

WYRE FOREST DISTRICT COUNCIL

LICENSING AND ENVIRONMENTAL COMMITTEE
8TH JANUARY 2007

Annual Report October 2006-2007 to Council on Licences Issued for Hackney Carriages in accordance with the Hackney Carriage Vehicle Licence Deregulation Plan

OPEN ITEM	
RESPONSIBLE OFFICER:	Head of Planning, Health and Environment
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APPENDICES:	Appendix 1 – Hackney Carriage Vehicle Licence Conditions adopted 1 st October 2005 Appendix 2 – Private Hire Vehicle Licence Conditions adopted 1 st October 2005 Appendix 3 – Customer Services Policy Appendix 4 – Driver Training Schedule Appendix 5 – Profile of the Public Register Appendix 6 – Customer Care Policy Appendix 7 – Driver Licence Conditions Appendix 8 – Hackney carriage Byelaws Appendix 9 – RADAR Letter and Strategy Report Appendix 10 – Department of Transport Best Practice Guidance Taxis and Private Hire vehicles <i>The Appendices to this report have been circulated electronically and a public inspection copy is available on request. (See front cover for details).</i>

1. PURPOSE OF REPORT

- 1.1 To consider an annual report in accordance with the Hackney Carriage Vehicle Licence Deregulation Plan.

2. RECOMMENDATION

The Committee is asked to RECOMMEND to COUNCIL:

- 2.1 **The progress with the Council's Deregulation Plan be noted, and a final report be presented in 12 months time on completion.**

3. BACKGROUND

- 3.1 The Hackney Carriage Vehicle Licences Deregulation Plan 2005 -2008 is consistent with the government's priorities and overall best practice guidance in respect of hackney carriages, and requires a report to Council on its performance annually.
- 3.2 Deregulation of number control began on the 1st October 2005 and will be completed by 31st March 2008.
- 3.3 Deregulation will be accomplished in accordance with the Deregulation Plan which has been developed by the Licensing and Environmental Committee in consultation with the taxi trade and approved by the Cabinet on 25th August 2005 and 29th September 2005.
- 3.4 It recognised that there were concerns over immediate deregulation and agreed to phase in Deregulation over the next three years (2005 - 2008).
- 3.5 Following an independent study on significant unmet demand, the Council at its meeting on 18th May 2005 decided to:
- issue 10 Hackney Carriage Vehicle Licences immediately
 - discontinue its policy on limitation on the number of such licences
- 3.6 The Deregulation Plan includes provision for the issue of:
- five licence plates in the year 2006, and
 - five licence plates in 2007.

Policy Background

- 3.7 Taxis and Private Hire vehicles have a specific role to play in a sustainable integrated transport system. They are able to provide services in situations where transport is limited (for example in rural areas, or outside normal hours of operation such as in the evenings or on Sundays) and for those with mobility difficulties. They can also be used to provide innovative types of service such as taxi buses.
- 3.8 It is important that taxis and private hire vehicles are seen to complement and reinforce public transport services, rather than compete with them.
- 3.9 The role of the taxi is as part of a local and countrywide sustainable integrated transport network.
- 3.10 In this way it can be seen that taxis and private hire vehicles can play an important role in fulfilling the Government's five criteria for assessing transport policies and schemes of:

- Promoting accessibility to everyday facilities for all, especially those without cars
- Improving safety for all travellers
- Contributing to an efficient economy and supporting sustainable economic growth in appropriate locations
- Promoting the integration of all forms of transport and land use planning, leading to a better, more efficient, sustainable transport system

The Council's Standards for Hackney Carriages

- 3.11 The Council intends to improve quality and safety of hackney carriages, and intends to ensure that all vehicles are of a certain age profile, safe and recognisable.
- 3.12 For this reason new vehicle conditions were proposed, and adopted from 1st October 2005 to address the following main areas:
- Age profile of the fleet
 - Wheelchair accessibility
 - Livery
- (Copy at Appendix 1)*
- 3.13 The Council recognises that it will take some time for the existing hackney carriage fleet to be fully replaced with the new standards and expects that by 1st October 2013 all vehicles will adhere to the new Standards.

Private Hire Vehicles

- 3.14 To maintain a consistent approach with regard to Hackney Carriage Licences all new Private Hire Vehicle Licence Holders and vehicle replacements will be expected to comply with the new conditions from 1st October 2005.
- 3.15 The new private hire vehicle standards specified in the Deregulation Plan address the following main areas:
- Age of vehicle
 - Livery
- 3.16 The same time limit for replacement applies similarly to Private Hire Vehicles, as to Hackney Carriages *(Copy at Appendix 2)*.

Customer Services Policy

- 3.17 Wyre Forest District Council is committed to providing a quality service in a courteous helpful and caring manner. The policy sets out how Licensing Officers achieve this, and the standards that are expected (*Copy at Appendix 3*).

Criminal Record Bureau Checks

- 3.18 The Council expects a high personal standard of drivers operating within the taxi fleet who should be deemed 'fit and proper persons'.
- 3.19 All licence applicants are interviewed prior to the issue of a Driving Licence, and are checked for previous convictions thereafter at three yearly intervals. Two hundred and thirteen drivers have been checked during October 2005 and October 2006.

Fitness and Propriety

- 3.20 Fitness and propriety is judged against personal record held by the Criminal Record Bureau and guidance issued by the Public Carriage Office.
- 3.21 Two applicants for the grant of a Driving Licence have appeared before Committee which have been outside the scheme of delegated powers to Officers.
- 3.22 Following all representations both applications were refused.

Misconduct by Drivers

- 3.23 One driver has appeared before the Licensing and Environmental Committee following disclosures by the Criminal Justice Administration Unit that he had been convicted of a criminal offence by the Magistrates Court.
- 3.24 One driver was suspended by the Committee during Police enquiries into an allegation of Serious Sexual Offences. He has since surrendered the Driving Licence of his own volition.
- 3.25 One driver had his Driving Licence revoked following a term of imprisonment.

Vehicle Safety Tests

- 3.26 All licensed vehicles have safety tests carried out every 17 weeks .i.e. three times per year.
- 3.27 Vehicles are presented to the Council testing station at the Cultural, Leisure and Commercial Services Division at Green Street,

Kidderminster, and undergo a prescribed safety check which is over and above the standard test applied by the Department of Transport.

- 3.28 The Safety Test is required to be carried out within 28 days of the appointed date
- 116 vehicles were examined within the target date.
 - 99 vehicles passed the test
 - 17 failed and were subject of re test.

Vehicle Operating Service Agency (VOSA) Enforcement

- 3.29 The Council integrates with other Services to ensure that the Taxi fleet is of a standard consistent with other districts.
- 3.30 On a twice yearly basis Licensing Officers join with West Mercia Police and the Vehicle Operating Service Agency to test taxis at random.
- 3.31 This has been undertaken on two dates during 2006 where an average of 20 vehicles has been examined.
- 3.32 On each occasion VOSA has established serious faults on some taxis presented for testing.
- 3.33 Two companies have been reported by VOSA and have appeared before the Magistrates Court at Kidderminster:
- Defective Tyres
 - Dangerous Condition of Vehicle
- 3.34 Twenty-six drivers have been given warnings by Licensing Officers within the terms of the Council's Enforcement Policy for:
- No Fire Extinguishers
 - No First Aid equipment
 - No Tariff Cards
 - Failing to display Drivers Badges

Driver Training

- 3.35 New legal requirements under the provisions of the Disability Discrimination Act 1995 Part 3 came into force on the 4th December 2006.
- 3.36 Companies providing transport using taxis and private hire vehicles (transport providers) must actively avoid discrimination against disabled persons and must make reasonable adjustments to services that they offer.

- 3.37 Disabled people are able to prosecute if they feel that they are discriminated against. Government recommend that two things should be done:
- Ensure that all people having contact with customers are trained in customer service and disability awareness and,
 - Use 'disability audits' to find, and then remove barriers to access for disabled people, even where those barriers are less obvious or unintentional.
- 3.38 Disability Awareness Training will be provided by Evesham College of Further Education, Worcestershire, and arrangements are in hand to train all Wyre Forest Drivers at their individual expense.
- 3.39 The training is comprehensive within the terms of Part 3 of the Disability Discrimination Act 1995.
- 3.40 A copy of the training schedule is attached (*Copy at Appendix 4.*)

Complaints Procedure

- 3.41 Drivers are required to operate to a published complaints procedure that has been approved by the Council and deals with customer complaints, dispute resolution, and expected standards of service.
- 3.42 Three complaints have been received by the Council against members of the taxi trade.
- 3.43 The Performance Requirement that 95% of complaints against members of the taxi trade will be resolved within 2 months of receipt has been achieved.

Public Register

- 3.44 Legislation requires Local Authorities to keep public registers of Hackney Carriage / Private Hire Vehicle Drivers, Details of Vehicles, and Transport Operators providing such transport services.
- 3.45 A profile of the Registers is attached (*Copy at Appendix 5.*)
- 3.46 The Council has three Hackney Carriage Licences available for issue to the year ending 31st March 2007 (making a total of 95 Hackney Carriage licences issued or pending).

Operators' Licences

- 3.47 Seven Operators' Licences are granted annually to providers of Private Hire Transport.

- 3.48 They have been encouraged to sign up to a Code of Conduct and a Customer Care Policy (*Copy at Appendix 6*).

Drivers' Licence Conditions

- 3.49 A total of 213 drivers are licensed by this Authority.
- 3.50 The Driver Licence Conditions are attached (*Copy at Appendix 7*).

Byelaws

- 3.51 All Hackney Carriage byelaws are retained (*Copy at Appendix 8*).

Accessibility Issues (Deregulation Plan Comment)

- 3.52 Taxis are considered to be an important service provider of alternative transport within Worcestershire. They are considered to be a key element in completing journeys undertaken by other transport modes. They allow for access to areas where conventional public transport is poor and provide transport for those without access to a car and assist with bulky items.
- 3.53 Taxis form an integral part of the local transport network within the District and have a role in facilitating the access for those with mobility difficulties.
- 3.54 To improve accessibility for all new Hackney Carriage Vehicle Licences will be granted only where operators and vehicles fulfil prescribed conditions, including a condition that the vehicle is fully wheelchair accessible. Existing licences to be wheelchair accessible upon renewal.

Accessible Taxis – Policy by Royal Association for Disability and Rehabilitation (RADAR)

- 3.55 RADAR is the largest pan-disability organisation in the UK and represents disabled people from all sections of the community.
- 3.56 On the 31st October 2006, it published to all local authorities a policy for accessible taxi and private hire vehicles (*Copy at Appendix 9*).
- 3.57 RADAR believes every Local Authority should have:
- A policy and strategy for delivering affordable and accessible taxis and private hire vehicles
 - A policy to enable disabled people to use taxis and private hire vehicles
 - At least 50% vehicle fleet accessibility

- A driver training scheme for taxi and private hire vehicle drivers.

3.58 The Deregulation Plan will meet all of the above

Current Wyre Forest Hackney Carriage Profile

3.59 Wyre Forest currently has:

- 14 wheelchair accessible vehicles which equates to 15.5% of the fleet
- 76 saloon cars
(RADAR Recommendation 50% of the fleet – 45 wheelchair accessible)

Best Practice Guide

3.60 A Best Practice Guide (2006) has been issued by the Department of Transport with the aim of assisting local authorities that have the responsibility for the regulation of taxi and private hire vehicle trades.

3.61 The Guidance follows the publication in November 2003 by the Office of Fair Trading of a market study of the regulation of Taxis and Private Hire vehicle in the UK.

3.62 One of the recommendations of that study was that the Department for Transport should produce guidance on Best Practice for the local licensing authorities concerned.

3.63 It appreciated that local authorities could reach their own decisions on overall policies and on individual licensing matters in the light of their own views of the relevant considerations.

3.64 The Department of Transport consulted on a draft version of the guidance in the summer/autumn of 2005, and was considered in all aspects before the Wyre Forest Deregulation Plan and attendant Licence Conditions were adopted in October 2005. *(Copy attached at Appendix 10)*

New Initiatives - Taxi Marshalls

3.65 It has long been recognised that customers in large numbers exiting night clubs in Dixon Street, Kidderminster have been vulnerable in their pursuit to hire taxis in order to return home.

3.66 The Police recommended to the Council that Taxi Marshalls should be employed outside of Mirage and DY10, to assist them in the interests of health and safety.

- 3.67 A scheme financed by the District Community Safety Partnership has provided Taxi Marshals for a trial period over this Christmas and the New Year.

4. FINANCIAL IMPLICATIONS

- 4.1 The Wyre Forest Taxi Fleet is currently achieving its policy of operating within the 'cost of the service '.
- 4.2 Licence fees are structured to reflect the actual cost of licensing administration plus annual Inspections and Enforcement.
- 4.3 The Cabinet has agreed to include proposals for increased Licence Fees in its budget strategy for 2007/2008 with effect from 1st April 2007.

5. LEGAL AND POLICY IMPLICATIONS

- 5.1 The Deregulation Plan and New Driver and Vehicle Licence Conditions were introduced from 1st October 2005.
- 5.2 An appeal against all of the Conditions was lodged by the Taxi trade in 2006.
- 5.3 Specialist advice was sought by them from Mr Bryan Roland an acknowledged expert in Taxi Law.
- 5.4 Various meetings took place at the Council Offices and later in pre trial management meetings before the Kidderminster Magistrates Court.
- 5.5 Following advice from Mr Roland the Appellants withdrew the Appeal.
- 5.6 Liaison with the Taxi Trade continues in an attempt to resolve outstanding matters.

6. CONCLUSION

- 6.1 Twelve of the fifteen available Licence Plates have been issued or pending according to the Deregulation Plan.
- 6.2 Recommended processes within the Deregulation Plan have been put in place.
- 6.3 The trade believes Council Policy is in most cases in line with the Government Best Practice Guide with the exception of Vehicle Type and Accessibility.

- 6.4 A separate Report on Best Practice Guidance / Change to Existing Conditions will be submitted to the February 2007 Licensing and Environmental Committee.

7. CONSULTEES

- 7.1 Head of Legal and Democratic Services.

8. BACKGROUND PAPERS

- 8.1 Wyre Forest Hackney carriage Deregulation Plan 2005
- 8.2 Licensing Service Plan 2006
- 8.3 Criminal record Bureau Guidance
- 8.4 Guidelines to the Relevance of Criminal Convictions issued by the Public Carriage Office
- 8.5 Group 2 Medical Standards DVLA – A Guide for Medical Practitioners Part 3, Disability Discrimination Act 1995
- 8.6 Planning, Health and Environment Division (Licensing) KLOE Review

18th December 2006