

Classification: NULBC **PROTECT** Organisational

Officer response to trade group's representation

Officers would like to thank the Hackney Carriage Association Committee and the Private Hire Operators that attended the meeting on 27th November and have contributed to the trade's representation in respect of the Council's proposed taxi licensing policy document.

Officers have now had time to consider the proposals submitted by the trade and would like to make the following comments which address your points in turn. This document should be read alongside the trade's representation document.

Please note that all comments below have been made by Officers and not the Public Protection Committee. Members of the Committee will be asked to decide on a final policy to be implemented following the close of the representation period, which has been extended to 14th February 2019. Officers will provide options and make recommendations to the Committee having considered all of the representations received but ultimately it will be the Committee that determine the final content of the new Council Taxi Licensing Policy.^[1]

The overriding principle of regulating taxi drivers, vehicles and operators is to ensure public safety. The Council have used this starting point for every part of the policy draft.^[2]

Dual Hackney Carriage and Private Hire Drivers Licences

- *A full DVLA or EU driving licence to be held for 3 years before applying, rather than 1yr as in the current policy.*

This was proposed to ensure that new applicants for drivers licences have sufficient driving experience. Officers felt that drivers that had only been driving for 12 months may not have the requisite driving skills to be licensed to fulfil the role of a professional driver. If the proposal is passed then it would mean that any individual will have had to have held a full current driving licence for a period of 3yrs before applying and would mean that a non-EU applicant could not apply until they had transferred the driving licence from their country of residence to one issued by the DVLA and held that licence for 3yrs.

- *Applicants to have passed the new Council Knowledge Test, Disability Awareness training and attended the Council Safeguarding/CSE training within 3 months of application.*

The proposal is to replace the Topographical Test, currently carried out at Burslem College, with a new Knowledge Test (KT) that incorporates the sections outlined in Appendix C of the proposed policy, and referred to on page 17 of your representation. This has been proposed as Officers feel that a topographical test is not sufficient to ensure that applicants have the requisite knowledge to be a professional driver licensed by the Council. The exact details have not yet been finalised as it is still just a proposal but there is additional information contained further on in this document as the matter has been raised multiple times in your representation.^[3]

The Council will continue to provide the Safeguarding/CSE training as it does currently. The Council will likely tender for an organisation/s to provide suitable Disability Awareness Training to applicants. It is proposed that the Council would be responsible for making bookings for applicants but a 3rd party organisation would carry the training out, and if the Committee

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Summary of Comments on Microsoft Word - Officer response to trade group - Final

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T Number: 1 Author: glync Subject: Inserted Text Date: 15/01/2019 12:17:14

Will the trade be able to see the final options and recommendations before the Committee make their decision. Will the trade be able to make comment on this document.

T Number: 2 Author: glync Subject: Inserted Text Date: 15/01/2019 12:21:43

The trade agree that Public Safety is the paramount concern of the Council and the trade. There are several references in this document made by the Officers that refer to standards rather than safety, which seems to indicate that some matters have been included or changed to improve standards and Council Image but have little to do with Public safety.

T Number: 3 Author: glync Subject: Inserted Text Date: 15/01/2019 12:22:37

Will there be a charge for this new test

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determine that the training requirement should be implemented then it would be run at a frequency that would cater for all existing drivers and new applicants to attend.^[1]

- *Applicants/drivers to satisfy the Council that they possess a satisfactory level of conversational and written English.*

As discussed in the meeting on 27th November, Officers believe that this would only affect a very small number of the drivers we currently have licensed. It has become apparent through appointments with the Licensing team and appearances at Public Protection Sub-Committee^[2] that despite drivers being able to provide BTEC/NVQ and Topographical Test certificates there is a minority that cannot answer basic questions in English, cannot understand the licence conditions issued to them and/or write their name, address or contact details out. Both Officers and Councillors have serious concerns over these individuals being able to understand passengers, respond to the Police/Enforcement Officers, deal with an emergency or write a receipt effectively.^[3]

- *On renewal of a licence applicants must provide a certificate from the Safeguarding/CSE training issued in the last 3 months, pass the new knowledge test (on first renewal) and pass the disability awareness training.*

The Safeguarding/CSE training was always intended to take place every 3yrs, unfortunately it was not implemented that way. This is because the topic changes regularly and it is important that drivers that upto date knowledge and awareness surrounding this very important issue.

It is proposed that the new knowledge test will be undertaken by all new applicants and existing drivers to ensure that they meet the level of knowledge expected by the Council. The geography of the Borough is only one of the subject areas that Officers believe is important to the skill set of licensed drivers.

It is proposed that all new and existing drivers will have the pass Disability Awareness training. The reasons for this are complying with a recommendation made by Guide Dogs UK, part of the fleet being wheelchair accessible and drivers of those vehicles requiring knowledge and understanding of their responsibilities, and ensure that all drivers have a pan-disability awareness and know how to approach situations where they encounter a customer with a disability. The Council receive numerous complaints from customers alleging that they have been discriminated against by drivers and several of these complaints have resulted in the Council successfully prosecuting them for their behaviour therefore the Council wish to ensure that drivers have the skills and knowledge to support all passengers.

- *Undergo a medical exam every 3yrs instead of 6yrs as is currently*

There are a number of reasons for this proposal. Firstly, currently we do not meet the best practice guidelines issued by the Department for Transport that recommend a Group 2 medical exam for taxi drivers every 3yrs.^[4] Secondly, Officers are concerned that by not having a medical with every application an applicant's medical fitness can not be full checked each time a licence is issued. Lastly, whilst there is a requirement for drivers to inform the Council of any reasons they may not be fit to drive when they make an application, the number of instances where information is disclosed very small. This is despite the Council being made aware through

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T Number: 1 Author: glync Subject: Inserted Text Date: 15/01/2019 12:25:29

Will there be a charge levied for these training sessions? There is currently no charge for the safeguarding training but if a 3rd party organisation is carrying out the training then presumably they will require payment for the training so who will pay for this.

T Number: 2 Author: glync Subject: Inserted Text Date: 15/01/2019 12:34:04

What qualifications do officers and members have to assess the level of English of any individual? If a driver has been through the application process or been driving for many years then their level of English has already been proved satisfactorily.

T Number: 3 Author: glync Subject: Inserted Text Date: 15/01/2019 12:29:40

If there is only small numbers of drivers who the Officers/Members have concerns about the level of English then why implement this requirement across the board? If there is a problem with such small numbers why not use this as a solution when this becomes an issue.

T Number: 4 Author: glync Subject: Inserted Text Date: 15/01/2019 12:40:17

This is not correct. DVLA Guidance states that an initial medical is valid until a driver is 45 years old after this a medical is required at every reapplication which is required every 5 years. If this is the standard then a new medical report is not required for a driver until they are 45 and in any case a new medical is only required every 5 years so therefore if a PH Licence is valid for 3 years then a 5 year medical report would cover two 3 year licences

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complaints, conversations with drivers etc that there are individuals that have had relevant medical diagnoses that would have impacted on their fitness to meet the Group 2 standard which have not been disclosed.^[1]

- *Applicants/drivers to satisfy the Council that they possess a satisfactory level of conversational and written English.*

The reasons behind the proposal are outlined above. The original proposal suggested that if an applicant could not satisfy a Council Officer that their level English was satisfactory then they would be told that they required a specific English qualification. At the Public Protection Committee meeting that agreed the draft document could be consulted upon one of the members requested that if an applicant had been asked to obtain a qualification then after successfully completing the course they would come back in for a second appointment to ensure that their level of English had improved.^[2]

Officers do not believe that just because a driver has been without complaint for 3 years (or any time period) that necessarily means that they should not have a satisfactory level of spoken and written English, for the reasons outlined above.^[3]

- *Smoking in vehicles*

The Council will not be seeking to penalise drivers when customers refuse their instructions to stop smoking in the vehicle. The point in the policy states that drivers must not 'permit' customers to smoke in the vehicle. If a driver has requested that they stop and they refuse then it is likely that the driver will have exercised their due diligence. The Health Act 2006 prohibits drivers from smoking in licensed vehicles and also places a duty on them to not allow any passengers to smoke.

- *Overcharging*

Officers accept that drivers are able to take a deposit of money upfront at the start of the journey to ensure that the fare will be paid. However if you ask for £20.00 and the meter says £15.00 at the end of the journey then you must give the £5.00 back unless the customer specifically states you can keep it.

- *Obstruction*

Officers agree that in general the etiquette is that customers should use the first taxi in a queue at a rank however there is no legal obligation to do so this can not be enforced.

- *Limiting Hackney Carriage Vehicles*

It is against best practice guidance to limit Hackney Carriages and against the general ethos that market forces will determine the required number. The Council are not proposing to re-implement a limit unless the best practice guidance is amended or new legislation provides that we can.

Space on ranks is a subject that the trade and the Council need to engage with Staffordshire County Council upon. There are proposed changes to Hassell Street and High Street ranks that

T Number: 1 Author: glync Subject: Inserted Text Date: 15/01/2019 12:42:43

There is a requirement to notify the Council of any changes to the drivers medical status. If the driver fails to inform the council of any change then the Council have the ability to take action against the driver for this failure.

T Number: 2 Author: glync Subject: Inserted Text Date: 15/01/2019 12:49:31

Do not include this condition. It is unnecessary and unjustified. Officers and Committee Members do not have the ability to assess any persons level of English and therefore cannot make a driver attend an ESOL course.

T Number: 3 Author: glync Subject: Inserted Text Date: 15/01/2019 12:53:46

If there has been no complaints against a driver regarding their ability to communicate why would the Licensing Officers be assessing the drivers level of spoken or written English. This appears to be a discriminatory assessment without any justification.

are currently being consulted up by the County Council. It is suggested that the trade should make representations to the County Council in relation to their proposals. This does not form part of the policy documentation and will not be considered as part of this consultation.

Hackney Carriage Vehicle Licences

- *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.*

The Council are able to introduce a list of 'designated vehicles' under s167 Equality Act 2010 and this relates to wheelchair accessible vehicles. The Council have not yet implemented this but are intending on doing so. The condition will only take effect if/when the Council introduce the list.

- *New Hackneys to be purpose built taxis, converted to relevant approval scheme or Battery Electric Vehicles.*
- *Maximum age for vehicles to be 7yrs old, or 10yrs for Electric Vehicles*

The Council believe that it is important to retain a mixed fleet of Hackney Carriages but equally are committed to improving the air quality within the Borough which is why Battery Electric Vehicles have been specifically included within the policy. As discussed in the meeting on 27th November the Council are subject to two Ministerial Directions from DEFRA to improve the level air quality of within certain areas in the Borough. The Council have also submitted a joint bid with Stoke City Council and Stafford Borough Council to OLEV for funding to implement electric vehicle charging infrastructure across the 3 areas. If the bid is successful then it would assist with making available suitable infrastructure for charging electric taxis.^[1]

The trade representation suggests that this condition has been included in the draft policy in order that the Council could show an interest in this bid which is not true.

The Council were engaged in the early bidding process and submitted an Expression of Interest alongside Stoke CC and Stafford BC at the end of August. As a result the Councils were offered full support from OLEV and the Energy Saving Trust (EST) in submitting the final bid which was submitted on 30th November 2018.^[2]

The proposed ages of the vehicles are for two reasons. The 7yr old limit is due to the number of Hackney Carriage vehicles (25%) that start to fail their mechanical safety tests at 6, 7 and 8yrs old.^[3] The reason for the longer life for Electric vehicles is mainly to encourage take up of the vehicles and reduce the burden of the higher purchase costs when first licensed.^[4]

In addition to the OLEV bid the Council have also been approached by a company called Electric Blue that are prepared to install a number of charge points in suitable locations within the Borough at relatively short notice, and certainly during the proposed policy period of 2019-2021.

Officers understand the trade's concerns around the costs of Electric vehicles, their range and current lack of charging infrastructure however the Council are working towards solutions to these issues and remain committed to improving the air quality within the Borough. Increasing the number of ULEV is one part of this commitment. The Council are prepared to organise a demonstration and testing of electric vehicles event for the trade.^[5]



 Number: 1 Author: glync Subject: Inserted Text Date: 15/01/2019 12:59:37

This condition seems to indicate that the only section of the Transport Sector that is responsible for the poor air quality in Newcastle is the Taxi Trade. This is not true but the only requirement to improve the air quality seems to fall to the Taxi Trade. This is grossly unfair and implementing this Policy would place an extraordinary financial burden on the Trade without any justification for doing so.


 Number: 2 Author: glync Subject: Inserted Text Date: 15/01/2019 13:04:52

When will the Council know if the bid has been successful? January or February is suggested in the bid process. If the Bid is unsuccessful what will the Council do about this condition. No funding would place a significant financial burden on the Council to provide the Charging Points and without the charging points in place the requirement to have electric taxis would seem to be unnecessary.

 Number: 3 Author: glync Subject: Inserted Text Date: 15/01/2019 13:11:26

Conversely 75% pass, of the remaining 25% how many fail for major problems and how many subsequently pass a retest and are relicensed?


Public Safety is the priority of the Council and this is purpose of the mechanical safety test so whether a vehicle passes the test on the first occasion or the second is irrelevant provided the vehicle passes.

 Number: 4 Author: glync Subject: Inserted Text Date: 15/01/2019 13:16:21

There is no evidence that electric vehicles will be more reliable or safe as they get older. All the components of an electric vehicle are identical to other motor vehicles apart from the engine so these components will be subject to the same failure ratio as every vehicle so electric vehicles are as liable to fail the Safety tests as any other vehicle regardless of age. To increase the life of an electric vehicle for these reasons cannot be justified.

 Number: 5 Author: glync Subject: Inserted Text Date: 15/01/2019 13:23:28

There will be a significant financial burden imposed on the Taxi Trade if this change becomes part of the Policy and although the Council have stated that they considered this, there is little evidence within this report that the Council have taken all this into consideration.

 Number: 6 Author: glync Subject: Sticky Note Date: 21/01/2019 11:51:24

Uber in London have stated that all their vehicles operating in London will be electric by 2030? They have also implemented a 15p per mile clean air surcharge on journeys in London to help with the increased cost of purchasing an electric vehicle. If the local Taxi Trade introduced a similar price hike then this would increase the journey fare and would mean losing more business to drivers/operators who have not increased the fares. www.uber.com/en-GB/newsroom/uber-helps-london-go-electric/
See Uber article for the details.

- *Mission Statement*

The trade's representation suggests that the Council have not considered the impact of introducing the Electric vehicle requirement and reducing the age limits on the taxi trade, and that it doesn't meet the mission statement. Officers have considered the impact on the trade and also the improvements in public safety that would come from implementing the proposed changes. Vehicles start to fail the mechanical safety test at a higher rate when they reach the age of 6,7 and 8yrs old. The Council are committed to improving the standards of vehicles that we licence and believe that lowering the age limits is one way to achieve that. The Council are not refusing to licence petrol or diesel vehicles, the provision of electric vehicles is to give the trade of choice when purchasing a replacement vehicle. There is more information further into the response where you have detailed the trade's preferred licensing regime for age of vehicles.

The trade have also stated their concern that implementing these changes would lead to an increase in licensed vehicles from neighbouring authorities and in particular Stoke Council. Increasing the age limits would only serve to increase the numbers in the fleet which is something that the taxi trade have sought to reduce.

With respect to the comment re: the Council not having a similar policy for the Council fleet of vehicles. Within Environmental Health the Council are currently tendering for new vehicles for the fleet and this includes a proposal for Electric vans.

The Council do not have any regulatory powers over other sectors of public transport and therefore can not require them to follow a similar path in converting/switching their vehicles to Electric vehicles. However Central Government have recently required a number of buses to be retrofitted in order to reduce emissions and improve the Borough's air quality. Work on implementing this currently underway.

In respect to the comment re: there being common faults that current mechanics can not repair for electric vehicles. As with common faults on all types of vehicles this will reduce over time as the vehicles become more common on the roads.

The concerns over the battery life/range of the vehicle are noted but your example of what would you do if a passenger needed to catch a flight and there was no battery can be answered by saying it is a similar problem to not having enough fuel to carry out a journey. If a journey is pre-booked then it would be the responsibility of the driver to factor the charging time into the journey planning. It is accepted that this might not be possible if a customer approached a taxi on a rank and asked to go to an airport.

Rapid charge points, which are the type that the Council are bidding to OLEV for to implement, can typically charge a battery to 80% in 20-40 minutes and not the couple of hours suggested in the representation.

You are already aware of the Government Strategy to stop the sale of petrol and diesel cars after 2040. In July 2018 the Government also released the 'Road to Zero Strategy' which has the ambition that by 2030 half of all vehicles in the UK will be Ultra Low Emission and includes a committed to spend £1.5 billion on infrastructure to support the move to these types of vehicles. In addition to the aforementioned Council commitment to improve air quality we are

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Number: 1 Author: glync Subject: Sticky Note Date: 21/01/2019 11:40:11

This mentions improving Standards not Safety and by lowering the age limit is one way of achieving this. Lowering the age limits will not improve a vehicles safety.

Number: 2 Author: glync Subject: Highlight Date: 21/01/2019 11:37:22

Number: 3 Author: glync Subject: Sticky Note Date: 21/01/2019 12:21:28

This Policy mentions that all replacement vehicles will need to be electric or WAV. Also all new applications will have to be WAV, Purpose built or fully electric. This means that no saloons will be accepted unless they are electric powered, this indicates that the Council are refusing to licence vehicles powered by petrol or diesel

Number: 4 Author: glync Subject: Inserted Text Date: 15/01/2019 13:30:33

When will the Council be having these vehicles?. Are these vehicles subject to the Council being successful in the bid for the Charging Points funding. If this bid is unsuccessful will the Council be providing the Charging Points from the existing budget?

Number: 5 Author: glync Subject: Inserted Text Date: 15/01/2019 13:34:19

A petrol or diesel vehicle can be filled within 5 minutes at any number of filling stations and the range of these vehicles is 3 times that of an electric vehicle. The lack of charging points and the time it takes to charge a vehicle should be considered by the Council and not dismissed.

also committed to start working towards the Government strategies that relate to increasing and improving the ULEV network.

As discussed above the Council are prepared to organise an event where the trade will be able to ask questions of providers of electric vehicles in order to dispel concerns that they may have.

- *Grandfather Rights – wheelchair accessible vehicles and ‘minibuses’ stopping being licenced when 10yrs old, or sooner if they fail the Council mechanical safety test*
- *Current holders of saloon vehicles will cease to benefit from grandfather rights and all replacement vehicles must meet the new Hackney Carriage Vehicle specification*

We have used the term grandfather rights to explain the benefits that current vehicle proprietors have that go beyond the ‘normal’ age and vehicle type specifications at pages 9-10 in the current policy.

The rationale for the age proposal is that 50% of Newcastle-under-Lyme Borough Council licensed Hackney Carriages that are 10yrs old fail their mechanical safety test. That number rises the older the vehicles are. In respect of the ceasing rights to replace a saloon for another saloon there are two reasons for the proposals. Firstly, we often see vehicles being sold between parties just before they are due to be renewed and they then fail the test. It appears that some owners are benefiting financially by selling on vehicles to new drivers that are no longer fit to be licensed. Secondly, is the Council commitment to introduce more ULEV into the fleet.

The representation states that the Council have not considered alternatives to the option proposed in the draft policy. Officers have considered this area of the draft policy in great detail and are determined that to improve public safety vehicles ages should be lowered from the current policy.


The trade’s preferred option for the age of vehicles is the same as the current policy of Stoke City Council. That is >7yrs when first licensed and when they turn 10yrs old the vehicles are then tested every 6 months. This would be a reduction in the standards and age limits that the Council currently work to and is not an option that Officers or Members would support. Stoke City Council are entitled to take their own view on what is suitable for vehicles licensed by their authority. It is worth bearing in mind that Stoke’s taxi licensing policy is due for review in 2019 which may result in changes to their vehicle age and suitability criteria. The trade have stated that *‘the logical decision would be to have similar conditions as those in Stoke-on-Trent’*. Officers would prefer if Stoke CC moved closer to our age limits and vehicle suitability criteria.

The second option put forward in the trade’s representation is to keep the status quo, replacing the ‘exceptional condition test’ with a ‘safe and suitable test’. Again the Council have identified issues with the current policy age limits and suitability criteria due to the number of vehicles that fail the current tests. This is the underlying reason as to why the proposal is to reduce the age limits. However, Officers understand that this is one of the major points of concern for the trade and are prepared to suggest an alternative option,

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 Number: 1 Author: glync Subject: Inserted Text Date: 15/01/2019 13:43:01


This is something that the Council have no control over and should not be seen as a reason to make this change.

 Number: 2 Author: glync Subject: Inserted Text Date: 15/01/2019 13:44:24


If the Council do not succeed with the bid for funding of the charging points where does that leave the Councils commitment to ULEV vehicles.

 Number: 3 Author: glync Subject: Sticky Note Date: 21/01/2019 12:28:55

See previous comments about Standards over Safety.

 Number: 4 Author: glync Subject: Inserted Text Date: 15/01/2019 13:51:18

How does the age of a vehicle improve Public Safety? The safety test and the MOT test prove a vehicles safety and the tests are the same for all vehicles regardless of age. A vehicle can fail the tests at any time so by lowering the age does not improve Public safety.

 Number: 5 Author: glync Subject: Inserted Text Date: 15/01/2019 14:09:19

If the Council are committed to Public Safety then surely more frequent testing of vehicles will improve this. PCV's operating within North Staffs are subject to continuous safety testing and maintenance regimes. First Bus fleet consists of 117 vehicles of which 93 are over 10 years of age and 72 are over 13 years old these remain safe and suitable for use within the area as a result of the regular safety checks that are a requirement of the PCV regulations. By allowing vehicles that are older to continue to operate subject to more frequent safety checks would seem to the Trade to be the best option.

Newcastle Council cannot say what will happen at Stoke with regard to changes to their Policy in this respect so to state that they would prefer Stoke to move closer to their age limits is something they cannot influence.

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outlined below, and recommend it to Committee following the close of the consultation period.

Age when first licensed: less than 4 yrs old¹

Maximum Age: Saloons 8yrs old/WAV and Electric 10yrs old/Current WAV's 15yrs old with 6 monthly test from 10yrs²

There will be no exceptional/safe and suitable test. The vehicle will cease to be suitable for relicensing at the first licence expiry after the maximum age limit.

Grandfather rights: Owners of Hackney Carriage Saloon/Hatchback/Estate vehicles will retain their grandfather rights to replace the vehicle. The replacement vehicle can be a saloon/hatchback/estate but will have to be a hybrid vehicle. Those rights cease if the vehicle is transferred to another proprietor/s and the vehicle will cease to be licensed when it reaches the maximum age limit.

- *Applications for Hackney Carriage Vehicles. Submitting Basic Disclosure, Statutory Declaration and Knowledge Test Certificate*

The representation states that these items are unnecessary. They have been included deliberately as Officers believe that in carrying out its due diligence when issuing licence it should check to see that vehicle proprietors do not have relevant convictions and understand the knowledge required to operate a vehicle in the Borough. If a licensed driver is the proprietor then by subscribing to the DBS update service they will meet this requirement and they will also have completed the Knowledge test already. For everyone else it will mean applying for a basic disclosure once a year. Officers do not believe that this is an onerous requirement.³

- *MOT*

Section 3.3.17 relates to the legal requirement to have an MOT on a vehicle and not the Council Mechanical test. 3.3.18 follows up this legal requirement. Officers disagree with the Trade's comments that vehicles only require one test per year. It is clear from the number of vehicles that fail the Council test that large number of vehicles are not properly maintained throughout their lifetime and in some instances are dangerous and unsafe for the carriage of passengers. Vehicle safety is of paramount concern to the Council. Officers would suggest that proprietors move their legal MOT to be at a 6 month interval to their Council test. This would assist in reducing the financial burden of two tests in close succession and mean that issues can be raised every 6 months rather than annually. The Council do not intend to issue an MOT certificate at the time of the Council test as they are carried out under separate regimes.⁴

In relation to the request to appoint additional garages; There is a section in the proposed policy that allows the Council to authorise additional garages to conduct Council safety tests and this is something that could be looked at once the policy is implemented.

T Number: 1 Author: glync Subject: Inserted Text Date: 15/01/2019 14:00:42

Why is this 4 years? Could be 7 years as suggested by the Trade

T Number: 2 Author: glync Subject: Inserted Text Date: 15/01/2019 14:05:12

Have no maximum age but increase the safety tests required to 6 monthly after 10 years. Why have different ages for electric and WAV's, the vehicles are all subject to the same safety checks and the vehicles all have the same components which can fail regardless of the vehicle so there should not be a difference.

T Number: 3 Author: glync Subject: Inserted Text Date: 15/01/2019 14:13:15

There is no fit and proper test for a vehicle proprietor so this is not necessary. If the vehicle is owned by a Company, (Claims or Hire Company) how will this requirement be met in the circumstances. If this is not required for these companies how can this be fair on individual owners to have to provide this information.

T Number: 4 Author: glync Subject: Inserted Text Date: 15/01/2019 14:21:37

How does the Council Test differ from the MOT Test? The Council conduct an MOT Test and often fail vehicles as a result. Already stated 25% fail the tests so therefore the Council do conduct MOT Tests as part of the Taxi/Private Hire Test, the fact that they do not issue an MOT certificate is irrelevant. They could issue an MOT Certificate if necessary and do conduct MOT tests on Private Vehicles and Council owned vehicles at the depot in the same testing area and there is an MOT authorisation notice on display in both the testing bay and reception.

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The fee for the Council test is not £150.00 as stated in the representation. The fee setting of Council fees is different to that of MOT fees. MOT fees are set by central government and can only be up to a maximum amount. Council fees are set locally and do not only cover the cost of the test. It also covers the administration behind the booking of the test, staffing costs, building costs and various other on-costs. It is a fee set on a cost recovery basis whereas businesses that carry out MOT tests are free to charge less than the MOT maximum fee if they want to.

- *No Advertising*

Officers have reconsidered this proposal and in the report to the Committee will give them the option to decide whether to keep the original proposal or allow Hackney Carriages to be liveried with adverts. If it is allowed then the recommendation will be that the signage must be approved in writing by the Council prior to it being displayed on the vehicle. Also providing that it does not relate to promoting alcohol, gambling, drugs etc and does not contain offensive language or inappropriate pictures.

- *Signage from Appendix M*

There has been a misunderstanding with this. The proposal is that signs/stickers are attached to the rear passenger doors to assist the public with whether they can get in without having pre-booked. Similar to the yellow stickers in Stoke that are on the rear doors of private hire vehicles and white stickers that say 'Jump In' on hackney carriage vehicles.

- *Ranks*

As discussed above the provision of ranks is a County Council function and any desire to amend the current provision does not form part of this policy consultation. There is a current consultation from the County Council as they are proposing changes to the use of Hassell Street and High Street ranks. The trade are encouraged to make representations to the County Council in line with their consultation period.

- *Electric Vehicles – 3.3.35*

This condition runs alongside the proposed vehicle age and type specifications as laid down in the policy. If the Electric vehicle provision is removed or amended then this condition will reflect those changes.

Private Hire Vehicle Licences

- *Age*

The proposed ages of the vehicles are for two reasons. The 7yr old limit is due to the number of Private Hire vehicles (35%) that start to fail their mechanical safety tests at 7 and 8yrs old. The reason for the longer life for Electric vehicles is mainly to encourage take up of the vehicles and reduce the burden of the higher purchase costs when first licensed.^[1]

- *Grandfather rights*

There is no evidence that electric cars are more reliable, safe or less likely to fail the mechanical safety tests because of the age of the vehicle.

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We have used the term grandfather rights to explain the benefits that current vehicle proprietors have that go beyond the 'normal' age and vehicle type specifications at pages 15-18 in the current policy.

The rationale for the age proposal is that 50% of Newcastle-under-Lyme Borough Council licensed Private Hire Vehicles that are <10yrs old fail their mechanical safety test.^[1]

The representation states that the Council have not considered alternatives to the option proposed in the draft policy. Officers have considered this area of the draft policy in great detail and determined that to improve public safety vehicle ages should be lowered from the current policy.

With reference to the 6 monthly test for vehicles. The intention of the proposal was for vehicles between 7 and 10 years would have 6 monthly tests, and all vehicles that are over 10 years would cease to be suitable for relicensing.^[2]

The trade's preferred option for the age of vehicles is the same as the current policy of Stoke City Council. That is >7yrs when first licensed and when they turn 10yrs old the vehicles are then tested every 6 months. This would be a reduction in the standards and age limits that the Council currently work to and is not an option that Officers or Members would support.^[3] Stoke City Council are entitled to take their own view on what is suitable for vehicles licensed by their authority. It is worth bearing in mind that Stoke's taxi licensing policy is due for review in 2019 which may result in changes to their vehicle age and suitability criteria. The trade have stated that 'the logical decision would be to have similar conditions as those in Stoke-on-Trent'. Officers would prefer if Stoke CC moved closer to our age limits and vehicle suitability criteria.^[4]

The second option put forward in the trade's representation is to keep the status quo, replacing the 'exceptional condition test' with a 'safe and suitable test'. Again the Council have identified issues with the current policy age limits and suitability criteria due to the number of vehicles that fail the current tests. This is the underlying reason as to why the proposal is to reduce the age limits. However, Officers understand that this is one of the major points of concern for the trade and are prepared to suggest an alternative option, outlined below, and recommend it to Committee following the close of the consultation period.

Age when first licensed: less than 4 yrs old^[5]

Maximum Age: Saloons 8yrs old/WAV and Electric 10yrs old/Current minibuses 15yrs old with 6 monthly test from 10yrs^[6]

There will be no exceptional/safe and suitable test. The vehicle will cease to be suitable for relicensing at the first licence expiry after the maximum age limit.

- *Applications for Private Hire Vehicles. Submitting Basic Disclosure, Statutory Declaration and Knowledge Test Cert*

Page: 9

-
- T** Number: 1 Author: glync Subject: Inserted Text Date: 15/01/2019 14:33:28
How many subsequently pass the retest and then are relicensed with Newcastle Borough Council.?
-
- T** Number: 2 Author: glync Subject: Inserted Text Date: 15/01/2019 14:36:26
There should be no upper age limit for any vehicles but the trade accept that there needs to be more regular safety testing for older vehicles.
-
- T** Number: 3 Author: glync Subject: Inserted Text Date: 15/01/2019 14:41:55
How do the Council know that Members would not support this option. This has not been put to members to consider as this option has been suggested by the Trade as part of the consultation process and hasn't yet been put forward for Members to consider.
-
- T** Number: 4 Author: glync Subject: Inserted Text Date: 15/01/2019 14:42:50
Again Newcastle cannot say what will happen in Stoke or what changes will be made to their Policy or when this will happen
-
- T** Number: 5 Author: glync Subject: Inserted Text Date: 15/01/2019 14:47:56
Increasingly Vehicle manufacturers are offering warranties on vehicles which are valid for 3, 5 or 7 years. The age of vehicle should not determine whether a licence can be issued provided the vehicle meets the safety requirements then the age should not be an issue.
-
- T** Number: 6 Author: glync Subject: Inserted Text Date: 15/01/2019 14:48:44
As previously explained in Hackney Carriage Vehicles

Classification: NULBC **PROTECT** Organisational

The representation states that these items are unnecessary. They have been included deliberately as Officers believe that in carrying out its due diligence when issuing licence it should check to see that vehicle proprietors do not have relevant convictions and understand the knowledge required to operate a vehicle in the Borough. If a licensed driver is the proprietor then by subscribing to the DBS update service they will meet this requirement and they will also have completed the Knowledge test already. For everyone else it will mean applying for a basic disclosure once a year. Officers do not believe that this is an onerous requirement.¹

- *Electric/Hybrid Vehicles*

This condition runs alongside the proposed vehicle age and type specifications as laid down in the policy. If the Electric vehicle provision is removed or amended then this condition will reflect those changes.


Private Hire Operator Licences


- *Base to be within Newcastle Borough*
- *Not renewing current licences that have bases outside of the Borough*
- *Only grant a licence applicable to physical premises where business is run from*

The current policy was introduced in May 2015 and refers to s57(2)(b)(ii) of the Local Government (Miscellaneous Provision) Act 1976 ('LGMPA76') and states that it allows for Councils to issue operator licence to businesses with bases outside of their administrative area. Since the current policy was introduced there has been an alternative legal view has been raised that this is incorrect. The alternative view is that when the provisions at s46(1)(d) of LGMAP76 are read alongside the definition of 'operate' at s80(1) LGMAP76 it is clear that to accept/invite booking in a Borough an Operator must have a licence and base in that Borough. Officers of the Council have considered both views and prefer the second view which has led to the proposal being included within the draft policy. However Officers will give the Committee the option as to which view they prefer.²

Penalty Points Scheme

The reason for the inclusion of the penalty points scheme is to give the Council a quicker enforcement tool to deal with offences, poor conduct etc. It would result in fewer referrals to the Public Protection Sub-Committee as lower level matters could be dealt under pre-determined criteria by Authorised Officers. As discussed at the meeting of 27th November the scheme if introduced would not be used to punish people twice ('double jeopardy'). E.g. if a driver/owner/operator received a CU30 offence (using a vehicle with a defective tyre) on their DVLA licence then they would not receive points under the scheme, however if a driver/owner/operator presented a vehicle to the Council garage and had a bald tyre then penalty points may be given in accordance with the scheme at Appendix L. There is no intention to undertake a review of each driver's record and attribute points for past incidents. These will only be reviewed upon receipt of new incidents.

 Number: 1 Author: glync Subject: Inserted Text Date: 15/01/2019 14:49:30
As outlined in the Hackney Carriage Section

 Number: 2 Author: glync Subject: Inserted Text Date: 15/01/2019 14:56:37
This condition should not be changed. The old Policy allowed Operators to operate from bases outside the licence district and as far as can be determined there have been no problems with this condition. Officers have stated that they have now considered the alternative view and that the operational base should now be within the Licensed Area. This appears to be the Officers preference and not a legal requirement. If you also consider that Cross Border Hiring is now legal then this requirement appears to be unnecessary.

Classification: NULBC **PROTECT** Organisational

If there are concerns over the number of points that could be awarded being too high for certain misdemeanours then Officers would ask that the Trade inform them of what those are so that they can be considered.¹¹

Policy Consultation

- *Not sent to disability groups*

Whilst the groups do not appear in the list published in the Policy Officers can confirm that it was sent to Guide Dogs UK and Disability Solutions West Midlands that operate out of Hartshill. The list in the Policy will be updated accordingly.

- *Written sections in past tense*

As discussed in the meeting of 27th November and answered in response to the email sent by the trade to Officers prior to this, the section was written in that way view a view to it being included in the final policy document. It has always been the intention of the Council to engage with the trade via meetings during the consultation period.

Criteria to become a driver

- *Current drivers to complete the Knowledge Test*

As already stated on pages 1-2 of this response:

“The proposal is to replace the Topographical Test, currently carried out at Burslem College, with a new Knowledge Test (KT) that incorporates the sections outlined in Appendix C of the proposed policy, and referred to on page 17 of your representation. This has been proposed as Officers feel that a topographical test is not sufficient to ensure that applicants have the requisite knowledge to be a professional driver licensed by the Council. The exact details have not yet been finalised as it is still just a proposal but there is additional information contained further on in this document as the matter has been raised multiple times in your representation.”

“It is proposed that the new knowledge test will be undertaken by all new applicants and existing drivers to ensure that they meet the level of knowledge expected by the Council. The geography of the Borough is only one of the subject areas that Officers believe is important to the skill set of licensed drivers.”¹²

As the exact details are yet to be finalised Officers can only give an estimate as to how the test will be conducted. The idea is that it will be carried out on computer/mobile device in the Council offices. Applicants will have to provide identification to the Officer conducting the test before starting. The test will consist of multiple choice questions in all of the areas listed under Appendix C/page 17 of your representation. There will be somewhere between 5-10 questions in each section and the applicant will have to pass all sections in one sitting.

- *Medical requirements every 3yrs and yearly if over 65yrs old.*

As discussed on p2 of this response:

Classification: NULBC **PROTECT** Organisational

T Number: 1 Author: glync Subject: Inserted Text Date: 15/01/2019 15:00:16

This needs to be discussed further. To complete a list would not resolve the issue without more issues being raised.

T Number: 2 Author: glync Subject: Inserted Text Date: 15/01/2019 15:04:30

As previously stated the Trade do not think this is necessary for existing drivers who have had no issues in regard to their conduct or behaviour. This could be used as a solution should the Council receive complaints about a driver and feel it necessary for the driver to prove his knowledge.

Classification: NULBC **PROTECT** Organisational

“There are a number of reasons for this proposal. Firstly, currently we do not meet the best practice guidelines issued by the Department for Transport that recommend a Group 2 medical exam for taxi drivers every 3 yrs. Secondly, Officers are concerned that by not having a medical with every application an applicant's medical fitness can not be fully checked each time a licence is issued. Lastly, whilst there is a requirement for drivers to inform the Council of any reasons they may not be fit to drive when they make an application, the number of instances where information is disclosed is very small. This is despite the Council being made aware through complaints, conversations with drivers etc that there are individuals that have had relevant medical diagnoses that would have impacted on their fitness to meet the Group 2 standard which have not been disclosed.”^[1]

With respect to the yearly medicals after 65 yrs of age, this is to meet the Group 2 medical standards as set down by the DVLA.

Appendix H

- *Rear windows to allow 35% transmission of light (tolerance of 2%)*

Officers are not prepared to remove this proposal. There is a public safety implication in not being able to see into the rear of a licensed vehicle. Most vehicles with factory fitted tinted windows fall within the 35% (+/- 2%) limits.^[2]

Appendix J

- ***Guidance on determining the suitability of applicants and licensees in the Hackney and Private Hire Trade***
- *Disparity against current guidelines not explained*

For an explanation as to how the guidelines have been created please see [the full document here](#). The reason behind using this document is to improve the standard of drivers.^[3]

- *Offences involving violence*

The proposal forms part of the document produced by the Institute of Licensing, Local Government Lawyers, Local Government Association and National Association of Licensing and Enforcement Officers. An explanation as to the timescales and how they have been reached is contained in the full document at the link above.

The Rehabilitation of Offenders Act 1974 does set out when convictions should be considered spent based on the sentences received. However the role of a taxi driver is exempt from these provisions, and falls in the same category as lawyers, doctors etc. This is because of the responsibility and situations that people in the role find themselves in. As such the Council are entitled to consider the full history of any convictions, cautions and reprimands that a taxi driver has received during their life and not only recent offences.

- *Motoring offences*

In the trade representation it is stated that it is a considerable departure from the Council's current guidelines to suggest that individuals with 7 or more DVLA points should not receive

T Number: 1 Author: glync Subject: Inserted Text Date: 15/01/2019 15:06:27

As Previously stated.

This is not correct. DVLA Guidance states that an initial medical is valid until a driver is 45 years old after this a medical is required at every reapplication which is required every 5 years. If this is the standard then a new medical report is not required for a driver until they are 45 and in any case a new medical is only required every 5 years so therefore if a PH Licence is valid for 3 years then a 5 year medical report would cover two 3 year licences

T Number: 2 Author: glync Subject: Inserted Text Date: 15/01/2019 15:08:32

The trade would like this removed. How is this matter tested and by whom? Are the vehicles tested as part of the test at the Depot, if so how is the test conducted.

T Number: 3 Author: glync Subject: Inserted Text Date: 15/01/2019 15:15:48

The trade still believe these guidelines are too stringent and that there should be some leeway in the timescales to reflect the seriousness of offences. By incorporating these guidelines in the Policy it takes away the Council's ability to consider each application on it's own merits and make a determination based on the applicants current character.

a licence for 5yrs. On the contrary the current policy treats motoring offences that occur in licensed vehicles, which most do due to the job role, more seriously than in a personal vehicle. In the current guidelines if you have 1x speeding offence in a taxi that can mean you should not be eligible for a licence for 2yrs. If you have multiple speeding offences and normally 6pts on your DVLA licence, this can be raised to a 5yr period.^[1]

The proposed guidelines suggest that an individual could get 2x speeding offences and not face any action by the Public Protection Sub-Committee. It would only be a third minor offence, or a serious motoring offence that would cause any action to be taken against a taxi driving licence.

Officers are not prepared to recommend amendments to the document as it has been created with a view to providing consistency nationally. To move away from that would continue the trend of there being different standards at each authority. Once implemented it is intended that all applicants, both new and renewal, would be considered against the new policy.

Appendix L

- *Penalty Points scheme*

As discussed on page 10 of this response:

“The reason for the inclusion of the penalty points scheme is to give the Council a quicker enforcement tool to deal with offences, poor conduct etc. It would result in fewer referrals to the Public Protection Sub-Committee as lower level matters could be dealt under pre-determined criteria by Authorised Officers. As discussed at the meeting of 27th November the scheme if introduced would not be used to punish people twice (‘double jeopardy’). E.g. if a driver/owner/operator received a CU30 offence (using a vehicle with a defective tyre) on their DVLA licence then they would not receive points under the scheme, however if a driver/owner/operator presented a vehicle to the Council garage and had a bald tyre then penalty points may be given in accordance with the scheme at Appendix L. There is no intention to undertake a review of each driver’s record and attribute points for past incidents. These will only be reviewed upon receipt of new incidents.

If there are concerns over the number of points that could be awarded being too high for certain misdemeanours then Officers would ask that the Trade inform them of what those are so that they can be considered.”

Number: 1 Author: glync Subject: Inserted Text Date: 15/01/2019 15:24:41

This is a contradiction. If you state on the one hand that 1 speeding offence in a taxi would prevent you having a licence for 2 years does this not indicate that you would be subject to action for the one offence. You must have a Taxi Driver Licence to commit the offence in a Taxi and therefore you cannot hold a licence for 2 years and it must be revoked. More than 2 offences would mean a 5 year period and again the licence would have to be revoked.