

Newcastle Borough Consultation Representation

This document has been produced taking into consideration the Newcastle under Lyme Borough Council Draft Taxi Policy Document.

The new draft policy is valid for three years. Most of the proposals have no fundamental base to reach a mutual agreement between the parties. The view of all the relevant stakeholders has not been taken into consideration.

The entire Draft Taxi Policy has been considered and the areas where issues of concern have been identified by the Newcastle Taxi Trade these are listed below. The sections of the Policy are included in italics with the representations below these sections. Additional comments and issues from the Newcastle and Kidsgrove Hackney Association are shown in italic red.

3.2 Dual Hackney Carriage and Private Hire Drivers Licences

3.2.4 In addition to submitting the application form and fee an applicant must:

- Be over 21 years of age*
- Provide a full UK driving licence (or the European equivalent) that has been held for at least 3 years. If the driving licence; was not issued in the UK or EU, then the applicant must comply with the requirements set out by the Government for exchanging/applying for a DVLA licence*

Change from the previous policy where it was 1 year for a full licence, why does this need to be changed. Does this also mean that a non-EU applicant has to wait for 3 years before they can apply???

- Pass the Council's knowledge test;*
- Pass Disability awareness training approved by the Council*
- Have attended the Safeguarding and Child Sexual Exploitation Awareness Training within the previous 3 months*

Will the Council provide more information about the LKT (Appendix C Section 24) This is not Included in the current Policy where it is purely a geographical test provided by Burslem College. Likewise, will the Council still be providing the Disability Awareness and Safeguarding Training during the duration of this Policy. (until 2021)

- Satisfy the Council that they have a satisfactory level of conversational and written English in order to carry out the role of a hackney carriage/private hire driver. If the applicant is unable to satisfy the Council then it may require them to undertake an English-speaking qualification from a Council approved*

provider (e.g. English for Speakers of Other Languages (ESOL), Secure English Language Test (SELT)).

Is it necessary for this additional testing for new applicants, if they have already passed the other elements required in the Application process, BTEC, Knowledge Test, Disability Awareness and Safeguarding Training, all of which are conducted in English, then the Applicant will already have displayed a satisfactory understanding of English.

Comments: The Association believes that the English language satisfactory level is not necessary because to get a license you need to have a driver's theory test in English language also the driving test is required in English. Also, you have to do BTEC or NVQ Certificate to hold a licence and you have to have the English language skills. Also, when undertaking the Knowledge Test, you have to do this in English. Therefore, the Councils' requirements are not necessary and are only extra burden and costs on the drivers.

3.2.5 On renewal of an existing licence, applicants must:

- Provide a Safeguarding and Child Sexual Exploitation Awareness training certificate issued within the previous 3 months;*
- Pass the Council's knowledge test (first renewal after policy implementation only);*
- Pass Disability awareness training approved by the Council. (first renewal after policy implementation only)*
- Undergo Group 2 medical examination and provide the medical certificate issued by their registered GP or a Medical Practitioner who confirms they have had access to the full medical records when determining the applicant's fitness to drive issued within the previous 3 months*

These need to be considered again by the Council and the reason these amendments have been included in this Policy document explained. None of these are required in the current Policy so what is the rationale for these changes. Existing drivers will already have undergone the Disability Awareness and Safeguarding Training so is there any need to renew this. Also, the current Policy states for Renewal applications "There will be no requirement to undertake the knowledge test" so what is the rationale for this change? Drivers may have been established for some years without any issues then why do they need to complete this additional training, and then only on one occasion.?

- *Undergo Group 2 medical examination and provide the medical certificate issued by their registered GP or a Medical Practitioner who confirms they have had access to the full medical records when determining the applicant's fitness to drive issued within the previous 3 months*

Currently Drivers have to undergo the medical every other application, in other words the medical is valid for 6 years. Medicals are expensive to obtain and as the driver has a requirement to inform the Council of any changes to his/her medical history the requirement to obtain a medical at every renewal application would seem to be unnecessary.

- *Satisfy the Council that they have a satisfactory level of and written English in order to carry out the role of a hackney carriage/private hire driver. If the applicant is unable to satisfy the Council then it may require them to undertake and English-speaking qualification from a Council approved provider (e.g. English for Speakers of Other Languages (ESOL), Secure English Language Test (SELT)).*

How will this be achieved? Further information will be required as to how the Council will test the level of English for an established driver. Again, if a driver has been driving for 3 or more years without any issues then why should he need to prove that he has a satisfactory level of English. This again would have been assessed at his initial application level and does not to be tested again.

Comments: The association does not agree that the existing drivers have to prove their level of English, pass the Knowledge Test, attend the Disability awareness course and Safeguarding or they have to go again take medical examination which currently has to be every six years. Here you are talking about the experienced drivers who have been driving for number of years and the Council places financial burden on each individual driver.

Smoking in vehicles

3.2.16 Drivers must not, at any time, smoke or permit passengers to smoke in their vehicle as required by the Health Act 2006 and the Smoke-Free (Exemptions and Vehicles) Regulations 2007. This includes the use of electronic cigarette and/or vapourisers etc. If drivers are witnessed smoking, or allowing a passenger to smoke, in a licensed vehicle then they may be served with a fixed penalty notice, issued with a warning and/or referred to the Public Protection Sub-Committee. Drivers smoking when their vehicle is parked / not hired must get out and step away from their vehicle.

Comments: Some passengers despite the request of the driver continue smoking in the taxi vehicle, those passengers are not willing to listen to the driver and in return abuse the drivers. Hence the driver could be liable for passengers not obeying the law.

Overcharging

3.2.21 Drivers of hackney carriages must not charge more than is permitted under the current table of fares. Drivers undertaking journeys ending outside the Council's area and in respect of which no fare and no rate of fare was agreed before the journey commenced must not charge more than that indicated on the taximeter or more than the current table of fares allows.

Comments: The Hackney drivers must be allowed to take money upfront prior to starting the journey to avoid not being paid at the end of the trip. Some passengers/ customers will take the hackney fare to their required destination and then inform the driver they do not have money to pay them what are you going to do? This happens on a regular basis or they run away without paying the fare.

Obstruction

3.2.24 Hackney carriage drivers must not obstruct other hackney carriage drivers/vehicles from undertaking their normal hiring and driving activities, on a rank or other designated collection point.

Comments: on the rank there is a queue system the hackney carriage driver must pick up the fare in turns. The first in the queue will get the job to do.

3.3.5 The Council does not limit the number of hackney carriage vehicle licences that it will issue.

Comments: The Hackney Association feel there is, at the moment, no unmet demand for saloon, estate and hatchback. The Association would ask the Council to consider reintroducing a limit on HC Licences. To put a limit back on HC's the Council has to conduct a survey, the costs of which should be borne by Council. Also, there is not enough space to park the vehicles on the taxi rank. Provision must be made for additional Hackney Carriage Ranks within the Borough. The current taxi vehicles are already struggling hugely.

3.3 Hackney Carriage Vehicle Licences

3.3.3 All hackney carriages, whilst plying for hire, shall be immediately capable of providing for at least one wheelchair if designated as a Wheelchair Accessible Vehicle by the Council.

This condition needs to be clarified and possibly reworded as it seems to indicate that all Hackney Carriages will have to be wheelchair accessible.

Vehicle Type and Age

3.3.10 Upon first application all vehicles must be a purpose-built hackney carriage, wheelchair accessible, converted to conform with European type approval or be a fully electric powered vehicle (also known as 'Battery Electric Vehicles or 'Pure Electric Vehicles' and be less than 3 years old.

3.3.11 The maximum age for vehicles to be licensed will be 7 years old. The maximum age for Electric vehicles to be licensed will be 10 years old.

These sections need to be reviewed and reflected in the Appendices attached to the Draft Policy. Neither of these sections are acceptable to the Taxi trade and there is no justification or reasoning within the Draft Policy document to indicate why the Council wish for these conditions to be included.

These conditions seem to have been included at this early stage in order that the Council can express their interest in the Office for Low Emission Vehicles to apply for the Ultra-Low Emission Taxi Infrastructure Scheme – Round 2 Funding. Within this document there are funds available, which the Local Authorities can apply for, to put into place the infrastructure (charging points) at Hackney Carriage Stands for electric Taxi vehicles. There are also funding/grants available to assist Taxi owners to purchase electric vehicles. Having looked at the OLEV documents it would seem that the process should have been commenced some time ago and the closing date for bids will be 26th October 2018.

There is no indication that the Council have engaged in this early bidding process and there is also no timescales set in the OLEV document for the implementation of the infrastructure. The logistical issues in providing charging points at Hackney Carriage stands in Newcastle would seem to be considerable and would certainly not be addressed in the near future and certainly not within the lifetime of the Taxi Policy now out for consultation which will be in place from 2019 until 2021.

The cost to the Taxi Trade of changing to electric vehicles will be quite onerous. Presently the cost of a new all electric TX London Taxi is £55,599. The cost of a Nissan Leaf saloon is currently £25,150, a Nissan E-NV200 Combi is £26,999 and a Volkswagen E Golf is £32,730. There are other electric vehicles available, these are the new prices for these vehicles as the OLEV funding is only available on New vehicle purchases. Combine this with the fact that electric vehicles have a limited mileage range at present (Nissan Leaf has a maximum range of only 168 miles, which would mean that if a customer wanted to be taken to any location more than 85 miles from Newcastle then the vehicle could not get back home without the need to charge the battery) Without the charging points being readily available then this makes this requirement for electric vehicles quite unnecessary and not justified.

Within the Draft Policy is 1.2 **The Council's Mission Statement** which states at ***Our approach***

1.7.3 The Council aim to balance protection of the public against requirements which are too onerous. Requirements which are too onerous may ultimately reduce the availability and increase the cost of taxis/private hire vehicles. We aim to be pragmatic and work with the trade to improve the service provided to the public.

The Council are committed to being as open as possible in our dealings with the public and the trade. We will seek to put as much information as possible on the website in as user friendly form as possible.

These changes to the Policy are not a fair requirement and the Council have not considered the impact this change will have on the Taxi Trade in Newcastle. It does not meet the above Mission Statement. If these changes came into force this would place an onerous financial burden on the Taxi Trade and would inevitably result in a reduction in the number of vehicles working in Newcastle and the costs of taking journeys with Newcastle Licensed vehicles will rise. This would ultimately mean that there would be an influx of vehicles licensed in other areas, predominantly Stoke on Trent Licensed Vehicles, which would be cheaper and more readily available to the Public.

The Council do not seem to have a similar policy for their own fleet of vehicles and there does not appear to be any decision by the Council to replace any vehicles in the current fleet with electric vehicles or newer vehicles. If the Council is not going to set a standard for its own vehicles, then why should the Taxi Trade be forced to accept these new conditions. Also, there is no requirement for other sectors of the transport trade to replace their fleets with

either newer or electric vehicles. Buses using the Bus Station in Newcastle are not required to be electric or under 3 years of age. The First Bus fleet that regularly uses the bus station and roads in Newcastle consists of 117 vehicles, only 24 of these vehicles are under 5 years of age, of the remaining 93 vehicles all are over 10 years old and 72 vehicles are over 13 years old. These vehicles making numerous journeys around North Staffordshire but there is no indication that these vehicles will need to conform to the same restrictions as the Council are proposing for the Taxi Trade.

Comments: The Committee does not agree with having an electric vehicle as a hackney carriage, firstly hackney carriage has to be 5 years old and maximum duration must be 10 year after passing the first test

Secondly electric vehicles are not suitable for hackney because at the moment there is no infrastructure for them, there will not be enough car charging points. There are also many common faults and the current mechanics are not suitably experienced and equipped to deal with the faults of electric vehicles.

Thirdly, the battery life is a serious concern when making a journey from Newcastle under Lyme to London and back.

If someone has to catch the flight but there is no battery in the car what would the passengers do?

The battery charging requires couple of hours which as a taxi driver is not sufficient to meet drivers needs. It is clearly not practical for day to day running of the taxi vehicles.

The Government intention is to have all electric taxi vehicles by 2040, why is the Council pushing for this at such an early stage when there is neither the infrastructure in place or any commitment from the Council to set the standard by making their own vehicles all electric in the next few years.

Grandfather Rights

3.3.12 Vehicles that are wheelchair accessible or previously categorised as 'minibuses' which are licensed at the time this version of the policy is implemented may continue to be licensed until they fail the Council's mechanical vehicle test when it will cease to be suitable for licensing, or when they reach the maximum age of 10 years, whichever is soonest. These vehicles will be subject to a mechanical vehicle test every 6 months. The cost of the tests will be met by the vehicle owner. At each renewal test, and subsequent 6-

month test will be permitted one retest only. Once a vehicle fails a test and retest it will cease to be suitable for licensing.

3.3.13 Current holders of Hackney Carriage licences for non-wheelchair accessible vehicles (i.e. saloons, hatchbacks and estates) will cease to benefit from existing grandfather rights allowing them to replace their current vehicle, with another non-wheelchair accessible vehicle either during the licence period or at the expiry date of the licence. All replacement vehicles will be required to meet the criteria for a new Hackney Carriage Vehicles.

The Council have included these sections in the Draft Policy where there was no mention of “Grandfather Rights” in the current policy. Again, there is no rationale for these changes and no justification or reason included in the draft policy to indicate why the Council wish for these changes to be made. The Taxi Trade would wish to make some points about these changes and suggest other alternatives that should be considered.

Option	Age when first licensed	Maximum Age	Safe and suitable test	Comment
1 Current	>5 years old	Purpose Built indefinite Saloon 8 years	6 monthly exceptional condition test	Change this to safe and suitable
2	>5 years	10 years	After 10 years 6 month testing	
3	>7 years	10years	After 10 years 6 month testing	Current conditions applicable to Stoke on Trent Vehicles.
4 Proposed	>3 years	WAV 7 years Electric 10 years	WAV after 10 years 6 month testing	Non WAV lose Grandfather Rights and have to be replaced.
5	>7 years	10 years	No	Licence

				ceases at 10 years (11 years actual)
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The Taxi trade would like the Council to consider the alternatives outlined in the table above and put these into the consultation process. The Draft Policy has not considered any alternatives and has not consulted with the trade for them to put forward any alternatives to the very restrictive suggestion which is currently under consideration.

The Taxi Trade would prefer to have consideration given to changing these proposals with the preferred option being Number 3 in the table above. This option is the same age Policy as that in place in Stoke on Trent and would enable the Taxi Trade to compete on an equal footing as the vehicles operating under the Stoke on Trent Licensing regime. At present there are a number of Licensed Operators with Newcastle who also have Operators Licences with Stoke on Trent these operators use vehicles quite legally within both Authority areas. As the Cross-border hiring restriction was removed from the legislation some years ago there is no requirement for Operators to only use vehicles registered within their Licensed district. This means that Stoke on Trent Licensing Vehicles and drivers are regularly working within Newcastle conveying the residents and visitors in vehicles that do not conform to the current vehicle age Policy at Newcastle and certainly wouldn't meet the proposed conditions in the Draft Policy Document. The logical decision would be to have similar conditions as those in Stoke on Trent.

If the Council did not consider this option to be suitable then the Taxi Trade would ask that Option 1, which is the current situation be considered, the only change to this would be that the exceptional condition requirement in this Option be replaced with a Safe and Suitable test which is similar to the annual test currently required. The Taxi Trade would ask that some discussion be conducted around this issue before any decisions are made regarding this matter.

Comments: The Association wants to hold onto the benefits of Grandfather rights from the current hackney, saloon, hatchback and estate vehicles.

Within the **TYPES OF LICENCE & APPLICATIONS** section of the Draft Policy is the following section in:

3.3 Hackney Carriage Vehicle Licences

3.3.16 Any person wishing to licence a hackney carriage vehicle must submit:

a) A completed application form;

b) A Basic Disclosure Certificate issued within the last 12 months or a DBS certificate registered on the update service;

c) A Statutory Declaration detailing the complete history of any criminal and motoring convictions, caution, reprimands, speed awareness courses and fixed penalty notices including any pending charges and 'spent' convictions';

d) A pass certificate for the Council's Knowledge Test.....

Sections b), c) and d) would appear to have been included unnecessarily for an application for a vehicle Licence.

MOT

3.3.17 MOTs are required in accordance with the following requirements:

1. a) Vehicles must be submitted for an MOT inspection at least once per year, and if deemed necessary by an authorised officer. The applicant must produce valid MOT certificates to the Council in this respect;
2. b) MOTs must be undertaken by a 'Nominated Tester' or Authorised Vehicle Examiner at a Vehicle Testing Station appointed under Section 45 of The Road Traffic Act 1988; the cost of all tests must be met by the vehicle operator;
3. c) If the vehicle is less than 12 months old when first licensed then the first MOT is due during the first licence period. If a vehicle is over 12 months old when first licensed then it will require an MOT prior to being licensed;

d) With respect to a licensed vehicle, in the event of a proprietor failing to present to the Council an MOT test certificate as required (unless delayed or prevented by sufficient cause accepted and agreed by the Council), the Council may suspend the licence and require the proprietor of that vehicle to return the plate to them within 72 hours of receipt of the written request.

3.3.18 The Council requires all vehicles to be tested at least once a year, to ensure that they are suitable and 'fit' to be licensed.

Comments: The association believes there has to be only one MOT for the car, Council does not need 2 MOT's. One privately and one from the Council. Most of the vehicles MOT expire at the same period as Council MOT, this is an unnecessary financial burden on the drivers, whilst Council can conduct MOT

and provide certificate required for it. Hence the requirement to have 2 MOTs at the same time is unnecessary and useless. The association would ask that the Council consider appointing three garages in Newcastle/Stoke on Trent where the vehicle can have the MOT test. Once the vehicle has passed the MOT the certificate should be enough for the Council to then conduct the suitability test and issue the relevant certificate. Or that the Council conduct the MOT and Suitability Test at the same time at the depot and remove the requirement for the additional MOT. Also, the Association would ask that the Council look again at the cost of the MOT at the depot. Currently the Council is charging £150 for MOT whilst outside it costs £60.00.

Advertising

3.3.25 Proprietors are not permitted to advertise any third-party company/person on hackney carriages vehicles at any time.

Comments: The association would ask that the Council reconsider this and see if there is the possibility to allow Hackney Vehicles to advertise sensible material if the owner wants to do this. This is allowed in many areas of the country and many HC's display advertising for a variety of businesses, this is a possible revenue stream for the HC Trade.

3.3.26 All Hackney Carriage vehicles must display the vehicles signs shown in appendix M on the exterior of the rear passenger door on both sides of the vehicle, at all times that the vehicle is licensed by the Council.

Comments: The vehicle already have signage at the front of the screen, why do they need to place the same signage at the rear? It would obstruct the drivers back view risking the safety of driver and passengers when turning to the left and right or whilst changing lane.

3.3.29 The Highways section of Staffordshire Council is primarily responsible for the creation of ranks and will work with the hackney carriage trade, the Council and Staffordshire Police to determine where ranks/stands ought to be situated.

Comments: All the vulnerable, special needs, elderly people are in collective agreement that Hassel Street Rank must be operated 24hours a day to meet their needs. The High Street Rank is too far away and there are too many street furniture and A boards and barriers that make it difficult for the disabled/elderly people to walk to alternative ranks.

Electric Vehicles

3.3.35 The Council encourages and promotes the purchase of fully electric vehicles to be licensed as Hackney Carriages. Fully electric vehicles will be the only type of non-wheelchair accessible vehicle permitted to be licensed as Hackney Carriages. Where possible the Council will seek to implement a number of 'plug-in' points around the Borough which will be available for vehicle proprietors to use, and also to actively target funding opportunities. Hybrid vehicles will not be permitted as Hackney Carriages unless they also fulfil the Wheelchair Accessible Vehicle requirements.

This condition needs to be considered in conjunction with the previous representations made. This section does not give any consideration regarding the cost of replacing the vehicles or where and how many charging points will be required or available. There is no time scale for the infrastructure to be in place so to make a condition that all non WAV have to be electric vehicles would appear to be ill advised and not justified without more information and research. See <https://londonist.com/london/transport/300-of-these-electric-taxis-are-now-on-london-s-roads>

3.4 Private Hire Vehicle Licences

Vehicle Age

3.4.8 Upon first application all vehicles must be less than 3 years old

3.4.9 The maximum age for vehicles to be licensed will be 7 years old (from date of first registration or if imported from the date of manufacture). The maximum age for Electric vehicles to be licensed will be 10 years old.

Grandfather Rights

3.4.10 Vehicles previously categorised as 'minibuses' which are licensed at the time this version of the policy is implemented may continue to be licensed until they fail the Council's mechanical vehicle test when it will cease to be suitable for licensing, or when they reach the maximum age of 10 years, whichever is soonest. These vehicles will be subject to a mechanical vehicle test every 6 months. The cost of the tests will be met by the vehicle owner. At each renewal test, and subsequent 6 month test will be permitted one retest only. Once a vehicle fails a test and retest it will cease to be suitable for licensing

These sections are also areas that the Taxi Trade would wish the Council to reconsider. The representations regarding this are similar to the those already expressed within this document.

With regard to the Grandfather Rights section there is no indication that vehicles other than “minibuses” have grandfather rights, this would be similar to the proposed condition within the Hackney Carriage section. However there seems to be an issue with regard to this section (and also the Grandfather Rights section of the section in Hackney Carriage Licence conditions) in that it states that vehicles will cease to be suitable for licensing if they fail the Council’s mechanical test or when they reach the maximum age of 10 years. It then goes on to state: “*These vehicles will be subject to a mechanical vehicle test every 6 months*”. When do the vehicles require the 6-month test? Does this mean that once a vehicle is 10 years of age it can continue to be licensed provided it is tested successfully every 6 months? If this is the case, then does this not contradict the age policy proposed and why does this only apply to Minibuses when a saloon should also be subject to the same conditions. This should also apply to the Hackney Carriages.

Comments: The Association wants to hold onto the benefits of Grandfather rights from the current hackney, saloon, hatchback and estate vehicles.

3.4.13 Any person wishing to licence a private hire vehicle must submit:

- a) A completed application form;*
- b) A Basic Disclosure Certificate issued within the last 12 months or a DBS certificate registered on the update service;*
- c) Complete a Statutory Declaration detailing the complete history of any criminal or motoring convictions, caution, reprimands, speed awareness courses and fixed penalty notices;*
- d) A pass certificate for the Council’s Knowledge Test*

Again, Sections b), c) and d) would appear to have been included unnecessarily for an application for a vehicle Licence.

Electric/Hybrid Vehicles

3.4.31 The Council encourages and promotes the purchase of fully electric or hybrid vehicles to be licensed as Private Hire Vehicles. Where possible the Council will seek to implement a number of ‘plug-in’ points around the district which will be available for vehicle proprietors to use, and also to actively target funding opportunities

As previously discussed this is a proposed condition that the Taxi Trade would wish to have removed.

3.5 Private Hire Operator Licences

Operator's Premises

3.5.3 The Operator must have a base within the administrative area of Newcastle-under-Lyme in order to ensure that the Council can inspect the base and associated operator records to check compliance with licence conditions.

3.5.4 The Council will not grant an operator's licence to apply to any physical premises that falls outside the administrative area of the Borough Council of Newcastle-under-Lyme. Those operators who hold an operator's licence that applies to premises falling outside of the administrative area of the Borough Council of Newcastle-under-Lyme at the time of this policy coming in to force will not be affected until their licence requires renewing. At renewal the operator must apply to operate from a physical premises falling inside the Borough Council of Newcastle-under-Lyme.

If the licence of a current operator, that applies to premises falling outside of the administrative area of the Borough Council of Newcastle-under-Lyme at the time of this policy coming in to force, is due to expire within 6 months of the implementation date then the Council may, at its discretion, issue a 12 month licence to allow operator sufficient time to source a suitable premises within the Borough area. After this period no licences will be issued to premises that fall outside of the Borough area.

3.5.5 The Council will only grant operator licences applicable to the physical premises from which the operator's business will be run.

This is a change that will affect a number of Operators issued Licences previously by Newcastle under Lyme Borough Council where the Operational Base does not fall within the Borough Councils area.

Section 57 (2)(b)(ii) of the LGMPA 1976 states that the Local Authority can issue an operator's licence to the operational base at the address or addresses whether within the area of the council or not from which he intends to carry on business in connection with private hire vehicles licensed under this Part of this Act

This was the legislation under which the licences were issued and therefore there is no need to amend the conditions in this regard. Operators who hold a Current Licence in an area outside the Council District should be allowed to renew the licences at the premises currently Licensed and this should continue indefinitely provided the Licence remains in force. **As the Taxi Trade are not**

aware of any problems resulting from Private Hire Operators having bases outside the district and there is no indication within the draft Policy document to justify this change then the Taxi Trade would ask that this proposal be removed.

4.4 Penalty Points Scheme

This section does not appear in the current Policy and seems to have been included without reference as to the reasoning behind this. The Taxi Trade would ask for more information regarding this. Such as “Will there be any conversion of the drivers records to the points scheme where the driver has previously been dealt with by the Council?” “Will there be any consultation or discussion on the Penalty Points Table as some of the points awarded appear to be severe, some misconduct does not warrant the points being awarded and is not necessary?” The Taxi Trade have no objection to the Penalty points system being used in principle but would ask that this be applied fairly and consistently by the Council after due consideration and consultation.

POLICY CONSULTATION

6. 0 Members of the public were invited to put forward their comments to the proposed policy document during a series of consultation periods. In addition consultation was undertaken with the following stakeholders and partners: -

- Hackney Carriage and Private Hire Operators, Drivers and Proprietors*
- The Borough Council of Newcastle-under-Lyme Public Protection Committee*
- The Borough Council of Newcastle-under-Lyme Legal Services*
- The Borough Council of Newcastle-under-Lyme Licensing and Environmental Services Team*
- The Borough Council of Newcastle-under-Lyme Garage Vehicle Inspectors*
- The Borough Councils Partnerships team*
- Staffordshire County Council Passenger Transport Service (Education and Welfare)*
- Staffordshire Safeguarding Children’s Board Child and Adult Safeguarding Services*
- Staffordshire Police*
- Staffordshire Fire and Rescue Service*
- Neighbouring local authorities*

a. The draft policy was approved to go out for consultation by the Public Protection Committee on 18 September 2018. The consultation was taken over a 12 week period from 2 October 2018 to 21 December 2018. At the end of the 12 week period the responses were collated, amendments were made where deemed appropriate and the updated policy was referred back to the Public Protection Committee to be approved. Public Protection Committee agreed to adopt the Policy in its current form on 22 January 2019 (proposed date) and for it to be implemented on 1 April 2019 (proposed date).

b. During the consultation period the Council held meetings with the Hackney Carriage Association and representatives of holders of Private Hire Operator and Vehicle Licences.

The policy has not been sent out to the various Disability Groups which would seem to be an error as many sections of the Draft Policy will have impact on the disabled and they should be allowed to have a say in this process.

This section is not correct and appears to have been written in anticipation of the Draft Policy going through the consultation without representations being considered. This section is written in the past tense and there is reference to meetings with the Taxi Trade being held but as yet no meetings have been arranged and the Taxi Trade have not yet had chance to voice the trades concerns at the Draft Policy. The timescale within this section will have to be revised to allow the Council time to assess the representations, hold the meetings with the trade and compile the revised policy for submission to the Public Protection Committee.

Appendix C

Criteria to Become a Driver.

7. In addition, all current drivers must successfully complete the Council's in-house knowledge test prior to the first renewal application of their licence following the implementation of this policy.

The Taxi Trade believe this requirement is unnecessary and unless there has been issues with an established driver then there should be no requirement for existing drivers to pass the Local Knowledge test.

Knowledge test

24. All new applicants are required to pass the Council's written test before the Council will grant them a driver's licence. The test will be carried out in English. In addition, all existing drivers must successfully complete the Council's in-

house knowledge test prior to the first renewal application of their licence following the implementation of this policy.

The test comprises an exam covering the following areas:

- ☐ the highway code;*
- ☐ taxi legislation;*
- ☐ the Council's vehicle conditions and driver Code of Conduct;*
- ☐ safeguarding and child sexual exploitation awareness;*
- ☐ Disability awareness*
- ☐ Local area knowledge*
- ☐ Working out fares and giving change;*
- ☐ The understanding of and testing of written English*

A 75% pass mark is required for each section, all sections must be passed at the same time and failure to answer certain questions correctly will result in automatic failure.

There are no details within the Draft Policy Document to indicate what will be included in this Knowledge Test. How many questions will be in each section and where when and how this test will be conducted? At present the Current Policy requires new applicants only to undergo the Council's geographical test which is provided locally at Burslem College, there is no requirement for existing drivers applying for a renewal to undertake the LKT. The details of the new LKT would have to be considered by the Taxi Trade as this may have a significant impact on the flow of drivers applying for Licences with Newcastle.

Medical requirements

30. All new applicants must undertake the medical examination and provide a satisfactory medical certificate before a licence is issued for the first time and then every 3 years in line with a renewal application. All licensed drivers aged 65 and over must undertake a medical examination annually and produce the report to the Council. Failure to do so may result in the licence being suspended or revoked.

As previously stated this requirement is not acceptable and contradicts the current Policy where the need for Medical certificates are only required every other application (every 6 years)

Appendix H

10. Have fitted rear passenger windows that are not heavily tinted or blacked out and will allow a minimum of 35% transmission of light (tolerance of 2%) and must comply with the Road Vehicles (Construction & Use) Regulations 1986.

Remove this requirement. Almost every vehicle has tinted windows in the rear, allow factory fitted tinted windows without any tests as vehicles fitted with factory fitted tinted windows must comply with the Construction and Use Regulations.

Appendix J

Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades

This section has replaced the Guidance on the relevance of the convictions within the current policy. The Taxi trade have no objections to this Appendix replacing the current guidance in principle however, there are sections that the Trade would like to comment on as some matters appear to have harsh and unjustified timescales included.

The draft Appendix breaks down the offences considered to be relevant and places a timescale on when a licence will be granted if an applicant has a conviction for these offences. Having looked at the various offences outlined in the Appendix there is a considerable disparity in certain areas from the previous Guidance and the reasons for implementing these new timescales has not been explained. One particular area is the Offences involving violence where a 10-year period is the guidance.

Offences involving violence

32. Where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

There is no qualification of these offences to indicate the degree of severity of the offence. The current guidance breaks these offences down by severity (Common Assault through to Arson and Malicious Wounding) with a timescale of 3 years to 5 years. Likewise, the dishonesty offences are not considered in view of the severity and a 7 year period is the guidance, in the current policy the guidance is 3 to 5 years depending on the nature and circumstances of the particular offence. The taxi trade would ask that the Council reconsider this Appendix and have regard to the Rehabilitation of Offenders Act 1974 which sets the rehabilitation period for offences dependant on the severity of the

sentence and this would appear to be a fair and consistent way to approach these decisions. If the Government have set a time period for an offender to be considered rehabilitated and therefore “fit and proper” then this should be the standard set by the Council.

The section for Motoring offences gives particularly harsh time scales and these should be reviewed and considered. In particular the section for Other motoring offences states that:

“Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. The 5 year period remains in place even when penalty points expire and are removed from the DVLA licence”.

This is a considerable departure from the current Policy Guidance and is neither fair or justified. 7 points on your DVLA Licence is a very harsh starting point and to have to wait for 5 years before a licence will be granted is equally harsh. There is no reasoning within this draft Policy as to why these timescales have been imposed and to even consider that a 5-year period is relevant, when points are not considered after 3 years and removed altogether after 4 years, is ridiculous. Other areas of this section also have unfair and unjustified timescales imposed on them which the Taxi Trade would ask the Council to reconsider and take into consideration the previous guidance which was in place for many years and was accepted as a fair and consistent way of dealing with these matters.

There need to be a statement from the Council with regard to how this new Guidance will be considered when drivers are renewing licences where the drivers have convictions which would be relevant under the new Guidance. There should be no retrospective action taken against any existing drivers in these circumstances (Sandwell Borough Council)

APPENDIX L

Penalty Points Scheme

The issue with this Appendix has been briefly outlined previously however the Taxi Trade would like the Council to look at the table and review the points awarded against certain misconduct as some appear to have points set which are not consistent with severity of the misconduct. These need to be reassessed and justified in light of the fact that some of the acts of misconduct are also offences covered by other legislation and would automatically result in

the driver being referred to the Public Protection Committee to review the driver's suitability.

Comment: This is unreasonable, unfair and disproportionate for the drivers to create unnecessary point system. It feels Council is not trying to create a reasonable, and workable environment for the driver. The drivers are pushed and pushed beyond limits.

We request the Council to sort this matter out urgently.