

EAST HERTS COUNCIL

LICENSING COMMITTEE – 17 JULY 2014

REPORT BY DIRECTOR NEIGHBOURHOOD SERVICES

RESULTS OF WORKSHOPS TO ENGAGE WITH THE EAST HERTS  
LICENSED HACKNEY CARRIAGE AND PRIVATE HIRE TRADE

WARD(S) AFFECTED: ALL

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**Purpose/Summary of Report:**

- To detail the results of the engagement exercise with the East Herts hackney carriage and private hire, drivers, proprietors and operators.

<b>RECOMMENDATION FOR LICENSING COMMITTEE:</b> that	
<b>(A)</b>	<b>The Licensing Committee determines which of the issues raised should go out to full consultation with the hackney carriage and private hire licence holders, operators and other stakeholders.</b>
<b>(B)</b>	<b>After consulting as above, the Head of Service be authorised to implement any policy changes in consultation with the Chairman of the Licensing Committee.</b>

1.0 Background

1.1 Following approval of the methodology for engaging with the trade at the Licensing Committee in March officers arranged 23 separate meetings and invited every member of the licensed trade to attend. These meetings were organised between 1<sup>st</sup> and 23<sup>rd</sup> April 2014 and divided between Hertford and Bishops Stortford, invite attached as **Essential Reference Paper ‘B’**.

1.2 Over 350 invitations were sent and in total 19 licence holders attended the workshops. 14 of the workshops were cancelled as no one had booked to attend.

1.3 In addition to the workshops comments and questions were invited either via post or email. Three email responses were received and are detailed at **Essential Reference Paper ‘C’**.

1.4 During the workshops a number it became clear that there are several issues that concern the majority of people attending the workshops. These specific points are addressed in the body of the report.

1.5 In addition a large number of specific questions and points of clarification were asked and these will be addressed directly with the trade as they are not within the Licensing Committees direct control as they may relate directly to the legislation or specific events.

1.6 The points below deal with the issues in the order of importance as indicated by those attending the workshops. The topics raised can fall under the following general headings:

1. Ranks
2. Enforcement
3. Taxi marshals
4. Knowledge test
5. Limiting numbers of vehicles
6. Fares
7. Licensing points scheme
8. Policy issues

1.7 **Essential Reference Paper 'D'** details the comments made during the workshops in relation to the issues detailed above.

## 2.0 Report

2.1 The first major area of concern, particularly to the hackney carriage trade in Hertford, is rank space.. In summary it was felt that there is a lack of both daytime and night time rank space, particularly in Hertford, and that there are areas that could be improved.

2.2 When these points were raised during the workshops those present were asked to suggest how this could be resolved and the following suggestions were made:

- a) Railway Street (Halfords rank) to be extended. Removal of the loading bay could possibly give two extra spaces.
- b) Railway Street Rank should be all day and all night. There is room for 4 extra spaces opposite the existing rank.

- c) Fore Street rank is only in operation on Friday and Saturday nights, this needs to be extended to at least include Sundays before Bank Holidays.
- d) Could the pedestrianised part of Railway Street be used for extra space? The suggestion was for day times only and not when the market was on.
- e) Could there be a two car rank in the wider park of St Andrews Street to serve the restaurants at that end of town?
- f) Ware Station stand should be moved from its current location as it is on a blind bend and dangerous for all road users.
- g) Mill Street rank is actually a stand and is located in the wrong location and not safe. It needs to be moved towards the chip shop/Six Templars then it might be used more.
- h) There needs to be more consideration given to taxi ranks when new developments are planned. For example: Will there be a taxi rank at the new Asda store in Ware?
- i) Need another rank in Ware suggested locations are Star Street and Baldock Street.

2.3 Some of the above suggestions have been investigated in the past but officers are prepared to look at the options again. There are cost implications to creating ranks and Hertfordshire Highways have to give their approval.

2.4 Do Members have any specific concerns or comments regarding any of the proposed locations and options? It should be noted that enforcement have previously been tasked with discouraging licensed vehicles from parking on the pedestrianised part of Railway Street which forms part of one of the suggestions above.

2.5 Enforcement was an issue that was of equal concern to the licensed trade. Encouragingly the trade are requesting that more enforcement takes place to ensure standards are maintained and there is a level playing field for all. Many of the drivers concerns relate to complaints they receive from customers about other drivers and the main issues are detailed below.

- a) Refusal of short journeys and cherry picking of jobs.
- b) Overcharging of customers, people not turning on the meter etc.
- c) Drivers taking longer routes to increase fares.
- d) Drivers starting the meter then programming their sat nav so customer is paying for their lack of knowledge.
- e) East Herts private hire vehicles plying for hire.
- f) Vehicles plying for hire in Parliament Square (outside Deco's,

Hertford House Hotel, Midwest) parking badly and blocking the town centre on busy evenings.

- g) There needs to be more of a presence at the ranks. The suggestion is twice a week and that there should be informal visits to advise drivers and build relationships.
- h) Enforcement are only checking the basics like badges but their main concern should be public safety so tyres etc.
- i) The opposing view to that given in h) above was also offered stating that the Council officers should enforce the conditions like badges but vehicle checks should be left to the police.
- j) Enforcement need to be out later, from midnight onwards.
- k) The joint enforcement operation with the police at Wickes was welcome and there should be more of these.

2.6 The new Joint Enforcement Manager, Robin Clark, started in post on 10<sup>th</sup> June 2014. At the time of drafting the report Robin had not had sufficient time to formalise a response to the issues detailed above. However it is hoped that Robin will be able to attend Licensing Committee to detail his approach to the issues raised by the licensed trade.

2.7 Opinions on the taxi marshal scheme seemed divided. One issue that has been addressed in this financial years' service level agreement is the provision of taxi marshals on busy evenings that do not fall on Friday or Saturday nights. This has been welcomed by the trade but has highlighted an issue with the rank at Fore Street. As it is only currently a rank on Friday and Saturday nights other vehicles are allowed to park there on these other evenings when marshals are provided. Officers, as part of the proposed rank review, will be looking at the possibility of extending the use of the rank to at least these few extra dates each year.

2.8 East Herts Council no longer has any direct involvement with running the taxi marshals since the signing of the service level agreement between the provider Bradsec and Hertfordshire County Council/Hertford Town Council earlier this year. The specific points brought up during the workshops will be forwarded to Hertford Town Council for their consideration.

2.9 A number of the trade identified issues with the knowledge test that new dual driver applicants have to pass before becoming a licensed driver. The issues highlighted are:

- a) The original knowledge test contained questions relating to the villages but 12-18 months ago this was removed. It needs to be put back in.
- b) The knowledge test should include points of interest like hospitals, pubs, museums etc.
- c) The knowledge test should change to a written test rather than verbal test.
- d) The knowledge test should include common out of district journeys like Cheshunt.
- e) The current knowledge test is too easy; it does not ensure people know where they are going.
- f) There should be a knowledge test for private hire drivers as other drivers receive complaints that some do not know where they are going.
- g) Private hire knowledge test should be to current standard with a new harder test for dual drivers.

2.10 The existing knowledge test consisted of an applicant answering 25 questions on a particular area (Hertford/Ware or Bishops Stortford/Sawbridgeworth) and getting 20 correct. Applicants had to verbally describe the route they would take between two points whilst a licensing officer followed the route on a map. It quickly became clear that the test papers had not changed for a considerable amount of time and were in the possession of the licensed trade. This essentially made the test a memory test rather than a knowledge test because if you memorised have the 8 papers for an area you had a 50% chance of getting a paper you could answer. This method was not insuring that drivers had a good knowledge of the area they were proposing to work in.

2.11 From the 1<sup>st</sup> April 2014 the knowledge test changed to a written format still consisting of 25 route questions but with the addition of 5 questions relating to policy and basic arithmetic. The knowledge tests are now held every two months rather than as and when an individual applicant wants to book. This allows a reasonable amount of time for an applicant to improve their knowledge should they fail the test on a first attempt. This change allows one licensing officer to conduct a knowledge test for several drivers at the same time making the whole process more efficient, cost effective and less open to allegations of bias or favouritism.

2.12 Only applicants that apply after the 1<sup>st</sup> April 2014 will have to sit this written style knowledge test. All the existing applicants will still

be allowed to sit the test that was in place when they applied as it would be unfair to move the goal posts after they have committed considerable funds and time towards becoming a licensed driver. Since April 2014 only one applicant has sat the written knowledge test and to his credit he passed.

- 2.13 Some drivers saw the knowledge test as a way of limiting numbers as less people will pass if it is made harder and private hire applicants have to sit one. This is not a valid reason for making changes to the knowledge test but if Members believe that standards amongst applicants need to be raised then they can direct officers to make changes to the written test for dual driver applicants and look at introducing a knowledge test for private hire applicants. Officers would suggest that if Members are minded to move in this direction a written consultation with the whole trade should be undertaken.
- 2.14 A number of drivers suggested limiting the numbers of hackney carriage vehicles licensed by East Herts Council. This can be done lawfully although DFT guidance states that it is best practice not to impose limits. To limit numbers an unmet demand survey would have to be commissioned to demonstrate that there is no demand for taxis within East Herts that is currently unmet. The cost of this survey would have to be met by the trade and would be recovered through increased license fees for hackney carriage vehicles.
- 2.15 It should be noted that limiting numbers is not the quick fix that many in the trade hope it is. If the survey finds unmet demand then a cap on numbers would be unlawful but the cost of that survey would still need to be recovered from the trade. If the survey found that all demand was met then a cap would be imposed at the current number of licensed vehicles so there would still be the same issue regarding numbers. The capped number could be a diminishing amount so as licenses were either surrendered or revoked the number of vehicles would lower although this is a very gradual process. Similarly further unmet demand surveys would be necessary in the future to ensure that the limit remained legal and should there be unmet demand then the number of vehicles licensed would have to increase to cover that demand.
- 2.16 If Members were minded to consider limiting the numbers of hackney carriage vehicles then officers would obtain quotes for carrying out an unmet demand survey and calculate the cost to

license holders before putting the idea out to consultation with the trade.

- 2.17 The issue of fares was raised surprisingly few times considering the last increase was in 2011. Views differed wildly from thinking that there should be no increase to setting an annual increase, even the method by which the increase should be made differed.
- 2.18 The procedure for a fare increase is straight forward but it is for the trade to suggest what they believe would be an appropriate increase and how the fare tariff should be changed to achieve this. Officers would suggest that as part of the consultation resulting from the workshops that the trade is asked firstly if they are for or against a fare increase and secondly if they are in favour of an increase, then what they would like the increase to be. The results of that could be brought back to licensing committee for approval before the formal public consultation is undertaken.
- 2.19 Concerns were raised regarding the validity of the Licensing records points scheme. Drivers felt that the points need to mean something if they are to have any effect. The trade is aware that one driver came before a licensing sub-committee with 22 points but was just issued with a warning. In the trades words this has made the scheme a 'laughing stock'.
- 2.20 One suggestion was that once an individual reaches 9 points they come in for an interview and a warning then if they get 3 more they are instantly revoked. This suggestion would be unlawful however under the current system when an individual reaches 12 points revocation is one of the options that a licensing sub-committee can consider.
- 2.21 Drivers made it clear that they would like to see swift and decisive action against bad drivers and they should have their licenses suspended or revoked.
- 2.22 A number of issues around the current policies that are in place in East Herts have been raised. In particular a number of drivers brought up the issue of advertising on licensed vehicles.
- 2.23 Appendix B of the Taxi Licensing Policy states:

The two forward door panels may be used to advertise the taxi company details and the rear door panels can be used for other

advertising. Sun strips and 'All over' advertising on London Style taxis will not be approved.

- 2.24 It would appear that requests for approval of advertising used to be directed to the Licensing manager and no other guidance was given regarding what was deemed appropriate. Written confirmation of the approval (either via letter or email) was provided but the records of these approvals cannot be located.
- 2.25 On a number of occasions recently requests for advertising, particularly in rear windows, have been refused. It has been highlighted by the people that have been refused approval for advertising that there are currently East Herts licensed vehicles with identical style advertising in them currently.
- 2.26 In the current economic climate it would be helpful for drivers to be able to benefit from being able to advertise on their vehicles. For example a tyre company was offering a set of free tyres if they could place an advert in the rear window of a licensed taxi. These signs are practically see through so would not obscure the drivers view and a new set of tyres would be a cost saving to the small business whilst potentially increasing public safety.
- 2.27 There are two approaches to resolve this matter:
- a) Appendix B remains unchanged and enforced. In order for everyone to have a level playing field officers could contact those that have advertising outside of the description in appendix B and ask them to provide proof that the advertising has received approval. If proof cannot be provided then the advertising would have to be removed, or
  - b) If Members wished to review the policy then this could form part of the trade consultation and the suggestions could then be brought back to licensing committee for approval.
- 2.28 Drivers questioned why they were required to carry a fire extinguisher and first aid kit. The handbook states that both hackney carriage and private hire vehicles must: Carry an approved first aid kit and fire extinguisher to BS EN3: 1996 standard, fitted in such a position that it does not interfere with the driver's controls.
- 2.29 Drivers argue that without the appropriate first aid training they would be putting themselves at risk of legal action if they were to administer first aid to someone. This means that the first aid kit is



there purely for the benefit of the driver of the vehicle and therefore they argue that this should be a matter for their own risk assessment.

2.30 Similarly drivers state that as the fire extinguisher is generally stored in the boot it is of little practical use and that they would be unlikely to even attempt to tackle a fire in their own vehicle as they are insured and the personal risk is not worth it. Again they argue as small businesses the carrying of a fire extinguisher should be left to their own risk assessment.

2.31 Members are asked to consider the three options below:

- a) The policy is amended to remove the requirement to carry a fire extinguisher and first aid kit.
- b) The policy is amended to remove the requirement to carry either a fire extinguisher or first aid kit.
- c) The policy remains unchanged and it remains a standard vehicle condition.

### 3.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

#### Background Papers

None.

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