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Regulatory Committee

Wednesday, 5 October 2016 6.30 p.m.
Council Chamber, Runcorn Town Hall



Chief Executive

COMMITTEE MEMBERSHIP

Councillor Kath Loftus (Chair)
Councillor Pamela Wallace (Vice-Chair)
Councillor Mike Fry
Councillor Pauline Hignett
Councillor Tony McDermott
Councillor Angela McInerney
Councillor Stef Nelson
Councillor Stan Parker
Councillor Gareth Stockton
Councillor Kevan Wainwright
Councillor Andrea Wall

*Please contact Gill Ferguson on 0151 511 8059 or e-mail gill.ferguson@halton.gov.uk for further information.
The next meeting of the Committee is on Wednesday, 30 November 2016*

**ITEMS TO BE DEALT WITH
IN THE PRESENCE OF THE PRESS AND PUBLIC**

Part I

Item No.	Page No.
1. MINUTES	
2. DECLARATION OF INTEREST	
Members are reminded of their responsibility to declare any Disclosable Pecuniary Interest or Other Disclosable Interest which they have in any item of business on the agenda, no later than when that item is reached or as soon as the interest becomes apparent and, with Disclosable Pecuniary interests, to leave the meeting during any discussion or voting on the item.	
3. EXECUTIVE TRAVEL	1 - 7
4. TAXI LICENSING CONDITIONS	8 - 35

In accordance with the Health and Safety at Work Act the Council is required to notify those attending meetings of the fire evacuation procedures. A copy has previously been circulated to Members and instructions are located in all rooms within the Civic block.

REPORT:	Regulatory Committee
DATE:	5 October 2016
REPORTING OFFICER:	Strategic Director Enterprise, Community and Resources
PORTFOLIO:	Resources
SUBJECT:	Executive Travel
WARDS:	Borough-wide

1. PURPOSE OF REPORT

Executive Travel NW Limited of 24 Deacon Road, Widnes provide vehicles and drivers to the executive market and are required to licence their vehicles as Private Hire Vehicles and their drivers as Restricted Single Status Drivers (SSD)

Executive Travel NW Limited is requesting an exemption for all of their licensed vehicles from having to display the Council issued door signs.

2. RECOMMENDED: That the Committee considers the Company's request.

3. SUPPORTING INFORMATION

- 3.1 Executive Travel NW Ltd has been operating within Halton for over 25 years. The current owner, Mr Coogan has held a private hire operator's licence issued by the Council since 4th July 2012.
- 3.2 One of the main differences between Executive Travel NW Ltd and the traditional private hire trade is that they own almost all of their vehicles and employ licensed drivers.
- 3.3 Each vehicle is fitted with a tracking system linked to the main office where they are constantly tracked by the transport managers / controllers in order to monitor that the drivers are collecting at the correct points, at the correct times and that the drivers are where they should be.
- 3.4 On occasions when collecting clients from a Hotel or Restaurant, in order to avoid any confusion, the clients are given the vehicles registration number to aid location.

3.5 The Private Hire Operators Licence granted to Executive Travel N W Limited has two special conditions attached to it namely –

- The holder shall not (while employing any person on their system who holds a restricted driver licence) accept any private hire bookings other than out of Borough journeys (such as airport runs) booked at least 24 hours in advance.
- The holder shall be deemed to be employing a person or persons on their system until the holder has given the Council not less than five days' notice in writing that the holder no longer employs such person or persons

3.6 The following local authorities allow an exemption from door signs where certain criteria are met:

- Cheshire East, Cheshire West & Chester, Kirklees, Knowsley, Liverpool, Salford, Sefton, St Helens, Warrington, West Lancashire, Wigan.

Only Wirral Metropolitan Borough Council has no policy on exempting any form of the private hire trade from displaying door signs.

4 PRIVATE HIRE VEHICLE CONDITIONS

4.1 Condition 6. Display of items supplied by the Council

The following items will be supplied by the Council and shall be permanently displayed on the vehicle in an approved manner:

- licence plates (front and rear)
- an interior licence number plate
- a sign on adhesive plastic of a size colour design and wording approved by the Council shall be required to be positioned on both front doors indicating that the vehicle is a licensed Private Hire Vehicle
- On 'Chauffeur type' vehicles a 'gold plate' may be fitted following consultation with and permission from the Council. No advertisement whatsoever will be permitted on these vehicles.

5. ISSUES FOR THE COMMITTEE TO CONSIDER

5.1 As previously advised the Council allows Chauffeur type Private Hire vehicles to be fitted with a gold plate and no door stickers are required.

5.2 Executive Travel NW Limited currently have two licensed vehicles issued with gold plates and six licensed vehicles which comply with the

Councils criteria for Private Hire Vehicles in that they are required to display front, rear and internal plates and door stickers.

- 5.3 The primary reasons for issuing door stickers are for public safety. They also identify the vehicle to members of the public that the vehicle is licensed by the Council and therefore to provide reassurance that the vehicle is roadworthy and the driver is fit and proper. A further reason is to assist in prevent/discourage touting and highlight to the public that should they enter a private hire vehicle without pre-booking they would not be insured for the journey.
- 5.4 The Committee should determine whether the class of vehicle is relevant to its determination or how the vehicle is used (or a mixture of both).
- 5.5 The reasons given by Executive Travel NW Limited in support of their application are attached at appendix A.

6. OPTIONS

- 6.1 The options available to the Committee are:
 - Approve the request for all private hire vehicles operated by Executive Travel NW Limited to be exempted from bullet point 3 of private hire vehicle condition 6 which requires a Council approved sign to be fitted on both front doors.
 - Grant the exemption but limited to particular classes of vehicle and/or use of the vehicle.
 - Refuse the request.

7. POLICY IMPLICATIONS

The application is for exemption to policy for specific reasons and not for a policy change. All such applications are treated on their merits.

8. OTHER IMPLICATIONS

There are no other implications.

9 IMPLICATIONS FOR THE COUNCILS PRIORITIES

9.1 Children and Young People in Halton

None

9.2 Employment Learning and Skills in Halton

N/A

9.3 A Healthy Halton

N/A

9.4 A Safer Halton

None

9.5 Halton's Urban Renewal

N/A

10 RISK ANALYSIS

N/A

11 EQUALITY AND DIVERSITY ISSUES

N/A

12 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
Application Documents	Legal Services	Nick Wheeler/ Kay Cleary

24 Deacon Road
Widnes
WA8 6ED
Tel: 0151 495 2552
Fax: 0151 495 2343

27th July 2016

FAO - Nick Wheeler

Taxi Enforcement Officer,

Halton Borough Council,

Further to discussions held on the 14th July please accept this letter expressing our concerns regarding some of Halton's current Private Hire Legislations.

Firstly we would appreciate your consideration to have the yellow half moon private hire stickers removed from our vehicles. Since the introduction of these stickers our account work and indeed some of our private work has been affected.

We did have a long standing contract of work with [REDACTED] for [REDACTED] but sadly this came to an end as, understandably, they only wanted unmarked vehicles to be televised.

We have also had a complaint from our [REDACTED] clients concerning professors and clients of a high calibre making negative comments about having 'taxis' instead of Executive Travel.

Numerous private customers have also commented to drivers that they were expecting an Executive vehicle and not a Taxi.

All of our customers, whether account clients or the general public, hire Executive Travel for that very purpose 'Executive' Travel. As you can imagine, the addition of a yellow half moon sticker on the side of our vehicles doesn't give the impression of an executive high standard vehicle. It is clearly having a negative impact on our level of business.

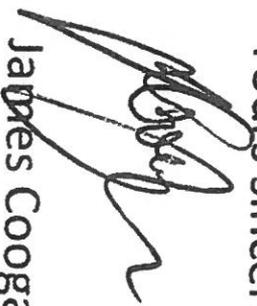
Secondly, we come to the matter of run flat tyres. Due to the nature of our work / business the majority of our fleet is made up of high end vehicles i.e. Mercedes Benz estate cars. We are always looking at expanding / improving our fleet of vehicles and have discovered that the newer models of Mercedes do not have space to allow for a spare tyre/ wheel and so use 'run flats' A company of such high standards would not permit the use of 'run flat' tyres if the system was not 100% safe I do appreciate that it is crucial that clients have onwards transport to their main destination at all times and as such with a 24 hour manned office and coverage from our 24 hour breakdown service. The current legislation from Halton Council would prevent or heavily restrict the type of vehicles we

could purchase. With this in mind we would like to have permission to use vehicles with run flat tyres for future purchase of vehicles

Finally, I am led to believe that vehicles licensed to Halton Borough Council are now permitted to operate with privacy glass. Can you please confirm that this is correct and if so what are the conditions to having the privacy glass in our vehicles then we can make sure we comply.

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Yours sincerely,



James Coogan,

Executive Travel

Nick Wheeler

From: Adele Vieceli <[REDACTED]>
Sent: 15 August 2016 16:34
To: Nick Wheeler
Subject: RE: Request For Exemption From Door Signs
Categories: Committee

Good Afternoon Nick,

Thank you for your email and assistance in the above matter. Apologies for the delay in response, I only work [REDACTED] so I've only just gone through your email.

Further to your email I think the below points would be relevant in ensuring the Council's reasons for requiring the door signs are upheld should an exemption be granted and also reassuring them that these steps are already in operation.

Executive Travel operates in a standalone manner and as such should be treated as so. Our passenger's safety is of paramount importance and this is instilled in each and every driver / member of our company.

All bookings taken by Executive Travel are done so through our office via telephone / email and work is then scheduled in advance for each driver. This is done at least three days in advance. Extra work / alterations may occur but the basis of each drivers day is known in advance and comes only through our office.

Each Executive Travel driver is told in no uncertain terms that it is strictly prohibited to collect passengers from the street (as is part of acquiring their restricted badge) The removal of the door stickers would actually lessen the chances of the general public approaching any of our vehicles for a journey.

Our vehicles are very rarely parked in an opportune area for the general public to approach one of our vehicles. Because our work is all pre-scheduled, the drivers do not 'park and wait' for work. The vehicles are either parked at the yard at the rear of our office, at the drivers home address or indeed outside the premises of the collection / drop off point of the journey.

Executive Travel owns all its vehicles and each one is fitted with a tracking system linked to our office. Our vehicles are constantly tracked by our transport managers / controllers in order to monitor that the drivers are collecting at the correct points, at the correct times and that the drivers are where they should be.

All Executive Travel vehicles are plated which shows that the vehicle is licensed at the council which in turn proves that it's road worthy. All Executive Travel drivers wear their council badges at all times when working for Executive Travel which serves to reassure our clients that our driver is legitimate and fully vetted.

On occasions when collecting clients from a Hotel or Restaurant, in order to avoid any confusion, the clients are given the vehicles registration number to aid location.

I hope we have managed to reassure the Council that the measures we have in place suffice and that by the sheer nature of how we operate we are addressing the councils concerns.

Regards,

Adele / James
Executive Travel

REPORT:	Regulatory Committee
DATE:	5 October 2016
REPORTING OFFICER:	Strategic Director, Enterprise, Community and Resources
PORTFOLIO:	Resources
SUBJECT:	Taxi Licensing Conditions
WARDS:	Borough-wide

1. PURPOSE OF REPORT

To consider additions / amendments to the Hackney Carriage and Private Hire Vehicle Conditions as set out below.

2. RECOMMENDED: That the Committee considers the proposals.

3. INTRODUCTION AND BACKGROUND INFORMATION

- 3.1 During meetings of the Taxi Consultative Group various changes and additions were tabled to the Hackney Carriage and Private Hire Vehicle conditions as set out below. The group was asked to consult with the taxi trade they represent regarding changes and the results of the consultation are shown at Appendix A and Appendix B of this report. The potential changes to existing policy are summarised at section 4 of this report.
- 3.2 The Committee is responsible for determining the Council's policies in connection with the grant, variation, suspension or revocation of licences relating to taxi and private hire (see Terms of Reference of the Regulatory Committee part 17B).
- 3.3 However, the Constitution must now be interpreted in accordance with the case of R (On the application of 007 Stratford Taxis Limited v Stratford on Avon District Council 2011. This Court of Appeal decision interpreted the meaning of the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 in respect of matters which must be dealt with by a Council's Executive or by a committee of its council. Essentially, the court held that: (1) it was clear that individual applications relating to taxi matters must be dealt with by the equivalent of this Council's Regulatory Committee and (2) matters calculated to facilitate, or be conducive or incidental to such applications must also be dealt with in the same way but (3) any "plan or strategy" associated with such a function would be an executive function and therefore have to be

determined by a council's executive. The Stratford case concerned the introduction of a wheelchair access policy. The decision was taken by the Council's cabinet rather than its Licensing Committee. The challenge from the taxi trade was that the Licensing Committee should have adopted the policy. This element of the challenge was rejected by the court.

3.4 Consequently, any decision of the Regulatory Committee on matters contained in this agenda will be by recommendation to the Executive Board.

3.5 In deciding whether or not to adopt or to recommend the adoption of a policy the following questions should be addressed:

3.5.1 Has proper consultation been undertaken?

3.5.2 Are the proposals necessary and proportionate?

3.5.3 In considering 3.5.2 what is it about the existing policy which has proved deficient or has failed to deal adequately with changes in circumstance?

4. POTENTIAL CHANGES

4.1 Consider the use of run-flat tyres for use as an alternative to the requirement of a licensed vehicle to carry a spare/space-saver wheel.

4.1.1 Currently, all licensed vehicles are required by condition to carry a spare wheel or a suitable space-saver wheel in order to complete a hiring should a puncture occur.

4.1.2 In addition to carrying a spare wheel or space-saver, vehicles must also comply with a minimum useable luggage space policy. A number of modern vehicles have no separate storage area for a spare wheel or space-saver and the carriage of this item may preclude the vehicle from being deemed as suitable as a licensed vehicle by this Authority.

4.1.3 The use of run-flat tyres would also allow for a journey to be completed in the event of a puncture.

4.1.4 Run-flat tyres can only be used when fitted to vehicles that are equipped with a tyre pressure monitoring system.

4.1.5 Should the Committee allow run-flat tyres to be used a greater choice of vehicles would be made available to the local trade and subsequently, their customers.

4.2 Consider amendment to the Spare Tyre / Space Saver Tyre condition to ensure suitable tools are also carried to enable them to be changed in the case of a puncture.

4.2.1 Private hire vehicle condition 3.4 and hackney carriage vehicle condition 3.5 currently state the following:

The vehicle must be equipped with a full spare tyre or a space saver tyre as a minimum requirement. Tyre sealants shall not be sufficient.

4.2.2 The current condition was introduced to ensure passengers are not prevented from completing their journey in a licensed vehicle due to a puncture. There is an implied assumption upon the introduction of this condition that a licensed vehicle will always carry the appropriate tools to change a full size or space save tyre. However, by not carrying such tools the vehicle licence holder is still meeting the requirements of their licence.

4.3 Consider amending the use of taximeters in private hire vehicles.

4.3.1 Hackney carriage fares are set by the Licensing Authority unless the journey ends outside the Borough boundary when a fee can be agreed in advance between the customer and the driver/proprietor.

4.3.2 Private hire charges are set by the private operator who provides the pre-booked work.

4.3.3 Historically within the Halton area all the (non-executive type) private hire operators chose to charge their customers by the exact same tariff as that set by the Council for the Hackney Carriage trade. They also chose the same method of calculating the fare by the fitting of taximeters. This meant that as far as the public were concerned there was no difference between private hire and hackney carriages in Halton in respect of the cost.

4.3.4 There are now 2 separate private hire operators within the Halton area that have chosen to charge a different tariff and to use a 'datahead' system (a digital device that receives information from the computer booking system at the licensed premise as well as a satellite navigation signal).

4.3.5 The main basic difference between a taximeter and a datahead is as follows:

- A taximeter calculates the distance travelled by counting the number of revolutions of the wheel attached to the same vehicle. Waiting time in heavy traffic/lights etc. are also factored in to the fare as the wheels do not revolve but the meter is still switched on.
- A datahead calculates the distance via information from the satellite navigation system. It can also receive various other information from the main computer like variations relating to the time of day, pre-agreed price, account fees

and any other fee related details that the operator wishes to take into consideration.

4.3.6 The present condition allows for private hire vehicles to have a taximeter fitted even when a datahead is used by the operator but they must be set to the tariff as stated by the operator. This raises a number of issues.

1. This is confusing for the customer to see a taximeter and an operator issued datahead.
2. They cannot be used where a customer has been given a set price when contacting the operator.
3. The operator can vary their prices as often as they wish which would mean that the taximeter cannot be used until it has been altered by the taximeter company and then resealed and tested by Halton Borough Council. This is not practical to enforce.
4. A driver could receive a job from the datahead but switch the taximeter on if the meter is set to a different tariff than what the operator is charging.

4.3.7 It is proposed to amend private hire condition 5 to only allow taximeters to be fitted in private hire vehicles where the operator has chosen to charge the same tariff as set by the Council for hackney carriages.

4.4 Consider a review of conditions for the use of operator door signs on licensed vehicles.

4.4.1 For various reasons there appears to have been a visible increase in the number of vehicles driving in and around the Halton area that are licensed by other Authorities. These are more noticeable due to the fact that the name of the operator is very clearly advertised on the side doors of the vehicles. Requests have been received from the trade in Halton to consider if this type of advertising can be used by vehicles licensed in this Borough.

4.4.2 Hackney carriage condition 13 sets out the current rules on signs and advertising:

“13.1 Purpose built Hackney Carriage Vehicles may be allowed to have “all-over” adverts subject to prior approval from the Council. (The reason for this is that their shape denotes them as taxis and adverts do not detract from this).

13.2 Non-purpose built Hackney Carriage Vehicles may be allowed to have adverts on side panels only subject to prior approval from the Council. (The reason for this is that, since vehicles must all be black, adverts must be restricted to spaces which do not detract from their overall appearance).

13.3 *The following shall be allowed on any vehicle without the need for specific consent of the Council: a one line display on the rear windscreen (top or bottom so as not to interfere with rear visibility), provided that letters within the advertisement shall not exceed two inches in height and provided that the display shall only contain a telephone number and the identity of the system.”*

4.4.3 With hackney carriages, operator door signs are permitted with prior approval from the Council. It is proposed that where a request is made for a sign to advertise the operator (private hire or otherwise) then conditions should:

- reflect a clear distinction of who the operator is
- differ from the operator door sign if private hire vehicles also work for the same operator
- provide clear instructions on where they can be stuck on the vehicle

4.4.4 Private hire condition 13 sets out the current rules on signs and advertising:

“No signs or advertisements shall be displayed on any Private Hire Vehicle except that:

- *a one line display on the rear windscreen (top or bottom so as not to interfere with rear visibility), provided that letters within the advertisement shall not exceed two inches in height and provided that the display shall only contain a telephone number and the identity of the system shall be permitted.”*

4.4.5 With private hire vehicles, operator door signs are not currently permitted and consideration must also be taken in respect of the Council issued door signs that are currently required to be fitted to both front doors.

4.4.6 It is proposed to introduce a voluntary option for the private hire operator to decide if they wish to advertise their business on the side of their vehicles. In order to do this it is recommended that a new condition is issued to private hire operators requiring them to provide written confirmation of opting in and opting out of the voluntary agreement.

4.4.7 Should a private hire operator choose to opt in to the door sign code of practice then it is recommended the following private hire vehicle conditions are considered:

- reflect a clear distinction of who the operator is
- differ from the operator door sign if hackney carriage vehicles also work for the same operator

- require the wording “IF NOT PRE-BOOKED - NOT INSURED” clearly displayed on the sign
- provide clear instructions on where they can be stuck on the vehicle
- Only to require the fitting of operator door signs where the private hire operator wishes them to be fitted to all vehicles on their system

4.5 **Consider amending the definitions of the types of vehicles licensed as private hire and hackney carriage vehicles**

4.5.1 In order to try and address a perceived issue with the low number of fully accessible wheelchair vehicles available to hire within the Halton area, the trade have asked for a review of the age and definition of a fully wheelchair accessible vehicle to assist vehicle licence-holders when they consider purchasing a new vehicle.

4.5.2 The review of age restrictions is referred to separately in section 4.6.

4.5.3 In order to consider amending the definition of a fully wheelchair accessible vehicle it is first necessary to consider amending the names and definitions of the other types of vehicle to simplify the policy and conditions of hackney carriage and private hire licensing and to make it easier to review in the future. **This will not change the actual conditions only the wording.**

4.5.4 At present both hackney and private hire conditions use the following same definitions:

“MPV” means a multi-purpose vehicle (that is, a vehicle in which the seats may be removed or reconfigured and fully wheelchair compliant);

“MSV” means a multi-seat vehicle (that is, a vehicle which is fitted with a number of fixed position seats for in excess of 5 passengers and not exceeding 8 passengers).

“Fully wheelchair accessible” means capable of carrying a wheelchair in a folded and stored condition with the wheelchair passenger seated in a standard seat or at the election of the wheelchair passenger capable of carrying the passenger while sitting in the wheelchair provided that vehicles with rear access for wheelchair passengers shall not be deemed to be fully wheelchair compatible.

4.5.5 It is recommended to remove all reference to the term MSV and MPV throughout both the hackney carriage and private hire vehicle conditions and to replace them with the following definitions of qualifying vehicles:

“Standard vehicle” means any saloon, hatchback, estate or multi-purpose vehicle that is not fully wheelchair accessible and meets the criteria required by Halton Borough Council.

“Fully wheelchair accessible” means any vehicle capable of carrying a wheelchair in a folded and stored condition with the wheelchair passenger seated in a standard seat or at the election of the wheelchair passenger capable of carrying the passenger while sitting in the wheelchair and meets the criteria required by Halton Borough Council.

4.5.6 It is proposed to remove all reference to a “purpose built hackney carriage” as well as hackney carriage condition 2.1.1 which defines a purpose built hackney carriage as “type approved by the Public Carriage Office (currently known as Transport for London) as this is deemed to be too restrictive. Transport for London place high importance on the need for all hackney carriages to have a small turning circle. This rule does exclude a number of vehicles that have been professionally produced for the trade and are licensed across the rest of the UK that are more economical on fuel, produce lower emissions, provide more comfort and are more cost-effective to buy and run.

4.5.7 Consider replacing the condition referred to in both hackney carriage and private hire vehicle conditions that states “be fully wheelchair accessible” with conditions that specify what minimum requirements constitute a fully wheelchair accessible vehicle

4.5.8 The proposed new requirements for a fully wheelchair accessible vehicle can be found in Appendix B.

4.6 **Consider reviewing the current age policy for private hire and hackney carriage vehicles**

4.6.1 Halton Borough Council has a policy regarding the maximum age a vehicle can be when first licensing it as well as how long it can continue to be licensed for. This was introduced in agreeance with the trade some years ago to ensure a certain standard is portrayed to the public.

4.6.2 Following a change in legislation last October, vehicles licensed by other Authorities now work within the Halton area. The trade have requested a review of the age policy as there is a belief that they are subject to unfair competition due to vehicles being licensed by other areas having no age restrictions and can therefore be purchased at a significantly lower cost.

4.6.3 At present the following age conditions apply in Halton:

Saloon, estate vehicles and MSVs must be no more than 5 years old when first licensed and may not have their licence renewed after reaching 8 years old.

MPV style vehicles must be no more than 9 years old when first licensed and may not have their licence renewed after reaching 12 years old.

Purpose built hackney carriages must be no more than 13 years old when first licensed and may not have their licence renewed after reaching 16 years old.

4.6.4 Various submissions have been received during the consultation and are as follows:

- Leave the age rules as they currently are
- Leave the age for first licensing a vehicle but increase its ability to be licensed by 2 extra years
- Leave the minimum age for Saloons, estate vehicles and MSVs but extend the maximum age by 2 years. Leave the minimum age for MPV style vehicles but extend the maximum age to 15 years. Reduce the age for first licensing purpose built hackney carriages to 9 years and allow them to remain licensed until 20 years old.
- Increase the age of first licensing Saloons, estate vehicles, MSVs and MPV style vehicles by 1 year and increase their ability to be licensed also by an extra year.
- Increase the age of first licensing Saloons, estate vehicles, MSVs and MPV style vehicles by 2 years and increase their ability to be licensed by the same period.
- Increase the age all fully wheelchair accessible vehicles can be licensed to the age of 16

Members of this Committee are able to choose from any of the above suggestions or replace the current policy with one of their own. **If Members decided to agree the recommendation from 4.5.5 there will only be 2 types of vehicles to consider an age policy for.**

5. ISSUES ARISING

5.1 It is not envisaged that any current licence-holder would be disadvantaged by the implementation of any of the recommendations made in this report.

6. Regulators' Code 2014

6.1 The Regulators' Code 2014 requires regulators (such as the Council) to take into account a number of factors when introducing new policies.

6.2 For example, paragraph 1.2 of the Code states: "When designing and reviewing policies, operational procedures and practices, regulators should consider how they might support or enable economic growth for

compliant businesses and other regulated entities, for example, by considering how they can best:

- understand and minimise negative economic impacts of their regulatory activities;
- minimising the costs of compliance for those they regulate;
- improve confidence in compliance for those they regulate, by providing greater certainty; and
- encourage and promote compliance.”

6.3 The Code also states that regulators should base their regulatory activities on risk. In the present case the balancing exercise is to weigh any negative consequences on the taxi trade against the positive consequences on the public who use the services of the trade.

6.4 It is taken as read that unnecessary burdens should never be imposed and that all actions need to be proportionate.

7. OPTIONS

7.1 The options available to the committee are to **recommend:**

- Agreement to some or all of the potential changes or
- Amendment to some or all of the potential changes or
- Rejection of the potential changes.

7.2 Should the Committee recommend a course of action other than outright rejection of any potential changes existing conditions will need to be altered. The Committee will therefore be requested to include within the resolution a delegation of the task of preparing detailed wording and other consequential matters.

8. POLICY IMPLICATIONS

8.1 Any changes made would vary Conditions relating to applicants applying to hold Hackney Carriage & Private Hire Vehicles Licences issued by Halton Borough Council.

9. OTHER IMPLICATIONS

None.

10. IMPLICATIONS FOR THE COUNCILS PRIORITIES

10.1 **Children and Young People in Halton**

None

10.2 Employment Learning and Skills in Halton

There is some potential for this.

10.3 A Healthy Halton

N/A

10.4 A Safer Halton

There is some potential for this.

10.5 Halton's Urban Renewal

N/A

11. RISK ANALYSIS

N/A

12. EQUALITY AND DIVERSITY ISSUES

None envisaged.

13. LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
Taxi Consultative Group File	4 th Floor Municipal Building	Nick Wheeler/ Kay Cleary

APPENDIX A

Nick Wheeler

From: Legal Licensing
Sent: 05 August 2016 08:52
To: Nick Wheeler
Subject: FW: Hackney & Private Hire consultation

Categories: Consultation

From: [REDACTED] [mailto:[REDACTED]]
Sent: 05 August 2016 07:31
To: Legal Licensing
Subject: Hackney & Private Hire consultation

[REDACTED]
[REDACTED]
[REDACTED]

Firstly I'd like to thank legal and Nick Wheeler, for giving the drivers of Halton feedback and information from the meeting, at which I represented the Market/Morrisons Hackneys I don't think in the last 12 yrs of my holding a badge has this been done, wanting an opinion from ourselves! Extending the age limits on our vehicles can only be a positive move due to increased competition now from outside the borough, currently it's an uphill struggle for all the drivers in the borough with overheads soaring, and with the resilience and reliability of new vehicles at present it seems a totally unnecessary expense having to replace a perfectly good vehicle. Also with regards to wheelchair accessible vehicles, again it's vital the lifespan of these is taken away and left to the testing station as to their roadworthiness, as currently this borough is losing these vehicles at an unsustainable rate, due to drivers having spent vast amount buying them again maintaining these vehicles at a phenomenal cost, then, as their useful life in the borough comes to an end replacing them with a very much cheaper to run and maintain car!

From a personal point of view with regards to door signs I really don't see any harm as long as our yellow half moon badges are retained and certainly on the firm advertising sticker the words emboldened such like "NOT BOOKED, NOT INSURED"

Not being a fan of run flat tyres in this job I'm really not for this as it WILL encourage drivers to abuse the 50 mile limit advised on these

I DO hope the term "wheelchair accessible vehicle" can now replace the term "purpose built vehicle" as these current said "purpose built" vehicles are in a definite decline with few remaining being replaced with the new 7 seat vehicles already accepted in Liverpool.

Again thanking you all for your time to give us much needed feedback.

Yours faithfully

[REDACTED]

Nick Wheeler

From: [REDACTED]
Sent: 03 August 2016 20:56
To: Legal Licensing
Cc: Nick Wheeler
Subject: Licensing Consultation

Categories: Consultation

Note 1

I think that all private hire and hackney vehicles licensed by HBC should be required to have a taxi meter fitted, with rates set by HBC . This would avoid all confusion.

Note 2

The addition of run flat tyres would not present a problem.

Regarding tools to change spare wheel, I don't think a rule is necessary, as you must be a complete idiot to go out on the road without them.

Note 3

Advertising on private hire vehicles licensed by HBC should not be allowed, as the public see them as taxis ,and are known to just get in these vehicles when they are parked around the town without prebooking. I also think that current system of HBC door signs and plates should be scrapped, leaving just the rear plate on the vehicle.

Note 4

I do not believe any changes in vehicle age would benefit the public of halton. The standard of vehicles licensed by HBC is of a very high standard, and it would be a backward step to increase the age limit.

Regards [REDACTED]

Nick Wheeler

From: in fo [REDACTED]
Sent: 03 August 2016 11:59
To: Nick Wheeler
Subject: Re: Taxi Licensing Policy
Categories: Consultation

Hi Nick.

Thank you for sending over the email with the detail.
I have a few points I would like to comment on if that's ok.
1.

- Keeping the current minimum age for vehicles but increase the maximum age for saloon, estate vehicles or MSV's to 10 years with no maximum age for all other vehicles (wheel chair vehicles)

2. I think all taxis in this bough should have a taxi meter private hire and Hackney no split tariffs and stop these fair calculator data heads.

It's confusing for customers and it would stop taxi companies in Halton putting tariffs up and down which I think would make it hard on the trade.

As a taxi driver not a operator if the fuel goes up and the operator drops the price of the fair it's us that lose out I think to put a end to this we should just have what the council say then every one is on a level playing field.

3. My opinion is that every car/cab should have a spare tyre or space saver the foams a waste of time.

Sent from my iPhone

On 2 Aug 2016, at 14:42, Nick Wheeler <Nick.Wheeler@halton.gov.uk> wrote:

Hi [REDACTED]

As promised, I have attached a copy of the Taxi Licensing policy consultation.

If you have any comments on any of the topics please let me know what you would like to keep or change with the reason for your comments.

The consultation period ends in 2 weeks time.

Nick Wheeler
Taxi Enforcement Officer

Halton Borough Council
Municipal Building, Kingsway, Widnes, Cheshire, WA8 7QF
T: 0151 5116475
E: nick.wheeler@halton.gov.uk

Nick Wheeler

From: [REDACTED]
Sent: 01 August 2016 22:21
To: Legal Licensing
Cc: Nick Wheeler
Subject: Vehicle Licencing Conditions

Categories: Consultation

Dear Sir/ Madam,

It is less than twelve months (4th September 2015) since the last Consultation into changes to the Hackney Carriage and Private Hire Conditions of Licensing. I find this on it's own most peculiar.

Following the meeting of the Taxi Consultative Group (taxi forum) held on 14th July 2016 it was decided to start a consultation period regarding certain policy/conditions for the licensing of both hackney carriages and private hire vehicles. All submissions on any of the topics raised in this consultation are to be considered by the Authority.

1. On the Maximum Age restrictions on vehicles..... I believe this should remain unchanged. The current Age of vehicles in the Licencing Conditions have ensured for many years now that the quality of the fleet within Halton is of the highest standards. Extending the life of vehicles will lower the standard of the fleet and the Public of Halton have come to expect the highest standards.
2. Private Hire Vehicle Conditions. (5) Taximeters should remain unchanged, this has protected all members of the Public for many years against unscrupulous drivers who may and would take advantage of certain unaware members of the Public by overcharging for any given distance travelled if Calendered Meters were not fitted.
3. Condition 3.5 Spare Wheels should remain, all manufacturers offer a spare wheel either as standard or as an option when purchasing the vehicle. Bottles of sealant or run flat tyres do not cover all puncture, blowout situations and may leave the vehicle either dangerous or unusable without a spare wheel.
4. Advertisements on Private Hire Vehicles would only lead to unauthorised and illegal, uninsured Public Hiring's instead of legal pre-bookings through an operator.
5. It has always been a demand of drivers from the Runcom side of the river for many years that we have a test centre, most Council areas have a choice of Test Centres for choice. cost, preference, availability, yet we have maintained a monopoly situation with only one Test Centre. We really do need an additional Testing Centre within Runcom.
6. 2 (1) The age of first licence should be no more than five years old when first licensed by Halton Borough Council. This should remain unchanged...

There are people within the Taxi Trade who would like to change many of the Licencing conditions without Good or Reasonable reasons. I am asking that the current Conditions remain unchanged as they have served us well, this is reflected by the high standard of the current fleet.

Yours Sincerely

[REDACTED]
[REDACTED]

[REDACTED]

Nick Wheeler

From: [REDACTED]
Sent: 07 August 2016 21:33
To: Legal Licensing; Nick Wheeler
Subject: Consultation

Categories: Consultation

1:Taximeters In Private Hire Vehicles

I think ALL Private hire in the Borough of Halton should have a Taximeter with the same Tarriff as Hackney as set by Halton Borough Council,
So there will be no (Send me a Private Hire Vehicle, Because They're Cheaper).

2:The Use of Run Flat Tyres as an alternative to a Spare Wheel/Space-Saver

I think you should only license a vehicle with a Spare Wheel or a Space-Saver, not Run Flat, *Then the person buying the vehicle knows what he needs!*

3: Operator Door Signs

I think the Private Hire Sign provided by the Council... Not Pre Booked - Not Insured is enough. *No Advertising on Private Hire Please!*

4:Vehicle Age Policy

Saloon, Estate or MSV Keep Age coming on at no more than FIVE years. and Extend end date by TWO years. *(so 10 years old)*

MPV Cant be more than NINE yrs old when first licenced and licensed to FIFTEEN yrs

Purpose Built Hackney Cant be more than NINE yrs old when first licenced and licensed to TWENTY yrs old

I Think the Investment made to BUY these vehicles ... The above Ages for vehicles... Drivers will be able to recoup the MASSIVE outlay!

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]



Please state what you would like to change (or keep) and provide your reason

I WOULD LIKE TO KEEP THE 12 MTH TEST AND STOP THE 6 MTH TESTS, REASON BEING WE KEEP ON TOP OF OUR CARS AND NEW PARTS WE PUT ON DONT FALL APART WITHIN 6 MTHS AND NEED TO BE LOOKED AT AGAIN. ALSO KEEP COSTS ~~DOWN~~ DOWN.

KEEP 5 YEAR BRING ON OF VEHICLES BUT CHANGE TO KEEP 10 YRS INSTEAD OF 8 REASON BEING CARS ARE BUILT TO LAST LONGER ENGINES ARE STILL FINE AFTER 300,000 MILES GO ROUND THE COUNCIL CAR PARK LOOK AT ALL THE CARS I DONT THINK YOU WILL SEE RUST ON ANY OF THEM. WHY CHANGE A CAR THAT STILL RUNS FINE AND PASSES MOT, IF THEY PASS MOTS THEY MUST BE SAFE AND FIT FOR PURPOSE AT 8 9 OR 10 YRS OLD

THE MOT IS SAYING IT IS FIT FOR PURPOSE

Please provide your licence number SSD

HCV

Full Name

DRIVERS LIST FOR EXTENSION TO AGE
Limit

MIN 5YRS EXTENDED TO 7YRS } CARS
MAX 8YRS EXTENDED TO 10YRS }

E7 TYPE EXTENDED TO SAME AS LTI 16YRS
Fully Wheelchair

[REDACTED LIST]

All the above agree to the extended years due
to the competition coming from out of area. So the
pricing of the new age limits would help in competing
for work and pricing structure as out of area vehicles.
HAVE MUCH LONGER LIFE SPAN THAN OURS.

APPENDIX B

Proposed Changes to Single Status Drivers Licences conditions and Hackney Carriage and Private Hire Vehicle conditions

Proposal	Mischiefs being addressed	Arguments in favour of change	Arguments against change	Proportionality	Grandfather rights issues	Proposed Wording of condition
<p>Consider the use of run-flat tyres for use as an alternative to the requirement of a licensed vehicle to carry a spare/space-saver wheel</p>	<p>Current policy never considered the use of run-flat tyres as an alternative. The current policy has the possibility of restricting a number of popular vehicles from being licensed due to manufacturers removing the space in the boot area originally designed for spare wheels and space-savers</p>	<p>Allows for a greater choice of vehicles to be licensed where the boot space is not large enough to comply with current requirements AND carry a spare wheel/space saver</p>	<p>In the event of an immediate total loss of pressure (a blow-out) and where the tyre becomes detached from the wheel there is no way to continue a journey</p>	<p>The proposal places no additional burden on the licence-holder but provides a further option for being able to deal with a puncture. The proposal also provides further choice of vehicles being made available for licensing</p>	<p>Not applicable</p>	<p>Vehicle Condition</p> <p>Insert the following text in to HCV condition 3.5 and PHV condition 3.4 as follows:</p> <p>(except where condition 3.5/3.6 are met)</p> <p>Add new HCV condition 3.6 and new PHV condition 3.5 as follows:</p> <p>There is no requirement for a full size spare tyre or a space saver to be carried where the vehicle is fitted with 4 approved run-flat tyres and is equipped with a tyre pressure monitoring system. In the case of a</p>

run-flat tyre getting a puncture, the tyre must be replaced (or repaired in accordance with the manufacturers guidelines) prior to carrying any further clients or before the maximum number of miles recommended by the manufacturer is travelled.

						<p>run-flat tyre getting a puncture, the tyre must be replaced (or repaired in accordance with the manufacturers guidelines) prior to carrying any further clients or before the maximum number of miles recommended by the manufacturer is travelled.</p>
<p>Adding a requirement to the Spare Tyre / Space Saver Tyre condition to ensure suitable tools are also carried to enable them to be changed in the case of a puncture</p>	<p>The purpose of the spare wheel policy is to minimise the possibility of drivers not being able to complete a hiring due to a puncture. Currently, licensed vehicles can meet the policy requirements without meeting the policy objective by not purchasing a wheel jack and brace</p>	<p>This change would remove the assumption that the relevant tools would be carried</p>	<p>No arguments against have been submitted</p>	<p>There is no question of proportionality relating to this proposal as it relates to all vehicles</p>	<p>To apply to all vehicles on adoption of the policy</p>	<p>Vehicle Condition</p> <p>Amend HCV condition 3.5 and PHV condition 3.4 as follows:</p> <p>The vehicle must be equipped with a full spare tyre or a space saver tyre with the necessary tools for their use as a minimum requirement.</p>

<p>Consider removing the use of taximeters in private hire vehicles unless the operator wishes to charge the same tariff as set by the Council for hackney carriages</p>	<p>Drivers using a taximeter that has not been set and verified to the private hire operator's current tariff</p>	<p>The mischief could be minimised by removing all taximeters that are not part of the operators business model</p>	<p>4 separate submissions were made from the trade relating to the use of taximeters. All of these stated they would like all licensed vehicles in Halton to use taximeters charging the same tariff. No representations were made in respect of the proposed issue</p>	<p>Private hire vehicles must only use the method of charging as set out by their operator. As each private hire operator may use a different method then a driver may choose an operator based on their fare model</p>	<p>Not applicable</p>	<p>Private Hire Vehicle Condition</p> <p>Amend condition</p> <p>“A taximeter cannot be fitted in a private hire vehicle unless the private hire operator from where jobs are dispatched uses the hackney carriage tariff set by Halton Borough as its fare structure. When a taximeter is allowed to be fitted in a private hire vehicle then it must be tested and approved by the Council and shall be fitted in a position approved by the Council.”</p>
<p>Consider reviewing the use of Operator door signs on hackney carriage vehicles</p>	<p>Drivers/vehicle licence-holders who remove or badly position the door signs on the vehicle (where required by any operator) could hinder identification</p>	<p>The proposed amendments give clear instruction of how and where the signs are to be fitted in the most prominent location on the vehicle to aid</p>	<p>No submission have been made in respect of operator signs on hackney carriage vehicles</p>	<p>There is no perceived question of proportionality relating to this proposal as it is merely clarification of the current policy</p>	<p>Not applicable</p>	<p>Hackney Carriage Vehicle Condition</p> <p>Insert paragraph</p> <p>Hackney carriage proprietors may attach a sign advertising the operator from who they receive bookings. If they</p>

	of vehicle/driver	identification.				<p>wish to do so, the following points must be adhered to:</p> <ol style="list-style-type: none"> 1. Only the design that has been submitted by the operator and approved as a hackney carriage vehicle door sign by the Council may be used 2. The door sign must be attached to the vehicle by appropriate adhesive. The use of magnets is not allowed. 3. The sign must be fitted to the upper half of both the nearside and offside front door panels only.
Consider introducing a door sign code of practice for private hire operators	Without a written agreement there could be anomalies whereby some private hire vehicles working for an operator would	If an operator opts in to have door signs then the Council is aware that all vehicles for that operator should have door signs. This will	Feedback has been received from the trade stating that the introduction of operator door signs on private hire vehicles makes	This change would be optional to the operator and not a requirement	Not applicable	<p>Private Hire Operator Condition</p> <p>New condition</p> <p>Should an operator wish to advertise their business on the side of private hire vehicles operated by them</p>

	<p>display the door signs and some wouldn't. Possibly to hinder identification if not following licensing regulations</p>	<p>also allow enforcement of the conditions on private hire vehicles owners where they do not comply</p>	<p>them look like hackney carriages and will lead to private hire vehicles picking up passengers without being pre-booked</p>			<p>they must complete the appropriate form agreeing to the following:</p> <p>All private hire vehicles operated by this company will only display the door sign approved by Halton Borough Council.</p> <p>The door signs must be fitted to the upper half of both the nearside and offside rear door panels only with appropriate adhesive and not magnetised.</p> <p>The design of each door sign must not be altered in any way from the approved version.</p> <p>The operator will insure all private hire vehicles display the approved door sign at all times.</p> <p>Reasonable assistance will be provided by the private hire operator to Officers of Halton Borough Council's Licensing Section to</p>
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ensure these rules are complied with.

Where the operator wishes for all hackney carriage vehicles to advertise the company, only door signs approved for hackney carriages by Halton Borough Council will be permitted.

The above rules will apply until such time that written confirmation to opt out has been received in writing by the Licensing Section.

Design of private hire operator door signs:
The name of the operator and how the vehicle can be booked must be clear and legible.
The words **IF NOT PRE-BOOKED - NOT INSURED** must be printed clearly and legible at the top of the sign with the lettering being no less than 2cm in size
Must not be too similar to any other operator door

sign approved by Halton Borough Council

Design of operator door signs where fitted to hackney carriage vehicles:
The name of the operator and how the vehicle can be booked must be clear and legible.
The design must differ in colour and or design from the approved private hire vehicle door sign (where applicable) in order to further differentiate between both types of vehicle
The design will not make any reference to not being pre-booked then no insurance will apply
Must not be too similar to any other operator door sign approved by Halton Borough Council

Consider reviewing the use of Operator door signs on private hire	There is a perceived discrimination that operators in Halton are not able to advertise to the	At present, private hire operators are disadvantaged by being unable to advertise their	Feedback has been received from the trade stating that the introduction of operator door signs	The choice to provide the services of the driver and vehicle to a specific	Not applicable	Private Hire Vehicle Condition Insert paragraph into condition 13

<p>vehicles</p>	<p>extent of their rivals who are licensed outside of the area but still work within Halton.</p>	<p>business on vehicles within (and outside) the Halton area even though companies licensed outside of Halton can. Operator door signs can provide clear identification within a busy collection area to the customer as well as to persons who feel it necessary to report the vehicle/driver for good or bad reasons.</p>	<p>on private hire vehicles makes them look like hackney carriages and will lead to private hire vehicles picking up passengers without being pre-booked</p>	<p>operator remain outside the control of the Council. Should the vehicle licence-holder not wish to attach door signs to the vehicle they may choose to work for a company that does not use door signs.</p>		<p>Where the private hire operator requires a door sign to be fitted to the upper section of the nearside and offside rear door panels which has been approved by the Licensing Section. The door signs must be attached by appropriate adhesive and not by magnet. Under these circumstances it becomes a condition of licence and failure to display the signs correctly may result in action being taken against the vehicle licence-holder and/or driver.</p>
<p>Consider new conditions specifying the minimum requirements for a fully wheelchair accessible vehicle</p>	<p>No current definition of what is a fully wheelchair accessible vehicle other than it can only be side-loading and not rear-loading.</p>	<p>Provide clear definition to licence-holders when considering purchasing a new vehicle. Provides clear and simple rules to aid enforcement where a ramp/wheelchair restraint is not carried in the vehicle.</p>	<p>Vehicles holding a European Community Small Series Type Approval or a National Small Series Type Approval will not be automatically allowed to be licensed as at present, however should a request to licence a vehicle of</p>	<p>The types of vehicle referred to in this section are an expensive consideration for a licence-holder. The Authority wishes to assist with ensuring the vehicle is fit for purpose for both the licence-holder and the service user.</p>	<p>There is no evidence that any existing licence-holders will be affected by any proposed changes.</p>	<p>Vehicle condition New condition Must have European Community Whole Vehicle Type Approval. If a vehicle holds a European Community Small Series Type Approval or a National Small Series Type Approval then permission must be obtained before a</p>

			<p>this nature be made reasonable enquiries will be made to decide on the suitability.</p>			<p>licence may be granted.</p> <p>A ramp for the loading of a wheelchair and occupant via the nearside passenger door must be carried in the vehicle at all times. The ramp must be of a design that is able to be effectively secured to the vehicle when being used.</p> <p>The vehicle must be fitted with a suitable independent restraint system for both wheelchair and passenger.</p> <p>Doorways which are to be used by passengers in wheelchairs (nearside only) must be constructed as to permit an unrestricted opening across the doorway of at least 75cm. The height of the doorway must be at least 120cm. Where a hinged door is fitted, it must open to a minimum angle of 90 degrees.</p>
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Run-Flat Tyre Information Sheet

Essentially a run-flat tyre is a self-supporting tyre with a very different construction to that of a conventional pneumatic tyre.

The sidewall is made of thicker rubber and has been reinforced to make it stiffer. It's this section that will maintain its shape and strength even in the event of a total loss of air pressure.

The treaded face of the tyre that contacts the road is the same as a normal tyre. Therefore, they will wear at a similar rate to standard tyres and should be checked in the same way for condition and tread wear regularly.

Once a run-flat tyre suffers a puncture it can only be driven at a reduced speed and only for a limited time i.e. 50mph for 50 miles (this differs slightly between different brands/design of run-flat tyres). This means that there is no requirement to attempt to change a wheel in dangerous locations, at any time of the day in any weather.

It is not always immediately noticeable that a puncture has occurred and the recommendation by all tyre manufacturers and fitters is they should only be fitted to vehicles that are equipped with a tyre pressure monitoring system. This will alert the driver to a loss in pressure so that they can drive within the limits of their tyre (since November 2014, all new passenger vehicles sold in the European Union must be equipped with a tyre pressure monitoring system).

One of the negative points with run-flat tyres is upon being punctured they should not be repaired therefore incurring the cost of a new tyre.

Tyre sealant is not acceptable for use by the licensed trade within Halton as it cannot be used for punctures over 4mm in size and cannot be used on any puncture to the sidewall of the tyre. Run-flat tyres do not have these issues regarding the size or location of the puncture.

All tyres sold within the European Union must comply with EU Directive 92/23/EEC which sets out the standards of tyres used on most road going vehicles (all vehicles licensed by Halton Borough Council fall within the stated category of vehicle).

Run-flat tyres can be identified from a number of markings on the sidewall like RSC (R-un flat S-ystemC-omponent), or with one of the below (but not limited to):

Bridgestone= RTF (Run Flat Tyre)
Dunlop= DSST (Dunlop Self-Supporting Technology)
Firestone= RTF (Run Flat Tyre)
Goodyear= EMT (Extended Mobility Technology)
Kumho= XRP
Michelin= ZP (Zero Pressure)
Pirelli RFT= (Run Flat Technology)
Yokohama= Run Flat