

For General Release

Meeting : **Licensing & Regulatory Functions Sub-Committee
Policy & Resources Committee**

Date : **30 July 2003 (LRSC) and 17 September 2003 (P&R)**

Report of: **Director Housing & City Support**

Subject: **Hackney Carriage & Private Hire Services**

Ward(s) affected: **All**

1. Purpose of Report

- 1.1 To present the results of the Hackney Carriage Unmet Demand Study and to seek Members approval to issue additional hackney carriage vehicle licences. A copy of the study is available for inspection by the public at the council's City Direct offices and for Members in the members' room. An Executive Summary is appended (Appendix C).

2. Recommendations

- 2.1 The committee is asked to consider the recommendations in Appendix B.

3 Information/background

- 3.1 The council licenses hackney carriages and private hire vehicles. There are two separate and distinct licensing regimes but the principal differences between the two are (i) hackney carriages can ply for hire in the streets and at taxi ranks whilst private hire vehicles can only accept bookings made through a private hire operator (ii) the council prescribes the fares for hackney carriages but has no power to determine fares for private hire bookings.
- 3.2 Under the Road Transport Act 1985 the council has the power to limit the number of hackney carriages within its area, but only if it is satisfied that there is no significant unmet demand for hackney carriage services. There is no power to limit the number of private hire vehicle licences. Council policy currently limits the number of hackney carriage vehicle licences to 459.
- 3.3 The question of unmet demand for hackney carriages is kept under review by officers but from time to time the council is required to commission an independent study to establish whether there is any significant unmet demand for the service of hackney carriages in Brighton and Hove. The Council recently commissioned such a study

from independent transport consultants, the Halcrow Group Limited, who produced their study report in March 2003.

- 3.4 Any new hackney carriage licences issued are offered to applicants according to their position on a waiting list maintained by the council for this purpose. However, the council has no power to intervene in the sale by a licence holder of his hackney carriage to a third party, and must generally enter the name of the new owner on the licence. One effect of limiting the number of hackney carriage licences is to create a significant premium on those licences which takes effect on such a sale. However, this does not have any impact on the level of fares, since these are set by the council according to a formula which takes account of average earnings figures and vehicle running costs.
- 3.5 As a separate piece of work, quite distinct from the survey of unmet demand in respect of hackney carriage vehicles, the council asked Halcrow to look at the availability of wheelchair accessible hackney carriage and private hire vehicles, because of perceived problems of a lack of response and excessive waiting times in response to telephone bookings.

4 Hackney Carriage Vehicles – Service at Taxi Ranks

- 4.1 The survey of demand for hackney carriage vehicles at taxi ranks shows that there is significant demand for hackney carriages within the council's area which is unmet. Three options for addressing this unmet demand are offered in the study report. The first is to issue 19 additional licences now, that being the assessed level of unmet demand. This would enable the council to fulfil its minimum legal obligations. It would then be required to commission another survey to assess demand in about three years time.
- 4.2 The second option is to issue more than 19 licences. Further additional licences in excess of the minimum number of 19 could be issued immediately, or could be phased in, for example at the rate of five per year. One implication of this option is that a further study would not be required for a longer period, depending on the exact nature of the policy adopted. It is recommended that this option is pursued, with 19 licences being issued immediately and a further five additional licences being issued in May 2004 and each year thereafter until further notice.
- 4.3 The third option is to remove the limit on the number of licences. Figures from the Department for Transport (November 2002) show that 147 local authorities limit the number of hackney carriage vehicle licences, whilst 170 authorities do not. The government has stated its intention to legislate to remove the power for local authorities to limit the number of hackney carriages. The suggested timescale for

implementation is between 2 and 4 years but no commencement date has been set. The Office of Fair Trading has also been asked by the government to examine whether limiting the number of licences amounts to a restrictive practice. Their report is due later this year. If Members wish to consider this option in advance of possible government action, it would be necessary for officers to prepare a full report. Taking into account the extensive consultation which would be required, it is expected that this would take a minimum of nine months to prepare.

5 **Wheelchair Accessible Vehicles – Service in Response to Telephone Bookings**

- 5.1 According to government figures, 0.05% of the population is confined to travelling in wheelchairs. Halcrow were asked to assess the position with regard to requests for passengers with wheelchairs to be picked up from home or other locations, **an issue unrelated to demand for hackney carriage vehicles at taxi ranks**. This sort of telephone booking through an operator is primarily the role of private hire vehicles. Of the private hire vehicle fleet of 409 vehicles only two are currently wheelchair accessible.
- 5.2 Some hackney carriage vehicles also respond to telephone bookings, although there is no legislative requirement for them to do so and the council is not permitted to impose a licence condition requiring hackney carriages to make themselves available for this type of telephone work. Consequently, even if the whole hackney carriage vehicle fleet was comprised of wheelchair accessible vehicles there could be no guarantee of an improved response to telephone bookings for wheelchair accessible vehicles.
- 5.3 Halcrow's findings were that there was a discrepancy between the waiting times for ordinary saloon cars and wheelchair accessible vehicles booked by telephone through an operator. In summary the findings were that *"very few wheelchair users obtain a taxi from a hackney carriage rank" "only 7% of the combined hackney carriage and private fleet are wheelchair accessible" "to alleviate the discrepancy in delays the proportion needs to be increase up to 23%" "this would constitute the exchange of 139 standard vehicles to wheelchair accessible vehicles."*
- 5.4 Prior to receipt of the consultant's report the council's Equalities and Social Justice Forum considered the question of how to improve the availability of wheelchair accessible vehicles in response to telephone bookings and produced recommendations (Appendix D).

6 **Types of Vehicles To Be Licensed**

- 6.1 Following the passing of the Disability Discrimination Act 1995 there are powers for Government to make accessibility regulations for taxis. Consultation with the trade and users is ongoing and it is not known

when any such regulations are likely to be introduced. The principal objective seems to be that rather than requiring all vehicles to be modified to accommodate disabled people, provisions should be introduced to ensure that where it is possible for a disabled person to travel safely in a vehicle they should not be refused carriage and additional charges should not be made for carrying them.

- 6.2 The council's hackney carriage fleet is mixed, consisting of saloon cars and specially constructed or adapted wheelchair accessible vehicles. The last twenty-six additional hackney carriage vehicle licences granted were required to be wheelchair accessible vehicles.
- 6.3 Locally, representatives of disabled groups have asked for the continued provision of a mixed fleet. This reflects the differing needs and preferences of the travelling public, including those who find it difficult to negotiate entry into wheelchair accessible vehicles and to sit down easily, and those confined to travelling in wheelchairs.
- 6.4 Halcrow's findings were that although there was significant demand for hackney carriages which was unmet, very few wheelchair users were observed using hackney carriage ranks. Despite this it is recommended that any additional hackney carriage vehicle licences issued should be limited to vehicles which are wheelchair accessible. The effect of this would be to maintain a mixed fleet but increase the percentage of wheelchair accessible vehicles licensed.
- 6.5 Creating an even greater number of wheelchair accessible hackney carriages could be achieved by requiring that when a vehicle is replaced, the replacement vehicle must be wheelchair accessible, resulting in the entire hackney carriage fleet becoming wheelchair accessible within about seven years. Alternatively, whenever a vehicle is transferred from its current owner to a new owner, any vehicle subsequently substituted onto that licence could be required to be wheelchair accessible. This would maintain a mixed hackney carriage fleet for an unspecified period of time until all present licence holders have sold their licensed vehicles to new owners, who in turn have replaced the vehicles on those licences. In the interests of maintaining a mixed fleet, this latter policy is recommended.
- 6.6 Increasing the number of wheelchair accessible hackney carriages would increase towards 23% the total number of disabled accessible vehicles, as recommended by the consultant. However, it is necessary for both the private hire and hackney carriage trades to provide a service to disabled members of the community, particularly bearing in mind that telephone bookings are primarily the role of the private hire trade. The percentage of wheelchair accessible private hire vehicles could be increased by limiting new private hire vehicle licences issued for the first time after (an agreed date) to vehicles which are wheelchair accessible. However, accessible vehicles are more expensive, and there is a risk that this might result in a reduction

in the overall number of private hire vehicles, or it might create a premium on private hire saloon vehicles similar to that existing within the hackney carriage fleet.

- 6.7 A further option voiced would be to require all private hire operators to provide a proportion of their vehicle fleet as wheelchair accessible. The Council does have powers to impose reasonable conditions on vehicle, drivers and operators licences. However, since the purpose of private hire operators is to provide a telephone booking service and the choice of vehicle belongs to the owner of the vehicle, it is doubtful whether such a condition could be reasonably imposed.

7 Consultation

- 7.1 The Equalities & Social Justice Forum has submitted an action plan (Appendix D).
- 7.2 Officers have consulted with trade representatives on the Hackney Carriage and Private Hire Consultation Forum, including attending a meeting with the consultant, forum members and the police to discuss points the trade wished to clarify (Appendix E).
- 7.3 Halcrow's consultations were with Hackney Carriage and Private Hire Operating Companies; the DSS; various Council Directorates; Members; Constituent MP's; Sussex Police; City Centre Manager and Disabled Groups.
- 7.4 Written submissions have been received from the Private Hire Association (Appendix F), the Transport and General Workers Union Brighton & Hove Cab Branch (Appendix G), Carcabs (Appendix H), Hove Streamline Taxis (Appendix I) and the National Provincial Taxi Trade Union (Appendix J).
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COMMITTEE REPORT APPENDIX A

Meeting/Date	24 July 2003
Report of	Director of Housing and City Support
Subject	Hackney Carriage & Private Hire Services
Wards affected	All

Financial implications

To the Council at this stage there are minimal financial implications anticipated and any additional costs will be met from the Taxi Licensing Revenue Budget. Imposition of conditions for wheelchair accessible vehicles and removing quantitative restrictions on numbers of hackney carriages may have financial implications for businesses and be subject to challenge by the hackney carriage trade which may have cost implications to the council which cannot be quantified at this stage. A study on delimiting will involve extra costs which are estimated to be in the region of £10,000. These will be met from the Taxi Licensing Revenue Budget and are likely to be incurred in financial year 2003/4.

Legal implications

These are contained within the body of the report.

Corporate/Citywide implications	Risk assessment
Increasing the numbers of wheelchair accessible vehicles will marginally change the appearance of the City's fleet.	Businesses may suffer if onerous conditions are imposed on them.
Sustainability implications	Equalities implications
<p>Providing alternative convenient transport allows people to move in efficient, sustainable ways.</p> <p>It is intended to link the taxi licensing policy into the local transport plan.</p>	<p>The Department of Transport had planned to make taxi accessibility regulations under the Disability Discrimination Act but admitted that it could not be achieved in a way that would be acceptable to both disabled people and the taxi trade for the time being. It is recommended that Councils make their own policy concerning accessible taxis in their area.</p> <p>To issue extra licences each year will counter criticism that the hackney carriage vehicle licence waiting list may be discriminatory because it does not move as no extra licences are issued.</p> <p>Recommendations of the council's Equalities & Social Justice Forum are appended C.</p>
Implications for the prevention of crime and disorder	
Additional taxis efficiently take customers home late at night.	

Background papers

Letter from D o T 9th September 2002 ref: PT2 10/2/82
Halcrow Group, "Brighton & Hove City Council – Hackney Carriage Unmet Demand Survey – Final Report – March 2003."

Contact Officer

David Collins, / Peter Winder Hackney Carriage Officers. Ext. 2270 /2290

RECOMMENDATIONS – ARISING FROM THE SURVEY

That the committee resolve to:

- 1 Increase the number of Brighton & Hove City Council hackney carriage vehicle licences by 19 to a total of 478 with immediate effect;
- 2 By licence condition restrict the 19 extra hackney carriage vehicle licences issued by virtue of 1 above always to vehicles which are constructed or adapted and always configured to carry passengers seated in wheelchairs, the type and design of the vehicle to be agreed by the Director of Housing and City Support.
- 3 Further increase the number of hackney carriage vehicle licences issued by the council by 5 annually in May each year beginning in May 2004;
- 4 By licence condition restrict any extra hackney carriage vehicle licences issued by virtue of 3 above always to vehicles which are constructed or adapted and always configured to carry passengers seated in wheelchairs, the type and design of the vehicle to be agreed by the Director of Housing and City Support.
- 5 Issue the additional licences at 1 and 3 above in accordance with the conditions attached to the Brighton & Hove City Council Hackney Carriage Vehicle Licence Waiting List which is current in the year of issue;
- 6 Require that if a hackney carriage vehicle licensed by this council is transferred from the existing owner to a new owner, vehicles subsequently substituted on the vehicle licence shall be vehicles constructed or adapted and always configured to carry passengers seated in wheelchairs, the type and design of the vehicle to be agreed by the Director of Housing and City Support.
- 7 At the next review of hackney carriage fares, consider setting a night time surcharge at a level which will help increase the number of vehicles available at night.
- 8 Commission a survey on the effects of delimiting, resulting in free access to the hackney carriage market;

RECOMMENDATIONS – FROM THE EQUALITIES & SOCIAL JUSTICE FORUM:

- 9 Require that wheelchair accessibility to be a condition of issuing new licences (this is already a recommendation from the survey – see 2 above) ;
- 10 Require that transfer of licences are conditional on adapting the vehicle for wheelchair users when the vehicle is next changed (see 6 above);
- 12 Encourage the use pagers for all wheelchair accessible hackney carriage vehicles not on a circuit so they could also be called upon to respond to wheelchair users (highly unlikely to work as the calls would need to be passed by operators to vehicles not working for them);

- 13 Require that any new or transferred licences should be issued for vehicles with wheelchair access in order to substantially lower the time wheelchair users have to wait for a taxi; (this is already addressed in the above recommendations. However it should be remembered that even an entire hackney carriage fleet of wheelchair accessible vehicles does not guarantee that they will be available or respond to telephone bookings);
- 14 Encourage best practice, for instance taxi companies should consider following the example of one company and employ 1-2 drivers specifically for wheelchair work; (this would be an unreasonable licence condition given the role of the operator albeit the idea is good. 1 or 2 drivers would not address the shortfall identified in the survey);
- 15 Once training schemes have been identified, promote training in the handling of disabled users, including those using wheelchairs to be made available free of charge to taxi drivers. Require all new drivers to receive wheelchair loading and unloading training before a new driver's licence is issued; (The only available training is from the operators. There is no independent training other than for powered lifts into vehicles by Community Transport);
- 16 Consider whether the number of Community Link Vehicles should be increased and wider publicity given to the service;
- 17 Consider options available for supporting a subsidised transport service for wheelchair users. (This already exists through Community Transport). Consider allowing the taxi trade to tender for some of the type of work undertaken by Community Transport;
- 18 The Council should establish a formal complaints procedure for customers to complain of dissatisfaction with wheelchair accessible taxi services; (there is a complaints procedure already in existence).

CONCLUSIONS & OPTIONS CONTAINED WITHIN THE HALCROW REPORT

From the Executive Summary, page xi, paragraph 23 of the Halcrow Report. This extract is a complete transcript of the conclusions and options and follows Halcrow's paragraph numbering:

- 23 On the basis of the analyses we conducted **we conclude that there is significant demand for the services of hackney carriages which is unmet.**
- 25 On the basis of this conclusion we suggest that the licensing authority has two main options to consider:
- (i) increase the number of hackney carriage licences by 19 to give a total fleet size of 478 vehicles. We are confident that on the basis of the results presented, the authority would have a very good chance of being able to defend this limit if called upon to do so;
 - (ii) increase the number of hackney carriages by more than 19. This could be done in one go or in a series of tranches (e.g. 5 per year). This would allow for future growth in the hackney carriage market; or
 - (iii) impose a policy of free entry into the hackney market.
- 26 Given that most of the delay occurs during the late night periods, Halcrow would recommend that a policy is pursued to try and encourage drivers to operate during these periods. An obvious method of achieving this would be to increase the differential between daytime/evening and late night fares.
- 27 The anticipated useful life of the current survey is dependant upon a number of factors, of which the council's licensing policy is one. If option one is pursued Halcrow would recommend another survey is carried out in three years, towards the latter end of 2005. Within this period it is considered unlikely that external factors such as economic growth or population, amongst others, will alter sufficiently to impact significantly upon the hackney carriage market. Under such circumstances this current survey would remain valid. If option two is pursued then another survey may not be required for a longer period depending upon the exact nature of the policy adopted. For example if the council were to introduce a policy of continues expansion of the hackney fleet then this will obviously help reduce any chance of future demand significantly exceeding supply. If option three is pursued the authority would not need to commission another survey purely for the purpose of examining the level of demand.

AVAILABILITY OF ACCESSIBLE VEHICLES

- 28 The rank observations indicate that very few wheelchair users obtain a taxi from a hackney carriage rank. This is very much in line with findings for other local authorities, with most disabled people preferring to telephone for a taxi. There is therefore little evidence to support an increase in the required number (of) wheelchair accessible vehicles serving the hackney carriage ranks.

- 29 However, the telephone survey suggests that disabled passengers are likely to experience much longer delays when attempting to obtain an accessible vehicle via the telephone in comparison to a standard vehicle. At the time of the survey only 7% of the combined
- 30 hackney carriage and private hire fleet were wheelchair accessible vehicles. In order to alleviate the discrepancy in delays it is estimated that the proportion of wheelchair accessible vehicles needs to increase up to 23% of the combined fleet size. At present this would constitute the exchange of 139 standard vehicles to wheelchair accessible vehicles. It should be noted that these vehicles could be licensed as either hackney carriages or private hire cars and that they do not need to be additional to the total fleet size. Furthermore this issue does not relate to any significant unmet demand for hackneys as a whole as it concerns only telephone bookings and not rank or flagdown hirings.
- 31 Clearly it is unreasonable to expect such a large number of taxis operators to immediately change their standard vehicles for wheelchair accessible vehicles. However, there are a number of policies that the council could adopt in order to ensure the proportion of accessible vehicles in the fleet increases in the future. These would include ensuring that all new drivers/operators entering the market operate accessible vehicle or that any new vehicles that are licensed by existing drivers/operators are wheelchair accessible.
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EQUALITIES & SOCIAL JUSTICE FORUM – ACTION PLAN

The council's Equalities and Social Justice Consultation Forum (ESJCF) set up an Action Group to consider possible action to remedy alleged frequent lack of response to wheelchair users for taxi services. The Action Group met five times. Representatives attended meetings from the Domestic Violence Forum, DAAG, elected Members of the ESJCF and members of the hackney carriage and private hire trades. ESJCF Members also attended a meeting of the council's hackney carriage and private hire consultation forum.

The key issues, which emerged, were

- the number of wheelchair accessible vehicles required to ensure improvement of the service for wheelchair users
- deregulation for wheelchair accessible taxis
- the cost of adapting a vehicle for wheelchair use
- the lack of pecuniary incentive in responding to short wheelchair call in relation to a potentially non wheelchair longer call, particularly when in line on a taxi rank
- a subsidy to taxi drivers for answering wheelchair calls
- the apparent impossibility of insisting that taxi drivers respond to calls from wheelchair users
- the potential damage to the health of taxi drivers when handling wheelchairs single-handed.

The ESJCF received a report on the subject on 24 March 2003 (follows) and resolved that the content of the report be incorporated into a report to the Policy & Resources Committee when the results of the significant unmet demand survey are released. The Action Group's recommendations are:

- wheelchair accessibility to be a condition of issuing new licences
 - transfer of licences to be conditional on adapting the vehicle for wheelchair users
 - installation of pagers for all taxis including those not on the circuit so they could all respond to wheelchair users
 - a number of licences should be issued for vehicle with wheelchair access in order to substantially lower the time wheelchair users have to wait for a taxi
 - taxi companies should consider following the example of one company and employ 1 –2 drivers specifically for wheelchair work
 - training in the handling of disabled users, including those using wheelchairs to be made available free of charge to taxi drivers. All new drivers should receive wheelchair loading and unloading training before a new drivers licence is issued
 - the number of Community Link Vehicles should be increased and wider publicity given to the service
 - the council should consider options available for supporting a subsidised transport service for wheelchair users. Consideration should be given to allowing the taxi trade to tender for some of the type of work undertaken by Community Transport
 - the council should establish a formal complaints procedure for customers to complain of dissatisfaction with wheelchair accessible taxi services.
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HACKNEY CARRIAGE AND PRIVATE HIRE
CONSULTATION FORUM

21 May 2003 at Hove Town Hall

Purpose of meeting – discussion between Brighton and Hove Council officers, Trade representatives and the Halcrow consultant responsible for the survey of significant unmet demand for hackney carriage service.

Chaired by Tim Nichols.

Attendance: **Consultant:** J Bunney (Halcrow). **Trade reps:** M Durrell, J Defalco, P Hollett, A Cheesman, T Turner, C Nutley, L Tufft, M Hildreth, G Lord, B Coomber, G Tasker, S Bateman, D Standing, K Fry, T Breslin, T Fry, A Haddow. **Police:** P Castleton, J Smith. **Council:** D Panter, T Nichols (Chair), D Collins, P Winder, T Bowley, L Holloway.

Attendees introduced themselves to the meeting.

Points from the Floor

Responses

Floor queried why the Brighton Railway Station rank was included in the survey when permits issued by the railway company to around only 50% of the whole licensed taxi fleet restrict access to it. Would that restriction skew the survey? Does the formula used by the consultants take account of that restriction? If the rank had been ignored what would have been the impact?

The formula does not take account of the restriction. However the rank is one of the main ranks and the consultant has to get an overview of all ranks. It would be remiss to ignore it. The rank performs at least as good as, if not better than, others in the district. If performance had been affected with longer delays, there would have been a valid argument that the restriction itself adversely affects service. Had there been high unmet demand, that would have been raised as an issue. Consultant had considered the impact of ignoring the rank and the result would not have affected the unmet demand result or the number of licences.

Floor raised the problem of driver security, particularly late nights, and the impact that would have had on unmet demand because security is the single most significant demotivator for drivers to work late night. Was this addressed in the survey? Granting more licences will not necessarily improve supply late nights. Drivers need immediate back up in cases of emergency, particularly from the Police. What part do fares play in supply? Why was the public asked a specific / leading question whether they felt the fares are too high – should that response be ignored?

The consultant's task was to survey and reach conclusions about unmet demand. The law does not recognise security in relation to unmet demand. The consultant's view on supply, based on observations and experience, is that 6 out of 10 vehicles will work late night so an increase in the number of licences should proportionately increase supply. Consultant observes that the B&H night turn out is lower than elsewhere and that the fare structure has less differential between day and night than in many other districts. That may be a contributory factor to the turn out. Questions asked of the public were multi-choice answer type questions – eg what reason do you not use taxis / what would encourage use of taxis? Possible answers would have included the matter of fares.

Council recognises the need to increase supply, especially 11pm to 4am. One issue, but not the only one, is fares. Council has to balance the trade interests with public interests. Something may be possible in this area within the agreed formula used to set fares. Fare differential isn't necessarily about hiking fares though. Security is equally important and measures mentioned include purpose built taxis, safety screens, cctv and panic buttons, all of which are available now. But council recognises the need to develop a community safety strategy, particularly with the impending changes to liquor licensing, which can only be developed as a joint approach with several agencies and the Police. That work is ongoing. Taxi provision is to be incorporated into the local transport plan – a contributory factor in reducing private car use.

Police outlined their operational approach and priorities, making clear what they could, and could not, achieve.

What account did the consultant take of traffic conditions at the time of the survey? Any seasonal adjustments made? Was any account taken of flagging taxis? Was any account taken of seasonal fluctuations, eg holiday trade, universities, and conference trade? Does the formula used to calculate any significant unmet demand (SUD) include allowances for seasonal trade?

Surveys undertaken in average months. Work was undertaken when universities were in session. Any large-scale traffic incidents could result in an adjustment to the findings but there were none. Flagging is almost impossible to observe so unmet demand is assessed from observations at taxi ranks and an overall view of performance is taken from rank observations. That balances out stated public perceptions of the trade (eg we wait for 5 minutes for a taxi where observations conclude a shorter wait is the average). The formula used to calculate any SUD is based on rank observations and the aim is to collect a mass of information from which to reach conclusions. The SUD is a benchmark, not a fixed formula, which we use to take an overview. In one district the survey found no SUD but a recommendation for additional licences was made – that was in response to a particular problem peculiar to that district.

How do we proceed from here?

Submit your views, recommendations, in writing with a well-argued case.

Kevin Fry, speaking for the majority of the trade representatives present, suggests the report is taken as it stands but as an alternative to its recommendations, issue 5 extra licences each year over a period of 4 years and then review the situation again. Also raised was the possibility of requiring plates to be returned to the council when the licence holder no longer intends to use the hackney carriage vehicle licence him/herself. Private Hire reps favour delimitation.

Time limits?

P & R in September with Licensing \Regulatory Sub Committee beforehand. Council will seek to incorporate the Equalities and Social Justice Forum (ESJF) work, consider night time working and look to get the taxi licensing policy interwoven with the local transport plan.

What about the other figures in the report (refers to increasing the proportion of wheelchair accessible vehicle to 23% across the whole of the hackney carriage and private hire fleet)? How was that figure reached? If it was an overall assessment, ought not individual operators' responses to telephone bookings be looked at in isolation to see which companies need to increase the number of vehicles on their fleets– some are better than others?. These are expensive vehicles. Licensing of alternative, less expensive, vehicles, change to the policy of not licensing rear loading vehicles and the matter of reallocating subsidies raised.

The assessment of response to telephone bookings was a separate piece of work requested of the consultant by the council. It was undertaken without any reference to waiting times at ranks. The figure of 23% results from a comparison of the difference in wait times for a standard saloon car booked via the telephone with a wheelchair accessible car booked via the telephone. A calculation was then undertaken to ascertain the number of additional wheelchair accessible vehicles required to eliminate this discrepancy between the telephone booking wait times. This is the only objective information available to the council about response to telephone bookings, particularly for wheelchair accessible vehicles. It isn't about individual companies. The consultant reviewed responses across all the operators. It is about the whole fleet.

Council needs to address the question how to increase the number of wheelchair accessible vehicles. Could look at requiring a change from saloon to wheelchair accessible at the first vehicle change on a licence after the licence is transferred from its current owner to a new owner. Would result in a 100% wheelchair accessible fleet. Local disabled group reps prefer a mixed fleet. ESJF has done work in this area – summary of their conclusions read to meeting.

Less expensive vehicles are acceptable. Rear loading vehicles will be licensed if they are suitable – earlier problem with ease of access for a person seated in a wheelchair was a barrier to one particular vehicle type but there is no general policy of refusing rear loading vehicles.

Re subsidies, the efficient transport of people is a strategy issue, not a matter of reallocating money. Buses and taxis both have a role to play.

Meeting ended 3.35 p.m.

PRIVATE HIRE ASSOCIATION SUBMISSION

To save repeating the Private Hire (PH) Associations views on the current Hackney Carriage (HC) service in Brighton & Hove, our submission to the Halcrow report outlines in detail the inefficiencies of large parts of the current HC trade, and the inability of them to adapt to the requirements and needs of the residents and visitors to our City. Therefore please feel free to use our Halcrow submission, as a basis of our views and recommendations.

Thankfully, the Halcrow report confirms most of what our submission observes, in particular when the report states, *‘The responses show that in general taxi users appear not to be satisfied with the service encountered. This indicates that the numerical restrictions within the hackney carriage market has a detrimental effect on the level of service provision’*.

Halcrow’s report offers three options to meet the general un-met taxi demand, and these are considered below.

Option 1

“Increase the number of hackney carriage licences by 19 to give a total fleet size of 478 vehicles. We are confident that on the basis of the results presented, the authority would have a very good chance of being able to defend this limit if called upon to do so”.

Advantages

- i) This will have little or no effect on the existing HC trade and/or the grey market values of their vehicle plate premiums.
- ii) This will allow the council to successfully defend the limit on HC numbers in the courts, if challenged within the next two years.

Disadvantages

- i) This will have little or no effect on the existing low-levels of customer satisfaction of the existing HC trade, as detailed in the Halcrow report.
- ii) All the taxi forum meetings, licensing sub-committee meetings, full council meetings, meetings between the trade and officials, meetings between the trade and councillors, meetings between officials, meetings between trade members, that have or will have to take place over this issue, will all have to be repeated in two years time.
- iii) Another un-met taxi demand survey, costing up to £20,000, will have to be commissioned in two years time, along with on going assessment of demand by officials in the meantime.
- iv) The issue of just 19 new HC licenses will still allow for the ‘excess profits’, as detailed in the Halcrow report. They state, *‘the existence of a license premium is evidence of “excess” profit. Put another way, passengers are having to pay extra to sustain earnings at a higher level than would accrue in an open market’*.

- v) If the council decide to adopt a policy of only licensing new HCs as wheelchair assessable vehicles (WAVs), this alone will go no where near meeting the 139 extra WAVs, the Halcrow report suggests.

Option 2

“Increase the number of hackney carriage licences by more than 19. This could be done in one go or in a series of tranches (e.g. 5 per year). This would allow for future growth in the hackney carriage market”.

Advantages

- i) At this suggested rate, 19+5+5 etc, it will take many years for it to have a major effect on the existing HC trade and/or the grey market values of their vehicle plate premiums.
- ii) This could enable the council to successfully defend the limit on HC numbers for between 5 & 7 years in the courts, if challenged.

Disadvantages

- i) This will only have a small effect on the levels of customer satisfaction, and it will still take a number of years for the existing trade to come anywhere near meeting customers needs and requirements.
- ii) All the meetings detailed in the option 1, will still need to take place again, albeit in about 5 years time.
- iii) As will another un-met taxi demand survey, costing perhaps then £25-30,000, along side regular on going assessment of demand by officials.
- iv) The issue of 19 HC straightaway, with a drip, drip issue of 5 a year, will have no effect on the ‘excess profits’, as detailed in the Halcrow report.
- v) If the council decide to adopt a policy of only licensing new HCs as WAVs, this course of action will take at least 24 years before wheelchair bound customers receive the same level of service as non-wheelchair bound customers.

Option 3

“Impose a policy of free entry into the hackney market”.

Advantages

- i) An immediate end to the detrimental effect on the levels of service provision. This will no-doubt help meet the demand that is bound to follow the changing of the licensing hours. At present customers coming out of nightclubs at 6.00am or 7.00am will be met with a very limited number of vehicles licensed to pick them up. The sight of thousands of people walking around our City, not being able to get home, will not be a nice one.
- ii) The ending of the license premium, will also mean the ending of the ‘excess profits’, and will lead to fares reflecting the HC trade’s true cost of living, not the cost of buying a HC plate.
- iii) No more endless meetings over this issue, and no more countless hours taken up by officials assessing demand between surveys.
- iv) No more surveys needed, saving at least £20,000 every 3-5 years.

- v) No more annual up dating of the HC vehicle waiting list. Saving time both for drivers, who currently have to re-register on the list every year (as have many for the last 20 years), and officials who have to collate, up date and distribute the HC waiting list to all interested parties.
- vi) Improve opportunities for both ethnic minority and female colleagues to become HC vehicle license holders.

N.B. The existing restriction (or barriers to entry) makes it very difficult (some say impossible) for ethnic minority and female colleagues to receive a HC vehicle license, without first paying the £40,000 license premium via the grey market. What is the point of a Sudanese colleague (new to this country) in his mid-forties going on the HC waiting list, when he/she will have to wait 20 years plus for a HC vehicle license from the council via the HC waiting list, and then find out that current council conditions will prohibit him/her from receiving that plate, because then they will be deemed to be too old.

As for my female colleagues, I will say no more than I doubt that the old Brighton Town Council, and now Brighton & Hove City Council have given a HC vehicle license to a female colleague, in over a generation.

- vii) If the council decide to adopt a policy of only licensing new HCs as WAVs, then this alone will end the problem both the trade and the council have over the severe lack of WAVs, within a year.
- viii) Once again, if the council decide to adopt a policy of only licensing new HCs as WAVs, then this would help allay some concerns that drivers have over their safety, whilst working at night. The screens that all WAVs have gives added protection to drivers, and for that matter, added peace of mind for lone female customers at night.

Disadvantages

- i) The existing HC trade will lose their license premium, and thus not be able to make 'excess profits'. This could be mitigated in part, if the council decided to adopt a policy of only licensing new HCs as WAVs, because a plate premium could still exist on a HC saloon vehicle license, albeit at a lesser rate.

Although the Halcrow report quantifies the number of extra WAVs (139) needed to meet the un-met demand from wheelchair bound customers, it doesn't specify or suggest policy options open to the council.

The Private Hire Association offers these options for consideration.

1. Subsidies

The council could offer subsidies to all existing HC vehicle owners, and all existing and prospective PH vehicle owners willing to license a WAV. This subsidy would however have to meet the full difference between a saloon vehicle and a WAV. This in our view will have to be at least £10,000 per vehicle, and have to be repeated every 10 years when those vehicles need to be replaced. Timescale for this option to gain the extra 139 WAVs could be 1 to 3 years.

2. Mandatory Order for all existing HCs

This is the way most councils choose to deal with the lack of WAV issue, 16 out of the top 20 Cities in the UK have mandatory orders. Timescale for this option to gain the extra 139 WAVs will depend on how long the existing HC trade take to replace their vehicles. At the present rate it will take 2-3 years, but it could take up to 5-7 years.

3. Mandatory Order for all existing and new PHs

This option has never been tried anywhere in the UK, and in our view for good reason. This will lead to a drastic reduction in the number of PH vehicles. Timescale for this option to gain the extra 139 WAVs could be anything between 5 and 10 years. Providing that is there is still that many PH vehicles left in the Brighton & Hove fleet.

4. Add a new condition to operator's licenses, stating that 23% (as per the Halcrow's report) of their HC and PH vehicles must be wheelchair assessable

The Halcrow report found that it was the taxi operators who were (in the main) unable to meet the demand for WAVs. Therefore it could be viewed as reasonable to insist that those taxi operators offered wheelchair bound customers, the same service as non-wheelchair bound customers. Timescale for this option to gain the extra 139 WAVs will be entirely down to what the council deem to be fair and reasonable.

5. Add a new condition to all transferred HC vehicle licenses, saying that when those transferred vehicles are replaced; they must be replaced by a WAV

Not as draconian as a mandatory order, but alas could be easily bypassed by those with little or no thought for our wheelchair bound customers. Timescale for this option to gain the extra 139 WAVs will depend on how many existing HC vehicle owners find out how to bypass this new condition.

6. The council to de-limit the HC vehicle fleet, on the basis that all newly licensed HC vehicle must be wheelchair assessable

This option is in our view the most sensible one on offer, if the council are serious about addressing the lack of WAVs issue. This will allow all drivers licensed by the council, and all wheelchair bound customers to be treated equally and afforded the same opportunities as others. This will also fit in well with the most sensible option (option 3) that Halcrow offered in their report. Timescale for this option to gain the extra 139 WAVs could easily be within a year, and then the lack of WAV problem will be no more.

Many thanks

Mark Durell

Brighton and Hove Private Hire Association

T & G

1 / 222 Brighton & Hove Cab Branch

Office 3, 1 Boundary Road, Hove, BN3 4EH

02-07-2003

**Peter Winder David Collins
Hackney Carriage Officers**

Re: Halcrow Unmet Demand Survey

The recommendations of the survey are as follows:

- A. Issue 19 Hackney Carriage Plates.
- B. Issue 19 Hackney Carriage Plates over a period of time.
- C. Delimit.

The Halcrow report claims there is an unmet demand late at night and either of the recommendations would solve the unmet demand. Our members feel that there may be a small amount of unmet demand during peak hours late at night, but generally during the other 18 – 22 hours of the day there are more Taxis on the road than needed. The membership also feels that by issuing 19 Hackney Carriage Plates in one go, may help the unmet demand late at night, but only **IF** the drivers work these times, and would cause further hardship for the trade members during the other periods of the day. The T & G Cab Section nationally and our own local branch do have a policy of ‘managed growth’ within the trade, and would rather see our local council issue 5 Hackney Carriage plates each year for four years so that they could be absorbed into the trade with less hardship for the current trade members. We also feel that if the city centre taxi ranks were policed on a regular basis at 0200 hrs when the nightclubs close more Taxi drivers would work late at night. We again feel strongly that with the introduction of 24 hour licensing for pubs and clubs there will not be the same demand for Taxis between 0200 hrs and 0330 hrs as there is at the moment.

The option of delimiting would have catastrophic effects for the Taxi trade and the City of Brighton & Hove. There have been a number of licensing areas who have chosen to delimit, and have subsequently re-introduced limits. These are a few of the areas where the delimitation experiment has gone wrong and belatedly rectified. Edinburgh, 1987 the council delimits, numbers increase from 630 to 1030. By 1990 as many plates are being returned, as issued. Council recognises the serious financial hardship suffered by Taxi Drivers. A 12-hour day shift results in 20 jobs compared to 35 in the mid 80’s. To ease hardship the council introduces tariff increases of over 25% twice in three-year period. By 1994 vehicle standards start to fall as Taxi owners cut back on maintenance. By 1998, there is a shortage of drivers for the total number of plates issued. Result: Edinburgh now works with the trade, adopting a ‘managed growth’ policy backed up by surveys. We also know that Coventry, Plymouth and Newcastle have reversed de-limitation decisions following similarly unsuccessful experiments.

The Halcrow survey also looked into the service the trade supplies to wheelchair users from a Hackney Carriage Rank, and the service wheelchair users receive if they call a Taxi company. The survey showed that there was no unmet demand from a Taxi Rank. However, it did show that wheelchair users have to wait a long time to receive a service from a Taxi company. The survey recommended that 138 more wheelchair cars needed to be on Taxi companies to meet the unmet demand, the survey did conclude that these extra cars could be cars that are already licensed, who could be encouraged to change to wheelchair access. As this unmet demand is **PRIVATE HIRE UNMET DEMAND**, I feel concerned that our council may try and solve this unmet demand by issuing more Hackney Carriage plates, as no council has ever put a restriction on Private Hire Cars being wheelchair accessible and there is also no guarantee that any new plates issued would decide to go on a Taxi company. Our Branch has much empathy with all groups of people who are disadvantaged, and we are working to find a way to have more wheelchair accessible cars available to the Taxi companies. We have asked the Independent wheelchair cars if they would operate a pager/text messaging system with the Taxi companies, 15 independent wheelchair car proprietors have agreed. The T&G, NPTTU and both Brighton & Hove Streamline met recently and agreed in principle to operating with the 15 Independent wheelchair proprietors. The Two associations are now speaking to their insurance companies to cover their liability.

Our Branch also feels that all of the Trade should take responsibility for providing a service to disabled people, The Private Hire Trade, Taxi Companies as well as the Hackney Trade.

The Taxi companies take a large amount of income out of the trade, each car on a company pays 88 pounds per week.

The Private Hire Cars also take a good income from the trade.

The Halcrow survey also recommended that all Hackney Carriages that are transferred should be replaced with a wheelchair accessible vehicle. We feel that before any changes are made, the disabled groups should be consulted to see whether they prefer the current mixed fleet or a fleet of purpose built wheelchair accessible Taxis.

I would like to thank you for your time in reading my letter.

Yours Sincerely

Michael Hildreth
Branch Secretary

1/222 Brighton & Hove Cab Branch
Transport & General Workers Union

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COMMITTEE REPORT APPENDIX H

One page follows

Unmet Demand Report

Following the meeting on 21 May 2003 to address the unmet demand, and other points, flagged in the Halcrow report we would like to make the following submissions for consideration.

Issue 5 additional Hackney Carriage licences a year over a 4-year period totalling 20 licences. It is accepted that serving the travelling public is our reason d'être. The report has attracted widespread acknowledgement within the trade for its overall assessment of the situation. By embracing the suggestions of the report we will improve our service to the travelling public and thus give added value to the business of Brighton and Hove City, to which we ALL belong.

The unmet demand calculated in the report is not of a sufficient level to necessitate immediate action and we favour the phased approach with a follow up survey suggested by the report.

A condition of licence issue must be to grant to wheelchair accessible vehicles only. The report showed there is an existing unmet demand for wheelchair accessible vehicles. The companies that operate a telephone service need assistance to increase the supply of these specialist vehicles to satisfy this demand. To ignore one of the main suggestions of the report and consider issuing licences without wheelchair accessibility as a condition of licence must be unthinkable for anyone who has understood the main thrust of the report.

Arguments citing capital cost as a barrier are no longer a valid as there is an increasing number of excellent quality second user wheelchair accessible vehicles becoming available at affordable prices.

Condition of licence transfer - restrict to waiting list.

To prevent the newly issued plates becoming a fast buck exit from the trade, thus depleting driver supply even further, another condition of licence should be considered; that a plate of this issue may only be transferred to someone who is on the existing waiting list. This would restrict the take up of these licenses to those who are committed to giving a service whilst at the same time satisfying some of the valid arguments made by those who have been on the waiting list for many years. To take this thread a little further, those on the list who have refused an issue should be appropriately flagged for future reference.

Review of unsociable time fares

An urgent review of unsociable time fares is required to encourage drivers to work these times and give the service the public is demanding.

SUBMISSION FROM HOVE STREAMLINE TAXIS

**Peter Winder
Hackney Carriage Officer
Hove Town Hall
North Road
Hove
East Sussex**

30th June 2003

Dear Mr Winder

In the unmet demand survey it was highlighted, in Halcrow's opinion, that there was a 23% shortfall of Private Hire vehicles in Brighton & Hove. We pointed out to you that on our taxi fleet of 160 vehicles, only 12% were wheelchair accessible (i.e. 19 vehicles). We consider that we provide an adequate service to our wheelchair customers.

The service that we provide aims to benefit our wheelchair customers more so than our able customers as we accept pre-bookings for wheelchair users, whereas we do not accept bookings for the same vehicles for 5-6 seater work. Incentives are offered to drivers of wheelchair accessible vehicles to encourage them to cover this work.

We also liaise with other companies to assist us in benefiting the wheelchair users in this town, something we would be very unlikely to do with any other type of passenger. We are actively talking to the local Taxi Trade Unions with regard to a scheme that will involve 16 independent wheelchair accessible vehicles assisting in a better service for those concerned.

In our opinion, a maximum of 12% wheelchair accessible vehicles would be more than sufficient to cover work that only makes up approx 0.5% of our trade

Our customer base includes a very high percentage of elderly and disabled users who specifically request a saloon car as they are unable to 'climb' into a high step taxi. By increasing the numbers of these vehicles, we would be forced to reject a substantial amount of work.

We believe that if a share of the subsidies granted to the Bus service were given to the Taxi trade, a more efficient service could be achieved using the existing number of vehicles. For example, the Council currently subsidise non-profit making bus routes; this money could be used to cover the dead mileage accrued by wheelchair accessible taxis travelling excessive distances to reach disabled customers.

It is very unfortunate that the taxi trade has still not been consulted regarding Brighton & Hove City transport plans. As this is a Government directive, we feel the views of over 800 taxi owners would be of the utmost importance.

With regard to the overall Halcrow report, we feel the issues of the Unmet Demand between the hours 22.00 – 04.00 needs to be looked at in greater detail, and the aspects of driver safety should be made a priority by the Council and the Police. We have lacked support for a number of years from both of the aforementioned and subsequently, driver confidence is severely lacking. Until the matter is rectified, no amount of extra vehicles will benefit the taxi users.

Differentials in fares between ‘day’ and ‘night’ should also be increased to encourage drivers to stay out later than they previously would have worked.

As Hackney Carriage proprietors we feel that this Unmet Demand Survey has highlighted a small proportion of unmet demand in the Hackney Carriage trade. Of the 19 vehicles that you have recommended, all should be wheelchair accessible, non-transferable and because of current down turns in trade over the last 6 months, should only be issued over a minimum period of at least 4 years. Please note that we would like to emphasise that we are very disappointed that so much of the Hackney Carriage survey ends up with comments that clearly point to a lack of service in the Private Hire sector of our trade.

SUBMISSION FROM THE NATIONAL PROVINCIAL TAXI TRADE UNION

Mr. T. Nichols
Enviromental Health & Licensing Manager
Brighton & Hove City Council

Dear Mr Nichols,

29th June 2003

At a meeting of the taxi forum on 21/5/03 you advised us that we could respond to the Halcrow report regarding unmet demand in the taxi trade.

This union feels that there is not any significant demand for taxis except at the times stated in their report (11.00p.m. till 3.00 a.m.) on Friday & Saturday. We are not aware of any taxi drivers being questioned by Halcrow as to why they were unwilling to work during these hours. If they had been consulted it would be obvious that the reason that these drivers do not work is not for financial reasons but because they fear for their physical safety having their vehicles damaged by working this late. There is certainly no unmet demand during the day.

The report states that any new Hackney licences issued by Brighton and Hove City council should be encouraged to work during these hours. This is impossible to do and will result in more cars sitting on City centre ranks during the day. Perhaps the Council legal department should investigate whether it is possible to make new licenses conditional on the vehicle working late nights.

We would support the option in the report (12:3.1.ii) that the council issue 5 licenses a year for 4 years and then hold another survey. This is managed growth and would not cause severe financial problems to present Hackney Carriage license holders.

The report states that Private Hire operators are not meeting the demand for wheelchair accessible vehicles from the disabled public. The brief given to Halcrow and other companies tendering for the survey states that any Private Hire shortfalls would have to be solved by increasing the numbers of Private Hire wheelchair vehicles.

Under the **D.D.A. 1995** a service provider must provide the same service to disabled customers as they provide to everyone else. To our knowledge one Brighton and Hove operator has no Brighton and Hove licensed wheelchair vehicles on their circuit. This union is mindful of the needs of disabled passengers and would like the following suggestions for improving Private Hire operators response times regarding disabled access vehicles.

1. The companies purchase wheelchair vehicles and employ drivers to drive them. The driver does not have to worry about dead mileage getting to the customer as he is hourly paid and not self employed.
2. Pagers/mobile phones. All of the companies have the pager/telephone numbers of all wheelchair vehicles and send a message regarding job details. The nearest car telephones the office for the job.
3. Any person licensing a replacement vehicle to carry more than 4 passengers must have it converted to carry a wheelchair. (Hackney carriage or Private Hire)
4. All Private Hire Operators should have a minimum number of wheelchair cars to be granted an operators license by Brighton and Hove City council.
5. All future Private Hire vehicle licenses issued by Brighton and Hove council should be conditional on the vehicle being wheelchair accessible.

Yours faithfully, Alex Haddow. Secretary