



A summary of responses to Cheshire East Council's

Draft Hackney Carriage and Private Hire Licensing Policy Consultation

Introduction

Purpose of the survey

Between October and December 2021, a consultation was conducted about the 'Draft Hackney Carriage and Private Licensing Policy'. This is a follow-on from the pre-engagement that was conducted in July 2021.

The purpose of the consultation was to seek views on a number of changes being considered in relation to the 'Drivers, Vehicles and Operators Licences' to reflect the publication of the statutory Taxi & Private Hire Vehicle Standards which local authorities have to have regard to.

Relevant stakeholders were given notice of the consultation both through email invites to take part and a written paper invitation to those who email details were not held for. These stakeholders included council officers, local businesses, and existing license holders.

Survey responses

A total of 234 responses were received to the consultation:

- 100 responses from members of Cheshire East's Digital Influence Panel (DIP)
- 104 responses from existing or previous license holders
- 30 responses from other sources (see Appendix A for full breakdown)

This report presents a summary of all responses received and is divided in five sections as below:

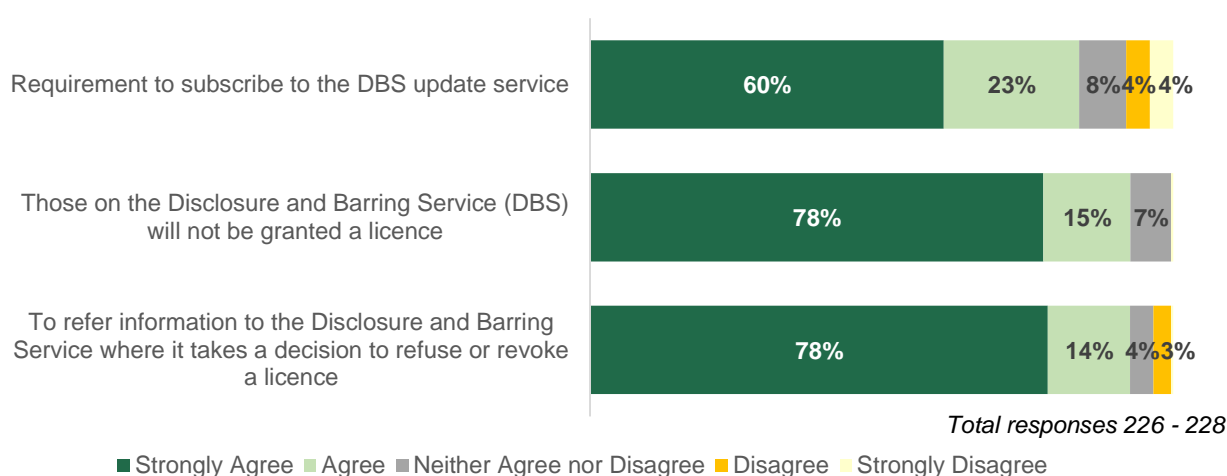
1. National Standards
2. Additional Standards
3. Private Hire Operators
4. Zoning
5. Conclusions

Report produced January 2022 by the Research and Consultation Team, Cheshire East Council. Email RandC@cheshireeast.gov.uk for further information. Please note due to rounding percentages in visuals will not always sum to 100% and that comments can generate multiple references meaning total number of references in open comment sections may not sum to total comments received.

Section 1: National Standards

Respondents were asked how strongly they agreed or disagreed with several aspects around DBS checks and policy implementation. These included: a requirement to subscribe to the DBS update service, those on the barred lists maintained by the Disclosure and Barring Service (DBS) not being granted a licence, and to refer information to the Disclosure and Barring Service where it takes a decision to refuse or revoke a licence and where the individual is thought to present a risk of harm to children or vulnerable adults. Figure 1 below presents a summary of responses to these items.

Figure 1: DBS Policy Items



Respondents expressed high agreement with all three items. The item with the highest agreement was those on the DBS list to not be granted a license (93% 'strongly agree' or 'agree', 212 of 228).

Respondents left a total of 78 comments to these three items which were split in those expressing support for them (33 references) mainly due to safety benefits (13 references). However, a number of respondents raised concerns or queries about them such as:

- Who covers the cost of the DBS checks (17 references)
- Discretion was needed for referrals to the barring service, transparent process needed, honest mistakes (8 references)
- How to handle out of area drivers (6 references)
- Checks were too frequent and how would this affect the 3-year renewal (5 references)

Para 4.14 is contradictory: it states that no licence will be issued, but then goes on to provide an "exceptional circumstances" exception, and that these "should be" - not "will be" - recorded!

Respondents were asked three further questions around national standards which included: mandatory safeguarding training for all drivers, the use of the National Register of Revocation and Refusals (NR3) before issuing a licence and the implementation of guidelines on the assessment of previous convictions. Figure 2 below presents a summary of results.

Figure 2: National Standards



Respondents again expressed a high level of agreement with these items. The highest level of agreement received was to the use of the NR3 (90% 'strongly agree' or 'agree', 204 of 227).

Respondents left a total of 62 comments to these three items which were split in those expressing support for them (25 references) mainly due to safety benefits (5 references). However, a number of respondents raised concerns or queries about them such as:

- Who covers the cost of the safeguarding training (6 references)
- Experience drivers would not need training, those driving for school transport already have training, course content needs to be tailored (9 references)
- How to deal with out of area drivers (6 references)
- A transparent process is needed in regard to NR3, room for appeals (5 references)
- More information on guidelines needed (3 comments)

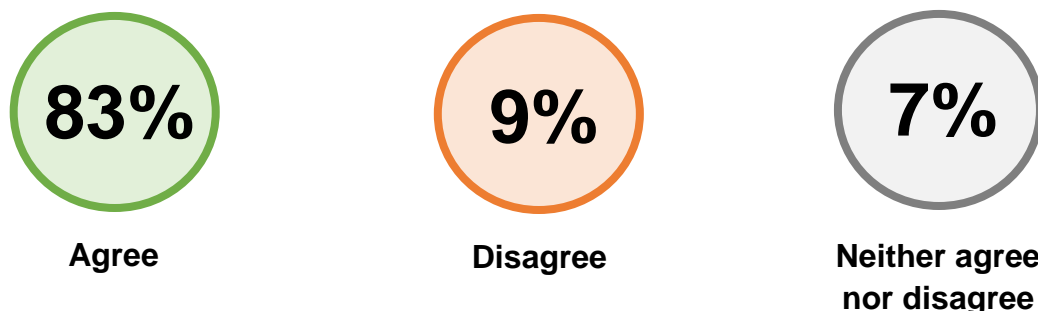


The Guidelines are not well-researched or thought through in respect of offences committed in other jurisdictions. As examples, it will not be possible to use the current wording to refuse a licence to a person convicted in Scotland of wilful fire-raising ("arson" can only be committed in England and Wales), and Fixed Penalty Notices can only be issued for criminal offences. However, as the word "civil" is mentioned, shouldn't Penalty Charge Notices be included?



Respondents were asked if they agreed or disagreed that the BTEC Award in Transporting Passengers by Hackney Carriage and Private Hire is sufficient for applicants to demonstrate that they have appropriate English language skills.

How strongly do you agree or disagree that this is sufficient for applicants to demonstrate that they have appropriate English language skills?



Total number of respondents 228

Respondents expressed a high level of agreement that the BTEC award is sufficient for applicants to demonstrate that they have appropriate English language skills (83% 'strongly agree' or 'agree', 191 of 228).

Respondents left a total of 35 comments to this section which were split into those who expressed support (12 references) and those who had the following points:

- BTEC doesn't go far enough, face to face interviews and assessment are needed to prevent others from completing courses online (10 references)
- Current licence holders should be applicable to this, poor skills raised concerns (7 references)
- Too complicated, shouldn't apply to UK drivers with good history (3 references)
- Who covers the cost, another barrier to new drivers (1 reference)
- How to deal with out of area drivers not having this (1 reference)

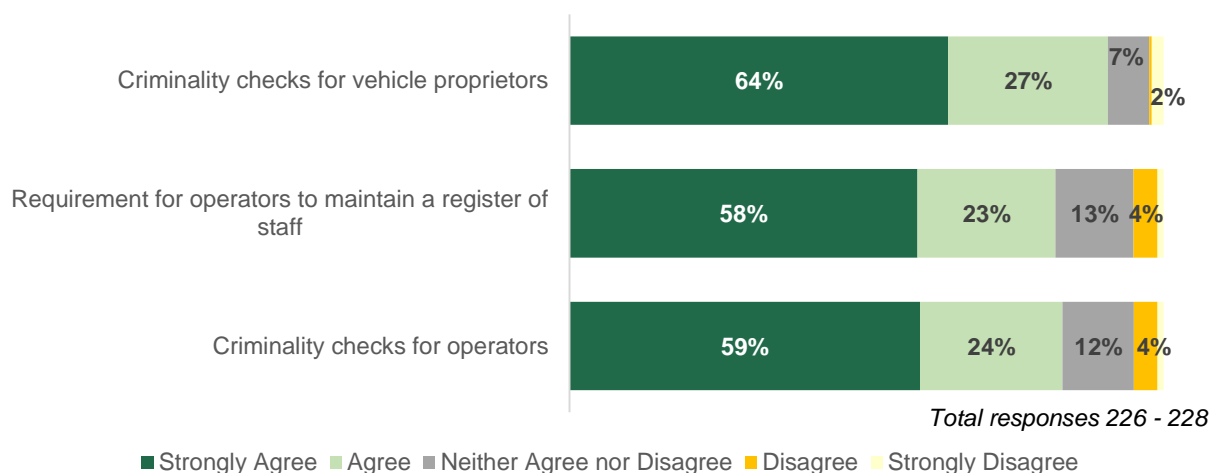


The idea of such courses is a nice idea however they are often difficult to come by and are an obstacle in the way of a potential new driver. Maybe adopting the Wolverhampton approach to this would be better.



Finally, in this section respondents were asked how strongly they agreed or disagreed with a number of criminality checks for proprietors and operators as well as a requirement to hold a register of staff. Figure 3 overleaf presents a summary of results.

Figure 3: National Standards Continued



Respondents expressed a high level of agreement with all standards. The highest level of agreement was expressed to criminology checks for vehicle proprietors (91% 'strongly agree' or 'agree', 207 of 228).

Respondents left a total of 53 comments to these three items which were split in those expressing support for them (21 references) mainly due to safety benefits (3 references). However, a number of respondents raised concerns or queries about them such as:

- A transparent process free of bias (7 references)
- This would create a barrier for new drivers (4 references)
- How to deal with out of area drivers (4 references)
- Already required by business (4 references)
- Measures do not go far enough (3 references)
- Individuals have already been punished by the courts, how will people reform (3 references)
- Heavy handed requirement for those will only 1-2 drivers (1 reference)
- Who will pay the costs (1 reference)



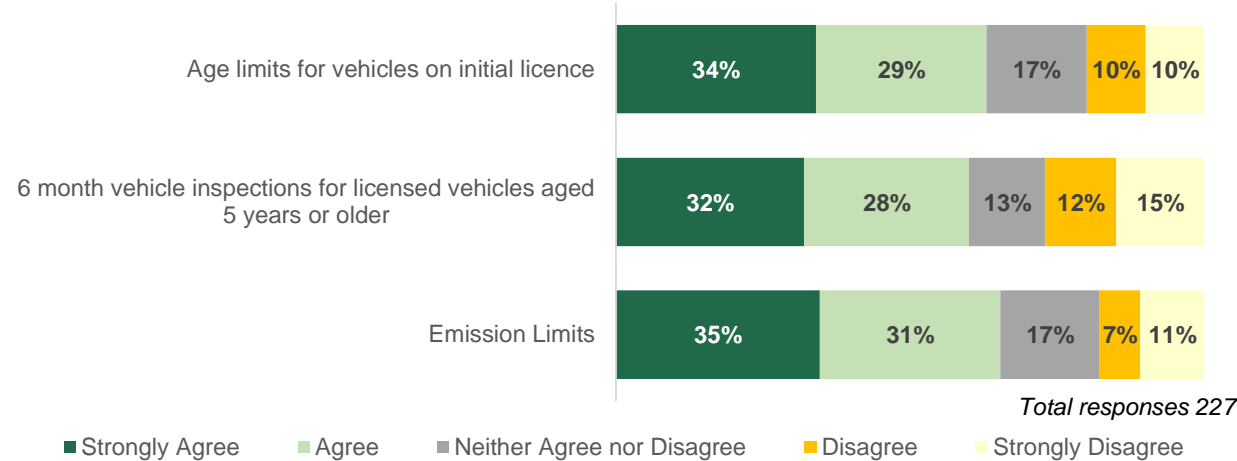
Also that spot checks should be made on a regular basis, random cars pulled to the office, no reason needed just to check who's driving and it's the correct vehicle and in good condition, these spot checks should also include the council's presence on occasions this will then put a seriousness that alerts the drivers to the fact that they could be stood up there and then and an immediate hold on their license and vehicle, this will make all those who do use unlicensed drivers to think twice as all involved will lose their license



Section 2: Additional Standards

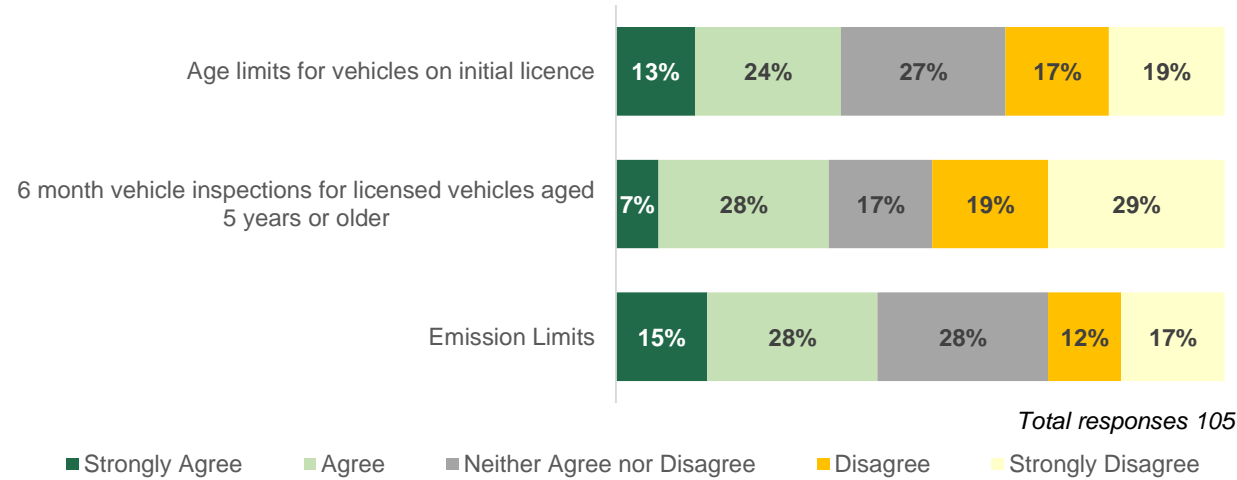
Respondents were asked about a number of additional standards alongside the proposed DFT standards. Several of these additional standards pertain to vehicle standards such as age limits, vehicle inspections and emission limits, figure 4 below presents a summary of these.

Figure 4: Additional Standards For Vehicles (all respondents)



At surface level respondents generally seem positive about these standards however there is an increase in disagreement seen from the DFT standard questions. Further analysis of the licence holder only responses provides more clarity into where this increase in disagreement has come from, see Figure 5 below.

Figure 5: Additional Standards For Vehicles (licence holders)



Licence holders expressed the highest level of disagreement (36% 'strongly disagree' or 'disagree, 38 of 105) to 6-month vehicle inspections for vehicles aged 5 years or older.

Respondents left a total of 107 comments to these three items which were split in those expressing support for them (15 references) mainly due to air quality benefits (14 references) and safety increases (3 references). However, a number of respondents raised concerns or queries about them such as:

- Who will pay the costs to meet these standards, will force many out of business at an already difficult time (40 references)
- Age of vehicle timespans need adjustment; cars would be in good working order but not able to be used (14 references)
- Need to deal with out of area drivers, would encourage out of area drivers (6 references)
- Not enough garages to undertake this work, system is restrictive this will make it worse (6 references)
- Mileage would be a more appropriate measure than age, especially in regard to specialist transport vehicles (5 references)
- An MOT would be enough, this is over-testing (4 references)
- A grace period for these measures would be needed to help absorb costs (4 references)
- Council should focus on reducing its own fleet emissions (2 references)

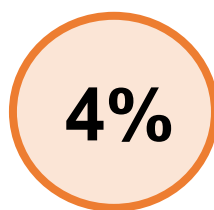
Perhaps a set of standards and not limited to age. Vehicle age isn't always the main factor in meeting standards with maintenance levels being more important. The monitoring of vehicles by TSS has informed for this conclusion.

Respondents were asked if the council should adopt the requirement of publishing a register of wheelchair accessible vehicles.

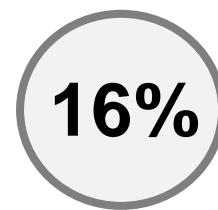
How strongly do you agree or disagree that the Council should adopt this requirement? (WAV register)



Agree



Disagree



**Neither agree
nor disagree**

Total number of respondents 226

Respondents left a total of 24 comments to this item which were split into those expressing support for a register (10 references) and those raised concerns or queries about them such as:

- More accessible vehicles are needed generally (8 references)

- Privacy concerns, not needed or generally against (5 references)
- How will this apply to out of area drivers (2 references)
- Too costly, currently couldn't afford the expense (2 references)



As an operator who regularly does disabled journeys I am more concerned about drivers who have bought vehicles that meet the standard to be Hackney's but then do not provide a disabled service as they are more time consuming.



Respondents were also asked about the proposal to amend procedures on how the council deals with the licensing of temporary vehicles in the event of an accident.

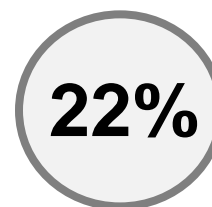
How strongly do you agree or disagree that the Council should adopt this requirement? (Temporary vehicles)



Agree



Disagree



**Neither agree
nor disagree**

Total number of respondents 228

Respondents left a total of 26 comments to this item which were split into those expressing support for amending procedures (4 references) and those raised concerns or queries about them such as:

- Procedures are too slow leading to loss of earnings, more needs to be done (7 references)
- Vehicles must be to a suitable standard (4 references)
- Current system works well so why change, more red tape (4 references)
- Needs more clarity (2 references)
- Time limits on the temporary licence to prevent abuse (1 reference)
- Out of area drivers (1 reference)



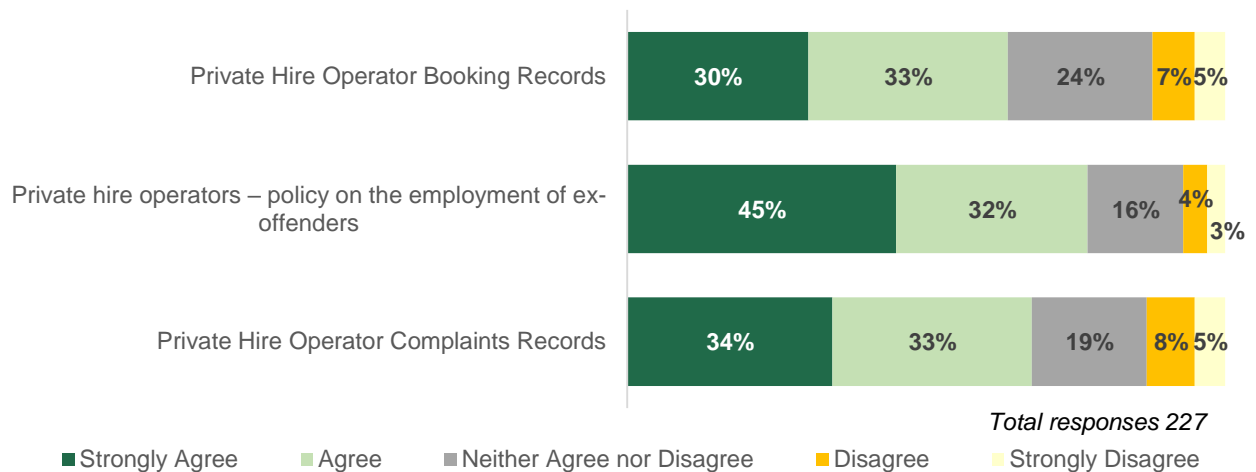
Having had the experience, it is extremely time consuming and includes loss of income that is not recoverable from insurance (even a non-fault situation might not be recoverable.)



Section 3: Private Hire Operators

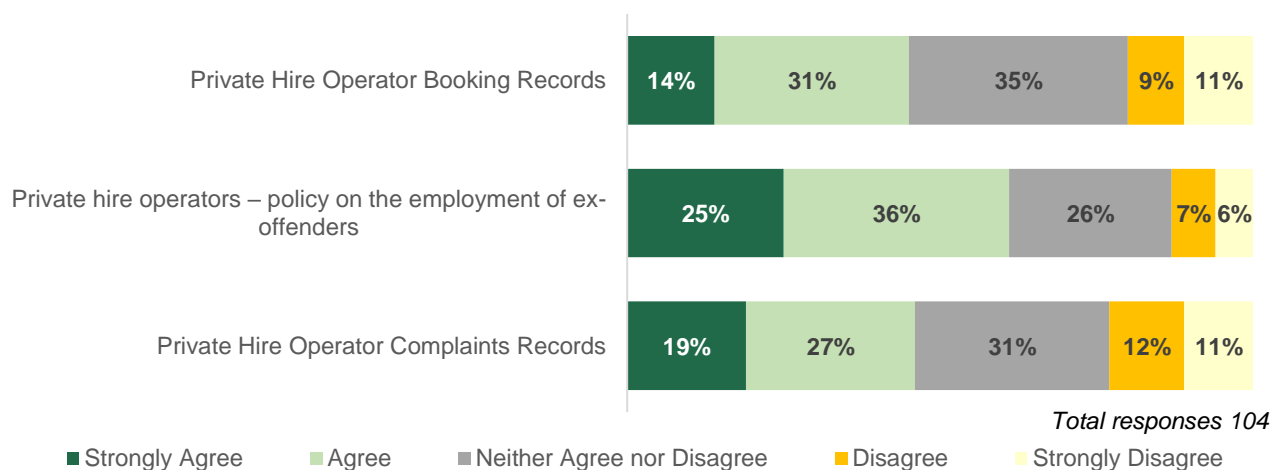
Respondents were asked a number of questions around standards relating to private operators, these included: keeping complaints and booking records for two years, and policy on employing ex-offenders and carrying out a DBS check on those involved in taking bookings. Figure 6 below presents a summary of responses to these questions.

Figure 6: Private Hire Operator Standards (all respondents)



Respondents expressed the highest level of agreement with implementing a policy on the employment of ex-offenders (77% 'strongly agree' or 'agree', 176 of 227). As these questions are likely to be more relevant to those with businesses and licences the views of licence holders only are presented in Figure 7 below.

Figure 7: Private Hire Operator Standards (licence holders)



While agreement with the three items remains high among licence holders there is an increase in disagreement towards these three items. The highest increase in disagree

was seen in the complaints record keeping process which increased from 13% to 23% ('strongly disagree' or 'disagree', 24 of 104).

Respondents left a total of 62 comments to these items which were split into those expressing support for them (21 references) and those who were against them (14 references) and raised concerns or queries about them such as:

- Timeframes for keeping records needs to be extended, two years is not long enough (10 references)
- Clarity on why the timeframe increase is required (4 references)
- How to deal with out of area drivers (3 references)
- Type of offenses needed to be considered (2 references)
- Cost of keeping these records (1 reference)



Road transport requires three years, tax people six years, make it three years how can either of the above departments investigate an operator if it only two years?



Respondents were asked if they felt there was more the council could do when working with the police, a total of 65 comments were left to this section:

- Greater information sharing where possible, with neighbouring authorities also (13 references)
- Enforcement checks for out of area driver and touts, make sure drivers and vehicle details match (12 references) including unannounced checks (5 references)
- Support closer working links with the police (12 references)
- Employ a designated officer to deal with this (5 references)
- More needs to be done to protect drivers, especially at late night, police are not responsive (4 references)
- Safety must be improved for children's transport, randomised drug testing for drivers (3 references)
- How to make a complaint (2 references)
- Just get on with it and do the job/catch lawbreakers (2 references)



I have been in a position with the police in Macclesfield on a Saturday night and was told it's not our business or policy so just get on with your job for the night and stop mithering us on issues that don't matter, this was less than 2 weeks after a driver/licensing/police meeting at the town hall, so yes there is more that can be done.



Section 4: Zoning

Currently only the Congleton zone has a limit on the number of hackney carriage vehicle licences that will be issued (42). Respondents were asked how strongly they agreed or disagreed that this limit should be removed.

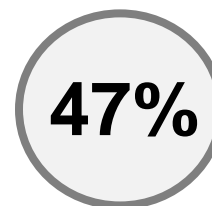
How strongly do you agree or disagree that the Council should remove the limit in the Congleton Zone?



Agree



Disagree



**Neither agree
nor disagree**

Total number of respondents 225

Respondents expressed a high level of neither agreement nor disagreement with this item (106 of 225). This can sometimes be a measure of uncertainty around this item in that respondents could not form a strong opinion either way.

Respondents left a total of 37 comments around the licence limit in Congleton which were split into those who supported removing the cap (7 references) and those that didn't for the following reasons:

- Keep the limit, not enough trade in the area as is and will cost businesses money (14 references)
- Need to deal with out of area drivers, stealing trade, restrictions make no difference otherwise (9 references)
- The system needs equity, either cap all places or none of them (6 references)
- More clarity needed, why is this the only zone with cap (5 references)
- Support and listen to drivers in this matter, already difficult enough (4 references)



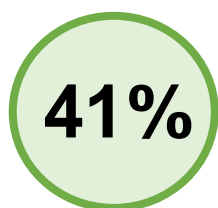
Not enough trade to support the 42 taxis in Congleton as it is. Issuing more plates for Congleton will just destroy my business even further.

My plate has Grandfather Rights and if the restriction is removed, I expect to be compensated for my plate as I had to purchase it from a previous owner for a substantial sum prior to Cheshire East transferring it to me.



Currently, the Crewe and Nantwich and Congleton Zone have a requirement that all new grant hackney carriage vehicles must be a wheelchair accessible vehicle. This requirement does not apply to the Macclesfield Zone. Respondents were asked how strongly they agreed or disagreed that all new hackney carriage vehicles be accessible.

How strongly do you agree or disagree that the Council should require all new hackney carriage vehicles to be wheelchair accessible vehicles?



41%

Agree



33%

Disagree



25%

**Neither agree
nor disagree**

Total number of respondents 225

Respondents were split between agreement and disagreement to this requirement, although agree was slightly higher. Considering the views of only licence holders disagreement rises from 33% to 53% (56 of 105).

Respondents left a total of 13 comments to this section covering a number of points such as:

- All vehicles should be accessible for all (5 references)
- The cost of having these vehicles would be a barrier, larger fleets would hold a monopoly (3 comments)
- Existing licences should not be affected (2 references)
- Policy would be too limiting and restricting (2 references)

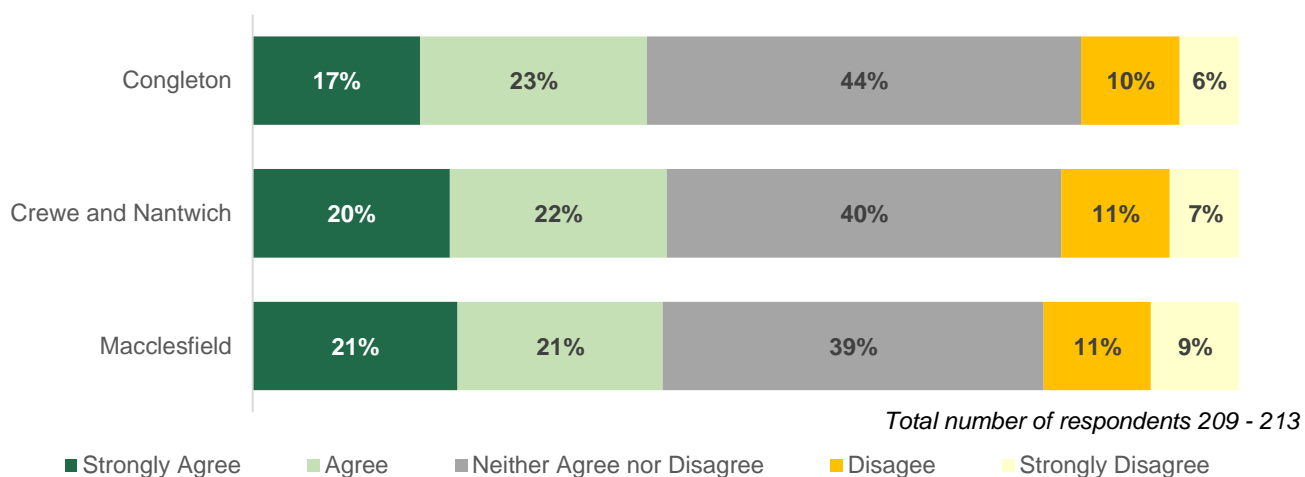


This will lead to a shortage in Hackney Carriages. One thing I would ask is that there is more enforcement carried out on those that currently have wheelchair vehicles as it is practically impossible to get drivers to carry out wheelchair work. They all want the plate that the vehicle gets them, but they don't want to carry wheelchair passengers!



Respondents were asked if they agreed or disagreed with the proposed table of fares for Crewe and Nantwich, Congleton, and Macclesfield. Figure 8 overleaf presents a summary of results.

Figure 8: Table of Fares



Views to increasing the table of fares in these three areas were mixed across the board with respondents expressing an equal level of agreement and neither agreement nor disagreement to items. When considering the views of licence holders only the picture becomes clearer for agreement for increasing fares in the three zones rising to 55% for Congleton, 56% for Crewe and Nantwich, and 58% for Macclesfield.

Respondents left a total of 49 comments to this section covering a number of points such as:

- Fares should be raised to cover increasing costs such as fuel, insurance, and cost of living (20 references)
- The same charges should apply to the whole of Cheshire East, unify the system (12 references)
- Fares should increase in line with inflation (7 references)
- Fares should be reduced, taxis are already too expensive (4 references)
- Out of area competition is affecting trade (3 references)
- Fares need to be displayed more clearly, how can the public access this information (2 references)

Why are the fares not the same throughout the borough? I have strongly disagreed for C & N to have an increase because they charge more already. While taxi drivers may be feeling the pinch due to fuel increases, so are the rest of us, you could be putting taxi prices out of the range of people who may need to use one to get to a hospital.

Cheshire East is split into three zones for hackney carriage licensing. The zones or areas are the same area as the boroughs before Local Government Reorganisation (ie Congleton, Crewe and Nantwich, and Macclesfield). Respondents were asked how strongly they agreed or disagreed that the council should retain the current zones.

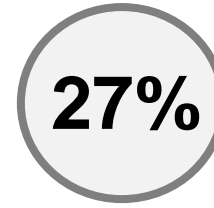
How strongly do you agree or disagree that the Council should retain the current hackney carriage zones?



Agree



Disagree



**Neither agree
nor disagree**

Total number of respondents 226

Respondents were split nearly evenly between all options on the retention of zones. Agreement to keep the zones increases slightly when considering the views of licence holders only up from 39% to 44% (46 of 106).

Respondents left a total of 46 comments around the removal of zones which were split into the following:

- Remove the zones, one plate for Cheshire East as a whole would make more sense, a more refined system (24 references)
- Out of area plates and drivers are stealing trade, do not respect zones anyway (9 references)
- Against the removal of zoning, small areas with low trade, keep the local knowledge and businesses going (10 references)



UBER and other private hire companies are operating in Cheshire east. they have captured customer market. Hackney trade almost dying in Our council area.



Finally, respondents were asked if they had any further comments to make. A total of 69 comments were left to this section which were coded into three themes, a summary of which is presented below:

Concerns (26 references)

The main point highlighted here by respondents was the need to deal with out of area plates and the rise of UBER and unlicensed vehicles taking trade (18 references). Respondents recommended that spot checks on drivers be undertaken (3 references). Respondents raised concerns about the cost of vehicle maintenance and felt that failures on tests causing loss of grandfather rights was unfair as they rely on others to undertake the work (3 references). Respondents asked for better communication and felt there should be an appointed knowledgeable officer (2 references).

If a test is failed and the work required to the taxi is done by an independent garage which is not to the Councils satisfaction and fails again on retest, even though the driver/owner has done all she/he can to rectify the failure the taxi licence would be removed and the grandfather rights lost. The driver/owner would then be unable to take the taxi to another/different garage for repair and retest. The Driver/Owners are not qualified mechanics yet can be penalised for faults they rely on other people to put right!

Documentation and Training (22 references)

The need for greater driver training and awareness was highlighted by some respondents including English speaking skills, local knowledge, and domestic abuse support (10 references). Respondents highlighted that the point of the new policy should be to simplify and streamline the process which some felt might not be the case and could more plain English be used (9 references). Respondents also felt that forms for licence renewal and applications could be improved and streamlined (3 references).

The main purpose of the document should be to simplify regulations not confuse the issue with needless amendments.

Additional Points (10 references)

Respondents felt that the document would have some air quality benefits and reduced emissions (6 references). Respondents felt more could be done about drivers speeding (1 reference), improved road conditions in the borough (1 reference) and that the council were overcharging licence holders for applications and maintenance (2 references).

Considerations (9 references)

A need for more taxi ranks was highlighted by respondents (4 references) including a request for a rural hub service (1 reference). Resistance against a mandatory WAV condition was expressed (1 reference). Respondents also felt more could be done to improve driver and passenger safety such as driver screens and CCTV in vehicles (3 references).

apart from the privately run rank at Crewe station Crewe only has the small rank on market square. customers need ranks at key points such as Leighton hospital, asda and the retail park. there is no daytime rank at all in Nantwich, creating unnecessary and expensive detours

Conclusions

In terms of national standards respondents were generally positive around these, especially regarding DBS checks and the use of the NR3. Respondents felt that these could improve safety for both passengers and drivers. There was strong support for an English language qualification and also for mandatory safeguarding training.

In terms of mandatory conditions on vehicles (such as age and maintenance checks) respondents were less supportive, especially when considering the views of licence holders only. The main issue repeatedly raised throughout the survey was around the cost that some of these conditions would impose on an already delicate balancing act. Support for these measures could be improved through suggested grant funding or phased integration to give time for costs to be absorbed. Secondly respondents felt that too much weight was being given to the age of the vehicle and felt that focus should be more on the maintenance and mileage of vehicles for additional checks.

Respondents also had a mixed response to zoning and fare increases with many expressing concern or surprise that there is such variance across Cheshire East. Views of licence holders need to be considered carefully before making changes such as the removal of limits on licences in the Congleton zone and the removal of zones across Cheshire East as respondents raise compelling arguments for both sides of the case.

A consistent theme through the survey was the need to handle out of area drivers. Respondents felt that the stricter Cheshire East became as a licencing authority, this was something that would increase in the future and that was currently already a problem. A respondent felt that Cheshire East should look to Leeds City Council for an example in how to deal with this.

As well as out of area drivers, there were concerns raised around many points about the amount of time or 'red tape' and cost that adoption of these conditions would add to renewal and operating costs of a driver. This has been particularly sharpened by the impact of COVID-19 on the industry. Implementation of the policy should be mindful of its impact at an already difficult time with mitigation in place for costs if possible.

Appendix A: Demographics

| Respondent Type | Count | Percent |
|--|------------|-------------|
| An existing license holder | 100 | 44% |
| A previous license holder | <5 | 2% |
| On behalf of a group, organisation or club | <1 | 0% |
| As an individual | 108 | 48% |
| On behalf of a local business | <1 | 0% |
| As an elected Cheshire East Ward Councillor, or Town/Parish Councillor | 7 | 3% |
| Other | 6 | 3% |
| Grand Total | 227 | 100% |

| Gender | Count | Percent |
|--------------------|------------|-------------|
| Male | 164 | 72% |
| Female | 53 | 23% |
| Prefer not to say | 11 | 5% |
| Grand Total | 228 | 100% |

| Age | Count | Percent |
|--------------------|------------|-------------|
| 16 – 24 | <5 | 0% |
| 25 - 34 | 5 | 2% |
| 35 - 44 | 29 | 13% |
| 45 - 54 | 46 | 20% |
| 55 - 64 | 61 | 27% |
| 65 - 74 | 62 | 27% |
| 75 - 84 | 11 | 5% |
| Prefer not to say | 13 | 6% |
| Grand Total | 227 | 100% |

| Long term health problem or disability | Count | Percent |
|--|------------|-------------|
| Yes | 27 | 12% |
| No | 176 | 78% |
| Prefer not to say | 23 | 10% |
| Grand Total | 228 | 100% |