

**Report of the Head of Planning & Local Development**

**POINTS OUTLINED FOR DISCUSSION BY THE HACKNEY CARRIAGE ASSOCIATION AND THE LICENSING SECTION OF THE BOROUGH COUNCIL**

**1 Purpose of report**

- 1.1 To introduce the points outlined for discussion by the Hackney Carriage Association and the Licensing Section, Borough Council of Wellingborough
- 1.2 The points outlined for discussion have been set out by Councillor Lawman for the Hackney Carriage Association and the Licensing Section of the Borough Council, in support of the council's priorities.

**2 Executive summary**

None.

**3 Appendices**

Appendix 1 – Information submitted by the Hackney Carriage association

**4 Proposed action:**

- 4.1 **The committee is invited to RESOLVE to note the points for discussion, and;**
- 4.2 **The committee is invited to discuss issues relating to the work of the Hackney Carriage Association and the Licensing Section of the Borough Council and identify any matters it RECOMMENDS be reported to relevant policy committees for their attention.**

**5 Background**

This discussion forms part of the general programme for the Partnerships and Performance Committee, reviewing the work of partners. The Hackney Carriage Association and the Licensing Section have been invited to discuss certain matters of interest.

**6 Discussion**

- 6.1 The committee receives presentations from organisations who are either funded by the council, or who play an important part in the life of the borough. To provide a balanced approach and legislative background to matters raised, the Licensing Section was also invited.
- 6.2 The points at 6.6 below have specifically been raised by the Committee Chair for discussion, with relevant summary information provided by the Licensing Section below each point.
- 6.3 The licensed trade in Wellingborough comprises both hackney carriage

vehicles and private hire vehicles. Hackney carriages are permitted to ply for hire, can be flagged down, and are also permitted to wait on taxi ranks. Private hire vehicles can only be pre-booked through a licensed private hire operator, cannot be flagged down, and cannot wait on taxi ranks.

The Hackney Carriage Association represents hackney carriage drivers and operators only, not the private hire trade.

6.4 The current number of each type of licence is provided below:

- (a) 18 Private Hire Operators
- (b) 228 Private Hire Drivers
- (c) 263 Private Hire Vehicles
- (d) 62 Hackney Carriage Drivers
- (e) 46 Hackney Carriage Vehicles

6.5 All operators and drivers are required to comply with both national legislation and the Borough Councils Operational Policy and Conditions Governing Taxi and Private Hire Licensing. The conditions were last consulted upon and amended in 2012. The Licensing Section have recently reviewed these and are consulting on proposed changes in October / November 2016, with a view to implementing revised policies and conditions in April 2017.

6.6 The Chair has requested the following matters are considered for discussion:

(a) Local Challenges for Taxi Drivers

The Licensing Section only holds anecdotal information on this. It is understood that particular local issues raised by drivers include:

- The overall number of licensed hackney carriages in the Borough
- Potential for violence and aggression, particularly late at night
- Low value / short journey fares and insufficient trade
- Public parking on night time taxi ranks

(b) “Out of town” taxis

The Licensing Section has no evidence of this being a particular issue in the Borough. This issue usually arises in major towns and cities where demand for hackney carriages and private hire vehicles is high, and the rewards from such potentially illegal activity are more lucrative.

(c) Potential impact of Uber or similar if introduced to the local area

As long as certain requirements are met, any company or individual can apply for a licence to operate as a private hire operator within the Borough. The council cannot restrict or refuse a licence in respect of

the number or type of applicant if they meet the necessary criteria for licensing.

If a company such as Uber applied for a private hire operator's licence, the application would have to be considered on its merits. There may be legal matters to determine before any licence could be granted, to ensure that the applicant would be compliant with the relevant legislation (Local Government (Miscellaneous Provisions Act 1976) and local licence conditions.

(d) Relationship with Borough Council of Wellingborough

There is an informal relationship between the Licensing Section and the Hackney Carriage Association. They are a standard consultee in any changes to policies that affect the licensed vehicle trade.

(e) How the Taxi Association is involved with local taxi companies

The Hackney Carriage Association only represent Hackney Carriage Operators/drivers. It is understood there is no direct involvement between the Hackney Carriage Association and private hire operators/drivers.

(f) The purpose of the Taxi Association

The Hackney Carriage Association can provide this information.

(g) Recommendations on vehicles (e.g. electric vehicles) for the improvement of air quality

There is no Air Quality Management Area declared within the Borough, and monitoring has not identified any particular issues with air quality at levels that require any formal action or intervention.

All licensed vehicles undergo twice yearly garage tests, including statutory emissions testing as part of an MOT. Any failure would result in a vehicle licence being suspended or not being renewed, at least until the matters had been resolved.

The current licensing policies do not prevent electric vehicles being used, and state '*The engine capacity shall be not less than 1,400cc, or 90BHP or equivalent (exemptions will be considered at the discretion of the Licensing Manager for smaller modern economical two seater cars)*'.

This allows a balance between commercial interests in vehicle size and power against upfront and ongoing costs and also against practical aspects such as size and capacity of vehicles for carrying a suitable number of passengers and any luggage. Current policies do not prevent use of electric vehicles, leaving this as a commercial decision for any vehicle owner / operator.

(h) Vetting procedures (if any) for taxi drivers other than through licensing  
Northamptonshire County Council is responsible for any further checks for drivers operating school transport contracts. This is in addition to standard licensing checks.

(i) How and who can passengers or clients reach out to if they have a problem with a taxi

Passengers in the first instance are encouraged to take up any matters of concern with the driver or vehicle operator, but the Licensing Section deal with all complaints that are brought to their attention, concerning licensed vehicles, drivers or operators.

(j) Issues surrounding passengers (e.g. absconding passengers)

The Licensing Section only holds anecdotal information on this, but whilst it is believed to occur on occasion, it is not believed to be a significant issue within the Borough.

6.7 Each presentation gives members an opportunity to learn more about the organisation and its impact on the borough. After the presentation there is a chance to ask questions of the presenter.

6.8 If any items of significance arise, members may wish to request a further report from a relevant officer or make a recommendation for action by a policy committee.

## **7 Legal powers**

The Local Authorities (Alternative Arrangements) (England) Regulations 2001 empower the council to establish one or more overview and scrutiny committees. Whilst the council no longer has a designated overview and scrutiny committee, the Partnerships and Performance Committee has been given the role of reviewing and monitoring the performance of council services and services provided on behalf of the council by external bodies. A local authority may invite persons other than members or officers of the authority to attend meetings of such a committee.

## **8 Financial and value for money implications**

There are no such implications arising directly from this report. However, effective review is one of the means by which the council secures effective use of its resources.

## **9 Risk analysis**

A risk table is usually completed for any report setting out a proposed course of action that entails risks at the outset of the project or if the risks change along the way. This is not relevant in respect of this report.

## **10 Implications for resources, stronger and safer communities, and equalities**

There are no direct implications arising directly from this report.

**11 Author and contact officer**

Matt O'Donnell (Team Leader Health Protection)

**12 Consultees**

Amanda Wilcox (Principal Environmental Health Manager)

**13 Background papers**

Operational Policy And Conditions Governing Taxi And Private Hire Licensing

After discussion with other members of the Association, the information below has been provided by Mr Liffen of the Wellingborough Taxi Association in response to a request for a representative to attend Partnerships & Performance Committee.

### **Local challenges for Taxi drivers**

No specific response with regard to local challenges.

### **Out-of-Town Taxis**

We are not aware of any sightings regarding OOT vehicles working in this area, but it is a situation that needs to be closely monitored.

### **The potential impact of “Uber” companies in the area**

We feel that any app-based organization which provides vehicles for the general public to hire (and be conveyed in) pose a serious threat to any hirer.

This type of organization seem to use vehicles which don't need to work under an Operator license issued by the local authority and therefore bypasses the Terms and Conditions that local councils implement for the safety of the travelling public.

This type of organization would pose a financial risk on the established Taxi & Private Hire trade of Wellingborough.

### **Relationship with the Borough Council of Wellingborough**

The general relationship with the licensing council is quite good. A more frequent visible presence across both the daytime and nighttime trade would have the benefit of giving the licensing department more of an understanding of the issues encountered by the Taxi trade.

### **The purpose of Wellingborough Taxi Association and how the Association is involved with local companies**

All operators are informed when receiving a license from the Borough Council of Wellingborough of the existence of the Association. The association acts as a central negotiating body to the council.

### **Recommendations on vehicles (e.g. electric vehicles) for the improvement of air quality**

There is a small amount of battery/petrol hybrid vehicles operating in the Borough. It is thought that reliability issues and further advances are needed for the Taxi trade.

Specifically, battery vehicle charging points and length of time between charges rendering taxis off the road are issues. Also, many of the WAV (wheelchair accessible vehicles) are larger vehicles than cars and consequently quite heavier cutting down on mileage and causing battery charging to be more frequent.

### **Vetting procedures.**

Licensing have strict conditions to decide if an applicant is a “fit and proper

person” to hold a taxi/PH license which we feel is quite stringent. We understand that some other licensing authorities have a “general conversation” as part of the application for a drivers license so as to assess that persons communication skills using the English language and therefore proving their ability to converse with members of the general public.

**How and who can passengers or clients reach out to if they have a problem with a taxi**

Advice could be sought from an operator or driver.

Alternately, the licensing department of the Borough Council of Wellingborough could be contacted if there is an issue with a driver or a taxi vehicle, e.g. a complaint with the driver or of a dangerous vehicle or maybe lost property thought to have been left in a taxi. The Police Service should be contacted if the issue is of a serious nature.

**Issues surrounding passengers (e.g. absconding passengers)**

Many situations are presented when dealing with the general public.

Verbal and physical abuse are common, passengers running off without paying, criminal damage to vehicles often by drunken people, threatening behaviour and robbery of cash and/or vehicle, although not too common, are just some of the incidents and events that a driver faces on a day to day basis.