

**BLTOA****Blackpool Licensed Taxi Operators Association***Representing the taxi trade in the Blackpool Area**Members of the National Taxi Association and National Taxi Trades Group*

Lynn Williams – Blackpool  
Council Leader

John Blackledge –  
Director of Blackpool  
Council

Date: 15/08/2022

**Taxi & PH Draft Policy Consultation Outcomes**

Dear Mr Blackledge & Mrs Williams

After multiple consultation meetings with the council over the last 12 months, the long-awaited New Taxi & PH Draft Policy has been published for consultation. It seems clear to us that the policy needs more work before being presented to the PPC for final sign off.

We are taking this opportunity without prejudice to express our disappointment and concerns that many of the topics discussed and verbally agreed at the consultation meetings have been disregarded, resulting in the council's integrity being seriously eroded, and explains why the trades' view of the council's credibility and transparency is low.

**Credibility and Transparency Failures**

The new policy has the potential to redress the balance of the negative view the trade has about the council, and the following explains why:

Our on-going investigation without prejudice into the financial management of the licensing fees and other associated areas is still at stage 1, but has already highlighted potential unlawful activity, and incompetence within the governance and line management of key personnel, 3 examples:

1. The PPC have been setting licensing fees unlawfully due to the practice of accounting for the fees using 1970's systems, cross funding is still ongoing, and we suspect fees have been used to fund areas outside of taxi operations.

2. The council governance procedures have not identified the above for the last 30 years, and key senior management who are responsible to maintain up to date operating practices and ensure the council is working within the laws, have clearly failed over a long period.
3. The taxi school contracts department appears to have been awarding contracts without an open and transparent tender and bidding system for a long time. A closed shop was created, and one operator has benefited extremely well to the detriment of the whole taxi trade in Blackpool, no governance appears to have happened.
4. We have heard nothing from the council about key personnel being demoted or removed from position etc. We hear a lot about the council's governance system, but it clearly has not worked in these examples.

### **Draft Taxi & PH Policy**

The policy has been written as if much of the last 12 months consultation didn't happen, the new policy is the council's opportunity to apply some clarity, remove archaic practices, and apply modern day management systems. That would deliver confidence from the trade in the council's management of the Taxi & PH industry, it would also produce a professionalised approach to enforcement activity and remove most of the subjectivity that's been allowed to undermine and penalise the trade.

Examples:

5. Intentional deceptive text within the policy. 1 Pit & 1 MOT is written in the policy, that is deceiving the trade, the policy fails to mention during a PPC meeting it was decided that the CVMU will be conducting the MOTs. That's disingenuous and unacceptable, the trade expects a professional and transparent approach, clearly that's not happened. It was openly discussed during the past consultation meetings and no mention of the CVMU conducting MOTs.

A point of note: One member of the licensing team did state his objection to the MOTs, he stated the MOT testing stations cannot be trusted because the trade are friends of the staff at the garages. This view is hopefully a personal view that Government licensed testing stations are acting in a fraudulent manner and cannot be trusted. But this view seems to have misdirected the draft policy.

6. Enforcement Officer Activity. Currently, outdated subjectivity-based procedures are being used, the new policy was the council's opportunity and obligation to professionalise enforcement activity. There is no mention of it within the policy, enforcement simply rely on sweeping statements taken from an outdated 1976 Miscellaneous Act and that is unacceptable for modern day management. This was agreed by head of licensing and senior council management during consultation meetings.

No other council department is working off a document dated 1976, there will be new policy and points will have been extrapolated from old regulation/policy and brought into modern day management standards of practice. It begs the question, why has the 1976 Bye-laws not been updated?

A written policy and procedures detailing all action is required, that will send a clear message to the trade, and ensure both parties know what and how enforcement will be delivered and recorded. This action has been agreed at a senior level within the Council but has not been delivered.

7. CVMU vehicle testing. The new policy has failed and missed the opportunity to create confidence in the CVMU activity. The subjectivity that has been allowed to embed itself is unacceptable, what passes at 10am, will be a failure at 11am, or an advisory at 12pm. A simple solution to this problem is to produce what was discussed and agreed at the consultation meetings, a detailed check list that both parties will be able to use, that will assist the trade in preparation and the CVMU in sticking to a set standard. There has been poor management at the CVMU for years, with an unofficial approach of creating further revenue with re-test fees, and that needs addressing.
8. Five-year ban for mobile phone use. The trade would like to know promptly, does this policy apply to all council workers, will the head of licensing be sacked if caught for the same offence. Will Bus drivers, Tram drivers and horse drawn carriage drivers also be subject to this penalty, are the police, fire service and ambulance drivers subject to the same policy?  
It appears, the Taxi trade has been singled out and being penalised to an extreme level.

## **Summary**

BLTOA were expecting the new policy to remove archaic systems and produce clarity on what have been contentious areas for decades and allowed subjectivity to rule the day, currently the integrity of the council has been compromised. What has been discussed at consultation meetings has been disregarded; and it's that point that concerns the trade, as we feel no matter what is contained within the trades responses to the new policy, it will be ignored, and the current Draft Policy is the actual finished article.

We are looking forward to your response to this letter.

Regards

Dean James – BLTOA Chairman for BLTOA M.embers

John Cutler (Without Prejudice) – Owner and Manager of Premier Taxis



[www.nphta.co.uk](http://www.nphta.co.uk)

## **Blackpool consultation august 2022**

Within this document, we will copy and paste sections that we feel are in need of a response, or raise concerns for members locally, and in some cases, may be nationally, the sections will be in **black text**, with any key wording **highlighted**, comments below will be in **blue text**. And where amendments are suggested, they will be in **green text**. This approach is taken purely for simplicity and to make the comments much easier to follow and differentiate from the original online document.

There may be quotes and comments made within the document too, which will be in italics, and we may use reference points such as articles where such matters as we come across them have already been publicised and discussed elsewhere.

Comments are written by David Lawrie (DL) and Steven Toy (ST)

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### **g. Child Sexual Exploitation and Abuse**

please re name as “safeguarding”

#### **The Police**

Common Law Police Disclosure enables the police to disclose information to the licensing authority concerning a driver **where there is** a public protection risk. As information is disclosed at arrest or charge rather than conviction, the authority is able to take mitigating action at the earliest opportunity.

This may be nothing more than an assumption or opinion, in reality, it is also equally possible that there is no risk at all.

Suggest amending to read “**where there may be**”

#### **Sharing information with other licensing authorities**

Applicants are required to confirm whether they have previously held a licence with another authority. Checks will be made with any authority disclosed. Blackpool Council will also use the NR3 database of refusals and revocations as a further source of information.

This is written as if it is optional for the council, where in reality it is now mandated in order to comply with the new safeguarding act from Peter Gibson MP that became an act of legislation this year.

Suggest this is amended to reflect this by stating “Blackpool council is duty bound to use the NR3 database.”

## Multi-agency safeguarding (MASH)

Multi-agency safeguarding hubs promote better information sharing between agencies to improve the safeguarding response for children and the vulnerable. The Child Protection Licensing officer provides a link with the MASH to ensure that relevant information is exchanged with the licensing authority.

Who to please? Is this shared with drivers in order to support their safeguarding role? Not clear what this actually means, please re write to make it clear. (DL)

Indeed, let us not presume the licensed driver, deemed a fit and proper person to be a risk in themselves. They have a role to play in identifying when a child or other vulnerable person is at risk. (ST)

## Complaints against licence holders

Complaints about licence holders can be a valuable source of information and intelligence. It may be possible to identify patterns of behaviour, which casts doubt on an individual’s fitness to hold a licence. For this reason, the licensing authority will ensure that they have a robust system for recording complaints.

Agreed, but the same can be said about compliments or comments, we as a national stakeholder are very clear on the subliminal messaging used here to suggest that the only thing that matters, is when a driver does something wrong, which is worthy of complaint, we have pages and pages of “unsung heroes” published monthly in the national publication which is [www.phtm.co.uk](http://www.phtm.co.uk).

Suggest an amendment to simply change the word “complaint” to “compliment” or “comment” or even “feedback,” all of which are just as effectively as forms of establishing patterns of behaviour.

Indeed, the role of the regulator is not to reinforce or create negative perceptions of the trade on the part of public. Fostering public confidence in accessing the services provided by licensed drivers and vehicles is in the public interest. The role of the regulator is to protect the public and not make them fearful. The travelling public should be encouraged to share positive experiences for this also informs licensing and policy decisions. Naturally, the authority exists to take action in the event of drivers, vehicles or operators failing to meet the standards reasonably expected of them. (ST)

## Overseas convictions

A DBS certificate may not provide a complete picture of an individual who has spent periods living or working abroad. Where an applicant has been abroad for an extended period (3 months or more), they will be required to provide criminal record information or a certificate of good character.

This seems quite a short period of time when, compared to most other licensing authorities, most stipulate 6 months, not just 3 months. 3 months is simply a long holiday for those lucky enough to be able to afford the time off.

Indeed, six months is the recommended norm. There should not be a competition between licensing authorities for how draconian their policies can be in order to be *seen* to protect the public (as opposed to taking more meaningful, proportionate, and effective approaches). Gesture politics is to be avoided. (ST).

## The Regulatory Structure

Under the Council’s Constitution, the Public Protection Sub-Committee has the authority to discharge non-executive regulatory functions with respect to hackney carriage and private hire licensing. The Sub-Committee will determine applications, contraventions, suspensions, and revocations.

The Public Protection Sub-Committee meets approximately every four weeks to consider matters relating to hackney carriage and private hire licensing.

- Each case will be determined on its own merits
- The elected members making the decision will not be involved in day-to-day operational matters resulting in a clear distinction between the investigator and decision

Whilst we have no direct objection to the main context here, in fact it is in keeping with the duties and burdens placed on the committee, our concern, and one of my personal pet hates here is the use of the derogatory and defamatory implication made by use of the name “public protection” since it implies that indeed the public need protecting from the rogues, misfits and deviants that are license holders, when the truth is two-fold, firstly, all drivers are DBS cleared and perform the role of protecting the public, ensuring they can travel safely, and get home safely from a night out, and secondly, the licensees are also entitled to protection FROM the public.

With this in mind, considering the fact that public perception is of huge importance here, and since we are at consultation stage here to make changes for the better, can we please re name the department and committee to the “licensing and regulatory...,” or “licensing and enforcement...”

## 6. Hackney Carriage and Private Hire Drivers

An applicant must satisfy the Council that they are a fit and proper person to become licensed. Once licensed the driver must remain a fit and proper person throughout the duration of the licence.

Agreed, however, once the driver has verified that he or she is a fit and proper person, then he or she remains fit and proper until and unless an offence is committed, a significant breach of licensing conditions has occurred or there is a reasonable cause to suspend, revoke or refuse to renew their licence. There is no “must” about this, suggest a re-phrase to “it is expected that a driver shall” remain a fit and proper person. (DL)

This is not an unreasonable expectation as most drivers do remain fit and proper persons! (ST)

## Fit and Proper Person Test

Licensed drivers are in a position of trust transporting the young and vulnerable at all times of the day and night. The legislation requires that licences can only be granted if the Council is satisfied that the applicant is a fit and proper person.

Whilst there is no definition of a fit and proper person decisions from Courts over the years have come to the conclusion that the Council is effectively asking the following question

**“Without prejudice and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of the day or night?” If on the balance of probabilities the answer is no the individual should not hold a licence.**

All decisions must be evidence based and not on opinion alone, (regulators code 2014) (DL)

This statement has been cited in court on occasion but we must remind ourselves that due emphasis must be placed on "Without prejudice and on the information before you..."

The decision, whilst based on a lower bar of burden of proof - the balance of probabilities, rather than beyond all reasonable doubt, must still be evidence based. It cannot be based on hunches, gut feeling, 'sixth sense' or any subjectivity or prejudice. (ST)

## Disclosure and Barring Service Check

A criminal record check of a driver is seen as an important safety measure. An enhanced disclosure through the Disclosure and Barring Service (DBS) is



required as these disclosures include details of live and spent convictions, police cautions and other relevant information from the Police.

Before an application will be considered, the applicant must provide a current enhanced disclosure certificate. In this context “current” means less than three months old. DBS certificates are ordinarily applied for through the Council’s licensing unit however a certificate obtained elsewhere will be acceptable if it is less than three months old and has been processed in relation to both the child and adult workforce employment position (this is specified on the certificate)

**This is welcomed, as it is actually following the spirit of the update service.**

The DBS send the certificate to the applicant direct. Where the certificate shows convictions or information from the Police, the applicant is required to produce the original certificate to the Licensing Service to progress the application.

**Confusing, the certificate is only required IF there is a conviction? How would you know it has arrived? Suggest removing the highlighted part, just leaving “the applicant is required to produce”**

## **DBS Update Service**

Subscription to the DBS update service allows the authority to check the status of the certificate online removing the need for new certificates. As part of its on-going duty to protect the public, the licensing authority will check the status of DBS certificates for its licensed drivers every six months. Licence holders are encouraged to subscribe to the update service to enable this to take place. If a licence holder does not wish to subscribe to the service, they will be required to obtain a new DBS certificate every six months.

Suggest amending this to actually encourage applicants to subscribe, on the basis that once subscribed, the clearance is not only transferable, but also lasts for life, or until a change takes place such as an offence committed, or a change of address (provided the £13 per year subscription is maintained, which then also makes it far less expensive than having to perform a new full DBS application every 6 months.

Signing up to the live update service could be made a requirement, for it enables licensing authorities to make more frequent checks as required by the DfT Statutory Standards 2020 document. (ST)

## Medical Assessment

The Council is of the opinion that it is appropriate for licensed drivers to be subject to more stringent medical standards than those applicable to normal car drivers because:

They carry members of the public who expect a safe journey They are on the road longer than most car drivers

They have to assist disabled passengers and handle luggage

For this reason the Group 2 standards of medical fitness as applied by the DVLA to the licensing of lorry and bus drivers is the appropriate standard for licensed hackney carriage and private hire drivers

Whilst we have no direct objection to this, in fact it has become the national standard for licensing purposes of the last few years, we would suggest a slight amendment, merely for grammatical accuracy to show “we are of the opinion,” or “we consider,” as opposed to “it is the appropriate standard” since whilst we understand the logic used here, the fact still remains that a group 2 medical is indeed for driving lorries and buses. (DL)

There are obvious PR advantages to the trade if the standards required of us are aligned with those for lorry and bus drivers. (ST)

## Exemption Certificates

Licensed drivers are under a legal duty to carry guide, hearing and other prescribed assistance dogs in their vehicles without additional charge. Drivers who have a medical condition, which is aggravated by exposure to dogs, may apply to the Council for exemption from the duty on medical grounds. If an application is successful, they will be issued with an exemption certificate and a notice of exemption. The notice of exemption must be displayed in the vehicle either on the windscreen or in a prominent position on the dashboard.

This is one we come across quite often, and with the greatest respect, if a driver is medically exempt, they are exempt with or without council approval, there is no “if” about this, which means that “if the application is successful” should be removed so it might be better to say: “should notify the council, they will be issued with an exemption certificate to avoid public confusion.”

## Knowledge of the Borough

Applicants for a new licence are required to have passed the Council’s knowledge test. This test will ensure that the applicant has sufficient knowledge.

Applicants previously licensed by Blackpool Council will not be required to pass a knowledge test if their last licence expired less than three years prior to the date of the new application.

This part is welcomed, as we do see many local authorities that for some odd reason, apply this to all new and renewals, a requirement which we are relieved we do not need to argue here, thank you. (DL)

## Customer Service Training

The licensing authority has suspended the requirement to undertake the NVQ. It is the intention of the licensing authority to develop a suitable training package. Once available; new applicants will be required to undertake this training before being licensed.

This is welcomed, more so the fact that when the new scheme is developed, it will be new applicants only.

## Child Sexual Exploitation and Abuse

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...

Failure to report a suspicion or concern that a young person 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.

It is a requirement that all existing licensed drivers undertake CSE training before their licence is renewed.

Ok, three issues here, which are actually extremely severe

1. Who in the world wants to be trained on how to sexually exploit a child!!!....include the wording within the safeguarding scheme by all means, but not as a main header!! This is in the public domain, the public perception of such terminology is always to cast aspersions on the entire industry. Please use “safeguarding” as your focal point here.
2. An individual cannot and must not EVER be considered to be complicit in any criminal offence, simply by not spotting the warning signs, that is wrong on so many levels and could lead to the council having action taken against them for defamation, that is a very severe and damning statement and assumption to make.
3. Why does this apply to existing license holders? And does this suggest that every single driver will have to repeat the same course every time they renew their licence? Please make this for new applicants only, as with the basic skills test, NVQ and local knowledge test. (DL)

All drivers, new and existing should undergo safeguarding training. However, it should not be a condition of licence renewal. They should merely be required to attend courses organised on their behalf with a number of scheduled sessions in order to capture all drivers including those who may be absent through sickness or holiday at any given time. The costs of such training sessions should also be met by the LA for existing drivers. (ST)

## **7.1 Limitation of numbers**

The grant of a hackney carriage licence may be refused for the purpose of limiting the number of licensed taxis, if the local authority is satisfied that

there is no significant demand for the services of hackney carriages in the area which is unmet.

Blackpool Council does limit the number of hackney carriages to 256 together with 44 horse drawn (landaus). The need for this limit is reviewed periodically (approximately every three years) by a competent company appointed to conduct the review on behalf of the Council, the findings of which are available on request

The Council has no power to limit or otherwise restrict the number of private hire vehicles.

That is a long-winded way of stating that an unmet demand survey is carried out as per regulations.

**Accessible vehicles.** With an ageing population, there is an increasing need for wheelchair and other forms of accessible vehicles. The authority does however recognise that some customers prefer to travel in a saloon vehicle. It does appear that there are insufficient numbers of wheelchair accessible vehicles and drivers medically fit to load wheelchair passengers accordingly the authority wishes to explore options to increase the number of accessible vehicles available to the public.

This is a topic of discussion that is vital, even more important for the trade to be deeply involved in this, the reason for this is that moving forward, with the push for hybrid and electric vehicles around the corner, there will be very limited vehicles available.

The reason for this is that the location of the batteries in vehicles will create “no drill zones” in the vehicle flooring, which means vehicles will not be able to be converted, additionally, due to the weight of the batteries, the vehicles will already be on the limit for the maximum axle weights, meaning again that vehicles will not be able to take the additional weight of conversion factors and wheel chairs, this is going to become a huge problem nationally in the very near future.

\*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.

The committee need to be reminded of section 50 of the LGMPA 1976, which stipulates that a licensed vehicle may NOT be subjected to any more than 3 vehicle inspections within any rolling 12-month period. (DL)

Insisting on three scheduled tests effectively removes the scope for ad-hoc tests as permitted by section 50 in the event of concerns regarding vehicle condition being raised, given the absolute maximum of 3 permitted. The Council should be mindful of this and require only two scheduled tests per year to allow for a third, unscheduled one if required. (ST)

## 7.4 Signage

Hackney Carriage vehicles are required to display plates on both the front and rear of the vehicle. This is a key feature in helping to identify vehicles that are properly licensed. All hackney carriage vehicles, except for minibuses, transits, people carrier type vehicles and those with built in roof signs should carry illuminated roof mounted signs indicating that they are a taxi. Mini buses, transits and people carrier type vehicles must display the single word “taxi” on the front and rear of the vehicle. In order to differentiate between the two types of licensed vehicle, private hire vehicles are not permitted to carry roof-mounted signs of any kind or any references to the word “taxi” or “hackney”

The word “cab” is missing here since that is also a word which may not be displayed on any private hire vehicle as it implies that the vehicle is a Hackney Carriage.

## 7.12 CCTV

CCTV in vehicles can have a number of benefits:

- Deterring and preventing crime
- Reducing the fear of crime
- Assisting police investigation of incidents
- Assisting insurance companies investigating

The licensing authority does not intend to mandate the installation of CCTV. Licence holders may

however fit their vehicle 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 unless the vehicle licence holder or licensed driver is registered with the Information Commissioner as a Data Controller

So many issues here, what does this policy assume an "appropriate CCTV system to be?

Since data must be stored away from public access, this rules out dashcams (which is a good thing, since they are not "appropriate" or fit for purpose)

What about the audio regulations?

What is "approved by the council" and are the council trained on this subject in order to make such approvals?

When the condition states "whilst the vehicle is in use" this is in breach of ICO regulations relating to "right to a private life" this section should include the wording "being used for licensed purposes"

Since the data can only be accessed by the council or police, this suggests the council is the data controller (as it would be if the requirement was mandatory) but then undermines that role by stating "unless the vehicle license holder or the licensed driver is registered" this is very ambiguous and uncertain.

This whole section needs a complete overhaul.

The Regulator's Code was brought into force in 2014 which states that the Council **should**:

**It states “must” not “should.” Compliance is not optional.**

- Carry out their activities in a way that supports those they regulate to comply and
- Provide simple and straightforward ways to engage with those they regulate and hear their views
- Base their regulatory activities on risk
- Share information about compliance and risk
- Ensure clear information guidance and advice is available to help those they regulate meet their responsibilities to comply
- Ensure that their approach to their regulatory activities is transparent

Regarding the engagement, section 2.1 states “the regulator must actively engage with those they regulate, and those that represent them.

## **9.2 Disciplinary Hearings**

Licence holders may be referred to the Public Protection Sub-Committee for committing offences, failure to comply with any part of this policy, or for other any other conduct which impacts on their fitness to be a licence holder. The Sub-Committee will consider the impact of the offending/conduct on the individual’s fitness to hold a licence and take such action as is appropriate in the circumstances.

The whole element of “as a result of an allegation having been made against them” seems to be missing here, with an assumption made that an offence has definitely been committed! Many allegations are false, unfounded, and unwarranted, so there is an assumption of guilt made here, the committee hearing is the opportunity for the accused to put forward his or her version of events, and for the committee to consider the matter accordingly, otherwise referred to as the right to a fair hearing under ECHR Article Six.

## **Appendix A - Taxi and PHV Licensing Criminal Convictions’ Policy.**



## 9. Motoring convictions

- Hackney carriage and private hire drivers are professional drivers charged with the responsibility of public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor road traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.
- Any motoring conviction while a licensed driver demonstrates that the licence holder does not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor road traffic offence may not necessitate the revocation of a licence providing the authority considers that the holder remains a fit and proper person

we are grateful for the recognition that driving offences can often occur unintentionally, we hope that this pragmatic and supportive stance is carried through to the decision-making levels. (DL)

Licensed drivers should not face discrimination in this regard through the proposal of a more draconian policy which would mean a driver losing their driver's licence upon accruing fewer points on their DVLA licence than a lorry or bus driver would and for a longer duration. (Bus and lorry drivers face losing their licences for one year upon accruing 12 points.)

The licensing authority would need to demonstrate that a licensed driver with, say, seven or more points would pose a greater risk to public safety than a bus or lorry driver with the same number of points. This would be extraordinarily difficult given that the public safety burden is surely greater when driving a bus carrying up to 73 passengers or a lorry up to 44 tonnes in weight.

The closer contact a licensed HC/PH driver may have with members of the public, given that minor endorsable motoring convictions do not show on a DBS check, is irrelevant.

## 10. Drink Driving/driving under the influence of drugs

10.1 Where an applicant has a conviction for drink driving, failing to provide a specimen or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drug.

Please insert “f” to make “case of driving under the influence”

## **11. Using a hand held device whilst driving**

Where an applicant has a conviction for using a hand-held mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later

Now this one is a little more contentious, since we are aware of the recent change to the legislation on this subject, and more aware of the misinformation being spread about as to what this change actually means.

Many seem to think that this means not touching a securely mounted device at all, which is simply not the case, the term is “hand-held” which simply put means, if it is not “held” in the drivers’ “hand” then it is not an offence at all, in much the same way as changing gears, since whilst changing gears, the gear stick is “hand-held”

In real terms, the change in legislation only actually rolled out the use of such devices, since prior to the change, it was only an offence to make or receive a call using such “hand-held devices”, the change in real terms, simply adds any activity, such as taking pictures, or using the internet for example, which were previously not classed as being an offence.

With this in mind, we feel it is vital that each case is assessed on its own merits, with far more detail being sought about the incident before any rash decisions are made, this requirement is necessary simply because in many cases, a driver may be convicted by the roadside by way of fixed penalty notice issued by an over zealous police officer, and may have not actually been “hand held” at all.

Licensed HC/PH drivers should only face revocation of their licence on the second such conviction in line with bus and lorry drivers. Again, proportionality

and potential discriminatory approaches are issues here which send out the wrong message to the public and undermine their perception of us. (ST)

## 14. Cautions

- Admission of guilt is required before a caution can be given. Every case will be considered on its own merits including the details and nature of the offence. Cautions must be declared on the application form. Existing drivers should notify the Licensing Service within 7 days of a caution being accepted.

That's very clear and simple, much appreciated.

## Unacceptable Standard of Dress

The following are deemed to be unacceptable:

- Clothing that is not kept in a clean condition, free from holes and
- Words or graphics on any clothing that is of an offensive or suggestive nature or which might offend
- Sportswear (e.g. football / rugby kits, track suits, beach wear ).
- Sandals with no heel straps, flip flops or any other form of footwear not secured around the
- Drivers not having either the top or bottom half of their bodies suitably **clothed**
- The wearing of hoods or other clothing that obscures the driver's vision or their identity

Clothed? Surely this means "covered"? although the rest of the code is quite flexible compared to some we have seen

The above lists are not exhaustive and Authorised **Officers of the Council will assess whether standards of dress are acceptable or not.** In such instances, the Officer's decision will have effect as though it were included in the above lists and the licensed driver will be required to comply accordingly.

With the greatest of respect, that leaves this wide open to interpretation and abuse, personal opinions cannot come into it at all, it is either within the policy, or it is not. (DL)

Licensing authorities are duty-bound to exercise discretion when enforcing licensing policy. Each individual case is to be considered on its own merits; discretion cannot be fettered by policy (ST)

### **Appendix E - Code of Conduct when working with vulnerable passengers**

A vulnerable passenger is a person whose age or disability means that they are more susceptible to harm than a typical passenger.

This may be a child, elderly person, and someone with learning difficulties for example. It can include someone who is vulnerable due to an excessive level of intoxication.

The code of conduct aims to promote good safeguarding practice for drivers and staff working with vulnerable passengers in the taxi or private hire trade. Licensed drivers should adopt the following practices:

**Drivers should carry photo ID at all times and wear it in accordance with the conditions of licence/byelaws**

Surely this applies to all passengers, not just vulnerable ones, as it is, as stated, in the licensing conditions. (DL)

Passengers cannot be required to carry photo ID! (ST)

The driver/operator must confirm that appropriate provision has been made for the vulnerable person prior to accepting the booking or commencing the journey. This does not necessarily mean that the driver/operator is responsible for the provision of appropriate measures however they should check that they are in place.

**When making a journey with vulnerable passengers photo identification should be produced to the carer responsible for the vulnerable person.**

See reference to licensing conditions/ bylaws above, the photo id must be worn and visible, there is no justification to go above and beyond this requirement. (DL)

This requirement is set out in Section 54 (2) of the 1976 Act. Badges are to be worn in a manner as to be plainly and distinctly visible, but this does not mean that the badge needs to be seen by passengers travelling in the vehicle. The ID only needs to be visible by passengers approaching the vehicle. An ID badge can therefore be attached to a lanyard or be clipped to the front of an outer garment (shirt, jumper or jacket).

If badges are expressly required to be visible while passengers are travelling within the vehicle this could lead to data protection/privacy issues if, for example, passengers take photos of the ID during the journey and share them on social media.

Armbands would therefore be inappropriate unlike for security personnel at venues who tend to wear uniforms, given that this would restrict what a driver could wear like a short-sleeved shirt in warm weather. (ST).

**If necessary** you should obtain a record of the carer's contact details if there is no chaperone.

Not sure how this would ever be necessary, this assumes there is a carer? Which is far from being the case in most scenarios, besides which, this would be the burden on the carer, or possibly, the operator, not the driver. (DL)

If a vulnerable passenger is refused service a responsible person should be informed so that alternative arrangements can be made.

This would be an operator burden, and one would assume that information for example would be "sorry but we have nothing available."

For example this situation may arise if the customer has an assistance dog and the driver has a medical exemption **granted by the Council**.

A medical exemption means just that, they are medically exempt, should the council fail to provide confirmation of the same, this would not render the driver anything less than being "medically exempt"

**Always ask** if a vulnerable person needs help do not assume

Suggest adjustment here, instead of "ask" maybe use "assess," for example, when collected a vulnerable person with no legs or arms, "asking" if assistance is needed would make the driver look rather ridiculous and silly. (DL)

Respect for the dignity of travelling passengers with disabilities is paramount. Drivers should not provide assistance which requires physical contact without the agreement of the passenger. Drivers should therefore ask or wait to be asked, before providing such assistance, common sense notwithstanding. (ST)

Drivers should remain professional **at all times** and should not:

Correct, at all times, not just when providing transport to vulnerable passengers. (DL)

"...at all times when acting in accordance with the driver's licence..." (ST)

Touch a vulnerable person inappropriately

Make offensive or inappropriate comments (such as the use of swearing or sexualised or discriminatory language)

Behave in a way that may make a vulnerable passenger feel intimidated or threatened

Attempt to misuse personal details obtained via the business about a vulnerable person.

A log should be maintained by drivers where a service has been provided to a vulnerable passenger including any incidents occurring/actions taken or refusals of service.

**If you are concerned about the safety, welfare or behaviour of a vulnerable person you should report this to the police by telephoning 101 (or in appropriate cases by calling 999)**

**If you are concerned about someone else's conduct you should report your concerns to the Council's**

**licensing department 01253 478343, the police on 101 or Crimestoppers 0800 555111**

Does this only apply to vulnerable passengers? Or does this actually form part of the safeguarding course for all passengers?

This entire section seems to be a little discriminatory, surely all drivers and operators should behave in such a manner for all passengers.

Keeping a log would, in itself, place an onerous and unnecessary burden upon drivers. Assessing whether a passenger is vulnerable or not is also burdensome and difficult to determine. Vulnerability isn't always immediately obvious given that it is actually a rather nebulous term. Like disability, it is sometimes hidden, for example, if a passenger has mental health issues like anxiety which is usually not obvious to any outsider.

All passengers should therefore be afforded respect and dignity, which, of course, works both ways... (ST)

## Appendix F - Vehicle Specification

### Roof signs

Hackney carriage vehicle, other than minibuses, transits, people carriers and those with built in roof signs, **must be** fitted with **an illuminated external sign** on the roof of the vehicle showing the word "taxi" to the front of the vehicle. The sign facing the rear of the vehicle must also display the word "taxi" and may also display the company name and telephone number.

The roof sign and lettering must be of an appropriate size to enable it to be read clearly from a distance of 14 metres.

The roof sign **must be centrally mounted** on the vehicle roof and adequately secured either directly to the roof or mounted on a single roof bar and secured by bolts, straps or clamps. Magnetic or suction fittings alone are not considered suitable as a sole method of fixing.

**Where the signs are illuminated**, the roof light must be extinguished when the fare meter is in use.

This entire section could benefit from a re-write, one part states "must be illuminated" where another part suggests "where it is illuminated" which is it? It must be, or where is it?

Must be centrally mounted, is not always possible for vehicles with a panoramic, or aluminium roof.

Not sure why magnetic mountings are not considered to be a secure mounting, or how it is suitable to suggest drilling a hole into a roof of a vehicle in order to satisfy such a licensing desire. (DL)

Such "licensing desire" definitely fails the 'reasonably necessary' test as outlined in section 47 of the 1976 Act. This section is the provision for licensing authorities to attach conditions to the licensing of Hackney Carriage vehicles. The same section also establishes the right of appeal against onerous conditions failing the above 'reasonably necessary' test.

Furthermore, the Regulators' Code 2014 requires all licensing policy to be evidence based. The requirement for the roof sign to be bolted, clamped or strapped instead of attached by magnetic mounts would require extraordinary evidence indeed that it is unsuitable, given that such practice of using magnetic mounts is widespread across the country. Magnetic mounting is more than adequately secure in use, but it does allow the driver or proprietor to remove the sign, perhaps when the vehicle is parked to prevent vandalism or theft (unfortunately, licensed vehicles are often targeted in this way) or

otherwise when the vehicle is being used for social and domestic purposes. The driver may wish to make it clear to the travelling public that the vehicle, whilst still licensed as a Hackney Carriage is currently not available, just as a bus, whilst it is still a bus, is not available because the sign is displaying the message "not in service" rather than a route number and destination.

Many licensing authorities have inaccurately interpreted the meaning of *Yates v Gates* 1970, preferring instead to repeat the 'Chinese whisper,' "once a taxi; always a taxi."

The above case law determines that the driver of a Hackney Carriage must hold a licence issued by the relevant authority to do so, regardless of how the vehicle is being used.

It also states that the licensing status is not altered by switching the illuminated roof sign on or off. Therefore, it would not be reasonable for licensing authorities to require the roof sign to be permanently fixed as the licensing status of the vehicle would be unaffected by the absence of such sign. It would be reasonable for them to require the sign to be attached to the roof (anywhere it is plainly visible to members of the public) when the vehicle is being used for hire and reward. Otherwise allowing the removal of the sign acts in the interests of public safety by reducing the risk of vandalism or the vehicle being 'flagged down' when unavailable for hire and reward.

Permanent fixing, especially through the use of bolts, is likely to cause structural damage, void the corrosion warranty and significantly reduce the resale value of the vehicle. Surely the Council would wish to facilitate the replacement of licensed vehicles in a timely manner by making it more affordable to do so.

Such a licensing condition not only fails the 'reasonably necessary' test set out in Section 47 but clearly verges on vindictiveness.

(I successfully appealed a similar condition in the Crown Court in 2015 - ST)

### **Appendix G – Exceptional Quality Policy**

This entire section does not read as anything exceptional at all, in fact it goes below normal standards, an MOT fail, is a failure, not a fault, not sure why seats cannot be upgraded to have leather coverings? (DL)



The 'reasonably necessary' test is the caveat attached to the Provisions in sections 47 and 48 of the 1976 Act. Licensing authorities ignore this test at their peril, given the right of appeal (also outlined in the above sections). Appeal cases against potentially onerous conditions in the courts (from Magistrates' Court upwards) are essentially won and lost on this test, especially as it is further underscored by the requirement for evidence-based policy as outlined in the Regulators' Code 2014.

Regulatory authorities need a firm grasp on the conceptual difference between 'subjectively desirable [on their part]' and 'reasonably necessary' as determined in primary legislation. (ST)

---

**From:** Anthony Greenwood  
**Sent:** 06 September 2022 19:44  
**To:** Licensing  
**Subject:** PROPOSED DRAFT POLICY

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MR.

ANTHONY GREENWOOD

, AS A LICENSED HACKNEY PROPRIETOR OF A SMALL FLEET OF LONDON TAXIS, AND A GARAGE OWNER FOR 24 YEARS, I HAVE TO EXPRESS MY LACK OF COMPREHENSION, AND SURPRISE AT, AT LEAST ONE OF THE PROPOSALS BEING PUT FORWARD. YOUR PLAN TO SCRAP THE 14 YEAR EXCEPTIONAL QUALITY RULE MUST SURELY BE A STEP BACKWARDS FOR BLACKPOOL? FROM WHAT I AM LED TO BELIEVE,(TO SPEAK HYPOTHETICALLY), A BEAUTIFUL, ONE - OWNER, PURPOSE BUILT TAXI, WHICH HAS SPENT ITS FIRST 14 YEARS, (THEY ARE BUILT LAST 20) POTTERING STEADILY AROUND THE STREETS OF ENGLAND'S CAPITAL CITY, CARRYING LORDS AND LADIES, MP'S ETC, TO AND FROM THEIR DESTINATION, WILL NOT BE ALLOWED INTO BLACKPOOL? ALSO , I UNDERSTAND THAT A TAXI OF ANY AGE WILL BE ALLOWED TO CONTINUE WORKING IN THE TOWN, DESPITE ONLY BEING SUBJECTED TO ONE "PROPER" TEST EVERY 12 MONTHS AT LAYTON DEPOT, SURELY THIS IDEA CAN ONLY LEAD TO AN ABUSE OF THE SYSTEM? AN ORDINARY CAR MOT CAN HARDLY BE CALLED A THOROUGH EXAMINATION OF A PUBLIC SERVICE VEHICLE, ALSO, ONE CAN ONLY WONDER WHAT KIND OF STATE THE BODYWORK, AND INTERIORS OF THESE VEHICLES WILL GET INTO, IF ONLY SEEN AT LAYTON ONCE A YEAR. THIS PLAN WILL ALSO FORCE TAXI OWNERS TO SOURCE THEIR REPLACEMENT TAXIS FROM CITIES THAT ARE KNOWN FOR KEEPING COMPARATIVELY ROUGH VEHICLES, EG; GLASGOW, LIVERPOOL, JUST SO THEY CAN GET INSIDE THE 14 YEAR "CUT OFF POINT", THIS HAS BEEN TRIED IN THE PAST, THE VEHICLES MAY BE CHEAPER, BUT THEY DON'T COME CLOSE TO A CAB FROM LONDON.

I AM WELL AWARE THAT A DEMOCRATIC VOTE WILL BE TAKEN TO DECIDE THE PROPOSALS IN THIS DRAFT POLICY, BUT I HOPE THAT MY VIEWPOINT WILL BE GIVEN SOME CONSIDERATION, AS THE SAYING GOES, "IF IT AIN'T BROKE, DON'T FIX IT"  
YOURS SINCERELY

ANTHONY GREENWOOD.

---

**From:** Anthony Greenwood  
**Sent:** 12 September 2022 21:40  
**To:** Licensing  
**Subject:** DRAFT PROPOSAL #2

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MR. ANTHONY  
GREENWOOD

DEAR SIR/MADAM,

IF I MAY MAKE A SMALL ADDITION TO MY INITIAL CORRESPONDENCE:  
, HAD

TO BE TAKEN OUT OF SERVICE, AND NEEDED AMONGST OTHER OPTIONS, TO BE REPLACED WITH ONE OF THE NEW ELECTRIC/ HYBRID TAXIS, , SOME OWNER / OPERATORS ARE GIVEN THE OPPORTUNITY TO "RE PLATE" THEIR VEHICLE, JUST BEFORE IT'S 12TH BIRTHDAY, FOR AN EXTRA YEAR, THUS ENABLING THE TAXI, TO CONTINUE WORKING IN THE CAPIITAL. IN ADDITION TO THIS, UNDER CERTAIN CIRCUMSTANCES, IT IS POSSIBLE FOR SOME OWNER/ DRIVERS, PARTICULARLY THOSE WHO ARE APPROACHING RETIREMENT AGE, TO QUALIFY FOR A FURTHER 12 MONTH EXTENTION, COURTESY OF TFL ( TRANSPORT FOR LONDON).

THESE 14 YEAR OLD TAXIS HAVE PROVED TO HAVE PLAYED A VITAL ROLE IN QUALIFYING FOR BLACKPOOL COUNCIL'S EXCEPTIONAL QUALITY POLICY, NOT ONLY FOR THEIR WHEELCHAIR ACCESSABILITY, BUT ALSO FOR DRIVERS, (PARTICULARLY NIGHT DRIVERS, WHO ARE BECOMING INCREASINGLY DIFFICULT TO REPLACE.)

I CAN ONLY URGE THE COUNCIL, IN THE INTEREST OF PUBLIC SAFETY, AND THE CONTINUED HIGH QUALITY OF LICENSED TAXIS WHICH SERVICE BLACKPOOL, TO SERIOUSLY RECONSIDER THE PROPOSAL TO REFUSE TO LICENCE A TAXI OVER 14, HOW CAN A 14 YEAR OLD TAXI FROM LONDON, NOT BE CLASSED AS "FIT FOR PURPOSE", WHEN ONE THAT, IF THE PROPOSED POLICY GOES AHEAD, COULD BE STILL WORKING AT TWENTY? I

I STRONGLY FEEL THAT THIS IS COMPLETELY BAD TIMING, WE ARE JUST EMERGING FROM TWO DISRUPTIVE YEARS OF COVID,AND WE, AS WELL AS THE FARE PAYING CUSTOMERS THAT RIDE IN OUR TAXIS, COULD WELL BE FACING MORE HARDSHIP IN THE COMING MONTHS,

THE COSTS INVOLVED IN RUNNING AND MAINTAINING THESE CABS , THE LAST THING WE NEED NOW IS DISRUPTION TO A WELL RUN PUBLIC TRANSPORT SYSTEM

regards

A. GREENWOOD.

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**From:** allentibble  
**Sent:** 08 September 2022 19:41  
**To:** Licensing  
**Subject:** Hackney Carriage and Private Policy Consultation

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I have seen and fully digested the BLTOA response to the above consultation, which I FULLY AGREE with all its content.

Yours etc.

Allen Tibble  
(Hackney Proprietor)

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**From:** david69norton  
**Sent:** 07 September 2022 16:55  
**To:** Licensing  
**Subject:** DRAFT TAXI POLICY DOCUMENT

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**I have seen BLTOA's response to the proposed document and I fully agree with the points they make**

**David Norton**

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**From:** Jay's Sonic channel  
**Sent:** 06 September 2022 23:40  
**To:** Licensing  
**Subject:** Blota

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Hi I have seen the Blota response and I agree with it,  
Kind regards james bradley

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**From:** Ron Strangwick  
**Sent:** 06 September 2022 18:34  
**To:** Licensing  
**Subject:** Taxi Enforcement protocol

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Dear Sir/ Madam

Having read the comments by Blota regarding the recent Taxi Enforcement Protocol

I find I cannot enlarge on the excellent response by Bill Lewtas at Blota and concur with all that Blota has stated

Kind regards

Ron Strangwick

Sent from my Galaxy

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**From:** steve.hay  
**Sent:** 06 September 2022 18:22  
**To:** Licensing  
**Subject:** Enforcement protocol

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I have seen the BLOTA response and that I agree with it .Thanks Steve Hay

Sent from my Galaxy

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**From:** Tracy Whittingham  
**Sent:** 05 September 2022 23:08  
**To:** Licensing  
**Subject:** Re: Ryan, Sharon

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Now John and I have looked at the draft policy 7.3 the maximum age of vehicles/exceptional quality. Firstly these vehicles are often 14 years when the finish in London depending on when they are licensed and often granted one year extension in addition, which will restrict the supply of these vehicles. We would question why a ex London taxi usually one owner purpose built affordable wheelchair accessible vehicle that is 14 years old could not be put on, some of them are better than ten years old vehicles that have worked other cities. This will inevitably cause hardship to operator's in the trade and impact on the drivers which we are desperately short of and likely to put off newcomers to the trade. Please take in consideration with the way things are going with the economy the timing for this could not be worse.

John and I were quite happy with the way things were I.e. three council tests for exceptional quality vehicles.

With thanks

John Nicholson, Tracy Whittingham

On 31 Aug 2022, at 18:41, Tracy Whittingham wrote:  
Begin forwarded message:

**From:** Tracy Whittingham  
**Date:** 31 August 2022 at 18:40:10 BST  
**To:** Licencing <[licensing@blackpool.gov.uk](mailto:licensing@blackpool.gov.uk)>  
**Subject:** Ryan, Sharon

Can someone explain to Johnny Nick and I about the changes to the exceptional quality policy. We can't comment on the policy changes until we have clarification as we have heard rumours that there is going to be an age limit and that will affect the amount of affordable wheelchair accessible vehicles . The policy as is enables wheelchair accessible vehicles to be purchased at a affordable price.  
Regards

Tracy Whittingham and John Nicholson

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**From:** Tony Gledhill  
**Sent:** 05 September 2022 13:21  
**To:** Licensing  
**Subject:** Draft Licensing Policy - Response Points

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Good afternoon licensing,

Ref: New Draft Licensing Policy Consultation Response:

1. The 1 MOT & 1 Pit Test plan is excellent, and the MOTs must be taken at any garage of the owners choice.
2. On street enforcement operations must be professionalised and the procedures detailed within the new licensing policy, explaining all action from start to finish, giving examples of what can be rectified by the driver there and then and what requires further action etc. A simple check sheet with names and comments from both parties, then signed by both parties and a copy to the driver.
3. CVMU vehicle examination check list. The CVMU requires a detailed check list when carrying out the test, explaining what is a fail and what is a fault, etc etc. Currently the procedure is driven by subjectivity due to the generalised check sheet with no details explaining what constitutes a fail or a pass.
4. 5 year ban for mobile phone use. This penalty is draconian, the penalty was added to the DFT Child Exploitation document that's been recently published as guidance for LA's, its out of context within a standard licensing policy. If the council had credible data showing the PH & Taxi trade are having big problems with RTAs due to mobile phone use in Blackpool, then introducing such a penalty would be seen as a credible option within Blackpool, but there is no such problem to fix in the first place.

Regards  
Tony Gledhill

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**From:** Adam Shiers  
**Sent:** 04 September 2022 21:28  
**To:** Licensing  
**Subject:** Hackney Carriage and private hire licensing policy

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To whom it may concern.

After having a read through the latest proposals. There are a couple of things at least that give me cause for concern.

First the five year suspension for mobile phone use. Now I'm not condoning it and it definitely should be punishable which it already is. But is this not too harsh? Is this across the board with all council employees?

Point no 2 is the age limit of vehicles. Whilst I appreciate it that we have to move forward regarding emissions ect. How will this address this. Surely a vehicle regardless of age that passes your "exceptional conditions" test is fit for purpose?

I've personally never had a problem using the council testing station in over 30 years as a licence holder. I think it would be more detrimental to go down the MOT anywhere route. I have full confidence that when my vehicle is tested at Layton it's fit for purpose. In the current climate with a recession looming and money tight forcing a age limit seems unnecessary. I can only see this being detrimental to the trade...as in more people moving to saloon type vehicles as much cheaper to buy and run. I've personally always had purpose built/wheelchair accessible vehicles. But can see this changing if forced to buy unaffordable vehicle. As someone who drives myself I know the lifespan of a taxi here in Blackpool. The abuse and disrespect of a evening can take it's toll on them, regardless of age.

I hope you'll consider what I think and appreciate your time.

Adam Shiers

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**From:** Stephen Moore  
**Sent:** 24 August 2022 09:32  
**To:** Licensing  
**Subject:** Consultation Draft Hackney Carriage and Private Hire Licensing Policy

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May I firstly thank the Council for affording me the opportunity to be part of the consultation process on the above Draft (Stephen Moore Hackney Badge Holder)

I am concerned that the Policy in its aims and objectives sets out the *principle purpose of hackney carriage and private hire licensing is to protect the public and promote public safety* but does not include its obligation to those it seeks to regulate

For your consideration to be read with the Draft:

## **2 AIMS AND OBJECTIVES**

At para 1 to read “*The principal purpose of hackney carriage and private hire licensing is to protect the public, and promote public safety through good practice of those it regulates*”

## **3 GATHERING AND SHARING OF INFORMATION**

### **COMPLAINTS AGAINST LICENCE HOLDERS**

The removal of the word “*robust*” to be replaced with the words “*fair and responsible*”

## **5 DELEGATION**

in regards the use of either the Chairman or Vice Chairman in cases of immediate revocation the person used does not sit on the appeals process as this would blur “*... a clear distinction between the investigator and decision*” with reference to the requirement found in **4 DECISION MAKING**

## **6 HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS**

Regarding the **Fit and Proper Persons Test** the Council is totally accurate to use the obiter it refers to. However, I suggest, this would be abandoned with the introduction of 50/50 approach to new applicants. Either the applicant has or has not met the balance of probability and at 50% has and should be given the benefit of the doubt prescribed by law

No suspension of the requirement of a NVQ as part of CUSTOMER SERVICE TRAINING as this would go totally against the *principle purpose to protect the public and promote public safety*

## **8 OPERATORS**

Para 1 to read “... *who holds a private hire driver’s licence and such a person has passed the Council’s three tests of knowledge, customer service and safe guarding*”. Otherwise. the *principal purpose to protect* (above) has not been met

## **APPENDIX A**

### **11 USING A HAND HELD DEVICE WHILST DRIVING**

I suggest an applicant would be treated to harsh if the minimum of 5 years approach was adopted. The Council uses a fitness for purpose test and should not bind its discretion

The 5 year approach it can be argued deters otherwise suitable would be licence holders at a time of shortage

## **APPENDIX B PRIVATE HIRE DRIVER’S LICENCE CONDITIONS**

A further point could be added that taxi ranks are exclusive to hackney carriages only

## **APPENDIX E CODE OF CONDUCT....**

It is suggested that where a person is so “intoxicated” through suspected alcohol, drug or both use carriage can be refused. If carried and the person becomes abusive, violent or unsafe to be alighted at the safe place and not to be considered vulnerable

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With regards

Stephen Moore

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**From:** BLTOA Committee  
**Sent:** 15 August 2022 12:28  
**To:** (Cllr) Lynn Williams; John Blackledge  
**Cc:** (Cllr) Amy Cross; (Cllr) Kathryn Benson; (Cllr) Neal Brookes; (Cllr) Paula Burdess; (Cllr) Gillian Campbell; (Cllr) Kim Critchley; (Cllr) Jim Hobson; (Cllr) Ivan Taylor; (Cllr) Jane Hugo; (Cllr) Adrian Hutton; (Cllr) Allan Matthews; (Cllr) Mark Smith; Licensing  
**Subject:** New Draft Licensing Policy Consultation - Blackpool Taxi & PH. Without Prejudice  
**Attachments:** BLTOA. Licensing Policy Consultation Letter Aug 2022.pdf

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Dear Lynn Williams & John Blackledge,

Ref: Draft Licensing Policy Taxi & PH Trade.

Attached: BLTOA Letter ref draft licensing policy.

BLTOA have study the policy and it appears the last 12 months consultation has been ignored, the attached letter details some points on the deceiving text and the integrity of the Council, BLTOA and the trade are looking forward to your response.

Regards

Dean James  
Chairman of BLTOA  
For BLTOA Members

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Lynn Williams – Blackpool  
Council Leader

John Blackledge –  
Director of Blackpool  
Council

Date: 15/08/2022

### **Taxi & PH Draft Policy Consultation Outcomes**

Dear Mr Blackledge & Mrs Williams

After multiple consultation meetings with the council over the last 12 months, the long-awaited New Taxi & PH Draft Policy has been published for consultation. It seems clear to us that the policy needs more work before being presented to the PPC for final sign off.

We are taking this opportunity without prejudice to express our disappointment and concerns that many of the topics discussed and verbally agreed at the consultation meetings have been disregarded, resulting in the council's integrity being seriously eroded, and explains why the trades' view of the council's credibility and transparency is low.

#### **Credibility and Transparency Failures**

The new policy has the potential to redress the balance of the negative view the trade has about the council, and the following explains why:

Our on-going investigation without prejudice into the financial management of the licensing fees and other associated areas is still at stage 1, but has already highlighted potential unlawful activity, and incompetence within the governance and line management of key personnel, 3 examples:

1. The PPC have been setting licensing fees unlawfully due to the practice of accounting for the fees using 1970's systems, cross funding is still ongoing, and we suspect fees have been used to fund areas outside of taxi operations.



2. The council governance procedures have not identified the above for the last 30 years, and key senior management who are responsible to maintain up to date operating practices and ensure the council is working within the laws, have clearly failed over a long period.
3. The taxi school contracts department appears to have been awarding contracts without an open and transparent tender and bidding system for a long time. A closed shop was created, and one operator has benefited extremely well to the detriment of the whole taxi trade in Blackpool, no governance appears to have happened.
4. We have heard nothing from the council about key personnel being demoted or removed from position etc. We hear a lot about the council's governance system, but it clearly has not worked in these examples.

### **Draft Taxi & PH Policy**

The policy has been written as if much of the last 12 months consultation didn't happen, the new policy is the council's opportunity to apply some clarity, remove archaic practices, and apply modern day management systems. That would deliver confidence from the trade in the council's management of the Taxi & PH industry, it would also produce a professionalised approach to enforcement activity and remove most of the subjectivity that's been allowed to undermine and penalise the trade.

Examples:

5. Intentional deceptive text within the policy. 1 Pit & 1 MOT is written in the policy, that is deceiving the trade, the policy fails to mention during a PPC meeting it was decided that the CVMU will be conducting the MOTs. That's disingenuous and unacceptable, the trade expects a professional and transparent approach, clearly that's not happened. It was openly discussed during the past consultation meetings and no mention of the CVMU conducting MOTs.

A point of note: One member of the licensing team did state his objection to the MOTs, he stated the MOT testing stations cannot be trusted because the trade are friends of the staff at the garages. This view is hopefully a personal view that Government licensed testing stations are acting in a fraudulent manner and cannot be trusted. But this view seems to have misdirected the draft policy.

6. Enforcement Officer Activity. Currently, outdated subjectivity-based procedures are being used, the new policy was the council's opportunity and obligation to professionalise enforcement activity. There is no mention of it within the policy, enforcement simply rely on sweeping statements taken from an outdated 1976 Miscellaneous Act and that is unacceptable for modern day management. This was agreed by head of licensing and senior council management during consultation meetings.

No other council department is working off a document dated 1976, there will be new policy and points will have been extrapolated from old regulation/policy and brought into modern day management standards of practice. It begs the question, why has the 1976 Bye-laws not been updated?

A written policy and procedures detailing all action is required, that will send a clear message to the trade, and ensure both parties know what and how enforcement will be delivered and recorded. This action has been agreed at a senior level within the Council but has not been delivered.

7. CVMU vehicle testing. The new policy has failed and missed the opportunity to create confidence in the CVMU activity. The subjectivity that has been allowed to embed itself is unacceptable, what passes at 10am, will be a failure at 11am, or an advisory at 12pm. A simple solution to this problem is to produce what was discussed and agreed at the consultation meetings, a detailed check list that both parties will be able to use, that will assist the trade in preparation and the CVMU in sticking to a set standard. There has been poor management at the CVMU for years, with an unofficial approach of creating further revenue with re-test fees, and that needs addressing.
8. Five-year ban for mobile phone use. The trade would like to know promptly, does this policy apply to all council workers, will the head of licensing be sacked if caught for the same offence. Will Bus drivers, Tram drivers and horse drawn carriage drivers also be subject to this penalty, are the police, fire service and ambulance drivers subject to the same policy?  
It appears, the Taxi trade has been singled out and being penalised to an extreme level.

## **Summary**

BLTOA were expecting the new policy to remove archaic systems and produce clarity on what have been contentious areas for decades and allowed subjectivity to rule the day, currently the integrity of the council has been compromised. What has been discussed at consultation meetings has been disregarded; and it's that point that concerns the trade, as we feel no matter what is contained within the trades responses to the new policy, it will be ignored, and the current Draft Policy is the actual finished article.

We are looking forward to your response to this letter.

Regards

Dean James – BLTOA Chairman for BLTOA M.embers

John Cutler (Without Prejudice) – Owner and Manager of Premier Taxis

---

**From:** Anne Powell on behalf of John Blackledge  
**Sent:** 24 August 2022 09:30  
**To:** BLTOA  
**Cc:** (Cllr) Amy Cross; (Cllr) Kathryn Benson; (Cllr) Neal Brookes; (Cllr) Paula Burdess; (Cllr) Gillian Campbell; (Cllr) Kim Critchley; (Cllr) Jim Hobson; (Cllr) Ivan Taylor; (Cllr) Jane Hugo; (Cllr) Adrian Hutton; (Cllr) Allan Matthews; (Cllr) Mark Smith; Licensing; (Cllr) Lynn Williams  
**Subject:** RE: New Draft Licensing Policy Consultation - Blackpool Taxi & PH. Without Prejudice  
**Attachments:** Statutory & Best Practice Guidance for taxi and PHV licensing authorities.pdf

Dear Mr James and Mr Cutler

Thank you for your correspondence of 15<sup>th</sup> August 2022 regarding Taxi and PH Draft Policy Consultation outcomes.

Firstly, I am disappointed that you feel the engagement myself and colleagues have had with BLTOA in particular over the last 12 months has effectively been disregarded in relation to the policy review.

Unfortunately my response is out of sync in terms of the points you raise, however I do not accept that the text within the policy is intentionally deceptive with the example being given of the vehicle inspections. The draft policy is silent as to whom will undertake these inspections. It is accepted that the report to PPC for the meeting in June 2022 does suggest that both the pit test and MOT will be undertaken at CVMU. This was a misunderstanding on behalf of the author of the report who believed at the time that this had been agreed with the trade. In any event the whole purpose of the report to PPC was to obtain approval for consultation on the policy document. No firm decisions were made at the meeting. Our current thinking on this subject if it assists, is that the annual pit test should be undertaken at CVMU, however the trade should be free to obtain an MOT from any garage that are able to offer the same. These garages are regulated by the DVSA and therefore would risk approval if they are found to be issuing pass certificates to unsuitable vehicles.

It is accepted that the enforcement protocol and pit test check lists are overdue and every effort will be made to share the same with you as soon as possible.

The five-year ban for mobile phones was raised by Mr James and Mr Lewtas recently and they were informed that the convictions policy had been revised in accordance with the statutory taxi and private hire standards issued by the Department for Transport. The standards are attached and the relevant section is highlighted in yellow on page 36. If the trade believe that this is too onerous then they need to respond accordingly to the consultation.

In terms of fees, you are aware that we are undertaking a root and branch review. Fees sit outside the policy and as you know I am clear that we need to consider our accounting and allocation processes and procedures. Legal and Finance have been considering case law and we are in dialogue with a number of other authorities in terms of making this process as robust as possible.

In relation to school transport, again this is not related to policy. The previous tender for taxi contracts was conducted in 2018 and followed a legally compliant procurement process under Public Contract Regulations, 2015. As you are aware we have reviewed the previous arrangements and introduced a new dynamic process/system, enabling providers to seek entry onto the framework throughout its life. We hope that this approach will ultimately result in a wider audience of the trade providing services and better value for money.

I hope this helps and although you may not believe this to be the case, the Cabinet Member for Enforcement, Public Safety, Highways and Transport, the Chair of Public Protection Sub-Committee, myself and colleagues have listened to various views, concerns and issues you have raised over a period of time, and we are collectively committed to trying to make appropriate changes for the good of all.

Regards  
John

John Blackledge  
Director of Community & Environmental Services

Blackpool Council | Number One Bickerstaffe Square | Blackpool | FY1 1NA (FY1 3AZ for Sat Nav)  
Web: [www.blackpool.gov.uk](http://www.blackpool.gov.uk)

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**From:** BLTOA Committee

**Sent:** 15 August 2022 12:28

**To:** (Cllr) Lynn Williams <[Lynn.Williams@blackpool.gov.uk](mailto:Lynn.Williams@blackpool.gov.uk)>; John Blackledge <[john.blackledge@blackpool.gov.uk](mailto:john.blackledge@blackpool.gov.uk)>

**Cc:** (Cllr) Amy Cross <[Amy.Cross@blackpool.gov.uk](mailto:Amy.Cross@blackpool.gov.uk)>; (Cllr) Kathryn Benson <[kathryn.benson@blackpool.gov.uk](mailto:kathryn.benson@blackpool.gov.uk)>; (Cllr) Neal Brookes <[neal.brookes@blackpool.gov.uk](mailto:neal.brookes@blackpool.gov.uk)>; (Cllr) Paula Burdess <[paula.burdess@blackpool.gov.uk](mailto:paula.burdess@blackpool.gov.uk)>; (Cllr) Gillian Campbell <[Gillian.Campbell@blackpool.gov.uk](mailto:Gillian.Campbell@blackpool.gov.uk)>; (Cllr) Kim Critchley <[Kim.Critchley@blackpool.gov.uk](mailto:Kim.Critchley@blackpool.gov.uk)>; (Cllr) Jim Hobson <[Jim.Hobson@blackpool.gov.uk](mailto:Jim.Hobson@blackpool.gov.uk)>; (Cllr) Ivan Taylor <[Ivan.Taylor@blackpool.gov.uk](mailto:Ivan.Taylor@blackpool.gov.uk)>; (Cllr) Jane Hugo <[Jane.Hugo@blackpool.gov.uk](mailto:Jane.Hugo@blackpool.gov.uk)>; (Cllr) Adrian Hutton <[Adrian.Hutton@blackpool.gov.uk](mailto:Adrian.Hutton@blackpool.gov.uk)>; (Cllr) Allan Matthews <[Allan.Matthews@blackpool.gov.uk](mailto:Allan.Matthews@blackpool.gov.uk)>; (Cllr) Mark Smith <[Mark.Smith@blackpool.gov.uk](mailto:Mark.Smith@blackpool.gov.uk)>; Licensing <[licensing@blackpool.gov.uk](mailto:licensing@blackpool.gov.uk)>

**Subject:** New Draft Licensing Policy Consultation - Blackpool Taxi & PH. Without Prejudice

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[cyber.security@blackpool.gov.uk](mailto:cyber.security@blackpool.gov.uk).

Dear Lynn Williams & John Blackledge,

Ref: Draft Licensing Policy Taxi & PH Trade.

Attached: BLTOA Letter ref draft licensing policy.

BLTOA have study the policy and it appears the last 12 months consultation has been ignored, the attached letter details some points on the deceiving text and the integrity of the Council, BLTOA and the trade are looking forward to your response.

Regards

Dean James  
Chairman of BLTOA  
For BLTOA Members

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**From:** robert thornley  
**Sent:** 18 August 2022 10:17  
**To:** Licensing  
**Subject:** Taxi policy

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Dear sir

I would like to express my views on certain aspects of the proposed taxi policy.

Firstly M.O.T.s my understanding was any M.O.T. approved garage would be able to carry out the test after all they are appointed by the appropriate body and therefore able to carry out the test to the legal requirements. The very least i would have expected is a number of garages designated by the council which would give me freedom of choice.

In addition licencing enforcement should have a written check list so operators and officers are working from the same page.

Fit and proper person guidelines should be laid down so that all can operate in the best interest of the public without worrying that something may change without warning.

I do not condone the use of mobile phones whilst driving it is dangerous but a five year ban from holding a badge is in my view excessive the punishment from the law of the land should be sufficient. Is this proposal for all employees of the council or just the taxi trade and if convicted whilst driving a private vehicle would a taxi driver lose his or her badge.

Robert Thornley

Licensed taxi operator. [utlook for Android](#)

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**From:** TheBulldogs and Mini hits Coc  
**Sent:** 17 August 2022 10:45  
**To:** Licensing

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**New Taxi & PH Licensing Policy Out for Consultation  
Ends 05 September 2022**

The policy will affect you for the next 10 years, this is your opportunity to have an impact and your voice heard, please read the new draft policy, and respond with your requests on what should be included or deleted.

Email your response today to [licensing@blackpool.gov.uk](mailto:licensing@blackpool.gov.uk) email subject line: **Licensing Policy Response**

BLTOA will be responding with the following points:

1. The vehicle test rescheme of one (1) CVMU Compliance Test and one (1) MOT at any garage of the owners choice each year needs to be written into the policy. Its currently ambiguous and allows the CVMU to conduct the MOT.
2. The caveat stating the PPC can change the policy for any vehicle they deem fit to 3 Tests a year needs removing from the policy.
3. Exceptional Quality Policy is harsh, the 4 faults need to be change to 6 faults on initial pit test, and 7 thereafter. The CVMU testing is exceptionally subjective and currently has no documented check list and is open to abuse. What passes at 10am will fail on another vehicle at 11am etc.
4. Licensing enforcement officer written procedures must be included in the policy. The current system is unprofessional, un-structured, and subjective. A set format for all compliance enforcement must be documented within the policy.
5. A written CVMU vehicle compliance testing procedures, with itemised check sheets must be included within the policy, the current system is subjective, and depends on who is doing the test.
6. The council should include a definition of what a fit and proper person is and isn't. The draft policy just allows the council to add anything to fit the agenda at the time of an issue.
7. Wheelchair accessible vehicles should be given a 30% discount on the annual vehicle license fee. These vehicles have high running costs, but give people the opportunity to move around with ease, thus meeting the Government agenda for inclusivity and disability access.
8. Five years ban due to being convicted of using a handheld device must be removed from the policy. Does the same apply to Bus drivers, Tram drivers, All Council personnel, Refuge collectors, Police, Ambulance drivers, etc etc. The five year ban is double Jeopardy and unacceptable as a viable punishment. If the head of licensing is caught using his mobile, will he be sacked and unable to apply for job at the council for 5 years?

Email the council your response today to [licensing@blackpool.gov.uk](mailto:licensing@blackpool.gov.uk) email subject line: Licensing Po  
Response



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**From:** Khaled Ahmed  
**Sent:** 13 August 2022 19:50  
**To:** Licensing  
**Subject:** Licensing Policy Response

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New Taxi & PH Licensing Policy Out for Consultation Ends 05 September 2022 The policy will affect you for the next 10 years, this is your opportunity to have an impact and your voice heard, please read the new draft policy, and respond with your requests on what should be included or deleted.

1. The vehicle test rescheme of one (1) CVMU Compliance Test and one (1) MOT at any garage of the owners choice each year needs to be written into the policy. Its currently ambiguous and allows the CVMU to conduct the MOT.
2. The caveat stating the PPC can change the policy for any vehicle they deem fit to 3 Tests a year needs removing from the policy.
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4. Licensing enforcement officer written procedures must be included in the policy. The current system is unprofessional, un-structured, and subjective. A set format for all compliance enforcement must be documented within the policy.
5. A written CVMU vehicle compliance testing procedures, with itemised check sheets must be included within the policy, the current system is subjective, and depends on who is doing the test.
6. The council should include a definition of what a fit and proper person is and isn't. The draft policy just allows the council to add anything to fit the agenda at the time of an issue.
7. Wheelchair accessible vehicles should be given a 30% discount on the annual vehicle license fee. These vehicles have high running costs, but give people the opportunity to move around with ease, thus meeting the Government agenda for inclusivity and disability access.
8. Five years ban due to being convicted of using a handheld device must be removed from the policy. Does the same apply to Bus drivers, Tram drivers, All Council personnel, Refuge collectors, Police, Ambulance drivers, etc etc. The five year ban is double Jeopardy and unacceptable as a viable punishment. If the head of licensing is caught using his mobile, will he be sacked and unable to apply for job at the council for 5 years?
9. How car we take card payment without using mobile device or card machine? How can we accept without tapping on the phone? If we can't use the phone than we cannot take the card payment or accept bookings. Who want to get band 5 for taking card payment or accepting phone while stopped point. We want the answer from you.

Kind regards  
Khaled

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**From:** JEANETTE WHITE  
**Sent:** 11 August 2022 14:56  
**To:** Licensing  
**Subject:** Licensing policy

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Good afternoon,

I would like to point out some problems/ disagreements with the policy.

1. The vehicle test rescheme of one (1) CVMU Compliance Test and one (1) MOT at any garage of the owners choice each year needs to be written into the policy. Its currently ambiguous and allows the CVMU to conduct the MOT. The manner in which the vehicle testing system has been written, is intentionally misleading, totally lacking in transparency as the minutes from the last PPC meeting state the CVMU will conduct the MOTs.
2. The caveat stating the PPC can change the policy for any vehicle they deem fit to 3 Tests a year needs removing from the policy.
3. Exceptional Quality Policy is harsh, the 4 faults need to be change to 6 faults on initial pit test, and 7 thereafter. The CVMU testing is exceptionally subjective and currently has no documented check list and is open to abuse. What passes at 10am will fail on another vehicle at 11am etc.
4. Licensing enforcement officer written procedures must be included in the policy. The current system is unprofessional, un-structured, and subjective. A set format for all compliance enforcement must be documented within the policy.

The enforcement side of licensing requires professionalising, 1950 operating procedures are not fit for todays society, the trade are subject to 40+ pages of what they can and cannot do but enforcement have no policy or procedures they must follow.

5. A written CVMU vehicle compliance testing procedures, with itemised check sheets must be included within the policy, the current system is subjective, and depends on who is doing the test.

6. The council should include a definition of what a fit and proper person is and isn't. The draft policy just allows the council to add anything to fit the agenda at the time of an issue.
  
7. Wheelchair accessible vehicles should be given a 30% discount on the annual vehicle license fee. These vehicles have high running costs, but give people the opportunity to move around with ease, thus meeting the Government agenda for inclusivity and disability access.
  
8. Five years ban due to being convicted of using a handheld device must be removed from the policy. Does the same apply to Bus drivers, Tram drivers, All Council personnel, Bin collectors, Police, Ambulance drivers, etc etc. The five year ban is double Jeopardy and unacceptable as a viable punishment. If the head of licensing is caught using his mobile, will he be sacked and unable to apply for job at the council for 5 years? This is outrageous!

Many thanks

Jeanette burton

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**From:** andy dawson  
**Sent:** 10 August 2022 15:05  
**To:** Licensing  
**Subject:** Licensing policy response

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To whom it may concern

After reading threw the recent licensing policy. There are a few points that needs to be addressed.

Test rescheme 1 cvmu compliance test and 1 mot a year. Why can't the mot be done at a garage of our choice.

PPC can change policy for any vehicle they deem fit needs removing.

4 faults is to harsh should be at least 6 on initial test. No current check list.

Licencing enforcement officer written procedures must be in a policy. A set format must be documented.

Pit testing procedures must be included within the policy as currently subjective.

The draft policy just allows council to add anything to the agenda at any given time.

Five year ban is outrageous and needs removing.

Wheelchair accessible vehicles should be give a 30% on annual license fees. We have very high running costs but give people opportunity to move around with ease. While meeting government agenda for disability access.

Is there going to be and type of support scene or grants. For those of us with wheelchair accessible vehicles. As to upgrade to new and more economical vehicle is 3 times more expensive. Then these current hybrid and electric cars used as taxis.

Many thanks

Andrew Dawson

Sent from my HUAWEI P30 on Three.

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**From:** Ian Dacre  
**Sent:** 09 August 2022 14:24  
**To:** Licensing  
**Subject:** Draft Hackney Carriage and Private Hire Licensing Policy

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Dear Sir/Madam

Having reviewed your draft policy I have a few comments that I would like you to address within the policy update.

Firstly,

A 5 year ban for using a mobile phone once convicted is way too excessive in my opinion. While I understand that the act of using a phone in any vehicle is illegal under certain situations, there are times as a cab driver that you may need to look up a hotel or a street name etc. You may be programming a sat nav and you may forget to turn off the engine whilst parked at the side of the road to do these things. Sometimes you have to think quickly and may possibly get caught out. It's a mistake, not an attempt to break the law. 5 years is way too much when you consider the investment some of us have in these Cabs.

Secondly,

Can there be some clarification on the use of ANY MOT station to get your mot's done. If we are restricted to CVMU it may as well be another PIT test and a lot more expensive. We should have a choice of our own MOT station. Whilst on this subject I would like to see a procedural and itemised checklist written within the policy for PITs' tests for clarification.

Thirdly,

Exceptional quality policy is way too harsh. I have found some of the PIT tests I have attended, to be subjective at least. More at the discretion of the tester than a set of guidelines as mentioned above. Therefore in line with BLTOA, I would like to see the initial set of 4 faults increased to 6 and 7 thereafter.

I sincerely hope you will consider these arguments in your final draft and look forward to seeing the results

Kind Regards

Ian M Dacre

(HD9161) and operator of plates 641 and 643

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**From:** Sam Cockcroft  
**Sent:** 07 August 2022 11:18  
**To:** Licensing  
**Subject:** Licensing Policy

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Dear Sir, I wish to raise a few points regarding the upcoming changes/revisions in the Licensing Policies for Hackneys and Private hires in Blackpool.

1. The knowledge test for new licence applicants has become out of date and redundant with the advancements made in Satellite Navigation systems. These systems are now integrated into the work distribution devices for all companies.
2. There needs to be a more defined level of what a fit and proper person is. There are drivers of Private hires operating in Blackpool that have NOT had an enhanced DBS check.
3. A 5 year ban for certain driving convictions is biased against Taxi/Private Hire drivers. The same severe ban does not exist for other drivers working on public transport vehicles or Council employees driving on Council business. Or Emergency service vehicles.
4. The Government Agenda for Inclusivity and Disability access needs to be encouraged within the Taxi trade by offering a 30% discount on the annual vehicle licensing fee.
5. Compliance testing procedures, including the Exceptional Quality Policy test need to be standardised with use of a check sheet, similar to that used in an MOT test.

I look forward to receiving your comments on these matters.

Yours faithfully,

Simon Cockcroft

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**From:** Lisa Ashton  
**Sent:** 05 August 2022 11:47  
**To:** Lisa Ashton  
**Subject:** Message from KM\_C458  
**Attachments:** SKM\_C45822080511470.pdf

RESPONSE RECEIVED FROM MR BLAKEY

## New Taxi & PH Licensing Policy Out for Consultation Ends 05 September 2022

-5 AUG 2022

The policy will affect you for the next 10 years, this is your opportunity to have an impact and your voice heard, please read the new draft policy, and respond with your requests on what should be included or deleted.

Email your response today to [licensing@blackpool.gov.uk](mailto:licensing@blackpool.gov.uk) email subject line: **Licensing Policy Response**

BLTOA will be responding with the following points:

1. The vehicle test rescheme of one (1) CVMU Compliance Test and one (1) MOT at any garage of the owners choice each year needs to be written into the policy. Its currently ambiguous and allows the CVMU to conduct the MOT.
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6. The council should include a definition of what a fit and proper person is and isn't. The draft policy just allows the council to add anything to fit the agenda at the time of an issue.
7. Wheelchair accessible vehicles should be given a 30% discount on the annual vehicle license fee. These vehicles have high running costs, but give people the opportunity to move around with ease, thus meeting the Government agenda for inclusivity and disability access.
8. Five years ban due to being convicted of using a handheld device must be removed from the policy. Does the same apply to Bus drivers, Tram drivers, All Council personnel, Refuge collectors, Police, Ambulance drivers, etc etc. The five year ban is double Jeopardy and unacceptable as a viable punishment. If the head of licensing is caught using his mobile, will he be sacked and unable to apply for job at the council for 5 years?

Email the council your response today to [licensing@blackpool.gov.uk](mailto:licensing@blackpool.gov.uk) email subject line: Licensing Policy Response

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**From:** S Hughes  
**Sent:** 03 August 2022 14:16  
**To:** Licensing  
**Subject:** Taxi Policy

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To whom it may concern,

In regards to the hackney and private hire taxi policy

- I don't think that a 5 year ban is fair at all for holding a mobile phone whilst i agree that it is irresponsible to do this and should be punished but 5 years and to lose your income is unfair. Would this also apply to bus drivers, council workers and even the police?
- Would we be able to use an independent M.O.T. garage for our M.O.T's because if we had to use the Layton depot there would not really be a change to the current procedure.
- Is there any plans to issue any grants for people wanting to invest in a purpose built electric taxis?
- Is there any plans to increase rapid charging points in Blackpool? There are currently only 2 to use for the public which are at Lidl Devonshire Road and Toby Carvery Preston New Road if you want people to invest in electric vehicles they need to a lot more charging points

Regards,

Simon Hughes

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**From:** John B  
**Sent:** 03 August 2022 11:51  
**To:** Licensing  
**Subject:** Licensing Policy Response  
**Attachments:** 20220803\_114037.jpg

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John Brophy plate number 600

After reading points suggested by BLTOA i would like to propose to add them to the new licensing policy  
Thanks John

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**From:** ryan parker  
**Sent:** 02 August 2022 09:53  
**To:** Licensing  
**Subject:** Taxi & ph licensing policy response

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## New Taxi & PH Licensing Policy Out for Consultation Ends 05 September 2022

The policy will affect you for the next 10 years, this is your opportunity to have an impact and your voice heard, please read the new draft policy, and respond with your requests on what should be included or deleted.

Email your response today to [licensing@blackpool.gov.uk](mailto:licensing@blackpool.gov.uk) email subject line: **Licensing Policy Response**

BLTOA will be responding with the following points:

1. The vehicle test rescheme of one (1) CVMU Compliance Test and one (1) MOT at any garage of the owners choice each year needs to be written into the policy. Its currently ambiguous and allows the CVMU to conduct the MOT.
2. The caveat stating the PPC can change the policy for any vehicle they deem fit to 3 Tests a year needs removing from the policy.
3. Exceptional Quality Policy is harsh, the 4 faults need to be change to 6 faults on initial pit test, and 7 thereafter. The CVMU testing is exceptionally subjective and currently has no documented check list and is open to abuse. What passes at 10am will fail on another vehicle at 11am etc.
4. Licensing enforcement officer written procedures must be included in the policy. The current system is unprofessional, un-structured, and subjective. A set format for all compliance enforcement must be documented within the policy.
5. A written CVMU vehicle compliance testing procedures, with itemised check sheets must be included within the policy, the current system is subjective, and depends on who is doing the test.
6. The council should include a definition of what a fit and proper person is and isn't. The draft policy just allows the council to add anything to fit the agenda at the time of an issue.
7. Wheelchair accessible vehicles should be given a 30% discount on the annual vehicle license fee. These vehicles have high running costs, but give people the opportunity to move around with ease, thus meeting the Government agenda for inclusivity and disability access.
8. Five years ban due to being convicted of using a handheld device must be removed from the policy. Does the same apply to Bus drivers, Tram drivers, All Council personnel, Refuge collectors, Police, Ambulance drivers, etc etc. The five year ban is double Jeopardy and unacceptable as a viable punishment. If the head of licensing is caught using his mobile, will he be sacked and unable to apply for job at the council for 5 years?

Email the council your response today to [licensing@blackpool.gov.uk](mailto:licensing@blackpool.gov.uk) email subject line: **Licensing Policy Response**



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**From:** Adele White  
**Sent:** 31 July 2022 22:51  
**To:** Licensing  
**Subject:** Response to new policy

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Hello,

I find your new draft very good, it provided more clarity on what used to be a mystery to some of us- especially the pit tests.

What I feel some of us need assistance with is regulation of companies.

Some drivers are fined, discriminated against, pulled off air. Screamed at whilst pregnant. Fined for all night cover two weeks after giving birth. Threatened by directors via txt message. This is a most unkind and discriminatory playing field. Fined for attending a graduation and not being logged on. The list is exhaustive.

It is intimidating, toxic and bullying behaviour.

This is currently un-regulated and if it was proper employment these drivers would have grounds for tribunals. But as it stands it's legal for them to be treated in such a manner.

Any help in this department/company sanctions would be most appreciated.

Please help give us a voice.

Maybe do a survey? It would certainly be very interesting to see the results.

Regards (on behalf of a lot of people who won't speak up)

Adele White

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**From:** Aaron Wainwright  
**Sent:** 31 July 2022 22:38  
**To:** Licensing  
**Subject:** New taxi & ph licencing policy

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Dear Sir/Madam,

I am writing to you concerning the proposal to remove licences from taxi drivers for a one off occasion of using a mobile phone whilst driving.

Whilst I most certainly do not condone the use of mobile phones at any point when driving, a one off mistake, which does not cause harm to anyone, should not mean the driver is automatically banned, their licence removed for five years and the lose of their livelihoods.

You are willing to take someones livelihood away yet the police would not do that. The general public will receive points on their licence and a large fine, yet your department will take away the careers of drivers for a mistake that has not necessarily caused any harm to anyone.

People do make the occasional mistakes, there are instances when taxi drivers need to use their phones to accept a job, but as professional drivers they are capable of still giving their upmost attention to the road. Repeat offenders are, of course, a different matter and should be treated accordingly.

I beg you to reconsider your proposal and take into account other factors rather than destroy the lives of one off offenders.

Yours sincerely,  
Aaron Wainwright

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**From:** steven  
**Sent:** 30 July 2022 10:41  
**To:** Licensing  
**Subject:** hackney carriage and private hire licensing policy

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Regarding proposal to have 1 pit test and 1 mot or 2 mots for vehicles over 14 years .I agree with this but I would like mots to be carried out at mot testing station of my choice and not just with CVMU .Costs are exculating, phv are licensing there vehicles in alternative authority's because of costs you must do something to stop this trend it is not good for blackpool taxi trade , if you allow us to get a mot of are choice it will go a long way to resolve this problem.

Yours sincerely S.m.richardson

Sent from the Connect for Hotmail app

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