
From:
Sent: 25 January 2019 13:39
To: Taxis
Subject: Executive policy consultation

Hi

① Having read through the proposal following the strategic committee meeting I would like to comment as below.

There is a paragraph relating to the type of vehicle allowed as being a large family sized vehicle and must be of the highest specification, which is fine. However if that paragraph stands then this renders the following paragraph as unnecessary, where examples of vehicles are listed as what would be acceptable.

As I have commented in the past this, this is a rural area, and whilst there is a market for executive work it's not like a city where the volume would be much higher and so would the rates available.

I would therefore propose that the paragraph of acceptable vehicle be removed from the proposed policy.

Sent from my iPhone

From:
Sent: 10 January 2019 12:13
To: Taxis
Subject: taxi fees consultation

TAXI FEES CONSULTATION

To the Taxi Department

I am in the process of moving to Shropshire, and start my new Taxi/Hackney carriage business

I have been in the taxi business for 18 years, and I have seen a lot of changes over the years, and many changes to come in the taxi business going all electric or hybrid.

It seems a lot of costs are forwarded on to the drivers, increase in fees, increase in new taxi prices, increase in fuel and add blue, to buy a new taxi with wheelchair access starts at £37999 to £65000, cab-direct, voyager mpv ltd, mercades vito taxi, and LEVC are the main taxi dealers.

My proposal would be

- ① New taxis should have one MOT a year for up to 10 years old, inspected in ANY independent MOT station, and keep the new proposed licensing fees.
IN WOLVERHAMPTON a new taxi has one MOT a year for up to 10 years old.
- ② TAXI ranks should be clearly marked out, in Shropshire, stating not for private hire.
- ③ Door signs are deliberately damaged by the customers, they should pay for replacement, why is the driver getting penalised, reinstatement of any signage should be free.
- ④ Transferring of the plates is far too expensive, it should be about £30.00.
- ⑤ Large private hire companies, should pay a larger amount of fees, because they are dominating the taxi and private hire business with hundreds of drivers, they are taking away work from traditional taxi ranks, the black cabs is a British icon, and an Ambassador for Shropshire.

If Shropshire council want to attract professional drivers who are willing to invest in the new state of the taxis, the taxi fees have to be competitive.

From experience passengers don't mind paying a little extra, as long as the driver has a nice clean taxi, the driver knows where he is going, even with a sat nav, and can hold a nice civil conversation.

Kind Regards

From:
Sent: 31 January 2019 19:01
To: Taxis
Subject: HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING CONSULTATION 2019

Dear Sir/Madam

I have been in the taxi and Private hire business for 18 years, currently I am and looking to move to the Shropshire borough

I would like to make some comments based on my experience.

1. All brand new taxis and private hire vehicles should have ONE MOT inspection per year for up to at least 10 years, then 2 inspections a year.
PLEASE TAKE IN CONSIDERATION HOW EXPENSIVE THE NEW TAXI ARE TO PURCHASE.
2. MOT inspection at any MOT garages.
3. All new hackney carriage and private hire should be Euro 6 and newer, this will help air quality in Shropshire.
4. All new potential drivers should be living in UK for 7 to 10 years, no criminal history
5. All hackney carriage should be black in colour and private hire PINK with YELLOW spots, easy to differentiate and signs showing PRE-BOOKINGS ONLY
6. Vehicles older than 10 years should be MOT inspected 2 times a year
7. Opening up of the zones is a good idea, there should be TAXI RANKS CLEARLY MARKED OUT ALL OVER SHROPSHIRE, NOT PRIVATE HIRE RANKS.
8. There are some very large private hire companies, who should be paying large operators fees to, as they are clearly DOMINATING the work.
9. Large private hire companies should be accountable for their drivers' actions too, they should be fined every time a private driver is caught plying and touting for hire as well as the driver.
10. To attract quality of drivers to Shropshire, there needs to be some leniency, in Vehicles-inspections, knowledge-tests, you should understand State of art GPS and satellite navigation systems, are fitted in every vehicle. plus TOMTOMS AND GOOGLE MAPS and other popular APPS available on every mobile phone.

Kind Regards

From:
Sent: 04 February 2019 16:00
To: Taxis; Mandy Beaver
Subject: Re Response to Consultation for Hackney Carriage and private Hire policy 2019 to 2023

Dear Licencing,

- ① Having read the amended policy I am astounded to see that the most problematic section of 3d.34 Emissions/ Age Restrictions has not been amended.

We strongly advise that the section for New Diesel vehicles that states Euro 6 and where date of first registration is on or after 1st September 2016, THIS NEEDS TO BE AMMENDED AS WE WILL NOT BE ABLE TO COMPLY WITH IT ON AN AFFORDABILTY BASIS.

I have done some research and have found that the cheapest vehicle that complies with the proposed policy are Ford Mondeos and that would cost around £10,500.00 and that would be with over 100,000 miles on the clock. As this does not make for good business, I will be forced to licence out of area.

This will be the case for most other drivers, Shropshire Council will therefore have no jurisdiction over the vehicles that are driving in Shropshire, with this in mind can you please come up with a sensible policy that is friendly to both business and the public.

As I have said in my previous responses the only way is to have an age limit and I would suggest 8 years for New applications, and 10 years for renewals.

I would rather licence my vehicles with Shropshire Council, but if the policy is left unamended, I will be left with either not renewing the vehicles until 2022, or licensing with other licencing authorities that are more bussines friendly.

From:
Sent: 18 January 2019 09:17
To: Taxis
Subject: FW: Exec Policy

From:
Sent: 18 January 2019 09:15
To:
Subject: Re: Exec Policy

Thank you Mandy.

- ① My only comments are that once again a condition has been included where a list of suitable vehicles has been offered as examples of those that would be accepted for executive plating.

My argument about this would be the same as it was when this was done last time. This is Shrewsbury. It's not a city. It's a rural town where rates for taxis have always been very low compared with city areas. Also the volume of this type of work is limited. Owners can not be expected to pay out 60/80k for a vehicle to operate here.

Personally I would say the condition needs to say large top of the range family sized vehicles with climate control and alloy wheels and leather seating. I don't feel that in this sort of area it is necessary to specify unaffordable cars.

Please include this into any consultation area that may happen.

Many thanks.

Regards,

On 18 Jan 2019, at 08:53,

wrote:

Good morning,

The information was put onto the website on Tuesday please see the link below.

<https://shropshire.gov.uk/committee-services/ieListDocuments.aspx?CId=166&MId=3868&Ver=4>

If you have any queries please let me know.

Licensing Manager
Shropshire Council
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND

Our Ref: CW / ST
Your Ref:
Date: 11 February 2019
Please ask for:

Sent by email only to:
taxis@shropshire.gov.uk

Dear Sir / Madam,

**Response of
to the further consultation in respect of the proposed amended draft Hackney
Carriage and Private Hire Licensing Policy**

I represent _____ which trades as _____
of _____

Although my client welcomes some of the changes the Council has made to the draft policy in response to the original consultation, there is one area that still causes great concern: the Council appears to have disregarded the majority of responses it received in relation to the specification of diesel vehicles.

The Council's amended draft policy presented to the meeting of the Strategic Licensing Committee on 23 January 2019 provides:

- from 1 April 2019 new licences will only be granted to Euro VI vehicles; and
- from 1 April 2022 a licence will only be renewed if the vehicle is Euro VI compliant.

The Council seems to have adopted a vehicle specification in relation to diesel vehicles that is unnecessarily and unreasonably aspirational in an attempt to go beyond what is necessary to reduce emissions from diesel vehicles.

My client's concern is that the Council's proposed approach will have no impact whatsoever on emissions, as it will simply force both new applicants and those facing renewal, who do not have Euro VI compliant vehicles, to license themselves and their

vehicles with other authorities and to avail themselves of the opportunity to work for an operator in Shropshire who holds an operator's license in that other area.

The Council is respectfully invited to re-consider its proposed approach.

My client proposes the introduction of a 10-year age policy in respect of all diesel vehicles (new applications and renewals). This would remove the older, more polluting, vehicles from the county while at the same time not placing an unmanageable financial burden on proprietors which would force them to license elsewhere.

As a general rule, members of the trade buy ex-lease vehicles, which have been well maintained, when they come out of contract between 2 and 5 years from first registration and aim to use them for between 4 and 7 years. In the circumstances, whether a vehicle is bought aged 2+ and retained for 7 years or bought at 5+ and retained for 4 years, a 10-year age policy accommodates the buying practices of the majority of the trade.

I trust that the Council will review and reconsider its position on this topic in view of the potentially detrimental effect adopting the wrong policy for the right reasons could have on the environment, the trade and the Council's licensing fee revenue that could contract to such an extent that jobs would be at risk.

Please kindly acknowledge safe receipt of this letter and advise of the date of the meeting of the Strategic Licensing Committee at which this and any other representations will be considered, as my client might like for me to attend to make representations in person and to answer any questions Members might have.

Yours faithfully,

Email:

Mobile:

RECEIVED
11 FEB 2019
BY: _____

To:
Shropshire Council Strategic Licensing Committee
Shirehall,
Woodfield Road,
Shrewsbury,
SY38LU

Date: 4th February 2019

① I wish to petition against the amended Hackney & Private Hire Policy that was put out to further consultation on the 23rd January 2019.

I strongly disagree with the paragraph 3d.34 Renewal/New Application, which states that a New Private Hire vehicle application must be Euro 6 & no older than 1st September 2016.

If this policy is continued with, drivers will have no option but to licence out of the area & Shropshire Council will then have no jurisdiction over the vehicles that are driving within Shropshire.

Most drivers will not be able to afford the cost of purchasing a 2016 – Euro 6 vehicle.

As Private Hire drivers we feel that the policy is to have an age limit of new applications up to 8 years old, & renewals up to 10 years old.

Full Name:
Badge Number:
Signature: _____
Date: 07/02/19.....

To:
Shropshire Council Strategic Licensing Committee
Shirehall,
Woodfield Road,
Shrewsbury,
SY38LU

Date: 4th February 2019

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Date.....

.....S:2:19.....

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SY38LU

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Full Name:

Badge Number

Signature

Date... 6./2.19.....

To:
Shropshire Council Strategic Licensing Committee
Shirehall,
Woodfield Road,
Shrewsbury,
SY3 0LU

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Full Name:

Badge Number:

Signature:

Date: 04/02/2019

To:
Shropshire Council Strategic Licensing Committee
Shirehall,
Woodfield Road,
Shrewsbury,
SY3 6LJ

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Signature..

Date 06/04/2019

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Shropshire Council Strategic Licensing Committee
Shirehall,
Woodfield Road,
Shrewsbury,
SY38LU

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Shirehall,
Woodfield Road,
Shrewsbury,
SY38LU

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SY3 6LD

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Shrewsbury,
SY38 1J

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To:
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Shirehall,
Woodfield Road,
Shrewsbury,
SY36LU

Date: 4th February 2019

I wish to petition against the amended Hackney & Private Hire Policy that was put out to further consultation on the 23rd January 2018.

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If this policy is continued with, drivers will have no option but to licence out of the area & Shropshire Council will then have no jurisdiction over the vehicles that are driving within Shropshire.

Most drivers will not be able to afford the cost of purchasing a 2016 - Euro 6 vehicle.

As Private Hire drivers we feel that the policy is to have an age limit of new applications up to 8 years old, & renewals up to 10 years old.

Full Name:

Badge Number:

Signature:

Date: 05/02/19

To:
Shropshire Council Strategic Licensing Committee
Shirehall,
Woodfield Road,
Shrewsbury,
SY38 1JJ

Date: 4th February 2019

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Full Name:
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Signature.....
Date..... 5.2.19.....

To:
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Shirehall,
Woodfield Road,
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Full Name:
Badge Number
Signature.....
Date.....7/2/19.....

From:
Sent: 11 February 2019 15:36
To: Taxis
Subject: Review of Shropshire Council Hackney Carriage and Private Hire Licensing Policy

Dear Shropshire Council
We challenge the proposed changes to vehicle licencing.

Please simplify the private hire vehicles and only limit the vehicles to age. Instead charge different fees for different emission outputs or fuel types.

① **Encourage the drivers to go green and offer reduced fee's for eco vehicles.**

After many years in the trade I believe hybrid/electric is the future for private hire but the high purchase price compared to diesel puts many off.

Limiting the age of New hybrids to 5 years would impacted the number of new hybrids being plated. Hybrids hold their value very well compared to a run of the mill diesel. Current value of a 5 year Toyota Prius is around £13,000 double that of a diesel that would comply with euro 6.

The average diesel costs £1400 per year in maintenance compared to £200/£300 per year on a petrol Hybrid. We have noticed in Wolverhampton after drivers make the switch to hybrid they don't go back to diesel.

These changes would effectively do the opposite to what the council is trying to achieve *greener vehicles on the streets of Shrewsbury.

② **Promote Hybrid**

Reduce cost for plates for hybrid and electric.

③ **Fix vehicle Age**

New vehicle 8 years.

Existing vehicles maximum 10 years.

Failing to correct proposed changes will push more drivers to surrounding councils.... **WOLVERHAMPTON.**

Regards

From:
Sent: 13 February 2019 11:00
To: Taxis
Subject: Fwd: Executive plates New policy consultation submission..

Hello,

- ① I am forwarding my e-mail of many months ago expressing my concerns on executive plate policy. I did not receive a reply and after reading the consultation document again yesterday i do not see any changes to allow me to license any of the many vehicles you use as examples of suitable vehicles for executive travel.

Has this even been discussed ?
 Are there any changes or exemptions ?

----- Forwarded message -----

From:
 Date: Wed, 15 Aug 2018 at 15:38
 Subject: Executive plates New policy consultation submission..
 To:

To whoever it may concern,

As instructed this is some of my opinion and concern on the draft policy for 2019-2023.

The policy is so complicated and hard to read that i have limited my comments to the specific area that concerns me and my business.

Immediately i would like you to address the ludicrous part of the document which is page 72, section 3d.9 It states examples of EXECUTIVE luxury type vehicles that are suitable for executive plates. In there are Mercedes S-Class, BMW 7 Series, Jaguar, Rolls Royce and Bentley to name but a few..Many of these vehicles i have tried to license in the last couple of years and have been refused because they have not been NCAP tested. Having spoken to all these manufacturers they will never be tested as they are classed as Elite Luxury cars and as such, are pointless to test because they are infinitely more luxurious and most importantly even safer than there 5 star NCAP smaller vehicles. The XJ Jaguar for instance is pedestrian aware and takes complete control of itself so not to mow down the public who may be crossing the road or on the pavement. In all these cars there are standard features such as business tables and all appropriate connections for Laptops and phones etc.... Lets get real, the XJ Jaaguar is the car of choice for both the Queen of England and our Prime Minister for christ sake.

I am sick to death of my business being held back by such an archaic licensing policy and i want this e-mail submitted to the appropriate people for hopefully some kind of exemption or possibly even a change in the policy.

I hope this mail gets to someone with an ounce of common sense so i can keep my customers happy and bring my business out of the dark ages!!

Strategic Licencing Committee
Shropshire Council
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND

From:

18 February 2019

To Whom It May Concern,

Private Hire Operator and Vehicle Policy

- ① The [redacted] is an independent non-ministerial government department. The [redacted] has a statutory duty to seek to promote competition for the benefit of consumers, and our aim is to make markets work well for consumers, businesses and the economy.
- ② As part of its work, the [redacted] recommends ways in which government can better promote competition. The Enterprise Act 2002 gives the [redacted] the function of "making proposals or giving information or advice on matters relating to any of its functions to any Minister ... or other public authority".
- ③ The [redacted] has received an invitation to comment on Shropshire Council's proposed Hackney Carriage and Private Hire Licensing Policy 2019-2023 (the Policy).

Previous [redacted] engagement on taxi and PHV licensing

- ④ The [redacted] was represented on the Task and Finish Group on Taxi and Private Hire Vehicle Licensing and involved in the production of its report. We note that during the course of this consultation the government has published its response.¹ Given uncertain timings of any legislative response or guidance, Shropshire Council may wish to consider whether to reflect on anticipated changes in advance of implementation or to allow flexibility to amend the policy before 2023.

In 2017, the [redacted] published an open letter to Local Authorities, as well as a set of guidance, with the aim of helping those designing Private Hire Vehicle (PHV)

licensing policies to understand the impact of this regulation on competition. You may like to consider this guidance in addition to some more specific points below.²

The [redacted] has also previously engaged with Transport for London³ and Sheffield City Council⁴ with regards to their own PHV policies. This engagement covers a number of similar issues, and you may like to consider the points raised in these letters too.

Wider policy objectives

- ⑤ The [redacted] recognises that Shropshire Council's proposed Policy has been updated to reflect the Council's priorities, including protecting people from harm, promoting health and managing the environment. We understand that this is important in the context of wider government objectives, such as improving air quality and the Independent Enquiry into Child Sexual Exploitation in Rotherham 1997 – 2013. However, extensive restrictions can hinder competition between PHV operators and Hackney Carriages, by raising barriers to entry or restricting them from operating at the most efficient level. This can lead to negative outcomes for passengers in the form of less value for money or a poorer quality of service. It is therefore important to strike the right balance of regulation, that both protects passengers from harm, looks after the environment but also facilitates effective competition.

Implications for the proposed policy

- ⑥ In addition to the previous guidance referred to you above, there are three more specific and substantive points the [redacted] would like to raise that risk undermining competition:
- New conditions are set out on emissions/age restrictions of vehicles to be approved for a PHV, Executive Hire Vehicle (EHV) or Hackney Carriage licence. While the [redacted] recognises that this set of proposed restrictions is less burdensome than in the last Policy (in which restrictions were based on emissions), it is important to note that this Policy is still likely to increase the cost of entry. This could cause harm to passengers through a number of channels, for example through less downward competitive pressure on fares and reduced choice. Clean air is an important wider government policy objective and the [redacted] acknowledges that some restrictions on vehicle emissions are necessary to achieve this objective. However, the [redacted] notes that such stringent restrictions on hybrid vehicles – that they must be less than 5 years old from date of first registration - do not appear to be necessary. For example, Transport for London's PHV Policy states that new registrations of hybrid PHVs must meet the Euro 4 standard.

- ⑦ • Paragraph 3d.5 in relation to Executive Hire Vehicles (EHVs) states that EHVs must only be used for executive service, and not for 'normal' or general purpose private hire use. Owners of vehicles licenced for executive hire are well placed to also carry out private hire journeys in periods where there may be less demand for executive hire journeys. Limiting an operator's ability to carry out both types of operation could reduce the financial viability of executive hire licensees, and reduce the number of private hire licences, which as stated above, could cause harm to passengers. If a licensee is able to comply with all the necessary licence requirements for both executive hire and private hire, it does not appear to be necessary to restrict a licensee from carrying out both activities.⁵
- ⑧ • Conditions relating to the location of Private Hire Operator's physical premises could have the effect of increasing costs of these operators, which are likely to be passed on to passengers in the form of higher fares.⁶ More specifically:
 - Paragraph 3f.49 states that a Private Hire Operator will not be granted a licence to apply to any physical premises that falls outside the administrative area of Shropshire Council. This rules out the possibility that an operators physical premises could be based at a lower cost location, and hence could increase the cost to PHV firms. This cost increase is likely to be passed on to passengers in the form of higher fares.
 - ⑨ ○ Paragraph 1.23 states that operators operating more than two vehicles must ensure that all private hire bookings taken by the operator are received at and drivers of private hire vehicles instructed to fulfil booking from within the physical premises (which must be located within the Shropshire Council administrative area) to which the licence is applicable. This represents a large stepped cost for private hire operators going from two to three vehicles, and again, is likely to be passed onto passengers in the form of higher fares.
 - ⑩ ○ Paragraph 3c.4 restricts the ability of a PHV licensed by Shropshire to be licensed by another Local Authority. It is not clear what the policy objective intended to be achieved is in addition to other provisions.
- ⑪ • While recognising the desire of Shropshire Council to protect passengers and deliver its policy objectives we are concerned there may be unintended

⁵ For example, a vehicle could be used as an EHV for certain business but is operated with appropriate signage and with a PHV plate on other occasions.

⁶ The commented on a similar issue in its response to Sheffield City Council's Private Hire Operator and Vehicle Policy, and its response to Transport for London Private Hire Proposals consultation.

consequences of these individual requirements in combination and which may be exacerbated if mirrored by other local authorities. There is risk that residents, businesses and visitors to Shropshire will experience less choice and innovation or higher fares.

⑫ Cross Border Hire

In relation to cross border hire, you should be aware of the Task and Finish Group's recommendation that Government should legislate that all taxi and PHV journeys should start and/or end within the area for which the driver, vehicle and operator are licenced. Government has agreed 'in principle of this recommendation, and will consider further (with a view to legislation) how it might best work in detail'. You may like to consider this and other anticipated legislative changes arising from the government's response in your policy development going forward.

The would be grateful if these considerations could be brought to the attention of the Strategic Licensing Committee to inform its deliberations.

February 2019

From:
Sent: 19 February 2019 21:30
To: Taxis
Cc: Taxis
Subject: Consultation

From:
Sent: 19 February 2019 21:21
To:
Subject: RE: File Requested

(i) To The Licensing Team
Ref Consultation
Ref Executive plates

I would like to say that I have built up my business because of the need to supply a part of the population in the area with the correct type of transport .
They require a good quality vehicle that meets all legal regulations , but need to be transported around in a vehicle that is does not look like a normal hire vehicle with a number of signs .
Because of this I invested a large amount of money in my car and would really think about going back to a normal fuelled one if it did not meet your requirements for Executive Plates .

I am not the only one who thinks and operates in Shropshire with the same type of customers and they to need to have the flexibility to meet the need of the population .
Putting to many restrictions on the plates will not help !!!!.
Unless the operators who have these plates do anything to cause you concern, I suggest we carry on as we are .
You need operators like me to meet the requirements of the population in Shropshire and keep a high standard in the area Please think carefully before you change to many things .
Regards| (the all electric operator)

From:
Sent: 17 January 2019 10
To:
Subject: RE: File Requested

Hi
Please confirm renewal fee for executive plate £156 ? (£136)
Thanks

From:
Sent: 17 January 2019 08:55
To:
Subject: RE: File Requested

Hi
It's in the application process.

Dear sirs

- ① To start opening up the zones is definitely wrong you will have hackney drivers working in different zones charging what they like, People will not know what car they are getting into late at night and if any think happens to them how will you be able 'to pinpoint who has taken them home are you as a council willing to take this risk .
- ② As for euro 6 is coming in the beginning of april some drivers have only just changed their vehicles to euro 5, drivers have taken finance on these vehicles, the finance will not be finalised by this date you are proposing to bring this in . Drivers can not afford to replace their vehicles again with still outstanding finance left on there euro 5 vehicle . By talking to taxi drivers these are some of there concerns on the changes you are going to implement. Has a taxi company my self I feel that you should have another meeting to listen to the views and worries of the taxi people .I

Thanks

To:
Shropshire Council Strategic Licensing Committee
Shirehall,
Woodfield Road,
Shrewsbury,
SY38LU

Date: 4th February 2019

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Most drivers will not be able to afford the cost of purchasing a 2016 – Euro 6 vehicle.

As Private Hire drivers we feel that the policy is to have an age limit of new applications up to 8 years old, & renewals up to 10 years old.

Full Name:

~~Badge Number~~

Signature.....

Date.....

...07/02/19....

To:
Shropshire Council Strategic Licensing Committee
Shirehall,
Woodfield Road,
Shrewsbury,
SY38LU

Date: 4th February 2019

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As Private Hire drivers we feel that the policy is to have an age limit of new applications up to 8 years old, & renewals up to 10 years old.

Full Name:.....

Badge Number.....

Signature.....

Date.....13-2-19.....

PETITION

To:

**Shropshire Council Strategic Licensing Committee
Shirehall
Woodfield Road
Shrewsbury
SY3 8LU**

Date 31st January 2019

We wish to petition against the amended Hackney and Private Hire policy that was put out to further consultation on the 23rd January 2019.

We strongly disagree with paragraph 3d.34 Renewal/New Application, which states that a New Private Hire vehicle must be Euro 6 and no older than 1st September 2016. Most drivers will not be able to afford the cost of purchasing a 2016 – Euro 6 vehicle.

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As Private Hire drivers we feel that the policy is to have an age limit of new applications up to 8 years old, and renewals up to 10 years old.

This petition is agreed upon the following signatories:

FULL NAME	BADGE NUMBER	SIGNATURE	DATE
-----------	--------------	-----------	------

RECEIVED
21 FEB 2019
BY:

Shropshire Council,
Licensing Team,
Public Protection
Shirehall,
Abbey Foregate,
Shrewsbury.
SY 2 6 ND

18th February 2019

Dear Sirs,

Hackney & Private Hire Policy Review

May I make the following observation on the age/fuel/type of vehicles which should be acceptable for operations by your council.

- ① Vehicles Any vehicle with eight or fewer passenger seats, with minimum four doors. Colour black for Hackney, any colour for Private Hire.
- ② Age Any age provided it meets minimum EURO 5 emissions. After three years of age MOT every six months. After ten years of age MOT every four months.
- ③ FUEL Any fuel type subject to it meeting EURO 5 emissions.

THE CRITERIA FOR ALL VEHICLES EURO 5

Yours Faithfully,

Email

Strategic Licensing Committee:

- ① I strongly object to any changes to vehicle type and ask the council to withdraw its proposals for euro 6 and WAV vehicles as this proposal is NOT financially viable in my rural location..

The cost implications of changing anymore of my vehicles would see the end of my 27 years in the taxi business

The Council needs to address and ask why in Shropshire is there such a large reduction of 604 drivers & vehicles in such a short period of time due to Shropshire council's stringent financial demands.

Taxis & private hire form a large part of Shropshire's integrated transport plan and with fewer bus routes, taxis & private hire vehicles are a vital public service more so rural locations.

I've just received these figures following from a FOI request from Shropshire council.

	2014-15	2015-16	2016-17	2017-18	2018-19 (as at 19/02/2019)
Private hire	1295	1121	995	989	798
Taxi	254	198	187	180	147
	Euro 4	Euro 4	Euro5	Euro 5	Policy proposal
					Euro 6 wheel chair accessible?
					REDUCTION OF 604

In 2016 -2017 Shropshire council phased in a Euro 4 emission policy the financial cost to drivers was far too great for many and the numbers of vehicles and drivers started to reduce,

In 2017 -2019 euro 5 emission policy was phased in and the figures we see to date show a massive reduction in licenced vehicles in Shropshire from 1,549 in 2015 to 949 to date a reduction of some 604 vehicles & drivers..

If the councils proposal to introduce a wheel chair accessible only taxi fleet and euro 6 emissions for private hire and colour stipulation it will for certainly decimate the last of the remaining drivers who are at present struggling financially

Purpose

1.1 The fundamental purpose of the Policy is to protect the safety and welfare of the public who live, work and visit Shropshire. The importance of a thriving hackney carriage and private hire trade to the growth and prosperity of Shropshire's local economy is recognised. Almost everyone in our society occasionally uses licensed vehicles; however, they are regularly used by particularly vulnerable groups, including children, the elderly, disabled people and the intoxicated. Given that a licensed driver has significant power over a passenger who, in effect, places themselves and their personal safety completely in the hands of the driver, it is imperative that the safety and welfare of the public is the over-riding principle that will be considered when matters are dealt with under the Policy,

Email

Ref: Proposed removal of existing 5 zones

① Dear Councillors / Officers.

Although the proposal for a single licensing regime throughout Shropshire will reduce administration to the council, the proposal for all taxis (hackney carriage) across the whole of the Shropshire to have 100% wheelchair accessible vehicles (WAVs) is of great concern.

The cost to the owner drivers especially in the smaller market towns and rural areas will not be economical viable & national statistics say that on average 15% of taxis are wheelchair accessible in rural towns.

The taxi running costs in rural areas are much greater than urban due to the dead mileage to and from pickups.

A great number of drivers in Oswestry and other smaller market towns are part time, they mostly only work on a Friday & Saturday evening as the rank and hail work is predominantly weekend work and any financial restriction on this vital service will have a detrimental effect on the late night economy and policing issues as this here and now booking (Hailing) cannot be covered by the private hire sector. (PRE BOOK ONLY)

New vehicle (wav) with modifications can cost around £40,000.

You are limited to a small range of larger vans or MPVs which can cost more to run

WAVs can't be converted back. You will have to sell the vehicle to a smaller market, at a lower price.

Data about the number of licensed taxis and private hire vehicles in England and Wales, (Department for Transport.)

In England 58% of all taxis were wheelchair accessible in 2018. This has remained at similar levels since 2015. In comparison 2% of PHVs were wheelchair accessible in 2018, similar to the proportion in 2017.

In other urban areas 37% of taxis were wheelchair accessible and in rural areas 15% of taxis were wheelchair accessible. Some authorities (65% or 188 licensing authorities) required wheelchair accessible vehicles in all or part of their taxi fleet.

Help the Aged report forecasts that by the year 2021 one in three people in the UK will be aged over 60.

So why are the Shropshire Council proposals making it harder, or impossible, for the elderly to use a taxi?

Some reports from so-called experts say that black cabs (Shrewsbury and Atcham type's zone 4 are fully accessible and meet all needs. They do not meet the needs of the elderly or all disabled

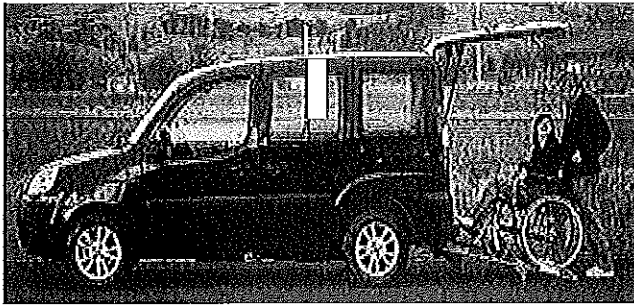
The sensible solution is to have mixed fleet of taxis, saloon and Shrewsbury and Atcham type.

The proposal for 100% "WAV" will exclude many of the elderly and disabled who are not in wheelchairs.

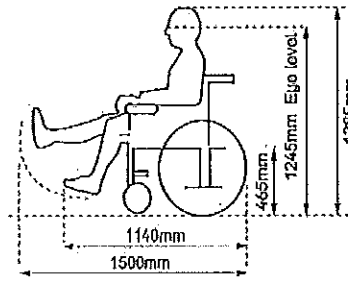
By adopting the 100% wheelchair accessible taxi policy, you will be discrimination against the very people that the Disability Discrimination Act was supposed to help.

In this country there are 6,000,000 plus disabled, with about 800,000 who use wheelchairs

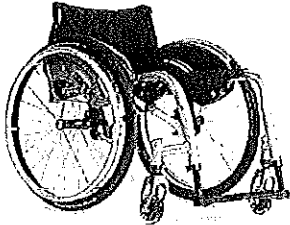
only some of who use them all the time, Most wheelchair users can transfer from wheelchair to saloon car but have great difficulty with WAV because the seats are at a greater height .



ZONE 4 TYPE HIGH SEATING POSITION



: SEAT HIGHT 465 MM



Many modern wheel chairs of a carbon fibre type wheel chairs cannot be strapped down into a way due to the design and these passengers mostly prefer to transfer to a saloon car

Not all disabled people are in wheelchairs. More than 20 million people in this country, including many who are young and look very fit, have arthritis. Many of these would find it difficult to get into a Shrewsbury and Atcham ZONE 4 Type WAV.

Why make life harder for people who already live in pain?

WAVs often require you to sit alone in the rear, isolating you from other passengers.

Comfort

You may not have access to all the car's comforts from your seat. The driver will need to drive slower and take corners with extreme caution.

Vehicles

WAVs comprise only a small range of vehicles, which are mainly vans or MPVs.

You're always on view to the public in a WAV since you sit in the back of the van or MPV.

Taxi drivers play a major part in transporting disabled persons and we would like to carry on doing so, but many of us will be prevented from this rewarding aspect of our business by this unnecessary legislation.

We have been transporting the disabled for many years, with Oswestry having one of the largest disabled collages in the country The Derwen Collage Gobowen, Robert Jones Agnus Hunt Orthopaedic Hospital without legislation or fuss.

Many private hire licensed organisations specialize with wheelchair transportation including. dial a ride, patient services, along with many independent private hire operators and have no unmet demand for services.

Exempt Drivers

The Equality Act 2010 (the Act), administers a list of licensed vehicles which are occupied wheelchair accessible. This list is referred to as the Designated Vehicles list. The Council is responsible for enforcement of the drivers' responsibilities with respect to the carriage of a person(s) in wheelchairs, and for exempting drivers from such responsibilities on medical grounds, or a physical condition making it impossible or unreasonably difficult.

"Every natural or legal person is entitled to the peaceful enjoyment of his possessions",

From:
Sent: 22 February 2019 00:00
To: Taxis
Cc:
Subject: Strong protest about new taxi policy.

Dear Reader. Please make the effort to read this email in its entirety.

Dear Licencing Please forward attached to the taxi and private hire consultation

① **Committee and Date Strategic Licensing Committee 23rd January 2019 Item
Public MINUTES OF THE STRATEGIC LICENSING COMMITTEE MEETING
HELD ON 20 NOVEMBER 2018 10.00 - 10.36 AM Responsible Officer:
Shelley Davies Email: shelley.davies@shropshire.gov.uk Tel: 01743
257718 Present Councillor Keith Roberts (Chairman) Councillors Simon**

Jones (Vice Chairman), Peter Adams, Roy Aldcroft, Paul Milner, Kevin Pardy, Vivienne Parry, Ed Potter, Dave Tremellen and David Vasmer

32 Apologies for absence were received from Councillors Dean Carroll, Rob Gittins, Elliot Lynch, Harry Taylor and Robert Tindall.

33 Minutes of Previous Meeting RESOLVED: That the Minutes of the meeting held on 3rd October 2018 be approved as a correct record.

34 Public Question Time The Chairman reported that two public questions had been received. Question 1 - received from Mark Higgins: How does the proposal address that the vast majority of disabled and elderly taxi passengers who require a standard saloon car as opposed to a wheelchair accessible taxi as best practice recommend a mixed fleet? The response as follows was read out by the Chairman: There is no single source of data that gives a true or reliable picture of the number of disabled and elderly passengers who require a standard or a wheelchair accessible vehicle or data to confirm whether or not passengers who have a disability and who do not use a wheelchair would or would not be able to use a wheelchair accessible vehicle. As a result certain assumptions have been made but these are supported by the DfT Inclusive Transport Strategy that sets a very clear vision for local authorities, which includes taking proactive steps to increase the number of wheelchair accessible vehicles in the fleet. This does not detract from the availability

Minutes of the Strategic Licensing Committee held on 20th November 2018

2 of private hire vehicles that are not required to be wheelchair accessible and these private hire vehicles will continue to be available for those people with physical disabilities who cannot or do not wish to use a wheelchair accessible vehicle. The Council licences a mixed fleet and the proposals support this position on the basis that there will continue to be over 680 private hire vehicles that will not be wheelchair accessible.

- ② Can I please impress on the fore mentioned Councillor/chairman that that there is a big difference between fleets, as he calls them. Taxis can be hailed by pedestrians at the kerbside PHVs must be pre booked using a telephone. To say that Shropshire council intends to operate a mixed fleet policy just show his ignorance of the laws governing the taxi/PHV business.
- ③ Shropshire council presently licences a mixed fleet of Hackneys, but the new policy is proposing to exclude the approximate 67000 disabled people in Shropshire from using Hackney vehicles that will, if this discriminatory policy is allowed, become inaccessible to so many of them. They will be forced to use PHVs, which can charge what they like, unlike Hackneys whose fares are regulated by the tariffs set by the council. Outrageous discrimination.
- ④ states that if Hackney owners don't want to swap to WAVs then they must re licence as PHVs. Wheel chair users phone if they need a taxi and specify that they are none transferable if they cannot transfer, under the proposed new policy most of the PHVs will become none wheelchair accessible, but all of the Hackneys will be unavailable. The only taxi ranks in Oswestry are in the town center, nine of them in total. What happens when a wheelchair customer phones for a WAV only to be told that there is one available at the park gates five miles away from where the wheelchair is. There is no law in the land that can be used to accuse a Hackney of discrimination because the driver refuses to drive five unpaid miles to pick a passenger up. Wheelchair users will be forced to use PHV. They will also be forced to pay whatever the PHV quotes as the fare.

③ I have dozens of disabled and elderly regular customers who simply cannot get into a vehicle any higher than a regular saloon car. I also have nearly a dozen wheelchair users who always confirm that I am in my car rather than my mini bus before they book a taxi because they want to travel in the front seat, safely strapped into a secure front seat with a head rest and self tensioning seat belts. Very few wheelchairs are crash tested, and almost none have head support or correct anchor brackets to secure them by. To force users of most wheelchairs to be transported in the wheelchair is dangerous for not only them, but for the driver as well. I do not fancy having a passenger hitting me in the back of my head like an Exocet missile because the wheelchair he/she has been forced to travel in has disintegrated on impact.

I am a sole trader. I keep two vehicles on the road, a minibus and a saloon estate. The reason I have two is so that in case of a problem with one vehicle I can use the other one and get my pre booked passengers to the Airports, or wherever they are going. I have invest about £50000 in the last three years on my top of the range vehicles, following the councils last policy to the letter. Both are black in colour, five star crash tested, and euro 6 emissions. I simply cannot afford the financial loss of replacing my vehicles yet again because of another misguided new policy preventing me from carrying on as a sole trader taxi operator.

⑦ I had a number of WAV vehicles over a period of more than eight years and had a total of no more than 10 requests for a WAV vehicle in the whole of that time. I did hundreds of wheelchair journeys from passengers who insisted on a vehicle that enabled them to travel in the front seat.

A couple of questions to finish with.

⑧ Why was no unmet demand survey made concerning WAV taxis.

Regards

From:
Sent: 22 February 2019 01:42
To: Taxis
Subject: RE: Consultation

① I would like to make a few points in regards to the new policy.

First of all, Council should look at working time directive. There are Hackney and private hire drivers regularly doing more than 15 hours a day, every day. Some even more than 20 hours per day which is a danger to public safety.

② Also, the Council needs to introduce a basic English language test like many of Councils across the UK have done.

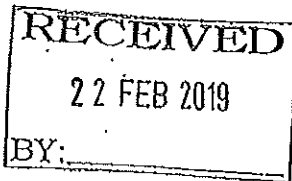
③ Furthermore, vehicles that are repaired to a high standard should be allowed to be licensed if they are category S, if Council is not satisfied with a regular MOT, then they can also be sent for an enhanced test to DVLA centre.

④ Also, Hackney vehicles, whether they are M1 or N1, it shouldn't matter as long as they have the VCA or IVA certificates; they are made in the same factories and therefore there is not much difference between them.

⑤ Also, if Diesel vehicle is Euro 6 and is pre September 2016 then it should be allowed. Council wants lower emissions so it shouldn't matter about the age of the vehicle, in London they are discussing of allowing Euro 6 taxis 20 years life span. Euro 6 Hackney Vehicles (W.A.V) should be guaranteed to be licensed until atleast 2030.

⑥ Also, if a disabled person in a large motorised scooter wheelchair fits comfortably in a W.A.V then it shouldn't matter what the height inside the W.A.V is. Shropshire Council shouldn't be introducing more stricter regulations than in cities like Birmingham, Manchester or London, etc.

Kind Regards,



Hackney Carriage and Private Hire Licensing Policy 2019 -- 2023
 Consultation Response

Please Note

This is the collective opinion of the undersigned, and therefore we expect it to be accepted as a response multiplied by the number of undersigned. And not as a single response.

- ① We the undersigned are all independent owner drivers of licensed hackney wheelchair accessible vehicles and are of the opinion that Shropshire Council are failing to understand several critical financial issues that will impact our income when proposing such a policy at this point in time.
- 1, With Brexit just days away, industry in this country does not yet know how they will be affected by it, and where its financial standing will be after it, this is creating a lot of uncertainty in all walks of life and the knock-on effect of this is both industry and individuals are being rather cautious with their spending. A situation that is very noticeable to the Hackney trade.
 - 2, With cross border hiring currently completely out of control, the financial impact to Shropshire licensed hackneys is catastrophic, and expecting major financial investment by the trade is wholly wrong and shows the lack of understanding.
 - 3, In using the same ages and time scales for Hackney and private hire again is showing the lack of understanding in the cost of these two different types of vehicle, investment costs, vehicle type, fuel types available (wavs being predominantly based on diesel light commercial vehicles, unlike normal saloons that are easily available in diesel, petrol, hybrid and electric) and availability in both the new and used markets, methods of purchase make wheelchair accessible far more expensive due to no pcp (personal contract hire) being available to individual operators for wheelchair accessible vehicles (as I am sure you all know that a pcp is a far cheaper method of attaining a new vehicle). Included in the graph for Hackneys is electric vehicles although there is at this point in time no such vehicle available in this country and unlikely to be for some years yet, and the only one hybrid is prohibitively expensive at close to £60,000 as it's not financially viable given the profitability of hackneys in Shropshire, and the policy only guaranteeing its use until 2024. Also, the lack of infrastructure for electric and plug in hybrid vehicles prohibits these as an option.
 - 4, At a point where Shropshire Council wants all Hackneys to be wheelchair accessible by 2021, they will only allow euro 6 post 1st September 2016 vehicles to be licensed is very short sighted, the effect of this will reduce the number of wavs, and therefore reduce the access to wheelchair accessible vehicles to the wider community of Shropshire.
- Given the above points our recommendations to the consultation are,
- ② Allow new wheelchair accessible vehicle applications on Euro 5 vehicles until 1st April 2020, this would allow current none wav hackney owners to buy into the wav vehicle without it being prohibitively expensive.
 - ③ Allow Wheelchair accessible Euro 6 vehicles to be renewed up to 10 years from date of first registration, going beyond this version of the policy and into the next, to invest into a new euro 6 vehicle today is likely to cost upwards of £20,000 and closer to £40,000 for a full spec hackney, individual operators need to know the lifetime of the vehicle before such investment can be made. Failing to do so will see more and more hackney operators either leaving the trade completely or reverting to private hire where vehicles of all fuels are available and are considerably cheaper to buy.
 - ④ Allow a written off wheelchair accessible euro 5 vehicle to be replaced on a like for like basis, will prevent drivers going out of business if their euro 5 is written off before the end of their business life cycle of the vehicle.
 - ⑤ Although the proposed policy goes some way to reducing the problem of Shropshire licensed vehicles being used cross border out of the county, there is very little in preventing operators using these

vehicles within the county, this is our main problem and needs to be addressed by the council policy in a more robust way.

⑥ If Shropshire Council were serious about air quality, is it not time to consider becoming a low emission zone reducing the emissions of all road users in Shropshire rather than using the Hackney and private hire trade as scape goats in this matter just because you control our regulations.

In summary the council needs to be a little more realistic in what can be achieved at this time in Shropshire at least until these uncertain times have passed and we can all see a more robust future.

Taxi Licensing
 Shropshire Council
 Shirehall
 Abbey Foregate
 Shrewsbury
 SY2 6ND

Our Ref:
 Your Ref:
 Date: 22 February 2019
 Please ask for:

Sent by email only to:

Dear Sir / Madam,

Hackney Carriage and Private Hire Licensing Policy 2019 – 2023

Consultation Response of [redacted] trading as [redacted] and [redacted]
 Limited trading as [redacted] to the second consultation

- ① I act on behalf of both [redacted] which trades as [redacted] and [redacted] Limited which trades as [redacted]
- ② Please also note that there are two separate individuals operating as [redacted] one being me representing [redacted] and the other being [redacted] representing [redacted] which trades as [redacted] and [redacted]. As a result, you may receive conflicting responses to this consultation from two separate identities within the [redacted] brand, each representing a different operator(s) with different views.
- ③ My clients wish to draw to the Council's attention, in the very strongest of terms, that its proposals in relation to regulating the private hire trade will exacerbate the cross-border / private hire operator subcontracting issue the Council says is "the most acute ... licensing problem currently facing the Council" (draft policy, pg 13, para 2.17).
- ④ Drivers and prospective drivers only opt to license with another authority when, by the imposition of inappropriate and unnecessary standards by the council they would ordinarily license with, they are pushed away and are then drawn, out of a need to be able to work, to license with another licensing authority.
- ⑤ Without getting into a battle to the bottom, which my clients would not want, the Council needs to reflect carefully, as is required by the Regulators' Code in any event, as to what it is trying to achieve and only do the minimum required to achieve its legitimate objectives.

⑥ Whilst many of the issues I will comment on below are repeated several times in the draft policy, I will attempt to address each in the sequence in which they appear in the draft policy and to provide details of each paragraph where the same issue arises.

⑦ **Localism, regulatory licensing and cross-border hiring**

(pgs 5 & 6, para 1.2, bullet point 7; pg 13, para 2.18; and pg 143, new para between 3f.50 and 3f.51)

⑧ The hypocrisy of the Council seems to know no bounds, which is rather ironic when the issue is one that concerns boundaries! In 2011 Shropshire Council engaged with the Telford & Wrekin Council licensed private hire trade to facilitate their wholesale defection across the border to license with Shropshire Council and to continue to work exclusively or predominantly in Telford & Wrekin. The Council were so keen to facilitate this that it hired a sports centre so that applications could be bulk processed.

⑨ The Council did not perceive this to pose any of the risks it now vociferously proclaims when drivers and vehicle proprietors choose not to license with it, but with other councils. If it wants to retain the fee revenue, because that is what this is about, it will do as other councils have done and improve its levels of service and not adopt standards that are unnecessarily restrictive. Shropshire will lose a large proportion of its drivers if it continues to restrict and impose unrealistic conditions. My clients are all for the safety of the fare paying public, but to provide this it has to be affordable for the drivers to be able to enter the trade and to continue doing this.

⑩ Despite the self-serving propaganda the Council is pushing about other councils, the reality is that the City of Wolverhampton Council (Wolverhampton Council) has set standards that are, in many regards, higher than those proposed by Shropshire Council and it often undertakes more compliance and enforcement activities in the areas of other local authorities than the local council. Wolverhampton Council has risen to prominence nationally, because of the investment it has made to provide the trade with a modern and highly efficient licensing regime.

⑪ The "localism" which is referred to by Shropshire Council as being the "hallmark of the regulatory licensing regime", far from being the 'answer' is actually the root cause of the alleged failings highlighted by the Council. There has been a historic failure on the part of local authorities to agree mechanisms by which they cooperate with one another, and their insistence on retaining "localism" in every aspect of policy encourages this. The concept of "localism", whilst a force for good in many respects, is not a panacea for all things bad and, indeed, in this respect has potentially contributed to any perceived problem.

⑫ There is a growing perception amongst some that the increasingly alarmist and unsubstantiated rhetoric that is being disseminated by the Council regarding private hire drivers going about their lawful and legitimate business (the vast majority of whom are perfectly legal, have passed stringent enhanced DBS checks, including additional checks of barred registers, but choose to license in another administrative area other than the Council's which is perfectly legal), is bordering on racist, potentially discriminatory and is in danger of reflecting badly on both the

administration and councillors of Shropshire. Is this a restriction of trade by forcing the self-employed driver to license and only work in the licensing area of the Council?

- ⑬ Shropshire Council would be wise to compare what it does with what Wolverhampton Council does and to raise its game accordingly, because as it was when the Telford & Wrekin Council licensed private hire trade elected to license with Shropshire Council, it is the efficiency of the licensing process that drives the change to license with one council over another. In the absence of a national, centrally controlled private hire and taxi licensing regime, it is incumbent on local authorities to agree ways of working together, such as the new, long-overdue, national driver database (the NR3 database), to ensure there is no danger any perceived loopholes created by "localism" are closed, rather than attempting to use its Hackney Carriage and Private Hire Licensing Policy to pursue an unlawful agenda of restrictive practice and, worst still, leave it and its councillors open to an accusation of discriminatory behaviour.
- ⑭ And if the Council is serious about divesting itself of those vehicles and drivers it has licensed since 2011 and to lose the resulting revenue that keeps many of its staff in jobs, I can only imagine that there will be a further large-scale migration to Wolverhampton and other councils (and not necessarily Telford & Wrekin Council).

Legislative framework

(pg 7, para 1.9)

- ⑮ As the Council will appreciate, the Parliamentary Under Secretary of State for Transport, Nusrat Ghani MP, launched a consultation in relation to draft Statutory Guidance under section 177(1) of the Police and Crime Act 2017. As the consultation will not close until 22 April 2019, the Council might want to postpone concluding its views on the matters covered by the draft Statutory Guidance until that policy is finalised and published.

Right of appeal

(pg 8, new para after 1.13)

- ⑯ The statutory right of appeal does not entitle a driver, vehicle proprietor or operator to appeal against any decision by which they are aggrieved, but only those decisions when a licence is refused grant or renewal, suspended or revoked, or against conditions attached to such a licence.
- ⑰ The Council has already made the necessary amendments to para 2.15 (pg 12).

Decisions

(pgs 11 & 12, para 2.10; and pg 27, para 3a.39)

- ⑱ Paragraph 3a.39 expressly provides for the Council to require a driver to satisfactorily undertake a further knowledge test, but omits to include a requirement to satisfactorily undertake a further driving assessment, something that the

Licensing Panel has, from time to time, required of licensed drivers. It is suggested this paragraph should be amended to include this and that paragraph 2.10 should be amended to include the possibility of being required to satisfactorily undertake a further knowledge test or further driving assessment.

- (19) Furthermore, the reference in paragraph 3a.39 to paragraph 2.12 should now be a reference to paragraph 2.10.

Burden of proof

(pg 12, para 2.12)

- (20) Whilst the Council is right in its assertion that it does not need to prove matters beyond all reasonable doubt, it fails to acknowledge that neither does an applicant or licence holder.
- (21) On application for a new licence, it is for the applicant to satisfy the Council, on the balance of probabilities, that they are a fit and proper person.
- (22) At renewal or any other time, the licence holder is assumed to remain a fit and proper person unless the Council is satisfied on the balance of probability that they are no longer a fit and proper person.
- (23) In this regard, the Council is respectfully referred to the decision of the High Court in *Kaivanpor v Director of Public Prosecutions* [2015] EWHC 4127 (Admin).

National Register NR3

(pg 12, new para after 2.15)

- (24) The draft policy may be correct and I trust officers will have first hand experience of using the database to know for certain as to whether driver suspensions are recorded or not, but the LGA press release did refer to including details of driver suspensions as well as refusals and revocations.

Criminal record disclosure

(pg 21, para 3a.13; pg 38, para 3b.22; pg 63, para 3c.16; pg 89, para 3d.22; pg 113, para 3e.16; and pg 135, para 3f.13)

- (25) The Council seems intent to infer an admission of guilt in respect of the acceptance of non-criminal penalties, some of which expressly state that payment of the penalty charge does not amount to an admission of guilt. The Council is asked not to infer guilt when the notice imposing the charge expressly states that payment is not and does not amount to an admission of guilt.

Non-conviction information

(pg 22, para 3a.17; pg 39, para 3b.26; pg 64, para 3c.20; pg 90, para 3d.26; pg 114, para 3e.20; and pg 136, para 3f.17)

- 26) As some non-convictional penalties do not indicate guilt and some expressly provide that payment of the penalty is not an admission of guilt, the Council is asked not to assume guilt when a person has accepted and acted in accordance with the information contained on such administrative penalty or charge.

Driving licences

(pg 23, para 3a.23; and pg 30, para 3a.61)

- 27) Despite raising this matter in my clients' consultation to the original consultation, it is of concern that the Council appears to have decided to persist in its proposal to adopt a racially discriminatory approach by unlawfully failing to acknowledge that persons holding driving licences issued by some non-EEA countries are recognised in law as being equivalent to a UK driving licence.
- 28) In this regard, it is surprising that the Council has chosen not to recognise driver licences issued in Gibraltar (as recognised by the Road Traffic Act 1988, section 108) and Andorra, Australia, Barbados, British Virgin Islands, Republic of Cyprus, The Falkland islands, The Faroe Islands, Guernsey, Hong Kong, Isle of Man, Japan, Jersey, Republic of Korea, Malta, Monaco, New Zealand, Singapore, Switzerland and Zimbabwe (as recognised by The Driving Licences (Exchangeable Licences) Order 1999).
- 29) Discrimination on the grounds of race, which includes colour, nationality and ethnic or national origins, is illegal.
- 30) Racial discrimination by any person or organisation is unacceptable, but particularly repugnant when such discrimination is demonstrated by a public authority, as such organisations are subject to the PSED (Public Sector Equality Duty) which requires a public authority to eliminate discrimination and to advance equality of opportunity (see the Equality Act 2010, section 149).
- 31) The Council has also persisted in its endeavours to frustrate parliamentary intention by requiring a person to have held a full driving licence for "at least 3 years" at the time of application when the law (Local Government (Miscellaneous Provisions) Act 1976, section 59(1)(b)) expressly provides that a local authority shall not grant a licence unless the applicant has been authorised to drive for at least 12 months.
- 32) Whilst this may amount to indirect age discrimination against the Equality Act 2010, because it is likely that it will disproportionately adversely affect young drivers, the Council seems to consider its opinions to be superior to the express intention of parliament. The Council's belief is misplaced. As long ago as 1968 the House of Lords (as it then was) held in *Padfield & Ors v Minister for Agriculture, Fisheries and Food & Ors* [1968] AC 997, [1968] 1 All ER 694, [1968] 2 WLR 924 that frustrating parliamentary intention is unlawful.

Topographical knowledge element of the knowledge test

(pg 27, para 3a.34)

- ③③ As with the Council's proposed approach in relation to cross-border hiring and subcontracting, and vehicle emission and age restrictions, if the Council does not remove the unnecessary topographical knowledge test as a barrier to entry into the trade it will encourage more entrants into the trade to obtain their driver's and vehicle licence with another council.
- ③④ The Regulators' Code at paragraph 1.1 provides that local authorities should not impose unnecessary barriers to trade and seek to achieve any legitimate regulatory objective by less burdensome means.
- ③⑤ In its report 'Taxi and Private Hire Services' (Law Com No 347) of May 2014, the Law Commission considered the need for private hire drivers to pass a topographical test and concluded at paragraph 7.35 that there was "no sufficient justification for requiring local topographical tests for private hire drivers". See http://www.lawcom.gov.uk/app/uploads/2015/03/lc347_taxi-and-private-hire-services.pdf.
- ③⑥ More recently, when considering its proposals for a new policy, Sheffield City Council received representations from the CMA (Competition and Markets Authority) in September 2016. See https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/556330/lonnia-sheffield-city-council-28-09-16.pdf
- ③⑦ If the Council were to remove the requirement for an applicant to pass the local topographical test part of the knowledge test, adopt reasonably workable standards in relation to vehicle emission and age restrictions and not seek to frustrate parliamentary intention in relation to private hire subcontracting, it might reverse the current trend and attract new entrants to the trade to license with Shropshire Council and not another local authority.

Late or non-attendance at knowledge test and driving assessment

(pg 27, para 3a.36; and pg 28, para 3a.42)

- ③⑧ Whilst it may be appropriate for the fee to be forfeited if the Council does not have time or cannot find another candidate to take the place on the knowledge test, it is inherently unfair to treat the non-attendance at the test as a fail, especially when the Council ordinarily only allows three attempts.
- ③⑨ If the Council wants to discourage late or non-attendance for a knowledge test, it could do as it has with the number of fails and allow a candidate only a specified number of late or non-attendances for a test. That number might be only one, but it would treat more fairly the candidate who had to cancel their attendance for a knowledge test or who was delayed because of circumstances beyond their control.
- ④⑩ Even though the Council might say that, if it thought it necessary to allow a candidate a fourth test, it would do so, the process and uncertainty would place even greater pressure on a candidate, which might serve only to reduce their

chances of performing to the best of their ability and passing the test. Above all else, the process must be fair and that currently proposed is unfair.

Hackney carriage driver conditions

(pg 32, para 3a.68; and pgs 160 – 168, Appx B)

- ④1 As submitted in my clients' response to the original consultation, conditions cannot lawfully be attached to a hackney carriage driver's licence, pursuant to the decision of the High Court in *Wathan v Neath Port Talbot County Borough Council* (unreported 12 July 2002).
- ④2 In the circumstances, the conditions that are produced at Appendix B, can only be attached to a private hire driver's licence and should be titled accordingly.

Vehicle emissions / age restrictions

(pgs 40 & 41, para 3b.33; pgs 65 & 66, para 3c.26; and pgs 92 & 93, paras 3d.34)

- ④3 The much-simplified single table is most welcome as it clearly and simply shows what fuel types and ages of vehicles will be eligible for the grant of a new licence or the renewal of an existing licence, albeit only to 31 March 2024.
- ④4 The Council is prescriptive as to fuel types and makes no accommodation for alternative power sources, such as hydrogen fuel cell vehicles.
- ④5 As owner-drivers generally buy vehicles with the intention of using them for periods of about 5 years, a policy that only provides for a 5 year period is inadequate for the trade's purposes. For example, a member of the trade who bought their last vehicle in 2018 and expects to buy their next vehicle in 2023 will not know what standards are going to apply a mere 12 months after they buy a vehicle they intend, expect and need to use for probably 5 years.
- ④6 In fact, any member of the trade changing their vehicle on any day after the day of its inception, will not know whether their vehicle will be licensable for 5 years!
- ④7 My clients' propose that the policy should provide that vehicles, once licensed, should be permitted to remain licensed (and for the licence to be renewed) until 10 years from the date of first registration, subject to vehicles being up to 6 years of age when first licensed. This would allow owner-drivers to buy ex-lease vehicles that have typically been leased for 24 - 60 months (hence the need to license a vehicle of over 5 years) and to get 5 years use from such vehicle.
- ④8 As the Council will currently only grant a new licence to a petrol or diesel Euro 5 or Euro 6 vehicles, it is suggested that the Council should continue to grant new licences to these vehicles, subject to my clients' proposed 6 year and 10 year age limits. This would mean that a Euro 5 petrol or diesel vehicle could be granted a new licence up to possibly about 2021, depending upon the date of first registration, even though the Euro 6b petrol and diesel standards were introduced in September 2014.

- ④⑨ The use of an age policy, in conjunction with fuel types and Euro petrol and diesel emission standards is an approach the Council has already proposed in relation to hybrid and LPG powered vehicles.

Spare wheel

(pg 45, para 3b.41(o); pg 54, para 3b.64; pg 70, para 3c.35(o); pg 80, para 3c.58; pg 97, para 3d.43(n); pg 105, para 3d.65; pg 117, para 3e.40(o); pg 127, para 3e.63; and pg 236, Appx M, para 1.6)

- ⑤⑩ The Council is asked (again) to allow puncture repair aerosols. As a result of a legal challenge in 2013, North Tyneside Council undertook extensive research into the issue and finally, amongst other alternatives to a full-size spare wheel, resolved to allow the use of puncture repair aerosols. For the agenda, report and minutes, the Council is asked to refer to http://www.northtyneside.gov.uk/browse-display.shtml?p_ID=547227&p_subjectCategory=76.

Wheelchair accessible vehicle passenger carrying capacity

(pgs 45 & 46, para 3b.41(q))

- ⑤⑪ The amendment made to 3c.35(q), 3d.43(o) and 3e.40(q) has not been made to the same provision at 3b.41(q).

MOT requirements

(pg 49, para 3b.49; pg 53, para 3b.62; pgs 74 & 75, para 3c.43; pgs 78 & 79, para 3c.56; pg 100, para 3d.50; pg 104, para 3d.63; pgs 121 & 122, para 3e.48; pgs 125 & 126, para 3e.61; pg 174, Appx C, para 1.37; pg 182, Appx D, para 1.35; pg 189, Appx E, para 1.27; and pg 197, Appx F, para 1.35)

- ⑤⑫ In relation to the first bullet point, by having an interim test after 6 months of the MOT test for grant / renewal of a licence, the Council is carrying out the maximum of three tests permitted in a period of 12 months, because the next test for renewal must also be undertaken within 12 months of the first test and, as a consequence, no additional tests may be required by the Council under the Local Government (Miscellaneous Provisions) Act 1976, section 50(1).
- ⑤⑬ In relation to the first year of licence of a new vehicle, because of the test (now disingenuously referred to as an 'appointment'), referred to in 3b.64, the Council already proposes to carry out 4 tests in the first 12 months, which is unlawful.
- ⑤⑭ In relation to the second bullet point, by virtue of the requirement for the renewal test to be within 12 months of the last renewal test, the Council is again proposing to unlawfully carry out 4 tests in a 12 month period.
- ⑤⑮ The Council may wish to take heed of the fact that Barnsley Council did this and, upon being challenged by the trade, ultimately agreed to refund every member of the trade for the cost of every unlawfully conducted test and to pay interest and a sum by way of compensation for inconvenience, etc. Whilst complaint was made to

the District Auditor, the District Auditor did not have to determine the issue, because Barnsley Council, having taken external legal advice, admitted its wrongdoing.

- 50 In relation to the last bullet point, in breach of the requirement of the Regulators' Code, paragraph 2.3 the Council has not provided for a right of appeal against such decisions as it may make to require items listed under minor or advisory information on an MOT certificate to be carried out within a timescale specified by the Council.

Late application for renewal of a vehicle licence

(pg 51, para 3b.55; pg 76, para 3c.49; pg 102, para 3d.56; and pg 123, para 3e.54)

- 51 Whilst it is appreciated that the Council recognises the possibility of a (driver's) licence being renewed after its expiry (paragraph 3a.31), pursuant to the decision of the High Court in Exeter City Council v Sandle [2011] EWHC 1403 (Admin), inexplicably and irrationally, the Council has not acknowledged this possibility in relation to vehicle licences.
- 52 The Council is asked to recognise this right in relation to vehicle licences as it does in relation to driver licences.

Vehicle inspection process / Vehicle compliance process

(pg 54, para 3b.64; pgs 79 & 80, para 3c.58; pgs 105 & 106, para 3d.65; and pg 126, para 3e.63)

- 53 It is disingenuous of the Council to think that by changing the name of a vehicle 'inspection' to 'appointment' it changes the nature of the vehicle inspection.
- 54 If it looks like a duck, walks like a duck and quacks like a duck, it's a duck! If it looks like a vehicle inspection, it is a vehicle inspection!
- 55 In the circumstances, despite the Council's unsophisticated rebranding of the 'inspection', the inspection will still count as an inspection under section 50(1) of the Local Government (Miscellaneous Provisions) Act 1976.

Suspension of vehicle licences

(pg 56, para 3b.70; pg 81, para 3c.65; pg 107, para 3d.72; and pg 128, para 3e.69)

- 56 The amendment made by the Council by deleting paragraph 3f.62 has not also been made to the above-mentioned paragraphs.
- 57 Although it is not stated, it would appear from the wording of this paragraph that the Council is referring to an authorised officer exercising the powers provided by the Local Government (Miscellaneous Provisions) Act 1976, s 68 to suspend a vehicle licence that immediately prohibits the use of that vehicle for its licensed purpose.
- 58 If this assumption is correct, the paragraph should be amended to expressly state which power the Council is referring to. It should also be amended to expressly state that, if the licence is not reinstated within two months, the licence will be

deemed revoked by virtue of the Local Government (Miscellaneous Provisions) Act 1976, ss 60 & 68.

- 65) Whilst the Council can require the vehicle proprietor to return the vehicle licence plate to the Council within 7 days, it can only do so by serving a notice under the Local Government (Miscellaneous Provisions) Act 1976, s 58(1) on the vehicle proprietor and cannot, as appears to be suggested, require the driver or the proprietor to return the vehicle licence plate immediately upon service of the s 68 suspension notice. It should also be noted that service of such a notice on the driver of a licensed vehicle is not service on the vehicle proprietor, unless the driver is also the vehicle proprietor.

Provisions in relation to lifting a section 68 vehicle suspension

(pg 56, para 3b.71; pg 81, para 3c.66; pg 107, para 3d.73; and pg 128, para 3e.70)

- 66) The Council is required by the Regulators' Code, paragraph 2.3 to provide 'an impartial and clearly explained route to appeal against a regulatory decision' and has not provided any such right to appeal against any decision that may be made in relation to the issue of a s 68 suspension notice and in respect of the standard of test being required to secure the lifting of the said suspension.

CCTV in vehicles

(pg 56, para 3b.73; pg 81, para 3c.68; pg 107, para 3d.75; pg 128, para 3e.72; pgs 144 & 145, para 3f.64; pg 172, Appx C, paras 1.23 & 1.26; pg 181, Appx D, paras 1.27 & 1.30; pgs 188 & 189, Appx E, paras 1.19 & 1.22; pg 196, Appx F, paras 1.26 & 1.29; and pgs 210 & 211, Appx G, paras 1.61 & 1.64)

- 67) It is suggested that, rather than requiring the proprietor to notify the Council of an intention to install a CCTV system (which they might then decide not to install), the condition should require proprietors to notify the Council of installation of a CCTV system in exactly the same way, for example, as the Council requires a vehicle proprietor to give notice that they have had it converted to LPG.

Insurance for private hire vehicles

(pg 75, para 3c.44; pg 77, para 3c.51; and pg 79, para 3c.57)

- 68) By preventing a vehicle proprietor from insuring a private hire vehicle against the risk of a driver using the vehicle to unlawfully ply for hire is an unnecessary and unlawful interference with a vehicle proprietor's right to insure their vehicle against all risks, including those arising from the vehicle being used illegally to ply for hire, if they hire the vehicle out to a self-employed driver
- 69) In such circumstances, if the self-employed driver were to illegally ply for hire and was then involved in an accident, the proprietor would not be compensated for the damage to their vehicle or its total loss by their insurers. Any other person, excluding the driver, would be able to bring a claim against the proprietor's insurers as, even though they would repudiate liability as insurer, they would be obliged to settle claims made of them as the compulsory Road Traffic Act insurer. The vehicle

proprietor would be entitled to bring a civil claim against the driver, but as he / she were hiring the vehicle from the proprietor, it is highly unlikely that they would be in a position to compensate the vehicle proprietor. In those circumstances, the only person to suffer loss will be the innocent vehicle proprietor.

- ⑦⑩ As with so many other aspects of the proposed policy, such restraints of trade contribute to the push by the Council to license with other local authorities.
- ⑦⑪ If, however, the driver is the owner of the vehicle, if they were to put at risk their vehicle by using it uninsured when plying for hire that would probably be less of an interference with their rights as, of course, they should not be engaging in an illegal activity.

Exclusive use of executive private hire vehicles
(pg 86, para 3d.5; and pg 207, para 1.38)

- ⑦⑫ The Council is asked to allow executive private hire vehicles to also be used to undertake non-executive long-distance work, such as that carrying passengers to distant airports and ports when it is also important to provide the customer / passengers with a large executive style of vehicle that is both comfortable on a long-distance journey, but also able to carry substantial quantities of luggage. For the avoidance of doubt, it is not proposed that executive private hire vehicles should be allowed to be used on standard, local, short-distance work.
- ⑦⑬ Section 75(3) of the Local Government (Miscellaneous provisions) Act 1976 expressly provides that a council may specify in a notice the occasions when the vehicle is not required to display its licence plate, etc and the driver is not required to wear their identification badge. By virtue of this power, the Council could (and my clients say should) permit executive type vehicles to be used for standard private hire work when not undertaking prescribed executive work, so long as when undertaking standard private hire work, the vehicle licence plate should be displayed, etc and the driver should wear their identification badge.

Contracting of private hire drivers and employment of other staff
(pgs 139 - 141, paras 3f.30 – 3f.39; and pgs 201 – 2013, paras 1.4 – 1.15)

- ⑦⑭ Whilst it is noted that the Council has made very minor changes to these provisions, it has failed to recognise the impracticality of its proposals or to offer any material evidence to justify its proposals, as required by the Regulators' Code, to justify the imposition of such requirements.
- ⑦⑮ Operators are not inclined to recruit staff that obviously are not fit and proper persons to undertake the task for which they are employed.
- ⑦⑯ However, for the Council to interfere in an operator's recruitment of staff, by virtue of the Regulators' Code, it would have to have material evidence of a need to do so and, if it has such evidence in relation to any operator, it is respectfully suggested that the Council tackle the issue with such operator and not with operators generally.

- 77 In relation to drivers, the fact that the Council has licensed them is, and must be, the only evidence an operator can rely upon that a driver is a fit and proper person and meets the Council's requirements in this regard. Unlike the Council, an operator has no legal right to see, let alone request an Enhanced DBS criminal record check or to make the other enquiries the Council makes.
- 78 In relation to the Council's proposed requirement that an operator verify that an individual has the health and physical capacity for the role, this not only gives rise to potential discrimination issues under the Equality Act 2010.
- 79 In relation to agency staff (and we would extend this to also include temporary staff directly employed by an operator), it is impracticable to obtain a Basic DBS certificate before the persons begins their employment / work with the operator, because such persons would generally only be employed when additional staff were required at short notice. In the circumstances, my clients suggest that all new staff who are permanently employed by the operator or are expected to work for them for in excess of three months should have to be criminal record checked. This would all for the urgent recruitment of additional staff on a temporary basis, whilst providing the safeguards the Council seeks in relation to permanent staff.
- 80 With the very greatest of respect, the proposed requirements detailed in these paragraphs is wholly unjustified, unrealistic and unattainable without change. My clients ask the Council to disapply the proposed provisions in relation to drivers and to amend the requirements in relation to agency staff, as suggested by only requiring a Basic DBS check if they are to be engaged for more than three months, subject to also expanding this to directly employed temporary staff.

Operator obligations

(pg 141, paras 3f.37 – 3f.39)

- 81 My clients do not oppose the objective, but cannot reasonably do any more than to "use their best endeavours" to achieve those objectives and accordingly the Council is asked to change "An operator is responsible for ensuring ..." to "An operator shall use their best endeavours to ensure ...".

Standards of service – requirement to provide Shropshire Council licensed private hire vehicles

(pgs 143 & 144, paras 3f.55 – 3f.57; and pg 206, Appx G, paras 1.29 and new para between paras 1.32 & 1.33)

- 82 My clients and I had thought we could not have been clearer in their consultation response to the original consultation: The Council's proposals are unlawful by virtue of being a direct attempt to frustrate the express intention of parliament.
- 83 As I do not believe that I can more clearly express the position than I did last time, I reproduce that submission below:

- 84) "If it were to be accepted that the Council could frustrate the express intention of Parliament, it would be suggested that the heading 'Standards of service' be replaced with 'Subcontracting', but as the Council cannot legally frustrate the intention of Parliament, the Council is asked to remove in their entirety paragraphs 3f.54 – 3f.57.
- 85) Fifty years ago, in 1968, the House of Lords (as it then was) held in *Padfield & Ors v Minister of Agriculture, Fisheries and Food* [1968] AC 997, [1968] 1 All ER 694, [1968] 2 WLR 924 that neither a government minister nor a public body could frustrate the intention of parliament.
- 86) It is often the case that the intention of Parliament can only be inferred by the fact that it did not make certain legislative provisions.
- 87) However, in relation to the subcontracting provisions incorporated into the Local Government (Miscellaneous Provisions) Act 1976 by the Deregulation Act 2015, s 11 one can be certain that it was not Parliament's intention to impose the requirements upon operators as the Council proposes, because not only were they debated, but a formal amendment was proposed and voted against by a majority of 235 to 191.
- 88) The debate in the House of Lords is recorded in full in Hansard which is available on the UK Parliament website at <https://hansard.parliament.uk/Lords/2015-02-03/debates/15020349000290/DeregulationBill>. The debate took place on 3 February 2015 between 4.38pm and 5.22pm and, as stated, the vote on the amendment was lost, so provisions of the nature now proposed by the Council did not become part of the Bill / Act.
- 89) In the circumstances, there can be no doubt that the Council's proposals are contrary to Parliament's express intention that there should not be any such impediment to an operator subcontracting a booking to another licensed operator.
- 90) If the Council were to proceed to implement these requirements, despite the above, the Council should expect legal challenge."

Condition of licences

(pgs 160 – 213, Appx B – Appx G)

- 91) The conditions of licence are all exceptionally long and, by including re-statement of legislative requirements, blurs the line between law and conditions of licence.
- 92) The Council is asked to simplify these documents by splitting each into two: one containing only the conditions of licence and one containing only legislative provisions.
- 93) The Council is asked to re-write the conditions as conditions, ie to say that the driver / vehicle proprietor / operator must do X or must not do Y and remove unnecessary explanations and justifications for the conditions.

94) By way of examples:

- It is not necessary to 'set the scene' by the inclusion of 1.2 in Appx B.
- It is not necessary to state that a driver's licence will be suspended or revoked if they do not provide the Council with their DBS certificate following the renewal of their licence, as the Council does in Appx B 1.6. That is not a condition of licence – it is a possible consequence of a breach of licence and the same may be said about any breach of a licence.

Display of Exemption Notice

(pg 171, Appx C, new para after 1.12)

- 95) The "medical exception certificate" should be referred to as a "medical exemption notice" and the position in which it is to be displayed has been incorrectly described by the Council.
- 96) The Council has wrongly described the location as being affixed to the windscreen on the passenger side whereas The Equality Act 2010 (Taxis and Private Hire Vehicles) (Passengers in Wheelchairs – Notices of Exemption) Regulations 2017, regulation 2(3) provides that the notice should be displayed "on the nearside of and immediately behind the windscreen of the vehicle" and goes on to further prescribe that it should be displayed "in a manner that readily permits its removal so that its front is clearly visible from the outside of the vehicle; and its back is clearly visible from the driver's seat of the vehicle."

Advertising of executive vehicles

(pg 172, Appx C, para 1.22; and pg 181, Appx D, para 1.26)

- 97) This has not previously been a condition of licence. already promotes the use of its executive type vehicles which are licensed as standard private hire vehicles, with the strapline for those customers who specifically want a prestigious vehicle, such as a Mercedes E or S Class, Audi A6 or A8, etc. To introduce such a condition will prevent from continuing its advertising and service, which it provides to meet a customer demand for such vehicles.

Evidence of driver of wheelchair accessible vehicle having received training on how to safely restrain a wheelchair user

(pg 208, Appx G, para 1.39(j))

- 98) In pursuance of its PSED (Public Sector Equality Duty) under the Equality Act 2010, the Council could prohibit, by condition attached to a vehicle licence, any person driving a wheelchair accessible vehicle unless they have completed training on how to safely restrain a wheelchair (or who has been granted an exemption from being required to do so).

- 99 Drivers who had received such training could have the wheelchair symbol included on their driver's badge, which would make it clear to passengers, potential passengers and others, including operators, that a driver has undergone that training. This system was adopted by Barnsley Metropolitan Borough Council many years ago and has been highly successful.

Operator must on receipt of complaint notify the complainant of their right to complain to the Council

(pg 209, Appx G, para 1.52)

- 100 Operators are opposed to providing this information on first contact with a complainant, because it is likely to be perceived as the operator indicating that they have no genuine interest in dealing with the complaint, which seems to be at odds with the Council's requirement for operators to provide the highest level of customer service. Operators already advise some complainants to direct complaints to the Council and / or police, as appropriate, and, if they are unable to resolve a complaint to a complainant's satisfaction, that they can, in effect, escalate the matter to the Council. The Council is asked to amend this condition accordingly.

Operator must immediately investigate complaint

(pg 209, Appx G, para 1.53)

- 101 Operators will always commence investigations as soon as practicable and as quickly as possible, but it is unreasonable to require complaints to be investigated immediately. For example, a complaint may be received concerning the actions of a driver the previous night, but by the time the complaint is received, the driver, who might only have finished work a few hours earlier, as they work nightshift, will then be on a well-deserved rest period and it would be inappropriate to disturb the driver when this may adversely affect their ability to drive that night. On other occasions, it may be necessary to escalate a complaint to a senior manager or a director, who may not be available over a weekend. The obligation ought to be to investigate as quickly and efficiently as practicable in all the circumstances.

Operator to notify of change of address of driver or vehicle proprietor

(pg 208, Appx G, para 1.41)

- 102 Whilst operators are prepared to provide this information, they can only do so, if they are so advised by a driver or vehicle proprietor of their change of address. In the circumstances, the condition should be amended to require an operator to notify the Council within 7 days of learning of the change of address of a driver or vehicle proprietor.

Invitation and acceptance of bookings remotely to the operating centre by small operators, ie those with no more than two private hire vehicles
(pg 204, Appx G, paras 1.22 – 1.24)

- 103) Perversely, the proposed arrangements for a private hire operator with no more than two private hire vehicles (reduced from the originally proposed three private hire vehicles) only appears in Appx G and is not addressed anywhere else in the policy.
- 104) Paragraphs 1.22 – 1.24 are wholly inconsistent with the requirement provided by paragraph 1.25 for the records to be “held within the physical business premises that is licensed for the purposes of the private hire operator business”.
- 105) On the one hand, the Council rightly takes a firm line with illegal plying for hire and, even though the courts and the Law Commission have failed to define what amounts to plying for hire, the Council has endeavoured to do so. But on the other hand, if it were to introduce this provision for ‘small operators’, it would be giving carte blanche to such operators to illegally ply for hire and to record such journeys as if they had been booked.
- 106) Whilst far from ideal, when the Council was ‘turning a blind eye’ to the prevailing situation of small operators illegally diverting calls to mobile phones and accepting bookings away from their operating centre, at least the Council was not actively prompting illegality by small operators and their drivers.

Operator to notify of dismissal of driver
(pgs 201 & 202, Appx G, para 1.5)

- 107) As operators do not engage drivers as employees, the use of the word “dismisses” is inaccurate and could be interpreted to mean that an operator does not have to notify the Council of a self-employed driver whose contract is terminated by the operator.
- 108) My clients accept that it is appropriate for them to notify the Council of the termination by them of a contract with any self-employed driver, but suggests it is unnecessary to require them to report driver misconduct, because that will either be the reason for the termination of contract or will already have been reported to the Council as being the subject of a complaint. In essence, the majority of this condition is duplicitous and, rather than reinforcing policy or another condition, it creates confusion and uncertainty as it inconsistent with the ‘complaints’ provisions detailed at pages 209 & 210, Appx G, paras 1.50 – 1.54).

Complaints
(pgs 209 & 210, Appx G, paras 1.50 – 1.54)

- 109) Whilst my clients already report what they consider to be complaints that they consider to concern a serious matter they are concerned that what constitutes a complaint has not been defined and that, as a consequence, the Council will either receive details of things it considers not to be a complaint or might not receive details of things the Council considers to be a complaint, but an operator does not.

- 110) For example, would the Council consider a call from a customer enquiring about a late taxi (private hire vehicle) or about an item of lost property to be a complaint?
- 111) My clients would suggest that matters concerning the manner of a driver's driving; safeguarding and equality issues, including refusing to carry assistance dogs, overcharging a wheelchair passenger, etc; sexual assaults or inappropriate sexual conversation or comments; violence or threatening behaviour, including incidents of road rage; acts of dishonesty or attempted dishonesty; and drug-related incidents are matters that they would expect to be required to report to the Council and may well also report some of those matters to the police and / or to encourage a complainant to do so.
- 112) If what constitutes a complaint is so defined, my clients do and would continue to advise complainants of their right to complain to the Council, but they do not and would not want to immediately on receipt of complainants about other aspects of their company's / driver's service delivery to advise of their right to complain to the Council. My clients have complaint procedures and, as responsible companies and licensed operators, want to resolve such matters, if at all possible, to their customers satisfaction. If they cannot do so, they are happy to advise that the complainant has the right to complain to the Council.

Operator to notify Council of vehicle or driver ceasing to be operated by the operator

(pg 208, Appx G, para 1.40)

- 113) Whilst some operators will be able to notify the Council when a vehicle or driver joins or leaves them, it is not possible for all operators to advise when a vehicle or driver leaves them.
- 114) In the past, a driver could only work for an operator if the operator's equipment had been hard wired into the driver's vehicle and in order to move from one operator to another they would have to have the operator they were leaving remove their equipment so that the operator they were going to could install their equipment.
- 115) That has not now been the case for many years and now operators need not even have to provide a driver with any equipment on which to receive booking / job details, because the driver can simply download the operator's driver app onto their own smartphone. Having done so, a driver does not have access to work from that operator until they have paid the operator to have access to work from them and, of course, if a driver stops paying for the operator's services, the operator stops providing work to that driver.
- 116) In the circumstances, whilst it will always be known when a driver joins an operator, because they will have to make payment to receive bookings / jobs from the operator, the operator will not know whether non-payment is indicative of a driver having left, whether they are ill or taking a period of holiday, which might only be a week or two, but could also be for periods of 3 to 6 months.
- 117) Finally, in relation to this condition, but generally in relation to the operator conditions and the policy generally, the Council is asked to refine the wording so as not to inappropriately use the word 'employ' as it can wrongly give the impression

that there is an employer-employee relationship between operators and drivers, which is rarely, if ever, the case.

(118) It is appreciated that the Council has used the word in the context of meaning 'to make use of', but that meaning is less commonly known to exist, let alone be understood to be the only context in which the Council could have used it

(119) Although this letter is forthright in its assertions, my clients sincerely hope the Council will this time heed the warnings set out herein, because both companies are, and wish to remain, very much Shropshire centric companies and would prefer not to have to consider bringing a legal challenge.

Yours faithfully,

Email:
Mobile: