

### Review of Uttlesford District Council's Taxi Licensing Policies.

I acknowledge the opportunity to provide comment on the above.

At this time of writing I must mention that I have noted via social media that not all of the UDC licensed HCV/PHV community have received this information and thus will not be in a position to provide comment/feedback.

#### **1. To inform the Committee of the proposed changes to UDC Taxi Licensing Policies and seek endorsement of draft documents for consultation.**

Comment

The UDC HCV/PHV community represent members of both trade and members of the public that will be directly affected by these proposals, furthermore I feel it very important to emphasise that we the trade (whom you legislate over) are also your customers and as such I feel should have been an inclusive part of the discussion from commencement of producing the proposals, as we are best placed to know what is needed and what is not, where unwarranted cost will be incurred ( as will be expected to fund much of this) and where currently the short falls within the current modus operandis of licensing enforcement need to be addressed , and the viewpoint of members of the travelling public of how effective enforcement is ( I am not aware of any survey conducted on this).

#### **2. For the Committee to note and comment upon the proposal for the introduction of training and testing for new applicants for both Private Hire and Combined (Private Hire and Hackney Carriage) drivers' licences.**

Comment

I applaud the recommendation of the proposal to evaluate the understanding of the English language (both written and verbal) this is a common complaint I have heard from customers from their experience of using UBER whom operate within Uttlesford and beyond.

It is also good that basic geographic awareness will be evaluated as again this has been a common complaint from customers when using some services.

#### **3. For the Committee to note and comment upon the proposal for the introduction of an Update Course for existing licensed drivers at renewal.**

Comment

On what grounds is this proposed? have you verbatim feedback from the travelling public to underwrite the need for this? at face value this is an extra level of bureaucracy and cost that both UDC and the trade should not be burdened with, and I suspect current staffing levels cannot handle.

#### **4. For the Committee to note and comment upon the proposal for the introduction of a Suitability Policy for applicants in the Hackney Carriage and Private Hire Trade.**

Comment

I feel this has long been overdue as Uttlesford has been open to "anyone" to obtain "cheap" licences, and during the "compensation years" was totally abused by fortune hunters seeking to take advantage of UDC's improper accounting.

#### **5. For the Committee to note and comment upon the proposal for the introduction of a driving proficiency test for all new applicants for both Private Hire and Combined (Private Hire and Hackney Carriage) drivers' licences.**

Totally inappropriate and another level of bureaucracy and unnecessary cost should only be applied for those whom incur x penalty notices or other infringement of the laws covering driving on UK roads. Licenced drivers who have been driving for years without notified infringement is evidence enough that they are wholly capable.

Comment

**6. For the Committee to note and comment upon the proposal for the introduction of a new vehicle age & emissions policy which will apply to all licensed vehicles.**

Totally unnecessary and will impose further financial burden on an already hard-pressed trade. Modern vehicles are built to last and the periodic MOT and bi-annual Council testing is adequate to ensure standards are maintained, which can be further supported by ad-hoc periodic inspection by enforcement as should be the case currently.

Comment

**7 For the Committee to note and comment upon the proposal for revised driver, vehicle and operator licence conditions to be introduced.**

Comment

This must be something that undertaken with consultation with the trade, to prevent further legislation that is unenforceable.

**8. That the above draft documents be endorsed for an 8-week consultation with the trade and public.**

Comment

This is akin to bolting the door after the horse has escaped, and both trade and the public should have been engaged with in the first instance.

Financial Implications

**9. There are no financial implications as the implementation and operation of the taxi licensing regime operates on a cost recovery basis.**

Comment

This is totally unacceptable and represents an imposed diktat on the trade to pay for something it doesn't need or have been party to requesting. These proposals read like window dressing to justify the trade to be burdened with the high cost of the employment of further staff within licensing dept. We need a complete review in consultation with the trade to produce an HCV/PHV rule book fit for the 21<sup>st</sup> century which puts customers at the forefront without penury on the trade.

**10. Background Papers 10. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report. • Taxi and Private Hire Licensing: Best Practice Guidance from the Department for Transport (March 2010) • Law Commission in its report on Taxi and Private Hire Services • Local Government (Miscellaneous Provisions) Act 1976 • Institute of Licensing, Guidance on determining the suitability of applicants and licensees in the hackney and private hire trade.**

## **Comment**

Much of this is I feel outdated and has needed revision for decades. Reading the monthly PHM periodical would have facilitated being kept updated on the sea change that is ongoing within the licensed trade.

## **RESPONSE:**

Thank you for your comprehensive response to the proposals. I will address your points in the order they are raised in your letter.

The consultation on the proposals has been sent in the identical way that UDC has communicated with its licensed trade in the past. This includes directly notifying the trade, informing ULODA, a recent newsletter and inclusion on the taxi pages of the website. UDC believes that this combined with word of mouth amongst the trade and an 8 week consultation period is adequate to demonstrate that all parties had the ability to comment.

### Point 1

The proposals are part of a programme of works that started back in September 2017. Throughout the process we have spoken with members of the trade and ULODA as the recognised trade body. Suggestions have been taken on board throughout the process and they have helped shape the proposals but ultimately UDC is the regulator of the trade and our primary responsibility is public safety. As such we have to accept that there will be times when the views of UDC and the licensed trade do not agree.

The 8 week consultation that you have responded to is the opportunity for anyone to make their views known and for those views to be publicly considered by the members of the Licensing & Environmental Health Committee. Your letter implies that the result has been predetermined and this could not be further from the truth. All responses will be considered and discussions with trade representatives have continued through the consultation. The authority welcomes all opinions and suggestions relating to the proposals.

If you have some observations or suggestions regarding enforcement then please let us have those even though they may not effect this particular consultation.

### Point 2

Thank you for your positive comments regarding the proposed driver training course. We believe that such training and testing is necessary not only to help ensure public safety but to improve the service that people receive from licensed vehicles.

### Point 3

The Update Course is proposed for a number of reasons which were contained in the original report put before committee. Many professions require continuous professional development and this principal applies to the licensed trade. Things move on rapidly, a few years ago no one had heard of CSE let alone provided training on how to spot it, safeguarding in its current form was also unheard of. These are all things that a professional driver who deals with the public should know in order to help protect the public. The logistics of delivering what has been proposed has been carefully

considered and we are confident that we can deliver this course and the other proposed training and testing.

#### Point 4

Thank you for your support of the introduction of a New Suitability Policy.

#### Point 5

To clarify the proposal is that the driving proficiency test will be mandated only for new driver applications. As you suggest, an existing licence holders will only be required to take the test if their ability to drive safely is in doubt or they have reached the set threshold for points on their DVLA licence.

The test will require a higher mark to pass than a standard driving test and this is at a level that can realistically be expected of a professional driver. An absence of notified infringements is not evidence of someone's driving ability it is simply an indication rather than confirmation. For example a person could hold a driver's licence but never owned or driven a car since they passed their test or the person may be a habitual speeder but simply never have been caught. An applicant needs to positively demonstrate that they are safe to drive a licensed vehicle, to demonstrate that they are fit and proper to hold a licence, rather than the authority simply relying on the fact the applicant has never been caught driving badly.

#### Point 6

The proposed vehicle age & emissions policy should not be considered a blanket policy and in fact it would be illegal if it was that. The authority will consider any application to licence a vehicle whether it complies with the policy or not. Much of the fleet of cars licensed with Uttlesford already comply with the new standards and for those that don't there are other options such as LGP conversions. These may seem initially expensive but the higher the mileage a vehicle is doing the more quickly the cost of the outlay is recouped through savings in fuel costs. Following consultation with the trade it has been decided to amend the vehicle policy to remove the age element and to extend the period before the emissions elements come into place. This will give the existing trade longer to prepare for the changes.

It is an accepted fact that newer vehicles are generally safer than older vehicles and equally they generally produce less pollution.

#### Point 7

The consultation with the trade is open for 8 weeks and we would welcome any suggestions you have in relation to the proposed conditions and standards.

#### Point 8

As I said earlier in this response the outcome of the consultation has in no way been predetermined. ULODA and other trade representatives have been involved in discussions regarding the proposals since early 2018. This 8 week public and trade consultation is your opportunity to have your opinions heard and considered. UDC has put forward a number of proposals to promote public safety and has

then asked for views on those proposals. All responses will be responded to and publicly considered by the Licensing & Environmental Health Committee.

#### Point 9

As the regulator UDC has to ensure public safety in the way that it sees fit. The legislation allows the majority of the cost of the licensing regime to be recouped through licence fees. As you will be aware from you earlier reference to the “compensation years” the authority is not allowed to set fees that would generate a profit and can recoup any deficit by raising fees in following years.

These proposals are the first steps towards a complete review of taxi licensing at UDC which will result in a comprehensive handbook and clear guidelines for the trade, provide a timely and cost effective service, allow customers to know what standards to expect and how to report issues and promote public safety. We will continue to engage with the trade and consult openly where appropriate.

#### Point 10

We agree that much of the legislation and guidance in relation to taxi licensing is outdated and urgently in need of revision. This is something that local authorities and the Local Government Association have been trying to push with central Government for years. As a regulator we have to work within the legislation and guidance that is in place.

If you have any specific suggestions or amendments to the proposals that are currently being consulted upon then please send them to us before midnight on the 30<sup>th</sup> January 2019. We would also like to hear any proposals you may have regarding any other part of the UDC taxi licensing regime so that they can be considered as part of future changes.

I would be happy to arrange to discuss any of the above points with you if that is something you would like?