

REPORT FOR DECISION

MEETING:	LICENSING & SAFETY PANEL
DATE:	27th JULY 2017
SUBJECT:	REVIEW OF HACKNEY CARRIAGE AGE POLICY
REPORT FROM:	ASSISTANT DIRECTOR (LOCALITIES)
CONTACT OFFICER:	MR M BRIDGE
TYPE OF DECISION:	COUNCIL
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain
SUMMARY:	Review of Hackney Carriage Age Policy
OPTIONS & RECOMMENDED OPTION	<ol style="list-style-type: none"> 1. To introduce the exceptional condition criteria when a Hackney Carriage reaches 10 years of age from date of first registration. 2. Continue with the current licensing and testing policy in relation to Hackney Carriages up to 10 years, then after 10 years require the vehicle to be subject to the five fault rule. 3. Continue with the current licensing and testing policy in relation to Hackney Carriages up to 10 years, then after 10 years require the vehicle to be subject to the amended exceptional condition criteria as requested by the Hackney Drivers Association. 4. To introduce a 15 year old age policy from date of first registration for Hackney Carriages as requested by the Hackney Drivers Association. 5. To consider alternative amendments determined by panel to the current policy and 6. Ensure any such amendments made under option 5 to the exceptional condition criteria to be applicable to both Hackney Carriage and Private Hire Trades.

IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Financial Implications and Risk Considerations:	There are no specific issues from the report other than potential costs/risks associated with legal appeals.
Statement by Director of Finance and E-Government:	The cost of the licensing function are funded through the fees and charges levied by the Council. There may be additional costs if appeals are lodged with the Magistrates and Crown Courts.
Equality/Diversity implications:	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Considered by Monitoring Officer:	Yes <input checked="" type="checkbox"/> Comments
Are there any legal implications?	Under the legislation the Council is required to determine applications. The report is in accordance with the appropriate legislation.
Staffing/ICT/Property:	None
Wards Affected:	All
Scrutiny Interest:	Internal Scrutiny Panel

TRACKING/PROCESS

DIRECTOR:

Chief Executive/ Strategic Leadership Team	Executive Member/Chair	Ward Members	Partners
Scrutiny Committee	Committee	Council	

1.0 BACKGROUND

- 1.1 The Licensing Service has considered the Hackney Carriage Age Policy on 9 different occasions since 2005.

2.0 CURRENT ISSUES

- 2.1 In May 2014 The Licensing & Safety Panel resolved

1. That the "exceptional condition" criteria be re-introduced for Hackney Carriages at 10 years and as an incentive to encourage proactive maintenance and provide for additional testing requirements where

vehicles fall below acceptable standards.

2. That further to (1) above, existing licence holders be allowed a 3 year transitional period should they have made financial plans in respect of their vehicle to allow them to be licensed subject to the "5 fault rule"

- 2.2 The transitional arrangements should have come to an end on the 1st June 2017 as approved by the Licensing and Safety Panel in May 2014.
- 2.3 In March 2017 all hackney carriage vehicle proprietors were notified by letter that the transitional arrangements agreed, by the Licensing and Safety Panel, on 8th May 2014 were due to come to an end. A copy of the letter is attached at Appendix 1.
- 2.4 The implications for current licensed hackney carriage vehicles, (over the age of 10 years old from date of first registration), is that on the 1st of June they would cease to be subject to the "five fault rule" and would become subject to "exceptional condition" criteria.

A copy of the five fault rule is attached at Appendix 2 and a copy of the exceptional condition criteria is attached at Appendix 3.

- 2.3 On the 9th May 2017, the Licensing Service received a request to review the current age policy from Mr Giles Bridge (Barrister) of a2z Licensing, This was submitted on behalf of the Hackney Carriage Drivers Association. A copy of which is attached at Appendix 4.
- 2.4 In light of this request, the Head of Trading Standards and Licensing in consultation with the Chairman of the Licensing and Safety Panel, agreed that the implementation of the exceptional condition criteria for all hackney carriages that was due to be implemented on the 1st June 2017, be suspended until the meeting of the Licensing and Safety Panel on the 27th July 2017 where a further report be presented by the Licensing Service for decision.
- 2.5 On the 13th June 2017, a liaison meeting was held for the Hackney Carriage and Private Hire Trades. Invitations were given to Mr Oakes (Chairman of the Hackney Drivers Association), and 6 Private Hire Operators. Unfortunately the Hackney Carriage Trade were not represented but apologies were received.
- 2.6 On the 15th June 2017, Mr Oakes (Chairman of the Hackney Carriage Drivers Association) and 13 representatives from the hackney and private hire trades attended the Licensing and Safety Panel. During Public Question time, Mr Oakes and the representatives of the hackney carriage trade addressed the Panel Members with questions relating to the Council's policies in relation to age of hackney carriages, and an alternative private garage to undertake vehicle testing. The questions were answered by the Chairman of the Panel and the Licensing Unit Manager.

On the 15th June 2017 The Licensing Unit Manager presented a report to the Licensing and Safety Panel, requesting to defer implementation of the "exceptional condition" criteria for hackney carriages until a further report be considered by the Licensing and Safety Panel on the 27th July 2017. This was approved by Members.

3.0 MATTERS RAISED BY HACKNEY CARRIAGE DRIVERS ASSOCIATION

3.1 The Hackney Carriage Driver Association report that the Hackney Carriage Trade is experiencing real financial pressures as a consequence of a number of factors. These are as follows:

- The decline of the Hackney Trade
- Competition from the Private hire trade
- The cost of licensing a new hackney carriage vehicle.

3.2 In light of all the issues identified above the Hackney Trade request that the Council consider the following:-

- All Hackney Carriage vehicles be allowed to remain on the five fault rule policy
OR
- That the exceptional condition criteria is amended so that it reads as follows:
 - b A single re-test of the vehicle will be permitted (other than replacing faulty lights bulbs)
 - c Interior fascia, Linings, carpets and upholstery to be free from damage i.e. cuts, blemishes and tears. Also to be in a clean tidy condition.
 - g Bodywork must be free from corrosion damage. Body and paintwork to be maintained in good condition. All repairs to the body and paintwork are to be professionally carried out by VIBRA member and subject to inspection by the Council's Vehicle examiner.

3.3 The Drivers further request that the age limit for Hackney Carriage be lifted from 10 to 15 years which would be in line with the situation in neighbouring and comparable authorities

3.4 The Hackney Trade request action be taken by the Council to ensure that Hackney Ranks are kept clear to enable hackney vehicles to rank up.

3.5 Request Bury Council look to widening the number of garages authorised to test vehicles.

4.0 LICENSING SERVICE RESPONSE TO THE A2Z REPORT

4.1 The Policy

The numbers of vehicles affected by the policy change, for 2017 - 20 and 2018 - 11, is not disputed.

4.1.1 As at the 19th June 2017, the breakdown of the age of the existing Hackney Carriage fleet of 85 vehicles is:

Age of Vehicle	Number
0-5 years	7
5-10 years	31
Over 10 years	47

4.2 Decline of the Hackney Trade

- 4.2.1 In October 2016 Bury Council re-applied for Purple Flag Accreditation. As part of this process a survey was carried out in Bury Town Centre.

Bury Town centre night time footfall surveys were carried out in summer 2014 to benchmark footfall data. Total pedestrians by hour of day at eight key locations were measured across the town centre on a Friday and Saturday evening.

The footfall surveys were repeated on the corresponding weekends in June 2016.

The Footfall for Friday / Saturday night was recorded as 16559 people and Saturday/Sunday was 20191 this shows a 5.1% and 1.3% reduction respectively on 2014.

4.2.2 Difficulty getting onto the ranks

There are currently 12 Hackney Carriage ranks in Bury town centre of which 7 are anytime and 5 are evening/night-time ranks. Some of the Hackney Carriage ranks are dual purpose: during the day they are available for members of the public to park and in the evening/night-time they are Hackney Carriage ranks.

The number of spaces that are available for Hackney Carriages on all of the ranks is 48.

The largest rank frequented by Hackneys is Haymarket (Kay Gardens) and observations by the Licensing Service reveal most vehicles proceed to this rank despite other ranks in the town centre being closer to popular venues such as the Rock. On popular weekdays Wednesdays / Fridays, 5 town centre ranks are rarely if not used at all by the Hackney Vehicles A table of observation findings is at Appendix 5.

4.2.3 Private Vehicles parking on the ranks / Private Hire Vehicles parking on the Ranks

The Licensing Service does not receive complaints from members of the public regarding private vehicles and private hire vehicles parking on ranks, nor has it received any complaints from the public re the lack of Hackneys available at ranks.

The Service has received complaints from the Hackney Drivers Association relating to both private cars and private hire vehicles parking on ranks within the Town Centre. 24 complaints were received between the 24th March and the 3rd June relating to the hours between 11pm – 4 am. A list of the dates and times is at Appendix 6

- 4.2.4 The administrative process that has been put in place to deal with such complaints is as follows:

- First Complaint - Record them on respective driver record
- Second Complaint - Letter sent to driver to remind him that he/she should not be parking on ranks
- Third Complaint - consideration is then given to what action should be taken, this could result in an appearance before the Licensing and Safety

Panel to consider whether the individual is fit and proper to retain their badge.

4.2.5 Since October 2016 a total of 48 actions have been taken as follows:

No Action Taken	4
Details Recorded on Drivers Record	26
Advice Given	6
Driver Advised & Warned	8
Written Warning Issued	4

4.2.6 The Licensing Service believes that the reason fewer pedestrians make their way to one particular rank as detailed above, is as a result of changes to the marketplace including new providers such as Uber competing for business. They are using modern technology, picking up at the location of the customer, within minutes and without the need for cash. Private hire companies have also become more competitive, using apps and facilities such as ringback and text messages to compete for services.

As detailed Bury Town Centre has 12 ranks however the majority of drivers continue to wait at Kay Gardens for the business to come to them rather than wait at other ranks where there may be an increased opportunity for business.

4.2.7 It is not disputed that incomes have reduced.

Private Hire Operators licensed in Bury have confirmed that 45 Hackney Carriages are currently undertaking private hire work on their systems. This means approximately 53% of the drivers of Hackney Carriages are additionally undertaking private hire work as permitted by the legislation.

4.2.8 The Hackney Carriage trade has not requested the Council to consider a change in Hackney Tariff since 2008. However in January 2017, the Hackney Carriage Drivers Association submitted a request for a variation to the current Hackney Carriage Fare Tariff so that tariffs 1 and 2 were removed and that the current tariff 2 is instead applied to all journeys undertaken 24/7, 365 days of the year. The Licensing Service were notified by telephone on the 21st February 2017 by Mr Oakes that they wanted to abandon the request to change the current Hackney Tariff as this would make them uncompetitive compared to the Private Hire rates.

4.3 Competition From Private Hire Trade

4.3.1 It is not disputed that the numbers of private hire drivers has continued to increase however this is a trend also reflected in neighbouring authorities.

4.3.2 Recently there has been planning permission granted to two existing private hire operators to have offices within the Town Centre, this is in addition to the one that has been operating for some time. The Licensing Service objected to the Planning Authority regarding two additional offices in the Town Centre. The Planning Authority considered all the objections to the applications and it was decided that the change of use applications would be granted.

4.4 The cost of licensing a new hackney carriage

4.4.1 This is not disputed

4.4.2 An Equality Impact Assessment has been completed and the impact upon disabled passengers is included in this. In undertaking this work the Licensing Service is considering its duties in relation to improving the quality of life of all people of all groups in Bury and promoting equality and accessibility. According to Government Statistics there are 8440 people in Bury claiming Disability Living Allowance which is less than 5% of the population. Taxis and Private Hire Vehicles play an important function in the life of people with disabilities. It is essential that their needs are considered, however it also important to consider the potential links to the age of vehicles and the benefits to disabled people. Key issues that surround the implementation of a vehicle age policy are the promotion of improved quality of life, accessibility, public safety, and to tackle air quality and climate change through lower vehicle emissions.

4.4.3 The policy will impact upon vehicle owners whose vehicles do not fit within the limits of new proposals with regard to air quality emissions and the Greater Manchester Air Quality Action Plan 2016-2021. Poor Air Quality is the largest environmental risk to public health in the UK. It is known to have more severe effects on vulnerable groups for example the elderly, children and people suffering from pre-existing health conditions such as respiratory and cardiovascular conditions. Studies have shown that the most deprived areas of Britain bear a disproportionate share of poor air quality.

4.5 Comparison with other local authorities

4.5.1 The Licensing Service has contacted the other Greater Manchester Authorities to obtain their age policies, a table of the policies is below:-

Council	Lower Age Limit		Upper Age Limit	
	HCV	PHV	HCV	PHV
Bolton	10	None	15	None
Bury	None	None	10	10
Salford	4	4	13 (purpose built)	10
Tameside	5	5	15	12
Oldham	7 - Between the ages of five and seven vehicles are permitted to fail on minor items, however it is fails on a major item then it may not be granted a licence.	7 - Between the ages of five and seven vehicles are permitted to fail on minor items, however it is fails on a major item then it may not be granted a licence.	12 Saloons (Purpose built) - 14	12 Highly adapted PHV – 14
Manchester	None	7	12	7
Rochdale	None	5	None	None (if fails compliance test then no re-test – application refused)

Wigan	10	6	None	None
Stockport	None	None	None	None
Trafford	None	4	None, however, at 10 vehicle is subject to assessment of its condition	None, however at 6 vehicle is subject to assessment of its condition.

4.6 The Licensing Service has looked at the Greater Manchester Air Quality Action Plan 2016-2021. In the plan is the specific action to be addressed by Transport for Greater Manchester and local authorities to set stricter emission for taxis and consider clean air zones. For the Purpose of this report we sought comments from Transport for Greater Manchester and the response received was as follows:-

4.6.1 The Greater Manchester Low Emission Strategy and Air Quality Action Plan seek to reduce the harmful pollutants, primarily nitrogen oxides and particulate matter. The UK government and local authorities have a legal duty to reduce these harmful emissions in areas that exceed the regulated limit of 40 micrograms of NO₂ as an annual average. These areas are known as Air Quality Management Areas.

4.6.2 Both DEFRA and local modelling indicates that roads in and around Bury town centre will continue to breach limits post 2020.

4.6.3 The majority of these emissions emanate from road vehicles. The Air Quality action plan recognises that improvement of regulations will contribute to reducing emissions. With regard to taxis, action 1.7 states that

TfGM will work with licensing authorities and seek to standardise the minimum emission requirements (i.e age) of the vehicles that are allowed to operate.

The minimum emission standards will be progressively increased in future years to ensure a very low emission limit will be achieved within a defined timescale

TfGM would therefore advise that the age and therefore emissions standards remain at the current 10 year limit.

4.6.4 In light of the information obtained from Transport for Greater Manchester in respect of Air Quality, the above Greater Manchester Authorities will have to re-consider their own policies by 2020, therefore it is felt that Bury should be at the forefront of action locally and retain the 10 year age policy, which will alleviate the need for Bury Council to further consider the age policy again in 2020.

5.0 THE REQUEST FROM A2Z LICENSING

5.1 The purpose of this report is for the implementation date to commence of the approved policy decision From May 2014. This provided that Hackney vehicles over 10 years old, were no longer to be subject to the 5 fault rule and to be

subject to the exceptional condition criteria. It is not for hackney carriages to revert back to being subject to the 5 fault rule.

5.2 The exceptional condition criteria detailed at Appendix 3, contains 8 criteria listed as a-h

5.2.1 a – Vehicles must never have been entered on the HPI register. Even if removed from the register, vehicles will be excluded.

Any vehicle entered on the HPI register will have been purchased on Hire Purchase Finance. This means the purchaser of the vehicle does not become the true owner of the vehicle until the final finance payment has been made. The vehicle remains the property of the finance company.

The licensing service has never checked the finance status of any vehicles prior to being licensed and yet has not encountered any problems relating to vehicles being on the HPI register

The Licensing Service agree this criteria should be removed.

5.2.2 b – No re-test of the vehicle shall be permitted (other than replacing faulty light bulbs.

The request is to amend this to include a permitted single re-test.

A2Z licensing were consulted and asked for further clarification on what this point means. The licensing service was informed it means the vehicle should be allowed to fail once and be repaired but will not be re-licensed again after that.

The exceptional condition criteria was implemented to ensure that any vehicle over 10 years old should be just that, exceptional. This is both mechanically and aesthetically. Permitting a re-test only allows for the introduction of greater uncertainty, debate and ambiguity. This would require precise details as to what would be deemed a failure? One fault or numerous faults? What degree of severity? mechanical, appearance or design? Introducing such a change to the criteria would make the policy difficult to follow and could lead to challenges of inconsistency through interpretation.

5.2.3 c – Interior fascias, linings, carpets and upholstery to be free from damage i.e. cuts, blemishes, tears with no evidence of repairs. All to be in a clean and tidy condition.

The change requested here is to remove reference to there being “no evidence of repairs”. The inclusion of this wording again removes the possibility of ambiguity and interpretation.

Should repairs be permissible then the level of the quality of the repair is subject to scrutiny. This will lead to a further determination on the quality of the repair being requested. Allowing repairs to - seat fabric, linings, carpets and interiors will amount to a lowering of standards with regards to the appearance of the interior of the vehicle.

The Department of Transport Taxi and Private Hire Vehicle Licensing Best Practice Guidance declares that taxis and Private Hire Vehicles (PHVs) provide a service to the public so it is also appropriate to set criteria for the internal condition of the vehicle , though these should not be unreasonably onerous.

The licensing service believes this wording should remain as part of the criterion.

5.2.4 d – Chassis to be free from defects, distortions, repairs including welding.

The licensing service believe this criterion should remain in the absence of justification for its removal

5.2.5 e – Vehicle to be as per the manufacturer specification for model. Modifications or adoptions only allowed with the consent of the council.

The licensing service believes this criterion should remain with a corrected change to the word adoptions which should read as adaptations.

5.2.6 f – Vehicles must meet this “exceptional condition” criteria at each test and also at roadside checks. Should a vehicle fail at a a roadside check, then the “exceptional condition” status is suspended and the vehicle will not be re-licensed.

The licensing service believes this criterion should remain in the absence of justification for its removal.

5.2.7 g – Bodywork must be free from blemishes and corrosion damage. Body and paintwork to be maintained in an exceptional condition. All repairs to the body and paintwork are to be professionally carried out by VIBRA member and subject to inspection by the councils Vehicle Examiner.

The changes requested include the removal of the word blemishes and a change of the word exceptional to good.

The proposed amendments again are requesting a lowering of standards as to the appearance of the vehicle. If the reference to being free from blemishes is removed, again as detailed above this will lead to ambiguity and uncertainty. Blemishes do not impact on the safety of the vehicle, however it is recognised that it is appropriate to set criteria relating to the appearance of the vehicle. Standards will be lowered and challenges will begin as to what is an acceptable blemish and at what point does a blemish become unsightly etc.

The criteria is referenced as “Exceptional Condition” Criteria therefore to change the requirement for the bodywork and paintwork to good, devalues the standards being set.

The Licensing Service believes the wording should remain as written.

5.2.8 h – Exceptional Condition Criteria will also consider the previous fault history of the vehicle.

The Licensing Service has never had cause to refer to this criterion and agrees it should be removed.

5.3 The Licensing Service has provided some examples of what Hackney Carriages have failed on when they are presented for test recently. This is attached at Appendix 7

- 5.4 The Licensing and Safety Panel have on numerous occasions considered whether to permit another garage to be authorised. To date the panel have said no. This matter was raised by Mr Oakes, Director of the Hackney Carriage Drivers Association and a number of driver who attended the Licensing and Safety Panel meeting on the 15th June and the Chairman of the Panel indicated that this matter had been discussed on numerous occasions.
- 5.5 The Licensing Service request that in light of the information contained within the body of the report that the Hackney Carriage Age Policy should remain at 10 years old. This will ensure parity between the Hackney Carriage and Private Hire Trades having to meet the same policy requirements. The Licensing Service is concerned that many of the older vehicles are not being maintained by vehicle owners to a suitable standard.
- 5.6 Improving the vehicles that are used in Bury forms part of a wider strategy to assist with improving air quality for residents and visitors. There are a number of ways in which the local authority can promote these changes and this includes a change in policy for the vehicles that can be licensed as Hackneys and Private Hire Vehicles by moving away from higher polluting vehicles to those with lower emissions.

6 CONCLUSION

Members are requested to consider the options of this report on page 1.

List of Background Papers:-

Previous Licensing & Safety Panel Reports and associated minutes relating to Age Policy

Contact Details:-

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E-mail m.bridge@bury.gov.uk

Department for
Resources and Regulation

David Fowler
Assistant Director
(Localities)

**To all Hackney Carriage Vehicle
Licence Holders**

Dear Sir/Madam,

Concession to Current Hackney Carriage vehicle licence holders

Further to the meeting of the Licensing and Safety Panel on the 8th May 2014, a report was considered in respect of the licensing and testing of both Hackney Carriage and Private Hire Vehicles. The members decided that:-

Any vehicle entering the Private Hire or the Hackney Carriage vehicle fleet must be under 10 years old from the date of first registration unless the vehicle meets the 'exceptional condition' criteria once it reaches it's 10th birthday and on subsequent periodic inspections otherwise the vehicle licence will not be renewed.

In adopting the above policy, the members of the Licensing and Safety Panel resolved to extend the following three year concession to existing Hackney Carriage vehicle licence holders whose vehicle is currently over 6 years old from the date of first registration. The options to choose from were as follows:-

1. For their vehicle to remain subject to the current five fault rule for a further 3 year period after which period the vehicle will be subject to the exceptional condition criteria if it is over 10 years old.
Or
2. For their vehicle to immediately cease being subject to the 5 fault rule and instead to be subject to the 'exceptional condition' criteria once the vehicle becomes 10 years old from the date of first registration.

I must inform you that the above concessions will cease to have effect on the 1st June 2017, therefore if your vehicle is over 10 years of age from date of first registration after this date and it does not meet the 'exceptional condition' criteria your vehicle will not be re-licensed. I have included the 'exceptional condition' criteria for your information.

Yours faithfully



Michael Bridge -Licensing Unit Manager

Electronic or fax service of Legal documents is not accepted

Licensing Services, 3 Knowsley Place, Duke Street, Bury, BL9 0EJ
www.bury.gov.uk

Definition of a fault for the '5 fault Rule' testing purposes

Ser:	Category of fault:	Description of fault:	Number of faults:	Remarks:
1	MOT ITEMS	Any individual fault which would cause the vehicle to fail the standard MOT test will count as:	1 Fault	e.g. leaking brake cylinder plus a bald tyre is 2 faults.
2	INTERIOR	Any combination of a number of faults within the interior of the vehicle (not including the dashboard instruments working correctly e.g. a broken speedometer) will count as:	1 Fault	(e.g. a torn passenger seat plus stained upholstery plus a hole in carpet will count as only 1 fault).
3	PAINTWORK	Damage to the vehicle paintwork regardless as to the number of areas concerned, will count as:	1 Fault	e.g. Damaged paintwork on 4 panels would count as 1 fault.
4	BODYWORK DAMAGE / RUST	Any number of dents / scratches / rusting which materially effects the appearance of the vehicle will count as:	1 Fault	e.g. A damaged passenger door and a damaged / rusted n/s wing would count as 1 fault.
5	EXCLUDED ITEMS	For the purpose of the '5 Fault Rule', the following items would require rectifying before a pass certificate was issued but would not be counted as faults:	Nil Fault	Light bulbs not working No fire extinguisher No Fare card on display Absence of vehicle signage A missing licence plate No taxi meter fitted / not accurate / not operating correctly.

The 'exceptional condition' criteria is defined as follows:-

CURRENT PRIVATE HIRE VEHICLE 'EXCEPTIONAL CONDITION' CRITERIA

- a. Vehicles must never have been entered on the HPI register. Even if removed from the register, vehicles will be excluded.
- b. No re-test of the vehicle will be permitted (other than replacing faulty light bulbs.
- c. Interior fascias, linings, carpets and upholstery to be free from damage i.e. cuts, blemishes, tears, with no evidence of repairs. All to be in a clean and tidy condition.
- d. Chassis to be free from defects, distortions, repairs including welding.
- e. Vehicle to be as per the manufacturer specification for model. Modifications or adoptions only allowed with the consent of the council.
- f. Vehicles must meet this 'exceptional condition' criteria at each test and also at roadside checks. Should a vehicle fail at a roadside check, then the 'exceptional condition' status is suspended and the vehicle will not be re-licensed.
- g. Bodywork must be free from blemishes and corrosion damage. Body and paintwork to be maintained in an exceptional condition. All repairs to the body and paintwork are to be professionally carried out by VIBRA member and subject to inspection by the council's Vehicle Examiner.
- h. Exceptional condition criteria will also consider the previous fault history of the vehicle.



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Our Ref: Bury/GB1
 Your Ref:
 Date: 9 May 2017
 Please ask for: Giles Bridge

Sent by email only to:
m.bridge@bury.gov.uk

Dear Mr Bridge

I am writing on behalf of the Bury Hackney Drivers Association to request that the council reconsider the decision that as of the 1st of June 2017 all vehicles aged over 10 years move to the 'exceptional condition' criteria and off the 5 fault rule. The drivers would ask that the council also take into account the petition which is submitted at the same time. The petition shows the strength of feeling that all the drivers, including those not directly affected, feel about this matter.

The reason for this request are the difficulties that this change will cause to a significant proportion of the trade over the coming year. The move from the 5 fault rule to exceptional condition means that proprietor's will find it more difficult to re-licence vehicles which are over 10 years old. The subsequent cost of acquiring a replacement vehicle will lead to a significant proportion of proprietor's/drivers to decide that it is no longer worthwhile remaining in the trade, with the result that provision of hackney vehicles in the borough will be reduced.

I will set out below the reasons and evidence why the drivers believe that the policy needs to be reconsidered.

The policy

The intention of the policy is laudable, to ensure that standards are maintained in the fleet of vehicles, particularly those vehicles that are older. The policy will affect a significant proportion of the hackney trade. Set out below are the number of vehicles month by month over the next year which will be affected by the policy. The total number is

2017: June 3, July 1, August 3, September 2, October 4, November 5,
 December 2.

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Email:
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Proprietor:
 Giles Bridge, BA Hons, PG Cert Ed, PG Dip Law (Bar Vocational Course)
 owns and independently operates a franchise of a2z Licensing (UK) Ltd.

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2018 January 1, February 3, March 3, April 1, May 3.

The total number is 31 or 1/3 of the hackney fleet.

The 'exceptional condition' policy, as currently framed, has three main provisions which will cause difficulties, which are:

- b. No re-test of the vehicle will be permitted (other than replacing faulty light bulbs).
- c. Interior fascias, linings, carpets and upholstery to be free from damage i.e. cuts, blemishes, tears, with no evidence of repairs. Also to be in a clean and tidy condition.
- g. Bodywork must be free from blemishes and corrosion damage. Body and paintwork to be maintained in an exceptional condition. All repairs to the body and paintwork are to be professionally carried out by VIBRA member and subject to inspection by the council's Vehicle Examiner.

The difficulty that the trade face is that the vehicles are in daily use and are subject to normal wear and tear, which is outside the control of the drivers themselves. Damage to the vehicle will ordinarily be caused by passengers or other road users.

None of the 3 items above relates to the safety of the vehicle, but relate to the appearance of the vehicle. Maintaining a good appearance for vehicles on the fleet is important, but the trade are facing real financial pressures as a consequence of a number of factors, which mean that the capital cost of purchasing a new vehicle will cause, either: financial hardship or alternatively lead to a number of existing drivers to decide to leave the trade. That problem is substantial given the fact that a change to 'exceptional condition' requirement will mean that a substantial number of vehicles will have to be replaced.

The factors causing financial difficulties to the trade are: 1) the continuing decline of hackney trade, 2) increased competition from the private hire trade, 3) the high cost of a new vehicle.

1) Decline of hackney trade

There are a number of factors which are affecting the hackney trade. There has been a decline in footfall in the areas around the hackney ranks. There is a real difficulty getting onto the ranks at weekend evenings because of i) private vehicles parking on the ranks and ii) private hire vehicles parking on the ranks to drop off and pick up. The result is that fewer pedestrians make their way to the ranks, which then also affects the number of hackneys which attempt to park on them. It is also to be noted that the council's hackney by laws require hackneys to proceed to a rank. The difficulty that the trade face is that often it is not possible to find a space on the rank to wait, because of other vehicles parking illegally on those ranks.

I understand that the Hackney Drivers Association has supplied photographic evidence of this to the council, over a considerable period of time.

residual value. The cost of the vehicle is therefore around £3,400 per year before adding on the interest of any loan and vehicle servicing and repairs are accounted for. These are very substantial capital investments, which current takings within the trade do not justify.

Purchasing a 5 year old vehicle does not greatly reduce the cost per year: Peugeot and Renault side loading wheelchair accessible taxis are amongst the cheaper vehicles, whilst still providing reasonable reliability. Such a vehicle will still cost around £13-14,000 at 5 years old. With a working life of around 5 years, the annual depreciation is around £2,600 per year, though servicing and repairs will be more given the age of the vehicle. Again, the interest of any loan to purchase the vehicle would need to be added on.

These costs are substantially more than are incurred by private hire drivers when they purchase a vehicle. The vehicles are constructed to have a long working life, given the extra cost of purchase. The problem that the trade face with the 'exceptional condition' criteria is that by the time a vehicle is 10 years old only vehicles in truly exceptional condition can meet the criteria. Wear and tear over the years will have taken its toll and perfectly adequate vehicles which are capable of providing good service would be removed from the fleet essentially for their appearance rather than any concerns about safety.

The trade fear that over the next year, up to, 1/3 of the fleet may be lost. Such a loss would not only affect the drivers themselves but also impact upon the travelling public and disabled passengers in particular. The private hire trade is not equipped to provide transport for those requiring wheelchair accessible vehicles. The remaining hackney fleet would not be in a position to meet the demand for hackneys.

Given the difficulties currently faced by the hackney trade it is appropriate for the council to reconsider the move over to 'exceptional condition' and also to see what other steps can be taken to assist the hackney trade.

Comparison with other local authorities

The Bury hackney trade cannot be compared directly with Manchester, where there is a very busy city centre, which means that hackney vehicles carry out much greater mileage and work, with vehicles often having 2 drivers: a night and a day driver.

A better comparison is with neighbouring authorities. Bolton for instance allow hackneys onto the fleet up to 10 years old and will re-license vehicles until they are 15 years old. Rochdale has no age policy. Rossendale is attempting to reduce the maximum vehicle age policy, but this is in response to the particular situation which is particular to Rossendale. Blackburn with Darwen has no maximum age policy in relation to vehicles.

Income of drivers has reduced, or drivers have to work longer hours to maintain the same level of income. The fact that the hackney fares have not increased since August 2008 is making the situation worse. The Association estimates that driver income has decreased by 30% over the last 4 years.

2) Competition from the private hire trade

The number of private hire drivers and vehicles has continued to increase year on year. The number of private hire firms has consolidated: there are fewer, larger firms. Private hire firms are making use of new technology, such as apps and dispatch systems. The effect of this is that private hire firms are able to supply vehicles more quickly than they would have been able to do in the past. This means that the competitive advantage which hackney carriages have of being able to ply for hire and being immediately available for hire on the ranks is reduced. The result can be shown in the figures below, which show that the private hire trade has expanded considerably over the last 3 ½ years, yet the hackney trade has stagnated. The number of private hire vehicles licensed by Bury has increased by 180, 25%, between 2014 and 2017. These figures support the hackney trade's contention that in comparison to the private hire trade, that the hackney trade is finding the current trading situation is difficult, with a slight decrease in the number of licensed vehicles since 2015.

Year	Hackney Driver	Hackney Vehicle	Private Hire Driver	Private Hire vehicle
2014	119	89	872	721
2015	120	94	893	783
2016	118	93	929	835
2017	122	90	1006	901

3) The cost of licensing a new hackney carriage vehicle

A new hackney carriage vehicle must be less than 6 years old on first registration. The Council policy regarding the licensing of hackney carriages is that all vehicles must be wheelchair accessible and side rather than rear loading. Side loading is required because of the location and siting of hackney ranks. There is no similar requirement regarding private hire vehicles.

Hackney carriage vehicles are generally larger and heavier than private hire vehicles. The cost of running such vehicles is higher than for standard saloon private hire vehicles, in terms of fuel and servicing.

The vehicles themselves are more expensive, given their size and the fact that they have to be specifically adapted for use as hackney vehicles. The number of such vehicles on the market is limited and they command a premium price, which is maintained even when the vehicles are bought second hand. By way of example a new Peugeot E7 costs around £30,000. A 3 year old Mercedes Vito costs around £24,000 giving a working life of 7 years if it cannot meet the exceptional condition criteria. At 10 years old, having been used as a hackney carriage the vehicle would have very little

Request of the council

The hackney trade requests either that all hackney vehicles be allowed to remain on the 5 fault policy or that the exceptional condition policy is amended so that it reads as follows:

- b. A single re-test of the vehicle will be permitted (other than replacing faulty light bulbs).
- c. Interior fascias, linings, carpets and upholstery to be free from damage i.e. cuts, blemishes, tears. Also to be in a clean and tidy condition.
- g. Bodywork must be free from corrosion damage. Body and paintwork to be maintained in good condition. All repairs to the body and paintwork are to be professionally carried out by VIBRA member and subject to inspection by the council's Vehicle Examiner.

The drivers would request that the move from Five Fault to 'exceptional condition' not be implemented on the 1st of June 2017, but deferred until the Committee has had the opportunity to consider the concerns of the trade.

The drivers further request that the age limit for hackney vehicles be lifted from 10 to 15 years, which would be in line with the situation in neighbouring and comparable authorities. Increasing the maximum age policy would give drivers a greater period of time to recoup the investment that is involved in purchasing a wheelchair accessible vehicle.

Additionally, the hackney trade would request action is taken by the council to ensure that the hackney ranks are kept clear for hackneys to rank up on them. The trade believes that this can only be achieved if enforcement action is taken in relation to vehicles that park illegally on the hackney ranks. Such enforcement activity needs to be sustained over a period of time to become effective and to change the attitude of drivers who park in the vicinity of the ranks. The benefit of this is that it will increase the number of hackneys who are able to stand on the ranks. Those hackneys will do more work and customers will be encouraged to visit the ranks, knowing that a hackney will be available for hire.

On a separate matter the hackney trade would request that Bury Council look to widening the number of garages authorised to test vehicles, to enable there to be a choice of garage, which would mean that the waiting time for appointments would be reduced. Other local authorities have a panel of garages which can be used. Standards can be maintained as appropriate criteria can be set. Bolton Council for instance requires that all garages which test hackney and private hire vehicles tender for the work and have the highest VOSA rating, which is a green light.

I look forwards to your response in this matter and thank you in advance for your attention and assistance.

Yours sincerely,

Giles Bridge
Barrister & Licensing Consultant

Email: giles.bridge@a2zlicensing.co.uk
Mobile: 07866 520457

Enc: Petition signed by hackney drivers

Bury Hackney Drivers Petition

We are hackney drivers licensed with Bury Council and ask that the council reconsider the decision to move from the 5 fault assessment to exceptional condition criteria for vehicles from the 1st of June 2017. We also request that the age limit be lifted from 10 to 15 years. We believe that individual drivers and the trade as a whole are not in a position to afford the move to the replacement of vehicles that the change in policy will require.

	Name	Licence Number	Plate Number	Signed
2				
1	ASIF ALI	2	136	A
2	M. R. BAIG	89	47	Maithy
3	G. SHABIR	79	88	G. S
4	H. SULTAN	50	109	H. Sultan
5	MOHAMMAD. AURANZEB	88	65	M. Aurangzeb
6	R. J. IQBAL	(6)	(30)	R. J. Iqbal
7	W. Ahmed	97	(136)	W. Ahmed
8	M. SARWAR	7	3	M. Sarwar
9	A. RASHID	33	50	A. Rashid
10	R. IAZ AHMED	47	106	R. Iaz Ahmed

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(3)

	Name	Licence Number	Plate Number	Signed
1	SHAHZAD RAFIQ	49	H20	AA Rn
2	T. R. G	103	108	T R G
3	KAHMED	H24 - H57		Rn
4	ZOFER KHAH	H100	H28	Z
5	ABID HUSSAIN	162	H22	Mil Huss
6	Ali Rehman	Badge 27	124	Ali
7	AMMAR KHAN muhammad	H71	H7	A R M
8	Abdul Rehman		H11 H126	A. Rehman
9	M. QADRI		H36	M
10	AJMAL KHAN	85	105	Ajmal Khan





Bury Hackney Drivers Petition

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	Name	Licence Number	Plate Number	Signed
①				
1	MIRZA ASLAM.	14	45	M Aslam
2	SHER A KHAN	183	39	S Khan
3	M. AZAM	36	73	M. Azam
4	RAJA SAFEER AHMED	16	09	R Safeer Ahmed
5				
6	BIASAT ICHAN	42	41	B. Ichan
6	ABDUL MAJID	67	55	A. Majid
7	AKMAL-H-SHAH	23	74	A-H-SHAH
8	Ichalid Muhammad	PL.No. 126		Ichalid Muhammad
		BAG.No. 59		
9	AFZAL HUSSAIN.	BAG.No. 57		
		PL.No. 71		
10	TARIG AHMAD KHAN	70	69	Tarig Ahmad Khan

Bury Hackney Drivers Petition

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(4)	Name	Licence Number	Plate Number	Signed
1	M. YOUSUF	37	63	
2	SOHAIL NASEER	63	31 49	Sohail Naseer
3	GHULIA AHMED	H 56	H 98	Gy
4	Noorul	H 111	H 79	amr.
5	R KHAN	H 65	H 65 H 17	ul
6	G. SARWAR	22	H 26	
7	M. ASLAM	H 5	B. 5	
8	M. Ishaq	H 33	B 122	Ishaq
9	AMJID MAJID MOHAMMED MAJID	H 74 H 81	B 116 B 76	

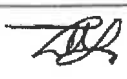


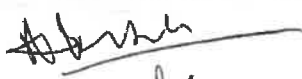
Bury Hackney Drivers Petition

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(5)	Name	Licence Number	Plate Number	Signed
1	ABDUS SALAM	35	H56	Abdus Sal
2	SIR KHAN	139	H66	M. Khan
3	SHAMS ¹²³	H1	9	Sham
4	M AHMED KARAM ^{B 26}	H27		M. Karam
5	M. SHAFIE	H 11	H 42	M. Shafie
6	Muhammad Abdullah	H 91	H 70	M. Abdullah
7	M. MINIR	H 54	H 14	M. Minir
8	M. Z. BAIG.	H 13	H 54	M. Z. Baig
9	S. AHMED	H 34	H 16	S. Ahmed
10	RASHID AZIZ	144	40	R. Aziz

Bury Hackney Drivers Petition

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	Name	Licence Number	Plate Number	Signed
1	ZULFIQAR-AHMED	83	-18	
2	MUSTAFAID. HUSSAIN	52	H75	
	RAJA HAROON KHAN	121 38	H 38	
3	MOHAMMED LATIF	17	H107	M. Latif
4	MOHAMMED ZUBAIR	Badge 78	H 4	M. Zubair
5	Razaq Mustafa	Plate No 2	Badge 99	
6	MAJID Iqbal	H 107	P.12	M. Iqbal
7	ARSHAD. MUMMEL	4 1	H 23	
8	Mohammad Akram Bhatti	H 62	H 123	
9	Raja KAFAT ALI	29 H 45	H.45	R. Kafi
10	KAFAT HUSSAIN	H 84	H 131	K. Hussain

Bury Hackney Drivers Petition

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	Name	Licence Number	Plate Number	Signed
1	Shulam Ambler	H.105	118	<i>[Signature]</i>

2

3

4

5

6

7

8

9

10

Rank	Wed 28 June 1.05pm	Fri 30 June 2.15pm	Tues 4 June 12pm	Fri 7 July 10am	Fri 7 July 12.30pm	Fri 7 July 3pm	Wed 13/7 2.20pm	Fri 14/7 11am	Fri 14/7 6.45pm	Fri 14/7 11.05pm	Fri 14/7 11.30pm	Sat 15/7 00.00pm
Kay Gardens	7 HV	1 HV with a customer in 2 customers waiting on a taxi	9 HV	0 HV	5 HV	6 HV	7 HV	5 HV	6 HV	10 HV 2 HV Dixy Chicken	9 HV 3 HV Dixy Chicken	7 HV
Bolton Street	0 HV	0 HV	0 HV	0 HV	0 HV	Not checked	0 HV	0 HV	2 HV	2 HV	3 HV	3 HV
Spring Street	1 HV	Not checked	Not checked	1 HV	1 HV	Not checked	0 HV	0 HV	0 HV	0 HV	0 HV	0 HV
Rock Clerke Street	1 HV	0 HV	0 HV	0 HV	1 HV	Not checked	Not checked	0 HV	0 HV		0 HV	0 HV
Tithebarn Street	0 HV	0 HV	0 HV	Not checked	0 HV	Not checked	Not checked	0 HV	Not Checked			
Market Street	Not checked	0 HV	1 HV	Not checked	2 HV	3 HV	Not checked	1 HV	0 HV			0 HV

3/6/17 – 23.36 – PHV - GLP

3/6/17 – 23.56 – PHV - GLP

4/6/17 - 00.53 – PHV - GLP

2/6/17 - 23.37 – Private Car - Bolton Street

2 or 3 or 4/6/17 – unknown - PC Bolton Street

02/06/17 - 23.39 – private car - Silver Street

03/06/17 – 23.36 – PHV - GLP

03/06/17 – 23.56 – PHV - GLP

14/5/17 – 03.38 – PHV - Market St (Subway)

14/5/17 – 01.45 – PHV - GLP

13/5/17 – 23.32 – PHV - GLP

14/5/17 – 00.07 – PHV - GLP

29/4/17 – 23.32 – Private Car Bolton Street (Dixy Chcken)

29/4/17 – 23.33 – Private Car - Bolton Street (Dixy chicken)

29/4/17 – 23.33 – Private Car - Bolton Street (Dixy Chicken) (different vehicles)

21/4/17 – Private Car - GLP

2/4/17 – 1.28 – PHV - GLP

01/04/17 – 00.16 – PHV - GLP

1/4/17 – 23.54 – PHV - Bolton Street

01/04/17 – 23.55 – PHV - GLP

01/04/17 – 23.52 – PHV - GLP

24 or 25/3/17 - PHV - GLP

24 or 25/3/17 - PHV - GLP

24 or 25/3/17 - PHV - GLP

01/10/16 – 00.52 – PHV - Farebay Rank

Key:

Appendix 7

Items identified in italics and bold text relate to the Interior and Exterior appearance

<i>Date</i>	<i>Age</i>	<i>Failure</i>
13/06/2017	11	Seats dirty
	198,552	Seat trim missing or insecure
		Seat belt buckle plastic missing exposing sharp edge
		<i>Emissions</i>
		<i>Bulbs</i>
		<i>Wipers</i>
		<i>Fuel pipes fouling other fuel pipes</i>
		<i>Aux heater hoses insecure</i>
		Sills corroded
		<i>Wheel fouling wheel arch</i>
		Poor repair on dent in wing
		<i>Fan wiring insecure</i>
		<i>Coolant pipe chaffing intake hose</i>
11/05/2017	11	<i>Stop light not working</i>
	332,406	<i>Gear selector lever badly worn</i>
		<i>No air bag warning</i>
		<i>Screen washer filler tube and cap missing</i>
		Rear door inner panels scruffy
		<i>Lower wheel chair belt waning light inoperative</i>
		<i>Loose and unprotected wires under bonnet</i>
		<i>Fuel filter insecure under bonnet</i>
		Drivers seat only half cover fitted
		Doors and wing dented
		<i>Power steering pipe insecure</i>
		<i>Brake pad warning wire broken</i>
		<i>Brake hose not fixed – chaffing</i>
		<i>Brake pipe not clipped</i>
		<i>Driveshaft inner cv boot damaged</i>
		<i>Front brake pedal rubber not fixed on</i>
		<i>Exhaust heat shield insecure</i>
		Scratch marks on bumpers
		<i>Loose wires round front bumper</i>
		Vehicle not cleaned to required standard
10/05/2017	15	<i>Front brakes out of balance</i>
	237,391	<i>Rear brake load valve not working</i>
		<i>Rear brake load valve linkage badly worn</i>
		Sill members corroded
		3 doors dented
		<i>Side lights dim</i>
02/05/2017	8	Meter detached
	257,753	Interior Valet required
		Seat belt buckle in operative and one does not retract
		Wheelchair securing belt missing

Key:

Items identified in italics and bold text relate to the Interior and Exterior appearance

		<i>Door handle insecure</i>
		<i>Fire extinguisher discharged</i>
		Emissions too high
		Bulbs dim
		Brake fluid level low
		Tyre case distorted
		Outer cv boot split
		Brake flexi hose twisted
		Front lower arm ball joint worn
		Brake pipe leaking & flexi hose twisted
		Wheel arch liner chaffing brake flexi hose
		Wheel arch liner insecure
		Steering rack gaiter split
06/04/2017	11	Electrical fault on ignition switch
	241,207	<i>Window sticker missing on interim</i>
		<i>Driver seat torn</i>
		Exhaust emissions too high
		Suspension anti roll bar link bush worn
20/03/2017	5	Windscreen washer jet low output
	480,548	<i>Boot floor covering split and dirty</i>
		<i>Wheelchair ramp insecure mounting</i>
		<i>Seat belt incorrectly mounted</i>
		<i>Seat belts dirty and mouldy</i>
		<i>Centre rear seat pins insecure</i>
		<i>Seat lower trim detached and sharp edge</i>
		<i>Seat belt stalk button damaged</i>
		Indicator discoloured
		Side lamps inoperative
		<i>Door trim insecure</i>
		<i>Wheel trims cracked</i>
		Wheel arch liner detaching
		Steering rack mounting bracket twisted and fouling anti roll bar
		Anti roll bar "D" rubber worn
		Brake pipe fouling & incorrectly secured
		No anti chaffe rubber fitted on brake flexi hose – fouling gearbox
		Handbrake cable insecure
		<i>Meter not calibrated</i>
29/03/2017	8	<i>Seat belt buckle trim damaged</i>
	261,776KM	<i>Seat belt buckle webbing cut</i>
		<i>Seat belt not retracting properly</i>
		<i>Tape repair to cracked headlamp lens</i>
		<i>Ramp security poor</i>
		<i>Tape repair to slide door, door cards</i>
		Damage to wheelarch and quarter panel
		<i>Bumper damaged</i>

Key:

Items identified in italics and bold text relate to the Interior and Exterior appearance

		<i>Tyre valves trapped by wheel trim retaining ring</i>
		<i>Stickers incomplete</i>
		Both front anti roll bar drop links worn
		Lower arm ball joint worn
		Tyre deflated

