

Hackney carriage and private hire newsletter

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Have your say on hackney licence restrictions



LANCASTER City Council is asking the public, taxi trade and other interested parties if rules limiting the number of hackney carriages operating within the district should be lifted.

Currently the number of licences issued to hackney taxis - which can pick passengers up without being pre-booked - in the Lancaster district is limited to 109.

This is regularly reviewed to ensure there are sufficient hackney taxis to meet demand, but local authorities elsewhere in the country are currently increasingly removing similar restrictions.

Latest available figures show that 92 councils regulate the number of taxi licences, which constitutes around 26.7% of licensing authorities in England and Wales.

A new report from the Law Commission is also recommending that such restrictions should be abolished. Any relaxation in the rules would be particularly beneficial to wheelchair users.

Currently just 15 of the 109 Hackney Carriages in the district are wheelchair accessible and any new licences issued would make this a requirement.

To take part in the consultation:

Email: licensing@lancaster.gov.uk

Visit: www.lancaster.gov.uk/hackney-consultation

Write to: Hackney Carriage Consultation,
Licensing, Town Hall, Lancaster, LA1 1PJ.

The deadline for making representations is March 31 2013.

Taxi rank relocation

AS you will be aware the taxi rank at Lancaster Bus Station is due to be relocated to Dalton Square in March.

This is due to the essential work being undertaken by United Utilities in the city to improve the quality of their sewage discharges to comply with the European Bathing Water directive, which comes fully into effect in 2015.

The work at the bus station is to create a large new underground storm water tank as part of a major £17 million scheme to clean up the River Lune and coastal waters around Morecambe Bay, by preventing sewer spills into the river.

At this stage, United Utilities expect the work at the bus station to take 12-14 months.

The whole project, which also includes building another storage tank, beneath part of the car park at Bulk Road retail park, should be finished by spring 2015.

Your questions answered



The following questions were asked at the recent proprietors' forum

Q: 'Can the vehicle plate be issued at the VMU centre when the vehicle has passed its test?'

A: This would not be viable or cost effective. A member of the licensing team would have to attend the VMU on the day of the test to issue the plate and new printers etc. would have to be purchased for use at VMU.

Not all tests take place on a Wednesday and licensing staff are already stretched to full capacity following a recent restructure and it would not always be possible to release a member of staff to attend VMU to produce and issue plates.

The licensing software is not available at the VMU centre and this would attract additional costs to install the software in that location, additionally the licensing system contains confidential information and there could be data protection issues if the information was available at other locations. Plates can not be produced prior to the vehicle passing its test as the licensing system will not allow the test result to be bypassed. Compliance certificate details have to be entered into the system before a plate can physically be issued.

Q. 'Can plates be left on the vehicle to avoid damage by removal?'

Brackets are available from the licensing department at a cost of £10.35.

Purchase of the brackets would remove this problem as the plates are attached to the brackets via plastic studs.

Plates have an expiry date on them and therefore would not be able to remain on the vehicle.

Q. 'Would it be possible to issue holographic stickers as an alternative to issuing new plates every time a licence was renewed?'

A. Licensing officers have discussed this issue with the licensing department in Salford as they currently use this method. However there have been problems with these stickers coming off of the cars in car washes etc.

The plates are still required to be removed from the car so that licensing officers can clean off the old sticker and the residue, and then apply the new sticker, this would mean there would be a period of time when the vehicle did not have a licence plate, and therefore could not be used.

There would be no guarantee that the plate would be available immediately as this would be dependant on staff levels and other commitments. The stickers themselves cost 16p each for the council to purchase, and the time allocated by the staff to carry out the function would mean that there would be no financial saving to the trade. The plates that we currently use are all recycled.

The initial enquiry was based on the fact that members of the trade didn't want to have to remove the plate from the vehicles, and when raised at the Forum by a proprietor it was claimed that the plates were not removed from the vehicles in Salford to have the new dates applied. Following discussions with licensing officers in Salford this apparently is not the case, and therefore a change to this method would not resolve that problem, however, brackets can be purchased which would resolve this issue.

Peugeot E7 can be used as a private hire vehicle

At the proprietors' forum held in November, some members of the trade raised concerns about the fact that a Peugeot E7 had been licensed authority as a private hire vehicle.

The concern was based on the fact that the trade thought that the E7 was a purpose built hackney carriage and should therefore not be licensed as a private hire vehicle as this would confuse the public.

This principle was considered by a High Court Judge in the case of R v Bournemouth Borough Council, ex p Thompson.

This concerned a Judicial Review of a decision by Bournemouth Borough Council to grant a private hire licence to an applicant for an Austin FL2 vehicle, which was similar in appearance to an Austin FX4R which was being built as a purpose built hackney carriage, the classic London Type cab at the time.

In his judgement the Mann J said that having regard to the definition of a hackney carriage contained with the Town Police Clauses Act 1847;

'It seems to me that what the committee had to ask itself was this: is the FL2 of such design and appearance to lead any person to believe that the vehicle is a vehicle plying for hire?

It seems to me that the question has to be asked in relation to the local circumstances. That which may give rise to a belief in London is not necessarily the same as that which might give rise to a belief in Inverness.

The likelihood of the belief occurring must depend upon local conditions and upon factors such as – and I would have supposed importantly – the composition of the local hackney carriage fleet. There is in my judgement, no such thing as a vehicle, which, as a matter of law, is in all places to be regarded inexorably as a hackney carriage.'

This judgment means that it is a matter for local councils to determine which type of vehicle can be licensed as a private hire vehicle. Obviously if the hackney carriage fleet in Lancaster was predominately made up of purpose built cabs, then it would not be appropriate to grant a private hire licence to such a vehicle.

However as the local fleet is made up of saloon and people carrier type vehicles, then the distinguishing factor would be the roof signs on hackney carriage vehicles, the front plate on the private hire vehicles and the different door signs and plates.

News in Brief

Just a reminder that the process for renewing vehicle licences has been changed in order to streamline the procedure.

Pre-populated application forms will be sent to you in the month prior to the renewal date.

You need to check the details, make any necessary amendments, sign the form and return it to the licensing department at the Town Hall, along with a copy of your insurance and your current compliance certificate.

You can either submit payment by cheque at that time, or you can contact the licensing office and make a card payment over the phone.

Once all the paperwork has been received and payment has been made, you can telephone the licensing office and book your vehicle into VMU for the compliance test.

You are not required to make an appointment to submit paper work. The new plate will be available within 3 days of your vehicle test.

You are reminded that it is your responsibility to make sure you book your vehicle test in plenty of time, failure to do so could result in the vehicle licence lapsing. Licensing officers can not guarantee last minute appointments.

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A Lancaster private hire operator pleaded guilty on Friday 25th January at Lancaster Magistrates to using an unlicensed vehicle to fulfil a booking.

He was given a 6 month conditional discharge. This is the second private hire operator to be prosecuted in the past 12 months for this type of activity, and this should give out a clear message to unscrupulous people who are prepared to use unlicensed vehicles that this authority will take legal action.