

APPLICATION FOR THE GRANT OF A PRIVATE HIRE VEHICLE LICENCE

Taxi Licensing Committee



Date: 01 August 2019
Title of Report: **Application for the Grant of a Private Hire Vehicle Licence**
Lead Member: Councillor Sally Haydon (Cabinet Member for Customer Focus and Community Safety)
Lead Strategic Director: Ruth Harrell Director of Public Health
Author: Steve Forshaw
Contact Email: steve.forshaw@plymouth.gov.uk
Your Reference: ERS/LIC/comm/Aug 19
Key Decision: No
Confidentiality: Part I - Official

Purpose of Report

To consider Mr Andrew Woodman's application to licence a private hire vehicle to assist in taking wheelchairs, having due regard for the information contained within the report and any representations made by him. This vehicle may be considered in conflict by way of make and model of a hackney carriage vehicle.

Recommendations and Reasons

That Members consider the report and determine whether:

1. This vehicle can legally be licenced
2. If so, then whether to depart from their policy and give authority to officers to grant a private hire vehicle licence when a formal application for a licence is presented

Alternative options considered and rejected

None

Relevance to the Corporate Plan and/or the Plymouth Plan

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. A safe and vibrant leisure economy will allow Plymouth to be positively marketed attractive destination both nationally and internationally.

Caring Plymouth: Providing consumer confidence.

Implications for the Medium Term Financial Plan and Resource Implications:

Not Applicable

Carbon Footprint (Environmental) Implications:

Not Applicable

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

* When considering these proposals members have a responsibility to ensure they give due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not.

Appendices

Ref.	Title of Appendix	Exemption Paragraph Number (if applicable) <i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i>						
		1	2	3	4	5	6	7
A	Briefing report (mandatory)							
B	Equalities Impact Assessment (mandatory)							

Background papers:

Please list all unpublished, background papers relevant to the decision in the table below. Background papers are unpublished works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based.

Title of background paper(s)	Exemption Paragraph Number (if applicable) <i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i>						
	1	2	3	4	5	6	7

Sign off:

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Report

1. Mr Andrew Alan Woodman is a licensed private hire operator for Plym Cars, having been first licensed by Plymouth City Council on 19 October 2016. Mr Woodman has also held a private hire driver's licence since 22 September 2016.
2. On the 22 May 2019 the licensing office received a verbal request from Mr Woodman who wanted to licence a Fiat Scudo people carrier type vehicle as a private hire vehicle. He had already purchased the vehicle which had previously been licensed as a Hackney Carriage in Dundee.
3. When this vehicle had been presented to a Council appointed Vehicle Compliance Testing Station for test as a private hire vehicle, the inspecting mechanic refused the test, as in his opinion, the vehicle too closely resembled existing Fiat Scudo vehicles licensed as Hackney Carriages within the city. This despite the taximeter, taxi tout light and part of the internal passenger compartment bulkhead being removed.
4. Mr Woodman is looking to increase the number of wheelchair access vehicles he uses through his company. He has one other vehicle licensed with the Council, which is wheelchair accessible, but the demand for services is such, that he is having to turn away on average between 4-5 requests for transport, per day due to lack of vehicle availability.

The long term plan is for Mr Woodman to increase provision for wheelchair users and other disabled groups, which he communicated in his email on 13 June 2019 and which is attached to this report as Appendix A.

5. On 10 July 2019 Mr Woodman supplied a reference from one of his customers, this is at Appendix E of the report.
6. Members are being asked to consider to two questions:

1. Legal Question:

Can the vehicle legally be licensed having taken account of the Section 5(1)(a)(ii) of the Plymouth City Council Act 1975?

If they decide it can,

2. Policy Question:

Decide whether they are prepared to depart from their policy and give authority to officers to grant a private hire vehicle licence when a formal application for a licence is presented?

7. Legal Question

Members must ask themselves:

- Is this vehicle of a make, design **and** appearance which would lead a person to believe that the vehicle is a Hackney Carriage?

If the answer is yes, then the law prohibits the grant of the licence.

If the answer is no, then the committee may go on to consider the Policy Question.

Section 5 (1) of the Plymouth City Council Act 1975

(1) Subject to the provisions of this Act, the Council may on the receipt of an application from the proprietor of any vehicle for the grant in respect of such vehicle of a licence to use the vehicle as a private hire vehicle, grant in respect thereof a vehicle licence:

Provided that the Council shall not grant such a licence unless they are satisfied—

(a) that the vehicle is—

(i) suitable in type, size and design for use as a private hire vehicle;

(ii) not of such make, design and appearance as to lead any person to believe that the vehicle is a hackney carriage;

(iii) in a suitable mechanical condition;

(iv) safe; and

(v) comfortable;

(2) The Council may attach to the grant of a licence under this section such conditions as the Council may consider reasonably necessary.

8. Policy Question

If Members decide the vehicle can be legally licenced then they must consider whether they are prepared to depart from their policy as set out in paragraph 14.3 of Chapter 3, and also the sections headed 'General Vehicle Suitability' and 'General' in the Private Hire Vehicle Specifications headed. Copies of these sections are produced in the policy section of this report.

In reaching their decision Members must also have regard to the other relevant parts of the policy, which are again, set out later in this report.

9. To assist Members in answering both of the above questions, licensing officers have produced a table listing differences between the proposed vehicle and a hackney carriage derivative of the same make and model. Although this list is not exhaustive it does provide the key differences that are relevant in this matter. This list is at Appendix B of the report.
10. Officers have also taken photographs of the Fiat Scudo specifically to show how this vehicle will look alongside a hackney carriage. These photographs can be seen at Appendix C and indicate the following:
- C(1) the proposed vehicle with no tout light, a private hire door sticker has been added to show how the vehicle would look with its door sticker fitted
- C(2) this shows the interior of the proposed vehicle with its taxi meter removed and with removal of what would normally be a Perspex bulk head partition above the seats removed
- C(3) this is an example of a Fiat Scudo hackney carriage as a comparison vehicle
11. Members are advised that there are an additional 12 other private hire vehicles licensed that in design look like hackney carriage vehicles on the basis that that they are not saloon cars. These vehicles however internally are designed with tail lifts to allow wheelchairs to load from the back of the vehicles and /or the seating arrangements are not that of a hackney carriage as they face forwards. Mr Woodman already owns one of these vehicles which is a Peugeot Expert that is fitted with a rear entry lift to accommodate wheelchairs. This is the only vehicle from the 12 vehicles that has any resemblance in shape to the Fiat Scudo. A photograph of this vehicle can be seen at Appendix D.

12. If Members were to decide the vehicle could legally be licenced and were prepared to depart from their policy, then Mr Woodman would be required to obtain a compliance test for the proposed vehicle to ensure it meets all other safety standards.
13. **Policy**

The relevant extracts from the policy, insofar as it directly relates to this application, are provided below.

CHAPTER ONE STATEMENT OF POLICY (Purpose of this Policy)

3.1 The policy will provide a framework that will assist in delivering a safe, regulated hackney carriage and private hire licensed trade. The Council, in adopting this policy recognises both the needs of residents and visitors to expect a safe, healthy, convenient and effective hackney carriage and private hire transport service.

3.2 The Council has adopted byelaws, conditions of licence and vehicle specifications and any other standards considered appropriate to regulate the hackney carriage and private hire trades for the benefit of all concerned within the City of Plymouth.

3.3 The Council in its decision making will consider each case on its own merits, having regard to the requirements of this policy, any relevant specific policy documents, national best practice guidance and any other information considered relevant.

4.0 Licensing Objectives

4.1 The Council will carry out its hackney carriage and private hire licensing functions with a view to promoting the following licensing objectives:

- 1. Safety and health of drivers and the public**
- 2. Vehicle safety, comfort and access**
- 3. Prevention of crime and disorder and protection of consumers**
- 4. To encourage environmental sustainability**
- 5. Protection of children and other vulnerable persons from harm**

4.2 As a guide, in promoting these objectives the Council will consider the following matters;

Safety and health of drivers and the public:

- Driver training, qualification and performance
- Health and fitness to fulfil the role of a licensed driver
- Vehicle specifications and vehicle safety

Vehicle safety, comfort and access

- Standards of vehicle safety, comfort and appearance
- Integration of transport systems
- Provision of disabled facilities and assistance
- Number of vehicles available
- Provision for the aged and the young
- Livery
- High standards of customer service

4.5 The Council will also have regard to wider considerations affecting visitors, employers and the residential population of the City. These include the availability of hackney carriage and private hire services at all times, public nuisance, pollution, crime and the capacity of the trade to cope with the customer demand, particularly at night.

4.6 In determining any matter in respect of a licence the overriding principle adopted by the Council will be that each matter will be determined on its own merits.

7.0 Promotion of Equality

7.1 This policy recognises that the Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

7.4 The Council promotes fairness and equality so will require pricing strategies that do not discriminate against disabled users. The Council actively seek to promote the licensing of specialist high dependency vehicles that provide a door to door service to disabled users. In all cases the Council will expect to see a clear pricing strategy that sets out hiring costs, which are not discriminatory.

Departure from this Policy

8.1 In exercising its discretion in carrying out its regulatory functions in respect to taxi licensing, the Council will have regard to its relevant policy documents. Notwithstanding the content of this policy, each matter will be considered on its own merits, but where there are clear and compelling reasons the Taxi Licensing Committee may, having regard to all the available information authorise a departure from its policy documents.

8.2 Any subject matter not covered in this policy, vehicle specification, condition of licence or any other associated document does not give any implied permission. In these circumstances any person should contact the Licensing Office and seek further guidance

CHAPTER 3 VEHICLES

2.0 Vehicle Specifications and conditions

2.1 All vehicles are presented to the Council for licensing and all vehicles whilst licensed must comply with the Council's current Licensing Policy, Vehicle Compliance Testing Manual and vehicle specifications.

2.2 The Council will draft licensing policy and vehicle specifications where a distinct and recognisable difference is maintained between licensed hackney carriage and private hire vehicles. This may be achieved by way of livery, vehicle licensing restrictions, signage or other relevant methods.

2.3 When granting a hackney carriage or private hire vehicle licence, the Council will attach conditions to those vehicle licences that it considers reasonably necessary

9.0 Signage Conditions

9. 1 The Council requires hackney carriages and private hire vehicles to clearly indicate to the public that they are licensed vehicles and will issue vehicle licence plates and stickers for that purpose for display at all times.
9. 2 The Council accepts that hackney carriage and private hire vehicles must be distinguishable to allow the public to clearly identify them from other vehicles and each other and will provide plates and stickers for display for this purpose.
9. 3 The Council will set standards on approved signage for both hackney carriages and private hire vehicles in its Vehicle Compliance Testing Manual, vehicle specifications and conditions of vehicle licence. They include:
- The permitted display position of licence plates
 - Colours to be used for licence plates
 - Positioning of door signs for private hire vehicles
 - Required wording for door signs on private hire vehicles
 - Requirements for the display of licences on the internal dash or bulkhead
 - Permitted dimensions, location and wording of roof signs used on private hire vehicles

14.0 Disability Access

14. 2 On the grounds of safety and rank usage, hackney carriages must be able to load and unload wheelchair users from the near side passenger door (pavement facing).

14.3 There is no requirement on the private hire fleet to be wheelchair accessible. However, the Council will licence vehicles for private hire that are capable of carrying wheelchairs, providing that vehicle is not in conflict by way of make and model that is already licensed as a hackney carriage. It is the Council's intention that a distinctive recognisable difference is maintained between hackney carriage and private hire licensed vehicles.

Private Hire Vehicle Specifications (relevant extracts only)

General Vehicle Suitability

The Council wishes to maintain a clear separation between hackney carriage and private hire vehicles, therefore certain vehicles are prohibited from being licensed as a Private Hire Vehicle, if they resemble a Hackney Carriage or are currently licensed as such. Any prospective vehicle purchaser is strongly urged to seek advice from the Licensing Section, before purchasing any vehicle which they intend to licence.

A vehicle intending to be licensed as Private Hire Vehicle must be presented to a Council appointed vehicle testing station and pass the vehicle compliance test, before any licence can be granted. Further information on the Vehicle Compliance Test can be found in the vehicle Compliance Test Procedures document, and the Vehicle Compliance Testing Manual.

Doors

3. Sliding doors are permitted. Any sliding door must be fitted with a device that will illuminate a sign mounted on the rear of the vehicle, which warns following traffic that the doors are opening.

Wheelchair accessibility

1. The Council will licence private hire vehicles that are capable of carrying a wheelchair.

2. Where the licensed vehicle is capable of carrying wheelchairs, all wheelchair securing devices, fixtures and fittings as specified by the vehicle manufacturer must be available for use and kept in good working order.

General

2. The Council reserve the right not to licence a particular vehicle as a private hire vehicle if this particular make is already licensed as a hackney carriage.

14. Mr Woodman 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 Woodman will also have his Fiat Scudo available for Members to view and ask any questions they may have on the day of the hearing.

Appendix A

Email of 13 June 2019

Our forward plan for Plym Cars concerning disabled Taxi's is trying to get a fleet in the near future of around 10-15 wheelchair transporting vehicles together as at this present time we are refusing on average around 4-5 jobs a day due to not having another vehicle to transport wheel chairs .I understand the vehicle that we wish to put forward for plating is a similar shape to other Hackney carriages but it's not about the vehicle it is about transporting wheel chairs, disable and mental health people with their carers that from experience can be very aggressive so using this type of vehicle gives plenty of space between the customer and the driver so safety is paramount for both driver and passengers.

We would like to ask the committee for a change in private hire vehicle pacifically for wheel chairs and mental health carers. We have noticed that over the last 2 years that disabled people are quite frowned upon as customers in the Taxi trade., they are either over charged or refused due to drivers with these vehicles being exempt from carrying disabled people then this is probably not the job for them as some or most customers need help in and out of the vehicle or to and through the house with shopping, we are aiming to provide a friendly happy service to all customers and help the ones who can't get out live their lives still, due to lack of vehicles for these circumstances.

We have several customers who have said we've changed their lives due to the vehicle we are using and would like to try and help many more to do the same, we only work on word of mouth with disabled wheelchair users but already have lots of interest and a lot of disappointed people due to not being able to provide more but we try are best to please most, Having this 2nd vehicle plated will allow us to cater for more disabled people.

We are looking to the future to build a web site and advertise for wheel chairs and disabled people we are looking at a long term thing not a short term thing but it is all down to us being able to get the right vehicles to do the job.

Appendix B

Hackney Carriage Vehicle	Proposed Vehicle
All Fiat Scudo's	White Fiat Scudo
All HC vehicles must have a distinctive taxi / tout light built into the front roof area	The vehicle has had its taxi / tout light removed
Taxis do not have door stickers attached to the front doors	This vehicle will have private hire door stickers to both front doors
A taxi has a rear plate fitted in black and white	This vehicle will also have a rear plate fitted but in black and yellow
A taxi has a meter to calculate its fare	This vehicles meter has been completely removed
A taxi has a full bulkhead partition to separate the driver and passengers	This vehicle has had the upper part of the partition removed offering an open compartment, the lower area must remain as this supports the seats
Both vehicles have rear access sliding doors	
Both vehicles come with fitted side access ramps for wheelchairs and restraints	
There are currently 37 Fiat Scudo vehicles licenced as hackney carriage vehicles of which 3 are white	There is one other vehicle similar private hire vehicle licensed (See note para 8 of the report) and Appendix D

Appendix C (1)



Appendix C (2)





Appendix D



Appendix E

REF. ANDY WOODMAN

PLYM CABS.

[REDACTED]

St Budeaux

Plymouth

[REDACTED]

19/6/19.

Dear Sir or Madam,

I am writing to you in support for Andy who was introduced to me and my son, Matthew [REDACTED] about 2 years ago. Matt who has epilepsy, Spina Bifida, Hydrocephalus & mixed Anxiety Disorder & L.D.

We were told Andy was trustworthy, reliable & very good with people especially the disabled, less able & people with L.D. Also, having a special taxi for wheelchair users as needed by Matt.

Now, having used Plymouth Taxis for many years and Matt being familiar with the drivers & office staff, we were hearing a lot of

stairs, we have no accessible cabs out or we cannot do that time.

We were at A + F and discharged early hours of the morning, we rang about 8 taxi firms who could not get us a cab with ramps to take us home. In the end we had to get a cab without ramps, put the chair in the boot which put Matt in danger of a fall. I don't understand with all of these companies that have agreed with the council to take wheelchairs you cannot get one when needed.

Another day, we were sent home from Deriford & I approached 3 cabs outside the main door and each driver said, sorry, I have a health exemption certificate I cannot take wheelchairs.

More wheelchair taxis are needed, & since we have been using Andy, he has never let us down, he is reliable, nothing is too much trouble for him, he will do his utmost to accommodate

us even in the middle of the night
and emergency.

Matt, using Andy has given him
the confidence to travel alone in his
cab as Matt feels safe to do so.

It would be brilliant if Andy were
able to have another taxi for
wheelchair users as I'm sure there is
a great need in the city.

Yours sincerely

F. Thomson