohol can have a beneficial effect. Where food is provided it is good practice (but not mandatory under the licensing system) to have regard to current practice on healthy eating. The Council encourages premises licence holders to take an active part in local Pub Watch and Arc Angel schemes.

100. Another aspect of good management in relation to door supervision is to have proper systems in place to comply with the Private Security Industry Act 2001 and to think about how good door supervision systems can contribute to crime reduction both within and outside of premises. Applicants will be expected to have considered these and all relevant issues and to reflect these within their operating schedules

101. Cultural strategies

102. In connection with cultural strategies, the Council will monitor the impact of licensing on the provision of regulated entertainment, and particularly live music and dancing. Only necessary, proportionate and reasonable licensing conditions will be applied on such events. Where there is any indication that such events are being deterred by licensing requirements, the statement will be re-visited with a view to investigating how the situation might be reversed.

103. The United Kingdom ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) in 1976. Article 15 of the Covenant requires that progressive measures be taken to ensure that everyone can participate in the cultural life of the community and enjoy the arts. It is therefore important that the principles underpinning ICESCR will be integrated, where possible, with the Council's approach to the licensing of regulated entertainment.

104. Transport

105. The Council proposes, through its Local Transport Plan, to develop protocols to be agreed between the local police and other partners that have due regard to the need to disperse people from town centres swiftly and safely to avoid concentrations which produce disorder and disturbance. Applicants will be expected to have considered this issue, and their operating schedule should reflect their proposals for how they might assist in this process.

106. Tourism, employment, planning and building control, and highways

107. The following matters should be noted in relation to tourism, employment, planning and building control, and highways:

- arrangements have been made for the Council's Regulatory Committee to receive, when appropriate, reports on the needs of the local tourist economy for the area to ensure that these are reflected in their considerations;

- the Council intends to keep the Regulatory Committee apprised of the employment situation in the area and the need for new investment and employment where appropriate;

108. Planning, building control and licensing regimes will be properly separated to avoid duplication and inefficiency. Except in cases where planning permission is not required, applications for premises licences for permanent commercial premises should normally be from businesses with planning permission in place for the property concerned.

109. Licensing applications will not be a re-run of the planning application and should not cut across decisions taken by the Council's Development Control Committee or following appeals against decisions taken by that committee. Nevertheless, applicants should be aware that because the rules applicable and the range of matters to be taken into account are not identical, it is possible for planning permission to be granted and a licence application to be refused (and vice versa) in respect of the same premises. The same applies to the conditions which may be applied to planning permissions and premises licences.

110. Similarly, the granting by the licensing committee of any variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building control where appropriate.

111. Planning obligations under section 106 Town and Country Planning Act 1990 warrant special mention. The Council as licensing authority can neither demand that a planning obligation be entered into nor be party to a planning obligation. However, applicants are free to enter into such agreements with the Council as planning authority if they so wish. Such agreements could potentially deal with a wide range of matters such as contributions to town centre policing and litter control.

112. Proper integration will be assured by the Regulatory Committee, where appropriate, providing regular reports to the Development Control Committee on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder. This will enable the Development Control Committee to have regard to such matters when taking its decisions and avoid any unnecessary overlap.

113. The Council's Local Transport Plan is the mechanism by which the Council will work in partnership with all appropriate bodies to deliver effective local transport strategies. Effective strategies will include provision of night-time and evening services, where this is appropriate to the local situation.

114. Where applicants seek premises licences in respect of pavement cafes and the like, they will have to have satisfied the

Council (as Highway Authority) of the appropriateness and legality of any proposal prior to any application to the Licensing Authority.

115. Promotion of Equality

116. The Council recognises that the Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination; and to promote equality of opportunity and good relations between persons with different protected characteristics.

117. Local authorities are also required under the 2010 Act, to discharge the public sector equality duties. The Council is required by the Equality Act 2010 to publish information at least annually to demonstrate its compliance with the equality duty. Applicants will be expected to demonstrate that they have taken this issue into account.

118. Duplication

119. The Council will avoid duplication with other regulatory regimes so far as possible. For example, legislation governing health and safety at work and fire safety will place a range of general duties on the self-employed, employers and operators of venues both in respect of employees and of the general public when on the premises in question. Similarly, many aspects of fire safety will be covered by existing and future legislation.

120. Conditions in respect of public safety will only be attached to premises licences and club premises certificates that are “necessary” for the promotion of that licensing objective and if already provided for in other legislation, they cannot be considered necessary in the context of licensing law. Such regulations will not however always cover the unique circumstances that arise in connection with licensable activities, particularly regulated entertainment, at specific premises and tailored conditions may be necessary. It should be borne in mind that an alteration is “material” for the purposes of the Building Regulations if it has the potential to affect structural stability, fire safety or access.

121. The Council appreciates that regulations under which a fire safety inspection would normally be carried out do not apply to ships/boats unless they are in dry dock. The safety regime for passenger vessels is enforced under the Merchant Shipping Acts by the Maritime and Coastguard Agency who operate a passenger ship certification scheme. Accordingly, it will not normally be necessary to duplicate the controls imposed through the certification scheme.

122. Certain health and safety issues can be taken into account despite apparent duplication. For example, applicants will be expected to consider the appropriate types of drinking containers (i.e glass or plastic) within premises or parts of premises. This example can only be considered under the crime and disorder heading.

123. Standardised conditions

124. The Guidance states that a key concept underscoring the Act is for conditions to be attached to licences and certificates which are tailored to the individual style and characteristics of the premises and events concerned. This can be important to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. The Guidance states that standardised conditions should therefore be avoided and indeed, may be unlawful where they cannot be shown to be necessary for the promotion of the licensing objectives in any individual case. The Council will apply the general principles relating to conditions as set out in the Guidance.

125. The Guidance states that it is acceptable for licensing authorities to draw attention in their statements of Policy to pools of conditions from which necessary and proportionate conditions may be drawn in particular circumstances. The Council considers that standardised wording of conditions (but not universally applied block conditions) are acceptable when dealing with the same or very similar situations.

126. There will be circumstances where no additional conditions may be necessary where existing legislation and regulation already effectively promote the licensing objectives. Where conditions are imposed they will focus on matters within the control of applicants/licence holders.

127. Enforcement

128. The Council has established a protocol with the local police on enforcement issues.

129. In particular, this protocol is intended to provide for the targeting of agreed problem and high risk premises which require greater attention, while providing a lighter touch in respect of low risk premises which are well run. The Act does not require inspections to take place save at the discretion of those charged with this role. The principle of risk assessment and targeting should prevail and inspections should not be undertaken routinely but when and if they are judged necessary. This should ensure that resources are more effectively concentrated on problem premises.

130. Live music, dancing and theatre

131. The Council recognises that as part of implementing the Council's cultural strategies, proper account should be taken of the need to encourage and promote a broad range of entertainment, particularly live music, dancing and theatre, including the performance of a wide range of traditional and historic plays, for the wider cultural benefit of communities. Concern to prevent disturbance in neighbourhoods will always be carefully balanced with these wider cultural benefits, particularly the cultural benefits for children.

132. In determining what s should be attached to licences and certificates as a matter of necessity for the promotion of the licensing objectives, the Council will be aware of the need to avoid measures which deter live music, dancing and theatre by imposing indirect costs of a disproportionate nature. It is noted that the absence of cultural provision in any area can itself lead to the young people being diverted into anti-social activities that damage communities and the young people involved themselves.

133. To ensure that cultural diversity thrives, the Council will have a Policy of seeking premises licences where appropriate for public spaces within the community in their own name. This could include, for example, village greens, market squares, promenades, community halls, Council owned art centres and similar public areas. Performers and entertainers would then have no need to obtain a licence or give a temporary event notice themselves to enable them to give a performance in these places. They would still require the permission of the Council as the premises licence holder for any regulated entertainment that it was proposed should take place in these areas.

134. It should be noted that when one part of the Council seeks a premises licence of this kind from the Council in its capacity of licensing authority, the Regulatory Committee and its officers will consider the matter from an entirely neutral standpoint. If relevant representations are made, for example, by local residents or the police, they will be considered fairly by the Committee. Those making representations genuinely aggrieved by a positive decision in favour of the Council application by the Council in its capacity of licensing authority would be entitled to appeal to the magistrates' court and thereby receive an independent review of any decision made.

135. Live Music Act 2012 - Live music in licensed venues

136. Live music is no longer considered to be regulated entertainment in venues licensed for the sale of alcohol for consumption on the premises in the following situations:

- when it is unamplified and takes place between 8am and 11pm; and
- when it is amplified and takes place in the presence of an audience of 500 persons or less and is provided between 8am and 11pm.

137. The premises must be open for the sale of alcohol during the time that the live music is provided for the exemption(s) to take effect.

138. Any condition attached to the Premises Licence relating to live music will cease to have effect in respect of the live music when offered between 8am and 11pm, unless such conditions have been reinstated by the Licensing Authority as part of a Review Hearing.

139. Live music in venues which are not licensed

140. Unamplified, live music has been deregulated between 8am and 11pm in all non-licensed venues.

However, unamplified, live music after 11pm and amplified live music in non-licensed venues will still require formal authorisation from the Licensing Authority by way of a Premises Licence, Club Premises Certificate or Temporary Event Notice (TEN).

141. Preparation of Operating Schedules

142. Applicants are strongly advised to obtain proper professional advice in the preparation of operating schedules and in particular are strongly advised to seek advice from the police on matters relating to crime prevention (including CCTV) to ensure a proper link between Crime and Disorder Strategies and Alcohol Harm Reduction Strategies.

143. Contact Points

144. Appendix B gives details of contact points where members of public can obtain advice about whether or not activities should be licensed.

145. Administration, exercise and delegation of functions

146. The Council's Regulatory Committee (and Regulatory Sub-Committees) will carry out all of the Council's licensing functions under the Act except those relating to the making of statements of licensing Policy. A full delegation scheme is in place. The scheme of delegation relating to matters which can be dealt with by the Regulatory Sub-committee(s) and officers of the Council are set out at **Appendix C**. This follows the recommended delegation of functions set out in the Guidance and is carried forward into the Council's Constitution. Whether delegated powers are exercised on any given occasion is a matter of practice adopted from time to time.

147. Monitoring/Review

148. The Council will carry out a review of the statement in accordance with the Guidance and the Act.

APPENDIX A

LIST OF RESPONSIBLE AUTHORITIES AND CONTACT DETAILS

List of Responsible Authorities (The Council's website should be consulted to check for alterations to contact details)

<p>Relevant Licensing Authority</p> <p>Licensing Section Halton Borough Council Municipal Building Kingsway Widnes WA8 7QF</p>	<p>Chief Officer of Police</p> <p>c/o The Relevant Licensing Officer Cheshire Constabulary Headquarters Clemonds Hey Oakmere Road Winsford CW7 2UA</p>
<p>Fire and Rescue Authority</p> <p>Cheshire Fire and Rescue Authority Fire Station Winwick Road Warrington WA2 8HH</p>	<p>Public Health Authority</p> <p>Director of Public Health Halton Borough Council Community and Resources Directorate Town Hall Heath Road Runcorn WA7 5TD</p>
<p>Health and Safety Enforcing Authority¹</p> <p>Director of Public Health Halton Borough Council Community and Resources Directorate Town Hall Heath Road Runcorn WA7 5TD</p>	<p>Local Planning Authority</p> <p>Halton Borough Council Planning Department Municipal Building Kingsway Widnes WA8 7QF</p>
<p>Authority exercising functions in relation to minimising or preventing the risk of pollution of the environment or of harm to human health</p> <p>Director of Public Health Halton Borough Council</p>	<p>Recognised Child Protection Body</p> <p>Halton Borough Council People and Economy Directorate c/o Legal Services Municipal Building Kingsway Widnes WA8 7QF</p>

¹ In some cases this may be the Health & Safety Executive. If in doubt please contact the Council.

<p>Community and Resources Directorate Town Hall Heath Road Runcorn WA7 5TD</p>	
<p>Local Weights and Measures Authority</p> <p>Principal Trading Standards Officer Halton Borough Council Town Hall Heath Road Runcorn WA7 5TD</p>	
<p>NOTE If the premises are situated in one or more licensing authority areas, send the application and supporting documents to each additional licensing authority. Please check with the Licensing Section if you require further advice.</p>	

Vessels

Where applications relate to vessels additional responsible authorities will be involved (depending on the circumstances) as set out below.

- 1) The navigation authority in relation to the waters where the vessel is usually moored or berthed or any waters where it is proposed to be navigated when it is used for licensable activities.
- 2) Environment Agency.
- 3) Canal & River Trust (formerly the British Waterways Board)².
- 4) The Secretary of State for Transport through the Maritime and Coastguard Agency.

Advice should be sought from the Licensing Authority regarding the relevant additional responsible authorities.

² The British Waterways Board (Transfer of Functions) Order 2012

APPENDIX B

**CONTACT POINTS WHERE THE PUBLIC MAY OBTAIN ADVICE
FROM THE COUNCIL**

Council Website www.halton.gov.uk
Email address: legalservices@halton.gov.uk
Telephone: 0151 511 7879
Postal Address:
Halton Borough Council
Licensing Section
Legal Services
Municipal Building
Kingsway
Widnes
WA8 7QF

APPENDIX C

SCHEME OF DELGATION

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If objection made	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence / club premises certificate		If a representation made	If no representation made
Application for provisional statement		If a representation made	If no representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designed premises supervisor			All cases
Application for transfer of premises licence		If police objection	All other cases
Application for interim authorities		If police objection	All other cases
Application to review premises licence / club premises certificate		All cases	
Decision of whether a complaint is irrelevant, frivolous, vexatious etc			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a police objection to a temporary event notice		All cases	

Determination of application to vary premises licence by a community premises to include alternative licence condition		If police objection	All other cases
Decision whether to consult other responsible authorities on minor variation application			All cases
Determination of Minor variation			All cases

REPORT TO:	Regulatory Committee
DATE:	2 nd September 2020
REPORTING OFFICER:	Chief Executive
PORTFOLIO:	Resources
SUBJECT:	The 'Halton's Open Initiative'
WARDS:	Boroughwide

1. PURPOSE OF REPORT

- 1.1 To inform the Committee of the introduction of the 'Halton's Open initiative' and provide rationale for its introduction.
- 1.2 For members to note the report.

2. RECOMMENDED: That the report be noted.

3. SUPPORTING INFORMATION

- 3.1 Members of this Committee have long been aware of the impact of the Deregulation Act 2015 on Licensing Authorities, particularly in small boroughs such as Halton.
- 3.2 This report is based on a similar report given to the Licensing and Environmental Protection Committee of St Helens MBC on 23rd October 2019.
- 3.3 The Council has been fortunate that the majority of the local driving community have remained licensed by this Council rather than seeking to be licensed with another authority (such as those who have less stringent checks or offer cheaper licences).
- 3.4 However, the impact that 'out of town' drivers operating 'cross border' have had on our licensed trade should not be underestimated. As licensed drivers are self-employed it is important that the Council does all that it is able to support their efforts.
- 3.5 Taxi licensing has undergone many changes since the Deregulation Act was introduced and in some instances, undermined public confidence in the safety of licensed travel. This is largely due to vehicles being plated and licensed in other authorities collecting passengers who have made a booking in Halton.
- 3.6 This is confusing for the public who sometimes do not understand what this means for them. The biggest areas of other licensed vehicles working in Halton are from Knowsley and Sefton (and some licensed from as far away as Wolverhampton).

- 3.7 Licensing is a local statutory responsibility assigned to individual licensing authorities which means that the Council has no legal right to check or enforce standards on any of the drivers or vehicles from other authorities who work regularly in this borough. No inter-authority inspection arrangements are in force.
- 3.8 The public can often be confused or even upset when they contact the Council to report issues with drivers and vehicles and are informed that the Council cannot take any action.
- 3.9 The Licensing team refer these complaints on to the Licensing Authority responsible for the driver/vehicle. Unfortunately, the Council cannot follow up these complaints and does not receive feedback.
- 3.10 As previously reported to the Committee, Central Government was in the process of introducing new Statutory Guidance for Taxi Licensing which may have assisted with these issues and offer better protection to the public. They also intend to legislate for some of the more complex areas. Unfortunately the new Statutory Guidance has now been introduced (referred to in a separate item at this Committee meeting) but has again failed to address this problem.
- 3.11 Whether or not such changes are ever introduced, the Council ought to provide as much support as possible to the public to help them understand these issues and to protect the livelihood of the licensed trade in our borough. The Council's licensing function is about protection of the public but outside of the licensing function there is a wider role of creating an economically prosperous Borough as set out in the Council's Sustainable Community Strategy. The initiative could, fortuitously, contribute to this.
- 3.12 The public should be aware that if vehicles are booked via out of town private hire operators (by telephone, 'app' or on-line) the Council has no control over the quality of such vehicle or the driver of such vehicle. Some operators, even though licensed within the Borough, exercise their rights to sub-contract to operators licensed outside the Borough – and again the booking will be carried out by vehicles and drivers not licensed in the Borough. All of this is within the law. The public has the right to use such private hire operators but the public also has the right to make an informed choice before doing so.
- 3.13 Members have committed to high standards for the local licensed community and are justifiably proud of this.
- 3.14 The 'Halton's Open Initiative' has a much wider remit than taxi licensing but that element which is about taxi licensing is the subject of this report.
- 3.15 The Regulatory Committee is only being asked to note this report. This is because of the definition of the functions assigned to the Committee. These are restricted to the power to licence (which includes grant, refusal and suspension with or without conditions) hackney carriage and private hire vehicles, drivers and operators. This is limited to individual applications. Anything beyond this is deemed to be an executive function for the Executive

Board to determine – whether or not involving a policy change. However, in the Council's Scheme of Delegation matters "associated with" the Committee's functions are delegated (see delegated power 190) provided that they do not amount to creating new policies or amending existing policies. The proposed initiative is intended to come within this delegated power.

4. THE INITIATIVE

- 4.1 The "Halton's Open" scheme was devised by the Council to promote all businesses within the local authority area following the Covid-19 outbreak and the importance of shopping local.
- 4.1 It was therefore logical for the taxi trade to be promoted under this scheme and to extend it in order for the following objectives to be met;
- To raise awareness of being 'Badged in Halton' - how to book a Halton Licensed driver, impact / or possible consequences of travelling in a non Halton Licensed hackney carriage or private hire vehicle.
 - Generate visual awareness of a Halton Licensed driver through the use of livery on licensed vehicles and create a new visual identity for drivers.
 - To communicate the benefits of 'Badged in Halton' to residents and proprietors.
- 4.2 Aside from improving awareness, the main strand of this initiative is to help the public recognise a Halton Licensed Driver and assist them in understanding why this is important.
- 4.3 The initiative was due to start earlier in 2020 but like many other matters has been delayed because of the Coronavirus. It will now start on a launch date to be agreed and will run indefinitely and will see for those who want it Halton licensed vehicles carrying the new 'Halton's Open' badge to be displayed on the bonnet.
- 4.4 Posters have also been commissioned which will be distributed to licensed premises, schools and local business to remind the public why the campaign is important.
- 4.5 A digital pack will be made available to local private hire operators so that they may also promote this initiative through their own advertising.

5. POLICY IMPLICATIONS

- 5.1 This initiative is not a policy matter.

6. FINANCIAL IMPLICATIONS

- 6.1 The initiative is being funded from within existing budgets. There will be no additional charges to the licensed trade.

7. OTHER IMPLICATIONS

7.1 There are no other implications arising out of this report except as stated below.

8. IMPLICATIONS FOR THE COUNCILS PRIORITIES

8.1 Children and Young People in Halton

N/A

8.2 Employment Learning and Skills in Halton

N/A

8.3 A healthy Halton

N/A

8.4 A Safer Halton

It is hoped that greater awareness of the system will contribute to a safer Halton but it is accepted that this cannot be quantified.

8.5 Halton's Urban Renewal

N/A

9. RISK ANALYSIS

N/A

10. EQUALITY AND DIVERSITY ISSUES

N/A

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

This item is based on a report from St. Helens Metropolitan Borough Council as referred to in the report.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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