



Democratic Support

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TAXI LICENSING COMMITTEE

Thursday 16 April 2015
10.00 am
Council House, Plymouth (Next to the Civic Centre)

Members:

Councillor Jarvis, Chair
Councillor Bowie, Vice Chair
Councillors Mrs Foster, Fry, Mrs Nicholson, Rennie and Singh.

Members are invited to attend the above meeting to consider the items of business overleaf.

Tracey Lee
Chief Executive

TAXI LICENSING COMMITTEE

AGENDA

PART I – PUBLIC MEETING

1. APOLOGIES

To receive apologies for non-attendance submitted by Committee Members.

2. DECLARATIONS OF INTEREST

Members will be asked to make any declarations of interest in respect of items on this agenda.

3. MINUTES

(Pages 1 - 4)

To confirm the minutes of the meeting held on 19 February 2015.

4. CHAIR'S URGENT BUSINESS

To receive reports on business which, in the opinion of the Chair, should be brought forward for urgent consideration.

5. APPEAL CASES

The Committee will be provided with the results of the judgement on appeal cases that went to Court.

6. CONSIDERATION IN PRINCIPLE TO DEPART FROM THE COUNCIL'S CURRENT LICENSING POLICY IN RESPECT TO THE MAXIMUM HACKNEY CARRIAGE VEHICLE LENGTH OF 5000 MM - C R WILDMAN **(Pages 5 - 22)**

The Director of Public Health will submit a report for consideration in principle to depart from the Council's current licensing policy in respect to the maximum hackney carriage vehicle length of 5000mm.

7. EXEMPT INFORMATION

To consider passing a resolution under Section 100A(4) of the Local Government Act 1972 to exclude the press and public from the meeting for the following item(s) of business on the grounds that it (they) involve(s) the likely disclosure of exempt information as defined in paragraph(s) 1, 2 and 3 of Part 1 of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

PART II - PRIVATE MEETING

AGENDA

MEMBERS OF THE PUBLIC TO NOTE

that under the law, the committee is entitled to consider certain items in private. Members of the public will be asked to leave the meeting when such items are discussed.

8. CONFIDENTIAL MINUTES (Pages 23 - 26)

To confirm the confidential minutes of the meeting held on 19 February 2015.

**9. REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE - VJF (Pages 27 - 32)
(EI, 2 AND 3)**

The Director of Public Health will submit a report on a private hire driver's review of licence status.

**10. REVIEW OF A HACKNEY CARRIAGE DRIVER'S LICENCE (Pages 33 - 44)
- MH (EI, 2 AND 3)**

The Director of Public Health will submit a report on a hackney carriage driver's review of licence status.

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Taxi Licensing Committee

Thursday 19 February 2015

PRESENT:

Councillor Jarvis, in the Chair.

Councillor Bowie, Vice Chair.

Councillors Mrs Foster, Fry, Mrs Nicholson, Rennie and Singh.

Also in attendance: Sharon Day (Legal Officer), Steve Forshaw (Licensing Officer) (pm only), Mark Small (Licensing Officer) (am only) and Lynn Young (Democratic Support Officer).

The meeting started at 10.00 am and finished at 4.18 pm.

Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.

113. DECLARATIONS OF INTEREST

Councillor Jarvis declared a personal interest part way through the meeting because he knew the representative for NPM.

114. MINUTES

Agreed that the minutes of the meeting held on 22 January 2015 are confirmed as a correct record.

115. CHAIR'S URGENT BUSINESS

There were no items of chair's urgent business.

116. APPEAL CASES

The committee was advised that there had been no appeal cases since the last meeting.

117. EXEMPT INFORMATION

Agreed that under Section 100A(4) of the Local Government Act 1972, to exclude the press and public from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1, 2 and 3 of Part 1 Schedule 12a of the Act, as amended by the Freedom of Information Act 2000.

118. CONFIDENTIAL MINUTES (E1, 2 AND 3)

Agreed that the confidential minutes of the meeting held on 22 January 2015 are confirmed as a correct record.

119. **APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE DRIVER'S LICENCE - AJR (EI, 2 AND 3)**

The committee –

- (a) considered the report from the Director of Public Health;
- (b) heard from AJR;
- (c) took the above report and all that was said by AJR into consideration.

The committee agreed to grant AJR's application for a hackney carriage driver's licence subject to him producing a medical certificate confirming he is fit to Group II medical standards before his licence is issued and subject also to him successfully completing the VRQ in Transporting Passengers by Taxi and Private Hire or equivalent within the first 12 months of being licenced unless he produces proof that he has already completed that qualification.

120. **APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - NJR (EI, 2 AND 3)**

The committee –

- (a) considered the report from the Director of Public Health;
- (b) heard from NJR;
- (c) took the above report and all that was said by NJR into consideration.

The committee agreed to grant NJR's application for a private hire driver's licence subject to him completing all the usual pre-requisites before his licence is issued and subject also to him successfully completing the VRQ in Transporting Passengers by Taxi and Private Hire or equivalent within the first 12 months of being licenced.

121. **APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - PSB (EI, 2 AND 3)**

The committee –

- (a) considered the report from the Director of Public Health;
- (b) heard from PSB;
- (c) took the above report and all that was said by PSB into consideration.

The committee agreed to grant PSB's application for a private hire driver's licence subject to him completing all the usual pre-requisites before his licence is issued and subject also to him successfully completing the VRQ in Transporting Passengers by Taxi and Private Hire or equivalent within the first 12 months of being licenced.

122. **APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - NAH (EI, 2 AND 3)**

The committee –

- (a) considered the report from the Director of Public Health;
- (b) heard from NAH;
- (c) heard from NAH's representative;
- (d) took the above report and all that was said by NAH and his representative into consideration.

The committee agreed to grant NAH's application for a private hire driver's licence subject to him completing all the usual pre-requisites before his licence is issued and subject also to him successfully completing the VRQ in Transporting Passengers by Taxi and Private Hire or equivalent within the first 12 months of being licenced.

123. **REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE - NPM (EI, 2 AND 3)**

The committee –

- (a) considered the report from the Director of Public Health;
- (b) heard from NPM;
- (c) heard from NPM's representative;
- (d) took the above report and all that was said by NPM and his representative into consideration.

The committee agreed that having taken the above into account to suspend NPM's private hire driver's licence for a period of six days under Section 19(1)(b) of the Plymouth City Council Act 1975. A warning has also been issued which will remain on his file indefinitely and will be brought to the committee's attention if he appears before them again. He would also be required to successfully complete a VRQ in Transporting Passengers by Taxi and Private Hire or equivalent within the next 12 months unless he is able to produce evidence confirming that he has already successfully completed this qualification.

(Please note: there is a confidential part to this minute)

(Councillor Jarvis declared a personal interest in this agenda item)

124. **REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE - APG (EI, 2 AND 3)**

The committee –

- (a) considered the report from the Director of Public Health;

- (b) heard from AJG;
- (c) took the above report and all that was said by AJG into consideration.

The committee agreed that having taken the above into account to suspend APG's private hire driver's licence for a period of five days under Section 19(1)(b) of the Plymouth City Council Act 1975. Further APG was required to produce a copy of his NVQ/VRQ in Transporting Passengers by Taxi or Private Hire or equivalent.

(Please note: there is a confidential part to this minute)

Plymouth City Council

Subject: Consideration in principle to depart from the Council's current licensing policy in respect to the maximum hackney carriage vehicle length of 5000mm.

Committee: Taxi Licensing Committee

Date: 16 April 2015

Cabinet Member: Councillor Coker

CMT Member: Kelechi Nnoaham (Director of Public Health)

Author: David Hughes (Senior Licensing Officer)

Contact: Tel: 01752 304271
e-mail: david.hughes@plymouth.gcsx.gov.uk

Ref: ERS/LIC/DJH/crw

Key Decision: No

Part: I

Purpose of the report:

For Members of the Committee to consider a request from Mr C R Wildman to depart from the Council's existing Hackney Carriage and Private Hire Licensing Policy in respect to a vehicle which will exceed the maximum hackney carriage vehicle length of 5000mm, having due regard for the information contained within the report, and any representations made by Mr Wildman.

The Brilliant Co-Operative Council Corporate Plan 2013/14 – 2016/17 as amended by the four new priorities for the City and Council:

This report links to the delivery of the City and Council priorities.

In particular:

Growing Plymouth: By economic prosperity through an efficient public transport network.

Caring Plymouth: Providing consumer confidence and accessible transport.

**Implications for Medium Term Financial Plan and Resource Implications:
Including finance, human, IT and land**

Not applicable.

Other Implications: e.g. Child Poverty, Community Safety, Health and Safety, Risk Management:

Members should be aware that Section 17 of the Crime Disorder Act 1998 put a statutory duty on every Local Authority to exercise its various functions with due regard to the need to do all that it reasonably can do to prevent crime and disorder in its area.

Equality and Diversity

Has an Equality Impact Assessment been undertaken? No

Recommendations and Reasons for recommended action:

1. Confirm in principle the departure from the Hackney Carriage and Private Hire Licencing Policy and to delegate authority to officers the ability to grant a licence to a vehicle of the length, make and modifications detailed in this report provided the vehicle also complies with all other vehicle specification and testing addendum qualifying criteria when formal application is made

Reason:

A hackney carriage vehicle licence cannot be granted until an actual vehicle is presented for licencing so an indication of whether a longer vehicle will be acceptable is requested prior to sourcing the vehicle

2. Refuse permission and await the outcome of the licensing policy public consultation;

Reason:

This would maintain the present position with the Hackney Carriage and Private Hire Licensing Policy

Alternative options considered and rejected:

None.

Published work / information:

None.

Background papers:

None.

Sign off:

Fin		Leg	AG/22671/1 .4.15	Mon Off		HR		Assets		IT		Strat Proc	
Originating SMT Member													
Has the Cabinet Member(s) agreed the contents of the report? No													

Report

1. Mr Christopher Russell Wildman is a licensed hackney carriage driver who is the proprietor of a licensed hackney carriage Fiat Scudo JTD EL SWB; Plate number 599; VRN GV54 WKE. This vehicle has been licenced by Mr Wildman since the 30 November 2009 and the current vehicle licence is due to expire on the 13 December 2015. This vehicle requires replacement to comply with the Council's vehicle emissions policy in that from the 1 April 2015 onwards all vehicles licensed by the council must be Euro 4 technology compliant.
2. On the 16 February 2015 we received a written request from Mr Wildman to depart from the Council's existing Hackney Carriage and Private Hire Licensing Policy in respect to the maximum hackney carriage vehicle length of 5000mm together with a letter of support these letters are attached marked as appendix I. The reason for this request is that Mr Wildman has been reviewing options to replace his existing vehicle and he has indicated that he has not been able to identify a compliant replacement vehicle that will suit his own individual ergonomic needs in respect to his height.
3. The Council has applied a vehicle length maximum limit for a considerable period of time as a means of protecting the number of vehicles that can access limited space available on appointed ranks throughout the city. The increasing popularity of Euro Style vehicles, on the grounds of cost and adaptability has brought this limit into focus over the last few years.

No maximum length limit applies to private hire vehicles.

4. We currently have the benefit of 52 appointed ranks located throughout the City that provide a total of 260 rank spaces for a fleet of 367 licensed hackney carriages. The ranks vary in size and popularity to the extent that drivers regularly complain that there are not sufficient rank spaces in the prime locations.

Officers regularly review rank provision throughout the City to ensure that the needs of the travelling public are best served to provide a convenient, affordable, flexible transport service. This is not easy as there are always competing demands for available parking space for residents, pay & display, business & customers, loading & unloading. Ranks have been constructed allowing 5m per vehicle rank space therefore a 6 vehicle rank is lined at 30m. The increasing popularity of Euro-style vehicles has placed pressure on the number of vehicles that can access existing ranks as these newer style vehicles are longer than older styles of vehicles and are now approaching the maximum limit of 5m per vehicle.

5. Mr Wildman has submitted evidence that suggests that his existing licensed vehicle is of a non-standard design in respect to the size of the driver compartment and this has been one of the reasons why Mr Wildman has been able to continue driving. Mr Wildman has also submitted evidence to suggest that the dimension of the driver compartments for Short (SWB) and Long (LWB) wheelbase vehicles are the same and it is only the rear passenger compartment is

extended. Therefore to achieve a satisfactory ergonomic driving position the driving compartment of a LBW Ford Tourneo Custom Titanium has sufficient space to enable the driver compartment to be extended without compromising the space available in the rear passenger compartment.

6. Officers have viewed a LWB Ford Tourneo Custom Titanium (prior to conversion) in the company of Mr Wildman and the vehicle supplier in order to discuss the bespoke works that would be required. Essentially the conversion would reshape the bulkhead by moving the section behind the driver seat out by approximately 18cms to suit the ergonomic needs of Mr Wildman and conversely moving the section behind the passenger seat inwards by approximately 18cms (rendering the passenger seat redundant and would be removed) to provide an improved access from the kerbside for wheelchair users. In addition the false floor containing the access ramp would be removed in favour of using telescopic ramps. This will provide additional head clearance for tall passengers accessing the vehicle. Please find attached photographs marked appendix 2.

Most Euro style vehicles offer a SWB and LWB version, where prior to conversion to a hackney carriage, the longer LWB option offers more luggage space. This extra space would be used to accommodate the proposed conversion.

7. Mr Wildman has requested that he be permitted in principle to proceed in sourcing a LWB Ford Tourneo Custom Titanium L2 model (length 5339mm) that falls outside the Council's existing specifications, which following conversion would then be licensed subject to the vehicle complying with all other aspects of licensing policy.
8. Mr Wildman has indicated that a timely decision is required rather than wait the outcome of the public consultation. This is due to the mechanical condition of his existing licensed vehicle, the lead in period required to construct a bespoke vehicle and his desire to retain employment as a hackney carriage driver.
9. The Council is due to carry out a public consultation on the measures to be taken to revise and update its licensing policy. We intend to include a general question on whether the maximum vehicle length for hackney carriages should be retained. It is not anticipated that the new licensing policy will be adopted by Full Council until the end of this year.
10. Officers have recently identified ten LWB vehicles which were wrongly licensed as licensed hackney carriages. Despite specific reference to vehicle length in the testing addendum these vehicles passed through compliance and were therefore licensed. Due to the small number of vehicles an operational decision was agreed to allow these vehicles to remain within the fleet and be removed by way of natural wastage. This decision was primarily based on the fact that there were no passenger safety issues. All testing stations have been warned as to their future conduct and to apply the testing addendum in respect to vehicle length and all other matters as specified.

11. The Council has powers contained in the Plymouth City Council Act 1975, Plymouth City Council Act 1987 and the Town Police Clauses Act 1847 to attach conditions to a hackney carriage vehicle licence as is considered necessary and also set requirements as to the make, design or appearance of the vehicle. Appendix D of the policy sets out the conditions of licence and specifies at paragraph one that the vehicle shall comply with the specifications contained in the Council's 'Specifications for Hackney Carriage Vehicles' (Appendix P) and the "Testing Addendum"
12. The overriding principle adopted by the Council is that each application will be considered on its own merits and any request to depart from its existing policy requires permission from Members. Members are requested to note that this request is one of principle only and as no vehicle has been presented and no formal application for licence is being made at this time.

General Policy

The Council's Hackney Carriage and Private Hire Licensing Policy states that the Council will carry out its Hackney Carriage and Private Hire licensing function with a view to promoting stated objectives. Members must therefore ensure that they consider those objectives when forming a decision.

The licensing objectives are as follows:

1. Safety and health of drivers and the public – e.g.
 - Consideration of history of convictions and actions,
 - driver training, qualification and performance,
 - health and fitness to fulfil the role and crime prevention measures.
 2. Vehicle safety, comfort and access
 3. To prevent crime and disorder and to prevent and to protect consumers – e.g.
 - commitment to work with the police and licensing authorities
 4. To encourage environmental sustainability.
-
13. Mr Wildman has been invited to attend this Licensing Committee in order that his request may be considered.

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16th February 2015

Replacement of Vehicle – HCVL 599

Dear Sir,

I am fully aware of the vehicle conditions as made by Plymouth City Council. I am also aware of the maximum length of 5 meters.

As I am sure you are aware, I am taller than average. At 6ft 4in I do not consider myself a giant, but it does give me a problem as a Taxi Driver. Whilst driving most vehicles is not a problem for short periods, prolonged bad posture does give me back and leg problems.

To my chugrin I find that the providers of Taxis can't provide an "Off the shelf" solution for me. One provider is prepared to make a bespoke vehicle to give me the required space in the drivers position. Whilst the preferred vehicle would be under the 5 meters requirement, it may then produce a restricted space in the passenger compartment as the flip seat behind the driver would also move back.

I am renowned amongst Taxi Drivers, Licensing Officers and the Disabled as the Driver with the "Can do" attitude towards the wheelchair bound passengers. I am keen to retain this position.

I have asked the provider to do the following:

The conditions in Plymouth are here <http://www.plymouth.gov.uk/homepage/transportandroads/publictransport/taxilandprivatehirehackneycarriagevehiclespecifications.htm> and you will see on the first page the 5M maximum vehicle length.

I will go with my tape measure to 2 of my most awkward Wheelchair users and ask if I can measure them. One is tall, the other fairly prone - so pretty long. This will take a while.

I would prefer 2 (long) telescopic ramps, even if it means keeping those that I have got. Under floor ramps, whilst easier to use can be too short to reduce the angle to get passengers in and out. They also reduce headroom by 2 inches or more.

I would like forward and backward facing options for wheelchair users, some with Carer's prefer or need rear facing, most prefer forward. Wheelchairs will have to be on the nearside, moving the screen back may prevent prams and the like unloading on the offside, this is a problem I have currently and I can continue to deal with.

With regard to ambulant access, I prefer full width steps and I also prefer Manual and not electric options. Running boards are allowed but I do not like them.

I do not want a meter but I do want the loom fitted and ready.

I will make a written application to exceed the 5m maximum length. Next meeting of the Council Committee is 19 March (too late for this Thursday) and I will know on that day if I can have the LWB.

It is possible that the SWB would still be suitable, if the tip seat behind me is far enough away from the rear seat. I am happy for the Bandit Screen to come forward on the passenger side to accommodate two flip seats and at the same time to allow wheelchair access and turning room. This would be achieved by an exaggerated "S" bend. I realise that the anchor points for the screen would have to be the door pillars.

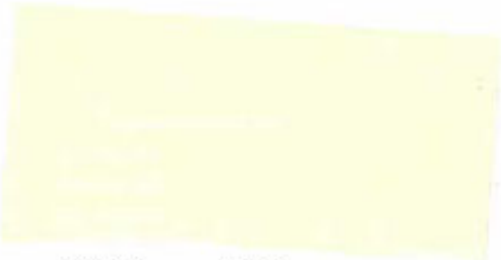
Thanks for your time on this, I really hope we can do business.

You will note that I am trying to accommodate even more wheelchairs than I do currently by moving the screen forward on the nearside. You can also see that I would prefer the SWB option. I do need the agreement in principle for the LWB however, this vehicle would be 5.34M and I would therefore request that my application be heard on its own merit by the Taxi Committee if devolved powers do not permit your Office taking the decision.

Yours faithfully,



Christopher R Wildman,
Plymouth Hackney Driver H0919.



19th February, 2015.

Reference:- Replacement of Vehicle – HCVI. 599

Dear Mr. Hughes,

I am writing to you at the request of Mr. Christopher Wildman in regard to his application for a replacement taxi.

Chris, unfortunately is trying to resolve three issues that are at odds with each other. First a driving position that can accommodate his height in a safe and comfortable manner; secondly a passenger compartment that will accommodate people with a wide diversity of disabilities and finally, if possible, meet these aspirations within the Council's requirement that taxis do not exceed 5 metre in length.

As a full time wheelchair user I need taxis that are capable of accommodating my prone posture in either a forward or rearward position with both the wheelchair and myself properly strapped down. Currently Chris's taxi meets my need. If, however, this was reduced then I would be unable to travel by taxis. Naturally I find that prospect very concerning.

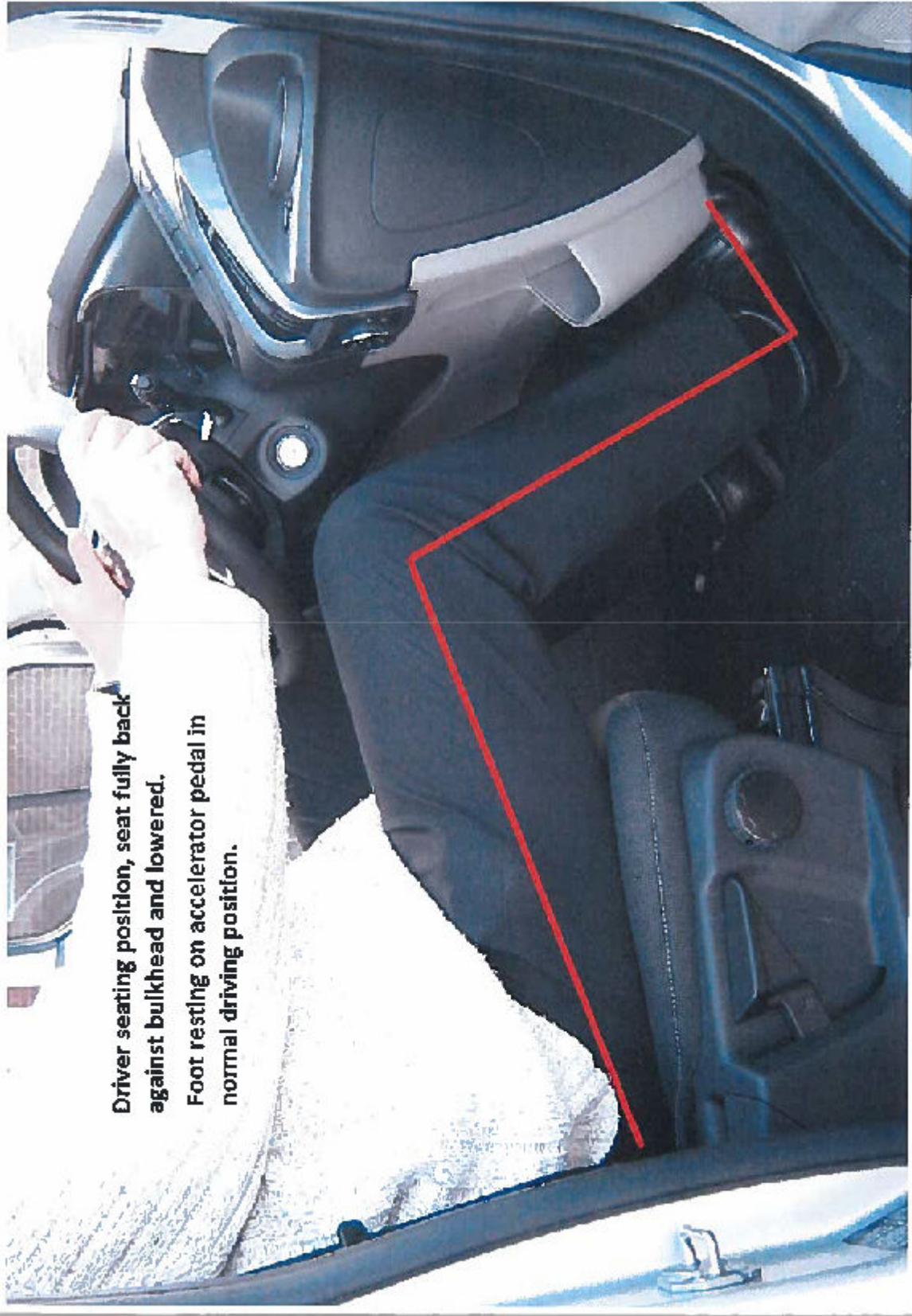
I have known Chris for some years and never doubted his professionalism and competence. His choice of using long channelled ramps has given him a mechanical advantage when loading clients who use wheelchairs, particularly if they are heavy or have some particular need, it also ensures that the wheelchairs passes smoothly into the compartment.

It is recognised that no two disabilities are the same; each requiring help that is individual to the particular individual. I fully support Chris's application for a bespoke taxi because it fits the same logic and, if permitted, would enable the widest range of people with disabilities to travel by taxi.

Yours Sincerely,

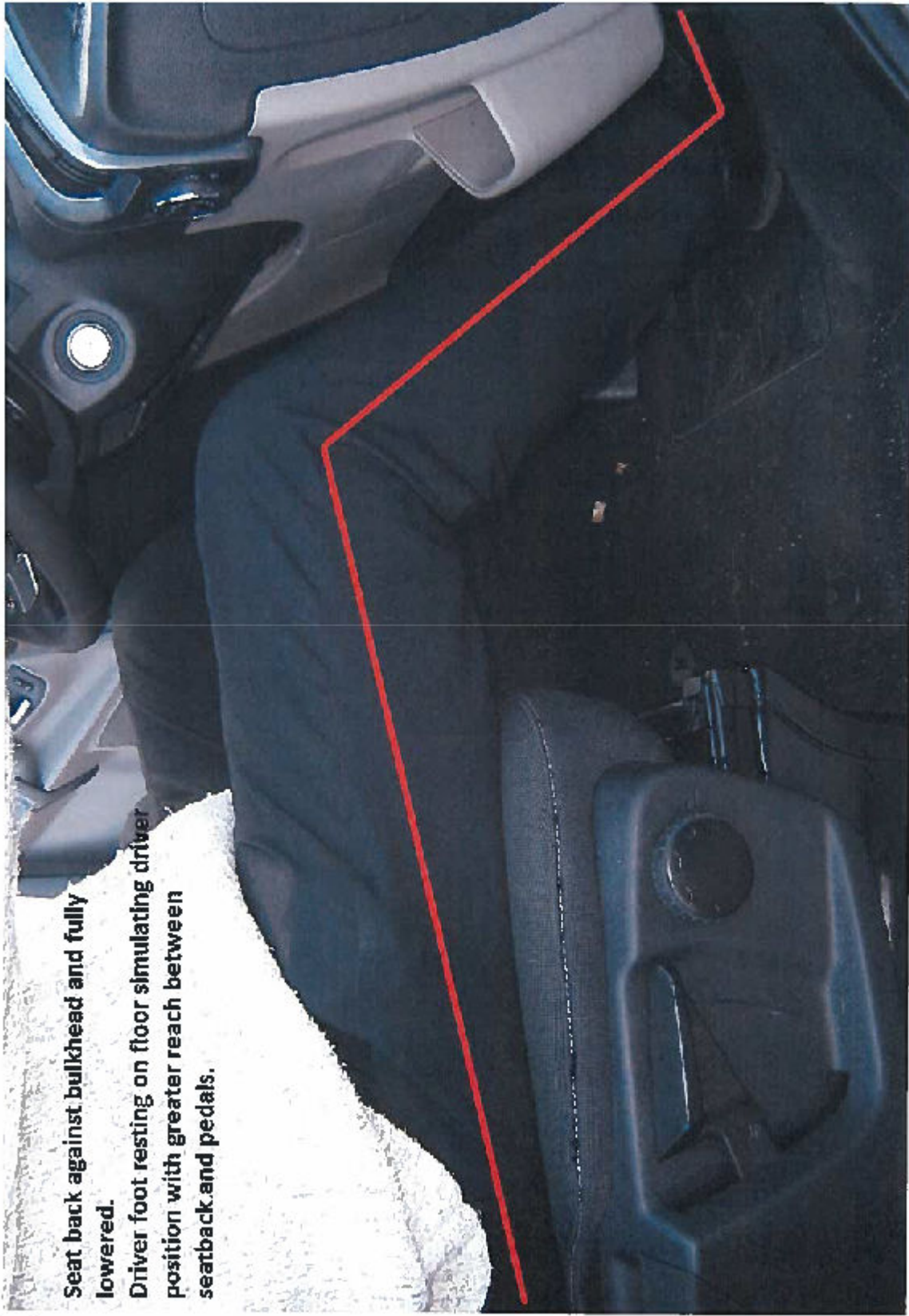


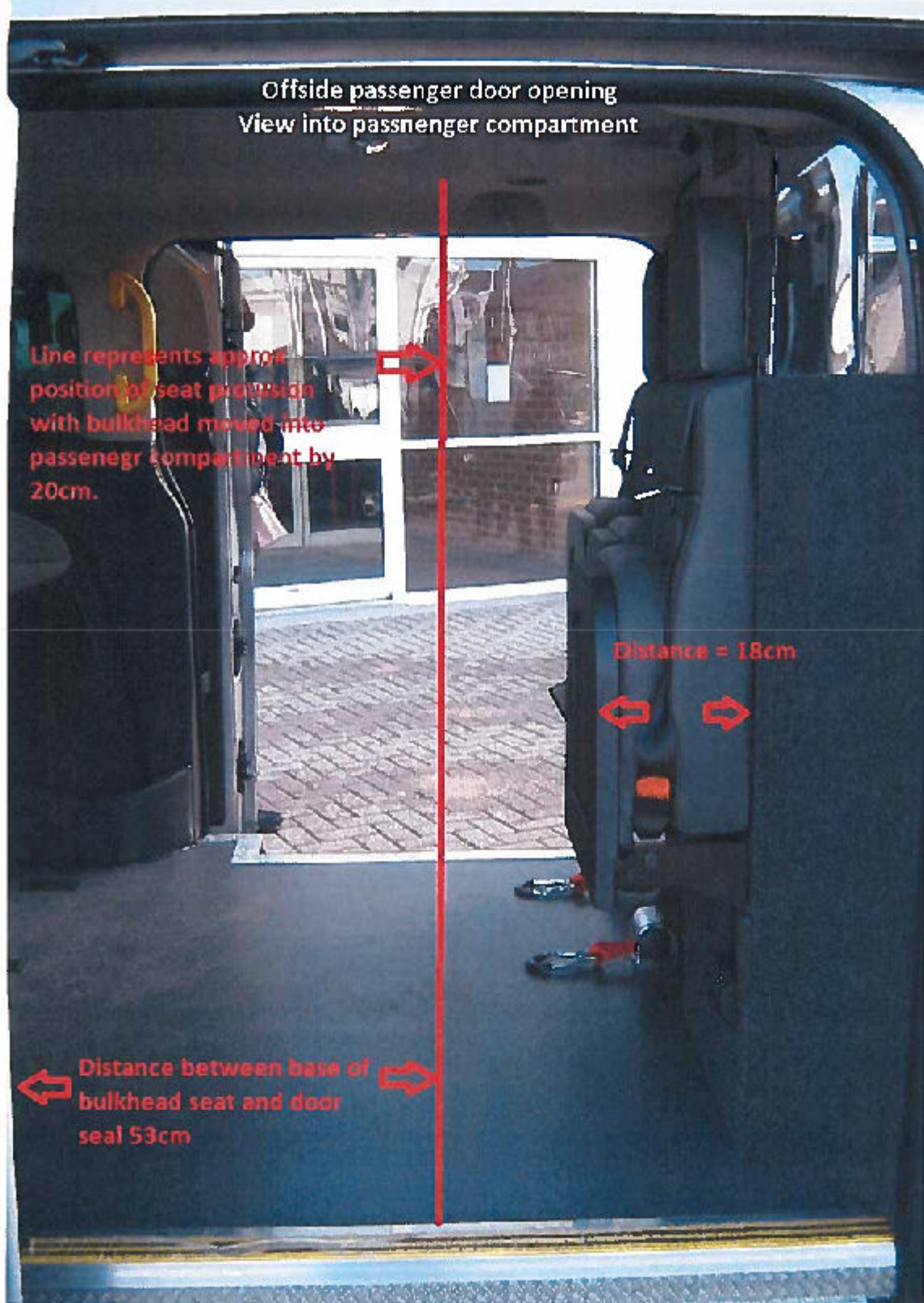




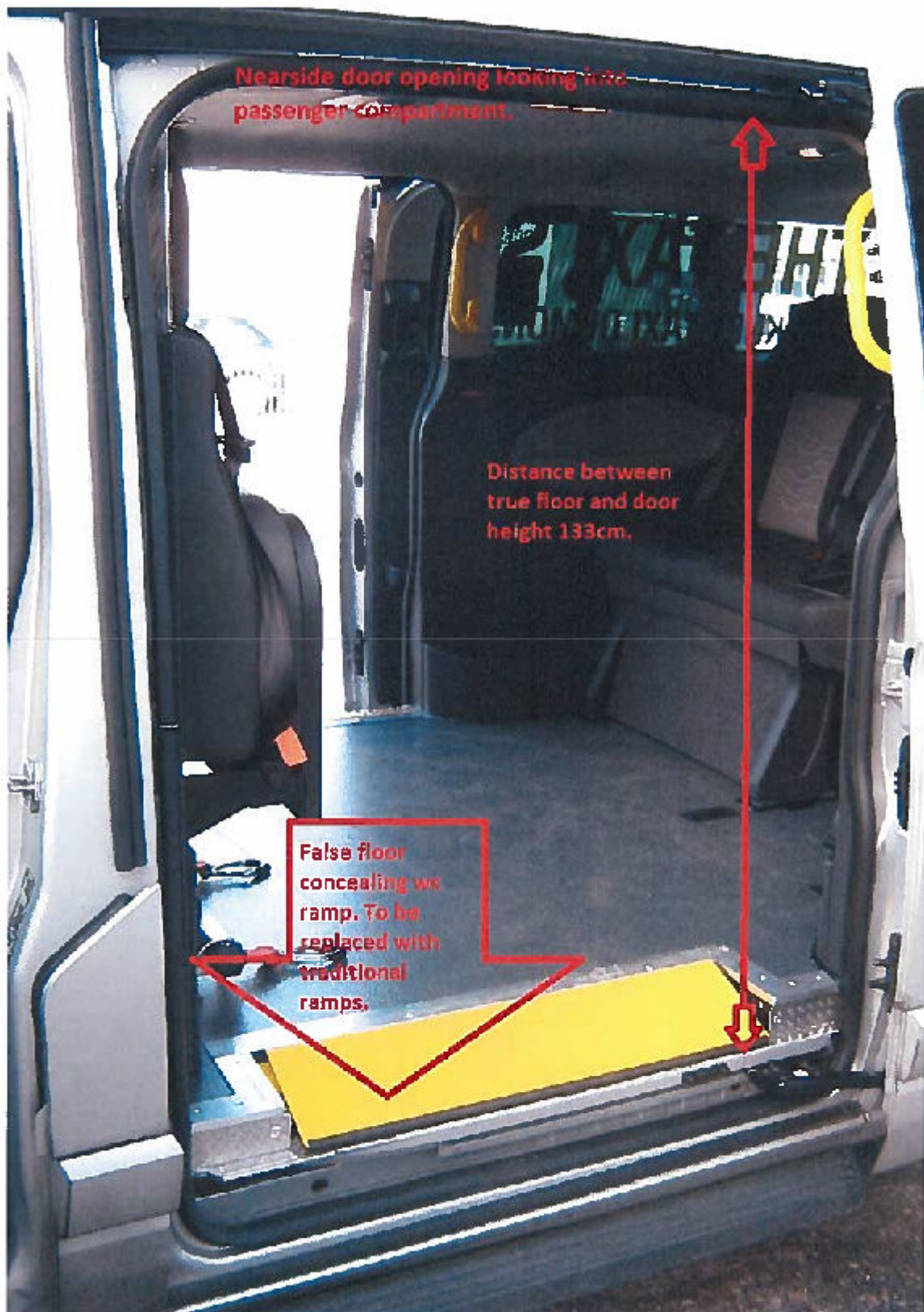
**Driver seating position, seat fully back against bulkhead and lowered.
Foot resting on accelerator pedal in normal driving position.**

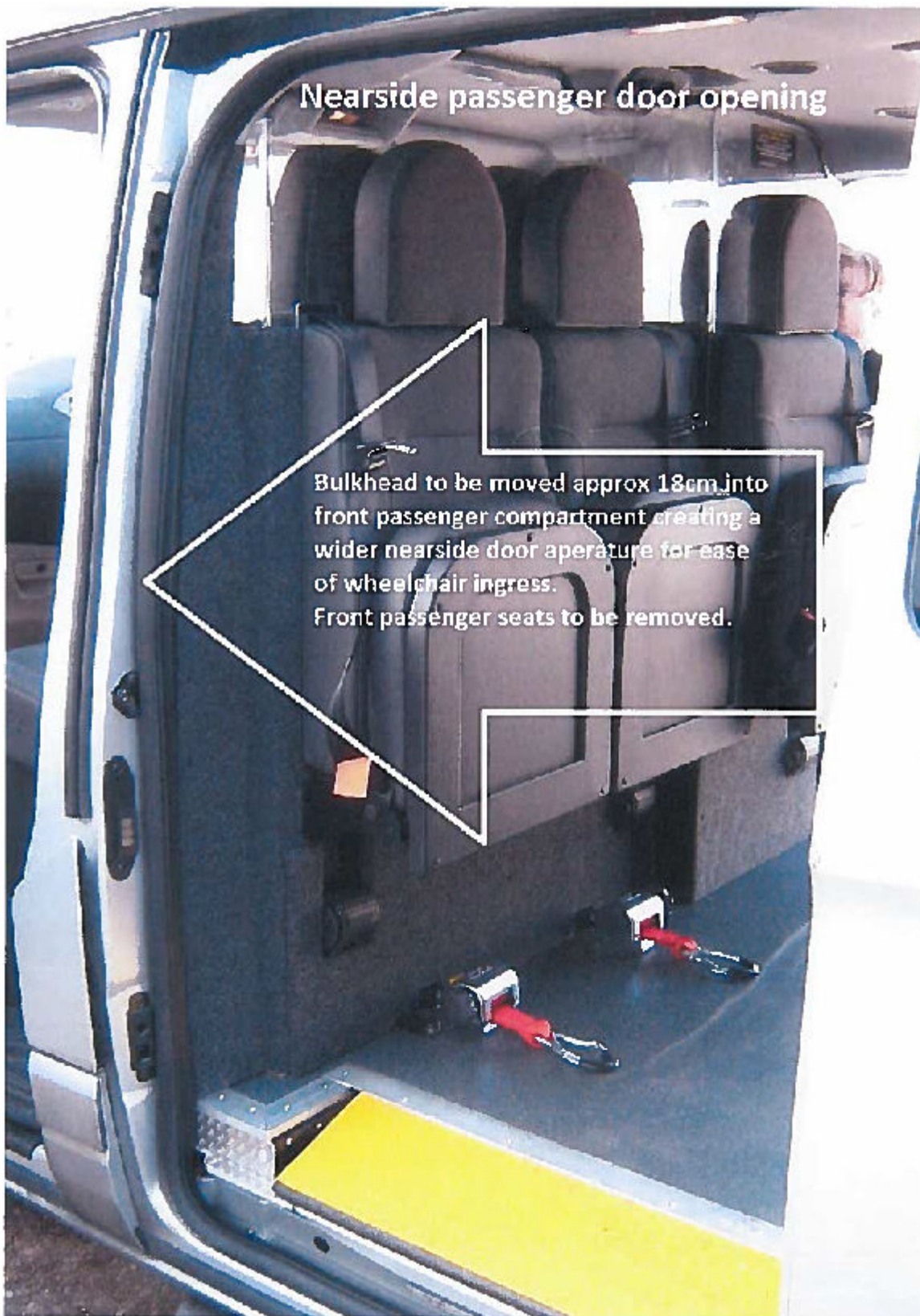
Seat back against bulkhead and fully lowered.
Driver foot resting on floor simulating driver position with greater reach between seatback and pedals.



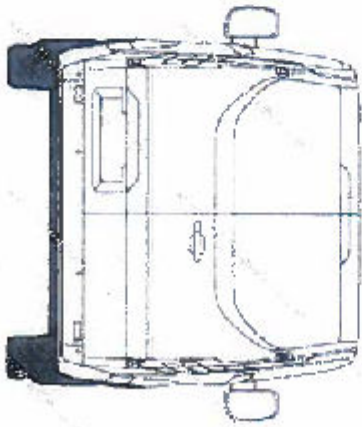
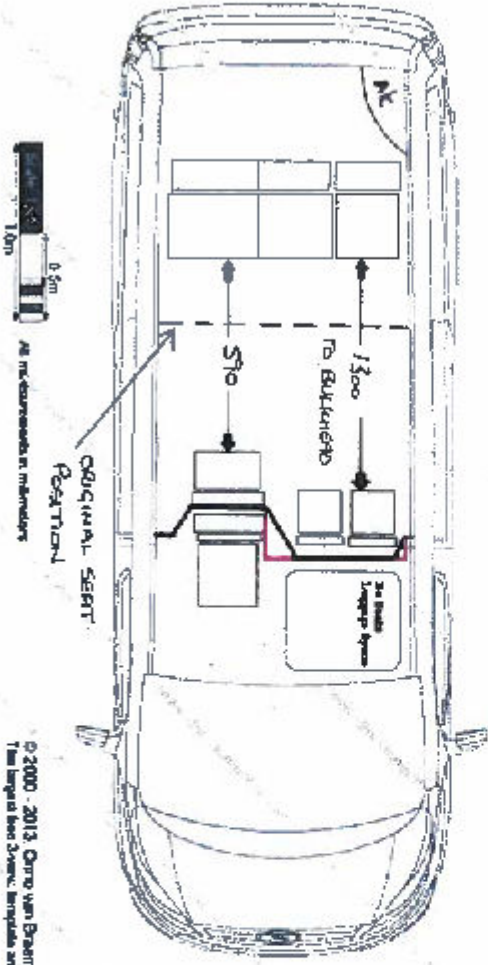
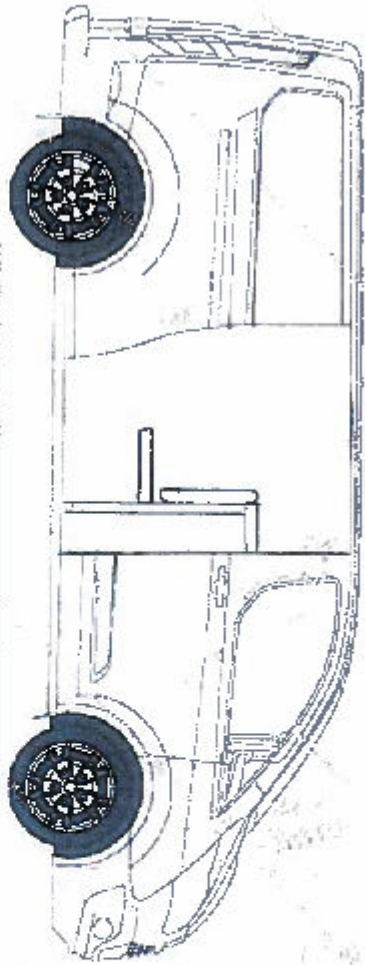








Ford Transit Custom LWB (2013)



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