

FYLDE BOROUGH COUNCIL

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY CONSULTATION

REPRESENTATIONS and RESPONSES RECIEVED

Consultation Period: 28th November 2017 to 17th February 2017

REVISED LICENSING POLICY - SCHEDULE OF RESPONSES

Relevant Paragraph of Policy	Respondent	Comments Received	Assessment of Comments	Recommended Action
5.5	John Coombes MD Fylde Executive Cars	<p>Signage. I feel that there is currently a problem in relation to Private Hackney Carriage Licence owners vehicles not being readily identifiable as a "Taxi". It is common practice for Hackneys to not travel with roof signs and also hide their Plates whilst carrying out "Executive work" The guidance for Minibus and People Carrier vehicles should be imposed across the Hackney Fleet, requiring Taxis to have stickers on the front and rear that states it is a "taxi"</p> <p>At present I believe the large number of unmarked cars on the Boroughs ranks pose a Public Safety threat and therefore more permanent fixed signage to the side of all Hackneys should be a requirement.</p>	<p>It is a requirement that hackney carriages, whether being used a hackney carriage or a private family car must always display the plate on the vehicle and the removal/ hiding of a plate will be picked up through enforcement work. The proposed advertising/signage requirements allow for the use of the taxi on the front and rear. It is also noted that from a fleet of 102 hackney carriages, currently only 2 vehicles are not currently affiliated to an operator and displaying minimum signage. It is not considered necessary at this time to require additional livery.</p> <p>All hackney carriages are required to display vehicle identity plates to the front and rear and the use of a top sign, whilst an identity disc is displayed inside and the driver must also wear his badge. There is no evidence to suggest that the current signage requirements pose a threat but it noted some Authorities now include signage on Hackney Carriages specifying the vehicles identity number. No change is currently proposed but Officers will</p>	No change

		<p>Special Dispensation for not displaying plates and/or signage. This practice should be restricted to Companys advertising as Corporate Chauffeur Operations only and only when, it is proved on a sample of days, throughout the year, nominated by the Licensing Officer that no less than 90% of the work carried out by the operator was pre-booked by a Corporate client and paid on account or credit card. Special dispensation should also be granted to businesses that can prove that it is a Wedding Car provider 95% of the time.</p> <p>Special dispensation should not be given to any Operator with its business and residential address outside of Fylde Borough.</p>	<p>continue to monitor and identify signage requirements and if appropriate, refer back to the Public Protection Committee in due course.</p> <p>The previous and proposed policy require that to be dispensated from displaying signage, 80% of the work shall be of an executive nature and that the vehicle is appropriate. Random checks are currently conducted by the Licensing Team to note the details of any jobs and its suggested the current policy achieves the right balance. It should be noted that for vehicles used in connection with weddings do not require a private hire vehicle licence. However, it is being used for private hire work outside weddings it should be licensed and the requirements of the Dispensation policy will apply.</p> <p>The role of licensing is that of Public Protection and the Council are obliged to consider all applications. Any applications from persons residing outside the Borough will be treated in line with our existing policies and procedures.</p>	
6.5		An operator's licence should not be issued to any individual or business that does not have a permanent residential or business address, from which they are paying NNDR or Council Tax located within the Fylde Borough.	This is addressed in point 6.5. The Authority will not "normally grant" in such instances but it should be noted that all applications are to be considered on their individual merits.	No change

General		<p>Technology in the Taxi and Private Hire Industry is moving too fast for legislation to keep up. The rise of the offshore taxi booking App Uber and the problems this has raised across the World has proved that Licensing Committees need to recognise the changing habits of Taxi customers and seek to enable new technologies to be used within the Industry.</p> <p>In particular the Booking App is becoming more and more widespread where a customer can book via their phone on a Street corner and get a price, arrival time and monitor their taxis arrival in a matter of moments. Licensing Officers are able to check that such booking systems are set with the right Tariffs and these are easy to check via an App from the comfort of the Licensing Dept's Office – clients do receive a price before accepting the Hiring –so these PDA GPRS Handsets should be allowed in Hackneys and Private Hire vehicles alike, without the need for a fixed meter.</p>	<p>It is acknowledged that technology is moving significantly quicker than the legislation and numerous elements are outdated. The Authority welcomes booking “apps” which are beneficial to the customer.</p> <p>However, the legislation does not permit the use of PDA's working through GPS as taxi meters. The case law from Transport for London v Uber London Ltd [2015] suggests that GPS/PDA device is not a taxi meter.</p>	No change
4.2.2	Giles Bridge (a2z licensing) on behalf of Whitesides Taxis	<p>DBS Check</p> <p>Consider using an outside company to carry out DBS checks in order to speed up the process. Whiteside understand that this is currently under consideration by the Committee.</p>	Enquiries have been made with an outside provider and other options/providers are also being considered. The possibility of moving to external DBS checks will continue to be considered outside this policy.	No change
5.1		<p>Hackney vehicle</p> <p>Suggestion – increase maximum age at first registration for hackneys to 6 years and the maximum age before exceptional condition criteria apply to 14 years.</p> <p>The number of hackney carriage vehicles licensed by Fylde since 20011 has moved between 101 and 103 and now stands at 103. As a private hire operator who has a substantial number of hackney carriage vehicles on their fleet, Whiteside recognise that there is a need for more wheelchair accessible hackney carriage vehicles.</p>	There's 2 elements here. Firstly, it is not proposed to alter the maximum age at which we will consider licensing a vehicle. The maximum age at which a vehicle will be licensed at is 12 years, so hypothetically a vehicle could be submitted for licensing which is which is 11 years, 364 days.	No change

	<p>The current age policy, with a maximum vehicle age at firstly licensing of 2 years means that the costs of purchasing a wheel chair accessible hackney are too high: acting as a powerful disincentive to new hackneys joining the trade.</p> <p>The most appropriate wheelchair accessible vehicles are not the cheapest, because space in the rear compartment is important to ensure that the customer feels comfortable, safe and secure. As a consequence, Whitesides believe that a vehicle such as the VW Transporter/Caravelle is the most suitable for wheelchair use. These vehicles are expensive and require a large capital investment, especially from owner drivers. The price of a new VW Caravelle is £40,000. Good quality used Caravelle's are expensive and the cost of a good quality used vehicle for the following ages are: 2015 £30,000, 2012 £26,000, 2010 £23,000, 2008 £17,000, 2005 £14,500.</p> <p>There are cheaper vehicles: Mercedes Vito and Peugeot E7 are popular with the hackney trade as wheelchair accessible vehicles. A good quality Mercedes Vito registered in 2014 would cost approximately £25,000. A new Peugeot E7 costs £30,000.</p> <p>The reason why the number of hackney vehicles has remained stable is because the cost of a 2 year old vehicle too high for most potential owner drivers to be able to afford.</p> <p>Whiteside support the suggestion to increase the maximum age at first registration for hackneys, but feel that raising that age to 4 years is still too low. Blackpool and Preston have no maximum age for vehicles at first licensing, relying on the inspection at application to ensure that vehicles are appropriate for use. South Ribble Council have a maximum age of 6 years at first</p>	<p>However, the previous policy, when considering the granting of additional licences for wheelchair accessible vehicles (WAV's), a requirement was that the vehicle was less than 2 years old at the time of initial grant. It is proposed to amend this age restriction to 4 years.</p> <p>The intention is to encourage additional WAV's on to the fleet. Whilst initially take up was slow, within the past 12 months an additional 3 WAV's have been granted which would suggest that the interest is there.</p> <p>It is believed that relaxing the restriction to 4 years for new licences will attract more to the fleet. If this relaxation proves to be unsuccessful then a further relation to 6 could be considered. As referred to earlier, it should also be noted that applications should be considered on their individual merits.</p> <p>To summarise the approach regarding the licensing of new or replacement hackney carriages, for wheel chair accessible vehicles the vehicle should be no older than 4 years. For replacement hackney carriages outside the wheel chair policy, the vehicle should be no older than 12.</p> <p>The point is noted regarding vehicles that are older than 12 years on renewal and</p>	
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	<p>licensing for hackneys. South Ribble also accept that it is appropriate that the maximum age for hackneys his higher than for Private Hire vehicles.</p> <p>Setting the limit at 4 years, would require a capital investment of around£20,000, for a good quality wheelchair accessible vehicle which would have a working life of 8 years and the possible extension to that working life, if the exceptional condition criteria are met. A capital expenditure of £20,000 with a working life of 8 years equates to a cost to the driver of £2,500 per year or just under £50 per week. Most vehicles are purchased with a loan of 4 to 5 years, with interest, the cost to the driver per week over the loan period is considerably higher than £50 a week.</p> <p>Whiteside believe that a capital investment of £20,000 is too high to attract hackneys onto the fleet. What needs to be recognised is that the Fylde Council area is not a busy urban city, where hackney vehicles are constantly busy. The amount of work for hackneys is less than in city and more urban areas. This is demonstrated by the fact that most hackneys also carry out private hire work, to enable the driver to earn a reasonable living.</p> <p>Wheelchair accessible vehicles are manufactured with the expectation that they will have a long working life and do a considerable mileage, given the initial cost of the vehicle. Increasing the maximum age at first registration to 6 years, in line with South Ribble would be appropriate. Whiteside would also submit that the maximum age for hackneys before the exceptional condition criteria apply ought to be increased to 14 years, which is in line with Blackpool. Preston does not have a maximum age policy. A maximum age at first registration of 6 years and an age limit of 14 years</p>	<p>the Exceptional Quality Policy has been introduced to address this.</p>	
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5.5 Signage		<p>Signage Remove the requirement that hackney signs be illuminated.</p> <p>The key factor that differentiates a hackney vehicle from a private hire vehicle is the roof sign. This makes plain what is a hackney vehicle. There is no issue within the Fylde in contrast to many cities with plying for hire, which is why there is a requirement that it is easy to distinguish between a hackney vehicle and a private hire vehicle. This is evidenced by a Freedom of Information request which revealed the following. In 2015 the council received no complaints regarding plying for hire. In 2016 the council received 1 complaint of plying for hire, which did not result in a prosecution. Whiteside have used the same rooftop signage on the hackney vehicles on their fleet for the last 30 years. The signs used to be manufactured locally, but sadly that no</p>	<p>The point is well made and Authority is unable to confirm the absence of illuminated top signs has caused public safety concerns. The requirement to display a top sign remains and therefore the requirement for this to be illuminated will be removed.</p>	<p>Update policy to remove requirement for illuminated top sign.</p>

		<p>longer is the case. The signs are not capable of being illuminated. The signs are however part of the company brand and are well known within the borough. The signs carry out the function which is expected of them, that they readily identify the vehicle as a hackney vehicle, which is a Whiteside hackney and not a private hire vehicle. To replace all 60 of the hackneys which are part of the Whiteside fleet would cost £6,840, at a cost of £114 per roof top sign. Fylde Council have not had an issue with regard to these signs over previous years, even though they are not fully compliant with the council's policy. It makes sense now to adopt a policy that reflects the current situation with the hackney fleet and continues to ensure that the distinction between hackneys and private hire vehicles is clear. To make Whiteside change roof top signs, which have been in use for 30 years would be disproportionate. It is submitted that regard ought to be had for the Regulator's Code 1.1 avoid unnecessary regulatory burdens and 1.2 minimise negative economic impact of regulatory activities.</p>		
App J		<p>Hackney fares Change the basis of calculation and add a tariff for 5 to 8 passengers in MPV/minibuses.</p> <p>Private Hire Taxi Monthly (PHTM) no longer gives the fare for Tariff 2 in the monthly round up of fares across local authorities. So it would seem that in future consideration be given to the % increase in fare in relation to Tariff 1, which then would be applied to all tariffs.</p> <p>The policy as currently framed states that consideration is given to the fares as of each January. It is worthwhile noting that Fylde's Tariff 1 2 mile fare in PHTM has been recorded as being £5.70 since January 2013. In</p>	<p>It is correct that the PHTM only includes tariff one fares but it should be noted that when the policy was first introduced, the intention was not to compare the actual national average fare but rather the percentage by which the national average fares have increased.</p> <p>However, the point is well made and the policy will be amended to reflect this</p>	<p>Amend Policy in line with the suggestion.</p>

	<p>January 2013 the national average Tariff 1 2 mile fare was £5.50.</p> <p>In the January 2017 PHTM the national average Tariff 1 2 mile fare is now £5.72. The increase of 22 p in the national average fare from January 2013 to January 2017 is 4%, which would amount to an increase of 23 p on the Tariff 1 2 mile fare in the Fylde if applied now, increasing the fare from £5.70 to £5.93 using PHTM's figures for Fylde.</p> <p>It is suggested that the wording of be amended as follows:</p> <p><i>"In reviewing the scale of maximum fares to be charged locally, consideration will be given to the percentage by which the "National Average" of Tariff One, 2 mile journey fares (as published in Private Hire & Taxi Monthly magazine) increased since the fees were last increased by Fylde Council (i.e. January 2013 to January 2017). In general, this average percentage will constitute the maximum percentage increase in fares above which the authority would not generally consider any application for a tariff increase."</i></p> <p>The result would be that the fare increase would not be just looking back over the previous year, but the full period since the council had increased the fares.</p> <p>5-8 Passenger Tariff of 1.5 flag fare</p> <p>The council is requested to add a tariff for MPVs and minibuses when carrying 5-8 passengers of x1.5 of the flag fare, which a number of local authorities such as Brighton and Dover amongst others already charge. This would encourage the purchase of larger wheelchair accessible hackneys, which are premium vehicles and the most comfortable wheelchair accessible vehicles onto the fleet. It would also encourage groups of customers to use larger vehicles,</p>	<p>suggestion.</p> <p>Such a step would require further consideration and input from the trade and taxi using members of the public. It is therefore suggested that the point is noted and a working group involving members of the trade is established to review the level fares and the tariffs with a view to making a recommendation to a future meeting of the Public Protection</p>	<p>Further enquiries with stakeholders.</p>
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General		It is also submitted that when next considering the hackney carriage fares that consideration be given to increasing the amount of extras, such as additional passengers. These have remained at the same level for a number of years.	As above.	As above
4.2.5	Carol Gradwell, taxi user	Feels that the trade are unaware of the differences between the carriage of assistance dogs and those dogs which may be pets. States there is a real lack of awareness and is aware of instances where an assistance dog and its handler have been refused a hiring with the driver claiming they have an allergy.	Fylde Council have not issued any Exemption Certificates and therefore all drivers are required to convey all assistance dogs. We are not aware of any complaints regarding a refusal to convey assistance dogs but the point is noted and officers will look to raise awareness of this through the trade.	No Change