

Report to Regulatory Panel

Agenda
Item:

A.1

Meeting Date: 25 February 2015
Portfolio: Finance, Governance and Resources
Key Decision: Not Applicable:
Within Policy and Budget Framework NO
Public / Private Public

Title: APPLICATION TO LICENCE AN 8 SEAT HACKNEY CARRIAGE
Report of: Director of Governance
Report Number: GD 17/15

Purpose / Summary:

An application has been received from Mr David Irving, to licence an 8 Seat Hackney Carriage. The vehicle has 6 seats in the rear and a double bench seat in the front. Licensing Officers question whether the front bench seat is large enough to accommodate two adult people.

Recommendations:

Members are requested to consider the application and reach a decision from the options outlined on page 5 of this report.

Tracking

Executive:	
Overview and Scrutiny:	
Council:	

CITY OF CARLISLE

To: The Chairman and Members of the Regulatory Panel 25th February 2015

1. HISTORY

- 1.1 On 2nd February 2015, Mr Irving sold his 15yr old London Type TX1 Taxi to a new Hackney Carriage Driver. Mr Irving then informed Mr Sharrock, our Licensing Officer, that he would be purchasing a Citroen Despatch model, with 8 passenger seats.
- 1.2 When we licence 8 passenger seat vehicles, we have to be careful to ensure all seats are of an accommodating adult size. If two seats are in the front of the vehicle, we always ensure that the passenger seat nearest to the driver is not too close. This is to prevent any inadvertent contact between driver and passenger. Mr Irving informed Mr Sharrock that he was having a 'specialist partition' built between the driver and the passenger seats to take this into account. He was informed that until the vehicle was inspected, we could not confirm if the vehicle would be licensed for 8 seats. Our Hackney Carriage Specification is clearly listed on the back of every application form and members should note that point 10 states 'a driver is strongly advised to consult with a Licensing officer on the suitability of a vehicle before purchase'. **Appendix A**
- 1.3 On 5th February 2015 the vehicle arrived to be inspected. A meter test was undertaken by myself, with our admin clerk, Karen Blain sitting in the two front seats. The usual short journey was made to check the meter was working correctly. On arriving back at the Civic Centre, I was concerned with the cramped seating position and felt everyone's personal space was not of an acceptable level.
- 1.4 Mr Irving informed me that he has contract work for Network Rail and Virgin, should the trains break down. I felt the front seating would not be appropriate for two passengers travelling any long distance.
- 1.5 A second opinion was sought from the Licensing Manager and Licensing Officer Fred Watson, who both tested the seats. Both were unable to position themselves on the double seat, as well as close the door.
- 1.6 Measurements and photographs of the seats were taken. The measurement of the front bench seats were 38.1cm per seat, whilst the driver seat measured 52.4cm and the rear passenger seats measuring 45.07cm each, but of a bench style 3 seats' facing each other. **Appendix B**

- 1.7 A decision was then taken to licence the vehicle for 7 passenger seats and Mr Irving was informed of this. He confirmed that Citroen would replace the 2 seat bench with a single seat. Mr Irving's licence was then issued accordingly. **Appendix C**

2 MR IRVING'S APPLICATION

- 2.1 A letter wishing to challenge the Licensing Manager's decision was received on 12th February 2015. Mr Irving's reasons and licensing comments are as follows:

Appendix D

- Carlisle City Council has licensed Skoda Rapids and Citroen/Peugeot Tepee models that he claims cannot accommodate 3 large people in the rear seats. *Measurements of a Skoda Rapid and Peugeot Tepee can be seen **Appendix E** These are only 4 passenger seat Hackneys and after examining both vehicles confirm that 3 average adults can sit in comfort and safety in the 3 rear seats.*
- Ford Torneos have similar size double front seats
We currently have 1 Ford Torneo 8 Seat Hackney Carriage licensed; again see Appendix E for measurements. Members will have the opportunity to compare this vehicle to Mr Irving's Citroen Despatch prior to the meeting.
- Carlisle City Council has no vehicle conditions covering the size of front seats. *Our vehicle specification only gives a minimum exterior width of 1.701mm. As vehicle models change and have become more advanced, Licensing will be submitting a future report recommending adoption of a 400.06mm minimum seat requirement.*
South Lakes District Council minimum is 400.06mm width per seat, exclusive of any intrusion by wheel arches etc
Eden Council have a minimum seat width policy of 400mm
- That requesting Mr Irving to replace the double seat that the vehicle was manufactured with is a 'step too far'
The decision to request this was due to the fact that this vehicle will no doubt remain as a working Hackney Carriage for the next 10-15+ years with Carlisle City Council and will inevitably change hands. Mr Irving says he has lots of experience as a driver and can use his discretion, the next owner may not be quite as experienced. If an unlicensed seat remains in the vehicle it could invite illegal use in exceptional circumstances, which could be a public safety issue.

- It is clearly up to the discretion who the driver allows in the front seats of the vehicle.
All licensed seats need to be of a standard suitable for an average adult and not just at the discretion of who the driver feels is of the appropriate size to fit them.
- Mr Irving makes a point that we have put him in the position where he cannot tender for school contracts up to 8 children and the double seat is large enough for 2 children.
*Mr Irving was informed that we would need to look at the vehicle before we would be happy to licence it and that we have no vehicle of that model currently licensed. Our Hackney Driver Codes of Conduct state no children under the age of 10 years are to be conveyed in the front of vehicles. **Appendix F***

Finally, members are asked to inspect Mr Irving's vehicle and a Ford Torneo, which will be made **available from 1.30pm** outside the Civic Centre. Any Members who do not inspect the vehicle prior to the meeting will be asked to view it during the meeting to enable them to take part in the decision making.

3 LICENSED HACKNEY CARRIAGE 8 SEATER VEHICLES

- 3.1 Carlisle currently has 8 Licensed Hackneys that have 8 passenger seats. The vehicle make and models along with the seat measurements are in Appendix E, as previously referred to.
- 3.2 It should be noted that Mr Irving's Citroen Despatch is the first one the Council have been asked to licence.

4 SUMMARY

- 4.1 Although the Council currently has no seating policy, only a minimum width of the exterior of a vehicle. It is clear that more vehicles of this nature may come to our attention in the future. These vehicles can cost less than the London Type Black Taxi and can accommodate a maximum of 3 further seats, as well as being wheelchair accessible. A future report will be prepared to committee to recommend a minimum seat width of 40.06mm (16").
Currently, Licensing Officers advise drivers who are thinking of buying a new vehicle to check many aspects carefully, including seating, window tints, access doors & roof signs.

- 4.2 These vehicles may be licensed with us for the next 10 – 15 years and may change hands during this time, so it is important that the correct decision is taken on initial licensing.
- 4.3 Passenger safety, comfort and individual personal space is of prime importance when making decisions on licensing appropriate vehicles. Vehicles cannot be licensed for 'specific use' for example; seats cannot be licensed just for children, or for short journeys. Each Licensed vehicle must be capable of servicing all requirements.

5 LEGISLATION

- 5.1 Adoption of the Local Government (Miscellaneous Provisions) Act 1976. Section 47 (2) requires (under 1847 Act) a Council to require a hackney carriage to be of such a 'design or appearance to identify as a hackney carriage'

Appendix G

6 OPTIONS AVAILABLE TO MEMBERS INCLUDE:

- 6.1 To uphold the current licence of 7 passenger seats issued on 5th February 2015 and replace the front double seat to a single.
- 6.2 To uphold the current licence of 7 passenger seats issued on 5th February 2015 but allow the front double seat to remain, with only one of the seats being licensed.
- 6.3 To allow the amendment of Mr Irving's vehicle license from 7 to 8 passenger Seats.

Contact Officer: Sue Stashkiw **Ext:** 7029

Appendices attached to report:

- A Application Form with specification on rear**
- B Photo of seating arrangement**
- C Issue letter**
- D Application letter from Mr Irving**
- E Specimen seat sizes of licensed vehicles**
- F Code of practice indicating no children below the age of 10 to be conveyed in the front of a hackney carriage (5b)**
- G Legislation**

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

CORPORATE IMPLICATIONS/RISKS:

Chief Executive's – N/A

Community Engagement – N/A

Economic Development – N/A

Governance – N/A

Local Environment – N/A

Resources – N/A

APPENDIX A

CITY OF CARLISLE APPLICATION FOR A HACKNEY CARRIAGE LICENCE

Lalpac Log	
Fee Paid	
Receipt No	
FUND 31 HA	
Lic. issued	

Before completing this form you should read the notes overleaf.

1. Full Name and Address of Applicant
(Including Postcode)

2. Tel No:
Email address:

3. Under which company's radio circuit
do you intend to work?

4. Type of application (Tick appropriate box)

a) New	<input type="checkbox"/>
b) Renewal	<input type="checkbox"/>
c) Vehicle Change/Transfer	<input type="checkbox"/>

DETAILS OF VEHICLE

5. Make, model and colour

6. Registration No.

7. Date of first registration

8. Engine capacity

9. Seating capacity (Passengers)

10. *Wheelchair/Non Wheelchair *Delete as appropriate

11. Hackney Carriage Vehicle Licence No. (if applicable)

DECLARATION

In accordance with the provisions of the Public Health Act 1875, the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act, 1976, I hereby make application for a licence for the above vehicle to be used as a Hackney Carriage.

Will the Hackney Carriage be used primarily within Carlisle City Council area? Yes/No

I have read and understood the conditions under which the licence will be issued. The information above is true to the best of my knowledge and belief.

**I CONSENT TO THE INFORMATION SUPPLIED ON THIS APPLICATION FORM TO BE
DIVULGED TO THE POLICE AND OTHER AGENCIES INVOLVED IN THE
PREVENTION OF FRAUD**

DATE: _____

SIGNATURE: _____

Notes

1. You should enclose with your completed application form:
 - a) A remittance of £ licence fee and £ test fee
 - b) A deposit of £25.00 in respect of the vehicle licence plate (**new licence only**)
 - c) Evidence of insurance cover relating to the public use of the vehicle
 - d) The vehicle registration document (V5)
 - e) Remittances by cheque should be made payable to 'The City of Carlisle'

The deposit referred to in (b) above will be refunded upon the licence plate being surrendered.
2. This application must be signed by all persons shown at question 1. If it is on behalf of a limited company the application must state in what capacity you sign.
3. The completed form and fee should be returned to the Licensing Manager, Carlisle City Council, Civic Centre, Carlisle CA3 8QG.

Hackney Carriage Specification

4. The vehicle must be:
 - a) of the London type FX4 or later design as laid down by the Metropolitan Police Public Carriage Office or;
 - b) be a wheelchair accessible vehicle of a type approved by the council or;
 - c) be a saloon, hatchback, estate or people carrier (but not a mini-bus) and be white in colour.
5. The City Council will not license a vehicle in category 4c) above unless:
 - a) under 3 years old upon first licensing as a Hackney Carriage with this authority;
 - b) a manufacturer's stated width of not less than 5ft 7ins (1.701m) excluding door mirrors;
 - c) a manufacturer's stated length of not less than 14ft (4.266m)
 - d) an engine with a minimum power output of 90bhp or 66KW
 - e) at least 3 passenger doors;
 - f) seat belts fitted to all forward facing seats;
 - g) licences will not be renewed once the vehicle reaches the age of 5 years, save for exceptional condition.
6. With effect from 1st August 2007, the City Council will only issue new Hackney Carriage licences to wheelchair accessible vehicles which, in addition to 4a) & b) above, meet the following specification:
 - a) are under 3 years old upon first licensing as a Hackney Carriage with this authority;
 - b) licences for wheelchair accessible Hackney Carriages will not be renewed once the vehicle reaches the age of 10 years, save for exceptional condition.
7. Be equipped with an illuminated roof sign and "For Hire" light of a type specified by the council.
8. The window glass fitted to the vehicle is not tinted darker than 32% +/- 2%;
9. The Council regulates advertising on Hackney Carriage vehicles and application must be made through the Licensing Office at the Civic Centre before any advertising is carried out.
9. There are penalties for knowingly giving false information in respect of this application.
10. You are strongly advised to consult with a Licensing Officer on the suitability of a vehicle before purchase.

APPENDIX B

BX64 UFB

5 Feb 2015



Mr D N Irving
3 Northgate
54 Scotland Road
Carlisle
Cumbria
CA3 9DB

Enquiries to:
Direct Dial: 01228 817029

5 February 2015

Dear Mr Irving

Hackney Carriage Licence H115

Commences : 5 February 2015

Expires : 4 February 2016

Please find enclosed your new Hackney Carriage Licence.

The Conditions attached to this licence are also enclosed and should be read carefully.

After inspecting your vehicle, registration BX64 UFB, I can confirm that it is licensed for a total of 7 passengers, with only 1 of those passengers being transported in the front of the vehicle.

Yours sincerely



Licensing Manager

APPENDIX D

3 Northgate, 54 Scotland Rd
Carlisle CA3 9DB
12.2.2015

New Vehicle Licence, H115

Mr J Messenger
Licensing Manager
Carlisle City Council
Civic Centre
Carlisle

RECEIVED

12 FEB 2015

LICENSING

Dear Mr Messenger,

Thank you for your letter dated 6.2.2015, I wish to appeal against your decision not to licence my new vehicle for 8 passengers, and the removal of my double front seat. You claim my front seat is too small for two adults. You have licenced several Skoda Rapides in recent months, and I have to point out you cannot get 3 large people in the rear of a Skoda Rapide and if they do squeeze themselves into the vehicle, they are clearly uncomfortable. The same applies to the Citroen Tipsees and Peugeot Models.

You have recently licenced an 8 seater Ford Taurus, On measuring the front seats of this vehicle, we find them to be of a similar size to my front seats. To my knowledge there are no conditions of licence covering the front seats of these vehicles. To instruct me to remove a front seat that the vehicle was manufactured with is a step too far. I could understand if it was an odd seat that I had fitted myself. It is clearly up to the drivers discretion who he allows in the front of the vehicle. And after being a cab driver for 40 years in our great city, I have got quite good at using my discretion.

You are also putting me in a position, where I cannot
tender for school contracts involving eight children And
clearly my double seat is large enough for two children.
The Ford Torres and my own vehicle will be made
available for members of the panel to inspect.

Yours Faithfully
D. Irving.

Double bench front seats in Hackney Carriage

Plate	Reg. No.	Owner	Make	Model	Double Bench Front Seat		Driver Seat		Additional Info.
					Width	Individual Depth	Width		
H115	BX64 UFB	D Irving	Citroen	Dispatch	76.2cm	38.1cm	52.4cm		Rear bench seat each 45.07cm total 135.21cm

H158	AH04 ASH	A Hales	Renault	Traffic	82cm	41cm	47cm		
H112	MM02 CAB	A McPake	Ford	Torneo	80.8cm	40.04cm	47cm	52.1cm	3 x seats in rear total 139.01cm
H195	KX09 DGV	B Haden	VW	Transporter	79cm	39.5cm	46cm		

APPENDIX E

Plate	Re. No.	Owner	Make	Model	Front Passenger Seat		Rear Passenger Seat	
					Width	Depth	Width	Depth
H422	SJ12 OEB	Radio Taxis	Peugeot	Tepee	48.2cm	45.7cm	43.2cm	45.7cm
H206	FX63 AEB	John Moore	Skoda	Rapid	49.5cm	50.8cm	125.7cm	49.5cm


APPENDIX F

CITY OF CARLISLE

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

CODE OF PRACTICE FOR HACKNEY CARRIAGE DRIVERS

The holder of a Hackney Carriage driver's licence (hereinafter called the driver) shall observe and perform all the following codes of practice which shall be attached to and form part of his Hackney Carriage driver's licence.

1. This Licence is personal to the driver named herein and the driver shall not in any circumstances assign it or in any way part with the benefit thereof to any other person.
2. The driver shall at all times when acting as a driver of a Hackney Carriage, wear or display the driver's current year identity card issued by the Council **in such a position and manner as to be plainly and distinctly visible to the hirer.**
3. The driver's identity card issued by the Council remains the property of the Council and shall be returned to the Council by the driver or a person appointed by them within seven days of the date of the suspension or revocation of or refusal or failure to renew this Licence.
4. The driver shall not, at any time whilst driving or in charge of any Hackney Carriage (the Hackney Carriage):-
 - (a) station the Hackney Carriage on any place which is marked out as a bus stop or loading bay, or on any length of highway during times when a prohibition on loading and unloading is in operation;
 - (b) station the Hackney Carriage on a public highway in such a manner so that it is double parked or otherwise obstructing the free flow of traffic and this condition shall apply at all times and including whilst and before and after the hirer is boarding or alighting from the Hackney Carriage;
 - (c) station the Hackney Carriage so as to obstruct the exit or fire exits of any place licensed for regulated entertainment or to station the Hackney Carriage in such a way that a condition attached to the premises licence as to access for emergency vehicles cannot be complied with;
 - (d) leave the Hackney Carriage parked and unattended on any taxi rank.
5. (a) The driver shall not permit or cause or suffer to be carried in any licensed Hackney Carriage, a greater number of persons than that specified in the licence for that Hackney Carriage and shall provide that the seating arrangements are as specified in the licence for that Hackney Carriage.
 (b) The driver shall not allow there to be conveyed in the front of a Hackney Carriage beside him:-

X (1) any child below the age of ten years; or

(2) more than one person.

unless the Hackney Carriage has been specifically designed to provide more than one passenger seat in the front, in which case the above rules apply to each seat.

(c) The driver shall not without the consent of the hirer of a Hackney Carriage convey, or permit to be conveyed, any other person or animal in that Hackney Carriage.

6. The driver shall not demand from any hirer of a Hackney Carriage a fare in excess of any previously agreed for that hiring between himself and the hirer or in excess of the fare shown on the face of the taximeter.
7. The driver of a Hackney Carriage shall not cause the fare recorded on the meter to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare.
8. The driver, except where he is the proprietor of the Hackney Carriage, shall report to the Proprietor of any Hackney Carriage as soon as practicable and in any case within 24 hours of its occurrence, details of any accident in which such Hackney Carriage has been involved.
9. The driver of a Hackney Carriage which has been hired to be in attendance at an appointed time and place shall unless delayed or prevented by some sufficient cause punctually attend at the appointed time and place.
10. The driver shall when requested by the hirer convey a reasonable quantity of luggage and afford reasonable assistance in loading and unloading, including assistance in removing to and from the entrance of any house or other place where he collects or sets down his passengers. The driver shall not accept a hiring if the hirer abandons a shopping trolley on a road or public place unless the driver first returns such a trolley to the store from which it was brought. He shall also provide all reasonable assistance with wheelchair bound, disabled, elderly and vulnerable passengers.
11. The driver shall not refuse to carry within the vehicle any household pets providing they are accompanied by an adult and providing such pets are suitably restrained or contained so as not to cause a nuisance or damage.
12. At the end of each hiring and before commencing any further hiring the driver shall search the vehicle for any property accidentally left by the immediately preceding hirer. It is the drivers legal obligation to try and reunite all lost property with the owner and shall as soon as practicable and in any case within 48 hours after the discovery of property, attempt to return it to the owner. Failing that and still within 48 hours, all identifiable property shall be handed into the Police Station within the Council's area and a receipt obtained, which must be kept by the proprietor of the vehicle. Identifiable property can range from purses, bank cards, driving licences, mobile phones, laptops, cameras, i.e anything that can identify the owner.
ALL unidentifiable property shall be kept by the proprietor for a minimum of 28 days and a record kept of the description.