

Public Document Pack



**Service Director – Legal, Governance and
Commissioning**

Julie Muscroft

Governance and Democratic Services

Civic Centre 3

High Street

Huddersfield

HD1 2TG

Tel: 01484 221000

Please ask for: Yolande Myers

Email: yolande.myers@kirklees.gov.uk

Monday 10 July 2017

Notice of Meeting

Dear Member

Licensing and Safety Committee

The **Licensing and Safety Committee** will meet in the **Council Chamber - Town Hall, Huddersfield** at **10.00 am** on **Tuesday 18 July 2017**.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in black ink, appearing to read "Julie Muscroft".

Julie Muscroft

Service Director – Legal, Governance and Commissioning

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

The Licensing and Safety Committee members are:-

Member

Councillor Carole Pattison (Chair)
Councillor Karen Allison
Councillor Mahmood Akhtar
Councillor Richard Eastwood
Councillor Michelle Grainger-Mead
Councillor James Homewood
Councillor Manisha Roma Kaushik
Councillor Robert Light
Councillor Amanda Pinnock
Councillor Cathy Scott
Councillor Mohan Sokhal
Councillor Kath Taylor
Councillor Jim Dodds
Councillor Donald Firth
Councillor Linda Wilkinson

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of the Committee

This is where Councillors who are attending as substitutes will say for whom they are attending.

2: Minutes of Previous Meeting

1 - 2

To approve the minutes of the meeting of the Panel held 24 May 2017.

3: Interests

3 - 4

The Councillors will be asked to say if there are any items on the Agenda in which they have disclosable pecuniary interests, which would prevent them from participating in any discussion of the items or participating in any vote upon the items, or any other interests.

4: Admission of the Public

Most debates take place in public. This only changes when there is a need to consider certain issues, for instance, commercially sensitive information or details concerning an individual. You will be told at this point whether there are any items on the Agenda which are to be discussed in private.

5: Deputations/Petitions

The Committee will receive any petitions and hear any deputations from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on some particular issue of concern. A member of the public can also hand in a petition at the meeting but that petition should relate to something on which the body has powers and responsibilities.

6: Public Question Time

The Committee will hear any questions from the general public.

7: Unmet Demand Survey - 2017

5 - 102

The Committee will receive a report outlining the Unmet Demand Survey findings and to consider whether to continue to restrict the number of Hackney Carriage Licences.

8: Intended Use Policy - Private Hire Vehicles

103 -
134

The Committee will consider a report seeking approval to introduce an intended use policy and a change to conditions in relation to private hire driver and vehicle licences to enable the Council to protect the safety of the travelling public.

9: Executive Status of Private Hire Vehicles

135 -
144

The Committee will consider a report seeking approval to alter the Private Hire Vehicle Licence Conditions to allow officers to take decisions on executive status.

10: Batley Market Place Taxi Rank

145 -
158

The Committee will consider a report on the rank's operating hours and amount of vehicles.

This page is intentionally left blank

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

LICENSING AND SAFETY COMMITTEE

Wednesday 24th May 2017

Present: Councillor Carol Pattison (Chair)
Councillor Cathy Scott
Councillor Amanda Pinnock
Councillor Mahmood Akhtar
Councillor Karen Allison
Councillor Richard Eastwood
Councillor Michelle Grainger-Mead
Councillor James Homewood
Councillor Christine Iredale
Councillor Manisha Roma Kaushik
Councillor Robert Light
Councillor Mohan Sokhal
Councillor Kath Taylor
Councillor John Taylor

1 Admission of the Public

The Committee determined that the business for the meeting be considered in public.

2 Appointment of the Licensing Panel and Regulatory Panel

It was moved by Councillor Scott, seconded by Councillor Sokhal and;

RESOLVED -

(1) That the Licensing Panel and a Regulatory Panel be appointed for the ensuing municipal year, that the representation of political groups on the Regulatory Panel and the Licensing Panel shall not be in accordance with the requirements of Section 15 and 16 of the Local Government and Housing Act 1989 but that Membership of the Panel will be drawn from the Membership of the Licensing and Safety Committee as approved as Agenda Item 17 of the Agenda of Annual Council.

(2) That a Licensing Panel be appointed for the ensuing municipal year and that Councillor Pattison, as Chair of the Licensing and Safety Committee, be appointed Chair of the Panel for the ensuing year.

This page is intentionally left blank

KIRKLEES COUNCIL				
COUNCIL/CABINET/COMMITTEE MEETINGS ETC				
DECLARATION OF INTERESTS				
Licensing and Safety Committee				
Name of Councillor				
Item in which you have an interest	Type of interest (eg a disclosable pecuniary interest or an "Other Interest")	Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]	Brief description of your interest	

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

- (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
- (b) either -

the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Name of meeting: Licensing and Safety Committee
Date: 18th July 2017
Title of report: Unmet Demand Survey 2017
Purpose of report: To accept the Unmet Demand Survey findings - that is to agree that the Council will continue to restrict the number of Hackney Carriage Licences

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Not Applicable
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?)	Key Decision - No Private Report/Private Appendix - No
The Decision - Is it eligible for call in by Scrutiny?	Not Applicable
Date signed off by <u>Director</u> & name	Naz Parkar - 05.07.17
Is it also signed off by the Assistant Director for Financial Management, IT, Risk and Performance?	Debbie Hogg - 05.07.17
Is it also signed off by the Assistant Director (Legal Governance and Monitoring)?	Julie Muscroft - 06.07.17
Cabinet member portfolio	Not applicable

Electoral wards affected: ALL
Ward councillors consulted: None
Public or private: Public

1. Summary

To consider whether the Council should continue to impose quantity restrictions of Hackney Carriage licences

2. Information required to take a decision

Kirklees Council currently restricts the number of Hackney Carriage to 249 licences for the whole of the district; there are some 1905 licensed private hire vehicles in Kirklees. There are approximately 47 vehicles being wheelchair accessible in the Hackney Carriage fleet.

The present legal provision on quantity restrictions for Hackney Carriages outside London is set out in Section 16 Transport Act 1985. Until this Act local authorities had

unrestricted discretion to limit the number of Hackney Carriages which they would licence. Section 16 removed this discretion and states the following,

16. Taxi licensing: control of numbers.

The provisions of the [Town Police Clauses Act 1847](#) with respect to hackney carriages, as incorporated in any enactment (whenever passed), shall [(subject to [section 161](#) of the [Equality Act 2010](#))]¹ have effect—

- (a) as if in [section 37](#), the words “such number of” and “as they think fit” were omitted; and*
- (b) as if they provided that the grant of a licence may be refused, for the purpose of limiting the number of hackney carriages in respect of which licences are granted, if, but only if, the person authorised to grant licences is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet.*

In essence, the effect of Section 16 means that before a local authority can refuse an application for a vehicle licence in order to limit the number of licensed taxis, they must be satisfied that there is no significant demand for the services of taxis, within the area to which the licence would apply, which is unmet.

The Department for Transport Best Practise Guidance states it is good practice not to impose quantity restrictions. In order to continue limiting Hackney Carriage licence availability the committee must be satisfied that there is no significant demand for Hackney Carriage services throughout the Council area that is unmet. Authorities wishing to maintain quantity restrictions are expected to review their local case for restrictions at least every three years. This is achieved by undertaking both quantitative and qualitative analysis through a comprehensive study of the taxi trade in the authority area, prior to considering any changes to their Licensing policy.

In order to achieve this, in December 2016 Kirklees Licensing Service commissioned a ‘Taxi Unmet Demand Study’, to assess current demand and to identify any significant unmet demand. This study aims to provide the committee with sufficient information to enable an informed decision to be made as to whether the Council should continue to restrict Hackney Carriage licence numbers or deregulate.

The study provides detailed information on the following:

- A profile of the taxi trade in Kirklees
- Current demand and any latent demand, including demand for wheelchair accessible vehicles.
- Identifies any requirement to provide additional licence plates to eliminate any significant unmet demand.

2.1 Research

The study has used a range of research to establish whether there is unmet demand for taxi provision within Kirklees, including:

- Review of relevant policies, standards etc
- Extensive rank observations and audits
- On street interviews

- Consultation.

2.2 Survey Consultation

A wide consultation exercise was carried out as part of the study. Consultation was undertaken with a range of key stakeholders by letter, email, telephone and face to face interviews.

- Public
- Trade
- Supermarkets
- Hotels
- Pubs and nightclubs
- Other entertainment venues
- Restaurants
- Hospitals
- Police
- Disability representatives
- Rail operators.

2.3 Conclusions of the study

The study concluded that there is no significant unmet demand in the rank based taxi market throughout Kirklees Council area.

The study concluded...

- The picture of hackney carriage demand in Kirklees in 2017 is very healthy. This is supported by the recent ability to re-issue some plates which had been returned and were not actually on physical vehicles.
- The same appears to be true, as much as our work has included comments about the private hire trade, giving an overall good appreciation of the service provided by the public. The only down side of this is that there appears to be little that could be changed which might further increase hackney carriage usage, although continued growth at the railway station will most likely continue to lead to more usage of the fleet there.
- Further, it is very clear that the hackney carriage fleet are making a very important contribution to the vitality of the night life of the Kirklees area, and most noticeably in central Huddersfield and even more so in Holmfirth. The latter is more remarkable in that demand there focusses on two night periods only with very little other demand at other times of the day or week.
- All the evidence corroborates the view that there is no unmet demand in the full Kirklees licensing area at this point in time which is significant. There remains spare capacity in the fleet to allow for future growth over the next three years before the next survey becomes necessary.
- A clear and informed decision needs to be made about what vehicles can be put in place when hackney carriage vehicle licences become available. With current Government guidance, the best option would be to encourage fully wheel chair accessible but environmentally friendly (i.e. electric or hybrid) vehicles only. However, there is the issue that these vehicles are presently hard to obtain and therefore command a high price compared to the saloon vehicles currently able to operate in the fleet. This provides a wide range of operating costs to the industry, which with lower demand than other places at given locations, could be an issue that might stifle the ability to meet demand. This could have been another issue where zoning might have helped as it could have been used to focus new vehicles to the Huddersfield zone that is more of need of environmentally friendly vehicles, but this is not possible under current legislation.

- The issues relating to environmentally friendly, wheel chair accessible hackney carriages will develop quickly over the next six months and the Council need to keep abreast of these developments, possibly via working within the West Yorkshire authorities to ensure appropriate information is shared and used.

3. Implications for the Council

3.1 Early Intervention and Prevention (EIP)

There is no impact.

3.2 Economic Resilience (ER)

There is no impact.

3.3 Improving outcomes for Children

There is no impact.

3.4 Reducing demand of services

There is no impact.

4. Next steps

No further Hackney Carriage licences will be issued until such a time that a policy is created and implemented that will detail the eligibility criteria for plate allocation. This is likely to promote further wheelchair accessible vehicles being added to the fleet and the service will also explore how electric vehicles can be added to it also. This will be brought before the committee following the necessary consultation.

5. Officer recommendations and reasons

It is recommended that the Committee consider the Unmet Demand Study and its recommendations before deciding whether to continue to restrict Hackney Carriage numbers.

6. Cabinet portfolio holder's recommendations

7. Contact officer

Victoria Thomson, Senior Licensing Officer, Kirklees Licensing
Tel: 01484 221000
Email: Victoria.thomson@kirklees.gov.uk

8. Background Papers and History of Decisions

For information on the previous survey, report and decision from 15th October 2014
<https://democracy.kirklees.gov.uk/ieListMeetings.aspx?CId=157&Year=0>

Hackney Carriage Unmet Demand Survey – Final Report – Appendix A
Department for Transport Best Practise Guidance – Appendix B

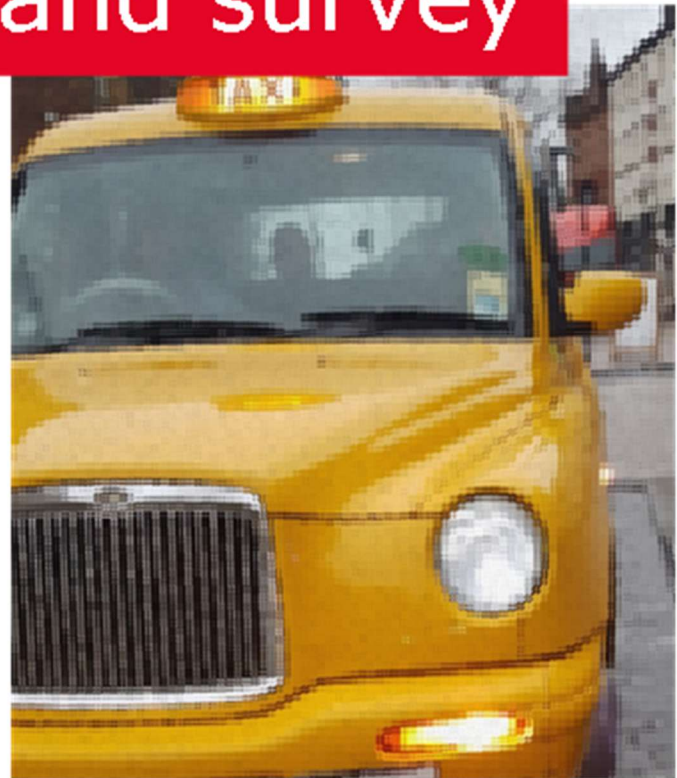
9. Assistant Director responsible

Joanne Bartholomew, Service Director - Commercial, Regulatory and Operational Services

Tel: 01484 221000

Email: joanne.bartholomew@kirklees.gov.uk

Unmet demand survey



Kirklees Council
Hackney carriage unmet demand survey

June 2017

Executive Summary

This Hackney carriage unmet demand survey has been undertaken on behalf of Kirklees Council following the guidance of the April 2010 DfT Best Practice Guidance document, and all relevant case history in regard to unmet demand.

This report is the latest in a regular series of reports as encouraged by the DfT Best Practice Guidance. It summarises the result of work undertaken between February and May 2017. Background transport policy documents support licensed vehicles as a valuable part of the transport system. Enhancing the offer of the trade to those with mobility or disability impairments is a stated aim.

The fleet has not had any hackney carriages added recently, although some returned plates have been re-issued in the recent years. Private hire numbers have almost doubled since 2009. All drivers have been able to drive either hackney carriage or private hire for some time though operator numbers have fallen. The wheel chair accessible (WAV) proportion of the fleet is around 21% but this is lower than at the peak, there are also some WAV currently in the private hire part of the fleet.

350 hours of rank operation were observed covering 17 active rank sites, although two of these were found inactive in our survey, with a third rank very little used. Of all movements at or near ranks, 12% were private cars which may have hindered some rank activity. 25% of the observed hackney carriages appeared to be WAV, a higher level than in the fleet suggesting they are more active at ranks than saloons across the area. There were two people seen accessing hackney carriages at ranks in wheel chairs, and six others appearing to be disabled.

Both Friday and Saturday nights see higher levels of demand, with the Saturday peak more pronounced. Although daytime demand is dominated by Huddersfield station, and night time by John William Street and the Victoria Street, Holmfirth rank, many of the other active ranks also contribute to overall demand levels. The top four ranks are estimated to provide 71% of demand, not as high as in other areas where one rank can often take an even larger proportion of demand.

There appears to be 13% more demand now than at the time of the 2014 survey. This demand appeared to be met by 62% of the fleet during the busiest day. Half this level were active at Huddersfield station rank. 16% of the plates were active at Holmfirth on the busiest day. There remains spare capacity to cover further demand growth.

Of those interviewed in the streets on average 68% had used a licensed vehicle in the last three months. The usage levels suggest 2.3 licensed vehicle trips for licensed vehicles, but 0.3 by hackney carriage. Rank usage was quoted by 15%, a similar proportion to that from the overall usage level statistics (13%). The private hire industry tends to be a large number of relatively small geographic based companies.

For some areas, notably Birstall and Holmfirth, people could not remember seeing hackney carriages, whereas where there are active daytime ranks the key issue was that people were aware of them but could not remember the last time they used them. Rank knowledge was also locally based. There was also a very strong view there were more than enough ranks across the area.

Overall satisfaction with hackney carriages is good, but this also means there is little that can be done to increase usage, notwithstanding the fact that since the last survey demand at ranks does appear to have increased. As in most places, the key thing people felt would increase use was if they were less expensive.

Availability of vehicles was good day and night in peoples minds, and the latent demand factor was low at just 0.5%.

The need for WAV appeared relatively low, with non WAV adapted vehicles favoured over WAV style. For those giving a view, 93% felt disabled people got a good service from hackney carriages, though 72% of those responding said they did not know either way.

Most key stakeholders used private hire for themselves or customers. Pubs and clubs were more aware that hackney carriages, and ranks, were important to their business. There was a strong appreciation from the Railway station about the service their customers received. A disability representative also felt there were no significant issues, and that any that arose were quickly and effectively dealt with. One of the universities felt their staff and students used mainly private hire. There were issues from a bus operator about hackney carriage (and private hire) abuse of bus stops and bus lanes.

An indicative trade response suggested low typical working week lengths, with suggestion the hackney carriage and private hire trades were very separate. There was an even split about retention of the limit, but this was also evenly split between hackney carriage and private hire.

The industry standard index of significance of unmet demand found most components improving in favour of better service to the public. However, the overall index, though small, is higher than previously mainly due to there being hours with average delay over a minute in this survey that did not exist last time. Although very low, latent demand levels were also increased. The overall conclusion is that levels of unmet demand are far from being significant.

Much of the overall growth in demand appears to be at the Railway station, where national usage statistics also show growth albeit not at the level observed at the rank, which may be a result of the end of the long standing road works there which were in place at the time of the last survey.

Overall, the hackney carriage service covers the full area including smaller centres and sees good levels of overall satisfaction from the public. It appears that focus on the separate trades and on their specific geographic niches has benefitted the entire authority area. The picture of demand in Kirklees in 2017 appears very healthy both for hackney carriages and private hire in the area. Contribution to the night life of the area is very important and valued.

In summary, all evidence points to there being no unmet demand currently in the Kirklees licensing area which is significant at this point in time. Further, there appears to be spare capacity in the fleet to meet further growth up to the point the next survey should be undertaken in three years time.

Contents

Executive Summary.....	ii
Contents.....	vi
1 General introduction and background.....	1
2 Local background and context.....	5
3 Patent demand measurement (rank surveys).....	11
4 General public views.....	29
5 Key stakeholder consultation.....	33
6 Trade stakeholder views.....	37
7 Evaluation of unmet demand and its significance	39
8 Summary, synthesis and study conclusions.....	43
9 Recommendations.....	51

1 General introduction and background

Kirklees Council is responsible for the licensing of hackney carriage and private hire vehicles operating within the Council area and is the licensing authority for this complete area. It retains a limit on the number of hackney carriage vehicles licensed. There is no legal means by which either private hire vehicle numbers, private hire or hackney carriage driver numbers, or the number of private hire operators can be limited. DfT sources do not suggest since when this limit has been in place. Prior to this survey, previous tests of the validity of the limit and its level were undertaken in 2013, 2010 and 2007.

This review of current policy is based on the Best Practice Guidance produced by the Department for Transport in April 2010 (BPG). It seeks to provide information to the licensing authority to meet section 16 of the Transport Act 1985 "that the grant of a hackney carriage vehicle licence may be refused if, but only if, the licensing authority is satisfied that there is no significant demand for the services of hackney carriages within its local area, which is unmet." This terminology is typically shortened to "no SUD".

Current hackney carriage, private hire and operator licensing is undertaken within the legal frameworks set by the Town Polices Clause Act 1847. This has been amended by various following legislation including the Transport Act 1985, Section 16 in regard to hackney carriage vehicle limits, and by the Local Government Miscellaneous Provisions Act 1976 with reference to private hire vehicles and operations. Many of the aspects of these laws have been tested and refined by other more recent legislation and more importantly through case law. Beyond legislation, the experience of the person in the street tends to see both hackney carriage and private hire vehicles both as 'taxis' – a term we will try for the sake of clarity to use only in its generic sense within the report. We will use the term 'licensed vehicles' to refer to both hackney carriage and private hire.

The legislation around licensed vehicles and drivers has been the subject of many attempts at review. The limiting of hackney carriage vehicle numbers has been a particular concern as it is often considered to be a restrictive practice and against natural economic trends. The three most recent reviews were by the Office of Fair Trading in 2003, through the production of the BPG in 2010, and the Law Commission review which published its results in 2014. None of these resulted in any material change to the legislation involved in licensing.

The upshot of all these reviews in respect of the principal subject of this survey is that local authorities retain the right to restrict the number of hackney carriage vehicle licenses. The Law Commission conclusion included retention of the power to limit hackney carriage vehicle numbers but utilizing a public interest test determined by the Secretary of State. It also suggested the three- year horizon also be used for rank reviews and accessibility reviews.

After introduction of the 1985 Transport Act, Leeds University Institute for Transport Studies developed a tool by which unmet demand could be evaluated and a determination made if this was significant or not. The tool was taken forward and developed as more studies were undertaken. Over time this 'index of significance of unmet demand' (ISUD) became accepted as an industry standard tool to be used for this purpose. Some revisions have been made following the few but specific court cases where various parties have challenged the policy of retaining a limit. Some of the application has differed between Scottish and English authorities due to some court cases in Scotland taking interpretation of the duty of the licensing authority further than is usual in England and Wales.

The DfT asked in writing in 2004 for all licensing authorities with quantity restrictions to review them, publish their justification by March 2005, and then review at least every three years. In due course, this led to a summary of the government guidance about this and other matters, the Best Practice Guidance (BPG) which was last updated in England and Wales in 2010 (but more recently in Scotland).

The BPG in 2010 also provided additional suggestions of how unmet demand surveys should be undertaken, albeit in general yet also fairly extensive terms. A key encouragement within the BPG is that "an interval of three years is commonly regarded as the maximum reasonable period between surveys". BPG suggests key points in consideration are passenger waiting times at ranks, for street hailings and telephone bookings, latent and peaked demand, wide consultation and publication of "all the evidence gathered".

The most recent changes in legislation regarding licensed vehicles have been enactment of the parts of the Equality Act related to guidance dogs (sections 168 to 171, enacted in October 2010), the two clauses of the Deregulation Act which were successful in proceeding, relating to length of period each license covers and to allowing operators to transfer work across borders (enacted in October 2015), and most recently enactment of Sections 165 and 167 of the Equality Act, albeit on a permissive basis (see below).

In November 2016, the DfT undertook a consultation regarding enacting Sections 167 and 165 of the Equality Act. These allow for all vehicles capable of carrying a wheel chair to be placed on a list by the local council (section 167). Any driver using a vehicle on this list then has a duty under section 165 to:

- Carry the passenger while in the wheel chair
- Not make any additional charge for doing so
- If the passenger chooses to sit in a passenger seat to carry the wheel chair
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort
- To give the passenger such mobility assistance as is reasonably required

This was enacted formally from April 2017. With a mixed hackney carriage fleet this will apply to Kirklees more directly than some other licensing areas with fully WAV fleets. There remains no confirmation of any timetable for instigating either the remainder of the Equality Act or the Law Commission recommendations, or for the update of the BPG.

In respect to case law impinging on unmet demand, the two most recent cases were in 1987 and 2002. The first case (R v Great Yarmouth) concluded authorities must consider the view of significant unmet demand as a whole, not condescending to detailed consideration of the position in every limited area, i.e. to consider significance of unmet demand over the area as a whole.

R v Castle Point considered the issue of latent, or preferably termed, suppressed demand consideration. This clarified that this element relates only to the element which is measurable. Measurable suppressed demand includes inappropriately met demand (taken by private hire vehicles in situations legally hackney carriage opportunities) or those forced to use less satisfactory methods to get home (principally walking, i.e. those observed to walk away from rank locations).

In general, industry standard practice suggests that the determination of conclusions about significance of unmet demand should take into account the practicability of improving the standard of service through the increased supply of vehicles. Best practice recognizes the importance of consistent treatment of authorities as well as for the same authority over time.

In conclusion, the present legislation in England and Wales sees public fare-paying passenger carrying vehicles firstly split by passenger capacity. All vehicles able to carry nine or more passengers are dealt with under national public service vehicle licensing. Local licensing authorities only have jurisdiction over vehicles carrying eight or less passengers.

These are split between hackney carriages which are alone able to wait at ranks or pick up people in the streets without a booking, and private hire who can only be used with a booking made through an operator. If any passenger uses a private hire vehicle without such a properly made booking, they may not be insured for their journey.

2 Local background and context

Key dates for this Hackney carriage unmet demand survey for Kirklees Council are:

- appointed CTS Traffic and Transportation on 22nd December 2016
- in accordance with our proposal of December 2016
- as confirmed during the inception meeting for the survey held on 3rd February 2017
- this survey was carried out between 3rd February 2017 and the end of June 2017
- On street pedestrian survey work occurred in March 2017
- the video rank observations also occurred in early March 2017
- Licensed vehicle driver opinions and operating practices were canvassed during late April and May 2017
- Key stakeholders were consulted throughout the period of the survey
- A draft of this Final Report was reviewed by the client during June
- and reported to the appropriate Council committee in early Autumn 2017.

In terms of background council policy, Kirklees Council is a unitary authority which has all highway, planning and licensing powers within its jurisdiction. However, the Local Transport Plan (LTP) for the area is the West Yorkshire LTP, adopted on 1st April 2011 and valid up to 2026, and known as 'My Journey West Yorkshire'. The LTP is supported by the daughter document 'Kirklees Local Plan Infrastructure Delivery Plan' last dated 29 October 2015. Work is currently under way on the West Yorkshire Combined Authority (WYCA) Transport Strategy which will be a 20-year vision updating the LTP (2016 to 2036). This has been through consultation and the current summary document is the 'Transport Strategy Transport Committee Report' of 24th February 2017. The accompanying Leeds City Region Metro Study was completed during 2016 and considered by the Transport Committee on 21st April 2017.

The Strategy document identifies that 1% of travel to work in West Yorkshire is by taxi, the same level as by bicycle or motorcycle, and a quarter of the level undertaken by train (4%). There are no equivalent published statistics for other purposes of vehicle usage, with business, personal appointments and leisure highly likely to see much greater shares for licensed vehicles overall. Policy RN5 seeks 'to work with the taxi trade to improve taxi facilities and environmental performance. Hackney carriages and private hire vehicles are a valuable part of our transport system, providing more choice for whole or part journeys. Taxis also provide a valuable service for those people with a disability or mobility impairment. We want to enhance this offer'

'We will provide enhanced taxi ranks at appropriate key transport hubs, work with the taxi trades to strengthen safeguarding protection for vulnerable users, to achieve a greater take up of low emission electric taxis, working with the Governments Ultra Low Emission Vehicle programme and accelerating the provision of recharging facilities at transport hubs, car parks and on the highway network'.

A further policy including licensed vehicles is SF2 'deliver mobility as a service for an enhanced customer experience. This would provide a mobility account enabling people to use licensed vehicles as part of their mode mix where appropriate'.

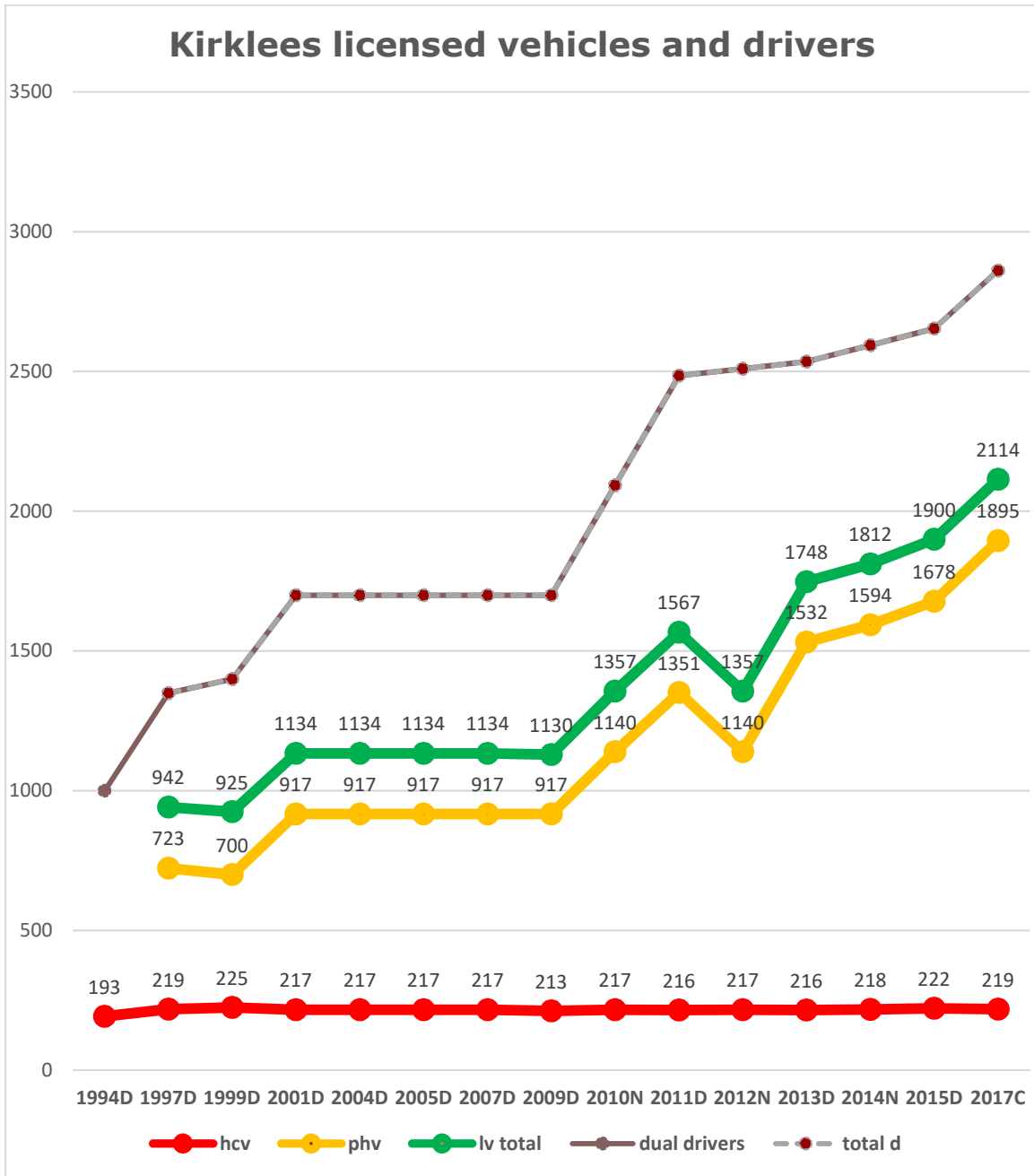
The Transport Strategy consultation included various questionnaires, including one of what mode of transport people used, and how often. 1,596 people responded. Of these, 1,471 answered the question about frequency of use of taxis. None said they used taxis four or more days per week, 78% said they used them three or less days and 22% said they never used them. This compared to 20% not driving cars, 11% never using buses and 11% never using cars as a passenger. 9% said they had a particular interest in taxis.

People were also asked if they supported specific policies. 54% said they would support policy RN5, improvement of taxi facilities and their environmental impact, although this was amongst the lowest support for any of the proposed policies.

The present vision is the 'LCR Metro' a way by which connectivity will be provided between the principal towns, cities and transport hubs across the City Region. LCR Metro is not a mode of transport or a brand. It focusses on quality, frequent, reliable, resilient, integrated transport from all modes. However, its focus is on higher capacity transport and as such currently ignores licensed vehicles (and many other modes such as cycling and walking).

All licensing authorities have full powers over licensing the vehicles, drivers and operators serving people within their area. Kirklees Council has chosen to utilize its power to limit hackney carriage vehicle numbers, and as far as we are aware has done so since 1974

By drawing together published statistics from both the Department for Transport (D) and the National Private Hire Association (N), supplemented by private information from the licensing authority records (C), recent trends in vehicle, driver and operator numbers can be observed. The detailed numbers supporting the picture below are provided in **Appendix 1**. Due to the comparative size, the operator and WAV proportion figures are shown in the second picture.

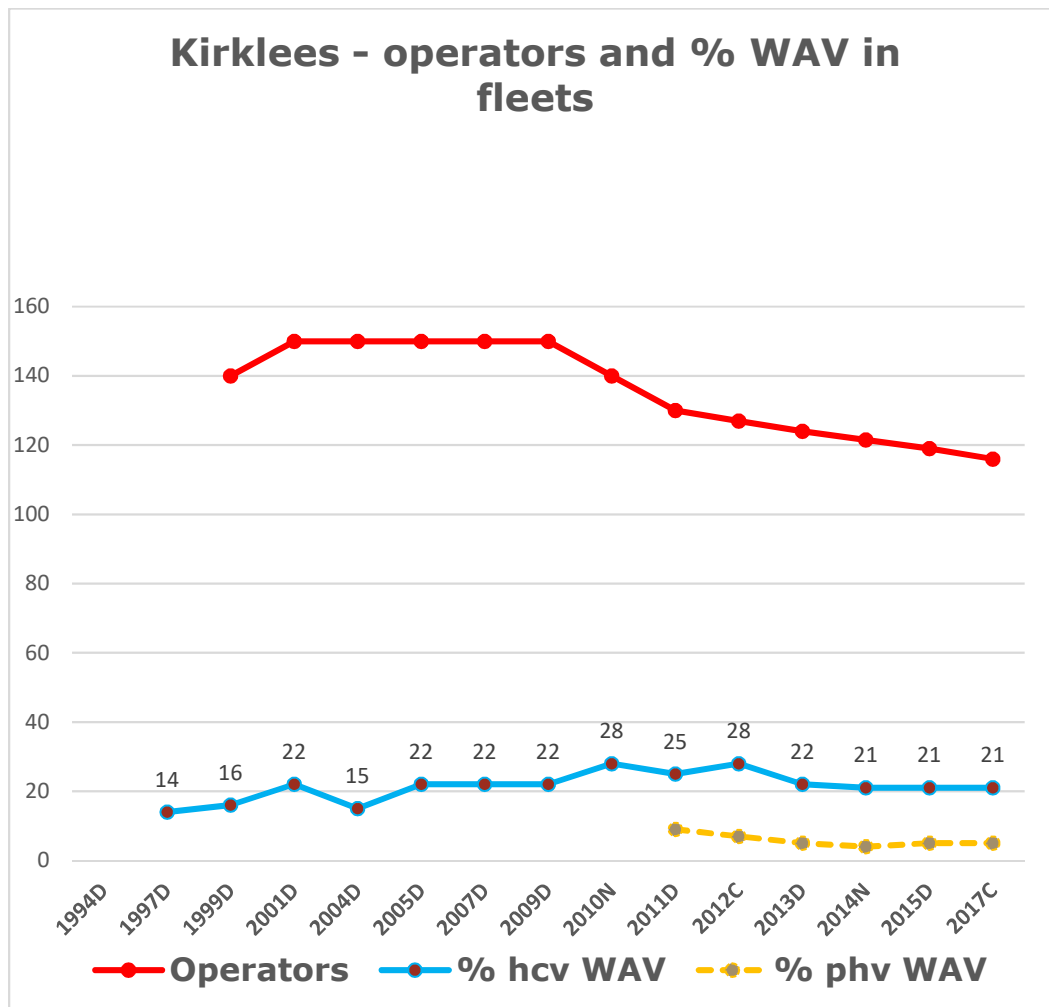


Licensing Statistics from 1994 to date

The graph shows hackney carriage vehicle numbers have been around the same level since 1997. There have been no significant plate issues for some while. On the contrary, private hire vehicle numbers have doubled since 2009, before which they showed little growth for an extended period. There was a slight dip in growth in 2012 for some reason.

The authority has long only had one form of driver licence, allowing people to drive either hackney carriage or private hire. The main growth in driver numbers was in 2009-2011, but current trends appear to show growth in line with the growing level of private hire vehicle growth.

Information is also available from these sources to show how the level of wheel chair accessible vehicles (WAV) has varied. It must be noted that in most cases the values for the private hire side tend to be much more approximate than those on the hackney carriage side, as there is no option to mandate for private hire being wheel chair accessible. In some areas, to strengthen the ability of the public to differentiate between the two parts of the licensed vehicle trade, licensing authorities might not allow any WAV in the private hire fleet at all.



Operator numbers and levels of WAV provision in the fleet

For Kirklees, the number of operators is following an opposite trend to vehicle and driver numbers, showing a clear decrease since 2009. However, the area does have a very high number of operators in any event.

In terms of WAV vehicles, the hackney carriage fleet seems to be around 21% WAV with a few years when this level was higher. Since 2011 there has also been a small but clear contingent of WAV within the private hire fleet.

However, compared to the growth trends in drivers and private hire vehicles, the change in WAV numbers and their overall level is not high.

Kirklees Council undertakes regular review of its policy to limit hackney carriage vehicle numbers in line with the BPG. The previous surveys were in 2013, 2010 and 2007. None of these resulted in any increase in numbers of plates issued, with the last known increase of plate numbers in around 1996 according to the formal statistics.

For the sake of clarity, the Council has informed us that there has been some recent re-issue of plates which had been returned to the council for various reasons. These have not changed the limit on vehicle numbers, but have seen vehicles added which would otherwise have seen less vehicles in service than the limited number which exists. There is one authority which operates a 'moratorium' policy that sees such returned plates extinguished, but the Kirklees current standing is that returned plates may be re-issued. Given the apparent growth, the fixed limit route with potential for re-issue seems more appropriate at this time.

Further, current Government focus is on improving the environmental aspects of licensed vehicle operation, so this changeover of plates needs to be used to provide opportunity to add more environmentally friendly vehicles to the fleet, although it remains appropriate that these are also fully wheel chair accessible given another current focus is towards ensuring better accessibility, and that this is a stated transport policy for the area.

Page left intentionally blank

3 Patent demand measurement (rank surveys)

As already recorded in Chapter 2, control of provision of on-street ranks in Kirklees Council is under the control of the local authority highways section, although local transport planning is undertaken in partnership with the West Yorkshire Combined Authority with respect to delivery of the Local Transport Plan.

Our methodology involves a current review of rank provision both in advance of submitting our proposal to undertake this Hackney carriage unmet demand survey and at the study inception meeting, together with site visits where considered necessary. This provides a valid and appropriate sample of rank coverage which is important to feed the numeric evaluation of the level of unmet demand, and its significance (see discussion in Chapter 7). The detailed specification of the hours included in the sample is provided in **Appendix 2**.

For Kirklees, the previous survey undertook surveys at nearly all ranks, active or not. 38 locations were observed, of which 21 saw no activity at all by hackney carriages. At the inception we were advised that there were no major changes to rank provision and our plan to observe only those rank believed to be active was accepted. The only changes we are aware of is that the significant road works in the square in front of the station are now complete, and a major club, Frontier, closed and was turned into a gym, with consequent reduction to negligible of need for hackney carriages at the nearby rank.

Our resulting rank observations covered some 350 actual hours of observation at some 17 sites (or groups of sites). Two of these locations had no current activity with another seeing only a very minor level of usage.

Overview of observations

During the course of our survey, we observed some 10,531 vehicle arrivals and departures at or near the ranks. Of this total, 78% were Kirklees hackney carriages. 12% were private cars, 8% private hire vehicles and 1% goods vehicles, with a very small number of emergency vehicles also noted.

Of all the hackney carriage observations, 25% appeared to be WAV style. This suggests the WAV fleet is marginally more active at ranks than other vehicle styles, given there are 21% of the vehicles which are WAV in the hackney carriage fleet.

The results are summarized in the table below. The previous surveys were undertaken in July before schools had broken up for their Summer holidays whilst the latest surveys were in early March, again within school term time.

Rank	2017		2013	
	Flow	%	Flow	%
14, Huddersfield Railway Station	3,025	29	2,489	27
11, John William St	2,358	23	1,441	14
7, Bus Station	995	10	636	7
17b, Victoria St, Holmfirth	898	9	402	4
3, Cross Church St	652	6	924	10
4, Queen St	576	6	180	2
39, Market Place, Birstall	540	5	548	6
8, Lower Dundas St	449	4	636	7
27, South St, Dewsbury	255	2	727	8
30, Henrietta St, Batley	235	2	143	2
23, Foundry St, Dewsbury	230	2	120	1
29, Wards Hill, Batley	105	1	353	4
13, Ramsden St	66	1	5	0.0
35, Greenside, Cleckheaton	60	1	121	1
38, St Thomas Road	4	0.0	0	0
16, Zetland St	0	0	0	0
32, Bradford Rd, Frontier, Batley			646	7
31, Bradford Rd, La La's, Batley			0	0
24a, Bradford Rd, Bar St, Batley	0	0	55	1
1, Towngate, Holmfirth			0	0
5, Queensgate			0	0
6, Southgate			0	0
9, Byram St			0	0
10, Lord St			0	0
12, Venn St			0	0
19, Market St outside music shop			0	0
20, Market Sq, Batley			0	0
22, New North Parade			0	0
24, Mill St E, Asda, Dewsbury			0	0
25, Longcause Way and Town Hall Way, Dewsbury			0	0
26, North Gate, Dewsbury			0	0
28, Wellington St, Dewsbury			0	0
33, Ludgate Hill, Heckmondwike			0	0
36, Station Rd, Batley			0	0
37, Station Rd, Batley across from auction rooms			0	0
9c, New St, Huddersfield				
Total	10,447		9,426	
Growth since 2013	+13%			

The table shows there are four ranks in the area with 9% or more of the estimated total weekly hackney carriage passenger numbers. The top rank provides 29% of passengers, from the Railway station. John William Street is second with 23% of demand. The bus station provides a further 10% with the fourth location being Victoria St at Holmfirth.

There are a further four ranks providing between four and six % of total passengers – Cross Church Street, Queen Street, Market Place Birstall and the rank at Lower Dundas Street. There are three ranks with around 2% of flows, all in Dewsbury or Batley, and three with around 1%. The St Thomas Road rank saw a very low level of usage, although most service here appeared to be to the car park of the venue rather than the rank (but also private hire). The last two observed ranks were not used by hackney carriages at all.

Comparison to previous survey

Estimated typical weekly usage has increased 13% since the last survey. This is a very good performance compared to national experience, where many hackney carriage fleets are seeing continued decline in their use from ranks.

Huddersfield Station rank has increased both actual volumes and its percentage share of the total, although only by small amounts. John William Street has seen significant change in both volume and market share, alongside the rank in Victoria Street, Holmfirth.

Other ranks have seen a mix of increases and reductions in both volume and share of the market, with only two locations seeing similar levels of usage and market share. Two Batley ranks have ceased being used (the reason for one being already explained above).

Detailed consideration of ranks

This section considers each rank in detail, reviewing operation from the busiest rank to the quietest in order. Full results are in **Appendix 3**.

Railway Station, Huddersfield

This rank is located in St George's Square directly in front of Huddersfield station, with hackney carriages directly accessible to those leaving the station main exit. There is a short-term car park to the left of this exit, but the main rank area does allow other vehicles access although with the layout of the paved area most access is by hackney carriages. The main section of rank also has feeders on Railway Street. There is a bus and taxi gate enforced by CCTV at the exit from Railway Street directly onto John William Street, with all other vehicles having to leave by a more circuitous route via Railway Street.

Vehicles load from the passenger side although with the shared paving arrangement there would also be safe and level loading from the drivers' side if needed. Bus stops are nearby with shelters, but there is no covered waiting area for hackney carriage passengers, although there are open seats nearby in the Square. This location was observed from 12:00 on Thursday 9th March through to 04:59 on the morning of Sunday 12th March 2017. Arrivals were taken at the time vehicles joined the feeder rank when relevant.

Thursday observations

On the Thursday, a total of 351 passengers left the rank in 304 vehicles, a very low occupancy of just 1.2 passengers per vehicle. However, just 6% left the rank without passengers. During the period observed one person arrived and had to wait two minutes for a vehicle to arrive. This averaged out as negligible over all passengers observed.

Passenger flows ranged from 11 to 43, apart from some flows from 02:00 onwards that were between one and five. The peak hour was 18:00. There were no passengers in the 01:00 or 04:00 hours but flows began to grow from the 05:00 hour onwards.

Vehicle waits for passengers were generally four to 18 minutes, but much longer in the very quiet hours, when vehicles tended to generally be present. The longest vehicle wait recorded was 56 minutes in the early hours of Friday morning.

Friday observations

The Friday covered a full 24-hours of rank operation and saw 539 people leave using 420 vehicles, a low occupancy of 1.3 persons per vehicle. A high level of 24% of vehicles arriving left empty, many of which were during the evening after the peak had passed. No passenger ever arrived to find no vehicle awaiting their immediate use.

Passenger flows ranged from nine to 44 until there were 74 in the 23:00 hour, after which flows dropped to 16, then between nine and one, with only the 06:00 hour seeing no passengers.

Vehicles waited between 17 and 48 minutes in the hours up to the 20:00 hour. From the 21:00 hour onwards waits by vehicles were much less, until they became extended with the lower flows of the earlier hours.

Saturday observations

On the Saturday, the 22 hours observed saw a total of 724 people leaving in 483 vehicles, a further increase in occupancy to a moderate level of 1.5 persons per vehicle. 22% of those vehicles arriving left without a passenger. Two passengers in the midnight hour waited just a minute each for a vehicle to arrive, again a negligible average wait.

Flows of people were just two to five in the first three hours but then rose to between 16 and 38 in the hours up to and including the 18:00 hour. The next two hours saw 65 and 73 respectively, followed by a lull with 48 and 59 before the peak of 110 in the 23:00 hour. Flows then fell each hour until there were just eight passengers in the 04:00 hour.

Vehicle waits were longest in the first few hours, and then ranged from 18 to 40 minutes during most of the daytime. Waits were much lower in the hour from 22:00 onwards, even as flows reduced, although the last hour saw vehicles waiting longer.

Summary

2013 patterns of usage were similar, although again with current flows generally higher, the peak now being at the same time and day but at 110 rather than 100 passengers. The overall service provided to this rank is **excellent** and this does not appear, as often occurs at station ranks, to be at the expense of drivers waiting long periods for fares.

John William Street, Huddersfield

This rank is located near to McDonalds at the Market Square end of John William Street in central Huddersfield. There is a night extension of the rank providing additional waiting for vehicles further back along the street. Loading is from the passenger side, and any loading from the driver side would be dangerous given other passing traffic.

This rank was observed from 12:00 on Thursday 9th March 2017 through to 04:59 on Sunday 12th March.

Thursday observations

During the Thursday some 231 people left the rank in 148 vehicles, a moderate occupancy of 1.6 per vehicle. 20 other vehicles, 12% of those arriving, left empty.

During the course of our observations, eight people arrived when there was no vehicle immediately available. The longest recorded wait was seven minutes, but most were just a minute. Averaged over all passengers in this set of observations, the average wait per passenger was just five seconds. The waits were in the 12:00, 13:00, 14:00, 21:00 and midnight hours.

Passenger flows were fairly consistently between 11 and 23 in each hour, with the peak flows in the 21:00 and 23:00 hours. The area was quiet after the 04:00 hour. The highest vehicle occupancy was in the peak hour, with 2.1 passengers per vehicle in that hour.

Vehicle waits for passengers tended to be extended at this location, always between 12 and 25 minutes, but longer after the midnight hour. There were some vehicles recorded waiting here over an hour for passengers.

Friday observations

On the Friday, over a full 24 hours, 398 people left the rank in 264 vehicles, again a moderate occupancy of 1.5 per vehicle. Again a similar proportion, 11% left the rank without passengers. During this day, no passenger ever arrived without a vehicle being immediately available to take them.

Passenger flows were lower than the Thursday, between two and 19, until the 22:00 hour when they were between 25 and the peak of 48 in the 03:00 hour. The rank became quiet in the 05:00 hour.

Vehicle waits at this location tended to be in the range of 10 to 40 minutes through the whole period, with some vehicles waiting nearly an hour.

Saturday observations

On the Saturday, a 22-hour period of observation, the rank saw 850 passengers leave in 484 vehicles, a high occupancy of 1.8 and much busier than the other two days observed. A much lower 6% of arriving vehicles left empty, mostly in the quieter part of the day.

Despite the higher level of usage, there was just one hour, the midnight hour, when 10 people arrived and found no vehicle available for immediate hire. However, even they only waited a maximum of a minute, and the overall average wait was just a second.

Passenger flows were just one to nine until the 16:00 hour, with no passengers in either the 07:00 or 09:00 hours. The next three hours saw between 12 and 17 per hour, there were 29 in the 19:00 hour, 42 to 49 in the next three hours and then the peak of 122, 117 and 115 in the three hours beginning midnight. There were 99 and then 87 in the last two hours of observations.

Vehicle waits for passengers were high in the early hours of observations but reduced to 11 to 17 minutes from 19:00 onwards, and just five to 15 minutes in the last seven hours as the rank became much busier.

Summary

Compared to 2013, patterns of demand are very similar even down to the variation by days. However, the evening flows now are much higher, although the area becomes quiet at the end of observations, rather than getting busier as it did in 2013. Overall the service to this rank is **very good** although there are times when vehicles are clearly paying the price of waiting for custom. This level of service is more impressive when the overall growth in usage of the rank is taken into account.

Bus Station, Huddersfield

This rank is located on Dundas Street adjacent to the main bus station. Vehicles wait in a double line with loading from the driver side, but with loading to the offside vehicle more difficult given the other traffic passing by. The rank head is located so that the two spaces in Lower Dundas Street can be seen and vehicles can feed from this location to that rank when needed. The rank was observed from 07:00 on Friday 10th March through to 18:59 on Saturday 11th March 2017

Thursday observations

On the Thursday some 208 passengers used this rank, leaving in 200 vehicles, a very low occupancy of almost one passenger per vehicle. 12% of vehicles arriving left empty, mostly heading to the Lower Dundas Street rank. No passenger ever arrived without a vehicle being there to meet them.

Passenger flows began early but ended in the 23:00 hour (but began again at 06:00 the next morning). The first three hours saw four or five passengers but the typical was then between 14 and 21 until the 20:00 hour when flows dropped to between three and six. This is a similar pattern to 2013, albeit with higher flows now. Vehicle waits were between 12 and 36 minutes but sometimes were less.

Friday observations

On this day, 125 people left the rank in 118 vehicles, a low occupancy of 1.1 per vehicle. 16% of vehicles left empty, presumably heading to the Lower Dundas Street location. No passenger ever arrived when no vehicle was available for immediate hire.

Flows ranged from eight to 25 apart from the one and two passengers in the first two hours observed. The peak was in the 13:00 hour, and the lowest flow in the last hour observed, 18:00. Typical vehicle waits for fares were 15 to 40 minutes, but higher in the later hours.

Summary

Service to this rank is **very good** with moderate flows but over an extended period although clearly not a 24-hour demand location.

Victoria Street, Holmfirth

This street has a four-space rank available from 18:00 to 02:00 but used for parking at other times. It is on the side of the road leading away from the main route through Holmfirth. It was observed from 20:00 to 01:59 on both Friday and Saturday 10th and 11th March 2017.

Friday observations

On the Friday, 155 passengers used 94 vehicles to leave this rank, a moderate occupancy of 1.6 per vehicle. 22% of vehicles arriving, some 27, left without passengers. No passenger ever arrived without a vehicle being there available for immediate hire.

Passenger flows ranged from seven to 46, with the peak in the midnight hour. All hours observed saw some flow, mostly 26 people or more from 22:00 onwards. Vehicle waits were four to 12 minutes, although there was a vehicle which did wait half an hour for a passenger.

Saturday observations

On the Saturday, flows were almost double those of the Friday, with 333 people leaving the rank in 192 vehicles, a moderate occupancy of 1.7 per vehicle. There were five passengers who arrived with no vehicle waiting to take them immediately – but none waited more than a minute. Over all passengers, the average wait time was just one second.

Passenger flows varied from 14 up to the peak of 133 in the 23:00 hour. There were 76 in the midnight hour and 48 in the 01:00 hour. Vehicle waits were two to seven minutes in most hours, but the 21:00 and 22:00 hours saw longer average waits, and some longest vehicle waits up to 44 minutes as vehicles prepared for the coming peak.

Summary

Whilst patterns of demand are similar to 2013, this rank now sees a lot higher peak flows, and much more significant usage than at that time. It appears that the rank has also been made more available to vehicles which are taking advantage of this, to be enjoyed by passengers able to get vehicles. Overall service here is **good** and very clearly working with the developing night economy to the advantage of the area overall.

Cross Church Street, Huddersfield

This rank is located at around the centre of this one way street in central Huddersfield. There is a section of 24-hour rank with an additional section provided albeit in advance of the head of the 24-hour section adding further spaces from 20:00 onwards. Loading is from the passenger side with traffic on the driver side of the vehicle.

This rank was observed from 07:00 on Friday 10th March for a full 24 hours until 06:59 on the Saturday morning. During that period some 163 people left the rank using 108 vehicles, a moderate occupancy of 1.5 per vehicle. Just 8% left the area empty, and no passenger ever had to wait for a vehicle to arrive.

Flows ranged from just one to six, but with a peak of 10 in the 14:00 hour, and then a peak period from the 23:00 hour through to the 04:00 when between 12 and 28 used the rank in each hour, with the peak at 02:00. This mirrors the observations in 2013, although in that case a Saturday was also covered which was found to be busier than the Friday.

The Saturday peak flow was about three times that of the Friday. The peak hour remained 02:00 in all cases, with our flow higher than the 21 recorded in 2013.

Vehicle wait times for customers varied widely, but were lowest in the busiest period although even then average waits were 18 minutes, quite long for this type of rank. The overall service level was **very good** although it does appear that vehicles tend to wait here for passengers once they arrive.

Queen Street, Huddersfield

This rank is located about mid-way along this street, with the Tokyo's club immediately next to the rank. Other clubs are nearby. The spaces are available from 18:00 until 06:00 with other parking on the other side of the road. Loading is from the passenger side. It was observed from 01:00 in the early hours of Sunday 12th March 2017 until 04:59. During this period 120 people used the rank, leaving in 104 vehicles, a very low occupancy of 1.2 per vehicle. A further 24% of vehicles left empty, but no-one ever arrived having to wait for a vehicle.

Flows were between 15 and 46 with the peak in the 01:00 hour. Vehicles tended not to wait long for passengers, with average waits between two and six minutes. In 2013 the Friday peak was at exactly the same time but was just 20 passengers.

This rank saw **excellent** service, both for customers and for the vehicles servicing it.

Market Place, Birstall

This rank is located within the central island area of the Market Place in Birstall. It is a separately paved area adjacent to the main carriageway with trees and seating nearby. Most passengers would need to cross the road from various locations to access the rank, but this is also true for those parking in the main parking area adjacent to the rank.

This location was observed from 07:00 on Friday 10th March 2017 until 02:59 the next morning. During this period, some 108 passengers left the area in 85 vehicles, a low occupancy of 1.3 persons per vehicle. 27 vehicles, 24% of the total arriving, left without passengers.

Passenger flows were generally low, with between one and 12 passengers. There were no passengers in either the 07:00 or 14:00 hours, and the location was quiet in the last hour observed, 02:00. Peak passenger flows were in the 15:00 and 18:00 hours, with 12 people in each of these hours. Vehicle wait times for passengers were very variable, with one vehicle waiting over an hour at the period when there were no passengers in that hour. Overall, demand here is low, but covers a long period of the day, and service is **very good**. The 2013 pattern and level of demand was similar.

Lower Dundas Street, Huddersfield

This rank has two spaces right at the southern end of the Street, near its junction with Market Street. Pressure for parking is high in this area and normal parking runs right up to the back of the rank. However, most of the time the space is kept clear by hackney carriages using the two spaces. Vehicles feed to this location from the Bus station rank as vehicles leave these spaces. Passengers enter from the passenger side of the vehicle, although there can be issues with vehicles leaving due to the traffic lights immediately ahead of the rank and traffic waiting adjacent to the rank. The rank is also slightly hidden in Lower Dundas Street around the corner from the main flow of pedestrians along Market Street, but usually advertises itself well by the presence of vehicles.

Lower Dundas Street is also a fairly busy pedestrian route from Market Street to the bus station and a key supermarket exit is also just round the corner in Market Street itself. It was observed from 12:00 until 19:59 on Thursday 9th March 2017, from 07:00 on Friday 10th March until 19:59 and finally from 07:00 on the Saturday 11th March until 18:59 that evening.

Thursday observations

On the Thursday the rank saw 67 people leaving in 62 vehicles, a very low occupancy of just 1.1 per vehicle. However, no vehicle ever left empty, nor did any passenger ever have to wait for a vehicle to arrive.

Passenger flows were between two and a peak of 17 (in the 13:00 hour) and the rank became quiet during the 18:00 hour. In the main hours vehicle waits varied from four to 15 minutes, but those vehicles arriving in the 17:00 hour had longer average waits. These waits excluded the time vehicles had already waited at the Bus Station rank, so would be much greater.

Friday observations

The Friday observations only saw passengers from the 09:00 to the 18:00 hour. In total 111 people left the rank in 101 vehicles, again a low occupancy of just 1.1 persons per vehicle. Just one vehicle left empty, early in the day, and again no passenger arrived without a vehicle being there to serve them.

Flows of passengers were between two and 16, with the peak in the 11:00 hour. Flows were generally consistently between ten and 16 but the first hour with passengers, and the last two were lower. Vehicle waiting times for passengers were between six and 18 minutes again dependent on the level of passengers.

Saturday observations

There were 86 passengers who left in 71 vehicles, a higher, but still very low occupancy of 1.2 per vehicle. Just two vehicles left without passengers, one being the final vehicle servicing the rank. No passenger ever arrived without a vehicle being there to meet them.

Passenger flows were more variable, from four up to a peak of 21. The afternoon was quieter, with either seven or eight in each hour. The 18:00 hour saw no passengers at all. Vehicle average waits were longer on this day, being between seven and 30 minutes, again dependent on passenger flows.

Summary

This rank again sees **excellent** service, particularly given the low flows. This stems from the fact the site is continually fed with vehicles from the bus station rank. Flows and patterns of flow are very similar to 2013.

South Street, Dewsbury

This rank is a long rank adjacent to Dewsbury bus station. There is a guard rail along the rank to encourage passengers to join the front vehicle. The street is one way and main access is from the bus station itself albeit a little walk around as the bus station is at a slightly lower level with a wall between the road and the main bus stands. It was observed from 12:00 on Thursday 9th March 2017 until 19:59 that evening.

During the period observed, 51 people used the rank, leaving in 44 vehicles, a very low occupancy of 1.2 per vehicle. A further 44%, 34 vehicles, left the rank without taking passengers. No passenger ever arrived to find no vehicle waiting for immediate departure.

Passenger flows ranged from three to 17, and covered all hours but the last, 19:00. That hour did see vehicles waiting, but all left empty. The peak hour was 15:00 with the next highest hour, 14:00 seeing 10 passenger departures. Vehicle waits varied from nine to 35 minutes, with one vehicle recorded waiting up to 49 minutes before leaving.

The pattern of usage is similar to 2013. Overall service to this rank is **very good**.

Henrietta Street, Batley

The rank is located on the one-way Henrietta Street but faintly marked. It operates 20:00 onwards with a club nearby (but the rank is on the road the other side of the club car park). The rank was observed from 20:00 on Friday 10th March 2017 until 02:59.

Some 47 passengers used this rank during the period observed. This was a relatively high occupancy of two per vehicle. A further 14 vehicles left empty, 37% of those arriving here. Passenger flows were between two and four for three quieter hours, but rose to 12 in the 23:00 hour and then 26 in the midnight hour. None of these ever had to wait for a vehicle to arrive. There were vehicles but no passengers in the 20:00 hour, but no activity at all in the last hour observed, 02:00.

Vehicle waits for passengers were around half an hour in the first two quieter hours, then fell to four to six minutes in the busier hours. Overall service here is **very good** particularly given the variation in demand. Again, patterns of demand are similar to 2013.

Foundry Street, Dewsbury

The rank is at the start of Foundry Street alongside Dewsbury Market. The rank is marked out in lay-by style paving to differentiate it from the road. The nearby road is one way away from the market, but other traffic does use this route. It was observed on Saturday 11th March from 07:00 until 19:59.

46 passengers used this rank during the observation period. They left in 32 vehicles, a low occupancy of 1.4 per vehicle. 32% of the vehicles that arrived, some 15, left without passengers. No passenger arrived without a vehicle being there to take them immediately.

Passenger flows occurred in every hour from the 08:00 to the 16:00, and ranged from one to a peak of 10 in the 15:00 hour. Daytime vehicle waits were between 10 and 14 minutes, but were longer in the first two hours and the last three, with vehicles waiting up to 55 minutes even in the hour running up to the peak hour.

Compared to 2013, demand seems more stable at this rank. However, again flows were higher on the day observed – in 2013 the peak was five people. Overall service here is **very good** although as with some other sites, drivers appear to pay a relatively high waiting price for obtaining custom here.

Wards Hill, Batley

The rank is located just before Wards Hill joins the main Commercial Street through Batley. It is in a lay-by providing two spaces and has signs, but faded road markings. Further along the route there is a larger parking area parallel to the main carriageway which is used as a high capacity feeder to the main rank. Beyond this there is a public car park. This location was observed from 11:00 on Saturday 11th March through to 02:59 on the 12th March 2017.

During our observations, 21 passengers used the rank, leaving in 16 vehicles, a low occupancy of 1.3 persons per vehicle. A further 16 vehicles, half of those arriving, left the area empty. During the course of the observations, three people had to wait a minute for a vehicle to arrive. These waits occurred in the 12:00 hour. Shared over all passengers the average expected passenger delay was 12 seconds.

Passenger flows were usually between one and two per hour, but the 12:00 and 13:00 hours both saw seven passengers. Vehicles also serviced the area in other hours, 18:00, 19:00, 22:00 and midnight. Other vehicle waits for fares were up to an average of 17 minutes, with a longest recorded wait of 22 minutes in two cases.

Passenger flows on the same day were remarkably similar to 2013. Overall demand here is low, but service for the level of demand is **good**.

Ramsden Street, Huddersfield

This small rank is located on the one-way Ramsden Street just before its junction with Peel Street. Beyond this point, Ramsden Street is pedestrianised to provide pedestrian exit from the Piazza shopping centre. The rank operates from 20:00 to 06:00 and is space for disabled badge holders and loading at various other times. Loading is from the passenger side. Observations were from 07:00 on Saturday 11th March to 02:59 the next morning.

Over the period observed, 22 people left the rank in 20 vehicles, an average very low occupancy of 1.1 passengers per vehicle. A further five vehicles arrived but left empty, 20% of those servicing this location. The main passenger flow was in the 02:00 hour, with 11 people then and seven in the previous hour. Other usage was four people in the 23:00 hour and single vehicles pausing in the 09:00, 15:00 and 18:00 hours.

In the period the rank was used, some vehicles had waits of up to 40 minutes, with averages of 18 and 7 minutes in those two hours respectively.

This suggests there was a known demand and offers the possibility some of these could have been bookings although this is hard to confirm. This rank had not been used in 2013 although some activity had been seen at the Peel Street end of this street.

Particularly given the low flows involved, service to this location is **very good**.

Greenside, Cleckheaton

The rank is a long lay-by on the opposite side of the road to the Health Centre, with the local park adjacent. The rank was observed from 12:00 to 18:59 on Thursday 9th March 2013. During this period, 12 people left the rank in 10 vehicles, a very low occupancy of 1.2 per vehicle. 58% of the vehicles arriving, 14 in number, left without passengers.

During the course of the observations, three people arrived and found no vehicle available for immediate hire. However, their wait was just a minute in every case, although shared over all the passengers this still remained an expected delay of 25 seconds.

Flows were just one to four in any hour, although there were passengers in every hour observed apart from the last one at 18:00 which saw no activity by either people or vehicles. The peak was four people in the 13:00 hour. The other peak was three in the 16:00 hour. Both these 'peaks' led to the observed passenger waits recorded above.

Average vehicle waiting times for fares were generally low, although one vehicle was recorded waiting up to 17 minutes for a fare. Overall service to this rank is **fair** given the very small levels of patronage. Yet again, flows and patterns were very similar to 2013.

St Thomas Road, Huddersfield

This rank is located in a lay-by directly outside the exit from the Grosvenor Casino just outside the central area of Huddersfield. However, the main parking area for this facility is nearby and that car park also provides a place where people can meet pre-booked vehicles, away from the rank. It was observed on Saturday 11th March 2017 from 22:00 until 01:59 the next morning. During our observations just one passenger used one vehicle to leave the area, and one other vehicle paused briefly before leaving empty.

This location is not really used, nor is there much obvious passenger demand, so there is no value in rating the level of service.

Zetland Street, Huddersfield

This rank is formed of several sections of small ranks near the Warehouse venue. The street is two-way so vehicles can service ranks on either side if needed. It was observed from 18:00 on Friday 10th March 2017 to 03:59 on the Saturday morning. During the observations, there were no passengers, but four vehicles did pause for between one and three minutes in the 18:00, 21:00, 22:00 and 01:00 hours. This picture is similar to 2013 although significant private hire activity was noted nearby in 2013.

Bradford Road, Bar Street, Batley

This rank provides two spaces available from 22:00 on the main Bradford Road just before its junction with Bar Street. It has a private hire booking office immediately adjacent. The rank has both signs and markings relatively clearly visible. This location was observed from 22:00 on Saturday 11th March 2017 to 03:59 in the early hours of Sunday 12th March. During this period no passengers used the location, but three vehicles waited briefly before leaving, in the midnight and 01:00 hours.

Other locations

Given the extensive observations in 2013, which found no usage, and no significant change since that might see these locations re-used, no observations were undertaken of any other rank site at this time. There was remarkable similarity in the observed ranks to 2013, albeit often with higher flows now. One rank had ceased to see use as the club had closed to be replaced by a land use unlikely to generate high hackney carriage usage, whilst one other location (Ramsden St) now sees use.

Activity of vehicles within fleet

A sample of plates active near to ranks was undertaken on the Saturday of the rank survey. This was to understand the level of plates active to meet the demand observed. During the 20 hours of observations at some eight different key sites, 388 vehicles were observed. This amounted to 62% of the fleet. The most frequent vehicle was observed eight times, whilst several were only seen once.

The largest proportion of the fleet observed in any of our samples, 25%, were observed in the hour and a half up to midnight at Huddersfield station. This rank during the three observed periods saw 31% of the fleet in total (or half of the vehicles active overall). The next highest proportion seen was some 16% over the four hours observed at Holmfirth. 11% of the fleet were seen over the three hours observed at Dundas Street. South Street, Dewsbury saw 9% of the fleet in the two hours observed there.

All these figures show an active fleet, but also one that still retains a good level of spare capacity even on the busiest day when most vehicles would be expected to be active.

Conversely, there is no evidence of the fleet playing up to the survey.

4 General public views

It is very important that the views of people within the area are obtained about the service provided by hackney carriage and private hire. A key element which these surveys seek to discover is specifically if people have given up waiting for hackney carriages at ranks (the most readily available measure of latent demand). However, the opportunity is also taken with these surveys to identify the overall usage and views of hackney carriage and private hire vehicles within the study area, and to give chance for people to identify current issues and factors which may encourage them to use licensed vehicles more.

Such surveys can also be key in identifying variation of demand for licensed vehicles across an area, particularly if there are significant areas of potential demand without ranks, albeit in the context that many areas do not have places apart from their central area with sufficient demand to justify hackney carriages waiting at ranks.

These surveys tend to be undertaken during the daytime period when more people are available, and when survey staff safety can be guaranteed. Further, interviews with groups of people or with those affected by alcohol consumption may not necessarily provide accurate responses, despite the potential value in speaking with people more likely to use hackney carriages at times of higher demand and then more likely unmet demand. Where possible, extension of interviews to the early evening may capture some of this group, as well as some studies where careful choice of night samples can be undertaken.

Our basic methodology requires a sample size of at least 200 to ensure stable responses. Trained and experienced interviewers are also important as this ensures respondents are guided through the questions carefully and consistently. A minimum sample of 50 interviews is generally possible by a trained interviewer in a day meaning that sample sizes are best incremented by 50, usually if there is targeting of a specific area or group (eg of students, or a sub-centre), although conclusions from these separate samples can only be indicative taken alone.

It is normal practice to compare the resulting gender and age structure to the latest available local and national census proportions to identify if the sample has become biased in any way.

More recently, general public views have been enlisted from the use of council citizens' panels although the issue with these is that return numbers cannot be guaranteed. The other issue is that the structure of the sample responding cannot be guaranteed either, and it is also true that those on the panel have chosen to be there such that they may tend to be people willing to have stronger opinions than the general public randomly approached.

Finally, some recent surveys have placed an electronic copy of the questionnaire on their web site to allow interested persons to respond, although again there needs to be an element of care with such results as people choosing to take part may have a vested interest.

For this survey, a total of 200 persons were interviewed in the streets of Kirklees, across several of the main urban areas. We undertook interviews with people in Huddersfield (100), Dewsbury, Batley, Birstall and Holmfirth (latter four, 25 per location). Full results are in **Appendix 4**.

For the whole area, 68% of those interviewed had used a licensed vehicle in the last three months in the area. This level was highest in Holmfirth (84%) and lowest in Dewsbury (56%) and around the average in the three other areas. In 2013 the overall level was 63%.

The 68% who had used a licensed vehicle told us how often they had used them. When translated to a typical usage per month, the average across the area is 2.3 trips per person per month. This compares to a level of 0.3 trips per person for hackney carriages, just 13% of the total. Highest usage was in Birstall, then Holmfirth, with Huddersfield just below the average and Batley and then Dewsbury lowest. In terms of hackney carriage levels, the highest value was Birstall, followed by Batley, Dewsbury, Huddersfield and Holmfirth.

70% of people's responses were that they phoned for a licensed vehicle. A further 12% used a mobile or smart phone, 3% a free phone and 15% a rank (very similar to the usage estimate level). None said they hailed. Dewsbury had the highest quoted rank usage, followed by Birstall, Batley and Huddersfield (which was remarkably low at just 10%).

Those who phoned provided names of companies used. 34 different companies were named, although 14 of these were just named once. The company with most mentions was quoted in most of the areas and overall obtained 15% of mentions. The next two companies obtained 13% and 10% but both were only mentioned by Huddersfield respondents. There were three companies obtaining 6% and two 5% of mentions. Nearly all of these mentions focused on one of the locations. This suggests a large number of relatively small geographic focused private hire operations across the area.

The remaining questions focused on usage of hackney carriages only. Of those responding to the question of how frequently they used hackney carriages, 61% told us they could not remember when they had last used a hackney carriage, quite a high level.

14% of responses to this question were that people could not remember seeing a hackney carriage in the area. However, the response to this question saw no-one say this in Huddersfield, Batley or Dewbury, but a higher number said this in Birstall with the highest number, some 71% of response for that location, said they could not remember seeing hackney carriages in Holmfirth.

26 different locations were mentioned by people telling us the ranks they were aware of. In nearly all cases, mention of ranks was specific to each particular area. The top four mentioned locations were in Huddersfield, with John William St getting 14% of all mentions. The railway station obtained the same level, although 12% said 'bus and train station' even though these two locations are totally separate. The fourth location mentioned was 9% clearly saying Huddersfield Bus Station.

Market Place Batley obtained 6%, Market Place Birstall, 5% with all other ranks obtaining no more than 4% of responses. There were several mentions of more colloquial names such as 'centre, Batley' and some of ranks at stations other than Huddersfield (Batley and Dewsbury). Overall, there is a good knowledge of the main ranks across the area, but focused on the most used locations.

No-one suggested any locations for new ranks. Interestingly, 34 of the interviewees (17%) took time to say they did not feel they wanted to see any more new ranks.

There were just 30 total responses to the question about people with issues about the hackney carriage operation. 63% had driver issues, mainly in Dewsbury, and 27% were concerned about levels of cleanliness (across the area).

People were asked about if they could get a hackney carriage in the area if they needed one. There was a high level of response, with 50% of the responses saying people could get them when needed in the daytime and 47% at night. There was little other response.

The response to matters that might encourage people to use hackney carriages more was again only moderate – just 85 in total. As is often the case, most said lower fares were the main matter that would increase their usage (86% of responses). Just 7% said better drivers, and 4% each more hackney carriages either at ranks or to be phoned for. This suggests very little practical change that can be made to increase hackney carriage usage in the area.

Just one person, in Holmfirth, said they had ever given up waiting for a hackney carriage in the Kirklees area. This gives a latent demand factor of just 1.005, very low. The person did not provide any detail of where they had given up waiting.

92% of those responding said they did not need nor were aware of anyone that needed an adapted vehicle to meet disability requirements. Of those either needing or being aware of need for a different vehicle, twice as many favoured other adaptations rather than WAV.

Most people answered the question about if they felt disabled people travelling in Kirklees got a good service from hackney carriages. However, 72% admitted they did not know one way or another. Of those giving a response either way, most said they felt people did get a good response (93%).

In terms of our sample, 69% had regular access to a car and 81% lived in the area. We interviewed about the right level of males (48% compared to 49% in the census), but slightly less of the younger and middle age group respondents (21% compared to 24% census and 36% compared to 41% census), with more in the older group (43% interviewed compared to 36% in the census). These are generally representative shares of the various sections of the population, so our results are likely to be reasonable and robust.

5 Key stakeholder consultation

The following key stakeholders were contacted in line with the recommendations of the BPG:

- Supermarkets
- Hotels
- Pubwatch / individual pubs / night clubs
- Other entertainment venues
- Restaurants
- Hospitals
- Police
- Disability representatives
- Rail operators
- Other council contacts within all relevant local councils

Comments received have been aggregated below to provide an overall appreciation of the situation at the time of this survey. In some cases there are very specific comments from one stakeholder but we have tried to maintain their confidentiality as far as is possible. The comments provided in the remainder of this Chapter are the views of those consulted, and not that of the authors of this report.

Our information was obtained by telephone, email, letter or face to face meeting as appropriate. The list contacted includes those suggested by the Council, those drawn from previous similar surveys, and from general internet trawls for information. Our target stakeholders are as far as possible drawn from across the entire licensing area to ensure the review covers the full area and not just specific parts or areas. Further details are in **Appendix 5**.

For the sake of clarity, we cover key stakeholders from the public side separately to those from the licensed vehicle trade element, whose views are summarized separately in the following Chapter.

Where the statistical analyses in Chapter 2 demonstrate low levels of wheelchair accessible vehicle (WAV) provision, an increased emphasis will be given to the issue in terms of the focus of stakeholders but also in specific efforts to contact disabled users and their representatives.

Supermarkets

Of eight supermarkets contacted, two refused to assist and one could not respond in the time available. All the remaining five said their customers did use licensed vehicles. All had a freephone link, but one said they would also phone for vehicles if customers asked. None had received any complaints about the service. Three had no nearby taxi ranks. One said they had provision in their car park, whilst another referred to a private hire company.

Hotels

Four of the six hotels contacted responded, all saying their customers did use licensed vehicles and that generally staff would contact a company for them if they asked. None had received any complaints about the service provided. Two were unaware of ranks nearby, whilst one named a location, and another named a private hire company as a rank.

Public houses

13 public houses were contacted. One location no longer existed and two did not seem to provide any contact details. Several others did not reply in the time available. The five responding all said their customers did use licensed vehicles. Three locations said people always made their own arrangements for getting vehicles. Three said either people made their own arrangements or staff would make calls for people if asked. One said people would either phone or go to a nearby rank. This location, and one other, were aware of nearby ranks their customers would use. Two named private hire companies when asked about ranks. None had received any complaints about service.

Night clubs

Two of the four clubs contacted responded and said their customers did use licensed vehicles. Both said customers made their own arrangements, with one saying they also used the nearby rank. The other club said they were aware of one of the main ranks as well. One sometimes had customers complain about the service provided, whilst the other had received no complaints.

Other entertainment venues

Two entertainment venues contacted told us their customers did use licensed vehicles. Both said people made their own arrangements, but one said their staff would phone if asked. None had received complaints. One was not aware of a rank whilst the other named a private hire company when asked about ranks.

Restaurants

No response came from the restaurants contacted in the time available.

Hospitals

The hospital made no comment during the time available for response.

Police

There was no police response.

Disability

The local representative for North and West Yorkshire Guide Dogs for the Blind told us they did get occasional issues with refusal of guide dogs or other issues in the area, but that these were generally dealt with promptly and they did not consider there were any specific local issues needing addressing.

National rail and other transport contacts

A representative for the rail operator servicing Huddersfield station told us that their station received a generally good service from both hackney carriage and private hire vehicles. They felt the current rank location worked very well, providing a good service for passengers, without causing any issue for other customers. The split with private hire using the nearby car park also worked well. The range of vehicles and availability was felt to be okay.

A bus operator contact told us their main issue arising from hackney carriages was when they over-ranked and affected bus stop operation, or when both private hire and hackney carriage stopped to set down or pick up at bus stops and blocked the bus service in doing so. They felt there was a general failure of licensed vehicles to properly observe both bus lanes and bus gates, and assume they could use all of them, all of the time, which often caused issues.

A key item they would prefer would be direct clarification about what bus lanes and bus gates could and could not be formally used by private hire and hackney carriage, and when, and that this was clearly explained to drivers and enforced.

University representatives

A representative from Huddersfield University told us they have a limited number of ranks near university premises. The rank opposite the market hall was mainly available outside university operating hours. They felt most students and staff made private hire bookings. At one point there was a company who provided a pay later facility, but this was not used very much and is no longer in place. The busiest area for the University is off Queensgate. Most staff calls for bookings however tend to be to Firth Street, but again this is principally private hire usage.

Other Council contacts

No other council contacts made any response to the consultation.

Page left intentionally blank

6 Trade stakeholder views

The BPG encourages all studies to include 'all those involved in the trade'. There are a number of different ways felt to be valid in meeting this requirement, partly dependent on what the licensing authority feel is reasonable and possible given the specifics of those involved in the trade in their area.

The most direct and least costly route is to obtain comment from trade representatives. This can be undertaken by email, phone call or face to face meeting by the consultant undertaking the study. In some cases to ensure validity of the work being undertaken it may be best for the consultation to occur after the main work has been undertaken. This avoids anyone being able to claim that the survey work was influenced by any change in behavior.

Most current studies tend to issue a letter and questionnaire to all hackney carriage and private hire owners, drivers and operators. This is best issued by the council on behalf of the independent consultant. Usual return is now using an on-line form of the questionnaire, with the option of postal return still being provided, albeit in some cases without use of a freepost return. Returns can be encouraged by email or direct contact via representatives. Some authorities cover private hire by issuing the letter and questionnaire to operators seeking they pass them on when drivers book on or off, or via vehicle data head communications.

In all cases, we believe it is essential we document the method used clearly and measure response levels. Kirklees Council took a proactive stance in issuing the agreed driver survey letter and forms to as many drivers as possible. Copies were made available at Customer Service centres, and those coming in to renew badges were encouraged to complete there and then. All 110 operators were posted forms and asked to issue these to their drivers. The link was emailed out to trade representatives and others that might be able to forward the link to other drivers. Forms were distributed at the trade meeting in late April, and some were handed out when visits were made to ranks. There are some 2,861 drivers, all able to drive either hackney carriage or private hire, leading to an inability to know who drove which vehicle.

In the end, there were 11 responses. This is an indicative response only. Of the 11 responses, four said they drove a hackney carriage and seven (64%) private hire. Their average level of service in the area was 13 years, with the maximum stated being 22 years.

Of the responses, the most frequent number of days worked was five (43%) followed by six (29%), and then the remainder equally shared between one, four and seven days. These worked an average of 31 hours, very low compared to other areas, with a maximum quoted of 55 hours.

Where people gave a reason for the shifts they worked, 75% said family commitments, and 25% preference. There were none avoiding awkward customers. 80% owned their own vehicle, although 30% then said someone else drove the vehicle they used. Just 20% worked on radio circuits – both being private hire drivers.

The response about ranks used just gave three answers, only two of which were specific ranks. The only issue quoted about ranks was that of private cars abusing them.

All four hackney carriages were principally rank based.

Eight people responded to the question if the limit remained an appropriate policy. Half said yes, and half said no. Interestingly, of those saying it remained appropriate, half were hackney carriage and half private hire. One hackney carriage respondent disagreed with keeping the limit, and the other did not respond at all.

The overall indication from the survey of drivers suggests the hackney carriage and private hire sectors in the area to be very separate. There appear to be few hackney carriages contactable by phone, but many of the private hire also appear to be relatively independent as well.

There has been trade suggestion that zoning is needed in the area to protect honey pot areas, such as central Huddersfield, from being flooded by the many other area vehicles which may have seen their opportunities reduced. However, there is no current legal way in which a zoning system can be applied. The Law Commission reviewed this and suggested a new Act should have the opportunities to introduce zoning systems, but this recommendation is now very unlikely to be brought forward as there is still no comment at all from the Government in regard to this consultation.

7 Evaluation of unmet demand and its significance

It is first important to define our specific view about what constitutes unmet demand. Our definition is when a person turns up at a hackney carriage rank and finds there is no vehicle there available for immediate hire. This normally leads to a queue of people building up, some of who may walk off (taken to be latent demand), whilst others will wait till a vehicle collects them. Later passengers may well arrive when there are vehicles there, but because of the queue will not obtain a vehicle immediately.

There are other instances where queues of passengers can be observed at hackney carriage ranks. This can occur when the level of demand is such that it takes longer for vehicles to move up to waiting passengers than passengers can board and move away. This often occurs at railway stations, but can also occur at other ranks where high levels of passenger arrivals occur. We do not consider this is unmet demand, but geometric delay and although we note this, it is not counted towards unmet demand being significant.

The industry standard index of the significance of unmet demand (ISUD) was initiated at the time of the introduction of section 16 of the 1985 Transport Act as a numeric and consistent way of evaluating unmet demand and its significance. The ISUD methodology was initially developed by a university and then adopted by one of the leading consultant groups undertaking the surveys made necessary to enable authorities to retain their limit on hackney carriage vehicle numbers. The index has been developed and deepened over time to take into account various court challenges. It has now become accepted as the industry standard test of if identified unmet demand is significant.

The index is a statistical guide derived to evaluate if observed unmet demand is in fact significant. However, its basis is that early tests using first principles identified based on a moderate sample suggested that the level of index of 80 was the cut-off above which the index was in fact significant, and that unmet demand therefore was such that action was needed in terms of additional issue of plates to reduce the demand below this level, or a complete change of policy if it was felt appropriate. This level has been accepted as part of the industry standard. However, the index is not a strict determinant and care is needed in providing the input samples as well as interpreting the result provided. However, the index has various components which can also be used to understand what is happening in the rank-based and overall licensed vehicle market.

ISUD draws from several different parts of the study data. Each separate component of the index is designed to capture a part of the operation of the demand for hackney carriages and reflect this numerically. Whilst the principal inputs are from the rank surveys, the measure of latent demand comes from the public on-street surveys, and any final decision about if identified unmet demand is significant, or in fact about the value of continuing the current policy of restricting vehicle numbers, must be taken fully in the context of a careful balance of all the evidence gathered during the survey process.

The present ISUD calculation has two components which both could be zero. In the case that either are zero, the overall index result is zero, which means they clearly demonstrate there is no unmet demand which is significant, even if other values are high.

The first component which can be zero is the proportion of daytime hours where people are observed to have to wait for a hackney carriage to arrive. The level of wait used is ANY average wait at all within any hour. The industry definition of these hours varies, the main index user counts from 10:00 to 18:00 (i.e. eight hours ending at 17:59). The present index is clear that unmet demand cannot be significant if there are no such hours. The only rider on this component is that the sample of hours collected must include a fair element of such hours, and that if the value is non-zero, review of the potential effect of a wider sample needs to be considered.

The other component which could be zero is the test identifying the proportion of passengers which are travelling in any hour when the average passenger wait in that hour is greater than one minute.

If both of these components are non-zero, then the remaining components of the index come into play. These are the peakiness factor, the seasonality factor, average passenger delay, and the latent demand factor.

Average passenger delay is the total amount of time waited by all passengers in the sample, divided by the total number of passengers observed who entered hackney carriages.

The seasonality factor allows for the undertaking of rank survey work in periods which are not typical, although guidance is that such periods should normally be avoided if possible particularly as the impact of seasons may not just be on the level of passenger demand, but may also impact on the level of supply. This is particularly true in regard to if surveys are undertaken when schools are active or not.

Periods when schools are not active can lead to more hackney carriage vehicles being available whilst they are not required for school contract work. Such periods can also reduce hackney carriage demand with people away on holiday from the area. Generally, use of hackney carriages is higher in December in the run-up to Christmas, but much lower in January, February and the parts of July and August when more people are likely to be on holiday. The factor tends to range from 0.8 for December to 1.2 for January / February.

There can be special cases where summer demand needs to be covered, although high peaks for tourist traffic use of hackney carriages tend not to be so dominant at the current time, apart from in a few key tourist authorities.

The peakiness factor is generally either 1 (level demand generally) or 0.5 (demand has a high peak at one point during the week). This is used to allow for the difficulty of any transport system being able to meet high levels of peaking. It is rarely possible or practicable for example for any public transport system, or any road capacity, to be provided to cover a few hours a week.

The latent demand factor was added following a court case. It comes from asking people in the on-street questionnaires if they have ever given up waiting for a hackney carriage at a rank in any part of the area. This factor generally only affects the level of the index as it only ranges from 1.0 (no-one has given up) to 2.0 (everyone says they have). It is also important to check that people are quoting legitimate hackney carriage rank waits as some, despite careful questioning, quote giving up waiting at home, which must be for a private hire vehicle (even if in hackney carriage guise as there are few private homes with taxi ranks outside).

The ISUD index is the result of multiplying each of the components together and benchmarking this against the cut-off value of 80. Changes in the individual components of the index can also be illustrative. For example, the growth of daytime hour queueing can be an earlier sign of unmet demand developing than might be apparent from the proportion of people experiencing a queue particularly as the former element is based on any wait and not just that averaging over a minute. The change to a peaky demand profile can tend towards reducing the potential for unmet demand to be significant.

Finally, any ISUD value must be interpreted in the light of the sample used to feed it, as well as completely in the context of all other information gathered. Generally, the guide of the index will tend not to be overturned in regard to significant unmet demand being identified, but this cannot be assumed to be the case – the index is a guide and a part of the evidence.

For the surveyed data, our estimates are:

- Average passenger delay 0.017 minutes (0.87 2013)
- Proportion of off peak hours with any delay – 10.26% (12.12)
- Proportion of passengers travelling in hours when average passenger delay is over a minute – 0.06% (zero)
- Seasonality – 1.0 in both surveys
- Peak factor – 0.5 now, was 1.0 previously
- Latent demand – 1.005 now (was 1.003)

The resulting ISUD index at the present time is 0.01, which is effectively zero. The value in 2013 was zero due to there being no hours at all with average queues over a minute. This result means that the authority has very little unmet demand and certainly nothing that would be counted to be significant. This means the possibility exists of retaining the limit, and the same number of vehicles, and being able to defend this if necessary.

In terms of guidance from the changes between the last survey and this, there is a tendency towards more unmet demand, although several indicator components have actually improved. Average passenger delay and the level of off peak queueing are reduced. The peak factor has changed in favour of there being less likelihood of unmet demand being significant. However, there are now some hours with average delay over a minute when there were none in the previous survey. Latent demand has also marginally increased. However, none of these changes are significant and the overall picture is that levels of unmet demand are very unlikely to become significant without some major change in the area.

8 Summary, synthesis and study conclusions

This Hackney carriage unmet demand survey on behalf of Kirklees Council has been undertaken following the guidance of the BPG and other recent case history regarding unmet demand and its significance. This chapter provides a summary of the key evidence base, provides a synthesis of how these individual parts combine, and gives conclusions for this study. Recommendations follow in the succeeding Chapter.

Background

Kirklees Council is a metropolitan unitary authority with full planning, transport and licensing powers. Its limit on hackney carriage vehicle numbers has been in place for a substantial period, and regular reviews occur, with the preceding ones in 2013, 2010 and 2007.

The current study began with appointment in late December 2016, an inception meeting in February, rank and on-street interviews in March 2017, driver consultation in April and May, and key stakeholder contact throughout the study.

Background planning and transport policy includes supporting taxi facilities recognizing that both hackney carriage and private hire are a valuable part of the transport system, although only providing 1% of travel to work across the wider region. There is a stated aim to enhance the offer made to those with disability or mobility impairments. Safeguarding is also noted as important, as is encouraging better take up of ultra low emission vehicles.

Although the area has a large number of different centres, unlike some other nearby West Yorkshire authorities, there are no zoning systems and hackney carriage licences, and the limit, are valid in any part of the authority.

The present licensed vehicle fleet has not seen any significant issue of hackney carriage vehicle plates for some while, although the numbers have increased since records began in 1994. Private hire numbers were static till 2009, but have almost doubled in number since then.

The authority has long held a dual driver policy with main growth in drivers mimicking that of the private hire fleet growth, and remaining similar in growth to that of the private hire fleet vehicle numbers. On the contrary, operator numbers have fallen in the same period.

In terms of wheel chair accessible fleet content, the current hackney carriage proportion of 21% is less than the peak achieved around 2012, with some small level of provision of WAV in the private hire fleet since about 2011.

Rank observations

Given the wide extent of ranks in the area, but with knowledge from the previous study and current experience, some 350 hours of observations were undertaken covering what we believe to be all 17 presently active rank sites (or groups of sites that work together). Two of these were found to no longer see any current activity, with a further location seeing very little use now. In one case, a major rank generator had closed and been replaced with a usage not conducive to either hackney carriage or private hire usage.

Of all the vehicle arrivals and departures at or near these rank locations, 12% were private cars, 8% private hire vehicles and 1% goods vehicles potentially hindering rank availability.

Of the remaining 78% of movements identified as legitimate Kirklees hackney carriages, 25% appeared to be WAV style. This suggests a higher level of usage of these vehicles compared to normal saloons given there are only 21% of the fleet known to be formally WAV.

Two people were seen using ranks in wheel chairs, with a further six appearing to have disabilities.

The area sees peaks in hackney carriage rank usage on both Friday and Saturday nights, but with the Saturday peak much more pronounced. A key contributor to the peak demand is the Victoria Street, Holmfirth location. In central Huddersfield daytime use focusses at the station, but this is supplanted at night by the John William Street rank. Many other ranks contribute to the overall demand levels.

The Huddersfield station rank sees 29% of weekly estimated demand, the most dominant rank, but not taking a huge share as can occur in other places. The next largest rank is John William Street with 23%, followed by the bus station with 10% and Victoria Street, Holmfirth with 9%. A further four ranks provide six to four % each, three with around 2% and three with around 1%. This is 14 active ranks across the area, a significant level of activity particularly given the smaller nature of some locations that are nonetheless active.

Comparison to the previous survey suggests about 13% more passengers leaving ranks than in 2013, with some increases and declines rank by rank, but some relatively similar flows between the surveys as well. Overall, there are slightly fewer ranks now active, but at least one has the clear reason from closure of the nearby venue and replacement by a lesser taxi trip generator.

A sample of 20 hours of vehicle plate observations on the busiest day found 62% of the fleet active in the sample. 31% of the fleet were observed at the main rank at Huddersfield station. The Holmfirth rank when observed took some 16% of the plates to service it. The fleet is clearly very active, but also retains spare capacity.

On street public views

People in the streets of Kirklees were asked about their views of the current licensed vehicle service. A total of 200 interviews were undertaken, with 100 in Huddersfield and 25 each in Dewsbury, Batley, Birstall and Holmfirth. Of all these, 68% said they had used a licensed vehicle in the area in the last three months. Highest usage was in Holmfirth and lowest in Dewsbury.

Using quoted average levels of usage, there are 2.3 licensed vehicle trips per month per person in the area, with 0.3 trips by hackney carriage. 85% said they got vehicles by phoning or booking them by various methods. Rank usage was 15%, very similar to the 13% proportion in terms of trips made.

In terms of companies contacted, there are a large number of relatively small geographic focussed private hire operations, with the largest quoted use being only 15% of the total, very low.

In terms of views and usage of hackney carriages, 14% could not remember seeing a hackney carriage in the area, but this response was dominated by Birstall and Holmfirth responses, and absent from the other areas (where there are more active daytime ranks). 61% said they could not remember when they had last used a hackney carriage.

Again, rank knowledge was very local and focussed on local areas. There were 26 different locations mentioned, though some were different names for the same place. The top rank mentioned was John William Street, Huddersfield, but only obtained 14% of mentions. Huddersfield Railway station obtained the same level of mention, with 9% saying Huddersfield bus station. A further 12% said 'Huddersfield bus and train station' which was a bit confusing given the separate locations of these two sites.

The strongest view was there were sufficient ranks, with no suggestions for any new locations needed.

Few people had issues with the local hackney carriages service, with the top proportion being driver issues, mainly in one area, and a cross-area concern about cleanliness. Considering the opposite way, lower fares were the main item that would encourage people to use hackney carriages more, with the next highest mention being just 7% saying 'better drivers'. These two questions suggest overall satisfaction with the current service and little that might be done to increase usage.

50% of those responding said they could get hackney carriages in the day if they needed them, with the night level being 47%, both relatively high. There were few contrary responses.

Latent demand was very low at just 0.5%.

Only 8% either needed or were aware of someone needing an adapted hackney carriage vehicle to travel. The response favoured non-WAV style adaptations. 72% of those responding were not aware if those with disabilities got a good service from hackney carriages or not, but from the remainder, 93% felt disabled people did get a good service.

The sample said 69% had regular access to a car and that 81% lived in Kirklees. The sample was exactly comparable to the gender proportion in the census, but slightly skewed to older respondents in our sample.

Key stakeholder views

Most key stakeholders said customers tended to use private hire. The only stakeholders aware of ranks were pubs and night clubs, with a few saying people chose to go to the nearby rank.

Huddersfield station said their station received a generally good service with their considering the layout of the rank and private hire pick-up and set-down worked very well. They also felt the range of vehicles available was okay. A local bus operator felt the main issue was both private hire and hackney carriage affecting bus operation by their abuse of bus stops and bus priorities.

One local representative of a national disability group felt there were no significant issues, and that key problems were always dealt with promptly and effectively when they occurred.

One local university told us a lot of their staff and students used licensed vehicles, but mainly via bookings with private hire companies.

Trade views

The response was only indicative, with just 11 responses provided. 64% of those replying were private hire drivers. Typical working weeks were five days and 31 hours, low. Most worked when they wanted to and around meeting family commitments. However, there was no avoidance of awkward customers mentioned.

All four hackney carriages replying focussed on servicing ranks.

Of the eight responding to the question about retaining the limit, half said yes and half said no. The split of those in favour was half private hire and half hackney carriage. One hackney carriage driver felt the limit should not be retained.

Overall, this indicative response suggests a very separate hackney carriage and private hire trade in the area. Whilst this implies few hackney carriages are contactable by phone, the position of the private hire is not much more accessible given the large number of different companies operating.

Unmet demand and its significance

The industry standard evaluation of the level of significance of unmet demand for Kirklees identifies that there is some unmet demand, but that it is effectively irrelevant. Most components of the index have tended to improve, suggesting better service being enjoyed, although there has been a very marginal increase in latent demand and some passengers travelling in hours with average delay over a minute which did not exist in the previous survey being counter to this.

Overall, the pointer from this industry standard tool is that there is no unmet demand that could be counted significant.

Synthesis

A review of demand at Huddersfield station using nationally available passenger data suggests some 5,041,600 passenger entries and exits per year for the station for the latest available period (year to end of March 2016). This is growth of 8.2% since the period of the last survey, but a threefold growth since those statistics were first collected in the year ending March 1998. Usage of hackney carriages at the station rank has actually grown 22% since the last survey. This is much higher than station patronage growth, which may be a result of the completion of the road works which were in place around the time of the last survey and which may have suppressed demand then.

Our rank work, on street discussions and key stakeholder consultations all agree that people are satisfied with the service provided by hackney carriages in the Kirklees area at this time. Further, this service covers the full area including smaller centres as well as Huddersfield. National rail growth matches that at the station. There also appears to have been overall growth in usage of hackney carriages against the national experience of continued decline in hackney carriage usage at ranks, and the marginal worsening of some of the components of the industry standard index is in line with this.

The area appears to work still as very independent and separate areas, and the hackney carriage and private hire trade both appear to remain separate across the whole area. It is possible that a clear focus by both parts of the trade on their specific markets has led to the overall good impression and service observed.

We have been made aware of some concerns about vehicles not usually working in Huddersfield being attracted to the higher demand levels there, leading to request to consider zoning to protect 'honey-pot flooding'. However, this is not currently legally possible and is unlikely to become so in the near future. Further, though we do not doubt some would be drawn by this, there are also opportunities such as in Holmfirth which any driver from across the area can also take advantage of, which might be hindered by zoning. Also, our overall review suggests the buoyancy of the current trade seems to be across the area and not just focussed on central Huddersfield.

Conclusions

The picture of hackney carriage demand in Kirklees in 2017 is very healthy. This is supported by the recent ability to re-issue some plates which had been returned and were not actually on physical vehicles.

The same appears to be true, as much as our work has included comments about the private hire trade, giving an overall good appreciation of the service provided by the public. The only down side of this is that there appears to be little that could be changed which might further increase hackney carriage usage, although continued growth at the railway station will most likely continue to lead to more usage of the fleet there.

Further, it is very clear that the hackney carriage fleet are making a very important contribution to the vitality of the night life of the Kirklees area, and most noticeably in central Huddersfield and even more so in Holmfirth. The latter is more remarkable in that demand there focusses on two night periods only with very little other demand at other times of the day or week.

All the evidence corroborates the view that there is no unmet demand in the full Kirklees licensing area at this point in time which is significant. There remains spare capacity in the fleet to allow for future growth over the next three years before the next survey becomes necessary.

A clear and informed decision needs to be made about what vehicles can be put in place when hackney carriage vehicle licences become available. With current Government guidance, the best option would be to encourage fully wheel chair accessible but environmentally friendly (i.e. electric or hybrid) vehicles only. However, there is the issue that these vehicles are presently hard to obtain and therefore command a high price compared to the saloon vehicles currently able to operate in the fleet. This provides a wide range of operating costs to the industry, which with lower demand than other places at given locations, could be an issue that might stifle the ability to meet demand. This could have been another issue where zoning might have helped as it could have been used to focus new vehicles to the Huddersfield zone that is more of need of environmentally friendly vehicles, but this is not possible under current legislation.

The issues relating to environmentally friendly, wheel chair accessible hackney carriages will develop quickly over the next six months and the Council need to keep abreast of these developments, possibly via working within the West Yorkshire authorities to ensure appropriate information is shared and used.

Page intentionally left blank

9 Recommendations

On the basis of the evidence gathered in this Hackney carriage unmet demand survey for Kirklees Council, our key conclusion is that there is no evidence of any unmet demand for the services of hackney carriages either patent or latent which is significant at this point in time in the Kirklees Council licensing area. The committee therefore has a valid option of retaining the current limit policy and further retaining the number of vehicles at the present level.

The trade need to be commended for focusing on customers to the extent that good levels of satisfaction are being identified, and good levels of service provided to ranks. Further, a wide range of locations are being served which is very impressive.

Rank provision also appears to be excellent across the area although there are a number of locations that could be removed, as long as additional spaces could be provided at the busier ranks where necessary in swop for the return of the other spaces.

Unless legislation changes, the Council should ensure rank work for a new survey is undertaken no longer than three years from the date of the present surveys (i.e. March 2020).

In the meantime, the issue of what vehicles can be used when plates are re-issued needs urgent attention so that the opportunities provided can be taken to align the fleet with current Government, national and local, policies, but with very clear discussion with the trade providers to ensure passenger growth is not stifled by operating costs and issues.

Page intentionally left blank.

Appendix 1 – Detailed industry statistics

DfT stats say limit began in 1974

	hcv	Phv	lv total	dual drivers		Operators	% hcv WAV	% phv WAV
1994D	193			1000	1994D			
1997D	219	723	942	1349	1997D		14	
1999D	225	700	925	1400	1999D	140	16	
2001D	217	917	1134	1700	2001D	150	22	
2004D	217	917	1134	1700	2004D	150	15	
2005D	217	917	1134	1700	2005D	150	22	
2007D	217	917	1134	1700	2007D	150	22	
2009D	213	917	1130	1700	2009D	150	22	
2010N	217	1140	1357	<u>2093</u>	2010N	<u>140</u>	28	
2011D	216	1351	1567	2485	2011D	130	25	9
2012N	217	1140	1357	<u>2510</u>	2012C	<u>127</u>	28	<u>7</u>
2013D	216	1532	1748	2535	2013D	124	22	<u>5</u>
2014N	218	1594	1812	<u>2594</u>	2014N	<u>122</u>	21	<u>4</u>
2015D	222	1678	1900	2653	2015D	119	21	5
2017C	219	1895	2114	2861	2017C	116	21	5

Page intentionally left blank

Appendix 2 – Hours of rank observations

Appendix 3 – Detailed results from rank observations

Appendix 4 – Further detail of on street interviews

(for all above, see separate documents)

Page left intentionally blank

Appendix 5 – Key stakeholder contacts

Stakeholder	Response
Supermarkets	
Asda, Longhill Road	Y
Tesco, Viaduct St	R
Asda Aspley	Y
Morrisons, Penistone Road	Y
Sainsbury's, Southgate	Y
Icelands, Carpitt Rd	N
Aldi, Wakefield Road	R
Sainsbury's, Market St	Y
Hotels	
The New Huddersfield Hotel	Y
Cambridge Hotel	Y
Heath Cottage Hotel	Y
Briar Court Hotel	Y
Ashfield Hotel	N
Cedar Court Hotel	N
Restaurants / Café	
The Canton Chef	R
De Sandro, Halifax Rd	N
Zuchinis	N
The Sheaf	R
Poppa Piccolinos	N
Entertainment	
Lawrence Batley Theatre	Y
Mecca Bingo	Y
Public Houses	
Silver Birch, Cleckheaton	Y
The George, Cleckheaton	R
Red Lion, Cleckheaton	R
Horse and Jockey, Birstall	N
Union Rooms, Batley	Y
Legends, Batley	Y
Frontier, Batley	Gone
Old Turk, Dewsbury	Y
Shoulder of Mutton, Holmfirth	R
The Bridge, Holmbridge	N
The Nook, Holmfirth	R
The Cherry Tree, Huddersfield	Y
Rat and Ratchet, Huddersfield	R

<i>Night clubs</i>	
Tokyo, Huddersfield	Y
Cleopatras Lounge	R
Camel Club, Huddersfield	Y
The Squash Club, Dewsbury	R
<i>Other consultees</i>	
Hospital	N
Police	N
Disability – Guide Dogs	Y
Rail – First Transpennine	Y
Bus operator	Y
Huddersfield University	Y

**TAXI AND PRIVATE HIRE VEHICLE LICENSING:
BEST PRACTICE GUIDANCE**

March 2010

TAXI AND PRIVATE HIRE VEHICLE LICENSING: BEST PRACTICE GUIDANCE

<u>Table of contents</u>	<u>Para Nos</u>
Introduction	1-5
The role of taxis and PHVs	6-7
The role of licensing: policy justification	8-10
Scope of the guidance	11
Consultation at the local level	12
Accessibility	13-25
Vehicles	26-44
Quantity restrictions of taxi licences	45-51
Taxi fares	52-54
Drivers	55-76
PHV operators	77-81
Repeal of the PHV contract exemption	82-83
Enforcement	84-88
Taxi Zones	89-91
Flexible transport services	92-95
Local transport plans	96-97

Annex A - Useful questions when assessing quantity controls

Annex B - Sample notice between taxi/PHV driver and passenger

Annex C – Assessing applicants for a taxi or PHV driver licence in accordance with C1 standard

INTRODUCTION

1. The Department first issued Best Practice Guidance in October 2006 to assist those local authorities in England and Wales that have responsibility for the regulation of the taxi and private hire vehicle (PHV) trades.
2. It is clear that many licensing authorities considered their licensing policies in the context of the Guidance. That is most encouraging.
3. However, in order to keep our Guidance relevant and up to date, we embarked on a revision. We took account of feedback from the initial version and we consulted stakeholders in producing this revised version.
4. The key premise remains the same - it is for individual licensing authorities to reach their own decisions both on overall policies and on individual licensing matters, in the light of their own views of the relevant considerations. This Guidance is intended to assist licensing authorities but it is only guidance and decisions on any matters remain a matter for the authority concerned.
5. We have not introduced changes simply for the sake of it. Accordingly, the bulk of the Guidance is unchanged. What we have done is focus on issues involving a new policy (for example trailing the introduction of the Safeguarding Vulnerable Groups legislation); or where we consider that the advice could be elaborated (eg enforcement); or where progress has been made since October 2006 (eg the stretched limousine guidance note has now been published).

THE ROLE OF TAXIS AND PHVs

6. Taxis (more formally known as hackney carriages) and PHVs (or minicabs as some of them are known) play an important part in local transport. In 2008, the average person made 11 trips in taxis or private hire vehicles. Taxis and PHVs are used by all social groups; low-income young women (amongst whom car ownership is low) are one of the largest groups of users.
7. Taxis and PHVs are also increasingly used in innovative ways - for example as taxi-buses - to provide innovative local transport services (see paras 92-95)

THE ROLE OF LICENSING: POLICY JUSTIFICATION

8. The aim of local authority licensing of the taxi and PHV trades is to protect the public. Local licensing authorities will also be aware that the public should have reasonable access to taxi and PHV services, because of the part they play in local transport provision. Licensing requirements which are unduly stringent will tend unreasonably to restrict the supply of taxi and PHV services, by putting up the cost of operation or otherwise restricting entry to the trade. Local licensing authorities should recognise that too restrictive an approach can work against the public interest – and can, indeed, have safety implications.

9. For example, it is clearly important that somebody using a taxi or PHV to go home alone late at night should be confident that the driver does not have a criminal record for assault and that the vehicle is safe. But on the other hand, if the supply of taxis or PHVs has been unduly constrained by onerous licensing conditions, then that person's safety might be put at risk by having to wait on late-night streets for a taxi or PHV to arrive; he or she might even be tempted to enter an unlicensed vehicle with an unlicensed driver illegally plying for hire.

10. Local licensing authorities will, therefore, want to be sure that each of their various licensing requirements is in proportion to the risk it aims to address; or, to put it another way, whether the cost of a requirement in terms of its effect on the availability of transport to the public is at least matched by the benefit to the public, for example through increased safety. This is not to propose that a detailed, quantitative, cost-benefit assessment should be made in each case; but it is to urge local licensing authorities to look carefully at the costs – financial or otherwise – imposed by each of their licensing policies. It is suggested they should ask themselves whether those costs are really commensurate with the benefits a policy is meant to achieve.

SCOPE OF THE GUIDANCE

11. This guidance deliberately does not seek to cover the whole range of possible licensing requirements. Instead it seeks to concentrate only on those issues that have caused difficulty in the past or that seem of particular significance. Nor for the most part does the guidance seek to set out the law on taxi and PHV licensing, which for England and Wales contains many complexities. Local licensing authorities will appreciate that it is for them to seek their own legal advice.

CONSULTATION AT THE LOCAL LEVEL

12. It is good practice for local authorities to consult about any significant proposed changes in licensing rules. Such consultation should include not only the taxi and PHV trades but also groups likely to be the trades' customers. Examples are groups representing disabled people, or Chambers of Commerce, organisations with a wider transport interest (eg the Campaign for Better Transport and other transport providers), womens' groups or local traders.

ACCESSIBILITY

13. The Minister of State for Transport has now announced the way forward on accessibility for taxis and PHVs. His statement can be viewed on the Department's website at: <http://www.dft.gov.uk/press/speechesstatements/statements/accesstotaxis>. The Department will be taking forward demonstration schemes in three local authority areas to research the needs of people with disabilities in order to produce guidance about the most appropriate provision. In the meantime, the Department recognises that some local licensing authorities will want to make progress on enhancing accessible taxi provision and the guidance outlined below constitutes the Department's advice on how this might be achieved in advance of the comprehensive and dedicated guidance which will arise from the demonstration schemes.

14. Different accessibility considerations apply between taxis and PHVs. Taxis can be hired on the spot, in the street or at a rank, by the customer dealing directly with a driver. PHVs can only be booked through an operator. It is important that a disabled person should be able to hire a taxi on the spot with the minimum delay or inconvenience, and having accessible taxis available helps to make that possible. For PHVs, it may be more appropriate for a local authority to license any type of saloon car, noting that some PHV operators offer accessible vehicles in their fleet. The Department has produced a leaflet on the ergonomic requirements for accessible taxis that is available from: <http://www.dft.gov.uk/transportforyou/access/taxis/pubs/research>

15. The Department is aware that, in some cases, taxi drivers are reluctant to pick up disabled people. This may be because drivers are unsure about how to deal with disabled people, they believe it will take longer for disabled people to get in and out of the taxi and so they may lose other fares, or they are unsure about insurance arrangements if anything goes wrong. It should be remembered that this is no excuse for refusing to pick up disabled people and that the taxi industry has a duty to provide a service to disabled people in the same way as it provides a service to any other passenger. Licensing authorities should do what they can to work with operators, drivers and trade bodies in their area to improve drivers' awareness of the needs of disabled people, encourage them to overcome any reluctance or bad practice, and to improve their abilities and confidence. Local licensing authorities should also encourage their drivers to undertake disability awareness training, perhaps as part of the course mentioned in the training section of this guidance that is available through Go-Skills.

16. In relation to enforcement, licensing authorities will know that section 36 of the Disability Discrimination Act 1995 (DDA) was partially commenced by enactment of the Local Transport Act 2008. The duties contained in this section of the DDA apply only to those vehicles deemed accessible by the local authority being used on "taxibus" services. This applies to both hackney carriages and private hire vehicles.

17. Section 36 imposes certain duties on drivers of "taxibuses" to provide assistance to people in wheelchairs, to carry them in safety and not to charge extra for doing so. Failure to abide by these duties could lead to prosecution through a Magistrates' court and a maximum fine of £1,000.

18. Local authorities can take action against non-taxibus drivers who do not abide by their duties under section 36 of the DDA (see below). This could involve for example using licence conditions to implement training requirements or, ultimately, powers to suspend or revoke licences. Some local authorities use points systems and will take certain enforcement actions should drivers accumulate a certain number of points

19. There are plans to modify section 36 of the DDA. The Local Transport Act 2008 applied the duties to assist disabled passengers to drivers of taxis and PHVs whilst being used to provide local services. The Equality Bill which is currently on its passage through Parliament would extend the duties to drivers of taxis and PHVs whilst operating conventional services using wheelchair accessible vehicles. Licensing authorities will be informed if the change is enacted and Regulations will have to be made to deal with exemptions from the duties for drivers who are unable, on medical grounds to fulfil the duties.

Duties to carry assistance dogs

20. Since 31 March 2001, licensed taxi drivers in England and Wales have been under a duty (under section 37 of the DDA) to carry guide, hearing and other prescribed assistance dogs in their taxis without additional charge. Drivers who have a medical condition that is aggravated by exposure to dogs may apply to their licensing authority for an exemption from the duty on medical grounds. Any other driver who fails to comply with the duty could be prosecuted through a Magistrates' court and is liable to a fine of up to £1,000. Similar duties covering PHV operators and drivers have been in force since 31 March 2004.

21. Enforcement of this duty is the responsibility of local licensing authorities. It is therefore for authorities to decide whether breaches should be pursued through the courts or considered as part of the licensing enforcement regime, having regard to guidance issued by the Department.

<http://www.dft.gov.uk/transportforyou/access/taxis/pubs/taxis/carriageofassistancedogsinta6154?page=2>

Duties under the Part 3 of the DDA

22. The Disability Discrimination Act 2005 amended the DDA 1995 and lifted the exemption in Part 3 of that Act for operators of transport vehicles. Regulations applying Part 3 to vehicles used to provide public transport services, including taxis and PHVs, hire services and breakdown services came into force on 4 December 2006. Taxi drivers now have a duty to ensure disabled people are not discriminated against or treated less favourably. In order to meet these new duties, licensing authorities are required to review any practices, policies and procedures that make it impossible or unreasonably difficult for a disabled person to use their services.

23. The Disability Rights Commission, before it was incorporated into the Equality and Human Rights Commission, produced a Code of Practice to explain the Part 3 duties for the transport industry; this is available at http://www.equalityhumanrights.com/uploaded_files/code_of_practice_provision_and_use_of_transport_vehicles_dda.pdf. There is an expectation that Part 3 duties also now demand new skills and training; this is available through GoSkills, the sector skills council for road passenger transport. Go-Skills has also produced a DVD about assisting disabled passengers. Further details are provided in the training section of this guidance.

24. Local Authorities may wish to consider how to use available courses to reinforce the duties drivers are required to discharge under section 3 of DDA, and also to promote customer service standards for example through GoSkills.

25. In addition recognition has been made of a requirement of basic skills prior to undertaking any formal training. On-line tools are available to assess this requirement prior to undertaking formal training.

VEHICLES

Specification Of Vehicle Types That May Be Licensed

26. The legislation gives local authorities a wide range of discretion over the types of vehicle that they can license as taxis or PHVs. Some authorities specify conditions that in practice can only be met by purpose-built vehicles but the majority license a range of vehicles.

27. Normally, the best practice is for local licensing authorities to adopt the principle of specifying as many different types of vehicle as possible. Indeed, local authorities might usefully set down a range of general criteria, leaving it open to the taxi and PHV trades to put forward vehicles of their own choice which can be shown to meet those criteria. In that way there can be flexibility for new vehicle types to be readily taken into account.

28. It is suggested that local licensing authorities should give very careful consideration to a policy which automatically rules out particular types of vehicle or prescribes only one type or a small number of types of vehicle. For example, the Department believes authorities should be particularly cautious about specifying only purpose-built taxis, with the strict constraint on supply that that implies. But of course the purpose-built vehicles are amongst those which a local authority could be expected to license. Similarly, it may be too restrictive to automatically rule out considering Multi-Purpose Vehicles, or to license them for fewer passengers than their seating capacity (provided of course that the capacity of the vehicle is not more than eight passengers).

29. The owners and drivers of vehicles may want to make appropriate adaptations to their vehicles to help improve the personal security of the drivers. Licensing authorities should look favourably on such adaptations, but, as mentioned in paragraph 35 below, they may wish to ensure that modifications are present when the vehicle is tested and not made after the testing stage.

Tinted windows

30. The minimum light transmission for glass in front of, and to the side of, the driver is 70%. Vehicles may be manufactured with glass that is darker than this fitted to windows rearward of the driver, especially in estate and people carrier style vehicles. When licensing vehicles, authorities should be mindful of this as well as the large costs and inconvenience associated with changing glass that conforms to both Type Approval and Construction and Use Regulations.

Imported vehicles: type approval (see also “stretched limousines”, paras 40-44 below)

31. It may be that from time to time a local authority will be asked to license as a taxi or PHV a vehicle that has been imported independently (that is, by somebody other than the manufacturer). Such a vehicle might meet the local authority's criteria for licensing, but the local authority may nonetheless be uncertain about the wider rules for foreign vehicles being used in the UK. Such vehicles will be subject to the 'type approval' rules. For

passenger cars up to 10 years old at the time of first GB registration, this means meeting the technical standards of either:

- a European Whole Vehicle Type approval;
- a British National Type approval; or
- a Individual Vehicle Approval.

Most registration certificates issued since late 1998 should indicate the approval status of the vehicle. The technical standards applied (and the safety and environmental risks covered) under each of the above are proportionate to the number of vehicles entering service. Further information about these requirements and the procedures for licensing and registering imported vehicles can be seen at

www.businesslink.gov.uk/vehicleapprovalschemes

Vehicle Testing

32. There is considerable variation between local licensing authorities on vehicle testing, including the related question of age limits. The following can be regarded as best practice:

- **Frequency Of Tests.** The legal requirement is that all taxis should be subject to an MOT test or its equivalent once a year. For PHVs the requirement is for an annual test after the vehicle is three years old. An annual test for licensed vehicles of whatever age (that is, including vehicles that are less than three years old) seems appropriate in most cases, unless local conditions suggest that more frequent tests are necessary. However, more frequent tests may be appropriate for older vehicles (see 'age limits' below). Local licensing authorities may wish to note that a review carried out by the National Society for Cleaner Air in 2005 found that taxis were more likely than other vehicles to fail an emissions test. This finding, perhaps suggests that emissions testing should be carried out on ad hoc basis and more frequently than the full vehicle test.
- **Criteria For Tests.** Similarly, for mechanical matters it seems appropriate to apply the same criteria as those for the MOT test to taxis and PHVs*. The MOT test on vehicles first used after 31 March 1987 includes checking of all seat belts. However, taxis and PHVs provide a service to the public, so it is also appropriate to set criteria for the internal condition of the vehicle, though these should not be unreasonably onerous.

*A manual outlining the method of testing and reasons for failure of all MOT tested items can be obtained from the Stationary Office see
<http://www.tsoshop.co.uk/bookstore.asp?FO=1159966&Action=Book&From=SearchResults&ProductID=0115525726>

- **Age Limits.** It is perfectly possible for an older vehicle to be in good condition. So the setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles - for example, twice-yearly tests for vehicles more than five years old.

- **Number Of Testing Stations.** There is sometimes criticism that local authorities provide only one testing centre for their area (which may be geographically extensive). So it is good practice for local authorities to consider having more than one testing station. There could be an advantage in contracting out the testing work, and to different garages. In that way the licensing authority can benefit from competition in costs. (The Vehicle Operators and Standards Agency – VOSA – may be able to assist where there are local difficulties in provision of testing stations.)

33. The Technical Officer Group of the Public Authority Transport Network has produced Best Practice Guidance which focuses on national inspection standards for taxis and PHVs. Local licensing authorities might find it helpful to refer to the testing standards set out in this guidance in carrying out their licensing responsibilities. The PATN can be accessed via the Freight Transport Association.

Personal security

34. The personal security of taxi and PHV drivers and staff needs to be considered. The Crime and Disorder Act 1998 requires local authorities and others to consider crime and disorder reduction while exercising all of their duties. Crime and Disorder Reduction Partnerships are also required to invite public transport providers and operators to participate in the partnerships. Research has shown that anti-social behaviour and crime affects taxi and PHV drivers and control centre staff. It is therefore important that the personal security of these people is considered.

35. The owners and drivers of vehicles will often want to install security measures to protect the driver. Local licensing authorities may not want to insist on such measures, on the grounds that they are best left to the judgement of the owners and drivers themselves. But it is good practice for licensing authorities to look sympathetically on - or actively to encourage - their installation. They could include a screen between driver and passengers, or CCTV. Care however should be taken that security measures within the vehicle do not impede a disabled passenger's ability to communicate with the driver. In addition, licensing authorities may wish to ensure that such modifications are present when the vehicle is tested and not made after the testing stage.

36. There is extensive information on the use of CCTV, including as part of measures to reduce crime, on the Home Office website (e.g. <http://scienceandresearch.homeoffice.gov.uk/hosdb/cctv-imaging-technology/CCTV-and-imaging-publications>) and on the Information Commission's Office website (www.ico.gov.uk). CCTV can be both a deterrent to would-be trouble makers and be a source of evidence in the case of disputes between drivers and passengers and other incidents. There is a variety of funding sources being used for the implementation of security measures for example, from community safety partnerships, local authorities and drivers themselves.

37. Other security measures include guidance, talks by the local police and conflict avoidance training. The Department has recently issued guidance for taxi and PHV drivers to help them improve their personal security. These can be accessed on the Department's website at: <http://www.dft.gov.uk/pgr/crime/taxiphv/>.

In order to emphasise the reciprocal aspect of the taxi/PHV service, licensing authorities might consider drawing up signs or notices which set out not only what passengers can expect from drivers, but also what drivers can expect from passengers who use their service. Annex B contains two samples which are included for illustrative purposes but local authorities are encouraged to formulate their own, in the light of local conditions and circumstances. Licensing authorities may want to encourage the taxi and PHV trades to build good links with the local police force, including participation in any Crime and Disorder Reduction Partnerships.

Vehicle Identification

38. Members of the public can often confuse PHVs with taxis, failing to realise that PHVs are not available for immediate hire and that a PHV driver cannot be hailed. So it is important to distinguish between the two types of vehicle. Possible approaches might be:

- a licence condition that prohibits PHVs from displaying any identification at all apart from the local authority licence plate or disc. The licence plate is a helpful indicator of licensed status and, as such, it helps identification if licence plates are displayed on the front as well as the rear of vehicles. However, requiring some additional clearer form of identification can be seen as best practice. This is for two reasons: firstly, to ensure a more positive statement that the vehicle cannot be hired immediately through the driver; and secondly because it is quite reasonable, and in the interests of the travelling public, for a PHV operator to be able to state on the vehicle the contact details for hiring;
- a licence condition which requires a sign on the vehicle in a specified form. This will often be a sign of a specified size and shape which identifies the operator (with a telephone number for bookings) and the local licensing authority, and which also has some words such as 'pre-booked only'. This approach seems the best practice; it identifies the vehicle as private hire and helps to avoid confusion with a taxi, but also gives useful information to the public wishing to make a booking. It is good practice for vehicle identification for PHVs to include the contact details of the operator.
- Another approach, possibly in conjunction with the previous option, is a requirement for a roof-mounted, permanently illuminated sign with words such as 'pre-booked only'. But it can be argued that any roof-mounted sign, however unambiguous its words, is liable to create confusion with a taxi. So roof-mounted signs on PHVs are not seen as best practice.

Environmental Considerations

39. Local licensing authorities, in discussion with those responsible for environmental health issues, will wish to consider how far their vehicle licensing policies can and should support any local environmental policies that the local authority may have adopted. This will be of particular importance in designated Air Quality Management Areas (AQMAs), Local authorities may, for example, wish to consider setting vehicle emissions standards for taxis and PHVs. However, local authorities would need to carefully and thoroughly

assess the impact of introducing such a policy; for example, the effect on the supply of taxis and PHVs in the area would be an important consideration in deciding the standards, if any, to be set. They should also bear in mind the need to ensure that the benefits of any policies outweigh the costs (in whatever form).

Stretched Limousines

40. Local licensing authorities are sometimes asked to license stretched limousines as PHVs. It is suggested that local authorities should approach such requests on the basis that these vehicles – where they have fewer than nine passenger seats - have a legitimate role to play in the private hire trade, meeting a public demand. Indeed, the Department's view is that it is not a legitimate course of action for licensing authorities to adopt policies that exclude limousines as a matter of principle and that any authorities which do adopt such practices are leaving themselves open to legal challenge. A policy of excluding limousines creates an unacceptable risk to the travelling public, as it would inevitably lead to higher levels of unlawful operation. Public safety considerations are best supported by policies that allow respectable, safe operators to obtain licences on the same basis as other private hire vehicle operators. The Department has now issued guidance on the licensing arrangements for stretched limousines. This can be accessed on the Department's web-site at <http://www.dft.gov.uk/pgr/regional/taxis/stretchlimousines.pdf>.

41. The limousine guidance makes it clear that most operations are likely to fall within the PHV licensing category and not into the small bus category. VOSA will be advising limousine owners that if they intend to provide a private hire service then they should go to the local authority for PHV licences. The Department would expect licensing authorities to assess applications on their merits; and, as necessary, to be proactive in ascertaining whether any limousine operators might already be providing an unlicensed service within their district.

42. Imported stretched limousines were historically checked for compliance with regulations under the Single Vehicle Approval (SVA) inspection regime before they were registered. This is now the Individual Vehicle Approval (IVA) scheme. The IVA test verifies that the converted vehicle is built to certain safety and environmental standards. A licensing authority might wish to confirm that an imported vehicle was indeed tested by VOSA for IVA before being registered and licensed (taxed) by DVLA. This can be done either by checking the V5C (Registration Certificate) of the vehicle, which may refer to IVA under the "Special Note" section; or by writing to VOSA, Ellipse, Padley Road, Swansea, SA1 8AN, including details of the vehicle's make and model, registration number and VIN number.

43. Stretched limousines which clearly have more than 8 passenger seats should not of course be licensed as PHVs because they are outside the licensing regime for PHVs. However, under some circumstances the SVA regime accepted vehicles with space for more than 8 passengers, particularly where the precise number of passenger seats was hard to determine. In these circumstances, if the vehicle had obtained an SVA certificate, the authority should consider the case on its merits in deciding whether to license the vehicle under the strict condition that the vehicle will not be used to carry more than 8 passengers, bearing in mind that refusal may encourage illegal private hire operation.

44. Many councils are concerned that the size of limousines prevents them being tested in conventional MoT garages. If there is not a suitable MoT testing station in the area then it would be possible to test the vehicle at the local VOSA test stations. The local enforcement office may be able to advise (contact details on <http://www.vosa.gov.uk>).

QUANTITY RESTRICTIONS OF TAXI LICENCES OUTSIDE LONDON

45. The present legal provision on quantity restrictions for taxis outside London is set out in section 16 of the Transport Act 1985. This provides that the grant of a taxi licence may be refused, for the purpose of limiting the number of licensed taxis 'if, but only if, the [local licensing authority] is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet'.

46. Local licensing authorities will be aware that, in the event of a challenge to a decision to refuse a licence, the local authority concerned would have to establish that it had, reasonably, been satisfied that there was no significant unmet demand.

47. Most local licensing authorities do not impose quantity restrictions; the Department regards that as best practice. Where restrictions are imposed, the Department would urge that the matter should be regularly reconsidered. The Department further urges that the issue to be addressed first in each reconsideration is whether the restrictions should continue at all. It is suggested that the matter should be approached in terms of the interests of the travelling public - that is to say, the people who use taxi services. What benefits or disadvantages arise for them as a result of the continuation of controls; and what benefits or disadvantages would result for the public if the controls were removed? Is there evidence that removal of the controls would result in a deterioration in the amount or quality of taxi service provision?

48. In most cases where quantity restrictions are imposed, vehicle licence plates command a premium, often of tens of thousands of pounds. This indicates that there are people who want to enter the taxi market and provide a service to the public, but who are being prevented from doing so by the quantity restrictions. This seems very hard to justify.

49. If a local authority does nonetheless take the view that a quantity restriction can be justified in principle, there remains the question of the level at which it should be set, bearing in mind the need to demonstrate that there is no significant unmet demand. This issue is usually addressed by means of a survey; it will be necessary for the local licensing authority to carry out a survey sufficiently frequently to be able to respond to any challenge to the satisfaction of a court. An interval of three years is commonly regarded as the maximum reasonable period between surveys.

50. As to the conduct of the survey, the Department's letter of 16 June 2004 set out a range of considerations. But key points are:

- **the length of time that would-be customers have to wait at ranks.** However, this alone is an inadequate indicator of demand; also taken into account should be...

- **waiting times for street hailings and for telephone bookings.** But waiting times at ranks or elsewhere do not in themselves satisfactorily resolve the question of unmet demand. It is also desirable to address...
- **latent demand**, for example people who have responded to long waiting times by not even trying to travel by taxi. This can be assessed by surveys of people who do not use taxis, perhaps using stated preference survey techniques.
- **peaked demand.** It is sometimes argued that delays associated only with peaks in demand (such as morning and evening rush hours, or pub closing times) are not 'significant' for the purpose of the Transport Act 1985. The Department does not share that view. Since the peaks in demand are by definition the most popular times for consumers to use taxis, it can be strongly argued that unmet demand at these times should not be ignored. Local authorities might wish to consider when the peaks occur and who is being disadvantaged through restrictions on provision of taxi services.
- **consultation.** As well as statistical surveys, assessment of quantity restrictions should include consultation with all those concerned, including user groups (which should include groups representing people with disabilities, and people such as students or women), the police, hoteliers, operators of pubs and clubs and visitor attractions, and providers of other transport modes (such as train operators, who want taxis available to take passengers to and from stations);
- **publication.** All the evidence gathered in a survey should be published, together with an explanation of what conclusions have been drawn from it and why. If quantity restrictions are to be continued, their benefits to consumers and the reason for the particular level at which the number is set should be set out.
- **financing of surveys.** It is not good practice for surveys to be paid for by the local taxi trade (except through general revenues from licence fees). To do so can call in question the impartiality and objectivity of the survey process.

51. Quite apart from the requirement of the 1985 Act, the Department's letter of 16 June 2004 asked all local licensing authorities that operate quantity restrictions to review their policy and justify it publicly by 31 March 2005 and at least every three years thereafter. The Department also expects the justification for any policy of quantity restrictions to be included in the Local Transport Plan process. A recommended list of questions for local authorities to address when considering quantity controls was attached to the Department's letter. (The questions are listed in Annex A to this Guidance.)

TAXI FARES

52. Local licensing authorities have the power to set taxi fares for journeys within their area, and most do so. (There is no power to set PHV fares.) Fare scales should be designed with a view to practicality. The Department sees it as good practice to review the fare scales at regular intervals, including any graduation of the fare scale by time of day or day of the week. Authorities may wish to consider adopting a simple formula for

deciding on fare revisions as this will increase understanding and improve the transparency of the process. The Department also suggests that in reviewing fares authorities should pay particular regard to the needs of the travelling public, with reference both to what it is reasonable to expect people to pay but also to the need to give taxi drivers sufficient incentive to provide a service when it is needed. There may well be a case for higher fares at times of higher demand.

53. Taxi fares are a maximum, and in principle are open to downward negotiation between passenger and driver. It is not good practice to encourage such negotiations at ranks, or for on-street hailings; there would be risks of confusion and security problems. But local licensing authorities can usefully make it clear that published fares are a maximum, especially in the context of telephone bookings, where the customer benefits from competition. There is more likely to be a choice of taxi operators for telephone bookings, and there is scope for differentiation of services to the customer's advantage (for example, lower fares off-peak or for pensioners).

54. There is a case for allowing any taxi operators who wish to do so to make it clear – perhaps by advertising on the vehicle – that they charge less than the maximum fare; publicity such as '5% below the metered fare' might be an example.

DRIVERS

Duration Of Licences

55. It is obviously important for safety reasons that drivers should be licensed. But it is not necessarily good practice to require licences to be renewed annually. That can impose an undue burden on drivers and licensing authorities alike. Three years is the legal maximum period and is in general the best approach. One argument against 3-year licences has been that a criminal offence may be committed, and not notified, during the duration of the licence. But this can of course also be the case during the duration of a shorter licence. In relation to this, authorities will wish to note that the Home Office in April 2006 issued revised guidance for police forces on the Notifiable Occupations Scheme. Paragraphs 62-65 below provide further information about this scheme.

56. However, an annual licence may be preferred by some drivers. That may be because they have plans to move to a different job or a different area, or because they cannot easily pay the fee for a three-year licence, if it is larger than the fee for an annual one. So it can be good practice to offer drivers the choice of an annual licence or a three-year licence.

Acceptance of driving licences from other EU member states

57. Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 as enacted stated that an applicant for a taxi or private hire vehicle (PHV) driver's licence must have held a full ordinary GB driving licence for at least 12 months in order to be granted a taxi or PHV driver's licence. This requirement has subsequently been amended since the 1976 Act was passed. The Driving Licences (Community Driving Licence) Regulations 1996 (SI 1996 No 1974) amended sections 51 and 59 of the 1976 Act to allow full driving licences issued by EEA states to count towards the qualification

requirements for the grant of taxi and PHV driver's licences. Since that time, a number of central and eastern European states have joined the EU and the EEA and the Department takes the view that drivers from the Accession States are eligible to acquire a taxi or PHV driver's licence under the 1976 Act if they have held an ordinary driving licence for 12 months which was issued by an acceding State (see section 99A(i) of the Road Traffic Act 1988). To complete the picture, the Deregulation (Taxis and Private Hire Vehicles) Order 1998 (SI 1998 No 1946) gave equal recognition to Northern Ireland driving licences for the purposes of taxi and PHV driver licensing under the 1976 Act (see section 109(i) of the Road Traffic Act 1988, as amended).

Criminal Record Checks

58. A criminal record check is an important safety measure particularly for those working closely with children and the vulnerable. Taxi and PHV drivers can be subject to a Standard Disclosure (and for those working in "Regulated Activity" to an Enhanced Disclosure) through the Criminal Records Bureau. Both levels of Disclosure include details of spent and unspent convictions, cautions reprimands and final warnings. An Enhanced Disclosure may also include any other information held in police records that is considered relevant by the police, for example, details of minor offences, non-conviction information on the Police National Computer such as Fixed Penalty Notices and, in some cases, allegations. An Enhanced Disclosure is for those working in Regulated Activity¹ and the Government has produced guidance in relation to this and the new "Vetting and Barring Scheme" which is available at www.isa.gov.org.uk/default.aspx?page=402. [*The Department will issue further advice as the new SVG scheme develops.*]

59. In considering an individual's criminal record, local licensing authorities will want to consider each case on its merits, but they should take a particularly cautious view of any offences involving violence, and especially sexual attack. In order to achieve consistency, and thus avoid the risk of successful legal challenge, local authorities will doubtless want to have a clear policy for the consideration of criminal records, for example the number of years they will require to have elapsed since the commission of particular kinds of offences before they will grant a licence.

60. Local licensing authorities will also want to have a policy on background checks for applicants from elsewhere in the EU and other overseas countries. One approach is to require a certificate of good conduct authenticated by the relevant embassy. The Criminal Records Bureau website (www.crb.gov.uk) gives information about obtaining certificates of good conduct, or similar documents, from a number of countries.

61. It would seem best practice for Criminal Records Bureau disclosures to be sought when a licence is first applied for and then every three years, even if a licence is renewed annually, provided drivers are obliged to report all new convictions and cautions to the licensing authority.

¹ "Regulated Activity" is defined in The Safeguarding Vulnerable Groups Act 2006 (Miscellaneous Provisions) Regulations 2009

Notifiable Occupations Scheme

62. Under this Scheme, when an individual comes to the notice of the police and identifies their occupation as a taxi or PHV driver, the police are requested to notify the appropriate local licensing authority of convictions and any other relevant information that indicates that a person poses a risk to public safety. Most notifications will be made once an individual is convicted however, if there is a sufficient risk, the police will notify the authority immediately.

63. In the absence of a national licensing body for taxi and PHV drivers, notifications are made to the local licensing authority identified on the licence or following interview. However, it is expected that all licensing authorities work together should they ascertain that an individual is operating under a different authority or with a fraudulent licence.

64. The police may occasionally notify licensing authorities of offences committed abroad by an individual however it may not be possible to provide full information.

65. The Notifiable Occupations Scheme is described in Home Office Circular 6/2006 which is available at <http://www.basingstoke.gov.uk/CommitteeDocs/Committees/Licensing/20070710/3%20yr%20licences-update%20on%20hants%20constab%20procedures%20re%20Home%20office%20circ%206;2006-%20Appendix%202.pdf>. Further information can also be obtained from the Criminal Records Team, Joint Public Protection Information Unit, Fifth Floor, Fry Building, 2 Marsham Street, London SW1P 4DF; e-mail Samuel.Wray@homeoffice.gsi.gov.uk.

Immigration checks

66. The Department considers it appropriate for licensing authorities to check on an applicant's right to work before granting a taxi or PHV driver's licence. It is important to note that a Criminal Records Bureau check is not a Right to Work check and any enquires about the immigration status of an individual should be addressed to the Border and Immigration Agency. Further information can be found at www.bia.homeoffice.gov.uk/employingmigrants. More generally, the Border and Immigration Agency's Employers' Helpline (0845 010 6677) can be used by licensing staff to obtain general guidance on immigration documentation, although this Helpline is not able to advise on individual cases. The authority can obtain case specific immigration status information, including whether a licensing applicant is permitted to work or details of work restrictions, from the Evidence and Enquiry Unit, Floor 12, Lunar House, Wellesley Road, Croydon CR9 2BY . Further details on the procedures involved can be obtained by contacting the Unit (020 8196 3011).

Medical fitness

67. It is clearly good practice for medical checks to be made on each driver before the initial grant of a licence and thereafter for each renewal. There is general recognition that it is appropriate for taxi/PHV drivers to have more stringent medical standards than those applicable to normal car drivers because:

- they carry members of the general public who have expectations of a safe journey;
- they are on the road for longer hours than most car drivers; and
- they may have to assist disabled passengers and handle luggage.

68. It is common for licensing authorities to apply the “Group 2” medical standards – applied by DVLA to the licensing of lorry and bus drivers – to taxi and PHV drivers. This seems best practice. The Group 2 standards preclude the licensing of drivers with insulin treated diabetes. However, exceptional arrangements do exist for drivers with insulin treated diabetes, who can meet a series of medical criteria, to obtain a licence to drive category C1 vehicles (ie 3500-7500 kgs lorries); the position is summarised at Annex C to the Guidance. It is suggested that the best practice is to apply the C1 standards to taxi and PHV drivers with insulin treated diabetes.

Age Limits

69. It does not seem necessary to set a maximum age limit for drivers provided that regular medical checks are made. Nor do minimum age limits, beyond the statutory periods for holding a full driver licence, seem appropriate. Applicants should be assessed on their merits.

Driving Proficiency

70. Many local authorities rely on the standard car driving licence as evidence of driving proficiency. Others require some further driving test to be taken. Local authorities will want to consider carefully whether this produces benefits which are commensurate with the costs involved for would-be drivers, the costs being in terms of both money and broader obstacles to entry to the trade. However, they will note that the Driving Standards Agency provides a driving assessment specifically designed for taxis.

Language proficiency

71. Authorities may also wish to consider whether an applicant would have any problems in communicating with customers because of language difficulties.

Other training

72. Whilst the Department has no plans to make training courses or qualifications mandatory, there may well be advantage in encouraging drivers to obtain one of the nationally-recognised vocational qualifications for the taxi and PHV trades. These will cover customer care, including how best to meet the needs of people with disabilities. More information about these qualifications can be obtained from *GoSkills*, the Sector Skills Council for Passenger Transport. *GoSkills* is working on a project funded by the Department to raise standards in the industry and *GoSkills* whilst not a direct training provider, can guide and support licensing authorities through its regional network of Regional Managers.

73. Some licensing authorities have already established training initiatives and others are being developed; it is seen as important to do this in consultation with the local taxi and PHV trades. Training can cover customer care, including how best to meet the needs of people with disabilities and other sections of the community, and also topics such as the relevant legislation, road safety, the use of maps and GPS, the handling of emergencies, and how to defuse difficult situations and manage conflict. Training may also be considered for applicants to enable them to reach an appropriate standard of comprehension, literacy and numeracy. Authorities may wish to note that nationally recognised qualifications and training programmes sometimes have advantages over purely local arrangements (for example, in that the qualification will be more widely recognised).

Contact details are:

GoSkills, Concorde House, Trinity Park, Solihull, Birmingham, B37 7UQ.

Tel: 0121-635-5520

Fax: 0121-635-5521

Website: www.goskills.org

e-mail: info@goskills.org

74. It is also relevant to consider driver training in the context of the 2012 Olympic and Paralympic Games which will take place at a number of venues across the country. One of the key aims of the Games is to “change the experience disabled people have when using public transport during the Games and to leave a legacy of more accessible transport”. The Games provide a unique opportunity for taxi/PHV drivers to demonstrate their disability awareness training, and to ensure all passengers experience the highest quality of service.

Topographical Knowledge

75. Taxi drivers need a good working knowledge of the area for which they are licensed, because taxis can be hired immediately, directly with the driver, at ranks or on the street. So most licensing authorities require would-be taxi-drivers to pass a test of local topographical knowledge as a pre-requisite to the first grant of a licence (though the stringency of the test should reflect the complexity or otherwise of the local geography, in accordance with the principle of ensuring that barriers to entry are not unnecessarily high).

76. However, PHVs are not legally available for immediate hiring in the same way as taxis. To hire a PHV the would-be passenger has to go through an operator, so the driver will have an opportunity to check the details of a route before starting a journey. So it may be unnecessarily burdensome to require a would-be PHV driver to pass the same ‘knowledge’ test as a taxi driver, though it may be thought appropriate to test candidates’ ability to read a map and their knowledge of key places such as main roads and railway stations. The Department is aware of circumstances where, as a result of the repeal of the PHV contract exemption, some people who drive children on school contracts are being deterred from continuing to do so on account of overly burdensome topographical

tests. Local authorities should bear this in mind when assessing applicants' suitability for PHV licences.

PHV OPERATORS

77. The objective in licensing PHV operators is, again, the safety of the public, who will be using operators' premises and vehicles and drivers arranged through them.

Criminal Record Checks

78. PHV operators (as opposed to PHV drivers) are not exceptions to the Rehabilitation of Offenders Act 1974, so Standard or Enhanced disclosures cannot be required as a condition of grant of an operator's licence. But a Basic Disclosure, which will provide details of unspent convictions only, could be seen as appropriate, after such a system has been introduced by the Criminal Records Bureau. No firm date for introduction has yet been set; however, a feasibility study has been completed; the Criminal Records Bureau is undertaking further work in this regard. Overseas applicants may be required to provide a certificate of good conduct from the relevant embassy if they have not been long in this country. Local licensing authorities may want to require a reference, covering for example the applicant's financial record, as well as the checks outlined above.

Record Keeping

79. It is good practice to require operators to keep records of each booking, including the name of the passenger, the destination, the name of the driver, the number of the vehicle and any fare quoted at the time of booking. This information will enable the passenger to be traced if this becomes necessary and should improve driver security and facilitate enforcement. It is suggested that 6 months is generally appropriate as the length of time that records should be kept.

Insurance

80. It is appropriate for a licensing authority to check that appropriate public liability insurance has been taken out for premises that are open to the public.

Licence Duration

81. A requirement for annual licence renewal does not seem necessary or appropriate for PHV operators, whose involvement with the public is less direct than a driver (who will be alone with passengers). Indeed, a licence period of five years may well be appropriate in the average case. Although the authority may wish to offer operators the option of a licence for a shorter period if requested.

Repeal of the PHV contract exemption

82. Section 53 of the Road Safety Act 2006 repealed the exemption from PHV licensing for vehicles which were used on contracts lasting not less than seven days. The change came into effect in January 2008. A similar change was introduced in respect of London in March 2008. As a result of this change, local licensing authorities are considering a range of vehicles and services in the context of PHV licensing which they had not previously licensed because of the contract exemption.

83. The Department produced a guidance note in November 2007 to assist local licensing authorities, and other stakeholders, in deciding which vehicles should be licensed in the PHV regime and which vehicles fell outside the PHV definition. The note stressed that it was a matter for local licensing authorities to make decisions in the first instance and that, ultimately, the courts were responsible for interpreting the law. However, the guidance was published as a way of assisting people who needed to consider these issues. A copy of the guidance note can be found on the Department's web-site at: <http://www.dft.gov.uk/pgr/regional/taxis/rsa06privatehirevehicles> As a result of a recent report on the impact of the repeal of the PHV contract exemption, the Department will be revising its guidance note to offer a more definite view about which vehicles should be licensed as PHVs. The report is also on the Department's web-site at: <http://www.dft.gov.uk/pgr/regional/taxis/phvcontractexemption/>.

ENFORCEMENT

84. Well-directed enforcement activity by the local licensing authority benefits not only the public but also the responsible people in the taxi and PHV trades. Indeed, it could be argued that the safety of the public depends upon licensing authorities having an effective enforcement mechanism in place. This includes actively seeking out those operators who are evading the licensing system, not just licensing those who come forward seeking the appropriate licences. The resources devoted by licensing authorities to enforcement will vary according to local circumstances, including for example any difficulties with touting by unlicensed drivers and vehicles (a problem in some urban areas). Local authorities will also wish to liaise closely with the police. Multi-agency enforcement exercises (involving, for example, the Benefits Agency) have proved beneficial in some areas.

85. Local licensing authorities often use enforcement staff to check a range of licensed activities (such as market traders) as well as the taxi and PHV trades, to make the best use of staff time. But it is desirable to ensure that taxi and PHV enforcement effort is at least partly directed to the late-night period, when problems such as touting tend most often to arise. In formulating policies to deal with taxi touts, local licensing authorities might wish to be aware that the Sentencing Guidelines Council have, for the first time, included guidance about taxi touting in their latest Guidelines for Magistrates. The Guidelines, which came into effect in August 2008, can be accessed through the SGC's web-site - www.sentencing-guidelines.gov.uk.

86. Some local licensing authorities employ taxi marshals in busy city centres where there are lots of hirings, again perhaps late at night, to help taxi drivers picking up, and would-be passengers queuing for taxis.

87. As part of enforcement, local licensing authorities will often make spot checks, which can lead to their suspending or revoking licences. They will wish to consider carefully which power should best be used for this purpose. They will note, among other things, that section 60 of the Local Government (Miscellaneous Provisions) Act 1976 provides a right of appeal for the licence-holder, whereas section 68, which is also sometimes used, does not; this can complicate any challenge by the licence-holder.

88. Section 52 of the Road Safety Act 2006 amended the Local Government (Miscellaneous Provisions) Act 1976 such that local authorities can now suspend or revoke a taxi or PHV driver's licence with immediate effect on safety grounds. It should be stressed that this power can only be used where safety is the principal reason for suspending or revoking and where the risk justifies such an approach. It is expected that in the majority of cases drivers will continue to work pending appeal and that this power will be used in one-off cases. But the key point is that the law says that the power must be used in cases which can be justified in terms of safety. The Department is not proposing to issue any specific guidance on this issue, preferring to leave it to the discretion of licensing authorities as to when the power should be used.

TAXI ZONES

89. The areas of some local licensing authorities are divided into two or more zones for taxi licensing purposes. Drivers may be licensed to ply for hire in one zone only. Zones may exist for historical reasons, perhaps because of local authority boundary changes.

90. The Department recommends the abolition of zones. That is chiefly for the benefit of the travelling public. Zoning tends to diminish the supply of taxis and the scope for customer choice - for example, if fifty taxis were licensed overall by a local authority, but with only twenty five of them entitled to ply for hire in each of two zones. It can be confusing and frustrating for people wishing to hire a taxi to find that a vehicle licensed by the relevant local authority is nonetheless unable to pick them up (unless pre-booked) because they are in the wrong part of the local authority area. Abolition of zones can also reduce costs for the local authority, for example through simpler administration and enforcement. It can also promote fuel efficiency, because taxis can pick up a passenger anywhere in the local authority area, rather than having to return empty to their licensed zone after dropping a passenger in another zone.

91. It should be noted that the Government has now made a Legislative Reform Order which removed the need for the Secretary of State to approve amalgamation resolutions made by local licensing authorities. The Legislative Reform (Local Authority Consent Requirements)(England and Wales) Order 2008 came into force in October 2008. Although these resolutions no longer require the approval of the Secretary of State, the statutory procedure for making them – in paragraph 25 of schedule 14 to the Local Government Act 1972- remains the same.

FLEXIBLE TRANSPORT SERVICES

92. It is possible for taxis and PHVs to provide flexible transport services in a number of different ways. Such services can play a valuable role in meeting a range of transport

needs, especially in rural areas – though potentially in many other places as well. In recent years there has been a significant increase in the provision of flexible services, due partly to the availability of Rural Bus Subsidy Grant and Rural Bus Challenge Support from the Department.

93. The Department encourages local licensing authorities, as a matter of best practice, to play their part in promoting flexible services, so as to increase the availability of transport to the travelling public. This can be done partly by drawing the possibilities to the attention of taxi and PHV trade. It also should be borne in mind that vehicles with a higher seating capacity than the vehicles typically licensed as taxis (for example those with 6, 7 or 8 passenger seats) may be used for flexible services and should be considered for licensing in this context.

94. The main legal provisions under which flexible services can be operated are:

- **Shared taxis and PHVs – advance bookings (section 11, Transport Act 1985):** licensed taxis and PHVs can provide a service at separate fares for up to eight passengers sharing the vehicle. The operator takes the initiative to match up passengers who book in advance and agree to share the vehicle at separate fares (lower than for a single hiring). An example could be passengers being picked up at home to go to a shopping centre, or returning from the shops to their homes. The operator benefits through increased passenger loadings and total revenues.
- **Shared taxis – immediate hirings (section 10, Transport Act 1985):** such a scheme is at the initiative of the local licensing authority, which can set up schemes whereby licensed taxis (not PHVs) can be hired at separate fares by up to eight people from ranks or other places that have been designated by the authority. (The authority is required to set up such a scheme if holders of 10% or more of the taxi licences in the area ask for one.) The passengers pay only part of the metered fare, for example in going home after a trip to the local town, and without pre-booking, but the driver receives more than the metered fare.
- **Taxibuses (section 12, Transport Act 1985):** owners of licensed taxis can apply to the Traffic Commissioner for a ‘restricted public service vehicle (PSV) operator licence’. The taxi owner can then use the vehicle to run a bus service for up to eight passengers. The route must be registered with the Traffic Commissioner and must have at least one stopping place in the area of the local authority that licensed the taxi, though it can go beyond it. The bus service will be eligible for Bus Service Operators Grant (subject to certain conditions) and taxibuses can be used for local authority subsidised bus services. The travelling public have another transport opportunity opened for them, and taxi owners have another business opportunity. The Local Transport Act 2008 contains a provision which allows the owners of PHVs to acquire a special PSV operator licence and register a route with the traffic commissioner. A dedicated leaflet has been sent to licensing authorities to distribute to PHV owners in their area alerting them to this new provision.

95. The Department is very keen to encourage the use of these types of services. More details can be found in the Department’s publication ‘Flexible Transport Services’ which can be accessed at:

<http://www.dft.gov.uk/pgr/regional/buses/bol/flexibletransportservices>

LOCAL TRANSPORT PLANS

96. The Transport Act 2000 as amended by the Transport Act 2008, requires local transport authorities in England outside London to produce and maintain a Local Transport Plan (LTP), having regard to any guidance issued by the Secretary of State. The latest guidance published in July 2009 will cover the next round of LTPs from 2011. LTPs set out the authority's local transport strategies and policies for transport in their area, and an implementation programme. 82 LTPs covering all of England outside London have been produced and cover the period up to 2011. From 2011 local authorities will have greater freedom to prepare their LTPs to align with wider local objectives.

97. All modes of transport including taxi and PHV services have a valuable part to play in overall transport provision, and so local licensing authorities have an input to delivering the LTPs. The key policy themes for such services could be availability and accessibility. LTPs can cover:

- quantity controls, if any, and plans for their review;
- licensing conditions, with a view to safety but also to good supply of taxi and PHV services;
- fares;
- on-street availability, especially through provision of taxi ranks;
- vehicle accessibility for people with disabilities;
- encouragement of flexible services.

TAXI AND PRIVATE HIRE VEHICLE LICENSING: BEST PRACTICE GUIDANCE

Useful questions when assessing quantity controls of taxi licences

- Have you considered the Government's view that quantity controls should be removed unless a specific case that such controls benefit the consumer can be made?

Questions relating to the policy of controlling numbers

- Have you recently reviewed the need for your policy of quantity controls?
- What form did the review of your policy of quantity controls take?
- Who was involved in the review?
- What decision was reached about retaining or removing quantity controls?
- Are you satisfied that your policy justifies restricting entry to the trade?
- Are you satisfied that quantity controls do not:
 - reduce the availability of taxis;
 - increase waiting times for consumers;
 - reduce choice and safety for consumers?
- What special circumstances justify retention of quantity controls?
- How does your policy benefit consumers, particularly in remote rural areas?
- How does your policy benefit the trade?
- If you have a local accessibility policy, how does this fit with restricting taxi licences?

Questions relating to setting the number of taxi licences

- When last did you assess unmet demand?
- How is your taxi limit assessed?
- Have you considered latent demand, ie potential consumers who would use taxis if more were available, but currently do not?
- Are you satisfied that your limit is set at the correct level?
- How does the need for adequate taxi ranks affect your policy of quantity controls?

Questions relating to consultation and other public transport service provision

- When consulting, have you included etc
 - all those working in the market;
 - consumer and passenger (including disabled) groups;
 - groups which represent those passengers with special needs;
 - local interest groups, eg hospitals or visitor attractions;
 - the police;
 - a wide range of transport stakeholders eg rail/bus/coach providers and traffic managers?
- Do you receive representations about taxi availability?
- What is the level of service currently available to consumers (including other public transport modes)?

TAXI AND PRIVATE HIRE VEHICLE LICENSING: BEST PRACTICE GUIDANCE

Notice for taxi passengers - what you can expect from the taxi trade and what the taxi trade can expect from you

The driver will:

- ***Drive with due care and courtesy towards the passenger and other road users.***
- ***Use the meter within the licensed area, unless the passenger has agreed to hire by time.***
- ***If using the meter, not start the meter until the passenger is seated in the vehicle.***
- ***If travelling outside the licensed area, agree the fare in advance. If no fare has been negotiated in advance for a journey going beyond the licensing area then the driver must adhere to the meter.***
- ***Take the most time-efficient route, bearing in mind likely traffic problems and known diversions, and explain any diversion from the most direct route.***

The passenger will:

- ***Treat the vehicle and driver with respect and obey any notices (e.g. in relation to eating in the vehicle).***
- ***Ensure they have enough money to pay the fare before travelling. If wishing to pay by credit card or to stop on route to use a cash machine, check with the driver before setting off.***
- ***Be aware of the fare on the meter and make the driver aware if it is approaching the limit of their financial resources.***
- ***Be aware that the driver is likely to be restricted by traffic regulations in relation to where s/he can stop the vehicle.***

Notice for PHV passengers - what you can expect from the PHV trade and what the PHV trade can expect from you

The driver will:

- **Ensure that the passenger has pre-booked and agrees the fare before setting off.**
- **Drive with due care and courtesy towards the passenger and other road users.**
- **Take the most time-efficient route, bearing in mind likely traffic problems and known diversions, and explain any diversion from the most direct route.**

The passenger will:

- **Treat the vehicle and driver with respect and obey any notices (eg. in relation to eating in the vehicle).**
- **Ensure they have enough money to pay the fare before travelling. If wishing to pay by credit card or to stop on route to use a cash machine, check with the driver before setting off.**
- **Be aware that the driver is likely to be restricted by traffic regulations in relation to where s/he can stop the vehicle.**

TAXI AND PRIVATE HIRE VEHICLE LICENSING: BEST PRACTICE GUIDANCE

Assessing applicants for a taxi or PHV driver licence in accordance with C1 standard

Exceptional circumstances under which DVLA will consider granting licences for vehicles over 3.5 tonnes or with more than 8 passenger seats.

Insulin treated diabetes is a legal bar to driving these vehicles. The exceptional arrangements that were introduced in September 1998 were only in respect of drivers who were employed to drive small lorries between 3.5 tonnes and 7.5 tonnes (category C1). The arrangements mean that those with good diabetic control and who have no significant complications can be treated as "exceptional cases" and may have their application for a licence for category C1 considered. The criteria are

- To have been taking insulin for at least 4 weeks;
- Not to have suffered an episode of hypoglycaemia requiring the assistance of another person whilst driving in the last 12 months;
- To attend an examination by a hospital consultant specialising in the treatment of diabetes at intervals of not more than 12 months and to provide a report from such a consultant in support of the application which confirms a history of responsible diabetic control with a minimal risk of incapacity due to hypoglycaemia;
- To provide evidence of at least twice daily blood glucose monitoring at times when C1 vehicles are being driven (those that have not held C1 entitlement in the preceding 12 months may provide evidence of blood glucose monitoring while driving other vehicles);
- To have no other condition which would render the driver a danger when driving C1 vehicles; and
- To sign an undertaking to comply with the directions of the doctor(s) treating the diabetes and to report immediately to DVLA any significant change in condition.



Name of meeting: Licensing and Safety Committee
Date: 18th July 2017
Title of report: Intended Use Policy - Private Hire Vehicles

Purpose of report:

To seek approval from the committee to introduce an intended use policy and change to conditions in relation to private hire driver and vehicle licences to enable the Council to protect the safety of the travelling public

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Not Applicable
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?)	Key Decision - No Private Report/Private Appendix - No
The Decision - Is it eligible for call in by Scrutiny?	No
Date signed off by <u>Director</u> & name	Naz Parkar - 05.07.17
Is it also signed off by the Service Director for Finance, IT, and Transactional Services?	Debbie Hogg - 06.07.17
Is it also signed off by the Service Director (Legal Governance and Commissioning)?	Julie Muscroft - 06.07.17
Cabinet member portfolio	Not applicable

Electoral wards affected: All
Ward councillors consulted: All
Public or private: Public

1. Summary

Kirklees Council, in its capacity as Licensing Authority has seen an increase in applications for a private hire/hackney carriage driver's licence from applicants who intend to predominantly and exclusively work outside of the Kirklees area. Under current procedures Licensing Officers will have a brief discussion with the applicant to confirm their intentions should a licence be granted. The applicants are suggesting that they are being directed to Kirklees to obtain a licence and being told that they can then work exclusively in other controlled districts outside of Kirklees once a licence from Kirklees is granted.

This should not be the case, and Kirklees has always informed drivers verbally that they are expected to work predominantly in Kirklees. It is not unlawful for a private hire to work remotely from its area but a Licensing Authority must be able to exercise control over all the vehicles and drivers being operated within its geographical area. Officers do not feel that they are able to properly 'police' the trade, where they work predominantly outside of Kirklees. We have also seen an increase in complaints or concerns raised by other Local Authorities about the amount of Kirklees drivers working continually in their area. This suggests a state of affairs that is unhelpful in terms of regulation, and we have decided to take appropriate action as a result.

There is evidence to suggest that new applicants are being directed to Kirklees because they believe our processes are perceived as relatively straightforward and cheap compared to other districts such as Sheffield and Leeds which operate a more stringent application process, such as the requirement to pass a geographical knowledge test which applies to all drivers.

As a result we have written to a number of drivers about this warning them that they are expected to be predominantly working within the Kirklees area. This does not affect out of town bookings. For example, A Kirklees resident is still able to book a Kirklees private hire to take them to the airport in Manchester, or to another place outside of Kirklees, similarly, a Kirklees resident can still book a Kirklees PHV to collect them from an address outside of Kirklees, and return them to their home in Kirklees. Further, Kirklees PH companies are still able to sub-contract under the De-Regulation Act 2015.

The main area for concern in relation to drivers who intend to work predominantly outside of the area for is the lack of control the authority has in controlling these drivers. Licensing is local in nature therefore enforcement powers, for the most part, relate solely to the controlled district for which that licence has been granted. It is not appropriate that Kirklees drivers are operating exclusively or predominantly in other areas where our officers cannot supervise properly, and where the officers of that locality are unable to take enforcement action. Notwithstanding the fact that the West Yorkshire Local Authorities have shared enforcement powers, this has not prevented the rise in applications, complaints received or concerns raised by other Local Authorities. This clearly has public safety implications.

Additionally, the high increase of applications from these applicants is causing problems for our existing licence holders getting appointments. We have recently introduced an extra 24 hours of appointments since moving to the Contact Centre in October 2016 but despite this the trade are finding that they are struggling to get appointments in a timely manner due to the amount of new driver applications we are receiving, mainly from people who live out of area and who do not intend to work within Kirklees. This can result in existing drivers/vehicles being unlicensed for a period meaning they cannot work until they are able to get an appointment to renew their licence.

Kirklees has worked tirelessly to improve the standards of their licensed drivers following the Casey report by introducing its convictions policy making changes to the delegated authority. This has resulted in thorough investigations taking place by officers to ensure the fitness and propriety of applicants before a licence is issued. If a driver predominantly works outside of the Kirklees area it becomes extremely difficult and nigh on impossible to check that those standards are being met. It is due to this state of affairs that the service feels it ought reasonably to act, although in doing so it is mindful of the drivers legal rights and its duty to act fairly and proportionately. The service's intention is to significantly reduce the likelihood of drivers applying to Kirklees and either exclusively or almost exclusively working out of the area. Kirklees and other authorities should act to discourage such practices. We do not feel that this will impact on the quality of service that residents of any town enjoy. Leeds drivers should, for the most part, be servicing the

needs of Leeds residents, and Kirklees drivers servicing the needs of our residents. Kirklees drivers should be accepting booking taken by their Kirklees based operator, and this should typically mean that the significant majority of their work is in and around Kirklees, transporting residents of Kirklees and visitors to Kirklees.

2. Information required to take a decision

The service has explored various measures that can be taken to discourage applicants whose intention is to operate predominantly outside of the district of Kirklees. The service obtained Legal advice from Counsel on the matter to ensure that any measures put in place would be fair and lawful. It is worth noting at this point that whatever measures taken by the service should not impact adversely on our existing licensed drivers who do predominantly work inside Kirklees.

Geographical Knowledge Test

This option was explored and put before the Licensing and Safety Committee in December 2016. The decision was taken to create and consult on a policy that would support a knowledge test and that it would be applied to 'out of area' drivers. The licensing service obtained further legal advice in relation to the policy and a decision was taken by the service not to pursue the implementation of the knowledge test. A number of local authorities do use knowledge tests which are applicable to all drivers rather than just 'out of area' drivers. The licensing service did not feel it was a reasonable or proportionate measure given that the issues raised by this matter don't concern the existing trade or the majority of new drivers and it would be difficult to facilitate the test on such a large scale. Accordingly, the licensing service does not believe this is a viable option.

Intended Use Policy

Intended use policies have historically only been applied to Hackney Carriage vehicles. The service acknowledges that Hackney Carriage and Private Hire Vehicles are different and that the Licensing authority can restrict the number of Hackney Carriage licences if appropriate. The advice from Counsel provided alternative suggestions to address Kirklees' concerns and these have been explored in this report. The service believes an intended use policy relating only to private hire vehicles could be an effective tool to use to deter out of area drivers who intend to predominantly and exclusively operate outside of Kirklees.

The licensing authority envisages that drivers applying for a licence in Kirklees would predominantly operate in Kirklees. For the avoidance of doubt the service accepts that a driver is entitled to pick up any Kirklees resident and take them where they want them to go regardless of the destination. The service also accepts that a driver can pick up a Kirklees passenger from out of area and bring them back to Kirklees. The Service does not take issue with drivers who do not necessarily reside in Kirklees and applications would not be refused purely on this basis, however, the policy does envisage that a driver applying to Kirklees would for the most part operate in or around Kirklees and should still be plying their trade where they carry out journeys.

It also gives the authority the power to deal with drivers who predominantly work out of area based on the information based in that policy. Knowsley Council have introduced a similar policy and have found it to be effective in managing drivers who mainly work outside of their controlled district.

Kirklees has considered the policy and drafted a similar policy and is attached at Appendix A.

Declaration of intended use

The Service believes that a proper driver would not operate exclusively outside of Kirklees. If this was a driver's intention, then he/she ought to be applying to that authority in which they intend to operate. That driver must only work for a Kirklees operator, and must only accept booking through that operator unless sub-contracted. As part of the application process, the service are intending to include a declaration of intended use to be completed by the applicant when applying for and renewing their hackney carriage/private hire drivers. The intention is that in the event that the driver does not follow that, he is at risk of revocation on the grounds that he has lied to the authority as part of the application process and is therefore unlikely to be considered fit and proper. Each case will be assessed on its own facts. The Service does not take the view that 'predominantly' means 51% and above as the service is mindful of the driver's ability to transfer fares outside of Kirklees. However, the service considers that a proper driver would make himself predominantly available around Kirklees for the benefit of Kirklees customers. The service would also expect an 'operator' to be predominantly servicing the local authority in the district they are based. However, the service would not be setting an arbitrary threshold setting out the amount of fares the driver is allowed but ensuring the focus should be on meeting customer demand which is necessarily unpredictable. A copy of this declaration is at appendix B for information.

Shared Enforcement Powers

Currently Kirklees are working closely with the other West Yorkshire Licensing Authorities and York on harmonising and standardising working practises, conditions and policies across the area. Enforcement powers between these authorities have already been shared and the service sees shared enforcement powers as a positive development which it will continue to develop and improve. This means that we do have the authority to check vehicles and drivers licensed in any of the other authorities listed if they are found to be working in the Kirklees area. These authorities are:

Wakefield
Calderdale
Leeds
Bradford
York.

However, this does presently still prove problematic for drivers operating in other areas where there are no shared powers as any Kirklees licensed vehicles and drivers working outside of these areas cannot be monitored or regulated by Officers of the other authority.

Conditions

Typically, the control of PH drivers is achieved by the imposition of conditions. The Service has considered whether if conditions alone would be sufficient and has concluded that it would not fully enable officers to control and monitor the trade in the way they ought to be able to. Drivers must be controlled at source and this is done as drivers must be fit and proper and therefore abide by the rules set by their local authority. Conditions such as the following may be used to properly control/supervise the driver.

- The licensee shall only be engaged to drive PHV's licensed by Kirklees Council
- The licensee shall only be engaged to drive for an operator licensed by Kirklees save for where the driver is subcontracted in accordance with the Deregulation Act 2015; or with the exception of subcontracted journeys booked in accordance with

the Deregulation Act 2015, this licence only enables the licensee to drive for an operator licensed by this authority

- The licensee must notify this authority, within 14 days of starting or terminating employment, as to the name and address of the operator and/or proprietor concerned, and the date that the employment either started or ended.

A copy of the draft conditions can be seen at appendix C.

Having considered a range of options as outlined above the service has - concluded the most appropriate means of discouraging drivers who predominantly wish to operate outside of Kirklees and the most effective way to manage the control of these drivers is to:

- Request that applicants for new and renewal applications state their intention of use by signing a declaration
- Attach the proposed new conditions to Hackney Carriage/Private Hire Driver licences
- Use the shared enforcement powers delegated by each authority in West Yorkshire and York to carry out enforcement on vehicles who are working outside of area
- Implement the intended use policy as detailed in this report.

The Service has concluded that the use of conditions alone is not sufficient. There has been the suggestion that the service could undertake additional checks of vehicles, and whilst we can implement more checks this would be unworkable given the number of vehicles licensed. The service has already introduced shared enforcement powers but is still receiving large numbers of driver applications who have no intention to ply their trade in Kirklees. This practice must stop, and the policy should help achieve that legitimate aim.

3. Implications for the Council

3.1 Early Intervention and Prevention (EIP)

N/A

3.2 Economic Resilience (ER)

N/A

3.3 Improving outcomes for Children

Introducing this policy would reduce the number of drivers who obtain licences from Kirklees with the intention to predominantly work outside of the controlled district. This would result in better control of licensed drivers and vehicles in other areas meaning that it is less likely that children and vulnerable people will be travelling with a driver and in a vehicle that has been licensed by another authority.

3.4 Reducing demand of services

Reducing the amount of people who apply to us from other areas would result in the following reductions in demand of services:

- Less appointments being booked reducing the wait time for currently licensed drivers and reducing the pressure on staff who facilitate these appointments.
- Less people attending our garage facilities for the taxi compliance test freeing up time for our currently licensed vehicles and reducing wait times. This can have a financial impact on the Kirklees drivers who may not be able to operate their vehicle whilst they wait for an appointment for their compliance test.
- Less time spent by Licensing Officers who will arrange joint enforcement with other authorities to tackle drivers who are predominantly working outside of Kirklees resulting in more enforcement taking place in our own district and resources being focused in the appropriate and necessary places.

4. Consultees and their opinions

Kirklees taxi trade representatives - no response

Kirklees licensed operators - two responses - appendix D

Kirklees elected members - five responses- appendix E

Public - Kirklees Involve - no response.

Responses

The majority of responses from Councillors were in support of the proposed policy. Queries raised were:

- Are there insurance implications where a driver is found to be working predominantly outside of the area?
 - Each insurance company has its own policy in relation to this matter. Some have indicated that they will not cover drivers who do the majority of their work outside their licensed area however we currently have no evidence of this being put into practice
- How are neighbouring authorities managing or intending to manage this problem?
 - The West Yorkshire and York authorities had initially taken a decision to seek Counsel Opinion on this matter. At the Chair's meeting on 18th May 2017 it was agreed that this is a costly route to take and that legal departments were advising services to manage the issue locally.
- Why are so many out of area applicants applying to Kirklees?
 - Anecdotal evidence suggests that the time it takes to process a licence application is encouraging out of area drivers to apply to the authority that has the quickest turnaround time. Cost is also a factor and Kirklees fees are relatively cheap in comparison to neighbouring authorities. The applicants have told Officers that the fact Kirklees doesn't have a geographical knowledge test and the training course that Kirklees applicants have to take is relatively simple to pass encourages them to apply here.

The responses from the two licensed operators were more detailed and raised questions about the policy with responses from these questions detailed below (some of the answers are contained in the responses above)

- Is it cheaper to obtain a licence in Kirklees?
 - Table of fees detailing each authority in West Yorkshire and York

Authority	Licence Type	Cost
Leeds	Driver	£285.00
Wakefield	Driver	£240.00
KIRKLEES	Driver	£230.47
Bradford	Driver	£155.50
Calderdale	Driver	£146.00
Wakefield	Vehicle	£291.00
KIRKLEES	Vehicle	£232.39
Calderdale	Vehicle	£229.00
Leeds	Vehicle	£210.00
Bradford	Vehicle	£165.00 1 – 5 years old £240.00 6 – 10 years old

- Is it easier?
 - It is perceived to be due to the knowledge tests we carry out. However this has no impact on the standard of checks we do in relation to the criminal and motoring conviction history of each applicant.
- Is it quicker?
 - An analysis of this was carried out by Uber and presented to the Licensing Chairs at the 18th May meeting. The presentation suggested that Kirklees does grant licences quicker than other authorities in the local area giving details of Leeds taking approximately 6 months and Kirklees taking approximately 3 months. The information showed that Manchester has a 10 week waiting period to submit an application for a new driver before the process begins.
- What have we done to regulate Rossendale vehicles working in Kirklees?
 - Rossendale have introduced their own intended use policy to tackle vehicles and drivers licensed by them who are predominantly working outside of the area. The effects of this policy will be gradual as it will be applied at the point of renewal. This matter relates to hackney carriage plates and private hire licences.
 - In December 2016 the Kirklees Licensing and Safety Committee agreed to implement new conditions and a policy in relation to operators.

Condition 16 refers directly to 'Out of Town' Hackney Carriages acting as private hire vehicles in the Kirklees Licensing District

SCHEDULE OF DRIVERS

The Private Hire Operator, shall in writing, notify the Licensing Authority forthwith, and in any event within 72 hours of each and every Hackney Carriage driver employed or used for Private Hire bookings this will include Hackney Carriage drivers licensed by this or other Authorities.

Where a Private Hire Operator ceases to employ or use any such licensed Hackney Carriage driver, the Operator shall forthwith, and in any event within 72 hours, notify the Licensing Authority in writing.

The Private Hire Operator shall retain a copy of the Hackney Carriage driver licence granted by this or any other authority along with a copy of the driver's DVLA licence, and any other driver of that vehicle, and forward a copy of those documents to the Licensing Office forthwith, and in any event within 72 hours of registering that driver.

SCHEDULE OF VEHICLES

The Private Hire Operator shall, in writing, notify the Licensing Authority forthwith, and in any event within 72 hours of each and every Hackney Carriage vehicle employed or used by the operator. This includes those Hackney Carriage vehicles licensed by this or other Authorities.

Where a Private Hire Operator ceases to employ or use any such licensed Hackney Carriage vehicle, the Operator shall forthwith, and in any event within 72 hours, notify the Licensing Authority in writing.

The Private Hire operator shall retain a copy of the Hackney Carriage vehicle licence granted by another Authority along with a copy of the MOT or Compliance Certificate and policy of insurance and vehicle registration document and forward a copy of those documents to the Licensing Office within 72 hours.

Consideration of alternative interventions

As detailed in this report the Licensing Authority has considered and implemented alternative interventions to ensure the safety of the public and to support local enforcement. These are:-

- Shared enforcement powers with other authorities (as suggested in the consultation response from Uber and has already been undertaken although this still has a limited range)
- Declaration of intended use at application stage
- Geographical knowledge test (not implemented)
- Amendment to conditions for drivers and operators.

Legality of policy

The representation suggests that the policy would be contrary to the Miscellaneous Provisions Act 1976. However the Council is entitled to introduce a policy that is reasonable and proportionate to address difficulties or challenges in its ability to properly control private hire licenses in its area. This policy seeks to address the fitness and proper element of the test just like the other parts of licensing administration do.

Therefore, introducing policy is not in the Licensing Services' view contrary to the Act. The Service is simply requiring the driver to demonstrate their intention to work predominantly in the locality and nothing more, and it does not interfere with their legal right to accept a booking through the operator that tackles them outside of Kirklees.

Negative impact of an intended use policy on both drivers and passengers

The Service does not accept that it will have a negative impact as passengers can still rely upon a Kirklees operator, driver and vehicle to get them to and from where they need to be. Similarly, a Leeds resident ought to be able to rely on the many drivers in that locality to transport them to and from Leeds.

The proposed policy will not have an impact on drivers who regularly take journeys outside of the Kirklees area. For example we have many operators who only take bookings for airport journeys; this policy would not affect them. It would also not affect any drivers or operators who do subcontract their bookings in line with the 2015 Deregulation Act. The policy states clearly that it would be applied to drivers found to be **predominantly** working outside of the area.

5. Next steps

The policy and conditions will be introduced with immediate effect for all new driver applications and renewal applications. The policy will be applied where it is found that drivers are predominantly working outside of this controlled district. Operator records and any other supporting evidence will be sought to support any decision made.

6. Officer recommendations and reasons

The officer recommends that the policy be introduced as a tool to support it in its primary function of public safety.

7. Cabinet portfolio holder's recommendations

8. Contact officer

Victoria Thomson, Senior Licensing Officer
Tel: 01484 221000
Email: victoria.thomson@kirklees.gov.uk

9. Background Papers and History of Decisions

Intended Use Policy - Appendix A

Declaration of Intended Use - Appendix B

Amended Driver Conditions - Appendix C

Response to consultation from Operators - Appendix D

10. Service Director responsible

Joanne Bartholomew, Service Director – Commercial, Regulatory and Operational Services

Tel: 01484 221000

Email: joanne.bartholomew@kirklees.gov.uk

THE INTENDED USE OF PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER LICENCES IN KIRKLEES

1. New Private Hire Driver Applications

- This document has been produced as guidance to private hire and hackney carriage driver applicants in order to assist them in deciding whether to submit an application to Kirklees Council for a drivers licence.
- Applicants for the grant of a new private hire drivers licence will be expected to demonstrate a bona fide intention to predominantly carry out private hire work via their chosen Kirklees licensed private hire operator within the controlled district, or as permitted by section 55A of the Local Government (Miscellaneous Provisions) 1976.
- To assist applicants in making a decision if they should make an application to Kirklees they should consider the following principles;
 - (i) A private hire vehicle, driver and operator **must** all be licensed within the same area.
 - (ii) Operators can only invite and accept bookings within that licensing area (the same goes for smart app operators).
 - (iii) Any licence issued by the authority is a permission only and does not belong to the driver.
 - (iv) The Council must be able to exercise control over all the vehicles and drivers being operated within its geographical area. This control is of paramount importance for public safety reasons which is the main consideration for the Council when dealing with taxi and private hire regulation.
 - (v) In order to ensure that the Council has control of the vehicles and drivers it has licensed the Council reserves the right to consider imposing conditions to those licenses when it sees fit to do so.
 - (vi) If an applicant obtains a licence in Kirklees, they must operate predominantly in Kirklees; otherwise their licence may be refused or revoked.
- With the above in mind there will be a presumption that applicants who do not intend to work predominantly within the prescribed area, or

cannot demonstrate an ability to work predominantly within the prescribed area, will not be granted a private hire or hackney carriage drivers licence.

- Information provided by an applicant goes directly to their credibility, fitness and propriety when determining an application received by the Licensing Authority. Any applicant deliberately providing false or misleading information to the Licensing Authority will have this considered by the Licensing Authority when determining the application received.
- Each application will be decided on its merits.

2. Renewals

- Applicants for renewals of licences will be required to inform the Council whether they have a bona fide intention to carry out private hire work via their chosen Kirklees licensed private hire operator within the prescribed area.
- There will be a presumption that applicants who do not intend to predominantly carry out private hire work within the prescribed area will not have their private hire drivers licence renewed. For information Section 60 (vehicles) and Section 61 (1) (b) (drivers) of Local Government Miscellaneous Provisions Act 1976 gives the Council a broad discretion to refuse to renew a licence for any reasonable cause.
- To assist those renewing driver licences they should consider the following principles;
 - (i) A private hire vehicle / driver and operator must all be licensed within the same area.
 - (ii) Operators can only invite and accept bookings within that licensing area (the same goes for smart app operators).
 - (iii) Any licence issued by the authority is a permission only and does not belong to the driver.
 - (iv) The Council must be able to exercise control over all the vehicles and drivers being operated within its geographical area. This control is of paramount importance for public safety reasons which are the main consideration for the Council when dealing with taxi and private hire regulation.
 - (v) In order to ensure that the Council has control of the vehicles and drivers it has licensed the Council reserves the right to consider imposing conditions upon those licenses when it considers such conditions reasonable and necessary.

(vi) If a driver obtains a licence in Kirklees, he must operate predominantly in Kirklees; otherwise his licence may be refused or revoked.

- Even where the applicant intends to carry out private hire work to a material extent in the prescribed area, if the intention is to trade in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular application, there will be a presumption that the application will be refused.
- Information provided by an applicant goes directly to their credibility, fitness and propriety when determining an application received by the Licensing Authority. Any applicant deliberately providing false or misleading information to the Licensing Authority will have this considered by the Licensing Authority when determining the application received.
- Each application will be decided on its merits.

3. Revocation of licence

- Where a licence has been granted under the terms that the applicant has a bona fide intention to predominantly carry out private hire work via their chosen Kirklees licensed private hire operator within the prescribed area but is subsequently found to be working predominantly in another authority's area, outside of the prescribed area boundary (and it appears that the purpose of the legislation and public safety will be frustrated) there will be a presumption that the licence will be revoked.

4. Exceptional circumstances

- Each application will be decided on its merits. However the presumptions that the applicant has a bona fide intention to predominantly carry out private hire work via their chosen Kirklees licensed private hire operator within the prescribed area will be rebuttable only in exceptional circumstances.
- Whilst it is neither possible nor prudent to draw up a list of what might amount to exceptional circumstances, an applicant who claims that exceptional circumstances exist will be expected to be able to satisfy the Council that it would not frustrate the purposes of the legislation or compromise public safety if the licence were granted, renewed or if it were not suspended or revoked as the case may be.

5. Reasons for Policy

- The Council wishes to ensure that applications for the grant of private hire and hackney carriage driver licences are determined in accordance with;
 - (i) The Town Police Clauses Acts 1847-1889 and Part II of the Local Government (Miscellaneous Provisions) Act of 1976 as amended by the Deregulation Act 2015 and;
 - (ii) The guidance given by the High Court in its judgment, and the Declaration made in the case of Newcastle City Council v Berwick upon Tweed Council [2008] in respect of hackney carriage drivers fulfilling private hire bookings in another district.
- It is noted that the Deregulation Act 2015 permits private hire operators to sub-contract bookings to operators licensed in any district and nothing in this intended use policy is intended to frustrate the permissions provided within that Act. This policy has been adopted as at the heart of hackney carriage and private hire licensing is the need to protect the travelling public and that local licensing should prevail. With this in mind if drivers and vehicles licensed by Kirklees are found to be working predominantly in another authority's area for a substantial amount of time then this means the vehicle cannot be effectively monitored to ensure that the vehicle is safe for the public.

The principle of local control is important and the issue of remote working poses a problem for both Kirklees Council where the vehicle is licensed and the local authority where the vehicle is operating. Licensing Enforcement Officers are normally only authorised to carry out checks on vehicles licensed in Kirklees. If vehicles are predominantly operating outside of the Kirklees area then they are not available to be spot checked by Kirklees Councils Enforcement Officers.

APPENDIX B

DECLARATION OF INTENDED USE

I hereby declare that it is my intention that the licence issued to me will be used to work predominantly in the district of Kirklees and I understand that should this not be the case either at the date hereof or at any time thereafter the council may revoke or refuse to renew the licence under Section 60(1)(c) Local Government (Miscellaneous Provisions) Act 1976.

I understand that each case will be decided on its merits

APPENDIX C

KIRKLEES METROPOLITAN COUNCIL

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

PART 11 – LICENSING OF HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

**STANDARD CONDITIONS ATTACHED TO THE ISSUE OF A HACKNEY
CARRIAGE/PRIVATE HIRE DRIVER LICENCE**

1. The Driver shall not assign or in any way part with the benefit of the Licence, which is personal to the Driver.
2. The Driver shall not while driving or in charge of a Private Hire Vehicle:-
 - (a) tout or solicit on a road or other public place any person to hire or be carried for hire in any Private Hire Vehicle
 - (b) cause or procure any other person to tout or solicit on a road or other public place any on to hire or be carried for hire in any Private Hire Vehicle
 - (c) offer that vehicle for immediate hire while the Driver or that vehicle is on a road or other public place
 - (d) accept an offer for immediate hire of that vehicle while the Driver or that vehicle is on a road or other public place except where such an offer is first communicated to the Driver by telephone or by apparatus for wireless telegraphy fitted to that vehicle

In this Condition

“road” means any highway and any other road to which the public has access, and includes bridges over which a road passes.

3. The Driver shall not carry more passengers than allowed by his private hire or hackney vehicle licence.
4. The Driver shall at all times when driving or acting in accordance with the Driver's licence granted to him wear the Driver's badge issued to the Driver by the Council in such position and manner as to be plainly and distinctly visible.
5. The Driver's badge referred to in the foregoing Condition shall remain the property of the Council, and if the Driver's licence is not renewed, such badge shall be returned by the Driver to the Council within 7 days of a notice by the Licensing Manager or Senior Licensing Officer requesting the Driver to do so or immediately in the case of a suspension or revocation.
6. A failure to renew a Drivers licence by its expiry date will (unless there are exception circumstances supported by documentary evidence for the delay) result in the Drivers badge lapsing and a driver having to make a fresh application for a new Drivers badge.

7. The Driver shall at any time or at such intervals as the Council may reasonably require, produce a certificate in the form required by the Council, signed by the drivers own general practitioner or doctor with access to the drivers medical records to the effect that he is or continues to be physically fit to be the driver of a Hackney Carriage or Private Hire Vehicle; whether or not such certificate is produced, the person shall, if required by the Council at any time, undergo a medical examination by a registered medical practitioner to be selected by the Council.
8. The Driver shall at any time or at such intervals as the Council may reasonably require be required to pass a driving test carried out by an authorised officer of the Council or other body approved by the Council.
9. The Driver shall at all times be clean and respectable in his dress and person, behave in a civil and orderly manner and afford all reasonable assistance with passengers' luggage and comply with all reasonable requirements of any person hiring or being conveyed in the vehicle.
10. The Driver shall, within 7 days, disclose to the Council in writing, details of any arrest whether charged or not, or any police investigation into his/her conduct. The Driver will also disclose to the Council in writing details of any conviction or caution imposed on him during the period of the Licence.
11. The Driver shall, within 7 days, notify the Council in writing of any change in his/her name address or phone number taking place during the period of the Licence.
12. The Driver shall not without the consent of the Hirer convey or permit to be conveyed any other person in that vehicle.
13. The driver shall take all reasonable steps to ensure the safety of passengers entering or leaving the vehicle
14. The driver of a wheelchair accessible vehicle must ensure that any equipment associated with the carriage of wheelchair users must be in good order and ready for immediate use and that he is able to use such equipment in the correct manner.
15. The driver of a licensed vehicle shall, at the request of an authorised officer, stop the vehicle to enable a check to be made for the purpose of preventing or detecting any contravention of any statutory requirements, or of the conditions, applicable to the vehicle and its use as a licensed vehicle whether or not passengers are carried at the time. It shall not proceed until the authorised officer is satisfied that all such requirements or conditions are being observed and complied with.
16. The driver shall if required provide a written receipt for the fare paid.
17. The driver shall declare to the Council any penalty points endorsed on his licence or any courses attended in relation to driving offences.
18. The driver must carry any assistance dog or guide dog with no extra charge that is accompanying a passenger unless he is in possession of an exemption certificate.
19. The driver shall ensure that at all times when driving a licensed vehicle for hire or reward that such a vehicle is kept in a clean and roadworthy condition.

20. The driver must ensure that his ability to drive is not impaired by working excessive hours. Guidance can be sought from the Road Transport (Working Time) Regulations 2005.
21. The licensee shall only be engaged to drive PHV's licensed by Kirklees;
22. The licensee shall only be engaged to drive for an operator licensed by Kirklees save for where the driver is subcontracted in accordance with the Deregulation Act 2015; or with the exception of subcontracted journeys booked in accordance with the Deregulation Act 2015, this licence only enables the licensee to drive for an operator licensed by Kirklees Council.
23. The licensee must notify this Authority, within 14 days of starting or terminating employment, as to the name and address of the operator and/or proprietor concerned, and the date that the employment either started or ended.

Catherine Walter
Licensing Manager
Flint Street
Fartown
Huddersfield
HD1 6LG

Revised May 2017

APPENDIX D

From: Cllr Eric Firth

Sent: 23 May 2017 11:09

To: Karen Rukin

Subject: Re: Consultation on the proposed policy and conditions for Private Hire Vehicles

I appreciate it's a difficult situation but before we do anything we must I think have the support of all west yorks authorities and they must do the same.....Eric

Delivered to you with Kirklees Mobile Email solution.

APPENDIX D

From: Cllr Lisa Holmes
Sent: 25 May 2017 08:42
To: Karen Rukin
Cc: Cllr David Hall; Cllr JohnJ Taylor; Cllr Nigel Patrick; Cllr Donna Bellamy
Subject: Re: Consultation on the proposed policy and conditions for Private Hire Vehicles

Karen I appreciate that you have recalled the message below but one question.

What is bringing so many applicants to Kirklees ?
Given I've been told so many times that we've tightened up our licensing checks, what is attracting so many from other areas to us ?

Why are applicants choosing us over Bradford, Leeds etc ?

There must be a good reason but I'm not getting that from the below information.

Kind Regards

Cllr Lisa Holmes
Conservative Councillor for Liversedge & Gomersal

APPENDIX D

From: Cllr Christine Iredale
Sent: 23 May 2017 20:41
To: Licensing
Subject:

Hello Karen

Thank you for the consultations documents I am uneasy about this and I would really like to have more information for example what about insurance if a driver is working out of the district of his licence will he be properly insured should any problems occurs.

I would really like a full licensing committee to make the decision

What do our neighbouring authorities think do they similar issues

Hope that you will be able to answer these concerns

Cheers Christine

Delivered to you with Kirklees Mobile Email solution.

APPENDIX D

From: Cllr Hilary Richards

Sent: 23 May 2017 11:09

To: Councillor EnquiriesPlace

Subject: RE: Consultation on the proposed policy and conditions for Private Hire Vehicles

The conditions could *eminently sensible* and have my support

Many thanks

Hilary.

APPENDIX D

From: Cllr Julie Stewart-Turner

Sent: 23 May 2017 11:22

To: Licensing

Subject: Consultation on the proposed policy and conditions for PHV

I'm not sure if there are any specific questions to answer as part of your consultation. I am personally in favour of the Intended Use Policy. I have on occasions been picked up by taxi drivers from out of area, and they rely on the passengers to give them directions, which I don't think they should. I also think that the high standards set following the Casey Review should be maintained, and encouraged across neighbouring authorities.

Regards

Julie



01 JUN 2017

Kirklees Council
Licensing Service
Flint Street Depot
Fartown
Huddersfield
HD1 6LG
FAO Victoria Thomson

24 May 2017

CONSULTATION – INTENDED USE

Dear Ms Thomson

Your letter dated 19 May refers. The question you should really be asking is why people living outside of Kirklees apply for a Kirklees Licence?

1. Is it cheaper? I doubt it.
2. Is it easier? I very much doubt that too. I have little confidence in your operations but the thoroughness you take in obtaining DBS, Medical, Driving Test and Customer Awareness courses are commendable.
3. Is it quicker? The minimum time is 3 months – with luck – so that is not the reason.
4. Is it more profitable? Most people will know Leeds or Manchester are the real power bases in this area and therefore realise the higher income streams are there.

So you really need to be looking for the answer instead of chasing after the event. Did anyone in your office watch 3 girls on the BBC last week? There was a list of Councils Areas where people had been prosecuted for grooming. I'll let you guess which one was missing.

You already have legislation in place which requires Operators to be able to provide information as to who has been allocated bookings, when and by whom and a whole plethora of information to be able to check on operators, drivers and vehicles. In 34 years your Council has NEVER been to inspect my records and, given your dereliction to prosecute me, will assume I am not alone there.

What about the drivers from Rossendale who, legally, operate in Kirklees. Have you done anything to keep a check on them? Have you followed with recent legislation enacted against Uber regarding Minimum Wages? I doubt it because your School Transport Section is complicit in allowing drivers to be paid below the Minimum Wage.

To use the reason that existing Licence holders cannot obtain appointments is a misnomer. Your department is not allowed to make a profit and therefore if there are extra licence

applications then this should allow the cost of licences to decrease to everyone. But as that has not happened one can only assume you are not fit for purpose given it is two years since your last increase should have led to you covering your costs.

Finally how many of these new licence holders exist? Thousands? Hundreds? Dozens? Yet you allow hundreds of people to contravene ROUT versus Swallow Hotel Ltd 1993 allowing hundreds of people throughout Kirklees to be conveyed dangerously and illegally.

I am afraid the Licensing Department is not fit for purpose.

Yours sincerely

John Beaumont

Uber Response to Kirklees Council Consultation on [‘The Intended Use of Private Hire and Hackney Carriage Driver Licences in Kirklees’](#)

Thank you for the opportunity to respond to Kirklees Council’s consultation on the possible introduction of an intended use policy for private hire and hackney carriage drivers licensed by Kirklees Council.

This response sets out Uber’s strong concerns about Kirklees’ proposal to introduce an intended use policy for private hire drivers. In summary:

1. We are concerned by the Council’s **lack of consideration of alternative, more proportionate interventions** to achieve their stated objective of protecting the public and maintaining control over licensed vehicles and drivers.
2. We have serious **concerns regarding the legality of Kirklees Council’s proposed intended use policy**. It is our view that there is no sound legal basis for the Council to introduce an intended use policy for private hire - as borne out by case law. We also note that the wording used in the proposed intended use policy is lifted directly from Knowsley Metropolitan Borough Council’s newly introduced intended use policy. The Council may already be aware that Knowsley Metropolitan Borough Council’s intended use policy is likely to be subject to a legal challenge.
3. Lastly, it is also clear to us that the proposed policy will have a **negative impact on both drivers and passengers**. The unforeseen consequence of an intended use policy would mean that passengers would be unable to rely on Kirklees licensed operators, drivers and vehicles to get them to and from where they need to be in neighbouring jurisdictions, to and from the airport or to and from work in nearby towns and cities like Bradford, Leeds or Halifax. This is not only a poor customer experience, but is also likely to have a serious impact on Kirklees’ licensed private hire drivers and operators, as consumers will use other businesses for their private hire needs which are able to provide a reliable service across their local area.

Our concerns are set out below, in greater detail.

1. Consideration given to alternative interventions to achieve Council’s stated objectives.

We acknowledge the Council’s core stated objectives of having greater control over all Kirklees licensed private hire drivers in order to protect the safety of the travelling public. The Council’s licensing function is important in ensuring that the taxi and private hire industry is trusted and meets the needs of the local community. However, we believe there are other, more proportionate means of achieving the Council’s stated objective.

As a general comment, best regulatory practice requires an assessment of whether any interventions are justified by specific and legitimate policy objectives. Once an objective has

been established, an assessment should consider the proportionality of each proposal against the objective, including whether the benefits outweigh the costs or impacts. This cost / benefit analysis has to consider not only the immediate impact of the regulation on customers and firms, but also any impact on the ability of the market to efficiently meet varied customer demand.

In this regard it is not clear to what extent the Council has considered a range of options to deliver the stated objective, nor considered the full cost / benefit impact of the proposed policy. This is significant as if - as stated - the Council's objective is to enable effective monitoring and safety checks of vehicles and drivers it has licensed, we believe there are more effective and proportionate ways of achieving this goal.

Firstly, there is a necessary assumption that all vehicles and drivers licensed by Kirklees Council are properly inspected or tested and deemed safe and fit and proper to transport passengers as part of the Council's licensing process. That being the case, the Council's concern would therefore appear to be whether the driver and/or vehicle continue to remain sufficiently safe and/or fit and proper for the subsequent period up to renewal of that licence.

We understand that the Council is concerned that it is not able to conduct regular spot checks on vehicles driving outside of the prescribed area. However, there are other options to conduct effective checks to ensure the continued safety of licensed vehicles and drivers. For instance, in the case of Kirklees licensed private hire drivers that predominantly drive outside of the prescribed area, the Council could seek to attach additional conditions to the relevant private hire driver or vehicle licence requiring them to attend regular inspections at the Council (e.g. quarterly). Such action would be more relevant - and more proportionate - to the Council's stated aim of improving vehicle safety standards for the travelling public.

Secondly, the proposed policy states that the principle of local control is important both to Kirklees Council as the licensing authority and to the local authority where the vehicle is operating. Given this, the Council should consider sharing enforcement powers and providing authorised officer status to concerned local authorities. We understand the six authorities of Kirklees, Bradford, Leeds, Calderdale, Wakefield and York are already exploring the delegation of powers to allow local licensing officials to take enforcement action across neighboring jurisdictions.¹ We believe there is merit in pursuing such efforts, for the benefit of local consumers and drivers, rather than placing limits on where drivers can and can't drive.

Such measures would be a more proportionate intervention to achieve the Council's stated objective than the current proposed policy.

¹ See this [report](#) from Bradford City Council, and press coverage [here](#).

2. Concerns regarding the legality of proposed intended use policy.

Beyond the question of proportionality, we also have significant concerns regarding the legality of the proposed policy and the extent to which it goes against the will of the De-Regulation Act 2015.

A. Legality of the proposed policy

Contrary to the assertions made within the proposed policy, there is no sound legal basis for the Council to introduce an intended use policy for private hire - as borne out by case law.

The proposal cites the guidance given by the High Court in its judgement and the Declaration made in the case of Newcastle City Council v Berwick upon Tweed Council [2008]. This was - however - only in respect of hackney carriage drivers fulfilling private hire bookings in another district and it is not appropriate to rely on this case in support of an intended use case for private hire drivers.

Hackney carriages and private hire vehicles must be distinguished for these purposes and the Berwick case observes that *“the right to ply for hire is limited, by the licence, to the immediate locality and no right to ply for hire is given for any wider area”*. No such limitations are placed on a private hire licence, and a Council does not have the power to restrict the number of such licences.

The difference between taxis (hackney carriages) and private hire vehicles on this issue is articulated in the The Law Commission’s Report on Reforming Taxi and Private Hire Services, which states at 7.53:

“It is important to recognise that the cross-border issue is different as between taxis and private hire vehicles: in the case of taxis, the licensing area determines where they can ply for hire, whilst private hire vehicles can pursue their trade (always limited to pre-booked journeys) without any geographical restriction. Any change to the law on how cross-border services may be booked does not therefore change the fundamental feature that operators are, and will continue to be, allowed to offer their services to customers being picked up and dropped off outside the operator’s licensing area.”

This is clearly common sense in circumstances where a hackney driver can choose where to pick up passengers, but where private hire drivers are reliant on bookings being dispatched to them by a private hire operator. The proposed policy therefore fails on any common sense basis - an operator cannot refuse a booking or deprive a driver of the ability to carry out a booking simply on the basis that the particular driver has already picked up a certain percentage of his or her bookings in Halifax or in Leeds city centre in the past day/week/month/year. The operator is neither obliged nor (we expect) able to monitor a driver’s activity in this way.

We are particularly concerned regarding the legitimacy and legality of the Council's application of the proposed policy. The Council states that it wishes to ensure that applications for the grant of private hire driver licences are determined in accordance with the Local Government (Miscellaneous Provisions) Act 1976, and we therefore draw your attention to section 51 of the 1976 Act which prescribes that:

*"(1) Subject to the provisions of this Part of this Act, a district council **shall**, on the receipt of an application from **any person** for the grant to that person of a licence to drive private hire vehicles, grant to that person a driver's licence: Provided that a district council shall not grant a licence (a) unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence.."* [emphasis added].

There is no ability for a Council to refuse to grant a licence to a person based on, for example, where they live, where they carry out journeys etc, provided they are a fit and proper person. The 1976 Act imposes a positive licensing obligation on Councils, which can be contrasted with the hackney licensing regime that permits Councils to restrict the issuing of hackney carriage licences according to the needs of the local area.

Accordingly the proposed policy for private hire drivers is contrary to the 1976 Act, and is not supported by any case law.

Given the above, we fail to see how there can be any legal basis to the introduction of an intended use policy for private hire which would not be open to legal challenge.

B. The decision to implement the Policy fails to take into account the nature of private hire bookings.

The proposed changes to the Standard Conditions attached to the issue of a Private Hire Driver Licence fail to take into account for the nature of private hire bookings. The 1976 Act provides that, as long as a booking is made with a licensed operator and carried out by a driver and vehicle licensed by the same council, the journey can be carried out anywhere in the UK.

However, the imposition of the Policy would result in drivers potentially facing enforcement action depending on what bookings are allocated to a driver by the relevant operator.

This move to restrict private hire drivers to pick ups within the Kirklees boundary therefore directly contradicts the 1976 Act and case law. The Council states that applicants will be required to "demonstrate a bona fide intention to predominantly carry out private hire work via their chosen Kirklees licensed private hire operator within the controlled district". It appears that the Council's intention is to require private hire drivers to only pick up passengers within the Kirklees boundary, thereby excluding Leeds, Bradford, Halifax and other surrounding cities and towns. Clearly, any driver licensed by Kirklees must, by law, carry out work via a Kirklees

operator. The Council is therefore requiring a driver to demonstrate that his operator will allocate him bookings that take place predominantly within Kirklees, which a driver is simply unable to do. A driver has no control over what booking requests are accepted by an operator or where those journeys take place.

C. Deregulation Act 2015

We also note that the proposed policy appears to be contrary to the will of central Government in terms of the Deregulation Act introduced in 2015. The Government's rationale for introducing the Deregulation Act included the following:

"We want to work with private hire operators to help businesses to flourish and grow; we want to make life easier for passengers; and we certainly want to ensure that safety is at the forefront of all that is being done."

"Private hire operators have said that the existing restriction on sub-contracting such that people can subcontract only to operators based in the same district is frustrating for many of them and artificial. It means that often they have to tell passengers that they cannot take their booking."

Stephen Hammond MP, Parliamentary Under Secretary for Transport, stated at the time:

"Allowing private hire operators to subcontract to operators licensed in a different district is a simple change. It will have a huge impact on the ability of operators to meet passenger needs and to grow their businesses, and it should help to make the passenger's experience much more convenient. In short, it is a liberating measure. It will allow the private hire trade to operate in the way that it sees fit, not just in the way that the current legislation dictates."

The proposed policy put forward by the Council goes very much against the intention of the Deregulation Act and thus circumvents the will of central Government.

3. Concerns regarding the negative impact of an intended use policy on both drivers and passengers.

It is also clear that the proposed policy will have a negative impact on both drivers and passengers. The unintended consequence of an intended use policy would mean that passengers would be unable to rely on Kirklees licensed operators, drivers and vehicles to get them to and from where they need to be in neighbouring jurisdictions, be that the airport or to and from work in nearby towns and cities like Bradford, Leeds or Halifax. This is not only a poor customer experience, but is also likely to have a serious impact on Kirklees' licensed private hire drivers and operators.

The proposed intended use policy would have a real and significant impact on the business of private hire operators and private hire drivers, in that operators would either be unable to accept bookings with a pick up location outside of the controlled district, or drivers would miss out on

the opportunity to make money because they were not able to carry out a booking depending on where it was and how many other bookings it had carried out the day/week/month. In turn, that would likely cause consumer harm, by way of fare increases and/or an unreliable service.

Indeed, the Law Commission's Consultation Paper on Reforming Taxi and Private Hire Services references makes this observation about potential consumer harm. A recommendation from the House of Commons Transport Committee (12 July 2011) that a condition of licence should require a vehicle to be principally operated in the licensing district. As stated at 10.75 within the Consultation Paper:

"The Department of Transport was not in favour of this, as it would have restricted the ability of drivers and operators to work in a way which is both lawful and efficient. The Department noted potentially damaging environmental effects, and stated that such conditions would "confuse and unfairly penalise passengers who would be unable to use the operator of their choice". Finally, it would be difficult and costly to enforce".

It is difficult to see how the Council will be able to set arbitrary thresholds on trips in certain areas that can be deemed proportionate to the objective being sought without negatively impacting upon drivers and customers. Focus should be on meeting customer demand, which is unpredictable and likely to shift week on week.

Conclusion

To conclude, we have serious concerns regarding the legality and proportionality of the proposed policy, the negative impact it will have upon operators, drivers and passengers, and its circumvention of the intent of the Deregulation Act 2015. We believe there are far more effective and proportionate means to achieve the Council's objective, including the introduction of additional inspection conditions on the private hire vehicle licence and sharing of enforcement powers with other local authorities. We would be happy to discuss both of these options in greater detail with the Council.

Regards

Uber

This page is intentionally left blank



Name of meeting: Licensing and Safety Committee
Date: 18th July 2017
Title of report: Executive Hire

Purpose of report: Executive Status of Private Hire Vehicles

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?)	Key Decision - No Private Report/Private Appendix - No
The Decision - Is it eligible for call in by Scrutiny?	Not applicable
Date signed off by <u>Strategic Director</u> & name	Naz Parkar - 06.07.17
Is it also signed off by the Service Director for Finance, IT and Transactional Services	Not applicable
Is it also signed off by the Service Director Legal Governance and Commissioning	Julie Muscroft - 10.07.17
Cabinet member portfolio	Not applicable

Electoral wards affected: All
Ward councillors consulted: Not Applicable
Public or private: Public

1. Summary

To ask the committee to alter a condition of the Private Hire Vehicle Licence Conditions to enable officers (rather than Regulatory Committee) to determine if a vehicle can have “executive hire” status (and be exempt from most vehicle signage conditions) and to agree a policy to enable officers to make such decisions.

2. Information required to take a decision

Private hire vehicles normally have to display certain signage on the vehicle to enable the public and enforcement officers to quickly and easily distinguish the vehicle as a private hire vehicle. This includes displaying a plate on the rear of the vehicle close to the number plate and door signs indicating which operator the private hire vehicle works for. A typical picture of the door signs and plates is shown in Appendix A. This signage is required to be displayed as part of the conditions of the Private Hire Vehicle Licence.

A small number of drivers ask licensing if their vehicle may be exempt from such signage. They ask this mainly for two reasons, firstly if their driving involves work entirely for corporate clients, e.g. taking their corporate customers clients to and from the airport, or if their work is entirely made up of airport trips to and from domestic properties or a combination of the two. Many small operators business model is based on these two scenarios or a mixture of both.

Drivers state that corporate clients often request that the vehicles used don't carry the door signs or the rear plates so that it gives the impression to their customers that the car used is “exclusive” to the company and this creates a better impression to their customers. They also state that customers who order airport trips prefer an “unmarked” vehicle collecting them from their home as this doesn't draw as much attention from neighbours that they will be away from the home for a number of days, which may have security implications.

Currently condition 3 of the current Private Hire Vehicle Conditions states:

“Proprietors using vehicles for executive purposes only are exempted from conditions relating to signage and will be issued a licensed disc showing exemption. (Subject to committee approval)”.

This means that every reasonable request for executive status of a vehicle must be taken before regulatory panel. Regulatory panel doesn't sit as often as it once did, and with many councillors often working full time arranging suitable dates for regulatory panel can sometimes be problematic. This reports requests that this condition is altered to include airport transfers as part of executive status and is changed and so that the Licensing Manager is able to take such decisions. This would make the process more efficient for both drivers and officers as it wouldn't have to wait for and go to regulatory panel.

When a vehicle is granted executive status it has to display a disc, similar to the former road tax disc all vehicles used to have to display, to indicate that it is still a Kirklees Council Licenced vehicle.

To help the Licensing Manager make consistent decisions on these requests and to impart an element of safeguarding the proposed Policy in Appendix B would be used by the Licensing Team Manager when taking decisions on such requests.

Condition 3 of the vehicle Licence Conditions would be changed to:

“Proprietors using vehicles for executive purposes and/or Airport transfer only may be exempted from conditions relating to signage if issued a licensed disc showing exemption. (Issue of such discs is subject to the Licensing Manager’s approval. The Licensing Manager will assess any application against an agreed Executive Status Policy)”.

3. Implications for the Council

3.1 Early Intervention and Prevention (EIP)

Not applicable.

3.2 Economic Resilience (ER)

Drivers have informed the Council that some corporate clients insist on no door signage on their vehicle before accepting work using a particular vehicle. Drivers say that obtaining executive status will increase the number of corporate clients they are able to work for.

3.3 Improving outcomes for Children

Not applicable.

3.4 Reducing demand of services

Allowing the Licensing Manager to take decisions on executive status will reduce the officer work involved in preparing and organising Regulatory panel.

4. Consultees and their opinions

The only consultation we have done is with drivers who are currently waiting for executive status to be determined and they are more than happy with the proposed policy.

5. Next steps

Committee determines whether or not to implement the change in condition. If they agree to change the condition then the Licensing Manager decides all future executive status decisions based on policy. If committee decide not to change the decision then every executive status request is brought before the regulatory panel for a decision.

6. Officer recommendations and reasons

That the condition is changed as this would make the decision process much more efficient and an agreed policy would make decisions more consistent.

7. Cabinet portfolio holder’s recommendations

8. Contact officer

Paul Bailey 01484 221000 Ext 77659
paul.bailey@kirklees.gov.uk

9. Background Papers and History of Decisions

See attached

10. Service Director responsible

Joanne Bartholomew Commercial, Regulatory & Operational Services

01484 221000

joanne.bartholomew@kirklees.gov.uk

Appendix A- Typical Signage and Plate Required on Kirklees Private Hire Vehicles



Typical Door Sign required on Private Hire Vehicle



Typical Licensing rear plate required on a private hire vehicle

Appendix B- Proposed Executive Status Policy

PRIVATE HIRE VEHICLE LICENCES (EXECUTIVE TYPE USE ONLY) Policy

From time to time Licensing receive requests from some operators who only do contract work for companies and/or Airports runs to have “executive status”

If a vehicle had executive status it would be exempt from certain conditions in the Private Hire vehicle licence conditions, namely it doesn't have to display door stickers and the rear plate. It would get an executive disc which it would have to display in the front window which indicates it has executive status and also includes the car's licenced number.

Executive Status Policy

Your vehicle may only be considered to be licensed as an executive use private hire vehicle if the following conditions are met: -

- It is used solely to take passengers to and from airports, and/or
- It is used for solely executive use i.e. commercial clients and bookings made under a contract, and
- All the vehicles used by the operator the vehicle is registered with must all be licenced for executive hire only.
- Licensing may carry out a test purchase to examine that the operator of such a vehicle is complying with the policy.
- Any operator of a vehicle with executive status proven to be undertaking any private hire work not as described above with an executive licenced vehicle may lose the right to operate any executive vehicles.

Background Paper- “Executive Status”

What is “Executive” Status

Licensing are getting many requests from proprietors of private hire vehicles to obtain executive status for their vehicles. They want this so they don't have to display most of the signage that easily distinguishes a private hire from another vehicle, i.e. the door stickers or the licensing plate on the rear. They state that customers on airport runs prefer this as it doesn't draw attention to the car when it's collecting them from their homes, i.e. a would be burglar is more likely to be aware that household is going on holiday if an obvious “taxi” pulls up rather than what looks like a private car. Also they often combine this type of Airport run with contact work for businesses and the operators state that many businesses want their customers to feel that the driver is working for them and is not a “taxi” they have hired, and therefore often ask the companies if they can have a vehicle with no obvious sign that it is a “taxi”.

The vast majority of proprietors who are applying for this are also operators. They usually work for themselves, occasionally with one or two other vehicles, usually operated by a friend or family member and they do not do the “typical” private hire work of taking people to and from licenced premises, to work, to schools or to and from supermarkets

The Law

Section 48 of the Local Government Miscellaneous Provisions Act 1976 allows the council to register a vehicle as a Private Hire Vehicle. As part of this we can make the vehicle display signs:

(2) A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary including, without prejudice to the generality of the foregoing provisions of this subsection, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates

Section 48 also states that a plate *or disc* (my emphasis) should be displayed:

(5) Where a district council grant under this section a vehicle licence in respect of a private hire vehicle they shall issue a plate or disc identifying that vehicle as a private hire vehicle in respect of which a vehicle licence has been granted.

(6) (a) Subject to the provisions of this Part of this Act, no person shall use or permit to be used in a controlled district as a private hire vehicle in respect of which a licence has been granted under this section unless the plate or disc issued in accordance with subsection (5) of this section is exhibited on the vehicle in such manner as the district council shall prescribe by condition attached to the grant of the licence.

Current Position

The council currently have the following condition regarding the display of a licensing plate and disc and vehicle number:

2. No person shall use or permit the use of the vehicle as a private hire vehicle unless the disc and plate are exhibited on the vehicle in the following manner prescribed by the Council:

(a) The Proprietor shall cause the number of this licence to be fixed and displayed on the vehicle at all times during which the vehicle is licensed as a private hire vehicle, such number to be displayed by means of the licence disc and the licence plate issued by the Council to the Proprietor.

(b) The licence disc shall be fixed and displayed to the inside of the front windscreen on the kerb side in such a manner as to be clearly visible to any passenger, Constable or duly Authorised Officer, but not so as to obstruct or impair adequate forward vision of the driver of vehicle. The licence disc holder shall be fixed to the front near side windscreen, to be clearly visible to all passengers.

(c) The licence plate shall be permanently fixed and displayed on, or in the near vicinity of the rear bumper of the vehicle, so as to be clearly visible on the rear of the vehicle at all times.

(d) When a vehicle is licensed for private hire purposes it can only be used as a private hire vehicle and must be driven only by the holder of a current Kirklees Council Hackney Carriage/Private Hire driver's licence, clearly displayed on his/her person when driving such vehicle. No other person is permitted to drive the licensed vehicle at any time.

We also have the following condition re door signs:

12. The Proprietor shall not display or suffer or permit to be displayed on or from the vehicle:

(a) any roof sign;

(b) Any sign or notice which consists of or includes the word "taxi" or "cab", whether in the singularly or plural, or any word of similar meaning or appearance to any of those words, whether alone or as part of another word; or

(c) any advertisement, any other sign including religious or nationalists symbols, notice or device or livery except as may be agreed from time to time by the Council or which is prescribed by or under any enactment;

(i) A Kirklees licensed private hire vehicle must display an adhesive sign on the top panel on each of the two front doors of the vehicle ONLY, and on no other part of the vehicle, glass or panels. Such door signs to be permanently stuck on to the door panel at all times the vehicle is licensed as a private hire vehicle. Magnetic signs are not permitted. Corporate door signs are now produced by the Council Licensing office.

(ii) The Corporate door signs are subject to the Council's prior approval of the design, colour and wording of the sign. All new Private Hire Vehicle applications and annual renewals if not already purchased from Kirklees Council must display the new corporate door signs manufactured by the Council.

(iii) Failure to comply with this condition will entail the immediate suspension of the vehicle licence, and seizure of the magnetic or defaced items for destruction.

(d) The door sign will contain only the Company name/logo and telephone number, the top section of the sign must contain the wording "ADVANCED BOOKINGS ONLY" with a minimum letter height of 35mm. Any colour of the sign/wording will be considered with the exception of blue. All signs must be approved by the Council before fitting to licensed vehicles. The Council Licensing Service now has facilities to produce corporate door signs on request. These Corporate signs to be purchased with all new and renewal applications if not already purchased from Kirklees Council.

So the council requires all Private Hire Vehicles to display a disc in the front nearside windscreen and a plate on the outside near the rear number plate with the number of the vehicle.

It also requires a sticker on both front doors with the company logo, telephone number and “advance bookings only”

We can remove these requirements because there is a condition in the private hire vehicle conditions that states:

3. VEHICLES USED FOR EXECUTIVE PURPOSES ONLY

Proprietors using vehicles for executive purposes only are exempted from conditions relating to signage and will be issued a licensed disc showing exemption. (Subject to committee approval)

Please note the condition states that only committee can currently approve executive status.

Exemption in Law

There is an exemption in the Local Government Miscellaneous Provisions Act 1976 which means that the council can exempt some Private Hire Vehicles from totally displaying any plates or discs *altogether (my emphasis)*:

Section 75

(3) Where a licence under section 48 of this Act is in force for a vehicle, the council which issued the licence may, by a notice in writing given to the proprietor of the vehicle, provide that paragraph (a) of subsection (6) of that section shall not apply to the vehicle on any occasion specified in the notice or shall not so apply while the notice is carried in the vehicle; and on any occasion on which by virtue of this subsection that paragraph does not apply to a vehicle section 54(2)(a) of this Act shall not apply to the driver of the vehicle.

Licensing do not rely on this provision to “exempt” vehicles of executive status from signage altogether as we still require the proprietor of these vehicles to display a licensing disc in the windscreen of these vehicles.

When we grant Executive status we still want them to display a disc so section 75 doesn't apply here, i.e. we don't have to issue any form of notice.

Other West Yorkshire Councils

Leeds City Council do offer “executive” status. Similarly to Kirklees the vehicles they grant can just display the disc but their cars when first registered must cost more than £39,000 for saloons and £30,000 for people carriers and have to be less than 1 year old when first registered and can only register until they are 5 years old. They can only do contract work only, they cannot do Airport runs. Officers believe this may be suitable for some operators in Leeds which has a larger concentration of corporate clients than Kirklees but many operators in Kirklees have informed us they often need to combine corporate work with airport runs to make their business viable. In addition although many of the vehicles that are requested to be used as executive hire in Kirklees are of the more prestigious type of

vehicles, operators have informed us that an age restriction as per the Leeds City Council Policy would make their business not viable.

Calderdale Council do allow executive status for Airport runs and company work and also allow them to have tinted windows. Calderdale's Policy is in line with Kirklees except we do not allow greater tinted windows on executive status vehicles. We would like to keep our tinted glass policy, even on executive status vehicles to enable a certain degree of safeguarding.

Wakefield Council does not offer executive status at all.

Bradford City Council- still awaiting response from Bradford.

Name of meeting: Licensing and Safety Committee
Date: 18th July 2017
Title of report: Batley Market Place Taxi Rank
Purpose of report: To make a decision on the ranks operating hours and amount of vehicles

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Not applicable
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?)	Key Decision - No Private Report/Private Appendix - No
The Decision - Is it eligible for call in by Scrutiny?	Not applicable
Date signed off by <u>Strategic Director</u> & name Is it also signed off by the Service Director for Finance, IT and Transformational Services Is it also signed off by the Service Director Legal Governance and Commissioning	Naz Parkar - 06.07.17 Not applicable Julie Muscroft - 06.07.17
Cabinet member portfolio	Not Applicable

Electoral wards affected: Batley East
Ward councillors consulted: Batley East
Public or private: Public

1. Summary

A night time rank for 2 vehicles was in place on Batley Market Place until 2015. In 2015 representations were made by the trade requesting more provisions in this area for hackney carriages. They proposed increasing the amount of vehicles to 5 allowed to stand here and turning it from a night time rank (18:00 to 08:00) to 24 hours a day. Following implementation of this, the licensing authority has received representations from Ward Councillors and members of the trade to say that the changes to the rank are adversely affecting access to the businesses in the area due to the reduction in parking spaces for the businesses and public. These representations have claimed that the rank is not regularly used and have requested that the details of the rank revert back to being a night time rank and reduce the amount of vehicles to 2.

2. Information required to take a decision

Under Section 63 of the Local Government (Miscellaneous Provisions) Act 1976, a district council may from time to time appoint stands for hackney carriages for the whole or any part of a day in any highway in the district which is maintainable at the public expense and, with the consent of the owner, on any land in the district which does not form part of a highway so maintainable and may from time to time vary the number of hackney carriages permitted to be at each stand.

Nothing in Section 63 shall empower a district council to appoint any such stand:

- (a) so as unreasonably to prevent access to any premises;
- (b) so as to impede the use of any points authorised to be used in connection with a local 'bus service within the meaning of the Transport Act 1985 or PSV operator's licence granted under the Public Passenger Vehicles Act 1981, as points for the taking up or setting down of passengers, or in such a position as to interfere unreasonably with access to any station or depot of any passenger road transport operators, except with the consent of those operators;
- (c) on any highway except with the consent of the highway authority; and in deciding the position of stands a district council shall have regard to the position of any bus stops for the time being in use.

Hackney Carriage stands are an important feature of trade and modern life and their existence and use is often the subject of consideration. On occasion stands can give rise to issues of congestion or complaints of obstruction of access to premises such as in this case.

To ensure that stands work correctly local authorities should assess whether stands are in the right place and whether the restrictions in place are appropriate or changes are required.

- 2.1 A petition was received from the trade signed by 30 licensed drivers. It cannot be established on what date this was received however it is believed to be 2015. The petition requests the extra provisions on the existing rank at Market Place Batley. A copy of the petition can be seen at appendix A
- 2.2 An advert was placed in The Batley News on 19th November 2015 stating the Council's intentions to make the changes to this rank.
- 2.3 The rank changes were carried out in early 2016 and so has been in operation for 19 months.
- 2.4 Concerns from members of the trade and their representatives were made to the authority about the changes to the rank and the impact they were having on local businesses and their parking arrangements.
- 2.5 Due to the number of concerns raised to the Council about this rank an informal consultation was done with Hackney Carriage licence holders, local businesses and ward Councillors for the area as well as Councillor Cathy Scott as the Chair of the Licensing and Safety Committee. The consultation papers can be seen at appendix B with the responses at appendix C.

Members are requested to consider the report and appendixes and taking account of the information review the current operation of the stand and decide whether it should be varied.

The options available to committee are:

- For the rank to remain as it is now; for 5 vehicles and 24 hours a day
- For the rank to revert back to how it operated previously which was for 2 vehicles between the hours of 18.00 and 08.00
- That the rank space be reduced to accommodate 2 vehicles, operating 24 hours a day
- The committee may see fit to make an alternative decision that would see the rank operate differently from the three options above.

3. Implications for the Council

3.1 Early Intervention and Prevention (EIP)

N/A

3.2 Economic Resilience (ER)

N/A

3.3 Improving outcomes for Children

N/A

3.4 Reducing demand of services

N/A

4. Consultees and their opinions

- **Hackney Carriage Licence holders**

1 verbal response from Mr Shariff requesting that the rank remain as it is currently is.

1 response (appendix C) from Mr Badat requesting that the rank go back to 2 vehicles at night time only (from 18:00).

- **Ward members including Chair of the Licensing Committee**

Councillor Fadia has stated that the rank should return to being for 2 vehicles at night time only.

Councillor Scott has stated that the rank should accommodate a maximum of 2 vehicles and that if it is reduced to 2 vehicles then she would be happy for the rank to be in place for 24 hours.

5. Next steps

Once a decision has been made by the committee the necessary processes will take place to implement the decision if it is changed from its current state.

6. Officer recommendations and reasons

The decision is for members of the committee to make.

7. Cabinet portfolio holder's recommendations

8. Contact officer

Victoria Thomson, Senior Licensing Officer, Kirklees Licensing Service

Tel: 01484 221000

Email: victoria.thomson@kirklees.gov.uk

9. Background Papers and History of Decisions

Contained in this report.

10. Assistant Director responsible

Joanne Bartholomew, Service Director – Commercial, Regulatory and Operational Services

Tel: 01484 221000

Email: joanne.bartholomew@kirklees.gov.uk

Petition

Request for taxi ranks time change on Market Place, Henrietta Street and train station
Batley to 24 hours and request for two taxi parking bays at Batley Tesco.

We, the undersigned request that the times be changed to 24 hours for the above mentioned sites and we also request to have two parking bays allocated for Hackney Carriage drivers so that the customers can be picked up safely from Tesco in Batley.

Name	Badge Number	Plate Number	Signature
ISMAIL CHOPDAT	DR0781	197	Ismail
AMAR HASSAIN	DR.3274.	130-	Amar Hassain
PAIYAL SIKHAKIT	DR 4520	180	Paial
M A LAHER	0504	57	M. Laher
A.K.PATHAN	1471	145	A.K. Pathan
SARFARAZ	DR6019	12	Sarfraz
M. ILTAF	DR.0992	85	M. Iltaf
M. Siddiq	517	10	M. Siddiq
ASAD DQIL	3153.	76	Asad
M. LOONAT	00047	04	M. Loonat
M. SHARAF	518	12	M. Sharaf
M. TARIQ	520	1521	M. Tariq
Sajid Sharif	DR 3292	48	Sajid

Name	Badge Number	Plate Number	Signature
Mohammed Liaqat	DR0834	86	M. Liaqat
ZULFIKAR ALI	DR 0712	184	Z. Ali
KAMRAN ZAIDA	DR5797	113	K. Zaida
EBRAHIM SALLOO	DR0089	156	E. Salloo
MOHAMMED A. RAJAT	DR0765	148	M. A. Rajat
YOUSUF AZIZ	DR4215	100	Y. Aziz
ISHFAQ AHMED	DR 6015	43	I. Ahmed
ABDUL HABIB	DR 492	108	A. Habib
YUSUF DAWJEE	DR293	68	Y. Dawjee
ALLAH DITTA	DR0238	150	ALLAH DITTA
ZAID HANIF	DR 0976	22	Z. Hanif
EBRAHIM SALLOO	DR. 119.	125-	E. Salloo
MOHAMMED ARIF	DR4909	91	M. Arif
HASSAN	DR0480 Kohal	16	H. Hassan
YUSUF LORRAT	DR. 0486	139.	Y. Lorrat
SADAY ALI	DR NO 915	83	S. Ali
NAZIR BULSARI	DR 0366	103	N. Bulsari

APPENDIX B

Dear Councillors,

Following recent complaints about the operation of the hackney carriage rank at Market Place, Batley, we are looking at whether any changes need to be made to the operation of the rank in order to resolve the issues being reported to us.

As part of this process we would like your views, as Ward Councillors, on the rank and how it currently operates; in particular we seek your views on:-

- The operational hours of the rank – currently the rank is allowed to operate 24 hours
- The number of vehicles permitted – currently the rank is for 5 vehicles

We will also be seeking the views of the Hackney Carriage Trade and the business directly affected by the rank.

If possible please could you let me have your views, by return email, by Friday 14th April 2017.

Kind Regards

Victoria Thomson

Senior Licensing Officer

Kirklees Council

Place Directorate

E: Councillor.EnquiriesPlace@kirklees.gov.uk

APPENDIX B

Licensing Department

Flint Street Depot

Flint Street

Fartown

Huddersfield HD1 6LG

Tel: 01484 456868

Fax: 01484 456857

Web - www.kirklees.gov.uk

Email - licensing@kirklees.gov.uk

March 20, 2017



Dear Mr [REDACTED]

Hackney Carriage Vehicle Licence No: [REDACTED]

Rank at Batley Market Place

Following recent complaints about the operation of the hackney carriage rank at Market Place, Batley, we are looking at whether any changes need to be made to the operation of the rank in order to resolve the issues being reported to us.

As part of this process we would like your views, as hackney carriage drivers on the rank and how it currently operates; in particular we seek your views on:-

- The operational hours of the rank - currently the rank is allowed to operate 24 hours
- The number of vehicles permitted - currently the rank is for 5 vehicles

We will also be seeking the views of the local businesses and the local Councillors directly affected by the rank.

If possible please could you let me have your views, by return email, by Friday 14th April 2017 - Victoria.thomson@kirklees.gov.uk

Yours Sincerely

Victoria Thomson
Senior Licensing Officer

From: Cllr Fazila Fadia
Sent: 14 April 2017 22:10
To: Councillor EnquiriesPlace
Subject: RE: Consultation With Batley East Councillors and Cllr Scott

Hi Victoria,

I too, have had many residents and several local businesses complaining about the Hackney rank at Market Place. My views:

- The rank should not be allowed to be operate from here 24hrs
- It should be changed back to as it was to only after 6pm.
- Max of 2 vehicles should be allowed.
- There are plenty of ranks within few min walking distance. 1 rank at Henrietta St and another on Commercial Street
- Not that much business has ever warranted 5 Vehicles at Market Place.

Kind Regards
Cllr Fazila Fadia

From: Cllr Cathy Scott
Sent: 20 March 2017 13:51
To: Councillor EnquiriesPlace
Subject: RE: Consultation With Batley East Councillors and Cllr Scott

Hi Victoria

I'm unsure whether you wish my comments. I am not a Batley East Councillor however I am a Batley East resident.

Many thanks for your email. In respect of the Market Place parking. I am asking for this to be **reduced from 5** to what it was before. If the reduction is down to 2 cars I am happy for 24 Hour parking.

This will assist local businesses who have complained about the parking issue having an impact on them.

Regards

Cathy

APPENDIX C

From Akooji (23/03/17)
To Victoria kmc taxi licensing
To Batley 3 Cllr's and Cathy

Thanks for your response saying you won't be coming to our meeting on 3rd April
My 3 Batley east cllr's confirmed they would be attending BUT since neither you or Cathy (chair) or
Highways haven't responded then we will Cancel the meeting.

Please note simple proposal would be supported by all

1. To shorten the rank to 2 places from currently 5 and leave it but this market place is utilised very much by shoppers and also after 6pm by customers to chacha takeaway plus town hall etc
2. Move the rank as a 24 hour existing for 2 cars only straight opposite to Oakwel cars office as the Oakwel cars office is not manned any more and has s button outside to press.
Most of the walking trade is from bus station area, Asda, Iceland, etc. And customers wanting cheaper taxis would always wait for Oakwel but hackney taxis need work.
3. Straight opposite Oakwel office is HOME DECOR who's proprietor informed me he would be happy with 2 car rank, plus all the market side traders would be suited.
3. I've explained this to my 3 ward cllr's who are also happy with this proposal which should be happy medium for all except probably Oakwel cars proprietors who are mainly private hire benefits from should be hackney trade ...

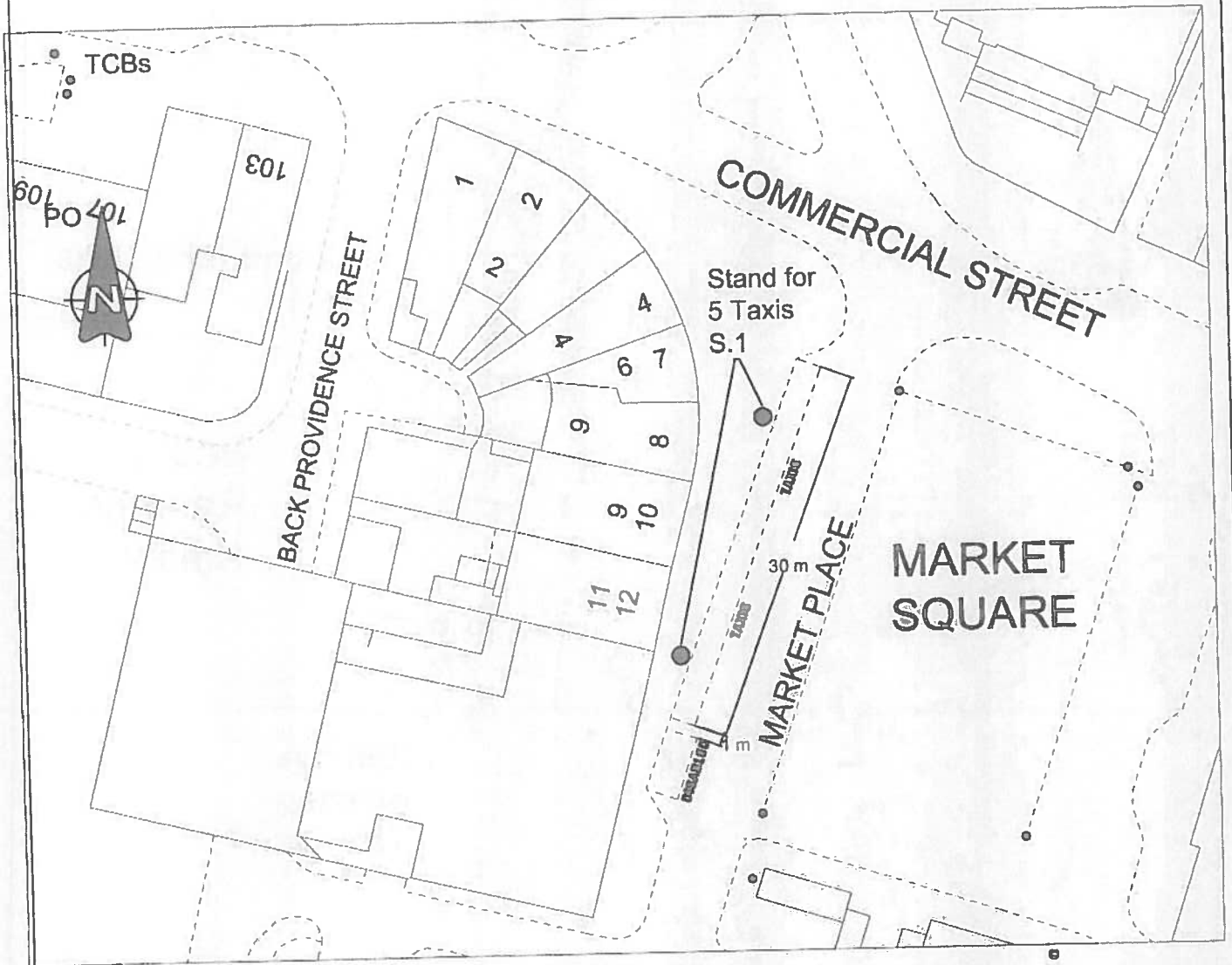


Please note my views are trying to be fair to all parties and not just hackney trade but for visitors to very loved our batley

Regards
Akooji



S.1



© Crown Copyright and database right 2013.
Ordnance Survey 100019241

Copyright © 2007, Kirklees Metropolitan Council, Highways and Transportation.



Streetscene & Housing
Flint Street, Fartown
Huddersfield, HD1 6LG

Provision of a Taxi Stand for 5
Taxis

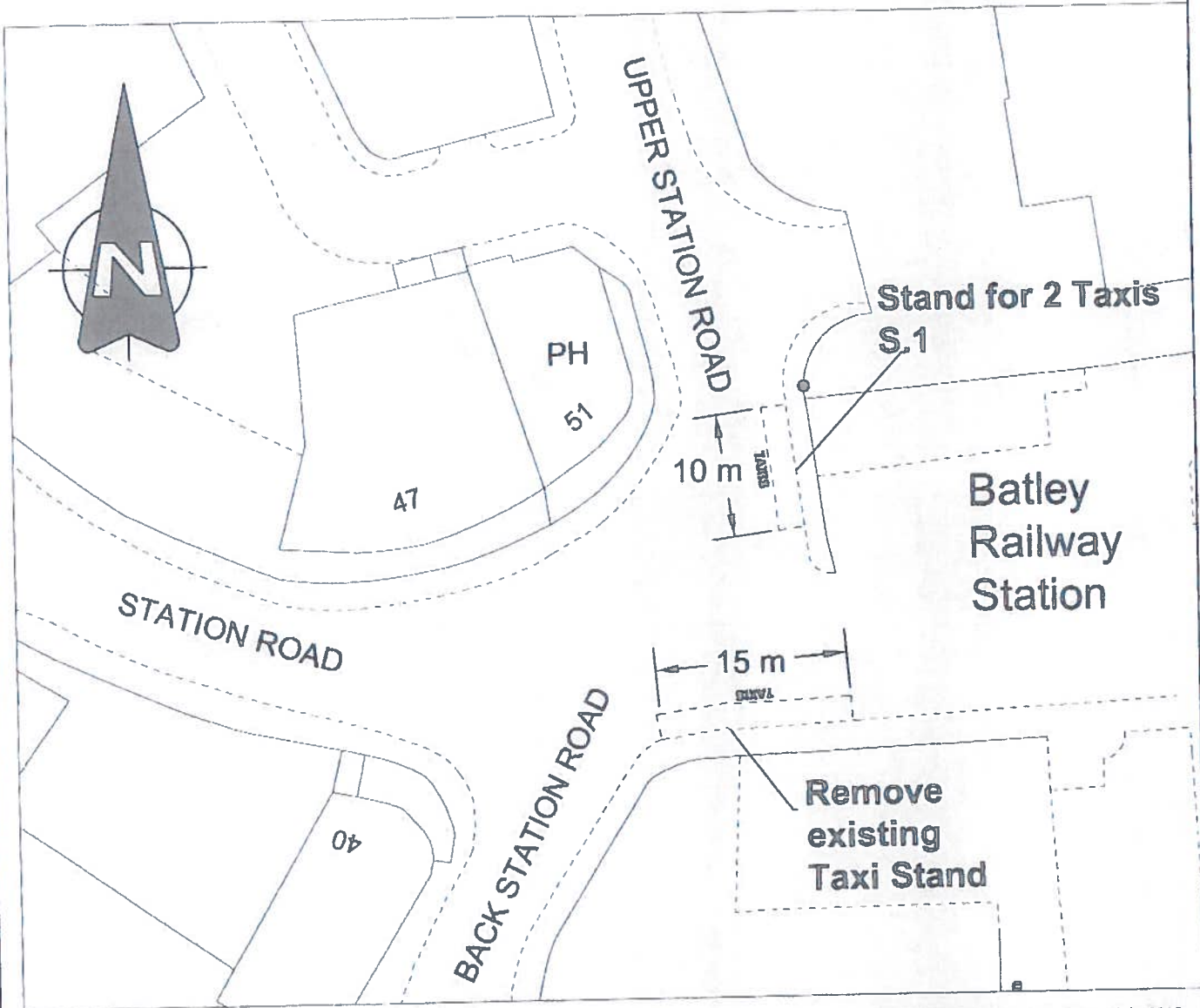
Market Place, Batley

Scale
1:500

Drawn AES	Checked
Section Safety	Date Oct 2015
Drawing No TF/03/200/250	



S.1



© Crown Copyright and database right 2013.
Ordnance Survey 100019241

Copyright © 2007, Kirklees Metropolitan Council, Highways and Transportation.



Streetscene & Housing
Flint Street, Fartown
Huddersfield, HD1 6LG

Provision of New Taxi Stand
for 2 Taxis & Removal of existing
Taxi Stand

Upper Station Road &
Station Road, Batley

Scale	
1:500	
Drawn AES	Checked
Section Safety	Date Oct 2015
Drawing No TF/03/200/248	