

Appendix B

ITEM FOR DECISION

S/7/00

ITEM 2

ITEM 2

Taxi Licensing

PURPOSE:

- 1) To receive a report on the outcomes of consultation with trade associations and parish/town councils on proposed changes to taxi licensing arrangements, adopted in principle by the Committee on 6 June 2000.
- 2) To decide whether to implement the resolutions of the 6 June 2000 with or without amendments.

1. Background

- 1.1 At present the Council, as Licensing Authority, has determined that there should be two zones for taxi licensing purposes. The "Town Zone" which is based upon the former Newbury Borough boundary, and the District Zone which comprises the remainder of West Berkshire Council's administrative area. The effect of the zones is that taxis licenced to operate from a particular zone can convey passengers from it to a place outside the other zone, but not pick up a passenger for the return journey. Presently the number of vehicles licenced to operate from and within the town zone is capped at 65, and for the district zone the number is presently capped at 129.
- 1.2 Members will recall that at their meeting on 6 June 2000 they received a presentation from MCL Transport Consultants who had carried out a study within the area to determine the level of demand for taxis within the Town and District zones. They concluded that there was significant unmet demand in the town zone, and that the district zone appeared to be "in balance" based upon the number of ranks provided at this time. They also concluded that if the zones were removed the total of 198 vehicles would probably meet the total unmet demand but that this would need further monitoring if the numbers were restricted and /or more ranks were provided. The Committee also considered a report from the Head of Public Protection Services which set out options based upon the consultant's findings. Having heard representations from both trade associations it resolved to adopt in principle the recommendation to remove the limit on the number of taxi licences issued in the both zones, and for all new licences to be made available only to vehicles suitably adapted for use by disabled persons.
- 1.3 Since the 6 June, officers have consulted with all Parish and Town councils and a total of six meetings have been held with representatives of the taxi trade association and with private operators.
2. Town and Parish Council Responses
 - 2.1 Copies of the Committee report (6/6/2000) were sent to all parish and town councils and replies were received from eight. Four were in favour of providing more taxis immediately, two felt that an increase was needed but additional ranks should be provided, one felt that we should dezone to allow better use of the existing taxis, and one felt that the only alteration should be to increase town licences by fourteen.
3. Trade representations
 - 3.1 Representatives from the Town, and the District Associations addressed the Committee at its previous meeting, and have met with officers twice, and the Chairman and Vice Chairman of the Committee once.

3.2 The Town Association position was, and still is:

- Acceptance of the need for fourteen more licenses to be issued for taxis to operate from within the Town zone.
- Acceptance of the requirement that all new licenses should be issued only to vehicles which have been suitably adapted for use by disable persons (SAV's).
- Rejection of the proposal that the limit on the number of "town licenses" be removed.
- Suggestion that persons who have transferred a "town licenced" vehicle to another owner since 1996 should not be eligible to apply for any new licence issued under any future capped regime.

3.3 The District Association position was, and still is:

- Support for the proposal to remove the limit on both zones, but, a firm belief that the appropriate way forward is both zones to be removed and for all vehicles to be licenced to operate from within the Council's administrative area.
- Support for the requirement that all new licenses issued be for SAV's

4. The Way Forward

Option One: Maintain the status quo.

- 4.1 In reality this is not an option because the Council is under a legal obligation to address the significant unmet demand which has been identified as a result of the surveys carried out in both zones. This option is not supported by either trade association.

Option Two: Agree to additional town licences but keep the limit on the town zone, keep the limit on the district zone and review it after new ranks have been provided.

- 4.2 The consultants recommended a minimum of fourteen extra town licences and felt that a total of thirty seven would be needed to address all the unmet demand at present. This option is closest to the one most favoured by the Town Association who wanted fourteen licences and a continuation of the requirement for all new licences to be for wheelchair accessible vehicles. The current level of licences in the district is sufficient to meet the demand at Thatcham rank but it may need to be increased if new ranks are provided. Prior to September 1999 there was no limit on district licences and the current limit was only imposed as a moratorium pending the outcome of the demand study. This option would require a further demand study once the effect of additional town licences and more district ranks had taken effect.

Option Three: Confirm the previous decision in principle

- 4.3 Clearly the positions taken up by the two trade associations so far as removing the limit on town licences is concerned, are mutually exclusive. The decision in principle taken by the Committee does come close to the objectives of the District Association and continues with the decision taken by the former Newbury DC that the additional town licences which it issued at that time should be reserved for wheelchair accessible vehicles. It is open to the Committee to confirm its decision in principle and remove the limits in both zones but require all new licence holders to provide wheelchair accessible vehicles.

Option Four: Confirm the previous decision in principle subject to changes to the requirement regarding wheelchair accessible vehicles

- 4.4 Members will recall having heard representations at the previous meeting in which it was stated that many disabled people did not feel comfortable in the "London Taxi" type of vehicle and that they favoured the use of conventional saloon or estate cars which had been modified to improve accessibility. The Committee may wish to consider modifying its decision in principle by deleting references to "wheelchair accessible" vehicles and substituting a requirement that the vehicles be "suitably adapted or designed for ease of use by disabled passengers" (SAVs) and adopting suitable changes to the licencing conditions along the lines set out in Appendix One of this report.

Option Five: Phase out the limits in both zones over a three and a half year period by allowing dual plating, a period of derogation for existing licence holders and transferees to switch to vehicles "suitably adapted or designed for ease of use by disabled passengers" (SAVs), and impose a requirement for persons who were not WBC taxi licence holders as at 6 June 2000 to provide an SAV within a specified period

- 4.5 In the many hours of discussions with trade representatives, officers have tried to respond to their often conflicting concerns and aspirations by exploring other options which will address the need to increase the number of vehicles available to the public throughout the district whilst recognising that to move from limited to unlimited number of licenses in the town zone could cause some difficulties for the trade, if it was done "overnight". Officers were also mindful of the need to strike a balance between creating a supply of taxis to meet unmet demand in the town while encouraging the provision of "SAVs". This option is clearly a compromise and as such it will not satisfy all of anyone's objectives but the approach which is set out below takes account of:

- The need to give town licensees time to adjust their business planning from a limited to unlimited regime.
- The need to increase the number of taxis which can stand at town ranks and ply for hire
- The need to reduce if not remove completely, (at present) the anomalous situation whereby a town licenced vehicle cannot pick up fares in the district and vice versa. This leads to vehicles returning from journeys without fares, which is both economically and environmentally unwise. It also causes confusion and sometimes anger amongst the public who cannot understand why a district taxi which, for example, has just conveyed passengers from Thatcham to Newbury, cannot pick up passengers in Newbury and take them to Thatcham.

5. Quantities of Taxis

- 5.1 At present there are 129 District Taxis and 65 Town Taxis.
- 5.2 With effect from 1 October 2000, the Council would make available another 39 additional district licences but reserve them in the first place for existing town licensees. At the same time 39 additional town licences would be made available but reserve them in the first instance for existing 'district' licence holders.
- 5.3 If all new allocations were taken up by the existing town or district licensees as appropriate a total of 78 taxis (plus the small number of existing dual plated vehicles) would be able to ply for hire in the town and district zones with 26 remaining to operate solely within the town, and 90 remaining to operate solely within the district.

5.4 If there are still licences remaining from this first process after 31 March 2001 they would be available to any suitable applicant in addition to any "new" licences issued thereafter in accordance with the provisions set out later in this report and be subject to the SAV requirements.

5.5 On the 1st April each year thereafter each category – town, district and dual licenced – would be increased by 10% and on 1 April 2004, the limit for both zones would be removed but both zones would remain.

Type	06.06.00	01.10.00	01.04.01	01.04.02	01.04.03	01.04.04
Town	65	28	31	35	38	Unlimited
Dual		74	81	89	98	Unlimited
District	129	92	101	111	122	Unlimited
TOTAL	194	194	213	235	258	Unlimited

5.6 The rationale behind these proposals is:

- (a) The total number of vehicles is not increased immediately, which prevents an influx of people trying to exploit the apparent "deregulation".
- (b) The number of taxis available to meet demand within the town would increase significantly without any reduction in the numbers available to respond to requests from residents in the district zone.
- (c) Dual licenced vehicles could be used for journeys throughout the district and for journeys between the zones in both directions, while single licenced vehicles could still service the needs of residents requiring journeys within zones or to drop off points close to the zones.
- (d) The phased release of completely new plates to persons not previously licenced, would prevent a rapid influx of "predatory" applications with the resulting "cab wars" scenarios which have been described by the trade.
- (e) The phasing programme will also be used to require the acquisition of SAV's by existing licences who choose to go "dual licenced" but who at present do not have such a vehicle.

Note: It may not be possible to accede to the request from the Town Association that persons who have "traded" town plates since 1996 be debarred from obtaining new plates while any form of capping is in place, but this would be considered when the new allocations policy is formulated

6. Increasing the Number of Vehicles Suitable for Use By Disabled Passengers (Savs)

6.1 The definition of a "suitably adapted vehicle" is problematic. The Government departments responsible for bringing in regulations to support the Disability Discrimination Act have, so far, failed to produce a definition or guidance. The start date from which taxis may have to be converted to 'SAV' standards has been delayed because of this, and the trade is as anxious as others to know what it will have to do and by when. However, in discussions with the trade, officers have proposed a way forward on this issue.

6.2 The Council as licensing authority would specify what types of vehicle with or without modifications met its local criteria for classification as 'SAV'. As a guide, the definition set out in Appendix 2a to this report would be included in the standard licensing conditions.

6.3 Therefore the proposals in respect of SAVs are:

- (1) Anyone holding a town or district licences for vehicles on or before 6 June 2000 would be allowed to apply to become "dual licenced" without the requirements to provide an SAV immediately. However, they would be required to change to an SAV by April 2004 (or sooner if required by changes to national legislation).
- (2) All persons who were not holders of town or district licences on or before 6 June 2000, who apply for a new licence from those released on 1 April in 2001 and 2002 would be required to provide an SAV from 1 April 2003 (or sooner if required by changes to national legislation).
- (3) Anyone, whether an existing licence holder or not, who applies to have an existing licence transferred to their name would be required to provide an SAV from 1 April 2003 (or sooner if required by changes to national legislation).
- (4) Any "transferred" non SAV which was stolen or written off, could be replaced with a non-SAV for the residue of the exempted period, but thereafter must be replaced with an SAV.
- (5) In the even of an SAV being taken out of use for repairs, the licence holder may seek approval of the Council for it to be replaced with a non SAV for a specified period to allow repairs to be carried out. If an SAV is "written off", the licence holder will be allowed up to thirteen weeks to obtain a replacement SAV.
- (6) Applicants for licences to which SAV conditions are applied will need to accept that the Council may change the requirements and/or standards at any time or may find that changes to national legislation may increase or decrease the requirement for SAVs.

6.4 The rationale behind the SAV proposals is:

- (1) A requirement for all vehicles which receive new licenses to meet SAV standards may result in a slower take up of new licences and thus delay the response to unmet demand. It would also force existing town or district licence holders to change their vehicles "en masse" and, as the supply of SAV's is not great, demand may exceed local supply which would drive up the market price of those which are available.
- (2) Existing licence holders will have to cope with changes to the business environment if these proposals are adopted by the Council. Allowing them time to introduce SAV's, and permitting them to transfer existing vehicles to new "transferee" licence holders will ensure that they have flexibility to plan their businesses. The derogation for new "transferee" licence holders will also allow new entrants to the trade to move gradually up to the SAV standard to which we aspire.

7. Managing the Details of the Transition

7.1 Whatever option the Committee chooses (save for option one) will require work to secure its implementation. The negotiations so far have been complex and it is possible that points of detail (rather than principle) will emerge as the process is implemented. As points of contention need to be resolved quickly it is suggested that these matters relating to licensing conditions and implementation be delegated to the Head of Public Protection Service who may refer any matter to a member panel comprising the Chairman and Vice Chairman of Committee and the Opposition Spokesman (or their nominated substitutes).

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8. Other Matters

- 8.1 During the discussions with trade representatives both sides raised other matters relating to taxi licensing, but it was felt that it would have been unhelpful for these to be included in this report. However, they will be the subject of further consultation with the trade and will be reported to a future meeting of the committee. These matters include:

Penalty points system for licensing transgressions
Age of vehicles and periodic testing
Licence fee structures
Driver dress code
Livery standards
Rank provision
Promoting the use of taxis and private hire vehicles

9. Corporate Plan Implications

- 9.1 Improved access to public transport for everyone is consistent with the Council's policy of improving the quality of life for all who live, visit or do business in West Berkshire.

10. Financial/Environmental and IT Implications

- 10.1 If additional licences are issued fee income will increase but it is not possible to specify by how much until applications are processed. However, the income has to be used only for the provision of specified taxi licensing activities by the Council so the net effect will be neutral. Environmentally, Taxi and Private Hire Operators can provide a significant contribution to the development of an integrated transport system and it is anticipated that the increases in the number of vehicles together with standardised livery arrangements will allow the Council and Taxi Trade to promote the use of taxis as an effective form of public transport throughout the district.

11. Personnel Implications/Trade Union Comments

- 11.1 None arising directly out of this report, but if the number of licenced vehicles increase significantly, there will be a need for additional administrative and enforcement resources. However, the cost of such resources (whether directly employed or out sourced) will be covered by licence fee income.

Recommendation

1. That the Committee re-affirms its commitment to the removal of limits to the number of licences issued in the town and district zones, and ,
2. Selects its preferred option from those set out in the report, as the appropriate means to achieve its ultimate objective.

Appendices

Appendix 2a - Draft conditions relating to SAVs

Background Papers

None

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APPENDIX 2a

Definition of a Suitably Adapted Vehicle (SAV)

Suitably adapted vehicles for use by disabled persons will include:

- (a) Any Metrocabs, Eurocab, FX1. (or any other like vehicle)
- (b) Any vehicle which has been adapted or modified to provide improved access for disabled persons, together with storage and carrying capacity for any equipment that they may have (e.g.) Wheel chair) and which does not preclude the carriage of normal quantities of luggage and personal belongings.
- (c) (c) In the event of dispute between the applicant and the Council as to whether or not a vehicle meets the SAV requirements, the West Berkshire Liaison Group on Disabled Access shall be invited to arbitrate. Any vehicle subsequently approved under this procedure shall be included in a "Type Approved" list.

NOTE: While this mechanism cannot be guaranteed to meet DETR and DTI requirements, it is thought to be unlikely that either department would argue against it as an appropriate way forward.