

Report to: Environment and Safety Committee.

Date of Meeting: 6th September 2016

Report Title: Changes to Vehicle Conditions following delimitation.

Report By: Mike Hepworth. Assistant Director Environment and Place.

Purpose of Report

To inform members of the recommended new conditions for Hackney Carriage Vehicles following delimitation and as agreed by the Joint Authority / Trade working Party.

Recommendation(s)

1. Members instructions requested.

Reasons for Recommendations

Local Authorities are allowed to set certain conditions for Hackney Carriage Vehicles licenced in their area. Prior to a Council meeting in February 2016, Hastings Borough Council always restricted the number of Hackney Carriages to 48. At that Council meeting the decision was taken to delimit the numbers and to set up a working party to consider the conditions to be applied to any new Hackney Carriage. The Environment and Safety Committee was seen as the proper committee to review those conditions and agree their implementation or suggest different conditions if appropriate. The existing 48 hackney plate holders retain full grandfather rights and are not bound by this decision.

Introduction

1. Hastings Borough Council is the licensing authority for the Borough in respect of hackney carriages, and for many years it has restricted the numbers of hackney licences issued in the borough.
2. The limit currently stands at 48 and could have continued at this figure provided the Council provided evidence of no unmet demand for hackney services in the Borough, the power being contained in Section 16 of the Transport Act 1985.
3. In February 2016 a full Council decision was taken to delimit our Hackney Carriage fleet and as a result the need for an “Unmet Demand Survey” is no longer appropriate.
4. At the same time, it was decided to delimit with conditions being attached to any new Hackney Carriage applications received. It was further agreed that the existing Hackney Carriage plate owners (HC 001 to HC 048) would retain grandfather rights forever going forward and that the Licensing Manager would prepare a six (6) month report after the implementation of delimitation to assess its impact on the trade and the Borough.
5. A working party consisting of trade representatives, a disability forum member and Council officers was formed and met on several occasions, it has formulated a set of conditions for new hackney carriage applications. In addition, it has recommended that once the delimitation goes live, the Licensing Manager will review all new applications, if a spike of more than 10% (5 plates) within a 12 month period occurs, a report will be prepared to consider the implications and if appropriate a new survey will be undertaken.
6. The conditions agreed by the working party for new Hackney Carriages are as follows;

Brand new unregistered vehicle.
Wheel chair accessible (side loading)
Purpose Built 8/7/5 seat vehicle, with Integral Roof Pod.
Euro VI emissions compliant engine.(Or Hybrid / Electric with prior approval)
Fitted with internal hearing loop.

Fitted with approved CCTV system with inward and outward facing cameras, the images of which are stored and not accessible to the driver. Supplied by an approved contractor. Proper CCTV warning notices also fitted to the vehicle.

Hackney colour conditions apply. Vehicle to be Dark Blue (Base Colour). (Colour Code 8M4-KJD6B) and fitted with official crest of arms on the bonnet.

Implications for Hastings

7. Hastings will no longer be one of the limited number of Authorities who restrict the numbers of hackney carriages. By maintaining “Grandfather rights” for the existing plates (1 to 48) the effect on the existing plate owners is mitigated, in that they can licence any appropriate vehicle for future use in line with the existing conditions.
8. The decision to delimit removes the requirement to hold an “unmet demand survey” every 3 to 5 years. The cost of such a survey is normally borne by the Authority when completed and then recovered by the plate holders over a limited timescale. The current cost of a survey is approximately £20K, this decision removes that financial burden for existing plate holders who have consistently indicated that they are operating in tight financial conditions.
9. Applying the conditions as above to all new applications, ensures that the fleet would only grow if, high quality disability accessible vehicles were purchased. It also places a safeguard that existing Private Hire vehicles cannot just be transferred across to the Hackney Fleet, which has occurred in some areas where conditions were not applied, in addition it gives the Borough an improved Hackney fleet that offers more services to the public as a whole.
10. The Hastings and St Leonards Taxi Association, which represents local hackney carriage operators and drivers, has played an important part in reaching this position despite the reservations of some of their members, their contribution should be recognised.

Legal Considerations

11. Over the years there has been considerable litigation in this area, but it is clear that if a local authority has given proper consideration to all of the relevant matters, it can at any time decide to delimit the number of hackney carriages.
12. The relevant matters are a matter of fact in each case, but the following are amongst those thought to be relevant here:-
 - The financial impact on existing licence holders who may have invested in their licence.
 - The potential custom for existing licence holders.

- Congestion on hackney stands.
- Congestion on the roads generally.
- Benefits to the travelling public, such as improved service through increased competition, and better fleet accessibility.
- The opportunity for others to become involved in the trade as a means of securing a livelihood.
- The costs of commissioning a survey.
- The costs and practicalities associated with allocating a small number of additional licences.

13. All the above were considered in the report that went to full Council in February 2016 seeking delimitation and together with the work carried out by the working party we believe this is a sound and workable compromise moving forward.

Options

14. Members to consider the conditions as laid out at 6 above and if appropriate agree that they be applied by the Licensing Manager with immediate effect.
15. If not considered appropriate, suggest conditions to be implemented and request the Licensing Manager to apply with immediate effect.
16. In addition, request that the Licensing Manager prepares and submits a report 6 months after the implementation date to highlight the changes and their effect on the Hackney trade. If necessary, request that he bring that report forward with immediate effect, if an unforeseen spike of over 10% of licences (5) are applied for in that period.

Wards Affected

None

Policy Implications

Please identify if this report contains any implications for the following:

Equalities and Community Cohesiveness	No
Crime and Fear of Crime (Section 17)	No
Risk Management	No
Environmental Issues	No
Economic/Financial Implications	Yes
Human Rights Act	Yes
Organisational Consequences	No
Local People's Views	No
Anti-Poverty	No

Additional Information

Council decision February 2016

Officer to Contact

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