

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 1. 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.