

[REDACTED]

From: [REDACTED]
Sent: 29 September 2014 14:42
To: Taxis
Subject: Comments

Hello

① At the time of writing this I do not have the time to read through the whole document. However, there is one thing that concerns me and that is the growing number of taxis waiting at Shrewsbury Station. Many of the local taxi drivers are finding it harder and harder to get fares for the vehicles in order to earn a living, simply because licenses have been granted to many taxi drivers from as far away as Birmingham. I also know of many of the 'outside' taxi' drivers taking people the long way to their home simply because they don't know their way around. I know a couple of the taxi drivers by sight, and if ever I need to use a taxi I only get in theirs. The other taxi drivers don't like this approach, but I prefer local taxi drivers, and in this tough environment it should be local jobs for local people.

Yours sincerely

[REDACTED]

From: [REDACTED]
Sent: 29 September 2014 19:16
To: [REDACTED]
Subject: Re: Hack. ney Carriage and Private Hire Policy Extended Consultation Period

- ① Dear Mandy Beever. Can I congratulate your department on submitting a well written proposed policy . But I've been asked by drivers If it possible to have a clearer (Simplified) printable document relating to the proposed changes to the policy. Ive been asked, When it states renewals does it refer to renewed vehicles or licences ?
- ② The committee documents provided don't clearly state what has been omitted or submitted for existing operators -driver's after April 2015 - HC -PH vehicles colour/ signage/ Wav /emissions/ additional costs - singage / lanyard/ First aid boxes fire extinguishers This would be most helpful Yours [REDACTED]

Sent from Samsung Mobile
----- Original message -----

From: [REDACTED]
Date: 26/09/2014 12:00 (GMT+00:00)
To: Taxis
Subject: Hackney Carriage and Private Hire Policy Extended Consultation Period

Good Morning,
Please find attached information in regard to the Hackney Carriage and Private Hire Policy extended consultation period.
In addition, the Licensing Service will be hosting a Taxi Forum to discuss any issues that the trade may have with the proposed policy document the forum will be held on Tuesday the 28th of October 2014 in the Council Chamber, Shirehall, Shrewsbury, Shropshire SY2 6ND at 11am, all trade representatives are welcome to attend but we would ask that if you do want to come along you email Taxis@shropshire.gov.uk to confirm you are attending.
Kind Regards

Shropshire Council Licensing Service
Tel: 0345 678 9026
Email: Taxis@shropshire.gov.uk

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[REDACTED]

From: [REDACTED]
Sent: 29 September 2014 21:30
To: Taxis
Subject: Response to Licensing policy documents consultation

① I am a user, from time to time, of taxis and private hire vehicles. Having read the documents on the proposed policy, I am impressed by the care that is taken to ensure all aspects of safety for passengers, and believe that the requirements are also fair to, and would benefit, owners/operators/drivers.

Yours faithfully,
[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 05 October 2014 15:21
To: Taxis
Subject: Our view

Hi Mandy as formal meeting we have been part of this new policy recommendations as it stand we do need some changes

- ① 1- if council are thinking to more new version of vehicles then please can we have some day time ranks to pay back to lander just putting up higher stander and making drivers buy new cabs Is not fare on this matter we are happy with ten year age limit .
 - ② 2- we are happy with fare card and will like council to make annual % increase as every where it's happening .
 - ③ 3.any one like to apply for any taxi or private hire test should have least two year old uk driving licence .
 - ④ 4.it important to have a Knowledge text folder any one who wish to apply for new test .
 - ⑤ 5- there should be one MOT per year as every where else in country .
 - ⑥ 6- The colour should be black so it's easy to identify Hackney carriage .
 - ⑦ 7-no racism or tolerance to any body as we have had some issues in past policy must have something to stop or happening in future .
 - ⑧ 8-all diver must have compliment book all time in there cabs if any one like to make complaint or good comment driver should provide it to passenger then we have good view about service behave and fare .
 - ⑨ 9-policy shouldn't be change every 3 years it's should have more time.
- And if we think any thing else we will write to you in the time limit given thanks
- [REDACTED]

[Redacted]

From: [Redacted]
Sent: 08 October 2014 11:56
To: Taxis
Subject: taxi forum

① hi mand 98 percent of trade thinks the work is not there to invest in euro 5;;; haw ever there seem to be an agreement the we would agree to the 10 year age limit bought forward starting april 2015;;;

Mandy Beer

From: [REDACTED]
 Sent: 10 October 2014 10:19
 To: [REDACTED]
 Cc: [REDACTED]
 Subject: Re: New Taxi Policy due April 2015

Dear [REDACTED]

Thanks for your comments.

- ① I am glad that you remember the thought process behind what was decided about the executive cars.
- ② The proposed policy certainly does seem to completely alter what was decided through a consultation and cabinet process and I would question why we are being asked to consider such a drastic changes to an already Council agreed working model for executive cars.
- ③ I would like to ask who has come up with the idea to go against what has been agreed by Council, where instead of looking at what type of work we are doing, we are now asked to drive Bentley Continentals. Is there even a licensed Bentley continental in this country? Let alone little old Shrewsbury.
- ④ Unfortunately I have not been involved in the consultation process so far as I was under the false impression that general Private Hire and Hackney policies were being reviewed. To be honest, I had not imagined that Executive policies would even be considered so soon after we had gone through such a formal process to get the current policy in place.

[REDACTED]
Sent from my iPhone

On 10 Oct 2014, at 09:32, [REDACTED]

Dear [REDACTED]

I haven't been directly involved in all the detailed work on this so I was not aware of any significant changes around the executive cars position or that we had had any detrimental feedback. As you know, when we considered the original executive cars element we worked very closely with you and your fellow executive car operators to find a pragmatic solution to the issues you raised at the time. If the proposed changes alter this position we need to consider this carefully. I recall we moved away from trying to define specific types of executive vehicle and focused more on the business model which differs substantially from the standard 'taxi' operation and this was agreed by the Committee as you point out. I have copied Mandy and Frances Darling in and your comments will be included as part of the extended consultation. Were you able to comment on the first consultation? I am sure either Frances and Mandy will get back to you asap. Mandy is on leave this week so please leave it with me for the time being.

Regards

[REDACTED]
 [REDACTED]
 Head of Public Protection
 Shropshire Council
 Shirehall
 Abbey Foregate
 Shrewsbury

Shropshire
SY2 6ND
Tel: 01743 253868
Mob: 079 90 08 52 21
Web: www.shropshire.gov.uk

From: [REDACTED]

Sent: 09 October 2014 19:35

To: Paul McGreary

Subject: New Taxi Policy due April 2015

Dear Paul,

I am writing to you as I spoke to you when the policy was decided upon for the issue of Executive plates for Taxis in this area.

I am sure that you will remember that the Council decided that they could not have a policy where they would decide what cars would be executive cars and which would not. That to do this would mean a constant review of vehicles on the road. A constant review of new cars that were placed on the market to decide whether they would be classed as executive or not. It was thought that the Council would need to employ a full time member of staff purely to review vehicles and that it was purely down to a matter of opinion as to what is an executive level car and what was not.

It was decided that the council would issue Executive plates based on the type of work that the Operator was carrying out and the Council went to great lengths to decide what rules would be put in place for new people applying for the issue of such plates.

You can imagine my concern to hear that in the new policy, there is now a list of vehicles that the council has decided will be classed as Executive cars and only these will be allowed to carry Executive plates. This list is totally unreasonable. Most of the cars listed would cost a minimum of £45000 to purchase. The list, for example, specifies a Ford Galaxy people carrier. Why does this list exclude a Volkswagen Sharon, which is basically the same vehicle as the Galaxy. So whose decision is it to include one and exclude the other.

I would ask that firstly, someone please look into the fact that we have policies agreed and in place for Executive cars. Why do we now have a situation where the policies that we agreed, after much consultation with the Licensing staff and yourself, can be overturned and rewritten. Plus, its not actually that long ago that these policies were put in place.

Secondly, this is Shrewsbury, we have a history here of charging much less than the trade charges in such places as Birmingham, Manchester and London. How we are expected to afford to run the type of vehicles listed is beyond me and all other Operators that I have spoken to, on this subject. As I have already said though. After agreeing a policy for the issue of Executive plates, I do not feel that this policy should be being reviewed again.

I would welcome your comments on this matter as soon as possible and would welcome, as we did previously, a meeting with yourself and Mandy Beever, to discuss this, if required.

--
[REDACTED]

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to others, open any attachments or file the email locally.

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For more information, please refer to

<http://www.shropshire.gov.uk/privacy.nsf>

From: [REDACTED]
Sent: 11 October 2014 13:41
To: Taxis
Subject: Licensing Policy 2015-2019
Attachments: taxi policy.docx

To Whom it may concern

I write to you with reference to the recently published 'Hackney Carriage and Private Hire Licensing Policy 2015-2019'.

Please find below, my comments relating to each numbered section.

① Page 23 (3b.7)

These vehicles should be wheelchair accessible at all times ie. If the vehicle has to have seats removed to accommodate a wheelchair, this should not be classed as wheelchair accessible due to the fact that if they are flagged down by a member of the public, they would not be able to accommodate the wheelchair without going somewhere to remove the seats first.

Therefore, when plated, the vehicle should only be plated with the number of seats available when a wheelchair is in situ.

② Page 25 (3b.17)

This section mentions the use of mechanically operated ramps and non-mechanical ramps. What specifically are mechanical and non-mechanical ramps?

Do you mean ramps that are permanently fitted to vehicles and removable ramps? Maybe clearer wording in this section would help.

③ Page 33 (3c.8)

Here we would like to see one of two options replacing this section.

Option 1 – The reinstatement of the 10 year rule, where no vehicle is allowed to be older than 10 years, with increased MOTs for nine year old vehicles (3 a year instead of 2).

Option 2 – Delay in the implementation of the emissions standards requirements by 1 standard. Also add Plate Transfer to the Renewal lines: ie.

	Period	European Emission Standard
Renewal & Plate Transfers	1 April 2015 to 31 March 2017	Euro 3
New	1 April 2015 to 31 March 2018	Euro 5
Renewal & Plate Transfers	1 April 2017 onwards	Euro 4

New	1 April 2018 onwards	Euro 5 & 6
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If the policy is introduced as it stands at the moment, here at [REDACTED] we would have to replace 40-50 vehicles in the next year or so. Extending the time frames would give our drivers etc the chance to plan and purchase the required standard of vehicle. Many would probably look towards the next step of requirements anyway, to avoid having to change their vehicles again.

④ Page 34 (3c.10)

It is not clear enough as to which NCAP safety standard the vehicle must adhere to. NCAP safety standards are split into several categories, and often an overall rating is not given.

For instance, a Vauxhall Zafira has a 5 star rating for adults, 4 star for children and 2 star for pedestrians.

Some vehicles are not on the euro ncap website, what would happen to these?

All cars in the UK have to be at a certain safety level, otherwise they would not be allowed on our roads. By introducing an age restriction on cars, you would automatically be ensuring the vehicles are meeting the majority of safety standards, without having the additional paperwork and time spent finding the NCAP standards ratings.

Our recommendation/request is for the requirement to meet NCAP safety standards be removed at this time.

⑤ Page 35 (3c.13)

This section is very unclear and contradicts itself. If you want all Private Hire vehicles as non-black, then why not just set a fixed date for the vehicles to be changed.

We would recommend that the date be 1st April 2017 to 31st March 2018. By the vehicles plate renewal date for that year, all private hire vehicles must not be black.

We have recently had 4 or 5 nearly new vehicles introduced to our fleet that are black. Insisting that they change these vehicles in the next year would be unreasonable, particularly when it was the Councils decision to allow black vehicles as private hire (something that previously was not allowed under SABC).

⑥ Page 40 (3c.45)

In the section for child up to 3 years, you state that children under 3 need not be restrained.

The child under 3 years section needs to be broken down further, ie upto 1 year, then 2-3 years.

Child development at 0-3 years is very immense. Upto 1 year(ish) the child will not be able to sit up, do these travel on parents laps?

Clear guidance on the laws need to be visible in this policy. On the government website :

<https://www.gov.uk/rules-drivers-motorcyclists-89-to-102/seat-belts-and-child-restraints-99-to-102>

The child under 3 section for rear seat passengers refers only to a taxi, and does not mention Private Hire vehicles. It is only after a childs 3rd birthday that Private Hire is mentioned.

⑦ Page 53 (Appendix a)

We agree with this in principle, but a photocopy of the drivers badge would be unacceptable, as the copy would get very dirty, ripped etc.

We would recommend that the council supply a secondary badge for each driver (similar to the drivers badge, but not just a badge, in case these get lost. Perhaps a laminated card version that could not be used as an actual badge).

We would also recommend the Council provide adhesive holders for these copies, that can be stuck to the dashboard of the vehicle, so the public can clearly see and read. If these copies of the drivers badge go on the windscreen where the tax disc used to be, then we will be running out of space, as you are asking for the vehicles internal plate to go in exactly the same place.

If the council request a second drivers badge for display, then the council should provide these at the council's own cost, along with the holders for the vehicle.

⑧ Page 56 (Appendix a 1.19)

When not in receipt of a booking, all Shropshire plated vehicles should return to designated parking areas within the Shropshire administrative area, and all Telford & Wrekin plated vehicles should return to Telford & Wrekin parking areas.

This would enable the Shropshire Council to better control and observe vehicles that they are responsible for, as the vehicles will be physically located in their administrative areas.

⑨ Page 56 (Appendix a1.20)

We would like to see the return of the rules that mean all vehicles must leave Shrewsbury town centre (within the river loop) once dropped off. Vehicles could utilise the towns 2 main out-of-centre car parks (Frankwell & Abbey Foregate).

As it stands at the moment vehicles are allowed to park up anywhere they please (suitably safe [appendix e 1.0f p77]) when awaiting bookings, which means that certain firms are using this to their advantage and parking up in places extremely visible to the public eg The Square during daytimes, and often the Barker Street car parks outside Montgomerys Tower in the evenings. This is encouraging touting and illegal journeys. If we have a 'not with-in the loop' rule, it will be easier for the Council to police as the only vehicles that should be parked in Shrewsbury town centre will be those that already have a booking and are waiting for their customer.

⑩ Page 77 (Section 1.0)

If a customer is already in one of our vehicles on a pre-booked journey with us, they should be able to ask the driver to book their return journey on their behalf over the two way radio.

The customer has already decided to use our company because they are already on a journey with us. Many of the customers who already do this are elderly and do not possess mobile phones. The driver refusing to do this on their behalf would possibly come across as bad customer service and would inconvenience our customers.

We agree that customers should not be able to walk up to a driver on the street and ask them to make a booking on their behalf.

If you have any questions or queries then please do not hesitate in contacting me.

Unfortunately I will not be able to attend scheduled meeting at the end of October, but I shall send a representative along

Kindest regards

[REDACTED]

On Behalf of [REDACTED]

Please confirm receipt of this email.

Please find attached a word document copy of our comments

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[REDACTED]

[REDACTED]

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Kindest regards

[REDACTED]
On Behalf of [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED]

From: [REDACTED] Adult.Protection
Sent: 14 October 2014 12:07
To: Frances Darling; [REDACTED]
Cc: Mandy Beever
Subject: RE: Hackney Carriage and Private Hire Licensing Policy

Afternoon Francis,

These are my additional comments following your revision.

- ① Pg 32 23. It is the applicant responsibility to provide sufficient evidence to this effect. (as directed by the committee)?? Otherwise this appears to be a bit open-ended
- ② Pg 13 9. Convictions. Should this include cautions, community resolution orders etc.
- ③ Pg 30 Applicant must disclose any "recent" cautions – what does recent mean? This may be open to interpretation of the individual.

Thank you

[REDACTED]
Adult Safeguarding Operational Coordinator
01743 255810

[REDACTED]
www.shropshire.gov.uk

From: Frances Darling
Sent: 10 October 2014 11:45
To: [REDACTED].Protection; [REDACTED]
Cc: Mandy Beever
Subject: Hackney Carriage and Private Hire Licensing Policy

Just a quick reminder that the above policy is now back out for further consultation until the 2 November – see link below. The policy has been substantially revised and reformatted and consequently I would very much appreciate your feedback from a safeguarding perspective.

<http://new.shropshire.gov.uk/get-involved/hackney-carriage-and-private-hire-licensing-policy-2015-2019/>

Regards
Frances

Frances Darling
Senior Commissioner
Public Protection

[REDACTED]

From: [REDACTED]
Sent: 16 October 2014 11:23
To: Frances Darling; [REDACTED]
Cc: Mandy Beever; [REDACTED]
Subject: RE: Hackney Carriage and Private Hire Licensing Policy

Hi

- ① Given the particularly high profile, I would like to see something specific about Child Sexual Exploitation in the document for taxi drivers and firms – The national Taxi Association has demonstrated a commitment to this on their website – link below

So something like – (maybe after 1.2)

Safeguarding children - the action we take to promote the welfare of children and protect them from harm - is everyone's responsibility. Everyone who comes into contact with children and families has a role to play.

Child Sexual Exploitation and Trafficking of Children

Sexual exploitation of children and young people under 18 involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive something' (e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money) as a result of them performing, and/or another or others performing on them, sexual activities, violence, coercion and intimidation are commonly, involved in exploitative relationships.

Shropshire's Safeguarding Children's Board is tackling child sexual exploitation and trafficking, by working together with key partners like West Mercia Police, children's social care, schools, health services, and the youth offending team, as well as specialist child sexual exploitation organisations such as the National Working Group.

Through agencies working together and sharing information, we aim to prevent sexual exploitation, disrupt the activities of perpetrators, protect children and young people and prosecute perpetrators of sexual exploitation. Sharing information with West Mercia Police and Children's Social Care helps to protect young people from harm.

Safeguarding children and young people is everyone's business. Taxi drivers are in a good position to help identify victims of sexual exploitation and may come into contact with children and young people who are transported in taxis.

<http://www.national-taxi-association.co.uk/?p=6953>

<http://www.safeguardingshropshireschildren.org.uk/scb/index.html>

Mandy Beever

From: [REDACTED]
Sent: 17 October 2014 07:41
To: Mandy Beever
Subject: changes for existing drivers

Dear Mandy Beever.

- ① Could you confirm if these proposals are correct for existing licenced vehicles.
- 1 : April 2015 removal of the 5 Zones across the county:
 - 2 : All vehicles on licence renewal from April 2015 to be euro 4 compliant..
 - 3 : All taxis on licence renewal from April 2015 must be high gloss black in colour:
 - 4 : All taxis on licence renewal after April 2015 must be wheel chair accessible:.
 - 5 : All private hire must not be black on licence renewal after April 2015 & euro 4 compliant.
 - 6 :All licenced vehicles on renewal after April 2017 to be euro 5 compliant.
 - 7 : All licenced vehicles by April 2018 to be euro 6 compliant
- When do you need agenda items in by for taxi forum Tuesday 28th October.
- [REDACTED]

Mandy Beever

From: [REDACTED]
Sent: 20 October 2014 20:09
To: [REDACTED]
Cc: [REDACTED]
Subject: Licensing policy consultation Shropshire Council proposiam

- ① Hi After reading the Licensing Policy that is under consultation i have a number of points that i would like to object to as running a small private hire business in a town of just over 4000 people, we have two minibuses, one people carrier & three cars, most of our work is contract work along with airport transfers and very little general taxi type work, i feel that the council keeps bringing in changes that keep squeezing the private hire trade, first the number boxes on the roof, then making it very difficult for a new driver to get a licence to drive a car for us, with the drivers test that is as strict as the day when people passed their driving test for the first time as one driver told me, we have had two people not bothered as they were scared of the test and time taken that are carried out by the council. This is why we struggle to get anyone interested in driving for us.
- ② I am against the policy where any booking between the hours of 7 PM & 7 AM having to take pre payment will lose us work as people are against paying card charges as our system does so, we have taken card booking for several years but this ties the telephone line up on a busy night when people are trying to get through to book a run, also if charged for a run like the other night where the customer said Church Stretton to Shrewsbury and was charged accordingly, then the run was to Shawbury and there was a confrontation with the customer and driver as they had paid all that they were going to, so i can not see this working.
- ③ I am STRONGLY against the Emissions Euro 4 and then Euro 5, if the vehicle passes the emissions controls that is in place for that particular vehicles for a Ministry of Transport test then that should be good enough, this is been put in to eliminate older cars on the road, what the council need to realise is that we are small business that will always change our vehicles when they are getting to the stage where the reliability is getting to the suspect stage, we change all our vehicles at around 200.000miles and there is plenty of use still in them as we have sold them on to people who have used them for years, as a small business with a turnover of £65000 a year we buy our cars around five years old with 60 to 70.000 miles on and service these every three months, we check them over every week by our resident mechanic, this makes a business that gives two people full time and four part time positions and is a living for my wife and myself, our turnover is not enough to be in a position to buy cars to come up to these emissions that you require, to come up to standards we would need to spend around £70.000, if the council are imposing these requirements then they should be organising grants to taxi business, if we were to not meet the requirements and cease trading we would be putting two full time people and four part time drivers and one mechanic out of work .
- ④ My comment regarding the N Caps 5 Star is a joke because a 2002 Vauxhall Vectra has a 4 star N Cap rating when a 2009 Vectra has a 3.5 star rating so i feel that there will be very few cars that would be good enough even if operators had a clue when buying a new car, i spoke to a Vauxhall salesman who could not tell me any information on what safety or emission ratings are for their range of cars .
- ⑤ I have been to business forums and read in the papers that a comment from Keith Barrow that Shropshire Council is supporting small business and trying to help them survive and grow, all i can see is that in this policy you are going to cripple the small business that service Shropshire and the small towns, Shropshire council sold off most of their school vehicles and tender the work out to taxi & Private hire firms, if these business cease trading what will the council do ?
- ⑥ I do feel that the seatbelt laws for Children is a good plan and is laid out very well.
 Many Thanks for taking the time to read this.

[REDACTED]
 [REDACTED]

Mandy Beever

From: [REDACTED]
Sent: 21 October 2014 10:45
To: Mandy Beever
Subject: Policy review
Attachments: Policy review recomendations.docx; Emission requirements.pdf

Hi Mandy

- ① I don't know if [REDACTED] has given you the paperwork I showed him the other day, but if not here is a copy. The euro emission chart is a suggestion from the trade in Shrewsbury, although following the theme you have created in the policy review, With the addition of plate transfers, it is revised slightly as we feel what has been recommended is not financially viable for the trade in Shrewsbury at this time. So we have moved most of it back by 12 months, to create a more viable lead in to your suggestions. But retaining the level for New applicants would go some way to stemming the flow into the trade, Similar principle to Birmingham's policy. Maybe you would like to bear in mind Chichester's u turn on their euro 5 policy they had to do due to loosing such a large quantity of cabs from the trade, they have now revised there policy back to euro 4. We hope you will consider making these adjustments to the policy rather than changing what has been proposed to an age limit.
- ② As stated also our concerns over de zoning, we are not against it we would just like to see a level playing field when it is done.
- Regards
[REDACTED]

- ③ 3b.5, Addition of Immediately, to ensure that vehicles are wheelchair accessible on hailing, Not wheelchair accessible if they have to remove seats and have to store them outside of the vehicle

All hackney carriages must be immediately capable of providing for at least one wheelchair.

- ④ 3b.6 De Zoning

Raises considerable concern over public safety, and vehicle identity. Current policy states in Shrewsbury must be wheelchair accessible, making them identifiable from private hire saloon cars, If de zoning takes place before the whole county is compliant ie Black and wheelchair accessible, considerable confusion is going to occur if saloon cars are allowed to come into town to work as taxis, then by 2018 these saloon cars will have disappeared again.

Therefore we would like one of the 2 following options to be considered as alternatives.

1, De Zoning does not take place until April 2018 by which time all hackney plated vehicles will be black and wheelchair accessible, eliminating the interim confusion that will occur.

2, De Zoning takes place in April 2015 only for vehicles that are compliant with the whole administrative area policy, ie if vehicles are black and wav then they can operate county wide.

If they are not compliant ie a white saloon car, then they must remain zoned until that vehicle is replaced with a compliant vehicle.

- ⑤ 3b.18(c)

Reference to paragraph 3b.7 ? 3b.7 does not exist so incorrect reference.

- ⑥ 3b.18(L)

Tilting Seat, designed to be used by an adult.?

Needs a clearer definition.

- ⑦ 3b.18(o)

Full size spare wheel ie not space saver

- ⑧ 3b.21

References to other paragraphs incorrect

Certificate/report for Meter (how often ?) should be annually.

	Period	Oldest European Emission Standard that can be plated
Renewal	1st April 2015-31st March 2016	Euro 3
Transfer	1st April 2015-31st March 2016	Euro 4
New	1st April 2015-31st March 2016	Euro 5
Renewal	1st April 2016-31st March 2017	Euro 4
Transfer	1st April 2016-31st March 2017	Euro 4
New	1st April 2016-31st March 2017	Euro 5
Renewal	1st April 2017-31st March 2018	Euro 4
Transfer	1st April 2017-31st March 2018	Euro 5
New	1st April 2017-31st March 2018	Euro 5
Renewal	1st April 2018-31st March 2019	Euro 5
Transfer	1st April 2018-31st March 2019	Euro 5
New	1st April 2018-31st March 2019	Euro 6
Renewal	1st April 2019-31st March 2020	Euro 5
Transfer	1st April 2019-31st March 2020	Euro 5
New	1st April 2019-31st March 2020	Euro 6
Renewal	1st April 2020-31st March 2021	Euro 5
Transfer	1st April 2020-31st March 2021	Euro 6
New	1st April 2020-31st March 2021	Euro 6

As a Rough guide Euro 3 2001-2006
 Euro 4 2006-2011
 Euro 5 2011-2015
 Euro 6 2015 on

Saloon cars seem to take up the earlier than light commercials

Of which most Hackney vehicles are based upon

N.B No Euro 6 spec hackney is commercially available at this point in time

Mandy Beever

From: [REDACTED]
Sent: 22 October 2014 15:49
To: Licensing
Cc: [REDACTED]
Subject: Formal Consultation on the Revised Hackney Carriage & Private Hire Licensing Policy

Dear Sir/Madam,

[REDACTED] would like to make the following contributions to the consultation on the revised Hackney Carriage & Private Hire Licensing Policy (concluding on November 2nd 2014):

- ① 1. The Council recognises the over-riding duty of the licensing authority to protect the safety and welfare of the public and, in that regard, it is pleased to see the clear specifications proposed in respect of transporting children (Sections 3b47 and 3d23).
- ② 2. However, the Council would like the Licensing Committee to re-consider some of the new extremely high requirements in respect of Emissions (Sections 3c8). These requirements could have a seriously detrimental effect on the future of small taxi firms in the rural areas of the county. This town has recently lost one of its two taxi firms upon the retirement of the owner and we can ill-afford to lose the remaining firm. By the very nature of their business, they are not able to afford the frequent replacement of their vehicles in the same way as larger town-based firms but they are scrupulous in maintaining their vehicles to Ministry of Transport standards, because their livelihood depends upon it.
- ③ 3. While, of course, the Council applauds the efforts to drive down emissions, it has to be done at a pace at which manufacturers can apply the new requirements, with a time-lag that enables small taxi firms to comply with second-hand vehicles. It is, therefore, premature to institute these stringent new European Emission Standards, especially as they are currently discretionary and not mandatory, so, for example, they are not being proposed in neighbouring Telford & Wrekin. The European New Car Assessment Programme 4 star requirement (Section 3c10) is particularly questionable as, for example, older Vauxhall Vectra cars meet the requirement but newer cars do not.
- ④ 4. The final concern of the Council relates to the time it currently takes to complete a licensing application. It can now take 3 months or more before an applicant can sit the required driving test. This delay is a serious deterrent to any part-time taxi-driver applicant of whom there is a fair turn-over in small taxi-firms and this is a significant local employment opportunity. Without compromising standards in any way, it is hoped that the application process can be speeded up.

The Council hopes that the Licensing Committee will have due regard to these concerns when finalising the revised Licensing Policy requirements.

Yours faithfully,

LICENSING

27 OCT 2014

RECEIVED

[REDACTED]

Operator License No. [REDACTED]
 Driver License No. [REDACTED]
 Current Vehicle Taxi License No. [REDACTED]
 Vehicle. Skoda Superb [REDACTED]

Licensing Team
 Public Protection
 Shropshire Council
 Shirehall
 Shrewsbury
 SY2 6ND

Re: Hackney Carriage and Private Hire Licensing Policy 2015 – 2019

Dear Sirs,

- ① As a Licensed Operator and Driver I am deeply concerned about an item that appears on the new 'proposed' policy. ie clause 1.22 referring to the Council issued signs.

I currently work with various people, such as... [REDACTED] and myself. To supplement this work, in the quiet times, I work with [REDACTED] here in Shrewsbury, so I have to have the Council issued Blue Door Signs, which I currently attach via Magnet.

All the jobs that I take on without [REDACTED] aswell as myself are in the Executive category, ie. Buisness/executive clients, long distance travel, airports/seaport transfers. I pride myself in how I look for all jobs, shirt and tie. My vehicle is always in top condition, inside and out.

To have these Blues signs permanently stuck to the side of my car, is just ridiculous. I have attended weddings in the past, (pic attached), my car has looked wonderful, I really can't imagine how **** it would look, if these signs had to be on it !! This car is also my personnel, private vehicle, aswell as used for my nature of business.

- ② I wonder if it has been observed in recent times, how these Blue signs fade after continued car washing, and how they also peel. That can't send a good sign to potential customers, whoever you work for..?

You might in the end suggest that I just have an Executive Plate, but ofcourse, I would not be able to do local work....

You might think that this one issue is very petty, but it might just force me out of the trade.



Yours faithfully

[Redacted signature]

Mandy Beaver

From: [REDACTED]
 Sent: 27 October 2014 10:31
 To: Taxis
 Subject: FW: Taxi forum Tuesday 28/10/14

Kind Regards

[REDACTED]
 [REDACTED]
 Public Protection (Licensing)
 Shropshire Council
 Shirehall
 Abbey Foregate
 Shrewsbury
 Shropshire
 SY2 6ND
 Tel: 0345 6789026
 Fax: 01743 254114
 Email: taxis@shropshire.gov.uk
 Web: www.shropshire.gov.uk

The Hackney Carriage and Private Hire Policy Consultation for 2015-2019 is live [click here](#) Please note the closing date for comments is 2nd November 2014

****Please note all our application forms have been revised as of 01.10.14 please make sure you download the latest copy from our website****

-----Original Message-----

From: [REDACTED]
 Sent: 26 October 2014 19:35
 To: Licensing
 Subject: Taxi forum Tuesday 28/10/14

Thank you for email regarding forum, I will be attending.

- ① One issue I personally have a problem with is the proposed insistence on blue council door signs being stuck to the doors of all vehicles permanently. At present at personal cost I have my stickers mounted on magnets and attached to my doors this enables me to remove all door furniture at the end of every shift and clean both the car and door furniture keeping all in Presteigne condition. If the licensing team, who I realise are under considerable pressure due to cutbacks, had time to check the condition of blue signs already being 'permanently attached' they may have noticed the fact that many of them are faded and rather tatty looking and indeed some are peeling off, probably due to there poor quality, therefore I would be interested in why the team appear to be taking another backward step in the presentation of private hire vehicles in the Shrewsbury area!
- ② A second point on this matter is that some of the work I undertake with my own vehicle is of an executive type including weddings and I am sure that you will realise that most wedding party's prefer a clean limousine for their rather special occasion! Therefore by insisting that these door signs are stuck to my vehicle the licensing team will be causing me to loose out on a lucrative side of my business.

I look forward to a lively forum on Tuesday.

Regards [REDACTED] private hire.

Sent from my iPhone

Mandy Beever

From: Frances Darling
Sent: 15 October 2014 09:09
To: Mandy Beever
Subject: FW: Executive Plate Policy

Please can you file in the consultation feedback folder. I will forward the emails that Mr Rhodes sent into Paul initially that give the full picture. They would also probably be part of the overall feedback, but we can discuss the detail after 2 Nov.

Thanks
Frances

Frances Darling
Senior Commissioner
Public Protection

From: [REDACTED]
Sent: 14 October 2014 14:27
To: Frances Darling
Subject: Executive Plate Policy

Dear Frances,

I was very pleased to receive your phone call on Monday morning concerning the policy for Executive plates going forward.

- ① Following our conversation, I am glad to hear that you are happy to remove the proposed list of Executive cars that was drawn up and that we can continue to have plates issued, based on the type of work that the cars are doing. As you know this is the basis under which agreement was reached via Council Cabinet approval only two years ago.

As you requested, I am therefore mailing you to put forward the proposal, as we discussed, that plates will continue to be issued on the basis that was previously agreed.

Hence,

② 1. Executive plates will only be issued to businesses undertaking Executive type work, where they are not carrying out any work that may be seen as standard Private Hire fares. New Businesses applying for Executive plates will only be granted them for a period of six months. At this point the Council will review and decide whether to continue.

③ I am conscious, following our talk, that you wish to ensure that the standard of Executive vehicles is kept to a good level and I would agree with this. I would therefore suggest that,

2. Where a company qualifies for Executive plates the cars must meet the following standards.

A, they must be classed as a large family vehicle and can be saloon, hatch, estate car, or people carrier. B, The spec of the vehicle, regardless of make, must meet the mid level trim or above specification for that particular car.

④ The Licensing team should have discretion when granting plates to such vehicles and perhaps when drivers are considering a vehicle change, they should speak to the team to get approval before purchase. Whilst I understand that this policy is due to come into force next April, I am not aware if there are any cars that at present are Executive plated that would not meet this criteria. If there are, then perhaps they should be allowed to continue until the car is replaced, at which point, the new policy would become effective.

I hope that the above meets with your approval and follows along with what we discussed, but please call me should you wish to discuss anything further.

I would be grateful if you could confirm receipt of this mail, also confirm that you are happy with the contents and also that this will be adopted for Executive plates going forward.

Thanks again for your call and I look forward to hearing from you soon.

--
Regards

[Redacted signature]

Mandy Beever

From: [REDACTED]
Sent: 28 October 2014 13:01
To: Mandy Beever
Subject: Executive car policy

Hi Mandy.

① Following the forum meeting I would like to clarify a point regarding the above.

Whilst I am very pleased that the proposed list for executive cars has been removed I don't think we can have a situation where cars are looked at on an individual basis.

We need to have a standard set that the trade can work to, which is why I proposed that we allow exec plates on vehicles classed as large family cars with a spec of medium level or above. This gives a general guideline to work to and if anyone requires clarification before purchase they can contact licensing directly.

[REDACTED]
Sent from my iPhone

Mandy Beaver

From: [REDACTED]
Sent: 28 October 2014 15:18
To: Taxis
Subject: Consultation meeting

Hello, first of all thank you for letting me attend the meeting today.
My views on the new policy are as follows.

- ① I welcome the amendments to the emissions proposals as it gives me more time to save for a different vehicle, my aim is euro 5. Currently I run a euro 3. I think the time scale for ncap ratings should be relevant to this, as most euro 3 vehicle's will only be ncap 3, as is mine. So lengthening the time for emission requirements is good, but the vehicle will be cancelled out by the stricter ncap ratings. This should be looked at seriously before making any decisions.
- ② Regarding zones I think they should be left as they are. Each area is different, and in Oswestry there isn't the demand for wheelchair accessible Hackney carriages. Wheelchair users pre book if they need one or use Dial a ride.
- ③ The new plate on the front of the vehicle is a very good idea for potential customers to identify what type of cab is in front of them. How soon would these be available?
- ④ I don't think it should matter about the colour of the vehicle because if they have the new plate on the front stating what type of cab it is and a taxi light on the roof that should be clear enough. Perhaps run an article in local papers explaining the difference between the two and the consequences of flagging down a private hire to make the public more aware?

Once again thank you for today and I look forward to seeing the outcome of all of this.

[REDACTED]

Badge no [REDACTED]

Hackney plate no [REDACTED] zone [REDACTED]

[REDACTED]

[REDACTED]

Mandy Beever

From: [REDACTED]
Sent: 28 October 2014 15:56
To: Mandy Beever
Subject: Re: Executive car policy

Thanks very much Mandy.

① Can I please clarify one point that I forgot to ask about this morning. Front plates. Is it the intention that they will have to be displayed on exec cars? I am hopeful that the answer is no, as we are not carrying out local work and therefore don't have the requirement to be easily identifiable to the public in a town environment.

Thanks.

[REDACTED]
Sent from my iPhone

> On 28 Oct 2014, at 14:22, Mandy Beever <mandy.beever@shropshire.gov.uk> wrote:

>
> Good Afternoon [REDACTED]
>
> Thank you for your email, I will include this within the recommendation going forward.

> Kind Regards

> Mandy

>
> Mandy Beever
> Transactional Manager
> Public Protection
> Shropshire Council
> Shirehall
> Abbey Foregate
> Shrewsbury
> Shropshire
> SY2 6ND

> Tel: 01743 251702

> Mobile: 07990 085378

> Email: mandy.beever@shropshire.gov.uk

> Web: www.shropshire.gov.uk

> -----Original Message-----

> From: [REDACTED]
> Sent: 28 October 2014 13:01
> To: Mandy Beever
> Subject: Executive car policy

> Hi Mandy.

> Following the forum meeting I would like to clarify a point regarding the above.

- >
- > Whilst I am very pleased that the proposed list for executive cars has been removed I don't think we can have a situation where cars are looked at on an individual basis.
- >
- > We need to have a standard set that the trade can work to, which is why I proposed that we allow exec plates on vehicles classed as large family cars with a spec of medium level or above. This gives a general guideline to work to and if anyone requires clarification before purchase they can contact licensing directly.

>

> 

> Sent from my iPhone

> ***** If you are not the intended recipient of this email please do not send it on to others, open any attachments or file the email locally. Please inform the sender of the error and then delete the original email. *****

Mandy Beever

Doc 21

From: [REDACTED]
Sent: 28 October 2014 16:25
To: Licensing
Cc: Taxis
Subject: front mounted plate

Dear sir or madam,

① after attending today's public consultation meeting at shirehall, I asked Mandy if it would be possible to purchase a front mounted plate with all my vehicle details. Although I understand it has yet to be approved, I put it to Mandy that I would like to set a precedent and be the first in the county to have the new plate. she replied that I should apply in writing .

below are all my current details:

private hire licence number [REDACTED]

vehicle registration number [REDACTED]

vehicle type [REDACTED]

expiry date [REDACTED]

licensed to carry 4 passengers

driver licence number [REDACTED]

expiry date [REDACTED]

I will be more than happy to pay the £5 fee which I will pay to Kate when I collect it from her at her next visit to Oswestry

Many thanks,

[REDACTED]

Mandy Beever

From: [REDACTED]
Sent: 29 October 2014 11:45
To: Mandy Beever
Subject: Policy Proposal for Hackney and Private Hire

Dear Mandy,

After appearing at the meeting yesterday and discussing the new proposals being suggested by Shropshire Council for Licensing I would like to suggest to the council some ideas which would I think benefit Hackney and Private Hire drivers.

Zones

① **Point 1**

I believe that unifying the zones would not be a good idea as different areas in Shropshire have different situations and needs. For example in Shrewsbury where the town is larger and there is more scope for investing (new wheelchair vehicles). I also think that in this area there is a greater need for wheelchair accessible vehicles as there is in the area of Oswestry (Zone 3).

I believe that the needs of everyone should be taken into account and the majority of the people in my area (Oswestry) there is a very small fraction of people asking for a wheelchair accessible vehicle.

I would also like to point out that there are Private Hire companies in this area that do have wheelchair accessible vehicles and that most of, in fact all the people who need this sort of service know this.

② **Point 2**

The are in Oswestry (Zone 3) there are many independent Hackney carriage Drivers that only work at weekends and thus implementing these new Proposal would put most of these drivers out of Business as it would not be Financial viable to Acquire a Wheelchair accessible vehicle. This in my opinion would put the town of Oswestry in Great danger at night as I believe these independent Drivers bring a good Service to Oswestry and also help the Police by Transporting the people away from the Town centre quickly and economically, therefore diffusing any situation that could arise in the town Centre.

Point 3

③ I believe that keeping the zones as they are will also Deter unlicensed Drivers from operating as Most Drivers in our area (Oswestry) know or see each other and I think keeping the Zones small and compact, these areas can be better controlled.

④ **Point 4**

I believe that keeping the Zones as they are and adapting to each Zone (as each Zone has Different needs) is a much better way of keeping the wants and needs to the people of these zones in better perspective. I believe that Listening and Treating each Zone individually is much better for the Drivers of these Zones and also for the paying public and I feel will be in the Long Run more efficient.

⑤ **Hackney Carraige Proposal**

As A Hackney carriage Driver I agree that Hackney carriages should be easier to be spotted by the public and I have no issues with the vehicles being black (at the moment my hackney Carraige is silver). I also believe that that fitted a plate to the front would not be the answer as I have never seen anyone look at the front of my vehicle to make sure its a Hackney carriage. (this would be really an unnecessary cost for the Council and driver) we have roof signs which are lit at night. I feel that we could introduce a badge that could be fitted to the dash Board of the vehicle with a picture and badge number of the driver so people could see clearly who the Driver is. We could also print both sides of the badge that's fixed in the front window so people can also see from inside and outside what the number plate and badge number of the vehicle is. I feel that this would be more constructive and I know it will cost me as a Driver in General more but it would also stop the unlicensed drivers as people will be aware after a period of time that these

badges are fitted to the front of the dash. As a driver I have had nobody in the years I have been Driving (10 years) looked at my badge at night as they do not know or even can see my picture on the badge. I believe that having a picture and badge number on the dash would be a really good constructive idea to go forward.

The only concern I have is every hackney carriage Driver must have a wheelchair accessible vehicle.

⑥ Point 1

In my Area (Zone 3) there is not enough wheelchair Transport work to justify in my eyes to Acquire a Wheelchair Vehicle would be too high, also maintaining this vehicle would be expensive, Lifts and and so on, Hence I would be forced to make a Financial decision and be forced to go Private hire which a lot of Drivers would do. So Bringing in this Proposal would actually reduce the Hackney carriage vehicles in our area (Zone 3) and that could bring social Problems at the weekends as there would be lack of Hackney carriage vehicles.

⑦ Emissions

I have as a driver no problem at all about the emissions Proposal as I feel its an important issue, plus I believe that Hackney carriage and Private Hire Vehicles should be of a certain standard (have two vehicles and the oldest is 4 years old) and its frustrating seeing old vehicles which really shouldn't be used for transporting people. We must do more for the environment which I totally agree. I also think the time Limit you are giving the drivers to change their old vehicles is constructive and helpful.

I hope I have helped you with the ideas of your proposals and hope that the proposals of keeping the zones intact stays as its more constructive.

It was pleasant to see you Mandy Beever yesterday and put a picture to the email and to find someone that listens to the arguments on both sides

Kind Regards


Mandy Beever

From: [REDACTED]
Sent: 29 October 2014 14:59
To: Taxis
Subject: Taxi new policy

Hi Mandy about yesterday's meeting I would like to suggest few things

- ① 1- if we are asking new person for brand new cab for plate that is very hard for people getting on to find a job it's not fair as few people have got least up three or more plates in there name so they can renew three plates on old cabs but a new comer can't at least if he or she are complying with policy that should be ok .
- ② 2- fair cards should be same in all Shropshire as we cover work from whole Shropshire it will be very confusing for public wich are in other zones .
- ③ 3 -there should be fare % fare increase every year as it's hard living in place .
- ④ 4-And people they got few plates should be given time on one vehicle only so we can get rid of old bangers .

Thanks [REDACTED]

Mandy Beaver

From: [REDACTED]
Sent: 29 October 2014 17:44
To: Licensing
Subject: New rules regarding wheelchair access taxis

To whom it may concern

① I am writing to request that you reconsider the new taxi rules, that will come into play very shortly, that make it compulsory for our cars to have wheelchair access for all our customers. I am a taxi driver in Oswestry, Shropshire and I am very concerned about my job and my future income because of this.

I am in possession of my own taxi vehicle and it is a well running car that is perfect for my job and I have little intention of replacing it any time soon, the vehicles that you are requesting us to have for wheelchair access is out of my price range completely and I could not possibly afford one and I am not in a financial position to replace my own vehicle. There are plenty of drivers that have wheelchair access cars in my area and do not see the need for this to be a requirement of every driver, there are not enough disabled people using taxis in Oswestry for this to warrant every driver being wheelchair accessible.

By bringing in this new rule I will not be able to afford a new vehicle and will, as a result, lose my job that I have relied on for many years, I will be unable to work under these new rules which will cause me to lose my home and would very likely put me out on the streets which is a situation I do not want to be in after years of building up a business.

Thank you for reading and considering my words and I look forward to your reply,

All the Best

[REDACTED]
Tel: [REDACTED]

Mob: [REDACTED]

Email: [REDACTED]

Mandy Beever

From: [REDACTED]
Sent: 29 October 2014 20:42
To: Mandy Beever
Subject: Transport forum feedback

Hi Mandy

① Thank you for the most informative session on Tuesday, it helped to clarify some issues that I had not fully understood from reading the document.

The only issue that I would like to raise relates to the phase in periods for the emissions targets, specifically for larger wheelchair access vehicles (mini-bus type vehicles with tail lifts).

My primary business is catering for the SEN needs for council contracted school transport. Due the nature of the requirements on these contracts most of the vehicles are larger vehicles that are often specifically set up for the needs of the contract - as such they are usually not suitable for other hire work and rely on the income generated from the council contracts to cover their operating costs. All councils have been under pressure to reduce costs over the past few years, and this pressure is passed down to transport contracts which have been squeezed each year to ensure that councils keep their costs as low as possible.

The requirement to now purchase new / newer vehicles to meet the newly proposed standards (and I fully understand the motivations for these changes), will result in a situation where the operators of these vehicles are likely to need to generate an additional daily income of around £20 to £25 per day to cover the increased expense of these higher cost vehicles (bearing in mind that a properly kitted SEN mini-bus costs between £30 000 and £40 000 new - Euro 6!). This would have to come from daily rates charged to the council for the services provided.

Many of the vehicles providing this type of capability are older vehicles that have relatively low mileage due to the nature of the work that they do. I have purchased many buses that are 10 years old with around 60 000 miles on the clock, and they only travel around 20 000 miles a year at most on school contracts, which gives them another 7 to 10 years service life if properly cared for. These are commercial vehicles designed for higher mileage than regular cars, and as such would be expected to have a longer life span than a regular car based vehicle.

These vehicles are cost effective to purchase and run (around 20% - 25% of the cost of a new vehicle), and these savings carry through to the daily rates charged for using the vehicle. In addition, from a business perspective one needs to operate a vehicle for as long as possible in order to maximise the return on the asset and to warrant investing in the first place. As most of us purchase these vehicles outright we usually only make money on them later in their operating life as in the first few years we are recovering the purchase costs.

New vehicles will require financing, which is costly and can be difficult to obtain when often the council contracts are short term in nature with no guarantee for 4 - 5 year revenue streams which the finance companies are looking for if they are to approve finance.

I would ask that you look at the possibility of a longer phase in period for this type of larger vehicle category, with renewal for diesels at the Euro 3 level being up to 31 March 2017 or preferably 2018. This would mean that by this stage there will be a greater number of more affordable Euro 6 vehicles on the market as they will have been in production for 3 years or more - and these are the vehicle that will make commercial sense to purchase at this stage as they will have a longer working life and will meet the ultimate efficiency target that the council is looking to achieve. This will result in more affordable council contract

prices and will enable operators a longer period to provide for the costs of converting their fleets to newer vehicles.

I understand that the issue outlined above relates to my specific circumstance, however I am sure that I am not alone in looking to find a way to financially make the transition that is being proposed while still operating at a profit which will enable me to remain in this industry and continue to provide work for the 27 people on my staff.

Thank you for giving us the opportunity to voice our opinions on the proposed changes, and I look forward to seeing the final draft proposals.

Regards

[Redacted]
Owner / Operator

[Redacted]

Bus. Phone: [Redacted]

Mobile: [Redacted]

Email: [Redacted]

Mandy Beever

From: [REDACTED]
Sent: 29 October 2014 23:32
To: Mandy Beever
Subject: Hackney Carriage and Private Hire Policy Extended Consultation Period

[REDACTED]

① There is no alternative for me but to keep the zones and the way I operate in Oswestry. There are more than sufficient wheelchair assessable vehicles in Oswestry to cater for the requirements needed. As you would appreciate one hat does not fit all situations if the Council accept the wheelchair assessable vehicles and we all work under one zone. I would not be able to afford a new vehicle therefore I would have to retire from taxi work leaving the town with one less taxi and many more to follow as expressed at the meeting. There is a general consensus in Oswestry that it would be uneconomical to buy a wheelchair assessable vehicle as there are not sufficient customers in Oswestry to make it economically viable. In the daytime you have dial a ride subsidised by the Council and a good cheap bus service.. There is little demand by the general public for taxis midweek in the evenings. There is only demand for taxis at weekends in the evenings from 10pm Friday/Saturday being the main days to work.

[REDACTED]

Mandy Beever

From: [REDACTED]
Sent: 30 October 2014 08:47
To: Licensing; Mandy Beever; Steve Charmley; Kate Roberts; Keith Barrow
Subject: FORMAL OBJECTIONS

Dear Shropshire Council.

① I am writing to you to formally object to your proposed changes to the current Policy for Licensed Vehicles. We have been operating Taxis & Private Hire Vehicles in the Oswestry & Border areas since 1988. We have a mixed fleet of vehicles & our operating base is on [REDACTED]. Our vehicles range from top of the range Mercedes Executive Cars, Minibuses & Wheelchair Access Vehicles. Our main day to day operation focuses on transporting students to & from [REDACTED], [REDACTED], [REDACTED] & other special need centres throughout Shropshire & Powys areas. Together with [REDACTED] & Shropshire Council P.T.S our other main customer is [REDACTED]. The students & staff members from [REDACTED] often request an executive type car as they often have to undertake long distance journeys & prefer a more comfortable vehicle. Whilst nearly all of our other day to day customers are disabled. In more recent years [REDACTED] have attracted students with behavioural challenges as opposed to more physical challenges. As a result of this there are very few students in wheelchairs these days. In fact 3 or 4 during this current term.

Our other main customers are [REDACTED] & [REDACTED] who we sub contact to. So in short our customers require a mixed fleet of vehicles to cater for many different needs. If you impose a wheelchair only policy this would greatly impact on our business in us not being able to meet the customer requirements.

② Since the new policy was implemented in 2011 we have invested significantly in modernising our fleet of vehicles to comply with it. Most of our vehicles are Silver in colour and we simply could not repaint them.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Mandy Beever

From: [REDACTED]
Sent: 30 October 2014 13:40
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: Hackney Carriage and Private Hire Policy Consultation
Attachments: TWC Response 02 11 14.pdf

Hi Karen

I see from Frances' Out of Office she is not back until 3rd November. Please find attached our response to your Consultation which ends on 2nd November.

Many thanks

[REDACTED]
[REDACTED]
Principal Licensing Officer
Telford & Wrekin Council
Health, Wellbeing and Public Protection
Public Protection (Environmental Health, Licensing & Trading Standards)
Darby House
Telford
TF3 4JA

Telephone: [REDACTED]
Fax: [REDACTED]
www.telford.gov.uk

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From: [REDACTED]
Sent: 30 October 2014 13:34
To: Frances.darling@shropshire.gov.uk
Cc: [REDACTED]
Subject: Hackney Carriage and Private Hire Policy Consultation

Hi Frances

Thank you for inviting us to comment on the above document. Please find attached Telford & Wrekin Council's response.

Kind regards

[REDACTED]
[REDACTED]
Principal Licensing Officer
Telford & Wrekin Council
Health, Wellbeing and Public Protection
Public Protection (Environmental Health, Licensing & Trading Standards)

Darby House
Telford
TF3 4JA

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The content of this email has been automatically checked in conjunction with the relevant policies of Telford & Wrekin Council.

Shropshire Council – Review of Hackney Carriage and Private Hire Licensing Policy 2015 - 2019

Please find below a corporate response from Telford & Wrekin Council to the current consultation on Shropshire Council's Review of Hackney Carriage and Private Hire Licensing Policy.

Telford & Wrekin Council once again welcomes the opportunity to respond to Shropshire Council's Consultation. It is extremely important to us to make comment to a Policy that has possible public safety implications within our Borough.

We are particularly keen to comment on this policy as Shropshire Council now licence a significant number of vehicles and drivers that operate in the Borough.

Part 2. Licensing Principles, Process and Delegation

① Working in Partnership

Telford & Wrekin Council is pleased to work in partnership with Shropshire Council and welcome this written inclusion.

Part 3. Licensable Activities

② Hackney Carriage and Private Hire Vehicle Drivers

Telford & Wrekin Council welcomes the consistencies between this policy and its own Hackney Carriage and Private Hire Policy.

③ Fit and Proper Person

We welcome the inclusion of information sharing with Telford & Wrekin council.

④ Knowledge Test

However, as with the previous draft policy, why does Shropshire Council not include the streets and premises located within the Borough of Telford & Wrekin in the Street Knowledge Test? It is this Council's opinion that it is not sufficient for drivers licensed by Shropshire Council to only have knowledge of locations within its own administrative area when many drivers mostly operate in Telford.

⑤ We welcome the robust line taken by Shropshire Council on the issue of Plying for Hire.

⑥ Hackney Carriages Private Hire Vehicles

Telford & Wrekin Council welcomes the consistencies between the two Councils' policies and in particular the requirement for Hackney Carriages to be accessible vehicles.

⑦ MOT Requirements

We welcome the proposed number of tests which vehicles will be required to undertake each year. Telford & Wrekin Council asks Shropshire Council to reconsider introducing a Compliance Test in the interests of vehicle safety and ensuring compliance with Shropshire Council's conditions of licence.

⑧ Private Hire Operators

Telford & Wrekin Council welcome this robust policy and in particular in relation to Private Hire Operator premises, compliance and enforcement.

Appendix A

Hackney Carriage/Private Hire Vehicle Drivers Licence – Conditions of Licence

Telford & Wrekin Council welcomes the consistencies between the conditions of both Councils and in particular the condition relating to *Parking between bookings*.

Appendix B

Hackney Carriage Vehicle Licence Conditions of Licence

Telford & Wrekin Council welcomes the consistencies between the licence conditions of both Councils.

Appendix C

Private Hire Vehicle Licence Conditions of Licence

Telford & Wrekin Council welcomes the consistencies between the licence conditions of both Councils.

⑨ Insurance

1.25 We ask Shropshire Council to consider specifying that the insurance must be for "hire and reward by pre booking only", i.e. for private hire.

Appendix D

Private Hire Operator Licence – Conditions of Licence

- ⑩ Telford & Wrekin Council welcomes the consistencies between the licence conditions of both Councils.

Insurance

- ⑪ 1.9 Telford & Wrekin Council asks Shropshire Council to consider specifying that the insurance must be for "hire and reward by pre booking only", i.e. for private hire.

Appendix E

⑫ Plying for Hire

Telford & Wrekin Council welcomes the clear line taken by Shropshire Council on the issue of Plying for Hire.

Appendix F

Relevance of Criminal Convictions and Cautions

This is the basis upon which a person is licensed. Telford & Wrekin Council welcomes this robust policy.

Appendix G

Additional Medical Fitness Guidance

Telford & Wrekin Council has no comment to make.

Appendix H

Intended Use and Licensing of Hackney Carriages

Telford & Wrekin Council welcomes this clear policy.

Appendix I

Advertising on Hackney Carriage and Private Hire Vehicles

Telford & Wrekin Council has no comment to make.

Appendix J

Conditions Applicable to the Use of Trailers

Telford & Wrekin Council has no comment to make.

⑬ **Appendix K**

Guide to Executive Vehicles and Trim Levels

Telford & Wrekin Council welcomes the consistency between both Councils.

30/10/2014

Mandy Beever

From: [REDACTED]
Sent: 30 October 2014 22:51
To: [REDACTED]
Subject: Consultation
Attachments: Hackney Carriage consultation11.doc

Hi Richard

Can you add this word document to the taxi consultation please. i hope i have got this in to you in time.

cheers in advance

regards

[REDACTED]
[REDACTED]
[REDACTED]

Hackney Carriage & Private Hire Consultation

- ① 3.2 My first point is about all licence fees payable at the time of application are non refundable. I do not agree with this due to if a licence is not granted the fee should be refundable.
- ② 3.2 When a licence expires there are no period of grace. I had a problem with yourselves when I had to chase and chase an application for a plate renewal where the renewal forms had been sent in 6 weeks before it was due. I nearly ended up off the road with no fault of my own.
- ③ 3.3 Renewal applications need to come out sooner than 4 weeks before a licence expires. This will give us a little more time to sort out all the information needed to complete an application. I believe that they should be sent out 6 – 8 weeks before expiry.
- ④ 3a.3 We need to pull away from issuing joint badge and go back to issuing the correct licence for the specific vehicle they will be driving. The Hackney licence should have a stricter knowledge test so that the drivers do not overcharge a customer by mistake by taking the wrong route. Joint badges should be issued if a person is going to drive both Hackney Carriage & Private Hire.
- ⑤ 3a.22 To make our county roads a safer place for all, upon renewal of licence a driving assessment should be taken by everyone.
- ⑥ 3a.27 We need to improve our knowledge test to make it a lot easier for the general public to have faith in our transport service. We have local knowledge of our area but this does not mean we have a county knowledge.
- ⑦ 3a.38 I believe we should be making sure that all applicants should take a medical on renewal of a licence to drive either a Hackney Carriage or Private Hire vehicles. This medical should be carried out by their own GP and not just any old doctor. GP's know more about the applicant than some random doctor.
- ⑧ 3a.65 The smoking ban in vehicles, does this include e-cigs or just conventional cigarettes. This needs to be policed to stop people smoking in their vehicles. In other countries they include filters fitted to the vehicles that can be checked to see if people are smoking in the vehicle.
- ⑨ 3a.67 Over charging is a problem, which needs to be policed. We need to advertise where the general public can report this offence. At present they don't know who to inform or how to inform about overcharging.
- ⑩ 3b.6/7 Wheelchair accessibility in the rural area will rob the general public of its important taxi service. Most rural services the Hackney Carriage vehicles are the only taxi's these people have access to and by changing these to wheelchair access will be detrimental to the service that is provided in these areas. Wheelchair accessible vehicles are slightly higher off the ground so it makes it a lot harder for some people to get in. A lot of wheelchair uses pre-plan their journeys, plus a lot of them have their own vehicles. The majority of disabled people are not in a wheelchair and

therefore just having wheelchair accessible vehicles is causing them to be discriminated against. I believe we need a mixed fleet of Hackney Carriage vehicles across the county to cater for this people and to manage the ranks. Also I believe that any Hackney Owner that has more than 1 vehicle should be allowed to have a saloon car to allow for them to be able to cover all eventualities, only as long as they retain a wheelchair accessible vehicle at all times.

- ⑪ 3b.14 We all know that we need to do more over emissions of our vehicles, but the changes you want to do are too quick and not financially possible. These changes would cause a lot of financial hardship for a lot of people who cannot just go out and arrange finance to pay for a vehicle. Are you going to help these people with low interest loans?

As from July 2008 the emissions levels dropped from 3.0 to 1.5 for a diesel-engined vehicle. So as it stands a brand new vehicle bought today is 1.5 and a vehicle bought in September 2008 both have to pass the 1.5 level on emissions.

Also some of the Hybrid cars and some diesel cars that have a euro 4 emissions tag are better on emissions than some euro 5. So what are we doing going backwards.

A better plan would be is to introduce an emissions limit rather than go for a European system that is floored. This is a lot easier for us to afford to change, plus it is a lot easier to inforce plus for us to easily understand what vehicles to but and not to buy.

- ⑫ The Ncap Ratings will cause a problem with all wheelchair accessible vehicles due to them being modified after manufacture by the various coach building companies.
- ⑬ 3b.25 What we should do is reduce all vehicles to 2 Mot's a year rather than have a change after a vehicle gets to a certain age. His is a lot easier for us to make sure we follow legislation and not miss a Mot due to a vehicle becoming a certain age without us realising.
- ⑭ We should put an age limit back onto all Hackney Carriage & Private Hire vehicles. I Propose that we should be looking at these sort of age limits.

Hackney Carriage	12-14 Years
Private Hire	10-12 Years

If a private hire vehicle is Wheelchair Accessible vehicle it should be entitled to follow the Hackney Carriage age limit.

- ⑮ We need to return to a one-colour livery for all Hackney Carriage Vehicles and that should be black as it is recognised by the general public
- ⑯ Also I believe that Executives Plates for Private Hire Vehicles should also cover School Contract work as well as the airports, seaports etc. If the vehicle doesn't deal with the general public as a large why not allow the executive plate to be used.

Mandy Beever

From: [REDACTED]
Sent: 30 October 2014 23:30
To: Taxis
Subject: Taxi Licensing Policy

Good morning Mandy/Licensing Team

Further to my previous email sent a few weeks ago, there is also another suggestion that I would like to add.

①

The drivers badge that you wish to have in the vehicle should display the follow info only:

Driver photo

Driver badge number

Expiry date

Council logo

"If in doubt" contact details of council

The drivers name should NOT be displayed.

We are away travelling in Australia at the moment and have been talking to a lot of taxi drivers, they used to have their names on the display badges but had it removed due to safety and security for the driver, as it is far too easy to find and contact people on facebook and other social media now.

The drivers badges for dashboard display here in aus are approx 2-3 times the size of the drivers badges we have at the moment, and are displayed in a plastic holder on the dashboard, which they can easily remove the badge when changing vehicles etc

Thanks

Kindest regards

[REDACTED]
[REDACTED]

① of 2

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30 OCT 2014

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PLATE No [REDACTED]

D.P. No [REDACTED]

28-Oct 2014

I'm writing to inform you I disagree with parts of the Consultation about Hackney Carriage conditions 3B.5 + 3B.6

① I disagree in having wheel chair accessible Taxis because the expense outweighs the usage we would get in Zone 3. One of the taxis from St Martin bought New in 2005 has used the ramps three time in nine years. Two of my passengers how use wheel chair use my seats and their chair go in the Boot

3.B.6

② We should keep the ZONES as we have all got difrant needs from Shrewsbury

P.T.O

(2)

3-B-18

- (3) We should be any colour because there will be a better choice cars than just Black if its just one ~~color~~ Colour they would charge more because of availability,

Yours Faithfully



30/11/14

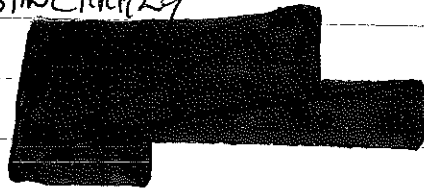
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31 OCT 2014
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DEAR MANDY

① AS DISCUSSED WITH YOURSELF THE WHOLE DIR-ZONE ISSUE FOR SURAPSURIC IN MY OPION AS THE OWNER OF 3 MACKENZIE TAXIS IN CERTAIN ZONE 4 AREA IS A VIEY BAD IDEA FOR MY TRADE AND FAR MORE IMPORTANTLY NOT SAFE FOR THE PUBLIC.

SO IF IN THEIR INFINITE WISDOM THE COMMITTEE DECIDE TO GO AHEAD WITH DIR-ZONE ECUD THEY PLEASE NOT PUT IT INTO PRACTISE UNTIL 2016 WHEN ALL TAXIS ARE BLACK, WHEELCHAIR FRIENDLY AND COMPLANT WITH FUDO EMISSIONS AND NO BLACK SALOON PHICE CARS ETC, I FEEL THAT IF THIS IS NOT DONE I BELIEVE THAT MANDY AND HER TEAM WILL NOT BE ASKE TO DO THE JOB THERE ARE THERE TO DO AS ALL THEIR TIME WILL BE TAKEN UP WITH COMPLAINTS FROM TRADE AND PUBLIC ALIKE ABOUT WRONG TAXIS IN WRONG PLACES DOING THE WRONG WORK I HOPE MY WRITING IS READABLE BUT MORE IMPORTANT YOU UNDERSTAND AND AGREE

YOURS SINCERELY



Dear Sir/Madam

Here are my views on the new licensing policy proposals.

- ① I welcome the amendments to the emissions proposals as it gives me more time to save for a different vehicle and get as much as I can out of my current vehicle, my aim is euro 5. This will also give other drivers time to catch up.
- ② I think the time scale for ncap ratings should be relevant to the revised emission ratings as most who own a euro 3 vehicle will only be ncap 3. So lengthening the time for emission requirements is good, but the vehicle will be cancelled out by the stricter ncap ratings. This should be looked at seriously before making any decisions.
- ③ Regarding zones I think they should be left as they are. Each area is different, and in Oswestry there isn't the demand for wheelchair accessible Hackney carriages. Wheelchair users pre book if they need one or use Dial a ride.
- ④ The new plate on the front of the vehicle is a very good idea for potential customers to identify what type of cab is in front of them. How soon would these be available? The alternative is to have the inside plate double sided.
- ⑤ I don't agree it should matter about the colour of the vehicle, because if they have the new additional plate on the front or a double sided one in the window stating what type of cab it is and a taxi light on the roof that should be clear enough.
- ⑥ Perhaps run an article in local papers explaining the difference between the two and the consequences of flagging down a private hire to make the public more aware?

Many thanks

LICENSING

31 OCT 2014

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Mandy Beever

From: [REDACTED]
Sent: 10 November 2014 16:11
To: Mandy Beever
Subject: FW: taxi

[REDACTED]
Operations Manager – Health and Community Protection
Public Protection
Shropshire Council

Working Days: Monday - Thursday

Tel: [REDACTED]
Mobile: [REDACTED]
Web: www.shropshire.gov.uk

From: [REDACTED]
Sent: 31 October 2014 09:40
To: Karen Collier
Subject: taxi

Hi

I would like to ask that a reform in the policy to be discussed as a concern with the carrying of oxygen in hire cars

I help run Telford Breathe Easy for British Lung charity no [REDACTED]

One of our ladies a widow in her 70 s dependant on taxis in Telford was refused to be taken to our hospital for an appointment, she will not tell us which taxi service as she is frightened she would be declined by more

Having spoken to [REDACTED] Hackney and Licencing and [REDACTED] M.P they are going to ask their taxi companies to carry out a risk assessment to be able to carry oxygen safely'

This I would like your committee to recommend, because according to [REDACTED] and [REDACTED] its up to their drivers discretion and my reply is that for every drivers descretion involving oxygen we could use the law of discrimination against the disabled.

Telford council is forwarding guidance to the oxygen problem to their licenced taxis

could this please be done be included in your new policy .

Many thanks indeed

Mandy Beever

From: [REDACTED]
Sent: 31 October 2014 12:30
To: Richard Price
Cc: [REDACTED]
Subject: add on to licensing policy

Ⓛ Hi Richard i would like adding to the consultation that i have just spent four days down in London where everything should be clean because of the pollution from cars etc, i noticed that the age of taxis in the city were as old from 1996 and were working well so why should Shropshire try enforcing emission laws where we don't have the pollution problem that London does. Sorry my mind boggles.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Mandy Beever

From: [REDACTED]
Sent: 31 October 2014 13:55
To: Taxis
Subject: public consultation submission

Dear sir or madam,

Following the meeting at shire hall and a telephone conversation ,with a member of staff of the taxi licensing team, I am submitting some of my ideas pertaining to the issue of improvement in vehicle emissions and the replacement of vehicles which will no longer meet EU targets as from 2015.

- ① It occurred to me that the cost of fuel which is used by taxis within the county of Shropshire varies quite remarkably.
The fuel price which taxi firms and individuals have to pay is often a factor in what quality of fuel is purchased.
In a nutshell if the price of higher quality fuel was pegged at the lower end of the pricing range, and Shropshires taxi operatives had access to it ,possibly via a card scheme or other effective means of distribution the overall emissions from taxis would at a stroke be noticeably reduced. I find it ironic that the producers of fuel only seem interested in putting profits before any other consideration, and that the people who are using large quantities in order to earn a living are the ones who are expected to foot the bill for a cleaner environment. The elephant in the room as I put it to the team member I spoke to.
- ② The other point I had wished to raise is that as we have all been made aware of the need to replace vehicles in category E3 within the next twelve months or so, many drivers and individuals do not have access to credit or other forms of finance and will struggle to afford to go and purchase replacement vehicles. Initially I had wondered if any form of grants or other types of payments could be made available from the European union to help towards the cost of vehicle replacement, or similarly an interest free loan to individuals who could prove their inability to obtain credit or other means of financing such a purchase.

thankyou for your consideration.

yours sincerely,
[REDACTED]

Mandy Beever

From: [REDACTED]
Sent: 31 October 2014 14:53
To: Richard Price
Subject: Re: Consultation

Hi Richard

- ① Just something I would like to add to the consultation that I forgot at the time. If this policy is passed I need to change both my vehicles sooner than I wanted to. To comply with this policy I would have to change both my vehicles. To replace my wheelchair accessible vehicle to bring to a euro5 spec would cost me £15,000 and to replace my car which I use for elderly and other disabled people will cost £12,000 to the spec I already own. so a total of £27,000.

My question to the people who drew up this document is policy is how can you justify putting me and many people like me into such financial hardship by trying to fund such an increase. At the moment our takings are down on what we expect to take due to various reasons. Plus the current economic climate is next great to be trying to fund new vehicles. We know we need to do our bit to lower emissions but what about the delivery vehicles, contractors vehicles and the general public. Our vehicles are a drop in the ocean compared with these.

- ② Also something to add on the wheelchair accessibility vehicles in all zones. A lot of the work I used to do before I became ill has gone. We have [REDACTED] our what ever they are called now, they cover a majority of the work to and from the hospitals for the disabled people one due to it being free and it is automatically booked when an appointment is generated. Plus dial a ride picks up a lot due to it being a lot cheaper than using a wheelchair taxi. The demand has gone due to these 2 organisation, the people left are what I call working wounded. People with bad mobility who do not use a wheelchair, but use walking frames or sticks. These people struggle to get into nearly all these wheelchair accessible vehicles and prefer to use a normal car for ease and comfort. If we change to all vehicles with accessible vehicles we lose this work as Hackney Carriage operators. So as well as making us pay silly money to change our vehicles we are losing some of our income. This is unfair and unjust, when all we want to do is serve our community and try and make a living.

Or do you want us to join the ranks of the jobless and claim benefits that you have to pay, due to you implementing this policy

Can you add this to the consultation for me Richard. I thank you in advance.

Regards

[REDACTED]
[REDACTED]
[REDACTED]

LICENSING

- 1 NOV 2014

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HI-MANDY

① AFTER MEETING ON 28/10/14 THE PROPOSALS THAT THE COUNCIL WANT TAXI DRIVERS IN OSWESTRY TO DO WOULD MEAN WE WOULD LOOSE ZONE 3 WHICH WE DO NOT WANT. THIS WILL NOT WORK BECAUSE OTHER ZONES WILL BE COMING INTO OSWESTRY . IF THERE IS A PROBLEM WITH A CUSTOMER YOU WILL NOT KNOW WHO AS PICKED THEM UP..

② AS FOR THE HACKNEY CARS GOING TO WHEEL CHAIR BUSES I AM AFRAID THIS IS NOT GOING TO WORK FOR OSWESTRY . AS THIS WILL COST US TO MUCH MONEY TO DO THIS. AS WE RUN 8 SEATERS .I HAVE ONE HACKNY WHICH GOES ON THE RANK TO MAKE THAT TO A 7SEATER WITH W/C TO LOOSE ONE SEAT WILL MAKE IT VERY HARD ON A SATURDAY NIGHT

WE TRY TO MAKE ALL OUR VEHICLES SUITABLE FOR ALL JOBS TO GET THE BEST SERVICE FOR OUR CUSTOMERS. THERE NO WAY PEOPLE CAN AFFORD THIS. AS WE HAVE 6 W/C VEHICLE WE HAVE TO MINIMISE THE COST AS MUCH AS POSSIBLE.

③ AS FOR EURO 4 THEN 5 TO 6 WHICH IS FAIR ON GIVEING TIME TO DO BECASE THIS WILL COST A LOT OF MONEY. BUT WE HAVE GOT TIME TO UP GRADE VEHICLES TO NEADS OF THE COUNCIL WHEN CHANGES VEHICLES .

④ MAY I BRING TO YOUR ATTENTION OVER THE RANCKS . I UNDER STAND THAT SOME PEOPLE ARE TRYING TO GET A RANK ON THE BUS STOP OPPOSITE MY OFFICE. THIS WOULD BE DEPRECATE.IT WOULD BE VERY DANGEROUS AS MY DRIVERS COME ON TO THE FORECOURT IN FRONT OF THE OFFICE REGULAR I PAY RENT FOR MY OFFICE AND FORECOURT ON [REDACTED] AND I CAN FORSEE ACCIDENTS HAPPENING IF THIS IS THE CASE . I HOPE THIS DOSE NOT HAPPEN I THINCK THIS IS VERY UNFAIR TO ME AND MY DRIVERS .

[REDACTED]

For the attention of Mandy Beever, Shropshire Licensing Office.

- ① At the Consultation Meeting in Oswestry this year, we voted for the abolition of the zones but did not anticipate that all hackneys would have to be wheelchair accessible to be in line with Shrewsbury. Since 1988 Oswestry has always been 97% saloon car hackney. If it is passed that we must be wheelchair accessible then you can say goodbye to the hackney carriages in Oswestry as having to buy those types of vehicles would be too much of a financial burden. It would also cause more anti-social behaviour in the town as more people would be milling around the town taking transport home.


There are at present 180 hackney cabs in Shropshire and only 65 are wheelchair accessible. This shows two things:-

1. It shows that there is no big demand for them.
2. They are far too expensive to run in a rural areas.

If a large number of hackneys disappear this will more than likely cause a financial burden to the Council and loss of Council staff.

- ③ Regarding the new front plate for all the taxis in Shropshire, we in Oswestry found that it was one of the best things that we, the drivers, persuaded the Council to implement. It made it easier to district.

The Council are always concerned with public safety with not much regard for the TAXI DRIVER'S SAFETY. Since private hire have lost their roof signs it is nearly impossible to identify them. If the plates were introduced for the front of the private hire vehicles especially it would give them a greater degree of safety than they have at the moment, as they would be easily identified and in case of any problems other drivers would be able to assist rather than drive by – especially at night when drivers are at their most vulnerable. The front plates only need to have the number and the vehicle registration. There is no need to put the expiry date on, thereby the plates will only need to be changed when the driver changes his/her vehicle. The other advantage to having these front plates would be that the Council Enforcement Officers in the day and night time would more easily be able to spot a private hire vehicle than they are at the moment.


LICENSED TAXI DRIVER SINCE 1991 AND AN OPERATOR FOR 16 YEARS.

1st November 2014



LICENSING
- 1 NOV 2014
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Mandy Beever

From: [REDACTED]
Sent: 01 November 2014 03:21
To: Mandy Beever
Subject: Even more emission confusion

Hi Mandy,

① Thanks for the forum this week, I found it very useful, but I still would like to point out that your air quality man (sorry forgot his name) although clearly very knowledgeable and diplomatic, and I am pleased he has understood what I meant by a transfer, and hope you will consider including this in the policy.

Although the information he gave us about euro emission dates is wrong, please do not think I am being pedantic about this, as I am only trying to point out our time line of buying a euro 5 vehicle is shorter than portrayed, by at least 16 months.

Only new models of vehicle were required to be euro5 in 2009, existing models were not required to meet this standard until 2011 although I find conflicting information as to what the actual date was, some websites say 1st Jan others 1st Sept.

I have attached links to websites that reference this information

Therefore a vehicle registered in between these dates could be either euro 4 or 5 depending what model it is and when the manufacturer updated the engine. Also to add to the confusion there is the reference on these web sites to vehicles that fit a specific need, of which have a later date again to comply.

Are the vehicles used as the base model for the likes of cab direct to build an E7 in this category ? if they are then again this will shorten the timeline for us.

Sorry about all this technical stuff but as you can appreciate we need the facts so that we know what we can buy to comply, from the meeting it could be perceived that if we bought a vehicle built in 2009 we would comply, but these facts may suggest that in fact we need to buy a vehicle later than 2012 to comply, this relates to a large cost difference. Also bearing in mind that our market to purchase from is far more limited, as we have to buy specifically converted vehicles, far more complicated than the choice available on the open market for a saloon car were emission standards appear to be taken up much sooner.

And to be fair I am finding this confusing let alone for some at the meeting that didn't even appear to be on the same page.

Regards

[REDACTED]
<http://www.euractiv.com/transport/euro-5-emissions-standards-cars-linksdossier-188319>
<http://www.interregs.com/spotlight.php?id=59>

Mandy Beever

From: [REDACTED]
Sent: 01 November 2014 16:58
To: Mandy Beever
Subject: Hackney Carriage and Private Hire Licensing Policy 2015 - 2019

Attn: Mandy Beever

Licensing Team
 Public Protection
 Shropshire Council
 Shirehall
 Shrewsbury
 SY2 6ND

Dear Mandy,

① Further to my communication to your team recently, (hand delivered), with ref to the above mention subject and subsequent consolation period which is about to finish. I wonder if it was possible to have an exemption from having the Blue Council Plates from being stuck to side of my vehicle. I'm sure that there won't be many people, either bothered or thinking about this, with the exception of [REDACTED], who also partakes in the same type of business as myself. He has also sent your team an email recently.

② Also, I'm not quite sure why we now have to have signs fitted to the front of our vehicles...? And can't really see people, hypothetically, coming out of a nightclub bending down to see if it is licensed vehicle, all they're interested in, surely is a lift home with there chosen company, that should be on the side of the vehicle. Having said all that, I don't do that type of work.

I'm sorry, I'm not trying to be negative in these issues, but I don't want the Blue Signs stuck to side of my vehicle, I definitely don't want a license plate attached to the front of my vehicle, and for them to be on all the time is mad. I don't want people to know what I do for a living when I go away on holiday !

Let me give you an hypothetical situation...

Say you work for a company, and they tell you that you now have to wear a uniform for work...you agree. After the first day, you go home and find out that you can't take it off, it seems to be stuck on you...You have to go and visit friends, family, even sleep in your new uniform. How would that make you feel..?

I know that is taking things to the extreme, BUT...!! This is my car own personal vehicle, licensed as a Private Hire vehicle, yes. But still, mine. I bought it for the job, to get more trade aswell as the running around town etc. It's working, but not with all these new signs it won't. I don't mind being plated up whilst I work in town, and futher afield with NO Blue Signs, but when I'm not working it returns as my vehicle.

③ I just also was wandering why we have now got to have the internal sign at the bottom of the windscreen, aswell as a copy of our badges. Last year, when I took my previous vehicle for an MOT, I was told that I couldn't anything in the corner of my windscreen, SATNAV etc....what might they suggest now..?

Mandy, sorry about all that, I wanted to mention a lot of this at the meeting last Tuesday, but I'm not very good with speaking out at said meetings. Plus the fact the meeting got taken over by the Imissions / disability / Hackney issues. My issues seemed ever so small in comparison, but they still affect me in a big way, as you see.

I don't know if I and also [REDACTED] could have a private meeting with you and anybody else with ref to what I have said....?

Your faithfully

[REDACTED]
 Operator License No. [REDACTED]

Driver License No. [REDACTED]

Mandy Beever

From: [REDACTED]
Sent: 01 November 2014 21:19
To: Mandy Beever

- ① At the Consultation Meeting in Oswestry this year, we voted for the abolition of the zones but did not anticipate
② that all hackneys would have to be wheelchair accessible to be in line with Shrewsbury. Since 1988 Oswestry has always been 97% saloon car hackney. If it is passed that we must be wheelchair accessible then you can say goodbye to the hackney carriages in Oswestry as having to buy those types of vehicles would be too much of a financial burden. It would also cause more anti-social behaviour in the town as more people would be milling around the town taking transport home.

There are at present 180 hackney cabs in Shropshire and only 65 are wheelchair accessible. This shows two things:-
1. It shows that there is no big demand for them.
2. They are far too expensive to run in rural areas.

If a large number of hackneys disappear this will more than likely cause a financial burden to the Council and loss of Council staff.

- ③ Regarding the new front plate for all the taxis in Shropshire, we in Oswestry found that it was one of the best things that we, the drivers, persuaded the Council to implement. It made it easier to differentiate between the hackneys and private hire and easier to spot any other unauthorised taxis working in our district.

The Council are always concerned with public safety with not much regard for the TAXI DRIVER'S SAFETY. Since private hire have lost their roof signs it is nearly impossible to identify them. If the plates were introduced for the front of the private hire vehicles especially it would give them a greater degree of safety than they have at the moment, as they would be easily identified and in case of any problems other drivers would be able to assist rather than drive by - especially at night when drivers are at their most vulnerable. The front plates only need to have the number and the vehicle registration. There is no need to put the expiry date on, thereby the plates will only need to be changed when the driver changes his/her vehicle. The other advantage to having these front plates would be that the Council Enforcement Officers in the day and night time would more easily be able to spot a private hire vehicle than they are at the moment.

Mandy Beever

From: [REDACTED]
Sent: 02 November 2014 11:17
To: Mandy Beever
Subject: Proposal for private hire plates and door signs.

Hi Mandy.

① During Tuesdays forum I spoke to Jamie Tawn regarding private hire signage and he advised me to send an email directly to yourself. As I have previously stated my objection to the blue stickers being permanently attached (stuck to front doors) is two fold. Firstly the vehicle I currently operate in was purchased both for local work and also executive and wedding party work and I am sure that you appreciate that some of this work would be limited by the door stickers. With this in mind when issued with the stickers, at my own expense, I have them put on to magnets which are then attached to the vehicle at all times when working locally. Secondly by having the signs attached by magnets it allows them to be removed when required for cleaning purposes during or at the end of a shift, this allows both the vehicle and the signage to be kept in prestige condition. Observing certain other vehicles which have door signage permanently stuck to the doors it has come to my attention that many of them have become faded and grubby around the edges, some of them are actually peeling away and do not set a good image for the presentation of Shropshire private hire as a whole. I believe that this is the direct result of these signs being permanently stuck to the vehicles whilst being cleaned, often at car wash stations where the brushes cause the damage.

I originally intended to broach this subject at the forum but thought you all dealt admirably with the main point of the forum under difficult circumstances.

I would be more than happy to meet at your convenience to discuss my issue and would like to thank you for your time considering this issue.

Regards [REDACTED]

[REDACTED] Private hire.

Sent from my iPhone

Mandy Beaver

From: [REDACTED]
Sent: 02 November 2014 14:28
To: Taxis
Subject: Hackney and private hire policy consultation response
Attachments: Consultation response.pdf; Emission requirements.pdf; Response to Hackney and private hire policy consultation.pdf

Please find attached our response to the hackney and private hire policy consultation
3 attachments, 1 response to consultation, 2 supporting diagram for emissions, 3 page of signatures supporting this
document

Regards
[REDACTED]

① We believe the proposed policy is a more robust policy that will raise the standards of our trade giving us more strength and stability for the future.

Suggested Euro Emission Standards including transfer, that are sustainable by the trade

	Period	Oldest European Emission Standard that can be plated
Renewal	1st April 2015-31st March 2016	Euro 3
Transfer	1st April 2015-31st March 2016	Euro 4
New	1st April 2015-31st March 2016	Euro 5
Renewal	1st April 2016-31st March 2018	Euro 4
Transfer	1st April 2016-31st March 2018	Euro 4
New	1st April 2016-31st March 2018	Euro 5
Renewal	1st April 2018-31st March 2022	Euro 5
Transfer	1st April 2018-31st March 2022	Euro 5
New	1st April 2018-31st March 2022	Euro 6

As a Rough guide Euro 3 2001-2006
 Euro 4 2006-2011
 Euro 5 2011-2015
 Euro 6 2015 on

Saloon cars seem to take on the standard earlier than light commercials

Of which most Hackney vehicles are based upon

N.B No Euro 6 spec hackney is commercially available at this point in time

Response to Hackney and private hire policy consultation

This response is the opinion of all the undersigned zone 4 Hackney drivers.

- ② As active drivers within the Shrewsbury zone 4 area we are in support and welcome most of the policy review, and the manner in which it has been conducted, unlike previous occasions this time we have been able to add constructively to the policy as members of the trade, and we have been listened too.

Although we do have some points of concern that we would still like to raise and be considered.

- ③ 1, The amended Euro Emission Proposal we find far more acceptable than the first version, although we would like to see the transfer category added to the proposal.

Adding the category of a vehicle transfer to a euro 4 vehicle until march 2018 would allow drivers of older vehicles a more progressive step towards the target euro 5 vehicle, helping those that are not in a financial position to invest in a euro 5 initially. And allowing a transfer to euro5 until 2020.

Bearing in mind that Hackney type wheelchair accessible vehicles are considerably more expensive than a typical saloon car that could be used for private hire.

As this policy is going to require a major re investment by the trade we are seeking some safeguards that the trade will not be flooded with new comers and therefore potentially reducing our earning ability.

Therefore as the attached diagram shows, for a transfer of an already existing plate the step up to the target of euro 5 are smaller and would take a little longer than the requirement for a new comer, but this would slow the ingress into the trade, with only people that are prepared to make a substantial investment being able to enter the trade, therefore going some way to retaining our profitability, and stop the current situation of our trade being flooded by making very low investment to get into the trade and flooding the ranks on a Friday and Saturday night, as the investment is currently so low it is being used as a secondary income, although not necessarily wrong in itself it does have a significant impact on the earning potential for full time drivers. i.e. the ones you are asking to make the greatest investment.

n.b.

Some back ground information on the above issue.

Although euro 5 emission regulations came out in 2009 for NEW model vehicles, it was not legislation for existing production vehicles until 1st Sept 2011, and most light commercial vehicles tend to not comply until almost the legislation date unlike saloon cars that in some cases comply years in advance. As most suitable wheelchair accessible vehicles are based on light commercials we in the hackney trade are finding that we are having to buy vehicles 2 years younger to comply with the proposed policy when compared to saloon cars used by private hire under the same policy, this in itself has its own financial implications.

i.e, An E7 hackney vehicle was not available with a euro 5 engine until 2011, there are currently no vehicles suitable to use as a hackney under this policy with a euro 6 engine as it is not legislation until 1st September 2015, no manufacturer produces one at this point in time.

Hence we are not disagreeing with the policy rather asking for a little more time to comply in order to make it financially viable.

④ 2, De Zoning

We are not against de zoning, and fully support black livery and wheelchair accessibility being rolled out across the county.

Initially it is going to upset the status quo but do accept it is part of progress and will eventually settle to be the norm.

⑤ But we are concerned about the vehicle identity and public safety issue of de zoning in April 2015, 3 years before the common identity of Black and wheelchair accessible has been achieved.

The public in Shrewsbury who can currently identify the difference between a Private Hire saloon car and a wheelchair accessible hackney.

If this policy goes ahead, it will allow saloon car hackneys to work in Shrewsbury for the next 3 years then they will revert back to what is now familiar, so 2 changes in 3 years is not consistent with clarifying the issue.

Therefore we would strongly recommend firstly achieving the goal in this policy of a common identity i.e. Black Livery and Wheelchair Accessibility by March 2018, when this is achieved de zone in April 2018, this would be far safer for the public and less confusing for all concerned.

⑥ 3, the addition of the word immediately added to section 3b.5 of the policy to ensure that a vehicle is available to hire on flagging for a wheelchair user.

Some vehicles are wheelchair accessible when seats are removed from the vehicle, in the case of a wheelchair accessible hackney we think this type of vehicle unsuitable, as a wheelchair user should be able to flag and get in.

⑦ 4, Only the word Taxi be used on roof signs, as the use of company names and telephone numbers again confuses the issue of what is it a hackney for hire or a private hire.

⑧ 5, The policy states meters should be certified, but has no suggestion of when or how often this must be done.

This should be done annually as vehicle repairs and wear and tear can affect the accuracy.

⑨ 6, Tilting Seats

The policy states tilting seats must be forward facing!

Although all full spec hackneys have rear facing seats with a fold down base, this is to create sufficient floor space when carrying a wheelchair.

The assumption is made that this is referring to forwards or rearwards as opposed to sideways, but could be misinterpreted so needs to be clearer as to what it references.

⑩ 7,

There are a number of "known" drivers within the trade that have been "sacked" by an operator due to gross misdemeanours, they then re appear at another company.

An operator should have the responsibility of having to report such events to the council, so that the council is aware of such characters, rather than them just moving from one company to the next unchecked.

We believe the proposed policy is a more robust policy that will raise the standards of our trade giving us more strength and stability for the future.

Mandy Beever

From: [REDACTED]
Sent: 02 November 2014 21:32
To: Taxis
Cc: Mandy Beever
Subject: objections to Shropshire Councils proposal to changes to taxi & private hire vehicles
Attachments: changes to taxi policy objections.docx; taxi front plate OBC CUT.jpg

[REDACTED] (Shropshire licenced driver [REDACTED])

Dear Councillors / officers.

- ① The Law commission have spent many years drawing up a national standard for taxis, private hire vehicles and drivers (800 + pages) The LAW REFORM TAXI & PRIVATE HIRE .After the next election it will be implemented, Shropshire council have decided to make some radical changes before the paper is set in law? Some of the proposed changes to Shropshire council's policy go against the law commission's proposals and I am asking if these three big changes can be deferred until the government put them into statute.

THE LAW COMMISSION: "More than 3000 responses were received following the Law Commission's consultation in April 2012. In recognition of the level of concern of stakeholders in relation to possible changes to the licensing regime, the Law Commission has published a draft policy outlining the key decisions they have reached following the consultation"

I object to three main details of Shropshire Councils proposal to changes to taxi & private hire vehicles on cost.

- ② 1: All taxis must be high gloss black in colour Private Hire must not be black.

The council are proposing that the colour of a vehicle will help in identifying it as a taxi, but this proposal would be very restrictive, costly, & unnecessary to vehicle owners. This proposal has previously been rejected by Shropshire Councils Strategic licensing committee back in 2011.

THE LAW COMMISSION TAXI AND PRIVATE HIRE SERVICES. Recommend clear uniform signage

Recommendation 43

"Signage requirements for private hire vehicles should form part of the national standards determined by the Secretary of State. The Secretary of State should impose requirements that aim to ensure that the public are able to distinguish easily between taxis and private hire vehicles".

- ③ 2) The council are proposing that all taxis must be wheel chair accessible: This policy would have great financial implications for the trade and discriminates against disabled non wheel chair bound passengers as wheel chair accessible vehicles are difficult to get in as they are higher than normal saloon type vehicles & less accessible .

THE LAW COMMISSION TAXI AND PRIVATE HIRE SERVICES.

Recommendation 62

"We recommend that taxi and private hire drivers be required to undergo disability awareness training of a standard set by the Secretary of State.

1.33 Taxis and private hire vehicles provide vital transport links for many older or disabled persons as well as people with reduced mobility. Providers of transport services have a legal obligation not to discriminate against disabled people, and local authorities are subject to a duty to promote equality in the exercise of their functions.

1.34 We consider how to promote safety for disabled passengers through, perhaps, introducing a separate licence category for wheelchair accessible vehicles and vehicles adapted for other disabilities. We considered the merits of introducing national quotas of accessible taxis but suggest that such a system does not appear workable".

Provisional proposal 60

"We do not propose to introduce national quotas of wheelchair accessible"

- ④ 3) All vehicles to be Euro 4 compliant after April 2015 (on licence renewal)

If this policy is adopted I would have to replace all of my vehicles within the next 9 months and would not be financially viable for me to continue in business as the cost of a 3 year old vehicle to comply with Euro standard would be in excess of £15,000 per vehicle. Please note that salon car type vehicles were manufactured to meet Euro immersions 3 years before commercial vehicles eg wheel chair accessible vehicles.

General observations within the proposed policy

Driver's badge and licence

- ⑤ 1.5 Drivers must display a photocopy of their driver's badge, issued by the Council, on the inside of the windscreen of the vehicle (where the tax disc used to appear) so as to be plainly visible at all times to fare paying passengers'. (Page 218) for taxi and private hire drivers.

The council are asking drivers to photo copy and display council issued licences, should be discouraged in my opinion as can lead to abuse..

- ⑥ Front plate the council are proposing that all PH / Taxis to display a council issued front plate. To save money and administration it may be worth while considering the attached image of Oswestry Borough Councils example which does not include an expiry date and could be used for the whole life of the licenced vehicle (see Attached image)

- ⑦ The council are proposing to refuse vehicles that have a rear facing fold down seat, this condition would rule out many purpose designed taxi vehicles including the iconic London cab.

⑧ Terms of reference.

To help remove any confusion the word HACKNEY, MINICAB, CAB should be replaced with TAXI & PRIVATE HIRE

THE LAW COMMISSION TAXI AND PRIVATE HIRE SERVICES.

. Recommendation (4)

we recommend that the term "hackney carriage" should be replaced in legislation with the word "taxi". The term "private Hire vehicle" should remain unchanged.

(discrim 3.25 In our consultation paper we proposed removing references to "hackney carriages" from the statute book).

⑨ *Section 1:8 proposed policy states that "The driver MUST NOT when driving a hackney carriage or private hire vehicle . Leave their vehicle unattended in any street or public place or venue"*

Do the council expect drivers to sleep in their vehicles? This may contravene Article 8 – Right to respect for private and family life

1. *Everyone has the right to respect for his private and family life, his home and his correspondence.*

2. *There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.*

██████████ (Licenced Shropshire taxi driver) ██████████

Doc 45

**TRY
JUNGIL**

**FRANK
CARP**

**THIS PLATE BELONGS TO
OSWESTRY
BOROUGH COUNCIL**

LIGEN

RE

Mandy Beever

From: [REDACTED]
Sent: 02 November 2014 22:34
To: Mandy Beever
Subject: RE: Hackney Carriage and Private Hire Policy Extended Consultation Period

Hi Mandy

I would like to make a few comments on behalf of myself and more than 50 Shropshire dual badge drivers that i represent and a spokesperson i am for, regarding the new consultation.

I was the Co-founder of Telford and Shropshire Taxi and Private hire drivers association.

- ① First of all it was the wrong decision of shropshire council to remove the 10 year age limit on vehicles a few years ago which has led to a lot of old taxi & private hire vehicles some old has 20 years old been on the road,

which is a disgrace, which has led to Shropshire having some of the worse standard,condition and quality of Taxi and Private hire vehicles in the Country. Also probably highest pollution in the country.

A lot of drivers think the Council should have gone ahead with the original proposal instead of bowing to pressure from a few individuals who only think about themselves instead of public safety,Health and safeguarding the public.

If the amended proposal goes through there still will be vehicles about 15 years old on the road in 2019 and for that

reason the Council should stick with the original proposal. There should be no renewals for Euro 3 vehicles after 1-4-2015.

The Euro 3 pollution levels are very high. Also the council should bring forward the proposal for all

- ② hackneys to be wheel
 ③ chair access and black and one zone by 2 years, bringing them in 2018 is 3 and half years away is to long.
 ④ All Hackneys should be Full Hackney Spec with M1 European body Type Approval.
 ⑤ The Council should require all drivers to under take a new knowledge test upon renewal of their badge because
 there was a lot of fraud committed during the issue of new badges a few years.
 ⑥ The Council should have in place in Private Hire vehicle conditions that a Private Hire Vehicle should not be parked
 near a public resource i.e Bars, Nightclubs, Restaurants, Cafes etc.
 ⑦ At the moment the streets of Shrewsbury Town Centre are littered with Private Hire Vehicles parked nearly in all the streets, Plying for Hire which is a Criminal Offence.
 ⑧ Me and my brother have 8 Private/Hackney Vehicles which all will have to be changed next year if the original proposal
 goes through which we are happy with and a lot of other drivers are also, if that means the Standard will be better in Shropshire.
 We hope the council takes into account what's better for the public of Shropshire who use Taxi and Private hire Services.

Kind Regards

[REDACTED]

Mandy Beever

From: [REDACTED]
Sent: 02 November 2014 23:35
To: Mandy Beever
Subject: Re: Hackney Carriage and Private Hire Policy Extended Consultation Period

Dear Mandy,

In response to the proposed new Hackney Carriage and Private Hire Policy, I would like to raise the following points:-

- ① Whilst I welcome the amendment allowing vehicles to be Euro 3 if the licence is being renewed before April 2016, I would like to see this extended to include both transfers and new plates.

It is important to include transfers as a driver may need to change their vehicle during the period upto April 2016 for any number of reasons including but not limited to an accident or mechanical taking their current vehicle temporarily or permanently out of action. The current proposal means a driver then has to outlay potentially considerably more to replace this vehicle for an event that could be outside of his or her control.

I would also like to see the period in which a new plated vehicle can be Euro 3 emissions standard extended to April 2016 as my business is growing quite rapidly focusing on wheelchair accessible transport which I believe to be an important service within the Shropshire area. My plans were to expand my fleet by 3 to 4 cars over the next 2 years to meet the demand for this type of transport, however, if I can only put new plates on a euro 5 emissions standard vehicle, I will probably have to reduce this to one vehicle due to the increased cost. I believe this will have a detrimental effect not only on my business but, more importantly on the service I can provide for wheelchair users.

When a vehicle is purchased and plated it will also be important to be able to plan the time period in which this vehicle can be operated as a taxi so I believe it is fair to guarantee any vehicle plates upto April 2016 has a minimum lifespan of 3 years with regards to renewal allowing the driver or company to write off or recoup the cost of the vehicle over a reasonable period of time.

- ② I also have concerns over the following clause relating to ncap safety ratings: -

"requirements of 3b.16 do not apply to hackney carriages that have been constructed or converted for disability access, i.e. where the vehicle has been a mechanically operated ramp and fittings to secure wheelchairs to the floor in accordance with the Department for Transport specifications. Vehicles that utilise non mechanical ramps do not constitute the vehicle being specifically constructed or converted for disability access."

Many of the Hackney Carriage drivers believe that this means all wheelchair accessible Hackney Carriages are exempt from the ncap safety rating proposals but I read it as though we are only exempt if we have mechanical ramps.

I cannot think of any of Hackney Carriage that has 'mechanically operated ramps' which means they do not constitute the vehicle being 'specifically constructed or converted for disability access' under the wording in your proposed policy which also means these vehicles can still be expected to meet ncap standards. Although we have had assurance from Licencing that this is not the case I still think the wording is ambiguous leaves us open to being subjected to the ncap safety standards if the council chooses to impose them. Could I therefore request that the wording is amended to include any Hackney plated vehicle offering full wheelchair access.

I hope you take my points into consideration when reviewing and finalising your proposals.

Kind regards,
[REDACTED]

Licensing
Shropshire Council
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND

Our Ref:
Your Ref:
Date: 2 November 2014
Please ask for:

**By First Class post and email to:
taxis@shropshire.gov.uk**

Dear Sir / Madam,

**Hackney Carriage and Private Hire Licensing Policy
Consultation response of**

I act on behalf of the two
largest private hire companies in the county.

Please accept this letter as their joint response to the further consultation in relation to the proposed revised / new Hackney Carriage and Private Hire Licensing Policy.

- ① Before proceeding to comment on the current consultative document, my clients would like to express their thanks to officers and Members for incorporating almost all of their suggestions to the previous consultation in the current version of the document.

In the hope that it assists, we shall directly relate our comments to paragraph numbers under headings for the relevant section and sub-sections or appendices.

Part 1 - Introduction

Review of the Policy

- ② 1.8 Whilst it is appreciated the Council is not proposing to consider the provision and mandatory use of designated parking areas for private hire vehicles when waiting for bookings until it next reviews policy in 2018, it is suggested that to introduce such measures would be a regressive move and undermine the Council's endeavours to reduce exhaust emissions by adopting Euro Emission standards (paras 3b.14 – 3b.15 and 3c.8 – 3c.9)

Legislative framework

- ③ 1.9 As the Council acknowledged and accepted our comments in response to the previous consultation in respect of the Regulators' Code (BDRO 14/705) that came into force on 6 April 2014, it is assumed that the failure to refer to it in this paragraph is merely an inadvertent oversight.
- ④ We also assume that a failure to refer to the Department for Transport (DfT) 'Taxi and Private Hire Vehicle Licensing: Best Practice Guidance' (March 2010) and to other guidance and letters issued from time to time by the DfT is similarly an inadvertent oversight, especially as the Regulators' Code, para 3.1 requires regulators to take an evidence based approach to determining policy, which would seem to require regard to be given to the guidance of government departments and other bodies.

Part 2 – Licensing principles, process and delegation

Introduction

- ⑤ 2.0 The assertion that the Council has adopted Part II of the Local Government (Miscellaneous Provisions) Act 1976 is patently untrue. It is accepted that the five former district councils that were subsumed into Shropshire Council on unification on 1 April 2009 may have adopted the said Act in all or part of their respective areas, but to date the Council has failed to disclose evidence of any such adoptions. If the Act was adopted throughout the whole of each former district council, the Council should detail those adoptions.

If the Council has inherited a situation that turns out not to be as it had understood – i.e. the 1976 Act has not been adopted throughout the whole of the Council's area – the Council will have to deal with the financial and other consequences of that situation in order that it can move things forward constructively.

Licensing process and delegation of functions

- ⑥ 2.4 The description of the arrangements for the delegation of functions in relation to hackney carriage and private hire vehicle licensing give the (potentially false) impression that the delegations may be unlawful.

The Local Government Act 1972, s 101(1)(a) permits a local authority to arrange for the discharge of any of their functions by a committee, sub-committee or an officer of the authority.

If the Council has made express delegations to the Strategic Licensing Committee, the Licensing and Safety Sub-committee, the Licensing Panel (of officers) and individual officers it is misleading to state that the Council has "further delegated authority", because it is the Strategic Licensing Committee that could have "further delegated authority" to the Licensing and Safety Sub-committee or an officer and, if to the Licensing and Safety Sub-committee, it could have "further delegated authority" to an officer by virtue of subsection (2) of the said section.

In the circumstances, the Council is asked to either amend the wording of the paragraph to clearly and accurately describe the delegation of authority or, if it appears to be potentially ultra vires, to review and, if necessary, correct the position and revise the paragraph, as necessary.

⑦

The paragraph closes by stating that all applications will be determined "in accordance with this Policy". It is suggested that would require the policy to be applied as if a rigid set of rules that would fetter the decision-makers discretion. In the circumstances, it is suggested the correct approach would be for decision-makers "to have regard to this Policy".

The Council is also respectfully referred to the decision of the High Court in *Pinnington v Transport for London* [2013] EWHC 3656 (Admin). Whilst the case is undoubtedly unique on its facts there are principles of general effect.

In particular, Mrs Justice Andrews DBE held that a licensing authority may depart from its policy in circumstances that are less than 'exceptional circumstances' (para 20) and that, whilst policy considerations are of importance, the policy has to be applied in a manner that is consistent with the proper approach to the underlying issue (statutory test), i.e. is the applicant a 'fit and proper person' to be licensed as a driver (para 17).

Please also see comments below in relation to paragraph 2.8.

Committees and licensing panel

⑧

2.6 It is assumed that the reference to "conditions of licence" should be a reference to "standard conditions of licence", because individual applications would not normally (or possibly ever) be determined by the Strategic Licensing Committee.

⑨

In the event that the Strategic Licensing Committee also has responsibility for the creation of taxi ranks that should also be stated

herein. If responsibility for the creation of taxi ranks rests with another part of the Council that should be expressly stated somewhere within this part of the policy.

Licensing and Safety Sub-committee

- ⑩ 2.7 The Council is asked to consider whether the Licensing and Safety Sub-committee might be similarly constituted to the sub-committees that determine applications under the Licensing Act 2003 and Gambling Act 2005, i.e. consist of only three Members. A sub-committee of even five or six Members can be unnecessarily intimidating to an applicant or driver.

By virtue of the Local Government and Housing Act 1989, s 17 a local authority can, subject to complying with the requirements of regulations and no Member voting against such proposal, disapply the requirement for political balance of a sub-committee.

Licensing Panel

- ⑪ 2.8 Whilst not opposed to the concept of an officer panel, it appears the creation of same may be unlawful. The Local Government Act 1972, s 101 empowers an authority to delegate a function to an officer, not a committee or panel of officers.

Even if it were lawful to create an officer panel, the inclusion of officers from other bodies and a licensing officer would seem to have the effect of making those officers judges in their own cause or, at the very least, creating the appearance of bias. In re Pinochet [1999] UKHL 1, the House of Lords, for the first time ever, overturned a decision of the Appellate Committee because it may have appeared that Lord Hoffman was biased because of his association with a part of the Amnesty International organisation when another part had been involved in the proceedings as an Interested Party.

When an application or disciplinary matter is considered by the Licensing and Safety Sub-committee there is a clear separation between the role of the licensing officer (and, if appropriate, police officers or officers of other bodies) and the decision-making body whereas the officer panel appears to be prosecutor, judge, jury and executioner!

It appears that it is also intended that a solicitor should be a member of the officer panel, as opposed to being its independent legal adviser. If a solicitor is to be a member of such an officer panel (if such an officer panel is lawful), it is suggested that there ought to be a second solicitor to be the panel's independent legal adviser.

Decisions

- ⑫ 2.10 As written, the appearance is given that the Council has the power to suspend or revoke with immediate effect all licences – vehicles, drivers and operators – whereas that power extends to only drivers' licences.
- ⑬ Whilst is acknowledged that there is a power to suspend a vehicle licence with immediate effect, it should be noted and acknowledged that power is not available to the Council itself, but to a duly authorised officer.
- ⑭ 2.11 The Council is asked to clearly and unequivocally state that it will disclose all evidence, including that from its own officers with responsibility for safeguarding and the police, to an applicant or licence holder in order that they may have a proper opportunity of considering and responding to those matters by way of written submission or verbal representation at a hearing.
- ⑮ 2.13 Parties aggrieved by a decision of the Council do not have an absolute right of appeal. The right of appeal arises only in relation to refusals to grant or renew a licence and to suspend or revoke a licence. There is no right of appeal against a (written) warning or a requirement to undertake a course, text, etc, although such decisions may, of course, be made the subject of: (i) a formal complaint to the Council and, if necessary, to the Local Government Ombudsman; or (ii) a claim for judicial review.

Part 3 –Licensable activities

Licensable activities

Introduction

- ⑯ 3.2 In relation to the first bullet point it is suggested that refusal should only be considered when the failure to provide information and / or to provide false information was made "knowingly and with the intention of misleading".

For example, an applicant may fail to disclose a caution for a minor offence, because they never appreciated they had been cautioned and were told by the police the matter would not be recorded on their criminal record and they did not discover that was not the case until they received their DBS certificate after making their application to the Council in which they had failed to disclose the caution.

17

The second bullet point wrongly asserts that licence fees are non-refundable. Fees are only payable under the Local Government (Miscellaneous Provisions) Act 1976, ss 53 and 70 on grant of a licence. As a matter of administrative convenience, it is accepted that it is practical to require payment on application, but should a licence be refused or the applicant choose to withdraw their application at any stage, they are entitled to the refund of the licence fee.

Arguably, because the current licence fee for a new driver's licence includes a knowledge test, if an applicant were then to withdraw their application they would be entitled to a refund of the full fee, because that part relating to the knowledge test is an integral part of the licence fee.

18

In relation to the third bullet point, the Council does not have the power to render a licence "null and void with immediate effect" for non-payment resulting from a dishonoured cheque. The Council's powers are only the statutory powers of suspension and revocation, which it is unlikely to be able to rely upon in such circumstances. If such an approach were lawful it would be potentially unfair, not just draconian.

Take by way of an example: The applicant writes out a cheque in payment for a licence fee when there are sufficient funds in the account to honour that payment, but before it is paid the applicant's spouse, who does not realise a cheque has been written, makes a payment by debit card which clears more quickly than the earlier written cheque. In such circumstances the applicant has not acted dishonestly so suspension or revocation on the grounds of dishonesty would not be justified.

In any event, such occurrences should be exceptionally rare. A new applicant who has to undergo a criminal record check and pass the Council's knowledge test is unlikely to be capable of being granted a licence until many weeks after the cheque was presented. In relation to renewal applications, the Council requests that they are received at least 10 days before expiry of the current licence (paragraphs 3a.24, 3b.25 and 3c.19) so should not be in a position of issuing a licence until it is known that payment by cheque has been honoured.

19

In relation to the fourth bullet point, it is respectfully asked whether closing an application after six months achieves anything, let alone whatever objective the Council is hoping to achieve?

If an application is made and not determined within six months (or any other period of time) the Council cannot simply close the application, although it could determine the application on the information then available to it and would, in all probability, refuse the application. However, the applicant would then have a right of appeal to the magistrates' court. If by the date of the final hearing the applicant were then able to produce the outstanding information that showed them to be a fit and proper person the court would be bound to allow their appeal and may be prepared to make an order for costs against the Council, because it would not necessarily be seen to have acted fairly.

If the applicant did not pursue an appeal, they would, as referred to above, be entitled to a refund of the licence fee they had paid on application.

20

In relation to the fifth bullet point, the Council is asked to consider exempting a former licence holder from having to retake the knowledge test and driving assessment (if their previous licence had not been revoked) if they apply for a new licence within a specified period of time, such as 3 months of the date of expiry of their previous licence, which would be consistent with the approach taken by Telford & Wrekin Borough Council.

21

In relation to the final bullet point, the Council's refusal to entertain applications made after the expiry of the previous licence is contrary to the decision of *Collins J in R (on the application of Exeter City Council) v Sandle* [2011] EWHC 1403 (Admin).

Criminal record disclosure

3.4 Whilst referenced to paragraph 3.4 these comments relate to matters that are not addressed by either paragraph 3.4 or 3.5.

22

The Council is asked to extend the DBS (Disclosure and Barring Service) online disclosure service, which it is believed is used by other parts of the Council, to the licensing function because it is quicker than the traditional paper process still used by the licensing function.

Whilst the cost is slightly higher it is believed the time that it saves officers would result in the total costs to an applicant being no higher than they are at present and, even if that were not the case, the modest increase in costs would be more than justified by the speed of processing by the DBS.

23 The Council is also asked to expressly state that it will accept Enhanced DBS disclosure certificates issued for another purpose (as long as it is to the same standard) within three months of the issue date and at any time as long as the applicant has subscribed to the DBS update service, which would enable the Council to check that there has been no change to the information contained in the certificate.

24 The Council is also asked to promote subscription to the DBS update service in this policy and in guidance, information and letters to driver applicants and licence holders, because that would simplify licence renewals for drivers and the Council as long as the information contained on the Enhanced DBS disclosure certificate remained up-to-date.

Hackney Carriage and Private Hire Vehicle Drivers

Fit and proper person

25 3a.6 In the event that a driver is convicted of a criminal offence during the period of their licence it should be unnecessary for the Council to request or require the driver to obtain, at their own expense, a further Enhanced DBS disclosure certificate, because both the driver and the police (under the Notifiable Occupation Scheme) should report matters to the Council in any event.

Criminal record disclosure

26 3a.10 The reference to the exemption order is wrong. It should have been a reference to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended). That order was amended by The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002, art 5(4)(e) included "taxi driver" in Part IV of Schedule 1 to the 1975 Order.

27 3a.11 This paragraph refers to "major traffic offences" whereas paragraph 3a.15 refers only to "minor traffic offences". At the very least the two paragraphs appear to conflict with each other. It is suggested that both paragraphs should simply refer to "traffic offences", which would avoid the need to define them as "minor" or "major", which has not been done anywhere within the policy.

Non-conviction information

- (27)
Cont. 3a.15 See comments above relating to paragraph 3a.11.

Period of licence

- (28) 3a.18 As the Council has the power to suspend or revoke a driver's licence with immediate effect, if it appears that the interests of public safety require the suspension or revocation to have immediate effect, there would appear to be nothing to be gained by the grant of an initial probationary licence for the period of one year.

It is further suggested that the two licences should be separated and different tests and periods of licence should apply.

In particular, because conditions can be attached to a private hire vehicle driver's licence it is suggested that licences should continue to be issued for three years.

Similarly, if a driver holds both a hackney carriage driver's licence and a private hire vehicle driver's licence, being that currently issued by the Council, the licence should also be issued for three years, because of the conditions attached to the private hire vehicle licence.

However, if a driver chooses to have only the hackney carriage driver's licence, no conditions can be attached, although the driver may be subject to requirements of local byelaws, their licence could be limited to one year, subject to the provisions of the Deregulation Bill, if enacted.

Application process

- (29) 3a.19 Please refer to paragraph 3.2 above in relation to fees being only payable on the grant of a licence.

The Council is also asked to secure improvements to its online payment facilities, because it is currently unable to process payments made using a business debit / credit card and / or registered to an address outside of the Council's administrative area.

New applications

30

3a.20 Whilst most applicants will be over the age of 21 years, not least because of the requirement for an applicant to have held a full category B driving licence for at least three years, it is suggested that to refuse to accept applications from anyone under 21 years of age would amount to unlawful age discrimination contrary to the Equality Act 2010, ss 5, 13 and 31.

31

As the Council requires all applicants to undergo a driver assessment it is difficult to appreciate why the Council also requires a driver to have held a full category B driving licence for three years.

The approach we suggest on behalf of our clients is entirely consistent with the Department for Transport's Best Practice Guidance, paragraphs 69 and 70. In view of the requirements placed on the Council by the Regulators' Code, the Council is asked to give very careful consideration to these matters.

32

3a.21 In relation to the third bullet point in respect of a passport sized photograph of the applicant / driver, it is suggested that it would be preferable if the Council were itself to take a digital photograph of each applicant / driver which would avoid the need to have passport type photographs, let alone having to have them certified as being a true likeness of the applicant / driver.

An applicant / driver has to produce documentary proof of their identity and address, including photo identification, to officers for the purposes of their DBS application. Having established the individual's identity, the officer could take a digital photograph of the applicant / driver. Once taken the digital image could be electronically attached to the individual's electronic records, which would eliminate the chances of passport-sized photographs being misplaced or lost.

33

In relation to the sixth bullet point regarding character references it is suggested that there should be a requirement that the referee has known the applicant for at least two years, but that there should not be a prohibition on a future employer providing a reference. As a matter of fact, private hire operators are not usually employers, because drivers are usually self-employed, but putting that technicality aside, there would appear to be no good reason why such a person should

not provide a reference for someone they may have known for many years.

Renewal applications

3a.22 In relation to the third bullet point, see the comments above in relation to 3a.21, third bullet point concerning passport sized photographs.

34

In relation to the last bullet point, the references to sa.37 and 3a.46 ought to be 3a.38 and 3a.47 respectively, but subject to further changes that may result from this consultation.

35

3a.23 In relation to the requirement for a driver to produce their new DBS certificate in relation to a renewal application, the need to have sight of the certificate would be reduced if the Council extended the use of the online service to the licensing function, because when a certificate were blank the Council would be notified of that electronically by the DBS.

If the Council extended the online DBS service to the licensing function, the Council would only need to ask for those drivers whose certificates were not blank and / or who had not previously subscribed to the update service to produce their new Enhanced DBS disclosure certificate. As the Council would know when a certificate had been issued, it could then write to those drivers requesting them to produce their DBS certificate by a specified date. The use of terms like "within 7 days of the date of receipt" are imprecise and uncertain, whereas a letter requiring production by "no later than 12 midday on Monday, 3 November 2014" is certain and unambiguous.

36

37

The Council asserts that a failure to produce a DBS disclosure certificate "within 7 days of the date of receipt . . . will result in the driver's licence being suspended or ultimately revoked". Firstly, the use of the word "will" fetters the Council's discretion and changes a matter of policy into a rule. The Council may say "may" or even "will usually", but must allow for an exemption to the policy.

38

In this regard, the Council also wrongly asserts that a driver's licence could be "suspended or ultimately revoked" which, in the context of the sentence as a whole, gives the impression that suspension would be the Council's usual first enforcement measure to secure production of the DBS disclosure certificate

and that, if that did not result in it being produced, the Council would then proceed to revoke the driver's licence.

A Council cannot use suspension as an interim measure following the ruling of Singh J in R (on the application of Singh) v Cardiff City Council [2012] EWHC 1852 (Admin), para 105.

39 3a.24 As referred to in respect of the final bullet point of paragraph 3.2 above, the Council must, at the very least, have regard to the judgment of Collins J in R (on the application of Exeter City Council) v Sandle [2011] EWHC 1403 (Admin).

40 However, it is also suggested that it could not have been the intention of Parliament that the renewal of a licence of a driver (vehicle proprietor or private hire operator) that was simply not processed by a local authority before the expiry of their existing licence should be prevented from continuing to exercise the rights of their previous licence simply because of the local authority's administrative failure. After all, if the local authority had determined to refuse the renewal of a driver's licence (vehicle proprietor or private hire operator) they would be entitled, by virtue of the Local Government (Miscellaneous provisions) Act 1976, s 77, to continue to exercise the rights of their previous licence, despite the decision to refuse to renew it. It is respectfully submitted that a failure to determine a renewal application cannot result in a more detrimental outcome for the driver than would have been the case if their application for renewal had been refused.

41 3a.25 The Council is again respectfully referred to the judgment of Collins J in R (on the application of Exeter City Council) v Sandle [2011] EWHC 1403 (Admin).

Arranging DBS, knowledge test and driver assessment

42 3a.26 As referred to above, the Council is asked to extend online DBS applications to the licensing function, which it is hoped would serve to reduce the amount of time demanded of officers and staff to undertake the administrative parts of the licensing application process.

Knowledge test

43 3a.27 On the basis that a topographical knowledge test, such as this, is not required for private hire vehicle drivers in London it is difficult to accept that there is an empirical evidential need for such a test in the largely rural county of Shropshire.

However, as suggested previously within this and the response to the previous consultation, the Council could administer different tests for hackney carriage a private hire vehicle drivers.

It is suggested that all drivers should take a test that assesses the applicant's ability to understand English; undertake simple mathematics to calculate fares and change; licensing laws and rules; customer care; disability awareness; and route planning.

Applicants for a London private hire vehicle driver's licence are required to pass a topographical skills assessment to demonstrate that they can plan a route between two or more locations.

Upon passing such test all applicants would be entitled to a private hire driver's licence to which the Council could legitimately attach conditions, if the applicant was in all other regards a fit and proper person.

Anyone who then wanted to hold a hackney carriage driver's licence could then take the topographical knowledge test of streets, locations, attractions, entertainment venues and general geography of the Council's administrative area.

With regards to this particular test, it is understood that currently 94 per cent of candidates fail the test, resulting in the large number of re-tests, which inevitably has a significant impact on the time demands of officers and staff.

As a matter of fact, currently fewer candidates each year pass Birmingham City Council's knowledge test than Birmingham University awards doctorates! It is a matter of great concern that Shropshire Council's current knowledge test is almost as difficult to pass as that administered by Birmingham City Council.

Whilst standards need to be set and maintained, it is respectfully submitted that if the test is too difficult and / or the pass mark is set too high, the result will be an influx of out-of-district hackney carriages and / or a proliferation of illegal bogus taxi driver working the streets of Shropshire. In its Best Practice Guidance (March 2010), paragraph 75 the Department for Transport cautions local authorities against creating barriers to entry to the trade.

The Council will also appreciate that at paragraph 76 of the said Best Practice Guidance, the Department for Transport also suggests that topographical knowledge tests are unnecessary for private hire vehicles, although, like us, they also suggest a test of an applicant's ability to read a map and plan a route.

To reduce officer time, tests could be administered using computer software that would generate questions randomly from a pool developed by officers and mark the candidate's answers in much the same way as theory and hazard awareness tests are administered by the DSA (Driving Standards Agency).

- (44) 3a.29 If the tests were modified, as our clients request, it would be hoped that there would no longer be a need for such a high volume of re-tests, although re-tests are an inevitable part of administering a test set at an appropriate level.

However, if the number of re-tests were reduced one would hope that it would not be necessary to impose a limit on the number of times a candidate can take a test. In the event that a limit still had to be applied, it would seem inherently unfair to count as a failure a candidate's failure to take the test, whether they had cancelled that test or simply failed to attend for it. After all, the price of non-attendance or late cancellation is forfeiture of the fee.

- (45) 3a.30 A council cannot refuse to accept an application. The Council could, however, accept an application and then, if appropriate, refuse the application, but that would then expose the Council to the litigation risks of an appeal to the magistrates' court.

- (46) 3a.31 It is assumed that this paragraph relates to requirements that might be made by the Council in relation to a disciplinary finding by the Licensing and Safety Sub-committee (or the officer Licensing Panel if, despite our concerns of its lawfulness, the Council preservers with such a decision-making body).

Road safety and ability test (driver assessment)

- (47) 3a.34 As in relation to the knowledge test, it would seem inherently unfair to count as a failure a candidate's failure to take the test, whether they had cancelled that test or simply failed to attend for it. After all, the price of non-attendance or late cancellation is forfeiture of the fee.

- (48) 3a.35 See the comments made in relation to paragraph 3a.30 above.
- (49) 3a.36 See the comments made in relation to paragraph 3a.31 above.

Medical requirements

- (50) 3a.38 It is suggested that this should refer to "mentally and physically fit" and not just "physically fit".
- (51) Whilst the current version of the DVLA publication "At a Glance Guide to the Current Medical Standards of Fitness to Drive" is that of May 2014, it is suggested that it would be more prudent to simply refer to the document, leaving it for the reader to ascertain which version is then the current version.
- (52) 3a.41 Whilst we shall address Appendix G in further detail in due course, it is suggested that it and reference to it ought to be removed from the policy, because it is neither current now nor likely to be in the future. The current guidance is the current guidance and, with all due respect, should be left as just that.
- (53) 3a.44 Although the policy recognises that not all GPs are prepared to carry out private medical assessments, whether that be for the DVLA, the Council or anyone else, the current arrangements can cause substantial delays in securing the provision of medical records by an applicant's / driver's GP to another medical practitioner in another surgery / practice. That is because medical records are still often a combination of old paper records and modern electronic records. Doctors can charge a maximum fixed fee of £10 for the provision of electronic medical records and a maximum of £50 for copying and postage in relation to paper only records or a combination of paper and electronic records. If the Council were to require a medical practitioner to have access to only the applicant's / driver's medical records those records could be quickly, cheaply and easily passed to another medical practitioner. There would be no lowering of the standard, because the details any serious or chronic condition, illness or allergy, etc would be included in the electronic records.

This approach has been accepted by North Tyneside Council who seem not to have encountered any difficulties as a result of its implementation. Conversely, a medical practitioner conducting tests on behalf of many applicants would suggest that he were more likely to diagnose previously undiagnosed conditions, such as diabetes, because he would not rely upon his knowledge of the applicant when their own GP may do so.

54 The Council asserts that the decision of its own Medical Officer will be final. Unless that officer is delegated authority to suspend or revoke a driver's licence the said Medical Officer has no authority to make any such decision. In the circumstances it will be for another officer, Licensing Panel or the Licensing and Safety Sub-committee to make a decision and, of course, their decisions are only final, subject to the statutory rights of appeal.

55 3a.47 In relation to an applicant with a disability, the Council is wrong to assert that it "reserves the right to refuse to grant a licence if deemed appropriate to do so", if an applicant qualifies for a medical exemption from carrying assistance dogs or to give assistance to a person in a wheelchair. With the very greatest of respect, if an applicant meets the medical standard and suffers an allergy from dogs it would be wrong to refuse their application for a licence.

DVLA and other relevant driving licences

56 3a.48 See the comments made in relation to paragraph 3a.20 above.

57 3a.50 From 1 January 2015 the DVLA will no longer issue the paper counterpart. As this policy will not come into force until 1 April 2015, the Council might like to revise this paragraph to reflect how it will manage checking driving records.

The DVLA has already launched an online facility by which an individual can already check their own driving record – see <https://www.viewdrivingrecord.service.gov.uk/driving-record/licence-number?> And it is understood a facility to share this information with a third party is to be introduced.

Alternatively the Council may wish to subscribe to the DVLA's online checking service or access those records through a third party provider, such as Intelligent Data Solutions.

58 3a.52 The objective of this paragraph is unclear.

If it is intended to reassure drivers that copies of their driving licence will not be provided to anyone else, it would be prudent to state that no documents would be provided to others, subject to any legal obligation to do so.

If the intention is to advise drivers that the Council will not furnish a driver with a copy of their own driving licence, the Council could not legally refuse to do so, if an application was

made under the subject access provisions of the Data Protection Act 1998.

Journeys

- 59 3a.59 Whilst this sentence unnecessarily repeats the provisions of the Local Government (Miscellaneous Provisions) Act 1976, s 69, unfortunately, as satellite navigation devices have made abundantly clear over recent years, there are shortest and quickest routes and these are rarely the same!

Any guidance the Council has as to how a driver should ensure that every journey they make is always the shortest in distance and quickest in time would be gratefully received.

Alternatively, the Council might prefer to simply remove this paragraph from its policy.

Vehicles permitted to be driven for private hire and hackney carriage purposes

- 60 3a.60 It is respectfully suggested that the sentence should be modified, so as to read: "Only vehicles licensed by the Council are permitted to be used for hackney carriage or private hire purposes, as specified by the vehicle licence."

Touting

- 61 3a.62 It is suggested that it should be stated that doing as described is a criminal offence, contrary to the Criminal Justice and Public Order Act 1994, s 167 and attracts a maximum fine of £2,500. As this is a recordable offence fingerprints and DNA samples may be taken.

Transporting children

- 62 3a.64 This paragraph and the table therein reflects the position that applies to ordinary motor cars, but not that which applies to hackney carriages and private hire vehicles by virtue of The Motor Vehicles (Wearing of Seatbelts) Regulations 1993 (as amended). The position is correctly stated in Appendix A: Hackney Carriage / Private Hire Vehicle Drivers Licence – Conditions of Licence, paragraph 1.17.

Overcharging

- ⑥3 3a.67 This paragraph does not accurately reflect the true position, which is correctly described in paragraph 3b.49 in relation to long journeys, i.e. those that go outside the zone / district, as the case may be, in respect of which a higher fare was agreed before the journey commenced.

Unauthorised drivers

- ⑥4 3a.69 It is suggested that the heading should refer to "Unlicensed drivers", because, as confirmed by paragraph 3a.61 there are circumstances in which an unlicensed person is "authorised" to drive a hackney carriage.

Unattended vehicles

- ⑥5 3a.70 This paragraph seems to prohibit a driver from ever leaving his vehicle in any street or public place or venue. Quite what the Council is seeking to achieve is unclear, but whatever its objective is, the Council is asked to recognise that the majority of licensed vehicles are also the driver's own car, which they use personally.

Hackney Carriages

Relevant licensable area

- ⑥6 3b.7 Although this does not affect my clients, the transitional arrangements are incomprehensible. That having been said, it cannot be reasonable to require a hackney carriage proprietor to have to change their vehicle to a wheelchair accessible one on the day the policy comes into effect, which appears potentially to be the only meaning that could be ascribed to the first bullet point.

- ⑥7 That having been said, for the benefit of the travelling public, would it not be better to grant grandfather rights to all currently licensed saloon hackney carriages and to simply provide that new licences will only be granted in respect of wheelchair accessible vehicles?

To approach matters in such a manner would ensure that the Council retained a mixed fleet of hackney carriages that would best serve wheelchair users; people with limited mobility who cannot climb into wheelchair accessible vehicles; and the visually impaired who often prefer to use a saloon car, because

they are more familiar with the height, size and seating of such a vehicle.

Intended use of vehicles

- ⑥8 3b.8 The paragraph is an oversimplification of the policy appearing at Appendix H. For example, this paragraph would preclude from licensing a vehicle that was going to spend 60 per cent of its time plying for hire in Shropshire and the rest of the time undertaking pre-booked work (referred to as private hire) across the border in Wales. Conversely, the policy would permit the licensing of the vehicle as a hackney carriage, because it was intended that it would spend the majority of its time plying for hire in Shropshire.

Rather than attempting to summarise the intended use policy in a couple of short paragraphs it is suggested it would be more appropriate for the Council to simply highlight the fact that it has such a policy and that anyone who does not intend to use their vehicle to only ply for hire in Shropshire should pay particular attention to the policy appearing at Appendix H.

Emissions

- ⑥9 3b.14 It should firstly be noted that the European Emissions Standards came into force on different dates for passenger cars and light vehicles.

In relation to passenger cars, Euro 4 came into force in January 2005, Euro 5 came into force in September 2009 and Euro 6 only came into force in September 2014.

In relation to light commercial vehicles, different dates apply to vehicles of different weights and fuel types. By and large, Euro 4 did not come into force until January 2006, Euro 5 until September 2010 and Euro 6 will not come into force until September 2015.

In view of the fact that wheelchair accessible vehicles are likely to be derived from light commercial vehicles, the Council might like to allow such vehicles to remain licensed until later dates than it does in relation to passenger cars.

The Council is asked to reconsider the dates from which these various standards apply and to remove the inconsistencies between the licensing of 'new' vehicles and the renewal of licensed vehicles.

For example in relation to passenger cars, the Council might simply require that any vehicle licensed after 1 September 2016 is Euro 4; after 1 September 2018 is Euro 5; and after 1 September 2021 is Euro 6.

The effect of the above would be to reduce the maximum age of vehicles from 11 years to 9 years to 7 years. Whilst the Council might still regard a vehicle of 7 years of age to be old for a licensed vehicle, it should be born in mind that, if a vehicle is coming out of service at 7 years of age, it has probably been in service since it was 4 or 5 years of age.

Whilst these changes are not opposed, the Council is asked to have proper regard for the financial implications for owner-drivers.

Safety

70

3b.16 The Council is asked to remove this paragraph in its entirety, because all vehicles are constructed to European standards of construction and safety. As a consequence of this, not all vehicles are subject to European New Car Assessment Programme (NCAP) testing and even those that are tested are not necessarily tested as soon as they come to the market.

For example, the Mercedes-Benz V class vehicles that include the Vito (and Vito London Taxi) have just been awarded the top rating of five stars, despite the fact that model of vehicle appears to have been in production for a number of years.

Unless the Council has empirical evidence that there is a need in Shropshire for vehicles to meet these standards, it is respectfully submitted that introducing these standards along with the emissions standards will restrict the number of types available to a very small number, which may not be best suited to being used as hackney carriages (or private hire vehicles).

Other Requirements

71

3b.18 In relation to paragraph (c), there is no need for the Council to require hackney carriages to be black gloss in colour and conversely for private hire vehicles not to be.

In 2011 the Council introduced a means of distinguishing hackney carriages and private hire vehicles, namely the requirements that hackney carriages were to have roof signs and private hire vehicles were not to do so.

This decision was unsuccessfully challenged by a private hire operator (one of my clients) in the magistrates' court. Having already changed its policy on these matters once and successfully defended that decision in the magistrates' court, it would seem indulgent for the Council, once again, to move the goalposts at the expense of the trade when doing so would only contribute to the public's confusion.

72

In relation to paragraph (g), parenthesis ought to appear around "as amended" after the "Road Vehicles (Construction & Use) Regulations 1986".

73

In relation to paragraph (o), the majority of the vehicles that meet the emission standards (and safety standards) the Council proposes are not equipped with a spare pneumatic tyre. The Council is asked to clarify whether it requires a pneumatic tyre or compliance with whatever provision is made by the vehicle manufacturer, whether that is a full size or space saving tyre, tyre repair kit, etc.

Rather than recount the arguments to allow a variety of different means of effecting a temporary repair and / or getting a vehicle to a place of safety, please see the attached documents concerning this matter, including the minutes detailing the decision of North Tyneside Council's Regulation and Review Committee on 12 September 2013.

The Council may appreciate from the Minutes that North Tyneside Council had earlier in 2013 refused to renew a licence for a vehicle it had licensed for a number of years, because it had no spare wheel (and, as it happens, had never had one). As a result of that matter being subject of an appeal, North Tyneside Council undertook an urgent review of its policy, adopted its new policy and renewed the licence thereby rendering the appeal as purely academic.

Application process

74

3b.21 It appears that the paragraphs cross referenced in some of the bullet points are probably wrong, but are not corrected herein in the hope that paragraph numbers will change, because of changes suggested herein.

75

The fifth bullet point fails to recognise that vehicle excise duty may be made by telephone and direct debit, which would make it difficult, if not impossible, for the Council to appreciate for what period excise licence has been purchased. In the

circumstances, it may be most appropriate to leave the enforcement of this matter to other agencies, because the council has not been provided with the means to undertake such checks effectively.

Taximeters

76 3b.22 The second and last bullet points appear to be duplicitous.

77 The third bullet point misleadingly refers to "fares agreed by the Council" when it is assumed the Council means "set", "fixed" or "determined".

MOT requirements

78 3b.23 The third bullet point has the effect of requiring a vehicle to undergo four tests in a 12 month period, which is unlawful contrary to the Local Government (Miscellaneous Provisions) Act 1976, s 50(1), even though the Council states only three tests would be required.

To best illustrate the point, please consider the following example. A vehicle is tested on 1 April 2014 and granted a new licence. It is tested again on 1 August and 1 December 2014, but in order to apply for the renewal of the licence that is to expire on 31 March 2015, the vehicle must undergo a fourth test on or before 31 March 2015.

Furthermore, as already indicated in relation to paragraph 3b.14, a vehicle is unlikely to attain the age of 9 when licensed by the Council, because of the Council's proposed emissions standards.

79 The last bullet point should make it clear that the period of 72 hours of "receipt of the written request".

Renewal of licence

80 3b.25 See previous comments in relation to in R (on the application of Exeter City Council) v Sandle [2011] EWHC 1403 (Admin).

Vehicle not fit for the conveyance of passengers

81 3b.27 This paragraph seems confused. An authorised officer (and not the Council) may suspend a vehicle licence under the Local Government (Miscellaneous Provisions) Act 1976, s 68. If suspended the licence is deemed revoked under s 60, if not

restored within two months. On the other hand, the Council may suspend under s 60, but in that case it cannot require the return of the plate under s 58 of the said Act.

Ranks

- 82 3b.32 The Council is asked to distinguish between a hackney carriage (or private hire vehicle) driver stopping for only as long as necessary to drop off or pick up a fare and those who may be parked illegally or creating an obstruction.

The Council is respectfully referred to the judgment in R (on the application of Makda) v The Parking Adjudicator [2010] EWHC 3392 (Admin).

LPG converted vehicles

- 83 3b.35 As was stated by the Council in its previous version of this policy, there is no longer a LPGA certificate. A vehicle can be checked against the online register by entering its registration number at <http://www.drivelpg.co.uk>

- 84 3b.36 See the comments in relation to paragraph 3b.27, because the powers of suspension are confused between those that can be exercised by an authorised officer and by the Council itself.

Licence conditions

- 85 3b.38 The Council wrongly asserts that conditions are in addition to the requirements of the policy. Whereas the licence holder must comply with the conditions attached to their licence (and any statutory requirements) they and the Council are not bound by the Council's policy from which the Council may depart.

Inspections

- 86 3b.42 It would be helpful if the Council made it clear that the maximum of three inspections permitted by the Local Government (Miscellaneous Provisions) Act 1976, s 50(1) are the total number of inspections the Council may require in any period of 12 months, including routine inspections.

Accidents

- 87 3b.44 It is suggested that the Council should insert the word "also" between "must" and "report" on the second line to make it clear that this is an obligation in addition to the requirements of the

Road Traffic act 1988.

Production of documents

- (88) 3b.45 It would be useful if the Council indicated at whose request and to whom documents were to be produced.

Transporting children

- (89) 3b.47 See the comments in relation to paragraph 3a.64 above.

Ranks

- (90) 3b.48 For the purposes of clarity, the Council should also make it clear that, if the location of a rank is on private land, the Council must obtain the permission of the landowner.

The Council might also like to specifically consider the position in relation to the provision of ranks on railway land in respect of which a very useful analysis is contained in *Jones & Tighilt v First Greater Western Ltd* [2013] EWHC 1485 (Ch). The decision was unsuccessfully challenged in the Court of Appeal, which is reported at [2014] EWCA Civ 301.

Fares

- (91) 3b.50 This paragraph is inconsistent with 3b.49 above. See also the comments in relation to paragraph 3a.67 above.

Private Hire Vehicles

Summary

- (92) 3c.3 To state that the Council "does" not limit the number of private hire vehicles that it will license gives the false impression that the Council could do so – it "cannot" do so by virtue of the Local Government (miscellaneous Provisions) Act 1976, s 48(1).

Emissions

- (93) 3c.8 See the comments in relation to paragraph 3b.14 above.

Safety

- (94) 3c.10 See the comments in relation to paragraph 3b.16 above.

Other requirements

- 95 3c.12 In relation to paragraph (a), the Council is asked to consider whether such requirements are unnecessary. The department for Transport published guidance in 2011 advocating the possibility of licensing motorcycles as private hire vehicles, although neither of my clients has any aspiration to introduce motorcycle private hire vehicles, even if they were permitted by the Council.

The licensing of motorcycles as private hire vehicles would also affect paragraphs (e) and (f).

- 96 In relation to paragraph (c), see the comments in relation to paragraph 3b.18, paragraph (c) above.

Transitional provisions

- 97 3c.13 If the Council accepts the submission made in relation to paragraph 3b.18, paragraph (c) above, this paragraph may be deleted in its entirety.

Application process

- 98 3c.16 See the comments in relation to paragraph 3b.21 above in relation to the fifth bullet point concerning vehicle excise duty.

MOT requirements

- 99 3c.17 In relation to the second bullet point see the comments in relation to paragraph 3b.23 above.

Renewal of a licence

- 100 3c.19 See previous comments in relation to R (on the application of Exeter City Council) v Sandle [2011] EWHC 1403 (Admin).

Vehicle not fit for the conveyance of passengers

- 101 3c.21 See the comments in relation to paragraph 3b.27 above.

Meters

- 102 3c.25 In relation to the third bullet point, reference should be made to the private hire operator's tariff and not that determined by the Council.

LPG converted vehicles

(103) 3c.28 See the comments in relation to paragraph 3b.35 above.

(104) 3c.29 See the comments in relation to paragraph 3b.27 above.

Limousines, novelty vehicles and vintage vehicles

(105) 3c.31 There appears to be a tension between "certified copies" which are presumably photocopies and "photocopies" that will not be accepted by the Council.

(106) 3c.32 Stretched vehicles are not necessarily imported.

(107) 3c.37 In relation to the first bullet point, the Council is asked to revise the wording to make it clear that it will license vehicles that are as manufactured, irrespective of the level of tint to glass rear of the 'B' pillar.

Licence conditions

(108) 3c.38 See comments in relation to paragraph 3b.39 above.

Main legal requirements

Inspections

(109) 3c.40 See comments in relation to paragraph 3b.42 above.

Production of documents

(110) 3c.43 See comments in relation to paragraph 3b.45 above.

Transporting children

(111) 3c.45 See the comments in relation to paragraph 3a.64 above.

Ranks / stands

(112) 3c.46 For the avoidance of doubt, the Council is asked to make it clear that a private hire vehicle cannot "stop, wait or park" on a taxi rank.

Private Hire Operators

Period of licence

(113)

- 3d.2 The Council will appreciate the clause 11 of the Deregulation Bill that is presently proceeding through Parliament will, if enacted and implemented, require councils to grant private hire operator licences for five years.

Criminal record disclosure

(114)

- 3d.7 It would be illegal for the Council to require a private hire operator or a director, company secretary, manager or anyone else to undergo an Enhanced DBS check, because the position of "private hire operator" is not an occupation included in The rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended).

A number of years ago, the CRB (Criminal Records Bureau that was the predecessor to the DBS / Disclosure and Barring Service) had to give that advice to a neighbouring authority when it illegally undertook such checks and refused to desist from continuing to do so. It is assumed the Council will accept the legal limitations and restrict its requirements to a Basic Disclosure certificate from Disclosure Scotland for sole traders, partners, members of LLPs and directors and company secretaries of limited companies.

- 3d.8 In the event that the above is accepted, the whole of this paragraph may be removed from the policy.

Operator's premises

(115)

- 3d.11 The Council is asked to remove this paragraph or, at the very least, to acknowledge that a licence can be granted in the absence of planning permission and vice versa. It is after all the position that an operator could not operate legally without both consents being in place. The same applies also in relation to the licensing of premises under the Licensing Act 2003 in respect of which the statutory guidance expressly states that there should not be a requirements for planning permission before entertaining an application for or granting a licence.

Vehicle not fit for the conveyance of passengers

(116)

- 3d.18 See the comments made in relation to paragraph 3b.27 above.

Licence conditions

- (117) 3d.20 See the comments in relation to paragraph 3b.39 above.

Transporting children

- (118) 3d.23 see the comments in relation to paragraph 3a.64 above.

Part 4 – Compliance, enforcement and complaints

Compliance and enforcement

- (119) 4.1 If the Council has authorised officer of Telford & Wrekin Council it is requested to expressly state that to be the case and to make it clear that to fail to cooperate with one of their duly authorised officers would be as much an offence under the Local Government (miscellaneous Provisions) Act 1976, s 73 as it would be in respect of an authorised officer of Shropshire Council or a police constable.

If officers of Telford & Wrekin Council have not been so authorised by Shropshire Council, the council should state that licence holders are encouraged to cooperate with officers of all other authorities and to warn that a dim view will be taken of a licence holder being uncooperative without good cause, i.e. an officer failing to identify themselves or produce evidence of their authorisation.

- (120) The Council is also asked to append to this policy a copy of its Regulation and Enforcement Policy, referred to therein.

Part 6 – Licensing contact details

- (121) **Contact details**

The Council is asked to also include website address, particularly to relevant pages and that in relation to online payments, as well as a telephone number, if different, for the making of payments by telephone.

Appendices

Appendix A – Hackney carriage, private hire vehicle and joint drivers licence: conditions of licence

- (122) The conditions detailed herein can only be attached to a private hire vehicle driver's licence.

The conduct of a hackney carriage driver may only be regulated by byelaws. In this regard see *Wathan v Neath Port Talbot County Borough Council* [2002] EWHC 1634 (Admin).

- (123) As referred to above, the Council is asked to issue separate licences for hackney carriage drivers and private hire vehicle drivers.

General

(124)

- 1.0 The list of conditions is (and must be) finite. A licence holder has a right to appeal against the attachment of any condition to their licence and, if the conditions attached to it are not finite, as the Council asserts, the licence holder's right to challenge any such unspecified / unwritten conditions would be thwarted. In essence, the proposition flies in the face of the principles of natural justice, let alone the human Rights Act 1998.

Policy cannot be inferred to be part of and a condition of licence. Policy may change during the period of a licence and, of course, as the Council may depart from policy, there would always be uncertainty as to what was a condition and what was not or need not be a condition of licence.

Fit and proper person

(125)

- 1.3 Does "criminal offence" include driving or motoring offences. Whether it does or not, the Council is asked to express the position more clearly.

Driver's badge and licence

(126)

- 1.5 The display of a photocopying, produced by the licence holder, of their licence on the inside of the windscreen of their vehicle is going to lower, rather than heighten safety standards. If licensed drivers are to display a photocopy, it will make it much easier for bogus drivers to produce a counterfeit copy licence to give themselves the appearance of legitimacy.

Conduct

(127)

- 1.7 In relation to the fifth bullet point it should be noted that, if a fixed fare is charged, it does not matter whether a driver takes the longest or shortest route, because this will not affect the fare the customer is charged. In the circumstances it may be appropriate to include a caveat to that effect.

- (128) 1.8 In relation to the second bullet point, it is suggested that the wording be changed to: "allow any person to drive a vehicle unless they are licensed and authorised to do so by the proprietor and insured."

- (129) In relation to the third bullet point see the comments in relation to paragraph 3a.70 above.

- (130) 1.10 Would be better placed after 1.11.

Change of particulars

- (131) 1.13 See comments in relation to paragraph 3a.50 above in relation to the requirement to produce "both the paper and plastic photo card licence".

Roof signs

- (132) 1.14 It is inappropriate to attach a condition concerning a roof sign on a hackney carriage when the conditions can only relate to the private hire vehicle driver's licence.

Passengers

- (133) 1.15 There should be no reference to "hackney carriage" in the conditions attached to a private hire vehicle driver's licence.

Lost property

- (134) 1.18 After "After fare" and before "passengers" the word "paying" has been omitted.

- (135) 1.19 The Council is urged to remove this condition that requires the application of an antiquated and out-dated method of operation now abandoned by almost all local authorities, which results in vehicles travelling unnecessarily without passengers and creating unnecessary emissions. The Council is encouraged to apply the requirements of 1.20 irrespective of where a vehicle is when it has dropped off a passenger and waiting for its next booking.

Meters

- (136) 1.22 The third and fourth bullet points apply to private hire vehicles the restrictions that apply to hackney carriages. The basis on which a charge is made for a private hire vehicle is a matter between the operator and the customer. Whilst it is common

practice for many journeys to be charged from pick up to drop off, it is also common for certain types of work to be charged on a from base to return to base basis.

Identification plates

- (137) 1.25 It is suggested that the words "being used for hackney carriage or private hire purposes" be deleted and replaced with the word "licensed".

Complaints

- (138) 1.28 It is presumed this condition was intended to apply to hackney carriage drivers. In the circumstances it should be removed, because a customer with a complaint about a private hire vehicle driver would be expected to make that complaint to the private hire operator who would either deal with the matter to the customer's satisfaction and / or advise of their right to report to the Council and / or police, as appropriate.

Appendix B – Hackney carriage vehicle licence: conditions of licence

General

- (139) 1.0 The list of conditions is (and must be) finite. A licence holder has a right to appeal against the attachment of any condition to their licence and, if the conditions attached to it are not finite, as the Council asserts, the licence holder's right to challenge any such unspecified / unwritten conditions would be thwarted. In essence, the proposition flies in the face of the principles of natural justice, let alone the human Rights Act 1998.

Policy cannot be inferred to be part of and a condition of licence. Policy may change during the period of a licence and, of course, as the Council may depart from policy, there would always be uncertainty as to what was a condition and what was not or need not be a condition of licence.

LPG converted vehicles

- (140) 1.3 See the comments in relation to paragraph 3b.35 above.

External vehicle licence plates

- (141) 1.7 The words "or driver of a hackney carriage" should be deleted and at the end of the paragraph the words "by anyone else" should be added.

Interior markings

- (142) 1.9 To whom is it intended the markings shall be clearly visible – passengers in the vehicle or to people, including passengers, from outside the vehicle?

Ranks and order of working

- (143) 1.19 This would be a condition attached to a hackney carriage driver's licence, if it were possible to attach such a condition to a hackney carriage driver's licence. It is, however, outwith the control or ability of a proprietor to manage such matters.

Taximeters

- (144) 1.23 This is also a driver condition and should be removed from the proprietor's licence

Roof signs

- (145) 1.24 Contrary to what is stated, there should be a means of switching off the roof sign, because when a vehicle is not hired, having possibly dropped off a passenger in another zone / district, the illumination of the roof sign gives the impression that the hackney carriage is (unlawfully) plying for hire in that other area.

Insurance

- (146) 1.27 This condition is unnecessary and superfluous in that it duplicates a statutory provision.

Vehicle excise duty

- (147) 1.29 This condition is unnecessary and superfluous in that it duplicates a statutory provision.

Inspection / examination

- (148) 1.32 This condition is unnecessary and superfluous in that it duplicates a statutory provision.

Convictions

- (149) 1.33 Does "criminal" include driving or motoring offences? Whether it does or not, the condition should be explicit.

Appendix C – Private hire vehicle licence: conditions of licence

General

- (150) 1.0 The list of conditions is (and must be) finite. A licence holder has a right to appeal against the attachment of any condition to their licence and, if the conditions attached to it are not finite, as the Council asserts, the licence holder's right to challenge any such unspecified / unwritten conditions would be thwarted. In essence, the proposition flies in the face of the principles of natural justice, let alone the human Rights Act 1998.

Policy cannot be inferred to be part of and a condition of licence. Policy may change during the period of a licence and, of course, as the Council may depart from policy, there would always be uncertainty as to what was a condition and what was not or need not be a condition of licence.

Test requirements

- (151) 1.2 This paragraph seems to duplicate the requirements of paragraph 1.29 in relation to accidents.

LPG converted vehicles

- (152) 1.3 See the comments in relation to paragraph 3b.35 above.

External vehicle licence plates

- (153) (1.7)
1.4 The third bullet points fails to acknowledge the provisions of the Local Government (Miscellaneous Provisions) Act 1976, s 75(1)(d)(ii), which exempts the proprietor from the requirements of displaying plates, signage, etc when a vehicle is hired for a period of more than 24 hours. Whilst it is accepted that this will rarely occur, it is wrong for the Council to falsely assert that the licence plate(s) must be displayed at all times.

Interior markings

- (154) 1.9 The terms for payment are a matter between the private hire operator and the customer and not a matter for the Council in relation to private hire vehicles. Furthermore, there is no reason why a driver should not require pre-payment if, for example, the customer has a history a non-payment of fares.

Meters

- (155) 1.20 The first and last bullet points apply to private hire vehicles the restrictions that apply to hackney carriages. The basis on which a charge is made for a private hire vehicle is a matter between the operator and the customer. Whilst it is common practice for many journeys to be charged from pick up to drop off, it is also common for certain types of work to be charged on a from base to return to base basis.

Damage to vehicles

- (156) 1.29 As stated in relation to paragraph 1.2, this paragraph seems to duplicate the requirements of paragraph 1.2 in relation to test requirements.

Convictions

- (157) 1.31 Does "criminal" include driving or motoring offences? Whether it does or not, the condition should be explicit.

Appendix D – Private hire operator licence: conditions of licence

General

- (158) 1.0 The list of conditions is (and must be) finite. A licence holder has a right to appeal against the attachment of any condition to their licence and, if the conditions attached to it are not finite, as the Council asserts, the licence holder's right to challenge any such unspecified / unwritten conditions would be thwarted. In essence, the proposition flies in the face of the principles of natural justice, let alone the human Rights Act 1998.

Policy cannot be inferred to be part of and a condition of licence. Policy may change during the period of a licence and, of course, as the Council may depart from policy, there would

always be uncertainty as to what was a condition and what was not or need not be a condition of licence.

Employment of private hire drivers and other staff

- (159) 1.2 A private hire operator may not ask a driver or an applicant for a driver's licence whether they have convictions, because they are not a licensing authority that requires the information for the purposes of determining a licensing application.

In the circumstances, a private hire operator can neither ask for such information from drivers, applicants or other members of staff who do not require a licence in their own right.

The Council is invited to wholly remove this unworkable condition, because it is neither reasonable nor necessary by virtue of being illegal.

- (160) 1.5 The reference to a "vehicle operator" ought to be to a "vehicle proprietor". This paragraph seems to wrongly attempt to impose upon a private hire operator a duty to retain a private hire vehicle driver or proprietor's licence when that is a statutory duty that applies to a hackney carriage proprietor in relation to a driver's licence. Paragraph 1.20, paragraph (f) correctly recognises that a private hire operator should hold a copy of the driver and proprietor licences.

- (161) 1.7 It would be more useful if this paragraph stated in clear English what was required of the operator, because most people, including lawyers, would not immediately appreciate what responsibilities an operator was expected to make their drivers and staff aware of in relation to the Criminal Justice and Public Order Act 1994. I assume it is an oblique reference to the offence of touting provided by section 167, but even that would not be sufficient to ensure that an operator were able to understand what it was they were expected to do.

Insurance

- (162) 1.10 The stated requirement for a private hire operator to have Employer's Liability insurance duplicates a statutory provision and should not, therefore, be included in these conditions, applying the requirements of the Regulators' Code.

Operator's premises

- 163 1.12 Although pedantic, as a matter of law, the act of dispatching private hire bookings is not a licensable activity, albeit an inevitable part of the process of providing a customer with a private hire vehicle. In the circumstances this could be done from elsewhere, although that would be unusual.

Take for example the situation in which a private hire operator using a computerised booking and dispatch system is able to accept, but not dispatch vehicles from their licensed office, because of a system fault. In those circumstances the operator could perfectly lawfully dispatch those bookings from another location, as long as the computer system recorded the details prescribed by the conditions attached to the licence.

In the circumstances, the Council is invited to modify the wording of this condition.

Standards of service

- 164 1.14 Whilst such matters should be for the operator to set, because good operators will set high standard and grow and become more successful whereas those who set low standards will flounder and fail. The public are better served by genuine competition rather than forcing the poorest performing of operators to meet minimum standards.

- 165 In relation to the first bullet point there should be no requirement in this day and age for an operator to have "adequate telephone facilities and staff". Bookings can be taken using a plethora of technologies, such as online and by smartphone App. Indeed, it is entirely possible for a booking to be made by App, processed and dispatched by computer and to have no human input, other than that of the customer, in the booking and dispatch process.

To adopt the sentiment of Kennedy LJ in *Murtagh (t/a Rubery Rednal Cars) v Bromsgrove District Council* (1999) Independent, 20 November, QBD the conditions of licence (his Lordship said "law" should reflect the state of technology and not be years behind it.

Taking bookings and retaining records

- 166 1.15 Subject to clause 12 of the Deregulation Bill receiving Royal Assent and being implemented, it will be lawful for a private hire operator to sub-contact a booking to another licensed

private hire operator anywhere in England and Wales or an operator in Scotland.

(167) 1.19 The Council is asked to revise paragraph (e) in order to expressly permit a customer to place a booking without specifying a destination, as long as the destination is recorded upon completion of the journey, which will now often happen with GPRS tracking correcting or updating the information given by the customer at the time of booking.

(168) 1.21 This paragraph duplicates a duty placed on drivers. In the absence of empirical evidence to show that a duplication of effort is necessary, the Council is asked to remove this condition from private hire operator's licences. In the event that the Council requires such information it can always obtain that information at any time, as reinforced by the imposition of paragraph 1.23.

(169) 1.22 This paragraph duplicates a duty placed on drivers. In the absence of empirical evidence to show that a duplication of effort is necessary, the Council is asked to remove this condition from private hire operator's licences. In the event that the Council requires such information it can always obtain that information at any time, as reinforced by the imposition of paragraph 1.23.

Drivers who may lawfully be used

(170) 1.29 It is suggested that the words "a vehicle that the operator is using as" at the end of the paragraph be deleted and replaced with "licensed by the Council".

Complaints

(171) 1.32 In the absence of a definition as to what is a query and what is a complaint, it is suggested that the paragraph be revised to require an operator to report all complaints that they have been unable to resolve to a customer's satisfaction within 14 days. After all, many queries are received by customer's asking where their car is when they have booked on the basis that a vehicle will be dispatched to them as soon as possible. Some customer's may regard such matters to be complaints whereas the operator would regard them as a query and provide up-to-date information as to when a vehicle is to be dispatched and / or reach the customer.

- (172) 1.34 Whilst responsible operators would always want to follow a "reasonable directions / instructions" it is considered inappropriate to include such a provision as a condition of licence, because no-one, not even the Council is likely to have any idea at present as to what the nature of such directions / instructions may be. It would be wrong to include such an imprecise condition when a breach of a condition of a private hire operator's licence is a matter that could be dealt with by way of criminal prosecution under the Local Government (Miscellaneous Provisions) Act 1976, s 56(5).

Use of the words 'taxi', 'cab' and 'hire' in advertisements

- (173) 1.35 Whilst it is accepted that the prohibited words should not appear on a private hire vehicle, the reality is that the public use the word "taxi" and expect to find it when looking for information about private hire vehicle services. Officers and Members like the populous at large probably ask for a "taxi" when telephoning a private hire operator to book a private hire vehicle. When using a telephone directory or searching the web for a private hire operator we probably all search for a "taxi company", even though myself, officers and Members alike all know we are technically looking for a provider of a private hire vehicle service.

In all the circumstances, the Council is asked to amend the paragraph in order to allow the use of the prohibited words in advertising mediums other than on private hire vehicles.

Convictions

- (174) 1.41 Does "criminal" include driving or motoring offences? Whether it does or not, the condition should be explicit.

Appendix E – Plying for hire

- (175) The Council is urged to wholly remove this appendix from the policy, because it seeks to define what the courts have avoided defining for over 170 years as it is indefinable and requires each case of allegedly unlawfully plying for hire to be judged on its own facts.

Whilst some of the points can be accepted, there is no case law that the author is aware of that prohibits a driver from passing a booking to an operator or prevents an operator from accepting such a booking.

Consider the situation of a businessman visiting a customer in the area. He books a private hire vehicle to take him from the railway station to a customer's premises and, having telephoned another customer on the journey, he asks the driver to arrange for a car to pick him up from the first customer's premises in one hour and to then take him to a second customer before picking him up to take him back to the railway station in a further hour.

If the driver declined to do so, the businessman would rightly think little of the driver or the company with which he had booked and call another company. Such services are not about cheating the hackney carriage trade out of work, but about providing good customer service to customers.

Appendix F – Relevance of criminal convictions and cautions

Introduction

176

- 1.3 Whilst it is true that the Council cannot go behind a conviction, the Council should have regard to the judgment of Mrs Justice Andrews DBE in *Pinnington v Transport for London* [2013] EWHC 3656 (Admin). In that regard, see the comments made in relation to paragraph 2.4 above.

The Council's approach when considering convictions

177

- 1.14 By virtue of the decision of Singh J in R (on the application of Singh) v Cardiff City Council [2012] EWHC 1852, paragraph 105 a council cannot suspend a licence as an interim measure.

Appendix G – Additional medical fitness guidance

178

The Council is encouraged to withdraw this additional guidance, because it is out of date – the provisions relating to insulin treated diabetes changed on 15 November 2011 by virtue of The Motor Vehicles (Driving Licences) (Amendment) Regulations 2011.

The fact that the guidance is almost three years out of date is evidence of how difficult it is to keep this information up-to-date and correct. If it is not up-to-date and correct the Council and applicants are likely to be misled. In all the circumstances the Council is encouraged to simply refer to the current version of the DVLA publication "At a Glance Guide to the Current Medical Standards of Fitness to Drive".

If anything herein requires further information or clarification, please do not hesitate to contact me.

Yours faithfully,