

REVIEW OF STATEMENT OF LICENSING POLICY WITH RESPECT TO
HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES, DRIVERS AND PRIVATE
HIRE OPERATORS – CONSULTATION COMMENTS

16 MARCH 2017

REPORT OF PORTFOLIO HOLDER: Cllr Jan Warwick, Portfolio Holder for
Environment

Contact Officer: Carol Stefanczuk Tel No: 01962 848 188
Email cstefanczuk@winchester.gov.uk

WARD(S): ALL

PURPOSE

This report is to consider the comments made during the consultation period for the review of the Statement of Licensing Policy with respect to Hackney Carriage and Private Hire Vehicles, Drivers and Private Hire Operators (“the Policy”).

RECOMMENDATIONS:

1. That Members consider whether further changes should be made to the Policy approved at the previous Licensing and Regulation Committee on 19 January 2017, in view of the comments received and shown in Appendices 1 and 2.
2. That, if changes are made, that the amended Policy be subject to further public consultation.
3. That in view of the conflicting comments in relation to vehicles, and a need for officers to carry out a full review of licensed vehicles in relation to the Council's Air Quality Action Plan, that the Policy is agreed as a draft apart from sections 5 and 6 in relation to Hackney Carriage and Private Hire Vehicles where no changes be made until a further review of the Policy is carried out.

IMPLICATIONS:

1 COUNCIL STRATEGY OUTCOME

- 1.1 This report relates to the Active Communities outcome; seeking to ensure public safety for people who use the taxi and private hire service.

2 FINANCIAL IMPLICATIONS

- 2.1 The cost of reviewing the Council's Policy is covered by existing budgets.

3 LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 It is expected that each local authority produces and regularly reviews its Policy which provides guidance to applicants, licence holders and authorised officers. The changes to the Policy are considered relevant in seeking to ensure the safety of the public using taxis and private hire vehicles, taking into consideration changes to legislation.
- 3.2 The Council's Policy could be challenged by Judicial Review, as is the case with any of the Council's policies, on the basis that the decision-making process was flawed or the decision was illegal or irrational. However, the proposed amendments are considered by officers to be justified and procedurally lawful for the reasons set out in the Supporting Information below and therefore an application for Judicial Review is considered to be unlikely.

4 WORKFORCE IMPLICATIONS

- 4.1 None

5 PROPERTY AND ASSET IMPLICATIONS

- 5.1 None

6 CONSULTATION AND COMMUNICATION

- 6.1 Full public consultation took place between 2 February 2017 and 2 March 2017. The consultation was available on the taxi and private hire page and Consultation Hub on Council's website.
- 6.2 All of Winchester's licensed hackney carriage and private hire drivers were directly consulted, either by email or letter.
- 6.3 The following support groups were contacted with a summary below:
- a) WACA / Community First (now merged) – no response received.
 - b) Healthwatch Hampshire – an officer had a brief telephone discussion with Madeline Close, Voluntary & Community Sector and Diverse Communities Officer, who explained that there would likely be conflicting responses due to the different types of wheelchair but

considered that the number of passengers travelling with a wheelchair user should not be reduced as often they have to travel with a carer and family member, depending on their disability. No written response received.

- c) Scope – written response received from Shirley Kenneally which summarises comments received from Executives or Contact Members, details are contained in Appendix 2.
- d) Disabled People's Voice Hampshire – no response received.
- e) Age Concern - no response received.
- f) Age UK - no response received.
- g) MS Society - no response received.

7 ENVIRONMENTAL CONSIDERATIONS

- 7.1 As part of the Council's commitment to the Air Quality Action Plan, a full review of the Policy is proposed for later this year so that officers can carry out a full investigation of the low-emission vehicles available to buy, set proposals about the way in which the Licensing Authority will control current licensed vehicles and make recommendations about what the Policy for newly licensed vehicles should be.
- 7.2 Understandably, comments have been received during the consultation period for the current review of the Policy requesting that the Council takes immediate action to amend the Policy in relation to air quality. Members should consider whether to propose additional changes to the current Policy which must then be the subject of further consultation or whether to consider sections 5 and 6 of the Policy in relation to hackney carriage and private hire vehicles at a future meeting of the Licensing and Regulation Committee.

8 EQUALITY IMPACT ASSESSMENT

- 8.1 As described in section 6 above, several support groups were consulted on the current review of the Policy. Written comments were received from Winchester & District Scope as shown in Appendix 2.
- 8.2 The overriding view of wheelchair users who have responded to Scope object to the proposal that wheelchair accessible hackney carriages must be capable of carrying a wheelchair bound passenger and one other person. The current Policy requires that a hackney carriage vehicle must be capable of carrying a wheelchair bound passenger and a minimum of three other passengers.

9 RISK MANAGEMENT

| Risk | Mitigation | Opportunities |
|--------------------------|--|---|
| <i>Property</i> | N/A | |
| <i>Community Support</i> | Support groups have been formally consulted during the consultation period (see section 6 above). | |
| <i>Timescales</i> | The Council already has a Policy in place which is valid until the reviewed Policy takes effect. | |
| <i>Project capacity</i> | N/A | |
| <i>Financial / VfM</i> | N/A | |
| <i>Legal</i> | The Policy could be challenged by Judicial Review but as the Council's decision-making process is lawful a challenge is considered unlikely. | |
| <i>Innovation</i> | | New knowledge test software has been purchased to improve the way in which applicants take the test and to be more efficient to reduce officer time marking paper tests. |
| <i>Reputation</i> | | The review of the Policy follows a Vanguard review of the Taxi and Private Hire Service. During the consultation period, comments have been raised regarding emissions and air quality. The Head of Environmental Health and Licensing intends to carry out a full review of the current hackney carriage and private hire fleet and future Policy in line with the Council's Air Quality Action Plan (AQAP). |
| <i>Other</i> | N/A | |

SUPPORTING INFORMATION:10 Reason for the review

- 10.1 This review of the Policy was prompted by an assessment of the taxi and private hire service using the Vanguard method. Vanguard looks at policy and processes to focus on the customer (in this case, the public using licensed vehicles) and allowing the licensed drivers and operators to provide the best service with minimal unnecessary barriers, but without breaking the law.
- 10.2 To avoid a delay in what officers consider important changes to the Policy, it was considered that the changes in relation to air quality should be considered at a later Licensing and Regulation Committee meeting as there is a large amount of work to be carried out as described in section 7.1.

11 Proposed changes / responses

- 11.1 Report LR 490 which was considered at the previous Licensing and Regulation Committee proposed that the Policy be amended as shown by tracked changes in the Appendix. The main proposed changes are listed below with comments received during the consultation period:

- a) Increase the age of hackney carriage vehicles when first licensed from three years from the date of registration to five years from the date of registration.

Response: Mr John Boardman, a licensed driver, is opposed to this change as detailed in Appendix 1. WinACC have also opposed this change and suggested that this should be reduced to vehicles no more than one year old when first licensed.

- b) Remove the need for a vehicle (hackney carriage or private hire) older than six years to be inspected prior to the vehicle being tested at a nominated testing station prior to renewal. The vehicle would be inspected at renewal and whilst officers are carrying out compliance checks.

Response: There have been no comments received on this change.

- c) Amend the requirement for wheelchair accessible vehicles to be able to carry a wheelchair and, at the same time, a minimum of three passengers, to a wheelchair and one other passenger. To also amend the need to be able to carry at least five passengers together at any other time, to at least four passengers at any other time.

Response: Comments received from Winchester & District Scope from Executives and Contact Members have opposed this change as they feel it would be very limiting for wheelchair users to only have one passenger travelling with them in a hackney carriage. Some wheelchair

bound passengers may require a carer to travel with them and would like a family member to also accompany them on their journey.

- d) To include the requirements of the Immigration Act 2016 which took effect from 1 December 2016 for all applicants of a Hackney Carriage and/or Private Hire Driver's Licence and Private Hire Operator's Licence to provide documentation to prove that they have the "right to work" in the UK.

Response: There have been no comments received on this change.

- e) Remove the requirement for applicants of a Hackney Carriage and/or Private Hire Driver's licence to complete a mandate to check their driving licence details via the DVLA.

Response: There have been no comments received on this change.

- f) To introduce the requirement for all applicants for a Hackney Carriage and/or Private Hire Driver's Licence to pass a knowledge test. The requirements of the test and modules will depend on the type of work being carried out, which may depend on the Private Hire Operator. Where applicants are only licensed to carry out school contracts or carry disabled passengers, only modules relevant to their work will be required. The knowledge test will not need to be undertaken by these applicants if the contracting authority carries out their own assessment. The applicant must provide evidence that they have passed any required test.

Response: Mr Andrew Watt, a licensed private hire operator and driver made comments in relation to the proposed changes. Mr Watt was concerned that all applicants would be required to pass a knowledge test which involved learning how to get from A to B in Winchester. In response to Mr Watt's email, it has been explained that there is no intention to require *all* applicants to pass the section of the test in relation to Winchester town centre, but that officers consider that all applicants should pass a section on subjects such as the Highway Code, policy and conditions and safeguarding. A copy of the email communication can be found in Appendix 1.

- g) To authorise the Head of Environmental Health & Licensing to determine which modules of the knowledge test must be taken and passed by current licence holders, where it is necessary to ensure that they are a fit and proper person and in the interests of public safety. In future this is likely to include safeguarding and disability awareness modules.

Response: There have been no comments received on this change.

12 Other comments received

12.1 As described in section 7.2, comments have been received in relation to emissions and air quality. The main comments are summarised below:

- a) Proposal by Mrs Hazel Agombar that the Policy includes a clause that vehicle idling is an offence under the Road Traffic Act 1988. The Hackney Carriage and Private Hire Vehicle Conditions state that; *Within the air quality management area in the City Centre, drivers shall minimise the running of vehicle engines when waiting for a passenger.* This was agreed by the Licensing and Regulation Committee on 16 January 2014.
- b) WinACC also referred to vehicle idling and proposes that this be prohibited for all licensed vehicles.
- c) WinACC supported the proposal to reduce the number of passengers travelling with wheelchair bound passengers as this could reduce the size of vehicles, which would assist with the reduction of emissions. This does however conflict with the views of wheelchair users, as described in section 11.1(c). The Council adopted the Policy to require all new hackney carriage vehicles to be wheelchair accessible to comply with the then Disability Discrimination Act 1995, now Equality Act 2010.
- d) WinACC also suggested that the minimum engine size be reduced, that there is an immediate prohibition of diesel engines, “positive encouragement for electric or other zero tailpipe technologies” and a maximum limit on emissions testing.
- e) Friends of the Earth, Winchester provided a comprehensive view of transport in Winchester. In relation to the Policy, Mr Gillham has proposed that the Council Policy timetables a programme of reducing both carbon and toxic emissions from the vehicle fleet. Mr Gillham also questions if the Council’s Policy should continue to require wheelchair accessible vehicles as hackney carriages due to the size of the vehicles and likely large emissions. As referred to in 12.1(c) above, this conflicts with the view of wheelchair users and the Licensing Authority’s commitment to promote compliance with the Equality Act 2010.
- f) Although received just outside of the consultation period, a response has been received from a wheelchair user, specifically responding to officer’s seeking to obtain the views of wheelchair users regarding side and/or rear loading in hackney carriage vehicles. In their reply, they explain that due to accessibility from the kerb and for safety reasons, side loading is acceptable. They also comment that rear loading sometimes causes difficulty when getting off the road as there are not always conveniently located drop kerbs. The full response can be found at Appendix 2.

13 Conclusion

13.1 Due to the various comments received in relation to air quality, Officers consider that to avoid delaying other important changes proposed (which in the main have not been commented on), that the Policy is agreed as proposed in report LR 490, with the exception of sections 5 and 6 in relation to Hackney Carriage and Private Hire Vehicles and that no changes be made to sections 5 and 6 until a further review of the Policy is carried out. This will then allow time for a full investigation of available vehicles; allow the Council's final Air Quality Action Plan to be agreed; to consider other local authorities' policies in relation to emissions and consult with the trade before proposing major changes to the Policy on new and current hackney carriage and private hire vehicles. This would then be brought before the Licensing and Regulation Committee for consideration followed by a full public consultation.

14 OTHER OPTIONS CONSIDERED AND REJECTED

14.1 None

BACKGROUND DOCUMENTS:-

Previous Committee Reports:-

[LR 490](#) - Review of Statement of Licensing Policy with respect to Hackney Carriage and Private Hire Vehicles, Drivers and Private Hire Operators – 19 January 2017

[LR 462](#) - Statement of Licensing policy with respect to Hackney and Private Hire Vehicles, Drivers and Private Hire Operators – 14 January 2016 (update following consultation)

[LR 454](#) - Statement of Licensing policy with respect to Hackney and Private Hire Vehicles, Drivers and Private Hire Operators – 8 October 2015

[LR 400](#) - Review of Policy for Licensing Private Hire Vehicles – update following consultation – 10 December 2012

[LR 396](#) – Review of Policy for Licensing Private Hire Vehicles – 11 October 2012

[LR 371](#) - Statement of Licensing policy with respect to Hackney and Private Hire Vehicles, Drivers and Private Hire Operators – 10 November 2011 (minor amendments)

[LR 363](#) - Statement of Licensing policy with respect to Hackney and Private Hire Vehicles, Drivers and Private Hire Operators – 28 March 2011

[LR 331](#) - Statement of Licensing policy with respect to Hackney and Private Hire Vehicles, Drivers and Private Hire Operators – 25 January 2011

Other Background Documents:-

None

APPENDICES:

- | | |
|------------|---|
| Appendix 1 | Comments received from licensed Hackney Carriage and Private Hire Drivers |
| Appendix 2 | Comments received from community groups / public |

Carol Stefanczuk

From: Carol Stefanczuk
Sent: 27 January 2017 10:24
To: [REDACTED]
Subject: RE: hackney licensing

Hi Jaleel,

Thanks for your email. We will be contacting all licence holders next week to formally consult on the changes to the Policy. Unless I hear from you otherwise, I will keep this email as your response to the consultation. Feel free to submit a further email if there are other comments you would like to make.

I expect that with emissions high on the agenda for many local authorities, this will be something that will affect the drivers in the future. Of course, you will all be consulted.

Regards
Carol

Carol Stefanczuk
Licensing Manager

Winchester City Council, City Offices, Colebrook Street, Winchester, SO23 9LJ
Tel: 01962 848 188 - Email: cstefanczuk@winchester.gov.uk - Web: www.winchester.gov.uk/licensing

From: JALEEL IQBAL [mailto:[REDACTED]]
Sent: 25 January 2017 21:18
To: Carol Stefanczuk
Subject: hackney licensing

Hi Carol

Sorry me again. As in the meeting we did not really touch on the age limiton the vehicles and talked about wheelchair vehicles. i would suggest if we are going to put forward for 5 years then we should consider an end date aswell. These are my suggestions only.

If a 5 year rule applies then we should have an end date of 10 years or 12. Even 15 if needed but there should be one. We in Winchester are one of the worst when it comes to emmissions. If we want to give extra leaway to drivers then they should get it by putting in electric cars such as the prius.

Some of the older vehicles are not allowed in London low emission zones. This will further increase by 2021.

I am not 100% against the 5 year rule however giving drivers an incentve to go electric would be much better. Even if you were to go 7 years but with an end date.

I understand drivers tak about the cost of vehicles. Wheel chair accessible vehicles can be purchased from £26,000 to £35,000 depending on the luxury you want. If a vehicle cost £30,000 and one drives it for 12 years it is £2,500 a year which is also tax deductible. This works out at approximately £210 per month which considering this is a business and every business must consider rent and rates then these costs are next to nothing and people are still struggling then they are doing something wrong in their business plan. If

we allow more older vehicles then more cars will mean less work. This is why i suggest an end date should be considered when putting forward for a 5 year rule.

If drivers are struggling now then god help us when Uber eventually arrives.

Again this is just something i would like you to consider.

Regards

Jaleel.

Sent from Yahoo Mail on Android

Carol Stefanczuk

From: Licensing
Sent: 08 February 2017 15:25
To: [REDACTED]
Subject: RE: Consultation Document

Dear Andrew,

Thank you for your comments.

Please note that our intentions are not to require drivers who don't work in Winchester Town Centre to pass a knowledge test on the streets, pubs, hotels etc. What we are proposing in the future is that all applicants for a hackney carriage or private hire drivers licence will be required to pass relevant modules of the test depending on the work they carry out or operator they are working for. This may include subjects such as the highway code, policy & conditions and safeguarding – these are considered relevant to all licensed drivers.

Please let us know if you have any further comments no later than 2 March 2017.

Regards
Carol

Carol Stefanczuk
Licensing Manager

Winchester City Council, City Offices, Colebrook Street, Winchester, SO23 9LJ
Tel: 01962 848 188 – Email: cstefanczuk@winchester.gov.uk – Web: www.winchester.gov.uk/licensing

From: [REDACTED]
Sent: 01 February 2017 14:21
To: Licensing
Subject: Consultation Document

Dear Sir/Madam

Having read the proposed changes I would like to make the following comments

I have been licensed with WCC for private hire for many years, and the number of times I have had an A to B job in Winchester is zero.

I operate from Chandlers Ford (within the parliamentary constituency) and my work is mainly cruise ship and airports, which more than keeps me busy.

The point I would wish to make is that whilst I am aware of the main arterial routes in Winchester, because I NEVER make an A to B journey in the city, the "knowledge" test is pointless. Because private hire vehicles are pre booked and the price agreed beforehand, the shortest route becomes meaningless, especially with the sat nav facility that will avoid traffic jams, hold ups etc sometimes avoiding the quickest route in order to expedite the trip in the shortest time frame.

I would seek assurance that if no work is being done in Winchester other than from perhaps the railway station to a rural location in Hampshire, then the requirement of the intimate knowledge of Winchester would be waived for this scenario.

Because private hire is booked in advance and the availability of streetview on Googlemaps etc, I can plan the job and carry it out seamlessly and have done for years without a blemish to a highly professional standard in a vehicle less than 3 years old.

Regards

Andrew Watt
[REDACTED]

Carol Stefanczuk

From: Lorraine Boardman [REDACTED]
Sent: 21 February 2017 12:16
To: Licensing
Subject: Proposed changes in Taxi criteria

Hello,

I would like to formally state that I am opposed to the proposal to change the age of taxi's joining the fleet from 3 years to 5 years. These are my reasons:

1. Standards of vehicles joining the fleet would deteriorate.
2. The majority of existing older vehicles have been owned by the drivers since they were bought and fully maintained to warranty standard.
3. There are some taxis in the fleet which are driven and repaired only when absolutely necessary to keep them on the road, and not regularly maintained and serviced. Most of these vehicles are un-saleable to existing drivers because they are aware of these issues.
4. Changing the age of vehicles would undoubtedly increase the fleet size, resulting in sub standard vehicles and increasing the workload of WCC Licensing Department in respect of licensing issues.
5. Winchester customers have had the benefit of a fare freeze for 5 years. This is because at present there are enough vehicles to meet the demand. If the fleet is increased there will be less customers per cab, therefore more regular fare increases would be applied for.
6. My current vehicle has achieved in excess of 40,000 KM per year. A 5 year old vehicle could be in excess of 200,000 Km per year.

I would be very grateful if these points could be considered during the Consultation process.

Yours Sincerely,

John Boardman

Carol Stefanczuk

From: Licensing
Sent: 01 March 2017 11:53
To: 'mahmood'
Subject: RE: Review of Hackney Carriage and Private Hire Policy January 2017

Dear Mahmood,

Thank you for your email.

We are aware that licensed drivers have asked the council to consider changing the Policy to allow wheelchairs to be loaded from the rear only in hackney carriage vehicles. The council does currently licence hackney carriage vehicles which can load wheelchairs from the side and rear, but not rear only. Private hire vehicles can currently be licensed for rear loading only.

Prior to the Licensing and Regulation Committee on 19 January 2017, we made contact with several disability support groups to seek their views on the changes to the Policy for wheelchair accessible taxis (hackney carriages) and whether they consider rear loading only vehicles would be preferred for wheelchair users. Unfortunately we only received three responses and there was no overriding support for this change; this is why we did not put forward the proposal.

The consultation closes tomorrow (2 March 2017). We hope to have received more responses from disability support groups for the Councillors to consider at the next Licensing and Regulation Committee on 16 March 2017. We will contact the drivers by email once the documents are available on the website.


Any person is welcome to attend the public meeting on 16 March 2017 which starts at 6:30pm.

Regards
Carol

Carol Stefanczuk
Licensing Manager

Winchester City Council, City Offices, Colebrook Street, Winchester, SO23 9LJ
Tel: 01962 848 188 - Email: cstefanczuk@winchester.gov.uk - Web:
www.winchester.gov.uk/licensing

-----Original Message-----

From: mahmood [mailto: 
Sent: 26 February 2017 13:20
To: Licensing
Subject: Review of Hackney Carriage and Private Hire Policy January 2017

I Mahmood Ahmed hackney driver request the licensing to give options to the wheelchair vehicle to have rear loading and/or side loading. It is cheaper to buy rear loading vehicle, easy to load without turning the wheelchair in the vehicle. Hope you will consider this . Thank you Sent from my iPhone

Carol Stefanczuk

From: Laurie McNicholas
Sent: 01 March 2017 09:50
To: Carol Stefanczuk
Subject: FW: Wheelchair Accessible Taxis

Hello,

Please see below some responses from Winchester Scope regarding the consultation.

Thanks,

Laurie McNicholas
 Licensing Assistant

-----Original Message-----

From: Shirley Kenneally [mailto:winchester.scope@winchester.scope]
Sent: 25 February 2017 15:09
To: Laurie McNicholas
Subject: RE: Wheelchair Accessible Taxis

Dear Laurie

As promised, I emailed all our Executives and our Contact Members (ie people on our mailing list with cerebral palsy or interested in this disability) who I suggested should contact you direct.

As 2nd March is fast approaching I can relay back to you responses that we have received:

1. One of our Executives who has a daughter with cerebral palsy (cp) and other children too, has replied as follows:

"I have read the proposal and agree that the limitation to one other passenger would be very limiting.

I can't really see why the taxi drivers would want this option anyway. From a business perspective they need their vehicle to be versatile and a vehicle with only 2 seats (including driver)and one wheelchair space is not really going to have a big market.

As always as a customer with disabled needs one will always have to check if a vehicle can serve needs. In the event they are allowed to amend minimum requirement it is another thing that we will need to check before booking.

On the issue of Ramps. I was told by dealerships that the rear ramp is the best answer as side Ramps require very specific areas for unloading.

In terms of the availability of disabled taxis - is this something that is published anywhere ? In the few occasions we have tried to book it has been hard work"

2. A middle aged man with cp who has a daughter and a sister with whom he lives:

"I think if there is enough room the whole family should be able to go." He added, "I hear South West Trains are putting up the price of Winchester Taxis outside the Station."

3. Speaking now as Hon.Sec of W&D Scope my experience of disability started when I was Secretary for many years with Winchester Group for Disabled People (now defunct sadly)

which concentrated on the many aspects of accessibility. Transport became the first greatest problem to overcome. Buses, trains and taxis were all inaccessible so that disabled people were isolated and segregated - so that this exercise to address accessibility of taxis has shown how far we have come in 2017

However, to suggest that taxis should be limited to having only one other passenger with a wheelchair user is totally against the Disability Discrimination Act which means your disability should not mean you are disadvantaged. The more seriously disabled person may well have to have 2 escorts, and of course, what about families or friends wishing to accompany them to some function. To have all taxis being accessible I suspect would not be financially viable for the taxi business as a whole. Vehicles that are accessible need extra height let alone width and seating capacity.

Rear ramps seem to be the preferred option as pavements are very variable and the road should be a more reliable place for a ramp. It obviously does have its faults when parking on a busy site, eg, railway station.

4. Finally, having shown my own point of view to one of our Executives who is herself a disabled wheelchair user who totally depends on taxis, she has asked me to confirm that she agrees with all I've said.

Shirley Kenneally, Hon. Secretary, Winchester & District Scope

-----Original Message-----

From: Laurie McNicholas [<mailto:lmcnicholas@winchester.gov.uk>]
Sent: 02 February 2017 16:57
To: secretary@winchesterscope.org
Subject: Wheelchair Accessible Taxis

From: Laurie McNicholas <lmcnicholas@winchester.gov.uk>
Subject: Wheelchair Accessible Taxis

Message Body:
Good Afternoon,

We attempted to contact you in October in relation to changes to Winchester City Council's Hackney Carriage and Private Hire Vehicle Policy.

We have been approached by some of our licensed drivers to consider amending our Policy in regards to the minimum amount of passengers a vehicle can carry in addition a wheelchair user. There has also been discussion relating to changing how wheelchair users are loaded into the vehicle, currently access is gained via the side of the vehicle but rear access has been proposed.

Unfortunately, during our initial consultation we only received 3 individual responses from a wide range of support groups and charities we contacted. These Policy changes have now opened for public consultation and we are very keen to get the opinion of wheelchair users on this matter.

We were wondering if you would be happy to meet with us to discuss these changes and any queries you may have?

If you have any questions, please do not hesitate to get in contact.

Kind regards,
Laurie McNicholas
Licensing Assistant

01962 840 222 ext. 4059

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This e-mail was sent from a contact form on Winchester & District Scope.

Please reply to: Chris Gillham at [REDACTED]

26th February 2017

Carol Stefanczuk
(Licensing Manager)
Winchester City Council,
City Offices, Colebrook Street,
Winchester, Hampshire SO23 9LJ

Dear Ms Stefanczuk

**Licensing Policy with respect to Hackney Carriage and Private Hire Vehicles,
Drivers and Private Hire Operators**

This is probably not an area of policy on which we would normally comment, but feel that all matters that impinge on traffic and transport in and to Winchester ought to be considered under a wider examination of integrated transport and environmental policy. We, therefore, feel some general thoughts on the place of taxis within Winchester's larger traffic policy would be appropriate at this time, especially in relation to the current problem of air pollution (we have commented recently on the new Air Quality Action Plan).

Transport Policy in Winchester: It has been our view for many years that the Council's transport policies in Winchester have been seriously misthought, informed more by deferring to habit than by any consideration for a safe, healthy, economic, efficient and sustainable urban environment. We have grown up with a *de facto* (though never officially acknowledged) assignment of street priority to the private car. Any attempt to civilise the urban environment along, fair and efficient lines (and indeed to serve wider environmental purposes in the city's hinterland) must start by reversing this *de facto* order of priority.

As soon as the question is asked, it becomes apparent what the order of priority should be. The functioning of a town and its economy requires access and movement of people and the access of materials and goods to serve their needs. A town can function without private cars in it at all – there are many successful towns in continental Europe that do so function. A small town can function with almost no motorised transport at all, save that for a small-scale movement of goods and the movement of the frail and disabled.

Dealing with the movement of goods separately, the natural priority for the use of urban streets should be:

- Pedestrians (also encompassing the use of streets for children's play)
- Cyclists
- Bulk public street transport (properly integrated with mass transport town access)
- Bespoke publicly available transport (taxis etc. but in future perhaps including autonomous hire vehicles – though we have distinct reservations about their advisability – we will not comment further on this here)

- Private cars (if at all – see below)

Goods vehicles of some sort are essential and strategies and policies for these should be developed. There are questions of pollution, danger, intrusiveness and damage (pavement and buildings), which should inform those policies, but which should not concern us here. We would only reiterate that the problems that come with lorry deliveries (as with bus use) should be reckoned against their economic importance and their efficiency of use – one HGV can carry the goods into a city that 20,000 cars (or taxis) take out.¹

The Role of Taxis: Taxis are public transport vehicles of sorts. There is a clear role for them at present and in an ideal transport policy future, that optimises transport efficiency and environmental impact, it is hard to imagine that role disappearing, though we can visualise (see below) that the role can be made more efficient and more resembling an arm of bulk street transport.

Where a taxi takes a trip that a bus would never take, even in an ideal transport future, and where the trip would be difficult by walking or cycling, by reason of personal ability or disability, then it seems likely that that is preferable to a private car trip. It is not, however, a straightforward comparison. Consider a commuting journey to central Winchester (or to the station for further commuting). A private car will essentially make a single access and a single egress journey, whereas a taxi, unless it can manage a fare in both directions, will make two of each such journey. The advantage to society of the taxi option for this scenario lies in the parking requirement of multiple journeys. The use of space for parking in an urban centre represents a significant cost to society in terms of other more beneficial uses forgone, especially, as is the case in Winchester, where that space is not properly paid for (the resource cost of parking provision well outweighs the return of parking revenue).

The commuting use of a private car has an additional societal cost beyond that of the use of valuable central space or of the emissions and other consequences of the journey itself. By being tied up all day in a city centre, doing nothing useful, it will tend to encourage a family to have one more car than it really needs, in order that the non-commuting member makes the trips that he or she feels the need for. The extra car ownership of this profligate use represents embodied carbon and wasted primary resources². It seems likely that taxis thus replace at least part of the need (or rather demand) for multiple car ownership. Indeed we are aware of people who live without car ownership, at least partly on the grounds that if they really need to make a trip that they cannot make by other means, then they will use a taxi a few times a year.

Where a taxi takes a trip that a bus could take or approximate to take (e.g. a trip that could involve a short walk and a bus ride), it will clearly be taking away from the efficiency of buses (both by decreasing their ridership and by impeding their progress), and will likely have the consequence of greater emissions and greater resource consumption. Such *externalised costs* should be recovered if possible - if transport policy has the capacity to 'nudge', it should be tipping the scales to move the modality of such trips towards conventional buses. There is no reason why the role of regulation (licensing) should not be extended to include such nudging.

The Role of Regulation: The consultation document unsurprisingly concentrates on safety considerations and general legality, though it has some unexplained stipulations (such as engine capacity) which do not seem immediately to bear on public safety or environmental benefit. We believe

¹ We certainly do not accept the idea recently supposed in the Air Quality Action Plan consultation, that goods deliveries in Winchester are a significant cause of street congestion and pollution. They may catalyse congestion on places like St George's Street or Jewry Street, but the underlying pressure for that congestion is car traffic and its intrinsic transport inefficiency.

² The embodied energy and primary resources cannot be simply spread over the mileage of use because the lifetime of a car is limited by other factors than wear and tear – two cars half-used will not last twice as long as one car fully used.

that regulation should additionally reflect the societal costs and benefits of taxi provision as seen from within a wider transport policy. This is not the place to discuss the wider policy or how net societal costs should be recovered or net societal benefits be supported³. We would simply observe that the taxi has a much greater beneficial role to society and the functioning of a city's economy than the private car. It is less beneficial than bulk passenger transport, where it competes with it, but has important complementary benefits to it where it fills gaps that public transport cannot cover, e.g. by reason of scale.

Externalities can be deterred or offset through taxation mechanisms (e.g. with private cars via proper parking charging policy or through some kind of congestion charging⁴). We do not know enough about Council revenue collection from taxi services to comment on the appropriateness of the level of such collection, or how it may offset externalities. But it is also important to use regulation to minimise the externalities of any one transport sector. With taxis we see both carbon and pollutant emissions as externalities that could and should be addressed with stronger regulation. We discuss this separately below.

Conventional public transport has a high regulatory burden and also, to be effective as the principal transport mode in a fair and disciplined society, high overheads of service (timetable) provision outside peak hours of use. Private car transport and less regulated taxi transport should not have advantage over this burden, for they then effectively compete for the use of public road space and compromise the efficiency and financial practicability of the conventional public transport – another externalisation.

We are concerned that the growing inroads of the gig economy in transport are presenting another unfair societal externalisation. We do not know what the Council's attitude is to gig providers in Winchester but know that some councils step in to prevent their operation. We assume that at the very least the Council would take measures to ensure that its licensing regulations do not directly advantage gig providers like Uber over conventional hackney carriages. But we also believe that neither the regulations as they are indicated in the consultation document, nor the regulations on emissions that we would like to see incorporated, do not address certain other externalities of the gig economy.

The pretence that drivers for Uber, for example, are self-employed and therefore not entitled to the normal overheads of employment (sick pay, pensions etc.) must represent a societal externalisation because the burden of an employee's lack of protection ultimately falls on the state. Some of this abuse may be addressed by current actions in the courts, but the Council ought to be thinking about how this unfair competition should be addressed.⁵

Emissions – Vehicle Technology: It should be a matter of Council policy to have a timetabled programme of reduction of both carbon and toxic emissions from the taxi fleet. We realise that it is probably unreasonable to force vehicle replacement at any greater rate than current licensing regulations demand, but it is reasonable to set emissions standards for all new vehicles as they are introduced to the fleet. On a timetabled programme we imagine that emission standards for new vehicles would be expected to reflect the best vehicle technologies that would be reasonably available at the time of renewal (i.e. we would expect that the standards would progress).

We recognise that there may be some degree of contradiction between technology choices when considering what is necessary to reduce the two different types of emission. There may be an argument

³ Though we profoundly wish that the Council would discuss such matters – i.e. how to recover externalised costs (e.g. of private car use or poorly regulated gig economy transport) and use such recovered monies for more beneficial transport purposes.

⁴ Which could be tailored so as to focus more heavily on specific externalities like pollution and carbon emissions.

⁵ It could be addressed through simple banning of such practices as in Oxford and Reading, or it could be through some taxation (e.g. congestion charging) or additional licensing revenue levy.

that the immediate problem of air pollution is a serious one for Winchester and taxi contribution is not an insignificant part of the problem, whereas Winchester's taxis contribute a very small part of the carbon emissions that are a global problem. We do not feel sufficiently informed to suggest what relative weighting the Council should attach to tackling the two forms of emission, but consider that it must be practicable to progressively reduce both, through a replacement programme managed through licensing regulations.

Under this heading we wonder, hesitantly, whether the Council could reconsider its otherwise entirely worthy policy of encouraging wheelchair-accessible vehicles for the entire fleet. We imagine that wheelchair accessibility tends to determine larger vehicle size and consequently likely larger emissions. Having many larger vehicles than is necessary to serve the need is wasteful and unnecessarily emissive. Clearly there must be sufficient wheelchair-accessible taxis available at any time within normal operating periods or at any major taxi rank, but we feel it must be possible to stipulate operational rules, at least amongst the larger taxi firms, that ensure this.

Emissions – Behavioural Regulation: Stationary taxis in ranks are frequently observed to keep the engines running. This is a significant cause of emissions, which has no transport justification. We understand that drivers wish to keep warm and to keep their vehicles warm for customers to get into. But we cannot believe that over the average wait-time for a taxi there is an intolerable level of cooling and that even if there were there should be little difficulty in addressing the problem by other means.

Perhaps it is time to revisit the idea of a Cabmen's Shelter. These were once common features of towns and were often little gems of town architecture in their own right⁶, some now having listed status. Taxi drivers at the station for example are often queuing for significant lengths of time with engines running, a practice which is not just a public nuisance, but is prejudicial to the drivers' own health and is unnecessarily solitary. The Council could offset strict regulation prohibiting prolonged idling of engines by offering the alternative comfort of shelter, with its additional social benefit.

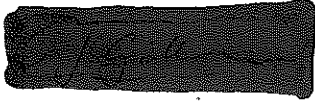
How Can the Gig Economy Really Help? We have suggested that smartphone applications can be both seductive and disruptive. Regulation has an importance in enforcing a level playing field and offsetting or recovering the externalities imposed by some of these buccaneer newcomers. But it is possible to think of ways in which smartphone applications could be used to complement conventional, regulated taxi operations and even to start to integrate them with conventional public transport.

Several taxis, at the station for example, may simultaneously take fares to similar parts of Winchester or outlying villages. Smartphone apps could be brought to bear on this problem, bringing people together to share taxis, benefitting themselves financially and benefitting society by increasing transport efficiency and reducing congestion and emissions. While it might be thought that taxi companies would have no obvious interest in combining journeys in this way, we imagine that such applications leading to cheaper taxi journeys would likely have the principal effect of competing against the private car and actually increasing taxi business.

We have not really thought how a Council can nudge such behaviour, through regulation or other encouragement, but we simply want to put forward the idea for consideration. It would be easier to stay ahead of the likely disruptive smartphone innovators (who will seek to bypass regulation) if conventional taxi providers embrace the technology themselves.

Yours sincerely

⁶ See for example *England in Particular* by Sue Clifford and Angela King, Common Ground, Hodder & Stoughton, 2006



Christopher Gillham
For Winchester Friends of the Earth

Carol Stefanczuk

From: Hazel Agombar [REDACTED]
Sent: 02 March 2017 13:42
To: Licensing
Subject: Review of Licensing Policy (Taxi and Private Hire) Consultation

Dear Carol Stefanczuk

Councillor Jan Warwick has suggested that I forward my comments to you for inclusion in the Review of Licensing Policy (Taxi and Private Hire) consultation. I would be grateful if you could submit them on my behalf.

Traffic generated air pollution is a serious public health issue. It contributes to heart disease, cancers, respiratory conditions and dementia. Poor air quality is also bad for business.

Air pollution in Winchester's city centre exceeds legal limits. Public awareness of air pollution has grown dramatically over the past few years and concern about traffic fumes in the city is high amongst residents, visitors and workers alike.

Idling engines are an unnecessary contributor to unacceptable levels of nitrogen dioxide and particulates as well as other toxins from vehicle emissions in the City. Idling engines emit more toxic fumes than moving engines.

Taxi drivers are often found to be idling their engines - sometimes for long periods of time - in hotspots around the City. These include outside the Railway Station and by the Guildhall. Visitors, shoppers and residents are faced with a wall of fumes as they pass by these areas. Indeed the driver inside the vehicle will be inhaling a cloud of invisible toxic fumes - often unaware.

The new Licensing Policy should require all taxi companies and taxi drivers operating within the Winchester District to be aware that Vehicle idling is an offence against the Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002. The legislation covers all vehicles on public roads including buses, taxis and private cars. Compliance by taxi drivers should be a requirement of Licensing.

I would urge the Council to add this as a new clause to ensure that taxi drivers comply with the law for the benefit of their own health and the health of Winchester citizens.

To support this - anti-idling signs would be useful if placed in strategic places around the city - along with the adoption of Clean Air Wardens as successfully trialled in some London Boroughs. These measures would demonstrate Winchester City Council's commitment to tackling the city's dirty air and its intention to comply with air quality law moving forwards.

I include some information to counter common idling myths below.

Your sincerely,

Mrs Hazel Agombar

[REDACTED]

[REDACTED]

Tel. [REDACTED]

Does starting an engine cause more pollution than idling?

No. Turning off an engine and restarting it after a minute or two (or longer) causes less pollution than keeping the engine idling and uses less fuel.

Does the engine need to stay on to keep the battery fully charged?

No. Modern batteries need less engine running time.

When it's cold I need to keep my vehicle warm or warm up my engine

It can take up to an hour for an engine to cool down. Turning off your engine, but keeping the ignition and the fan blowing will provide warm air for some time. If you are concerned about passenger comfort, keep the engine idling to an absolute minimum in warm and cold weather.

Don't catalytic converters need to be hot to work properly?

Yes, but an idling engine does not keep a catalytic converter warm. They retain their heat for about 25 minutes after an engine is switched off anyway

Carol Stefanczuk

From: [REDACTED]
Sent: 02 March 2017 18:12
To: Licensing
Cc: Cllr Jan Warwick; David Ingram; Phil Tidridge; 'Chris Holloway'
Subject: Hackney Carriage and Private Hire Consultation
Attachments: 20170302Taxis in Winchester.pdf

Carol Stefanczuk
(Licensing Manager)
Winchester City Council,
City Offices, Colebrook Street,
Winchester, Hampshire SO23 9LJ

Dear Ms Stefanczuk,

Many thanks for giving us an opportunity to comment on the proposed redrafted licensing policy for Hackney Carriage and Private Hire Vehicles.

We welcome the step you are taking to remove the rule that seems to result in unnecessarily large vehicles. We would also like to see a range of measures that would reduce the level of pollution attributable to taxis and private hire vehicles, so that Winchester will stand a better chance of meeting minimum standards of emission by 2020.

I attach our response that contains full details.

With best wishes,

Phil Gagg
WinACC Transport Group

[REDACTED] landline [REDACTED]

Taxis in Winchester

A WinACC response to the city council Hackney Carriages and Private Hire Review January 2017

WinACC is grateful for the opportunity to respond to this review. The initial section focusses on the specific proposals in the redrafting of the Statement of Licensing Policy. Numbers refer to the numbers of the paragraphs to which the comments refer. The second section looks more generally at the strategic role of taxis in transport provision in Winchester

The Redrafted Statement

Hackney Carriages (Taxis)

Air quality and global warming means newer vehicles

- 5.1 This policy needs to be redrafted to ensure taxi policy makes a substantial contribution to air quality and global warming emissions reduction.

We would like the current age limit for first time vehicles to remain at three years old, or to be reduced to one year old. We do not agree with the proposal to accept vehicles up to five years old. Emissions standards have been made more rigorous, but it has only recently been realised that 'real life' performance is often up to ten times worse than laboratory tests indicate. Only new vehicles are likely to benefit from these revelations. If vehicles that are five years old are acceptable, Winchester will begin to benefit from this recent understanding only by the year 2020. Winchester cannot wait for this; it is the deadline for complying with air quality standards.

Smaller vehicles

- 5.3 We welcome the reduction in minimum size of the accommodation. The current rules have led to unnecessarily large vehicles and unnecessary emissions.

Smaller engines and more specifications

- 5.10 We would like the minimum engine size criterion to be reduced. This would reflect the revised rules on seating provision. A schedule of specifications needs to be provided to include:
- An immediate prohibition of diesel engines
 - Positive encouragement for electric or other zero tailpipe technologies
 - A maximum for engine power the equivalent of 2000cc (the use of cc should be superseded by more technology neutral standards to encourage zero tailpipe technologies)
 - A lower minimum for engine power to encourage mini electric taxis, and taxi bikes
 - Maxima for harmful emissions using Next Green Car type methodology for CO₂ NO_x and PM₁₀ per km.

Private Hire Vehicles

Air quality and global warming means newer vehicles

- 6.1 This policy needs to be redrafted to ensure taxi policy makes a substantial contribution to air quality and global warming emissions reduction.

We would like the current age limit for first time to be reduced to one year old. We do not agree with the proposal to continue to accept vehicles up to five years old, nor with the removal of the requirement for renewal. The redraft mentions 'on renewal' without saying when that will be necessary.

Emissions standards have been made more rigorous, but it has only recently been realised that 'real life' performance is often up to ten times worse than laboratory tests indicate. Only new vehicles are likely to benefit from these revelations. If vehicles that are five years old are acceptable, Winchester will begin to benefit from the recent understanding only by 2020. Winchester cannot wait for this; it is the deadline for complying with air quality standards. This paper needs to be redrafted to ensure taxi policy makes a substantial contribution to air quality and global warming emissions reduction.

Smaller engines and more specifications

- 6.3 We would like the minimum engine size criterion to be reduced and a maximum size specified. A schedule of specifications urgently needs to be provided to include:

- An immediate prohibition of diesel engines
- Positive encouragement for electric or other zero tailpipe technologies
- A maximum for engine power the equivalent of 2000cc (the use of cc should be superseded by more technology neutral standards to encourage zero tailpipe technologies)
- A lower minimum for engine power to encourage mini electric vehicles, and private hire bikes
- Maxima for harmful emissions using Next Green Car type methodology for CO₂ NO_x and PM10 per km.

All Vehicles

Idling must be prohibited

- 10.1 To reduce tailpipe emissions and global warming it should be a penalisable offense to leave a vehicle engine running while stationary, or loading. Currently it is not healthy to stand outside the station in the evening.

Strategic role of taxis in transport provision

Inevitable High Carbon Footprint and Emissions

In our view hackney carriages and private hire cars should be used sparingly as a last resort to provide only for unmet transport need. The long lines of taxis each evening at the station should not be necessary, and the council should actively seek to work with bus operators to reduce demand.

Not only are emissions per passenger kilometre extremely high, but most operations involve a return journey for the vehicle, thereby doubling emissions for each journey made by the passenger(s). We would welcome

the development of 'journey matching technology' to link outgoing and incoming journeys, but in Winchester this is unlikely to make much difference because most journeys will be difficult to match.

Integral part of a Movement Strategy

An environmental movement strategy gives priority to (in this order):

- Pedestrians
- Cyclists
- Public transport
- Taxis and hire cars
- Private cars.

We would like to see this policy revised again in a year in the light of the coming movement strategy. Taxis and hire cars should not be allowed to reduce the viability of public transport, nor interfere with cycling and pedestrian movement, and their role needs to be defined more precisely, and facilities designed specifically, to ensure this does not happen.

Side entry is OK in terms of accessibility from the kerb and safety (because it means that the wheelchair user exits directly onto the pavement). For motorised chair users it is often difficult to access a taxi from the side and still have enough space for the chair to be facing backwards (or forwards) in the vehicle. This is the case in London cabs - Emma has to face sideways in the cab - which doesn't feel so safe (at the kind of speeds you can reach in central London this doesn't feel like too much of an issue - but it could be in Hampshire). However accessing through the rear means that the wheelchair user gains access from the road - which creates issues in terms of getting off the road (there are not always conveniently located drop kerbs).

hope this is useful. If they are trying to reach wheelchair users in the area then they could contact families at Osborne I guess - with adults I don't know whether there are easy to find groups. More spread out I guess - in this area the accessible sports clubs run by the council would be one way of finding people.

From: licensing@winchester.gov.uk [mailto:licensing@winchester.gov.uk]

Sent: 05 October 2016 15:51

To: OT Direct

Subject: Wheelchair Accessible Taxis

Good Afternoon,

Some of our drivers have approached us to request that we amend our Hackney Carriage (Taxi) Vehicle Licence Conditions regarding wheelchair accessible vehicles.

Winchester City Council's conditions currently state that:

"Passengers in wheelchairs shall enter the Vehicle from the side adjacent to the pavement when the Vehicle is plying for hire on an authorised rank. Rear loading facilities may be used other than on the highway".

We have been asked by our licensed drivers to consider changing these conditions to allow them to purchase vehicles that have rear loading facilities only, as all new Hackney Carriage Vehicles must be wheelchair accessible vehicles.

However, as the passenger of the taxi is the ultimate customer and their safety and comfort is our priority, we would like to get some feedback from wheelchair users as to how they would like to be able to gain access to the vehicles. We are currently consulting with the public as a whole regarding taxis in Winchester but would like to specifically address this issue.

I am trying to find some way to contact wheelchair users in Winchester to gain their opinion on the matter or some advice regarding the best way to proceed with this.

Any help or suggestions you may be able to provide would be gratefully received.

Kind regards,

Laurie McNicholas
Licensing Assistant

From: licensing@winchester.gov.uk [mailto:licensing@winchester.gov.uk]

Sent: 13 October 2016 12:36

To: secretary@winchesterscope.org

Subject: RE: Wheelchair Accessible Taxis

Good afternoon,

Thank you for your response. As we are currently carrying out a public consultation at the following link (https://winchester.citizenspace.com/licensing-1/winchester-taxi-consultation-2016/consult_view), we are happy for you to distribute this information to your members and would greatly appreciate their feedback. All responses will be treated as anonymous and confidential and no contact information will be disclosed.

I am happy to discuss this with you further if you have any additional queries.

Kind regards,

Laurie McNicholas

Licensing Assistant