

# 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: 2 March 2017

Cabinet Member: Councillor John Riley

CMT Member: Ruth Harrell (Director of Public Health)

Author: Steve Forshaw (Senior Enforcement Officer)

Contact: Tel: 01752 304744

e-mail: Steve.forshaw@plymouth.gcsx.gov.uk

Ref: ERS/LIC/SF/cw /Mar 17

Key Decision: No

Part: I

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## **Purpose of the report:**

For Members of the Committee to consider a request from Mr Christopher Wildman to depart from the Council's existing Hackney Carriage and Private Hire Licensing Policy in respect to an additional 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.

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## **The Corporate Plan 2016 – 19**

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.

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## **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.

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**Equality and Diversity**

Has an Equality Impact Assessment been undertaken? No

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**Recommendations and Reasons for recommended action:**

1. Confirm in principal 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 licencing policy public consultation

Reason:

This is likely to maintain the present position with the Hackney Carriage and Private Hire Licencing Policy

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**Alternative options considered and rejected:**

None.

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**Published work / information:**

None.

**Background papers:**

None.

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**Sign off:**

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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 first licensed by Plymouth City Council on 2 May 2006. Since being licenced Mr Wildman has always been in the Hackney Carriage trade and been the proprietor of his own Hackney Carriage vehicle.
2. Mr Wildman is the current proprietor of a Ford Tourneo Custom (LWB) hackney carriage vehicle Plate number 599; VRM - YC15 LLF. This licenced vehicle exceeds the maximum hackney carriage vehicle length of 5000mm (5m) by 339mm. Mr Wildman previously appeared before Members of the Committee on 16 April 2015 to make a formal request to divert from the current licensing policy in respect to the maximum hackney carriage vehicle length. At that time Mr Wildman had been reviewing his options to replace an existing vehicle and indicated that he required a replacement vehicle that will suit his own individual ergonomic needs in respect to his height. Members considered this request from Mr Wildman and allowed him to source his current Hackney Carriage vehicle. In addition Members gave consideration and weight to the new dimensions of the proposed vehicle and agreed this would be of considerable benefit to disabled customers and would provide them with a more comfortable and dignified journey. This decision is detailed at Taxi Licensing committee minute 129 of 16 April 2015.
3. On the 5 February 2017 the licensing office received an initial written request from Mr Wildman to again depart from the Council's existing Hackney Carriage and Private Hire Licensing Policy in respect to the maximum hackney carriage vehicle length of 5000mm. Mr Wildman's letters of request are dated 5<sup>th</sup> February 2017 and 13 February 2017 are contained within this report as appendix A and B.
4. The reason for this request is that Mr Wildman's wishes to purchase an additional Hackney Carriage vehicle similar to his current vehicle to enable more wheelchair passengers specifically those using electric wheelchairs to benefit from a taxi service. The new vehicle that Mr Wildman wishes to obtain is also a Ford Tourneo (LWB), this replacement vehicle will meet the same specifications as the current licenced vehicle to firstly carry on meeting the ergonomic requirements of Mr Wildman due to his height. This will be achieved by moving back the bulkhead behind the driver's seat by 18 cms in line with his existing vehicle. Secondly the vehicle passenger area will be modified internally to the same specifications as his current vehicle to allow more room for the manoeuvrability of electric wheelchairs and their turning circles. This is achieved by moving the passenger area bulkhead forwards by 6 cms the vehicle will also have fixed rear (forward facing) seats pushed back by 34 cms, making the total passenger area of the vehicle about 40cm more than that of a standard Tourneo. If granted this new vehicle will also have some additional upgrades to the securing system for all wheelchairs. This vehicle will cater for all wheelchairs to be carried rear facing or forward facing if required. The wheelchair ramps carried will be full width ramps with additional channel ramps provided to assist wheelchairs. For information the current Ford Tourneo vehicle has a Euro 5 emissions status, this new model vehicle will comply with the improved Euro 6 regulations for emission purposes. All of these modifications as with Mr Wildman's current vehicle come at an extra cost above

that of a standard vehicle.

5. Mr Wildman has requested that he be permitted in principle to proceed in sourcing a bespoke LWB Ford Tourneo (length 5339mm) as indicated above 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.
6. Mr Wildman wishes to remain the proprietor of his current vehicle as well as the new vehicle and therefore proposes that the existing bespoke vehicle Ford Tourneo VRM- YC15 LLF remains in the City as a licenced taxi but would be driven by a taxi driver with the same commitment to wheelchair bound passengers including electric wheelchairs as himself. This vehicle already exceeds the maximum vehicle length of 5000cms but holds advantages over a short wheel based (SWB) vehicle. This vehicle carries the existing advantages of a larger passenger compartment, reinforced ramps, forward facing wheelchair ability and other modifications all to assist wheelchair passengers especially those passengers using electric wheelchairs.
7. If the new proposal were granted in principal, then Mr Wildman would purchase a an existing licenced Hackney Carriage vehicle and licence plate together. The old vehicle will then be de-licenced as a Hackney Carriage vehicle and sold and that vehicle's plate could then be transferred to the new vehicle. Mr Wildman is not requesting a plate to be issued above the quantity limit currently set in line with any unmet demand survey.
8. 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.
9. We currently have the benefit of 51 appointed ranks located throughout the City that provide a total of 258 rank spaces for a fleet of 365 licensed hackney carriages. The ranks vary in size and popularity.  
Taxi licensing 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 often 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 newer Euro style vehicles are longer than older styles of vehicles and now the majority are approaching the maximum limit of 5m.
10. The Council is currently in the process of updating its licensing policy. We intend to include whether some exceptions to 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 for some months.

11. 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.
12. 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"
13. 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 stage.
14. Mr Wildman has submitted five (5) references for consideration in this matter to support his request which are contained within the report as Appendix C.

### **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.
  
15. Mr Wildman has been invited to attend this Licensing Committee in order that his request may be considered and to answer any questions Members may have. Mr Wildman will also have his current vehicle available for Members to view and ask any questions they may have on the day of the hearing.

Appendix A

Christopher R Wildman,

St Budocks,  
Plymouth,  
PL4 1UN  
E: crwildman@budocks.co.uk  
T: 01752 302728  
M: 07760 58348

Mr S. Forshaw,  
Senior Licensing Officer,  
Licensing Office,  
Plymouth City Council.  
BY EMAIL

5<sup>th</sup> February 2017

Request for Outline Permission for a Large Wheelchair Accessible Vehicle

Dear Sir,

One of my regular passengers will shortly furnish me with a large amount of money. It will be given to me by "Deed of Gift" so that I am not liable to pay any Income Tax on the funds. The Donor of the funds has a Solicitor and, once I have received the funds, I will be in receipt of a letter from this representative affirming the provenance and legality of the money. The Donor insists on total and ongoing anonymity.

Whilst the money is given to me unconditionally, the earnest hope of my benefactor is that I utilise the funds to provide a Taxi of similar dimension and internal construction to that which I already own. I intend to honour this hope.

Therefore may I formally request permission to provide a Taxi in a size exceeding the maximum 5000mm as stated in the current "Vehicle Conditions" as stipulated by Plymouth City Council.

I make clear that currently I am the Proprietor of One Taxi. In the event that the permission requested is granted, I will purchase a Second Hackney Carriage and Plate. I am absolutely not requesting a Plate be issued surplus to the quantity limit as set by Plymouth City Council. (Negotiations for such a purchase have in fact commenced.)

You are aware that my own current vehicle is larger than that normally allowed to be licensed as a Taxi in Plymouth. The proposed vehicle would be of the same type and make, it would be adapted in a very similar way to mine to improve electrically powered and manual wheelchair access. (The few changes being considered are as a result of minor improvements possible as I have now seen ways to improve the layout and securing options.) I understand and agree that the departure from policy previously granted to me did not set a precedent and that each request must always stand or fall entirely on its own merit.

I am aware of a Hackney Driver currently renting a Taxi who is keen and able to assist the wheelchair bound passenger in the same way that I do. I have known the Gentleman for more than twenty five years and know that he will be an excellent choice. The intention is that recovery by rental charges will recoup the cost of the vehicle. The Driver would have the Taxi gifted to him on completion of the cash recovery. As the taking of a rent will result in a Tax burden I intend to pay the tax and not seek to recover that particular loss.

My intention then is:

1. Request and achieve a departure from current Vehicle Conditions.
2. Purchase a taxi and Plate (Sale of a "Plate only" being illegal). The selected Driver would rent the vehicle and undertake to deal as far as possible with the Wheelchair passengers amongst his normal employments in that vehicle.
3. With the permission granted in principal, a Long Wheel Base Ford Tourneo, converted in a manner similar to mine, to facilitate the larger wheelchairs would be purchased.
4. The Plate would then be transferred to the new vehicle and the old vehicle would be sold locally or further afield without "Plate".
5. On recovery of cost, the Taxi (and plate) will be given to the Driver.

I do not take the responsibilities of being a Taxi Proprietor lightly and the Driver will need to constantly show his willingness to assist the disabled constituency.

I know that the authority to decide on this request has not been delegated to your Office and that you therefore must reply in the negative. This being the case could you also accept this letter as a further request to appeal. At the next possible meeting of the Taxi Committee, I would like put the case to the Councillors to allow the next steps to be expedited.

The proposed Driver and I would be happy to attend your Offices to clarify any questions that you may have, to assist you fully in raising your own report on this matter. We will both attend the resultant Committee Hearing as will several of my regular wheelchair bound passengers, their Carers and Family members.

If you wish to consult your own files with regard to my existing vehicle, the "Decision of the Taxi Licensing Committee" was communicated to me in writing by Licensing Officer Mr Mark Small, his letter reference was **Com/Dec/MS/crw** and was dated 17 April 2015.

Thank you for your attention to this matter.

Yours Sincerely,



CR Wildman.  
Hackney Driver 919  
Hackney Proprietor 599

BCC  
The Anonymus Donor (By Hand)  
Solicitor Attending the Donor (Care of Messrs Gill Akaster, Plymouth). (By Hand)



## Appendix B

Christopher R Wildman  
35 Cardinal Avenue,  
St Budeaux,  
Plymouth,  
PL5 1UN  
E: [c.wildman@plymouth.gov.uk](mailto:c.wildman@plymouth.gov.uk)  
T: 01752 202725  
M: 07760 53346

Mr S. Forshaw,  
Senior Licensing Officer,  
Licensing Office,  
Plymouth City Council.  
BY EMAIL

13<sup>th</sup> February 2017

### Request for Outline Permission for a Large Wheelchair Accessible Vehicle

Dear Sir,

I am requesting that the Taxi Committee of Plymouth City Council consider my request to deviate from current "Vehicle Conditions" as imposed on Licenced Taxis in the City.

As I am keen to maintain transparency I would prefer that my request is heard under "Part 1" conditions. The only possible need for "Part 2" may be if direct financial questioning arises. "Broad Brush" financial matters need not be in camera.

I currently have, by gracious permission of the Taxi Committee, a vehicle which already exceeds the usual maximum length overall.

As previously I will represent myself in the proceedings, I will be accompanied by the Driver who will take over my current Taxi. We will both be open to questions of course.

The reasons that I submitted at the previous request (April 2015) still hold good. My need for more space in the Driving position remains the same and, the facility provided to the Wheelchair user is of great benefit to the passenger, indeed greater than I at that time anticipated. I can state that there are some wheelchair users who due to the physical size of their wheelchairs, currently have no Taxi alternative other than mine. (The rates charged by some Private Hire providers being financially prohibitive anyway. A Taxi is obviously, and rightly, tied to utilising the Tariff as set by PCC.)

It is often said that a picture is worth a thousand words, I suggest that the existing vehicle is even more eloquent than a picture. I propose therefore, with the permission of the Chairman of the Committee, to make the vehicle available for examination of the Committee, to demonstrate the benefits both to me and to my non-ambulant passengers.

I will furnish you as soon as possible with letters from some of my regular passengers in support of my request. Further, several passengers in the same circumstances, would like the opportunity to address the Committee in person to support the application and to tender their appreciation of the one already allowed into service.

I would like to stress that the existing vehicle will remain in the City, remain Licensed as a Taxi and be driven by a Taxi Driver with the same commitment to the Wheelchair bound as I have myself.

The current bespoke vehicle, PCC Hackney Carriage Plate 599 is almost identical to that which, on success of my application, I intend to order from the same supplier. There are a few, very minor, changes that I intend, simply to aid easier and more efficient Wheelchair securing.

The finished floor plan will be as previously submitted in the application of April 2017 and supplied into Plymouths Hackney fleet in June of that year.

Yours Sincerely,



CR Wildman.  
Hackney Driver 919  
Hackney Proprietor 599

## Appendix C

13<sup>th</sup> February 2017

To whom it may concern

I have been a support worker for [redacted] for many years. [redacted] and myself have experienced occasions, too numerous to count, at Plymouth taxi ranks when a whole series of drivers would turn down [redacted] as a fare because of the size of his electric wheelchair. Chris Wildman came along about twelve years ago and was like a breath of fresh air, nothing was too much trouble and no chair too big. He has taken us on many a journey including holiday destinations.

[redacted] now has his own vehicle but not all staff members are drivers and we frequently give Chris a call but due to his increasing workload [and popularity] we have great difficulty in booking a journey.

His wish to add to Plymouth taxi service another adapted vehicle is without question a much needed asset with so many drivers not able to carry large wheelchairs. I can see nothing but common sense and foresight to this idea.

I hope you will give this much thought as it will be wonderful for the disabled community in Plymouth.

Yours sincerely

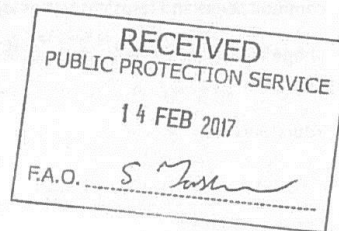
Support worker

To everyone.

Disabled people can't get out if it wasn't for Chris taxi. I have a large electric wheelchair and taxi drivers will not take me. It is a very good thing if there could be another taxi like Chris because he is always busy now if I need to go anywhere.

I hope you will think about it.

Your



10th February 2017

To whom it may concern,

I am aware Mr Christopher Wildman is applying to have another fully adapted, purpose made taxi available to carry disabled passengers wishing to be transported comfortably in a larger vehicle.

I would like to add my voice to this application, as through my professional experience, several of my clients have found this facility very difficult to attain. I have a barber shop situated on [redacted] adjacent to a taxi rank. I have found, even though we are in a prime position for access to taxis, extended height and spacious vehicles are not readily available.

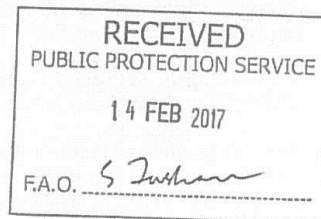
In my personal experience, Mr Wildman was extremely helpful transporting my disabled mother, making very trying circumstances a pleasure. He now has the use of a fully adapted vehicle, making it not only possible to carry electric wheelchairs, but with the comfort and safety of the owner his prime concern. Another vehicle and driver of this type would be of great benefit to the community.

Mr Wildman has a large clientele of disabled passengers, to whom he is totally committed, but even he has a personal life and can not work twenty four hours a day. I would be delighted to see another taxi of this type on the road and would love to be able to offer this facility to my clients, especially our injured service personnel, who are situated in very close proximity.

Hopefully this will meet with your approval and thank you for your attention.

Yours sincerely,

Proprietor of



Tel:  
Fax:  
Mob:  
E:

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Mr. Steve Forshaw,  
Senior Licensing Inspector,  
Plymouth City Council,  
Windsor House,  
Plymouth, PL6 5UF.

15<sup>th</sup> February, 2017.

Via E-Mail

Dear Sir,

I write to you as a Taxi Proprietor in the City of Plymouth and in support of Mr. Christopher Russell Wildman who I am aware is seeking to purchase a non-compliant Taxi for the conveyance of wheelchair confined passengers.

I am aware that the wheelchair confined passengers who have to use larger than standard wheelchairs are experiencing great difficulty in having their transport requirements met.

I am also aware that the three main Taxi and Private Hire companies that supply wheelchair accessible vehicles are becoming more reluctant to provide this service due to draconian legislation.

A few taxi drivers in Plymouth devote a great deal of their time and effort by assisting the wheelchair confined and are to be applauded for doing so.

Where Proprietors and Drivers have a proven track record regarding their assistance to wheelchair users and in particular larger wheelchairs serious consideration should be given to approving non-compliant vehicles.

The Licensing Authority can assist these drivers by approving their use of non-complaint taxis to meet the small but significant niche demand that the wheelchair confined requiring larger than standard wheelchairs have to use.

Yours faithfully,

Taxi Proprietor/Driver.

**Forshaw, Steve**

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**From:** crwildman <crwildman@blueyonder.co.uk>  
**Sent:** 16 February 2017 11:33  
**To:** Forshaw, Steve  
**Subject:** Hackney Carriage for Mr Wildman

Sent from my Samsung device

----- Original message -----

**From:**  
**Date:** 16/02/2017 11:33 (GMT+00:00)  
**To:**  
**Subject:** Hackney Carriage for Mr Wildman

To who it may concern

I to give my support to the application for one more taxi able to carry disabled wheelchairs, particularly the larger ones which are very heavy and carry a large battery.

I speak from personal experience. I tried to get a taxi home from town to Plymstock from the taxi rank outside The Mall and none of them would take me because I was too big, too heavy and none could take me facing forward. Mr Wildman saw my distress from the back of the queue and said he had a taxi which could take me home.

Since then I have relied on him to take me everywhere. He is often overwhelmed with disabled customers.

All of us realise that priority must be given to medical appointments, but he still tries to fit everyone in.

He recently shifted everyone around to support me at the funeral of my husband so that I didn't have to worry my sons to get me to all the procedures and became my legs making me independent and able to cope.

The situation now is that so many disabled people need him that another longer taxi is becoming necessary to enable more disabled people to get out.

On a personal level he is honest and trustworthy and is a credit to his profession and the City.

You can ring me any time if you need more information on

Regards

P. S

I'm not big just my wheelchair