



THE NATIONAL PRIVATE HIRE ASSOCIATION

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31 January 2016

Sharon Davies
Head of Licensing Services
Blackpool Borough Council
By email: licensing@blackpool.gov.uk

REF: **NPHA submission to Blackpool Borough Council regarding Hackney Carriage and Private Hire Policy**

Dear Sharon

We have been asked by our member Blacktax Radio Taxis Ltd to submit comments from the National Association in respect of your council's proposed Hackney Carriage and Private Hire Policy. We would ask you to please accept our apologies for the slight delay in submitting this document; we understand that Blacktax has informed you that we would be slightly outside the deadline. Unfortunately our General Secretary Bryan Roland is very ill in hospital and is not able to participate in this exercise, or anything else at present; however, our message to everybody is that it is "business as usual" at this Association, as best possible.

As you know, we have worked with yourselves for a long time, and you will know that any comments or criticisms are offered entirely in a spirit of cooperation; we are hopeful that they will be received accordingly and noted during the consultation process.

We would wish to start by commenting on the council's hackney carriage Byelaws, which form part of the consultation/policy document. Whilst the content of the Byelaws is far from controversial – and in fact is more or less standard with those of a large number of local authorities around the UK – what we would query is the fact that they are quite dated.

By this we are referring specifically to the fact that the Byelaws appear to have been updated on a couple of occasions, the last of which seems to be 1979. However, the seal and signature of the Secretary of State dates from 1961. With the council currently updating its licensing policy across the board, it may behove you to consider undertaking a consolidation exercise on the Byelaws as well.

Looking at the policy document, we shall make our comments and suggestions relevant to the numbered sections in the order they appear in the document. Starting on page 5, under 4.2 Making an Application: The last bullet, "that the applicant has a minimum of three years' post qualification driving experience... or advance driving assessment", strikes us as extremely strict. We understand that this requirement was not in your previous policy. The legislation (LGMPA) has nothing to enforce this requirement, except for "reasonably necessary"... which honestly, is questionable – and would cause major recruitment problems for operators.

Page 8, under Medicals: second paragraph: "Applicants are required to undergo a medical assessment on first application and every 3 years..." then annually at 65. Start and finish is correct; however the three-year interval demands too many medicals. DVLA Medical Fitness to Drive Group 2 requirements are: medical on first application, then no more until age 45, then every five years to 65, then annually. That is of course unless the licence holder develops a notifiable medical condition (such as stroke, heart attack etc.)

Page 12, still under Vehicle Specification: With respect, the second paragraph on the page is entirely off the wall – and has caused a great deal of controversy and concern amongst the trade. Firstly, if we understand it correctly, this section reckons to apply to both hackney carriage and private hire vehicles. The Equality Act 2010 has made no provision for either type of vehicle to be 100 per cent wheelchair accessible, so there is no national disability legislation to back this policy. Secondly, the Minister of Transport, Andrew Jones, last month did a U-turn from the original government policy of making all taxis wheelchair accessible; the Government stance for nearly 13 years has been in favour of a mixed fleet of WAVs and saloon taxi provision, as have the EU Ministers.

Thirdly, if the council made wheelchair accessibility a condition for private hire MPVs (for which there is no government legislation to underpin this decision), this would kill off every private hire firm that caters for groups of people as large as seven and eight... they would have to take two taxis/PHVs. We are certain that every private hire firm in town will put in a joint objection to this, as it's a killer of business big style.

We totally appreciate that the council wishes to cater for all users of road transport, including wheelchair bound passengers. However, we believe that to force "all new and replacement multi-seat vehicles capable of carrying six to eight passengers [to be] wheelchair accessible" will obliterate an entire segment of a very important part of Blackpool's market in transport provision. This precept is entirely against the Department for Transport Best Practice guidance where, under "The Role of Licensing: Policy Justification" it states:-

"The aim of local authority licensing of the taxi and PHV trades is to protect the public. Local licensing authorities must also be aware that the public should have reasonable access to taxi and PHV services... Licensing requirements which are unduly stringent will tend unreasonably to restrict the supply of taxi and PHV services by putting up the cost of operation or otherwise restricting entry to the trade. Local licensing authorities should recognise that too restrictive an approach can work against the public interest – and can, indeed, have safety implications."

The major drawback to this proposal is financial: Used eight-seat vehicles are more affordable and readily available than eight-seat wheelchair accessible vehicles. When owners come to replace their eight-seaters and have to purchase a used or – in the majority of cases – a new vehicle, this will not be financially viable and they will replace them with a saloon. This will lead to a shortage of eight-seat vehicles, which are currently used by the day centre, for school contracts, and generally for Blackpool's tourist industry.

The fact is that Blackpool has a huge demand for eight-seat vehicles; Blacktax and the other firms cannot currently meet this demand. To restrict supply even further would not give the level of support to any groups in the area, including the dancers who attend the Winter Gardens from all over the world; and the variety groups of girls and lads who visit Blackpool and make it an attractive place to take a short break. Blacktax picks up from many venues in the town centre for parties of up to eight; under your council's proposal this business would be seriously damaged, and the public – both able bodied and disabled – severely disadvantaged.

Blackpool is one of the UK's licensing authorities that already has a higher percentage of wheelchair accessible vehicles available to the public, due to the fact that the majority of your hackney carriages are wheelchair accessible. Across the entire country the percentage of wheelchair bound passengers using taxis and PHVs is exceedingly low: around 0.01 per cent of taxi users. With Blacktax, ten per cent of their fleet is wheelchair accessible but less than two per cent of bookings are for these types of vehicles.

Looking again at the DfT Best Practice, they emphasise:

"Local licensing authorities will... want to be sure that each of their various licensing requirements is in proportion to the risk it aims to address; or, to put it another way, whether the cost of a requirement in terms of its effect on the availability of transport to the public is at least matched by the benefit to the public... it is to urge local licensing authorities to look carefully at the costs – financial or otherwise – imposed by each of their licensing policies. It is suggested they should ask themselves whether those costs are really commensurate with the benefits a policy is meant to achieve."

Further, under their Vehicle Specification section:

"It is suggested that local licensing authorities should give very careful consideration to a policy which automatically rules out particular types of vehicle... Similarly, it may be too restrictive to automatically rule out considering Multi-Purpose Vehicles, or to license them for fewer passengers than their seating capacity..."

To finish on this point, we believe very strongly that you will receive serious objections to this particular proposal from various local support groups, the public generally, the transport providers including Blacktax, and a long list of vehicle manufacturers whose standard production eight-passenger multi-seat vehicles are used by both taxi/PHV companies and individual licensed drivers by the thousands all over the country. This Association certainly wishes to register a serious objection, and the warning that to instigate such a proposal could potentially result in a challenge being lodged at court against the council's decision by a growing list of local objectors.

Page 12, 5.4 Vehicle Testing: Blacktax agrees with the suggestion – as we do – that there should be two tests per year up to the age of 14 years, and three tests every 12 months for older vehicles. The legislation clearly allows for this, and actually this Association is surprised that the council still allows vehicles over 14 years old to operate in the area.

Page 13, Change of Vehicle: Last paragraph: Would it be possible for the council to go into more detail as to why you wish to take this decision on change of vehicle, as it seems unfair/cumbersome/costly and all the other negatives. 'If it ain't broke, don't fix it' seems applicable here.

Page 14, 5.9 Conditions: We are slightly confused here; surely the tariff displayed in hackney carriages should be covered by the byelaws (this is set out in your council's Byelaw 4(iii)), and not licensing conditions. Please explain "different tariffs"?

Page 16, top paragraph, "On the spot bookings": Again, we are not sure of the purpose of this paragraph. Certainly over the years the 'blowing in' of a booking by the driver to the operator has been questioned as to whether this is considered to be illegal plying for hire. This statement should be reworded or removed, as we do not believe there is a court precedent for such parameter.

Page 17, 7.1.1 Penalty point scheme: For the longest time our Association has been against these schemes, on the basis of double jeopardy: if a licence holder is penalised in court for an offence, why should he also be penalised twice for the same thing - as often happens with penalty point schemes. We have attached a questionnaire which was prepared by our lawyers a few years ago, which we believe raises some legitimate questions on penalty point schemes.

Page 18, Suspensions: The section of the legislation is missing here: it is LGMPA section 61(2)(B) that allows immediate suspension. "(2B)If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver under subsection (2)(a) of this section includes a statement that that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver."

Page 20, couple of things: Under Appeals, 3.1: It would appear that the policy document has quoted the wrong legislation here: the appeal procedure for new applicants is set out under LGMPA section 51 for private hire drivers and 59 for hackney carriage drivers. Section 77 applies to licence holders who already hold a licence but have been suspended or revoked; new applicants would not be able to "carry on their business" as they are not yet licensed.

Page 22, point 5.5: Driver applicants need an enhanced DBS check; private hire operators only need the standard check.

Page 37, under Vehicle Specification: Just under the bullets, "It is also recommended that vehicles with Euro NCAP star ratings of 4 or more should be considered when purchasing a new vehicle." Whilst the council's remit is always the safety of the travelling public, it must also heed the DfT Best Practice guidance document which dissuades licensing authorities from setting overly strict policies to the detriment of the trade.

Page 38, Interior Dimensions: If the council maintains a list of approved vehicles, is it necessary also to have a seat measurement requirement? We defeated the use of the Coventry Frame (seat measurement apparatus) in a Magistrates' case in Oldham nearly 20 years ago!

Page 38, Seats and seat belts: Current Government requirements for carrying children in licensed vehicles state: "If a child restraint is not available, children under 3 years must travel in the rear, but may be unrestrained. Children 3 years and over, up to 135cm tall must sit in the rear and use an adult seat belt. Children aged 12 years or more, or over 135cm tall, may travel the front, but must wear the seat belt."

Page 40/41, Trailers: The council's licensing department has no jurisdiction whatsoever over a trailer towed by any vehicle. The taxi/PHV legislation does not provide for such power. We've defeated this both by correspondence (in Telford) and in court (in Pembroke). The council is correct in saying that trailers must conform to Road Traffic legislation, and Construction and Use regulations. But the last bullet, "trailers must undergo the authority's inspection and licensing regime and must display an identification plate as specified by the Authority", is *ultra vires* the powers of the licensing department. As trailers are not licensed to carry passengers, there is no justification for licensing to get involved with trailers.

Page 41, Disability Access: last paragraph, about training - Who determines "sufficient training"? This is a gaping hole in the national Government's disability legislation that has never been filled; therefore who deems themselves expert enough to offer "sufficient training". We have been advised by several training providers around the country that they have grave concerns, for example, about the efficacy of the DVSA disability taxi training - ie. their training on use of ramps, fastenings etc. is not thorough enough. This issue merits further investigation; we totally agree that more training is required, but would be interested to see how the council determines the requisite level of training.

Page 42, Tinted Windows: The light penetration provision in this section can only be enforced (with Government backing) on the front windscreen and front windows. Any glass to the rear of the door pillars - both side and back screens - could be painted over... there is no jurisdiction over the light allowance through the back windows. This section wants checking out with the DVSA (formerly VOSA), who will confirm this information for you.

Page 48, Private Hire Operator's Conditions: Record keeping in first paragraph: no mention is made of computerised systems here. Surely if a company's booking and dispatch system is computerised, it is easy enough for an enforcement officer to come to the base and view computerised records, without the operator having to fill in a "suitable log or book" as well?

As mentioned, we hope these comments and suggestions are of assistance. Thank you for allowing this Association to participate in your consultation process on behalf of our members. We look forward to seeing your final policy document.

Yours sincerely
For **THE NATIONAL PRIVATE HIRE ASSOCIATION**



(Mrs) DONNA D SHORT
Director/Company Secretary

**HACKNEY CARRIAGE/PRIVATE HIRE VEHICLES/DRIVERS/OPERATORS -
PROPOSED PENALTY POINTS SYSTEM**

1. What documentary evidence is available to support the council's assertion that a penalty points system is reasonably necessary? Please provide details/copies of that evidence.
2. If the penalty points system is introduced, will the council take a signed proof of evidence from every complainant and witness(es)?
3. Will there be a written "charge" which will include all the details of the alleged misdemeanor?
4. If the penalty points system is introduced, will the council interview the licence holder in accordance with the provisions of PACE 1984?
5. Will the provisions of the PACE 1984 be adhered to, when investigating complaints of alleged misconduct and alleged criminal offences?
6. How will the gravity of the alleged misdemeanor(s) be determined?
7. Who will determine the gravity of the alleged misdemeanor(s)?
8. Will there be sub-categories of misdemeanors?
9. If alleged misdemeanor(s) are committed towards the end of years 1, 2 and 3 will the penalty points be carried forward to years 4, 5 and 6?
10. Will there be a "first hearing"? If yes, please provide details; if not, why not?
11. Who will act as Prosecutor?
12. Who will hear the complaint?
13. Who will determine the complaint?
14. Who will advise the council on legal issues during the -
 - a. Investigation?
 - b. First hearing?
 - c. Appeal to the committee?
15. Will the "Rules of Evidence" apply? If not, why not?
16. What defences will be available to the licence holder? Please provide precise details for each category of misdemeanor.

17. If a licence holder has no other alternative than to appeal to the sub-committee:-
 - a. What time period will he or she be given in which to lodge an appeal?
 - b. Will he or she be able to continue in business in the same way as under section 77 of the Local Government (Miscellaneous Provisions) Act 1976?
 - c. Will the council pay the Appellant's costs?
 - d. Will the licence holder be entitled to free legal advice from the outset?
18. Will the complainant(s) be "compellable" to attend the First/Appeal hearing, give oral evidence, and be open to cross examination? If not, why not?
19. Will prosecution witnesses be compellable to attend the First/Appeal hearing, give oral evidence, and be open to cross examination?
20. Will the investigating officer(s) be "compellable" to attend the First/Appeal hearing, give oral evidence, and be open to cross examination? If not, why not?
21. Will the council supply the licence holder or his/her legal advisers with evidence by way of advance disclosure? If not, why not?
22. What will be the Mens Rea of each alleged misdemeanor?
23. What standard of proof will be relied upon?
24. What are the "definitions" of the categories of each misdemeanor?
25. What is the council's legal basis for the imposition of such a system?
26. Can the council give assurances that the rules of natural justice will be observed? If assurances can be given, please provide details.
27. Why does the council feel it is necessary for them to perform a purely judicial function, thereby usurping the role of the courts?

28. How will potential complainants be informed that such a system operates in their area?
29. Does the council fear that there will be spurious complaints? If not, why not?
30. Please provide details of the discretion that will be entrusted to an enforcement office when deciding whether or not to issue penalty points. Will there be written criteria and/or guidelines to which he or she will have to adhere? If not, why not?
31. Is the council saying that the accumulation of ten or more penalty points is "reasonable cause" for which to suspend or revoke a licence, and not the individual offences themselves? That being the case, would not the licence holder have to appeal all of the

alleged "offences" to the magistrates court at first instance, in order to determine whether or not the council had reasonable cause to suspend, revoke or refuse to renew a licence?
32. Is there not a risk of double jeopardy? If not, why not?
33. Is there not a real likelihood of bias? If not, why not?
34. Is there not a real risk of an intermingling of functions? If not, why not?

We welcome many of the changes in Policy and the opportunity to influence this process. These are our comments.

Para 4.2 Making an application

“That the applicant has sufficient ability to speak English and to understand spoken English to provide the service that they wish to be licensed for.”

This is something that we have been saying for some time. It is clear that many local authorities are taking these steps in their licensing policies and that there is a need for this in Blackpool. If drivers are unable to converse with passengers problems will arise.

“That the applicant has sufficient knowledge of the Borough and other issues such as legislation relating to hackney carriage and private hire vehicles (for example the requirement to carry assistance dogs) as may be prescribed by the Council.”

We would like the questions asked in the test to be expanded to ask other questions. For instance some private hire vehicles are unaware that they are not allowed to pick up and drop off on taxi ranks. This could be used to generate a question. Also a significant number of private hire drivers seem unaware of the legitimate hackney rate starting fare of £2.60 and they tell their passengers that hackney drivers are overcharging passengers. They need to understand what the ‘legal fare’ starts at so that they understand that the hackney rate does not represent overcharging. We would suggest that elements of the hackney fare structure is made into questions for all aspiring drivers, hackney and ph.

“That the applicant has completed training specific to the service that they wish to be licensed to provide (including in respect of safeguarding, sexual exploitation, disability and dementia awareness and equality and diversity)”

We are not aware of the need for training in disability and dementia awareness and equality and diversity. Drivers are currently undergoing CSE training and if this further training is required we feel that the issues should have been combined to reduce disruption.

On a general taxi/ph training comment we think that there is a tendency to stretch out training to unnecessary levels. We believe that training providers are making too much of the subject in order to justify exorbitant fees being charged. We are greatly concerned about the proposed charges for forthcoming training and we would like to see ways being explored to bring this down to a reasonable level. Licensing Enforcement has previously offered to do this at a low cost and we would like further consideration to be given to this. Unless this can be done we can see problems arising in the near future in recruiting drivers.

“For persons who seek to be authorised to drive a wheelchair accessible vehicle) that the applicant has the ability to safely load and secure wheelchair users in a wheelchair accessible vehicle whilst in their chair.”

Can you advise us please how this will be tested?

4.2.2 Disclosure and Barring Service Check

So that the licensing authority receives relevant information as quickly as possible in order to take appropriate and proportionate action to protect public safety, it is the licensing authority's policy to require applicants to register for the DBS's update service and to nominate the licensing authority to receive updates. Registration lasts for 1 year and costs £13 per year. Licensees are expected to maintain this registration and nomination throughout the duration of their licence.

Not all drivers are computer literate or have access to the Internet. We would appreciate advice on how such this will be enforced for such people.

4.2.6 Customer Service Training

Currently drivers are required to complete the NVQ in transporting passengers by taxi and private hire in the first year of being licensed. To date this course has been provided at no cost to the driver. Recent changes in funding mean that the course in its current format will cost £300.00. A course with similar content but without the driver observation element could be provided for £200.00.

The proposal is that new applicants will be required to undertake a World Host course offered by the Council covering customer service and dealing with people with disabilities. Existing drivers who have not successfully completed the NVQ will also be required to complete this training before their current licence is renewed."

As mentioned above we believe that a more relevant training package should be put together. Much of what is provided by training providers is long and drawn out and represents waste. We would like to be consulted on alternative speedier training packages.

4.2.7 Safeguarding Training

One of the aims of this policy is to protect the public and safeguard children and the vulnerable. For this reason the Council believes that it is appropriate for licensed drivers to undertake basic safeguarding training.

To ensure a consistent approach to this training across Lancashire a training package has been prepared. The intention is that this will be delivered to new applicants as part of the knowledge test.

It is important that all licensed drivers receive the same level of training therefore all existing drivers will be required to undertake the training which will consist of a power point presentation

and a short test. The intention is to work with the licensed trade to agree appropriate timescales. Comments are invited on how the training should be delivered to existing drivers.”

We believe that too much time is being spent by drivers attending courses which deliver little value. The NVQ training caused much irritation because experienced drivers had to spend over 20 hours unpaid listening to people attempting to train on issues which were already well known. A typical training session would involve signing documentation on an extreme multiple basis in an attempt to validate the process. We would like the process to be made quicker. If drivers have equipment capable of loading power point presentations we would like to be able to do this at home and to email the test papers direct to the Licensing Service.

“5.2 Vehicle Specification

It is proposed that all new and replacement multi-seat vehicles (capable of carrying 6 to 8 passengers) must be wheelchair accessible.”

We agree this proposal. This will deliver benefits to disabled people and will assist the Licensing Service in refusing to license vehicles which we consider unsuitable eg Ford Transit van conversions without suitable wheelchair facilities.

It is our understanding that disabled people who use wheelchairs feel that on a general level that the community discriminates against them in many ways. We think this is an opportunity to make a real difference in Blackpool to improve transport facilities for such people. We can't understand why vehicle owners who operate larger vehicles would want to do so in vehicles that are unable to load and secure wheelchair users. All too often we hear tales from wheelchair users that they have had to wait long periods for suitable vehicles to arrive after making a booking.

Our view is that hackney operators in Blackpool operate a high percentage of vehicles that are wheelchair accessible. And that the percentage of private hire vehicles able to do this work is too low. We expect that there will be objections to this and we think that before a final decision is made that the views of disabled groups should be obtained, on this specific issue.

“5.3 Maximum age of vehicles

Currently a vehicle will not be licensed beyond 14 years of age unless it can satisfy the exceptional quality test (see Appendix G). Comments are invited about whether this age limit should be maintained.

The options are:

- 1. Retain the 14 year age limit**
- 2. Remove the age limit**
- 3. Adopt a different age limit**
- 4. Adopt a maximum age at first licensing”**

We are happy to retain the present arrangements.

“5.4 Vehicle Testing

Vehicles are tested in accordance with the table below. Certificates of compliance are issued to vehicles who meet the required standard

1-5 years old 1 inspection per year

5-10 years old 2 inspections per year

Over 10 years old 3 inspections per year

Comments are invited about the testing regime. One option suggested is that there should be 2 tests per year up to the age of 14 year of age, three tests per year thereafter with the Public Protection Sub Committee retains the right to increase the number of tests to three per year in respect of vehicles under the age of 14 years due to maintenance issues.”

We support the idea of testing all vehicles twice per year regardless of age up to 14 years and 3 times a year only after they reach 14 years. 3 tests per year for vehicles which are between 10 and 14 years seems excessive in our opinion. Also we believe that in the interests of public safety only testing newer vehicles only once per year is not sufficient. We do not have a problem accepting the Public Protection Sub Committee taking the action proposed in certain cases where this is deemed to be necessary.

“5.13 CCTV

Vehicles may be fitted with an appropriate CCTV system. If a system is installed it should be operational at all times the vehicle is in use.

The CCTV system must:

- Be of a make, type and design approved by the Council;**
- Will not be changed in any way from its original design, be free of damage and maintained in working condition;**

- ***The vehicle must carry appropriate signs, approved by the Council, informing the public that camera surveillance is active in the vehicle;***
- ***The recording system and memory card (or other image recording system) must be securely stored within the vehicle and away from public access;***
- ***Installation and maintenance must be in accordance with the manufacturer's specifications and recommendations;***
- ***Images contained in the recording device may only be downloaded by an authorised officer of the Council or Police Officer"***

We wish that consideration be given to amending the last sentence. The Council funded CCTV was problematic because of the access problems we encountered. Some drivers (with newer CCTV system) already have access to their images and have found this beneficial in being able to supply footage on the spot to police officers in dealing with difficult situations. But we understand your concerns and want to work with you to resolve this issue. It is our understanding that the Information Commissioner requires taxi drivers with access to images to register and pay an annual registration fee of £35. This gives them responsibilities as a Data Controller. Furthermore that it is a criminal offence to be a Data Controller and not to be registered. We would suggest that an additional sentence is added to the Policy to allow drivers access if they register and pay the fee. These drivers to show their certification to Licensing on an annual basis.

"6.5 Address of Operator

The Council will specify in the licence the address from which the operator may operate. The operator must notify the Council in writing of any change of address.

The Council will not grant an operator's licence for an operating base outside of the Borough of Blackpool. This is to ensure that proper regulation and enforcement measures may be taken by the Council and is in no way intended to be a restraint of trade."

We strongly support this requirement and we would like to see this extended to make it necessary for any operator also to supply a local landline phone number. We believe this is necessary so that customers are able to contact the company to resolve any issues which may arise.

7.1.1 Penalty Points Scheme

Some authorities adopt a penalty point scheme to deal with minor enforcement issues. If a licence holder obtains a set number of points within a specified time, they would be referred to the Public Protection Sub-Committee to consider whether they remained a fit and proper person to be licensed.

Comments are invited on whether such a scheme should be adopted in Blackpool. A sample scheme is attached by way of example.

We have reservations about this because we feel that this would enable penalties to be imposed without due consideration being given. Some drivers are not confident in putting forward explanations of incidents and might accept penalty points when none are strictly due. And then another minor incident might push them over the limit for a minor transgression.

Looking at the examples we were sent we can see problems arising. Examples of this is penalty points for:

- 4 points for ***“Failure to use authorised roof light”***. If a bulb blows it might be some time before the driver notices.
- 4 points for ***“Failure to maintain records in a suitable form of the commencement and cessation of work of each driver each day.”***
- 3 points for ***“Evidence of food or drink in vehicle.”***
- 3 points for ***“Unsatisfactory appearance of driver.”***
- 3 points for ***“Failure to observe rank discipline.”*** Would this mean that a driver returning from a toilet break would receive penalty points?
- 2 points for ***“Failure to maintain a reasonable standard of behaviour”*** Acceptance of being unreasonable up to say 5 times in a year? How is unreasonable to be determined?
- 2 points for ***“Not moving vehicle forward on a Rank to fill the space which has been vacated”*** Our view is that taxi drivers manage this process by peer pressure. No need for the Council to become involved.

These are just some examples of issues that are difficult to judge with pre-set penalty points that don't take account of mitigating circumstances.

As a general rule we feel that such schemes are not good for the taxi trade. In various parts of the UK taxi and private hire drivers are in opposition to such schemes and we would not want to see the harmonious relationship that we have in Blackpool being spoilt in this way. The Public Protection Sub Committee does a good job in determining whether or not individuals are fit and proper to hold a taxi/ph license. Enforcement are in the best position to recommend on any action necessary. We feel that all cases are different and the judgement of Officers should not be influenced by automatic processes involving totting up of points.

Appendix B – Private Hire Driver's Licence Conditions

We support the lengthy list of conditions mentioned in this Policy. We would also like to suggest that an addition is made to give guidance to private hire drivers as to where they should not park when waiting for a booking.

“The licence holder, whilst acting as the driver of a private hire vehicle shall when requested by any person hiring the vehicle:

- ***Convey a reasonable quantity of luggage;”***

We sometimes see private hire vehicles which are licensed for 6 passengers attempting to load 6 passengers plus luggage. And because they have seats pushed back there is no luggage space and passengers sit with suitcases on their knees. Clearly this isn't right and we feel that the Policy should address this. Our view is that such vehicles should be downgraded to a limit of 4 passengers.

Appendix C - Code of Conduct for Licence Holders

We note that there are various conduct requirements for licensed holders, drivers, hackney drivers including when parked outside company offices. We would suggest that an additional requirement should be added.

Private hire drivers should not:

- Park, wait, pick up or drop off on taxi ranks
- Park near to a taxi rank, public house, night club or other places where large numbers of people gather. Or to create the impression that they are plying for hire.
- Encourage or tout for business or telephone the office on behalf of customers to make a booking. It would not be a lawful booking if the driver contacted the operator to make the booking on behalf of the customer. We note this is mentioned in para 6.1 but we feel that it should be repeated here.

We would suggest that these issues should be incorporated into the new driver test for private hire drivers.

Appendix F - Vehicle Specification

“All vehicles should be capable of carrying not less than four passengers, be right and drive and shall have an engine size not less than 1298cc.”

Modern engines now deliver performance with smaller engines. We think that there is perhaps now no need for this limit on engine cc.

Disability Access

Where a vehicle is designed or adapted to carry a wheelchair, the vehicle licence holder shall ensure that the driver has received sufficient training to safely load and convey passengers using wheelchairs.

Amend perhaps to say “the driver (unless wheelchair exempt) has received sufficient training”...

Meter in private hire vehicles

“Private Hire Vehicles There is no requirement for private hire vehicles to be fitted with a taximeter. Those that are fitted with meters must have them tested and approved by the Authority.”

As some private hire vehicles are not being tested to ensure that the meter fare complies with the fare table on display we feel that this paragraph should be amended.

Child Sexual Exploitation (CSE)

We found this on the Wiltshire Council Taxi Policy Document. We would suggest that something along these lines should be adapted and included in the Blackpool Taxi Policy

CHILD SEXUAL EXPLOITATION AND ABUSE

‘Sexual exploitation of children and young people under 18 involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive ‘something’ (e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money) as a result of them performing, and/or another or others performing on them, sexual activities. In all cases, those exploiting the child/young person have power over them by virtue of their age, gender, intellect, physical strength and/or economic or other resources. Violence, coercion and intimidation are common, involvement in exploitative relationships being characterised in the main by the child or young person’s limited availability of choice resulting from their social/economic and/or emotional vulnerability.’(NWG 2008)

Children and young people may be taken to public or private venues, rooms, hotels or houses for the purpose of sexual abuse.

All drivers are expected to report any suspicion or concerns that a child or young person is being transported for the purposes of sexual abuse.

Where a driver becomes aware or concerned that they or other drivers are transporting a young person or a number of young people to specific premises or venues either accompanied or alone on a regular basis and they suspect the young person may be subject to exploitation they must report their concerns to Wiltshire Police based in the Multi-Agency Safeguarding Hub (MASH) as a matter of urgency on the above number. Drivers are also expected to inform their manager that they have reported their concerns to Wiltshire Police.

Failure to report a suspicion or concern that a young person or young people may be being sexually exploited could lead to the licence being revoked and the individual could also be considered complicit in the sexual exploitation in any subsequent criminal investigation.

Finally we understand that some hackney license holders have been allowed to effectively put their licenses “on a shelf” in the Council Offices and are no longer attached to a vehicle. We feel that this is wrong and we would like the Policy to bring about an end to this practice. And for such license holders to be given a period of some months to allocate suitable vehicles to such licenses.

Blackpool Licensed Taxi Operators Association Committee

28 January 2016

Blackpool	01253 401000
Fylde	01253 711111
Fax	01253 404175
Email	office@premier401000.com

January 2016

Dear Sharon,

With regard to the draft hackney carriage and private hire licensing policy you sent I would like to make the following comments.

I strongly object to the proposal that all new and replacement multi-seater vehicles carrying 6-8 passengers must be wheelchair accessible. I do not believe it should be a requirement of private hire vehicles to do this. The vast majority do not have this capability unless they have expensive re fits. Add to this that Premier has invested £100,000's in electric multi seater vehicles and if this proposal was enforced it would preclude us from adding more. I do agree that hackney multi seaters should cater for wheelchair passengers.

In view of the Council's aim to 'encourage environmental sustainability' I would like to inquire if the Council would be willing to issue a number of taxi plates to be attached to 100% electric hackney taxis. These plates would not be transferrable and once removed from the said vehicle would be returnable to the council. There is no such vehicle available on the market as yet, but I feel it will not be long, and now is the time to establish possibilities.

With regards to the 'local knowledge' test I feel that this is somewhat archaic with modern technologies now in daily use, indeed some authorities have recognized this and abandoned such tests. The practice of changing the questions on a regular basis is engaging us in a 'cat and mouse' scenario whereby it spirals down to questions becoming more and more obscure as more relevant and common questions have already be used.

The maximum age of vehicle, hackney or private hire, in my view, should be 10 years with no exceptions. The public DO judge a vehicle by its number plate, i.e. year of manufacture.

Blackpool Correspondance

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Directors J.A. & A Cutler

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Vehicle testing should be 1 inspection per year for vehicles 1 to 3 years old. 2 inspections 3 to 6 years (as a 3 year old vehicle used from new is likely to have covered around 100,000 miles by this time). 3 inspections for vehicles 6 to 10 years old.

In the appendix F door section it states 'there must be a minimum of 54 inches width between door handles' – this is clearly not the case of many of the vehicles currently licensed by the Council and I would respectfully ask that this condition be removed from the present policy and not be included in future policy as it would exclude our fleet of 100% electric people carriers and many other multi seater vehicles.

I do not agree with the whole concept of 'exceptional quality' as I see it as a 'work around' to allow much older vehicles to be issued with licenses. The vehicle may indeed appear pristine inside and out but it will not have the level of safety devices that modern cars have and therefore cannot offer the public the same level of safety to which the 'principle purposes' purports to, i.e. safety of the public.

At appendix H section f it states vehicles fitted with a meter should display signage detailing how the fare is calculated – I would respectfully ask that this condition be removed or altered to reflect the agreement already in place with licensing that a sign stating 'if you have pre-booked this vehicle you will be charged less than the council rate' will suffice. This allows the alteration of fares as required, for example for promotional purposes or Xmas and New Year, without changing signage.

Appendix I needs a re write in as much as records are now, in most, if not all cases, computerised.

Regards,


J.A. Cutler (Managing Director)

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Sharon Davies

From: Peter Drew [redacted]
Sent: 24 November 2015 22:03
To: Licensing
Subject: Proposed Policy Changes

Hi

Whilst it is an excellent suggestion that all new/replacement multi-seaters are wheelchair accessible, I feel it will limit the number of multi-seater vehicles available.

The reasons for my view are as follows:

A number of current multi-seater owners when it comes to replacing their vehicle who would not be willing to do wheelchair work so then opting for a saloon.

The cost of a wheelchair accessible vehicle would rule a lot of people out as well.

Owners will be wanting to keep their current multi-seaters for longer, so ending up with a very old fleet of multi-seaters in Blackpool.

Customers may also be calling firms from outside the Blackpool Borough to do 8 seater journeys, who maybe not be as well governed as Blackpool Borough vehicles.

Regards,
Peter Drew

All the above would have a detrimental effect on the number of multi-seater vehicles available for work, so having an effect on satisfying the customer needs of the area, but also the effect of clearing people from the town at night.

Sent from my iPad

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Sharon Davies

From: C Cabs [REDACTED]
Sent: 28 January 2016 10:42
To: Licensing
Cc: Sharon Davies
Subject: Response to draft Hackney Carriage and Private Hire licensing policy

Hi Ryan

Below are our opinions on a number of the items listed.

4.2.6 Customer service training.

We feel that the costings are prohibitive to any new people coming into the trade especially those wishing to only drive on a part time basis. We have never had as many driving positions available on our company and we feel this is because of the cost of the test, badge, dbs, medical and adding the training costs to this already expensive set up fee is a great barrier to the majority of people and may cause an even bigger shortage of drivers in the future.

5.2 Vehicle specification

We are strongly apposed to the proposal that all new and replacement multi seat vehicles (6/8 passengers) will need to be wheelchair accessible, The cost of purchasing these vehicles would make them beyond anybody's reach which would then lead to a shortage of such vehicles which in turn would levy a cost to the public as they would require 2 vehicles when travelling in parties of 6 or more. In addition to this we do numerous contracts for Blackpool Council that require the multi seat vehicle which again would cost the Council more money as they also would need 2 vehicles and with escorted runs would need to passenger assistant which again would increase the cost to the Council.

5.4 Vehicle testing

We are in the main happy with this proposal to have 2 pit tests per year up to the age of 14 but our members are concerned with who will be making recommendations to the Protection Sub Committee to go to 3 test for a vehicle with maintenance issues in that a 3 year old vehicle may have a fault and then find themselves subject to 3 pit tests per year, we feel this needs clarifying.

5.8 Change of vehicle

We feel that this is just another increase in cost to the vehicle owners and feel the Council will be increasing their workload using this method as the new vehicle licence paperwork will still need to be completed but in addition to this the Council will then have to work out what proportion of refund is required.

7.1.1 Penalty points scheme

We are strongly apposed to this scheme as we feel the enforcement works perfectly well as it is.

We believe that the present system in Blackpool works perfectly well and feel many other Councils could learn from your practices it's like the old adage "if it ain't broke don't fix it". Over the past few years the taxi trade as a whole has had to bear a number of increased financial burdens but with an ever decreasing workload and feel that the aforesaid proposals are yet another needless cost to the owners.

Kind Regards

Dee Grant

Director
C Cabs

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