

Report for: ACTION
Item Number:



Contains Confidential or Exempt Information	NO – Part I
Title	Hackney Carriage Drivers Petition
Responsible Officer	Terry Gould – Head of Public Protection
Contact officer, job title and phone number	Steve Johnson, Trading Standards and Licensing Manager - 01628 683555
Member reporting	Councillor Carwyn Cox
For Consideration By	Licensing Panel
Date to be Considered	14 October 2013
Implementation Date if Not Called In	N/A
Affected Wards	All
Keywords/Index	Hackney Carriage; Taxi; Petition

Report Summary

1. On 10th September 2013, RBWM received a petition signed by 137 Hackney Carriage drivers. The petition asks the Council to:

- a). reconsider its decision to completely derestrict the number of Hackney Carriage Licences it issues;
- b). remove the requirement in the Hackney Carriage Policy and Conditions for Hackney Carriages to have a specific RBWM livery or, alternatively, to pay Hackney Carriage drivers an annual advertising fee;
- c). amend the Hackney Carriage Policy and Conditions to allow Saloon Hackney Carriage Vehicles to be licensed to a maximum of 15 years from the date of first registration, instead of the existing 9 years; and

2. Members are now asked to consider these requests.

If recommendations are adopted, how will residents benefit?	
Benefits to residents and reasons why they will benefit	Dates by which residents can expect to notice a difference
Residents will know with certainty of any changes to the Council's current policy in relation to Hackney Carriages.	This will depend on whether any changes are recommended and the timescales decided upon.

1. Details of Recommendations

RECOMMENDATION: That Members consider the requests made in the petition and decide whether or not to:

1. recommend to Full Council any amendments to RBWM's current policy in relation to the number of Hackney Carriage Licences it issues, as referred to in the Report Summary above at Point 1 a);
2. make any amendments to the current Hackney Carriage Policy and Conditions in relation to the requests referred to in the Report Summary above at Points 1 b) and c) (*livery and vehicle age*);

2. Reason for Recommendation(s) and Options Considered

- 2.1 At a previous Licensing Panel, on 29th April 2013, members resolved that RBWM should, with immediate effect, completely derestrict the number of Hackney Carriage Licences it issues in order to allow anyone who complies with RBWM's Hackney Carriage Policy and Conditions to apply for a Licence.
- 2.2 Since then anybody applying for and meeting the requirements of the said Policy and Conditions has been issued with a Hackney Carriage Licence.
- 2.3 At its meeting on 17th April 2012, RBWM's Full Council resolved that all new Hackney Carriage vehicles must be in an approved livery including white paintwork, with bonnet and boot in the colour Pantone 259, and with the Council's logo on the side of the vehicle.
- 2.4 Finally, the current Hackney Carriage Policy and Conditions state that Saloon Hackney Carriage Vehicles can be licensed to a maximum of 9 years from the date of first registration.
- 2.5 On 10th September 2013, RBWM received a petition signed by 137 Hackney Carriage drivers. The petition, a copy of which (with the signatures redacted) is now at Appendix A, asks the Council to:
 - a). reconsider its decision to completely derestrict the number of Hackney Carriage Licences it issues;
 - b). remove the requirement for Hackney Carriages to have a specific RBWM livery or, alternatively, to pay Hackney Carriage drivers an annual advertising fee;
 - c). amend the Hackney Carriage Policy and Conditions to allow Saloon Hackney Carriage Vehicles to be licensed to a maximum of 15 years from the date of first registration, instead of the existing 9 years; and
- 2.6 Members are now asked to consider these requests and make the decisions referred to in the above Section 1 ("Details of Recommendations").
- 2.7 Members should note that via Part 6 of RBWM's Constitution ("Terms of Reference of All Other Committees, Panels and Other Bodies of the Council")

the Licensing Panel itself is able to determine and keep under review the Hackney Carriage Policy and Conditions.

- 2.8 The overarching RBWM policy in relation to whether the number of Hackney Carriages that RBWM issues should be restricted in any way is, however, a matter for Full Council to decide – hence the specific wording of Recommendation 1 above. Members should note, however, that a decision not to make any amendments to the current position can be made by the Panel itself and does not need to be referred to Full Council.
- 2.9 Members should also note that Section 16 of the Transport Act 1985 only allows Councils to restrict the number of Hackney Carriages in its area if it can show there is no ‘significant unmet demand’. In the Department for Transport Taxi and Private Hire Vehicle Licensing Best Practice Guidance it is regarded as best practice not to impose quantity restrictions, which is the case for most local authority.
- 2.10 Should Members be minded to recommend to Full Council that Hackney Carriage numbers do need to be restricted, then an independent survey to establish whether there is any unmet demand would first need to be commissioned. The current cost estimate of such a survey is circa £15,000.
- 2.11 Such a survey would also need to be repeated – current guidance is every 3 years – to ensure that any policy to restrict numbers is based on up-to-date information.
- 2.12 The petition also includes a request to remove an existing arrangement whereby a Private Hire Vehicle taxi-marshalling and ranking scheme operates during weekends at The Arches, Goswell Hill, Windsor.
- 2.13 This scheme is actually administered by the Windsor & Eton Town Partnership and falls outside the terms of reference of the Licensing Panel. The Windsor & Eton Town Manager is currently preparing a separate report regarding the scheme – and will consult further with the Lead Member for Environmental Services and Licensing Officers – as well as the petitioners – regarding that particular matter.

Option	Comments
1a. In terms of the number of Hackney Carriage licences – to make no change to RBWM’s current policy of derestriction.	Such a decision is in effect a decision to keep the current position and, as such, can be made by the Panel itself and does not need to go on to Full Council
1b. In terms of the number of Hackney Carriage licences – to recommend to Full Council amending the current RBWM policy - either to issue no further Hackney Carriage licences or to issue only a set number per month (or other time-interval)	Full Council must make the final decision in this case and Members should bear in mind the points at paragraphs 2.9 – 2.11 above
2a. In respect of the livery and age	As noted at paragraph 2.7 above, the Panel

requirements for Hackney Carriages - to make no changes and continue with the current Hackney Carriage Policy and Conditions	itself is able to make decisions regarding the current Hackney Carriage Policy and Conditions
2b. In respect of the livery requirements for Hackney Carriages - to amend the current Hackney Carriage Policy and Conditions - either to remove the RBWM livery requirement, or alternatively to add in a requirement that Hackney Carriage operators are paid a fee for using the livery	As noted at paragraph 2.7 above, the Panel itself is able to make decisions regarding the current Hackney Carriage Policy and Conditions
2c. In respect of the age requirements for Hackney Carriages - to amend the current Hackney Carriage Policy and Conditions to change the maximum permissible age of Saloon vehicles to 15 years (or to another agreed age)	As noted at paragraph 2.7 above, the Panel itself is able to make decisions regarding the current Hackney Carriage Policy and Conditions

3. Key Implications

What does success look like, how is it measured, what are the stretch targets

Defined Outcomes	Unmet	Met	Exceeded	Significantly Exceeded	Date they should be delivered by
N/A	N/A	N/A	N/A	N/A	N/A

4. Financial Details

The fee for a new Hackney Carriage licence is set at £500. Any restriction on the number of Hackney Carriage licences issued will of course reduce licensing income.

Should members agree to pay Hackney Carriage drivers an annual advertising fee then this will be at a cost to the council, which will be dependant on the amount that the fee is set at.

5. Legal Implications

Section 16 of the Transport Act 1985 allows Councils to restrict the number of Hackney Carriages in its area providing it can show there is no 'significant unmet demand'.

In the Department for Transport Taxi and Private Hire Vehicle Licensing, Best Practice Guidance it is regarded as best practice not to impose quantity restrictions which is the case for most local authority areas

In Accordance with Section 47 of the Local Government (Miscellaneous Provisions) Act 1976 the Council can attach to the grant of a Hackney Carriage Licence such conditions as they may consider reasonably necessary and the Council may require

any Hackney Carriage licensed by them to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage.

6. Value for Money

Not relevant at this stage.

7. Sustainability Impact Appraisal

None

8. Risk Management

Identify any potential risks associated with the options and the proposed course of action. If none, say so.

Risks	Uncontrolled Risk	Controls	Controlled Risk
Judicial Review of any decision to continue with an unrestricted numbers policy	Proposed policy could be judicially reviewed	The process used to determine the existing policy is considered fair and reasonable, the original consultation was both genuine and extensive, and no challenge to RBWM was made at the time of the original decision to derestrict	n/a

9. Links to Strategic Objectives

This links to the environment, the economy and transport. Any decision as to Hackney Carriage numbers, appearance or age will have effects on the availability and identifiability by residents of the Royal Borough's Hackney Carriage fleet

Our Strategic Objectives are:

Residents First

- Support Children and Young People
- Encourage Healthy People and Lifestyles
- Improve the Environment, Economy and Transport
- Work for safer and stronger communities

Value for Money

- Deliver Economic Services
- Improve the use of technology
- Increase non-Council Tax Revenue
- Invest in the future

Delivering Together

- Enhanced Customer Services
- Deliver Effective Services
- Strengthen Partnerships

Equipping Ourselves for the Future

- Equipping Our Workforce

- Developing Our systems and Structures
- Changing Our Culture

10. Equalities, Human Rights and Community Cohesion

A full EEQIA is not anticipated at this stage.

11. Staffing/Workforce and Accommodation implications:

None

12. Property and Assets

None

13. Any other implications:

None

14. Consultation

Not applicable at this point

15. Timetable for Implementation

As soon as possible

16. Appendices

Appendix A Petition Dated 10th September 2013 Signed By 137 Hackney Carriage Drivers

17. Background Information

RBWM Hackney Carriage Policy and Conditions

Licensing Panel Minutes 29th April 2013

Full Council Minutes 17th April 2012

Part 6 RBWM Constitution

Section 16 Transport Act 1985

Section 47 Local Government (Miscellaneous Provisions) Act 1976

Department for Transport Taxi and Private Hire Vehicle Licensing Best Practice Guidance

18. Consultation (Mandatory)

Name of consultee	Post held and Department	Date sent	Date received	See comments in paragraph:
Internal				
Cllr Burbage	Leader of the Council	<u>03/10/2013</u>	<u>07/10/2013</u>	<u>n/a</u>
Cathryn James	Strategic Director of Operations	<u>03/10/2013</u>	<u>03/10/2013</u>	<u>n/a</u>
<u>Elaine Browne</u> <u>Neil Allen</u>	Shared Legal Services	<u>03/10/2013</u>	<u>04/10/2013</u>	<u>Paragraph 2.5, and Section 5</u>
External				
N/A				

Report History

Decision type:	Urgency item?
Non-Key decision	No

Full name of report author	Job title	Full contact no:
Steve Johnson	Licensing and Trading Standards Manager	01628 683555

Schedule for writing and reviewing report

Stages in the life of the report (not all will apply)	Date to complete
1. Officer writes report (-in consultation with Lead Member)	<u>02/10/2013</u>
2. Report goes for review to head of service or DMT	<u>03/10/2013</u>
3. To specialist departments: e.g. legal, finance, HR (in parallel)	<u>03/10/2013</u>
4. To lead member	<u>03/10/2013</u>
5. To SMT or CMT	n/a
6. To the leader	<u>03/10/2013</u>
7. To overview or scrutiny, if a cabinet report	n/a
8. To cabinet	n/a

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Chairman of the Hackney carriage association ,

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To

The Chairman of the licensing panel
Of The Royal Borough of Windsor and Maidenhead

Date: 10th Sep 13

Dear Sirs.

R.e. The review of the current Hackney carriage licensing policy

As you are aware in May 2012, the council of the Royal borough of Windsor and Maidenhead reviewed the Hackney carriage policy of licensing and decided to de-restrict the issuing of these licences. Then in February 2013, it was decided by the council to de-regulate the issuing of these licenses. The reason for this decision at the time was that there were around 400 applicants waiting for the draw.

It has now been 6 months since this decision, and the interest of these 400 appears to be over, as only a limited number have taken this opportunity on board. And as the reason for deregulating was to meet this apparent demand, which is now non-existent. We would request that the decision of deregulation is reconsidered.

The above is not the only reason, furthermore as you may be aware there have been many problems with taxi numbers, especially with residents near Maidenhead Station and Windsor town centre. The main problem being taxi rank overcrowding, due to lack of demand for taxis. As mentioned these problems with residents have escalated. The council has extended a few spaces in Maidenhead taxi ranks, but the problems still exists, due to the committee failing to foresee what the consequences of the issuing of unlimited number of taxis would have on local residents, parking and traffic. And many residents have been vocal in their criticism of the council's decision in the Maidenhead Advertiser.

Secondly, the policy of the white vehicles and purple bonnet colour scheme along with the RBWM logo, which was introduced in May 2012. Has led to many driver unable to financially survive. Due to this added expense, which costs around £1000-2000. We have been advised by the council, that this policy unifies the boroughs hackney carriages. But this effectively depreciates the value of the vehicles when drivers try to sell their vehicles. So drivers are hit both ways, with initially the cost of painting the vehicles and then the inability to sell the vehicles. In regards to this we would like to make a formal request to the council to please eliminate this colour scheme . There is no such a

scheme in any of our neighbouring boroughs. However Watford council did implement a similar scheme 5 years ago, but then eliminated it, as it was too costly for the drivers. .

Furthermore, we believe that the displaying of the RBWM logo on the hackney carriages is a free form of advertising for the Royal Borough. This therefore restricts the ability of the drivers to display any form of advertisement for a fee, which happens country wide. If the council would like to advertise the borough in this way, we would request that either the council pay an annual advertising fee, or remove the policy of displaying the logo, as no advertisement should be free.

Thirdly, the age limit of saloon vehicles in the Royal Borough has been limited to 9 years. But several other councils have extended the age of the vehicles to 15 years to ease the financial burden on drivers. We also request that the council please increase the age limit for the saloon hackney carriages of the Royal Borough to 15 years.

Fourthly the council panel discussed in the last meeting, the possibility of removing the weekend private hire container office under the Arches in Windsor, by not renewing their contract. They stated this would happen in September 2013. The reason behind this was that the initial reason for granting permission to the private hire sector (the fact there used to be only 25 hackney carriages, which were not able to meet the demand), is no longer valid (as now there are 165 hackney carriages), which are more than enough to cope with the demand of the public. So we remind the council to please implement this.

We hope to hear from you soon

Kindest regards

Hackney Carriage Drivers

APPENDIX A

	Name of Driver	Badge number	Plate number	Signature
1	M. YASIN	273	838	
2	M. RILSHAD	6934	926	
3	M. TAJ	HD161	833	
4	M. Abbas	CD3656	922	
5	M. AKRAM	HD0213	862	
6	M. Younis	HD0272	878	
7	F. HUSSAIN	7003	962	
8	N. AKBAR	0338		
9	Z. ALI	0/65	860	
10	A. ASGAR	925	927	
11	M. ALI	86932	857	
12	M. A. GHAFER	HD 776	818	✓
13	A. ALAM	HD6880	908	
14	M. HUSSAIN	HD6881 HD6881	0340	
15	Z. MUMIN	HD0145	829	
16	M. Muneer	HD015	829	
17	S. Mahmood	HD 6931 6931	904	
18	Tajwar Durrani	HD6909	955	
19	Usman Sultan		961	
20	Shahzad	CD0949	954	
21	HANAN	CD6991	878	
22	Shabir	036	866	
23	NASIR MAHMOOD	HD6582 0826	826	

24	G. Husna	6951	951
25	S. Naji	6890	0882
26	M. RAMZAN	6925	906
27	M. MEMMAD	6887	880
28	AGAZ AKHIL	CD6999	944.
29	M. Sajjad	6982	932
30	M. Sabbar	CD6996	934
31	SIED BUKHARI	6879	0819
32	J. Hassan	6987	940
33	Shupinder	0186	888
34	A. NISAR	CD5179	817
35	M. Akbar	HE337	813
36	M. Akbar	CD5699	836
37	N. Azam	HJ6891	0899
38	Shaidee	HD6914	912
39	M. Rasalat	CD7016	958
40	M. TAJ		833
41	Sheraz	6974	854
42	Dance	HD6930	808
43	Shahid	H126536	802
44	SUMMANDAR	057	810
45	M. SHAMEEL	HD0013	801
46	P. Akhtar	HD0044	889
47	Amjinder K.	HD6916	935

48	A. Wahid	032	—
49	A. Ali	6828	928
50	Sajid	CD5255	800
51	Sajjael	6796	897
52	Sajjad	CD6998	942
53	SHAFR	049	—
54	Asghar	0281	844
55	Y. HUSSAIN	CD6928	957
56	M. RASHID	0148	853
57	B. A. Raza	6884	891
58	A. ASGHAR	6939	849
59	Asghar ASHIRAQ WAZIR	6883	807
60	Asghar , Ali	HD0202	852
61	WASID	CD6975	841
62	MUNIR	5990	824
63	Ayub	6911	890
64	Z. Ali	6309	828
65	m. ASHRAF	HD0448	8-50
66	M. Razaq	6904	848
67	Z. Aqbal	6801	—
68	S. Mahmood	7008	960
69	J. MEHREZIN	CD6910	842
70	A. Ali	045	846
71	Z. Ali	242	—

72	S. Kiani	6726	894
73	T. Hussain	6927	845
74	S. Alauddin	141	875
75	B. Rashid	6977	—
76	F. Ali	348	835
77	M. L. Khan	6024	964
78	AWAZ RASID	0149	814
79	LIARQ	CD 6247	898
80	A. Hussain	14100	830
81	M. Yasin		892
82	M. SULAMAN	6940	809
83	AJIB	6928	873
84	Rizwan	HD6908	871
85	RAPID	208	843
86	TAYUB	HD6938	914
87	MANAZIR	HD839	839
88	ARVEZ	6898	917
89	M. Ali	6894	903
90	JAVED	HD900	895
91	AJIB	96988	933
92	A. H. Khan	HD5752	881
93	M. HUSSAIN	0824	6918
94	Saeed	CD7001	949
95	AQUI KHAN	119	870

M. Malik 7060

96			
97	W. Azam	CD5166	0859
98	SAGHIR AHMED	CD5746	855
99	SABIR HUSSAIN	HD0381	0831
100	Mohammad NAEEM SARAR	HD-002	0831
101	Amir mshari	CD7006	896
102	Aisar do	11	893
103	S Anayat	CD6990	930 -
104	Fuzal Ali	6321	—
105	HASSAN KIYAN	HD6915	948
106	P. Mohamad	011	811
107	A. MENKISW	CD9609	885
108	S Ali		825
109	A - Ali		833
110	M. Majied		883
111	ARIF	6933	806
112	Kamran		420
113	UMAR		861
114	AZAM	HD0160	804
115	MABOOB	HD0336	816
116	A. ALI	HD155	879
117	ARIF	HD0346	827
118	M. IJTIMA	HD16711	858
119	R. Raja	HD0291	863

APPENDIX A

120	M. IQBAL		815
121	S. HAKEEL S. AHMED		855
122	T. ZAMAN	HD 0231	803
123	M. YOUNIS		865
124	A. Mohamud		874
125	A. Ali	29748	937
126	A. M. AFSAR	CD6887	952
127	GULFARAZ	7005	919
128	Z. MAHMOOD	HD0209	946
129	S. Ali		851
130	Parvag		837
131	Z. IQBAL	CD6942	887
132	Majid		820
133	M. NAEEM	CD6774	931
134	TIBOR T. III	CD6903	929
135	M Arfan	6966	921
136	Mr. S. V. J.	0333	869
137	Raja Sajid - Khan	CD6896	936
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