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## **REPORT OF THE TAXI LICENSING SUB-COMMITTEE**

### **1 REGULATING THE ISSUE OF HACKNEY CARRIAGE VEHICLE LICENCES**

- 1.1 This item of business was referred by the Taxi Licensing Sub-Committee on 7 July 2005 to the Environmental Services Committee with a number of recommendations relating to proposals by the hackney carriage trade to limit the further issue of hackney carriage vehicle licences. A copy of the officer's report to the Sub-Committee is attached at Appendix 1.
- 1.2 The Sub-Committee invited trade representatives present at the meeting on 7 July to comment on the proposals.
- 1.3 The Sub-Committee felt that there should be no re-introduction of a three year probation period or a requirement that all hackney carriage drivers live within a three mile radius of the District. The proposals relating to proprietors holding hackney carriage drivers' licences and suggested provisions relating to wheelchair accessible vehicles were endorsed.
- 1.4 It is proposed that the Committee **RESOLVES**
- (1) That there be no re-introduction of a three year probation period relating to the issue of hackney carriage vehicle licences.
  - (2) That there be no requirement for all new hackney carriage proprietors to live within a three mile radius of the District.
  - (3) That all hackney carriage proprietors must hold a hackney carriage driver's licence.
  - (4) That all new hackney carriage vehicle licences issued be to purpose built wheelchair accessible vehicles only.
  - (5) That the age limit for purpose built wheelchair accessible vehicles be reduced to no more than 6 years old when first licensed, with an upper age limit of 12 years. (HRHM)

Sarah Fowler

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**Background Papers:-**

None

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## **REGULATING THE ISSUE OF HACKNEY CARRIAGE VEHICLE LICENCES**

### **1 SUMMARY**

- 1.1 This report is for Members to consider proposals by the Hackney Carriage trade to limit the further issue of hackney carriage vehicle licences.
- 1.2 At a meeting of the Taxi Licensing Sub Committee on 1 February 2005 representations were made to Members by Mr Richmond of Hockley Taxi. His presentation was based on reintroducing the three-year probation period, to slow the further issue of plates. This was supported by the Hackney Carriage Drivers Association and the Association of Circuit Company Owners in the Rochford District. Members requested that a detailed report on this subject be presented at their next scheduled meeting.

### **2 INTRODUCTION**

- 2.1 For the past two years the taxi trade have urged the Council to restrict the number of hackney carriage vehicle licences that are issued. The trade are seeing more and more vehicles licensed, which means fewer spaces on the taxi ranks to ply for hire. They have also complained that the work has decreased and they are earning less now than 5 years ago.
- 2.2 In the past four years the number of hackney carriage vehicle licences has slowly risen and has now reached 218. When this Council recovered the Taxi Licensing function from Southend-on-Sea Borough Council in December 1998 there were only 116 Hackney Carriage vehicle licences. This current number is high in comparison to neighbouring Authorities as Rochford is a semi rural district with no large supermarkets or evening entertainment venues.
- 2.3 The previous hackney carriage vehicle licence conditions stated that a licensed driver was required to have held a hackney carriage drivers licence for a period of three years before applying for a hackney carriage plate. This condition was called the three-year probation period and restricted the number of plates that were issued. However, this was removed following the comprehensive review of the licence conditions back in 2001.
- 2.4 A survey was conducted within the trade to determine the level of support to restrict the further issue of additional hackney carriage vehicle licences and how this could be achieved. Local Authorities in Essex were also contacted to determine how they controlled the number of hackney carriage vehicle licences issued in their district, for comparisons. These are both covered later in the report.
- 2.5 If members were in mind to restrict the further issue of hackney carriage vehicle licences, new and existing drivers may still obtain a vehicle licence under the private hire regulations. A private hire vehicle must also be

licensed with the Council in a similar way to hackney carriages. However all the work accepted by the driver must be pre-booked. Private hire vehicles are not available for immediate hire and must not wait on taxi ranks, this in turn will not add to the further congestion on the already overflowing taxi ranks. The legislation does not allow Local Authorities to restrict the number of private hire vehicle licences it issues.

### **3 DEMAND FOR SERVICES**

- 3.1 To determine demand a Local Authority must appoint an independent consultant to conduct a survey to establish whether or not there is an unmet demand for hackney carriage services. If demand is shown the survey will recommend the number of hackney carriage vehicle licences to be issued. If there is no demand the survey will recommend that no further hackney carriage licences are required. If the area were over subscribed with vehicle licences the survey would not comment on by how many.
- 3.2 Local Authorities must decide on a policy of whether to limit or delimit the number of hackney carriage vehicle licences they issue, within their district and there are strong arguments for and against. An unregulated free for all in the provisions of hackney carriage services is not recommended, this will lead to congestion and an unacceptable high number of vehicles. However provided quality control remains in place the market should find the level of numbers of hackney carriages, which an area can sustain.
- 3.3 Rochford has never completely limited numbers, however prior to 2001 they combined delimitation with conditions to slow the issue of hackney carriage vehicle licences by attaching conditions. These conditions were that additional plates would only be issued to drivers that had held their hackney carriage drivers licence with the Council for at least three years. There has been a significant increase in the number of Hackney carriage vehicle licences issued since this condition was removed.
- 3.4 The legislation is clear in that Local Authorities may choose limitation or delimitation of hackney carriage vehicle licence numbers and attach any reasonable condition to the licence. However the legislation does not give Local Authorities the discretion to reduce the number of hackney carriage vehicle licences by revocation, if it felt that there was an over supply.
- 3.5 Council's must ensure that taxis, licensed by them, are provided with appropriate areas for them to ply for hire. However it would be unreasonable to expect a space on the rank for each vehicle licensed. There are 7 taxi ranks in the district, three of which are in the main town centres of Rayleigh, Rochford and Hockley providing just 26 spaces. There are additional ranks at the railway stations, which are operated by National Express, drivers are charged a fee to operate from these ranks, which are on private property.

#### **4 CONSULTATION**

- 4.1 In March 2005, Council Officers met with both Taxi Associations and driver representatives to discuss how the licence conditions could be amended to limit the further issue of hackney carriage vehicle licences.
- 4.2 Neighbouring Authorities have been contacted for comparisons, which has highlighted that Rochford has the second highest number of hackney carriage vehicles and the lowest number of private hire vehicles in Essex and is therefore out of proportion with other Authorities. A full copy of the comparisons is shown at **Appendix A**.

#### **5 QUESTIONNAIRE**

- 5.1 In the last edition of the Council's Taxi Newsletter a questionnaire was enclosed for drivers to respond to the suggestions that had been raised, on how to reduce or limit the number of additional hackney carriage vehicle licences issued.
- 5.2 A high number of questionnaires were returned which would indicate the level of feeling in the trade on this matter. The results of the survey are attached at **Appendix B**.
- 5.3 The questionnaire also gave the taxi trade the opportunity to comment further, copies of these together with their suggestions were placed in the Members Library.
- 5.4 There were many additional suggestions made by the taxi trade, these were to reduce the number of hackney carriage plates by revoking current licences and to restrict the working hours of part-time drivers. The Council must ensure that any new conditions introduced are both lawful and enforceable and these suggestions are neither.

#### **6 RISK IMPLICATIONS**

- 6.1 Council should ensure that they maintain a fine balance between there being sufficient vehicles to match demand and not to allow too many vehicles to create high levels of competition amongst proprietors as this could lead to a deterioration in the quality of maintenance of vehicles.

#### **7 LEGAL IMPLICATIONS**

- 7.1 The legislation covering the licensing of hackney carriage and private hire vehicles and drivers is comprehensive and must be considered before changes to the Councils licence conditions are made. If Members were to approve any of the proposals and amend the conditions a licensed driver would have a right to appeal.

**8 RECOMMENDATION**

8.1 It is proposed that the Sub Committee considers the following proposals submitted by the taxi trade, to reduce the further issue of hackney carriage vehicle licences and to make recommendations to the Environmental Services Committee.

Members must consider that if any of the following proposals are recommended that they be introduced within a reasonable timescale and it is suggested that a suitable period would be 4 weeks from the date of the Committee meeting when a final decision is made.

- (1) That a three year probation period be reintroduced (this is where a licensed drivers with Rochford Council may only apply for a hackney carriage vehicle licence once he has completed 3 years in the trade).
- (2) That all new hackney carriage proprietors should live within a three-mile radius of the district.
- (3) That all hackney carriage proprietors must hold a hackney carriage drivers licence.
- (4) That all new hackney carriage vehicle licences issued be to purpose built wheelchair accessible vehicles only.
- (5) That when transferring the interest of a hackney carriage vehicle licence it should only be transferred to a driver that has completed the three-year probation period.
- (6) That the age limit for purpose built wheelchair accessible vehicles be reduced to no more than six years old when first licensed and have an upper age limit of 12 years.

Steve Clarkson

Head of Revenue and Housing Management

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**Background Papers:-**

Hackney Carriage Licence Conditions

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APPENDIX A

	HACKNEY CARRIAGE VEHICLE LICENCES	PRIVATE HIRE VEHICLE LICENCES	RESTRICTION ON NUMBERS OF H.C.V. LICENCES ISSUED	RESTRICTION ONLY WHEELCH. VEHICLES FOR NEW H.C.V.L.	CAN NON LICENSED DRIVERS BE H.C. PROPRIETORS	PROBATION PERIOD FOR A NEW DRIVER TO BECOME A PROPRIETOR	PROPRIETORS MUST LIVE WITHIN 3 MILE RADIUS
BASILDON	106	411	YES	YES	YES	NO	NO
BRENTWOOD	187	94	NO	NO	YES	2 YEARS	NO
CASTLE POINT	127	124	YES	NO	NO	3 YEARS	NO
CHELMSFORD	114	172	YES	YES	YES	NO	NO
COLCHESTER	113	347	YES	YES	YES	NO	NO
HARLOW	71	180	NO	YES	YES	NO	NO
ROCHFORD	218	22	NO	NO	YES	NO	NO
SOUTHEND	232	212	YES	YES	NO	3 YEARS	YES
UTTLESFORD	28	357	NO	NO	YES	NO	NO

APPENDIX B

**QUESTIONNAIRE RE PROPOSED CHANGES TO THE LICENCE CONDITIONS**

	<u>YES</u>	<u>NO</u>
1 Do you agree with a three-year probation period for new hackney carriage drivers? (May not apply for a hackney carriage vehicle licence with Rochford District Council for 3 years)	98	2
2 Do you agree that all new hackney carriage proprietors should live within a three-mile radius of the district? <i>(Therefore able to give a better service of local information)</i>	85	18
3 Do you agree that only hackney carriage licensed drivers should hold hackney carriage vehicle licences? <i>(Therefore able to maintain the vehicle more affectively)</i>	95	4
4 Do you agree that all new hackney carriage vehicle licences should be purpose built wheelchair accessible vehicles only? <i>(Therefore supporting the forthcoming Disability Discrimination Act by providing a greater number of suitable vehicles and a wider choice)</i>	53	45
5 Do you agree that when transferring the interest of a hackney carriage vehicle licence it should only be to a driver that has passed the three-year probation period? <i>(Therefore ensuring that all new hackney carriage vehicle licencees have passed the probation period)</i>	95	4
6 Do you agree that the age limit for purpose built wheelchair accessible vehicles should be reduced to no more than six years old when first licensed but have a licence life of up to 12 years? <i>(Therefore ensuring that the standard of new hackney carriage vehicles is raised as the age limit at present is 8 years)</i>	82	16