

Appendix 2

Consultation Responses to the Draft Hackney Carriage and Private Hire Licensing Policy

Consultee	Comments
Executive Officer, Ferryhill Town Council	<p>1. 'Fit and proper person' has raised concern as there seems to be no designated period for offenders who commit offences such as rape and sexual assaults which should result in life bans from becoming a licensed driver. It may be useful to include in a list of life bans anyone who is or has been on the Sex Offenders Register. *(1)*</p> <p>2. Within section 15 of the draft policy it states the specification of the vehicle which would be suitably licensed. There have been recent cases where types of cars have been licensed previously and passed the Council test and then the same type of vehicle has been refused to be licensed elsewhere throughout the County. Perhaps it would be useful to list as an appendices those vehicle models that have both passed and failed the test as some form of guidance, obviously stating the list is not a comprehensive one covering all vehicles but only those that have attempted to be licensed. *(2)*</p> <p>3. Section 20 of the draft policy covers the setting of the taxi fares which I understand have not increased in 5 years. Should there not be a clause stating these should be reviewed every 3 years for example to ensure the business remains viable. *(3)*</p> <p>4. It seems unusual that existing drivers will be exempt from the DSA test whereas new ones have to undertake it. It is felt that all drivers, including existing ones should be required to do this. *(4)*</p> <p>5. The displaying of door crests and licensing plate is of concern as some drivers apparently remove these by using magnetic door crests and removing the plate. It is suggested that magnetic crests be banned and that plates must be screwed to the rear of the vehicle by the Licensing Officer. *(5)*</p>
Member of the trade (Derwentside zone)	<p>1. In relation to paragraph 3.1 (xxv) (a & b) relating to window tints. My concern is that this rule would significantly reduce the choice of vehicles when the time comes to replace a vehicle, especially if it</p>

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	<p>was replaced with a higher specification model. More manufacturers seem to be fitting tinted glass as standard. I would suggest the legality of the window tints be left to the Police. *(6)*</p>
<p>Member of the trade (Easington Zone)</p>	<ol style="list-style-type: none"> 1. Agree with frequency of testing. *(7)* 2. Vehicles which fail the Council test for major things can be easily sorted (tyres) then three strikes and your out. *(8)* 3. Appendix 1, 1.2 (continuing suitability / renewal process) – needs sorting. *(9)* 4. Appendix 1, 1.3 (xii) (standard conditions of a driver) – In relation to this condition the Council will need to determine what is inappropriate behaviour and who makes this decision. *(10)* 5. Appendix 3 relating to seats within the vehicle – seat sizing is a problem as until a national agreement is formulated there will be conflict. *(11)* 6. Appendix 3 relating to advertising on vehicles – current condition not upheld and put wherever on the vehicle. *(12)* 7. Appendix 3 relating to vehicle testing – current system is excellent and should be left in the Council's control. *(13)* 8. Appendix 3, 3 (iv) relating to private hire vehicles displaying a roof sign – there should be no reason why a private hire vehicle should display a top sign. Only hackney carriage vehicles should. *(14)* 9. Appendix 5 relating to private hire operators – extending the private hire operator licence to 3 years instead of 1 year makes good sense as there is less paperwork involved and easier to control. *(15)*

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	<p>10. Regional consistency should apply to everything including operating area, meters and tariffs. *(16)*</p>
<p>Member of the trade (Durham City Zone)</p>	<p>1. Paragraph 2.2 of the draft policy – if a taxi is a public transport vehicle then when are we going to be allowed to use the bus lanes and be exempt from the congestion charge. *(17)*</p> <p>2. Paragraphs 15.7 – 15.10 (vehicle testing frequency) – agree with this however, a replacement vehicle should not be licensed if it is over 5 years of age. *(18)*</p> <p>3. Appendix 1, 1.3 (xii) relating to Drivers – will this apply the other way round? Drivers will not be subject to aggressive, abusive or otherwise inappropriate behaviour by Council employees. *(19)*</p> <p>4. Appendix 3, 1 (xxiii) relating to vehicles – when a vehicle is over 3 years of age, one of the Council tests should provide a valid MOT certificate instead of the Certificate of Compliance. *(20)*</p> <p>5. Appendix 3, 2 (v) – relating to hackney carriage vehicles – there are a high number of vehicles which do not display the for hire sign in the front window in Durham city. *(21)*</p> <p>6. Appendix 3, 3 (iv) – relating to private hire vehicles – top signs should come off private hire vehicles immediately. *(22)*</p>
<p>Member of the trade (Chester-le-Street Zone)</p>	<p>1. The hackney carriage top sign to illuminate in conjunction with the taxi meter. When the vehicle goes for the Council test this is not being checked. *(23)*</p> <p>2. There is no referral to 'no smoking' in taxis. *(24)*</p> <p>3. Self promotional advertising on private hire vehicles should not be allowed where it would confuse the public in thinking it's a taxi. *(25)*</p>

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	<p>4. There are issues where both hackney carriage and private hire vehicles are displaying their plates in the back window. *(26)*</p>
<p>Legal Services Durham County Council</p>	<p>Consideration to amending the policy at Appendix 2 (determination of applications for driver and operator licences) to include:</p> <ol style="list-style-type: none"> 1. That a licence may not normally be granted for a period of 2 years in a case involving a period of disqualification, that period running from the date of conviction rather than expiration of period of disqualification. *(27)* 2. That where offences are not disclosed on the application form, this may be considered as deception, especially as the warnings given in this regard are very clear and that this could be a reason for a rejection of the application. *(28)*
<p>County Fleet Manager, Fleet Management Services, Durham County Council</p>	<p>Comments to the proposed changes to the draft policy in relation to vehicle testing frequency are as follows:</p> <p>It is noted that it is proposed to decrease the frequency of inspections for vehicles up to three years old from twice per year to once only.</p> <p>It appears that there is a presumption behind the proposal that the inspection of Hackney Carriage and Private Hire Vehicles under three years of age for roadworthiness and compliance can fall in line with the National Vehicle Examination and Testing regime (which assumes that vehicles cover an average annual mileage) and are in the main roadworthy for up to three years after initial purchase, therefore a rigorous examination is not required. This assumption is flawed when applied to Hackney Carriage and Private Hire Vehicles:</p> <p>An analysis of the Compliance Inspections for the period covering the last 12 months has revealed the following:</p>

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Total Examinations undertaken	3810
Number of failures on presentation	1098
Percentage failure rate	28.81%

Of which the following were under 3 years of age:

Total Examinations undertaken	727
Number of failures on presentation	132
Percentage failure rate	18.15%

Consideration must also be taken of following facts:

- The majority of vehicles utilised in taxi operations under three years of age are second/third owners and furthermore many of the pre-owned vehicles are company/ representative vehicles which already have covered a high mileage before being utilised as taxis.
- Taxi vehicles cover high annual mileages. This high mileage results in accelerated wear and tear on mechanical components with resultant safety risks to the passengers they carry and other road users.
- Licensing currently has no enforcement process in place where vehicle maintenance standards or arrangements can be monitored in between inspection periods

The available statistics clearly show that there is no justification to reduce the current frequency of vehicle compliance inspections to once per year for vehicles up to three years old. Furthermore that proportionally compared to the overall failure rate, vehicles under three years of age present a failure rate which is of equal concern to that of older vehicles operated within the trade.

In light of the above, the age of the vehicle alone should not be considered when a decision of inspection frequency is taken, but the overall view of vehicle compliance and passenger safety.

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	In closing, a failure to maintain the current frequency of the inspection regime would be a retrograde step which will inevitably result in more vehicles being operated within the County in an un-roadworthy condition thus placing passengers at risk of serious injury. *(29)*
County Councillor	1. In relation to chauffeuring, the draft policy seems not to reflect special public requirements or a certain sector of the public who demand something different to that of a normal private hire vehicle and are prepared to pay for the privilege. *(30)*
Destination Development and Marketing Manager, Visit County Durham	<p>We would appreciate if there could be some kind of reference to tourism in the policy. Could I possibly raise the points I covered on the 15th June 2010 at the Interested Parties meeting as follows:</p> <ol style="list-style-type: none"> 1. Visitors generally want official looking, clean, well maintained taxis driven by courteous and well informed taxi drivers. *(31)* 2. We feel that DCC should consider schemes which are possibly linked to licences which train drivers how develop their skills in dealing with tourists and developing their knowledge of the destination. Excellent schemes in Liverpool as part of their European City of Culture and Glasgow have been embraced by taxi drives to the benefit of visitors and the destination. There are a couple of destination product knowledge schemes which have been rolled out for the industry Durham ("Know Your North Pennines" and "Know your Durham Coast"). *(32)* 3. We've also had feedback from hoteliers that during school run times that there is a lack of taxi for visitors at the city rail station and this is both a missed opportunity for business and a bad first impression for visitors. *(33)*
Passenger Transport Manager, Transport Section	1. Page 5, Section 6.1- In the fourth bullet point, the inclusion of medical reports should read ' will ' instead of ' may ' be included in an assessment of an applicant being a 'fit and proper' person. *(34)*

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2. Page 6/7, Section 9 - Within the requirements of the contract conditions of home to school transport, we insist that drivers and escorts are trained in the correct procedures of clamping and restraining wheelchairs and other relevant aspects of carrying those with a disability. This is a half day course delivered by an outside company. It currently costs £25 per head and has proved to be very useful and well used by the taxi trade. Most drivers with accessible vehicles will have already completed this course and we have delivered over 1000 courses since inception in 1999.

Whilst we appreciate that this provides an additional process to licensing, we believe that this training course should be part of the licence requirements for all drivers operating accessible vehicles and will provide a much higher level of safety for those using accessible vehicles who are often the most vulnerable members of our community.

Any driver who has completed this training can have this marked on his licence. ***(35)***

3. Page 9, Section 15.7 - From our experience of monitoring the condition of vehicles at schools, the number of vehicles of any age that have tyres below the legal limit and lighting faults is high. Whilst it is accepted that new vehicles should have less faults, the very high mileage operated by taxis means that serious faults such as brakes, steering etc would occur well within the first three years of a vehicles life and therefore the 6 monthly inspection should remain regardless of the age of the vehicle. ***(36)***

4. Section 15.9 - We welcome the increased frequency of checks for the older vehicles. ***(37)***

5. Page 10, Section 15.10 - We would welcome the move to record vehicles which regularly fail the council's inspection test and refer these to licensing sub committee for a review of their licence. ***(38)***

6. Section 16 - The general section on insurance seems very light on detail of the insurance levels required. Within the contract conditions of Home to School and Social Care journeys, these are very specific about what is required and this standard is enforced. ***(39)***

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Most taxi companies already meet these standards and it would seem sensible to adopt this universally for all operators. This will then allow a common standard to be set between the standards already achieved on home to school and social care contracts and those of taxi licensing in general.

7. Section 18.3 - This says that the Council will specify the address where the operator will run from. Wouldn't it be better for the applicant stated this on the application form and this be authorised by the licensing committee during the application process. This address must be in County Durham and they must advise the licensing officer of any changes to this address using the procedure set out later in the policy. ***(40)***
8. Page 14, Section 1.3 (X) - In respect of the requirement to be dressed appropriately, we think this needs to be more specific. For example, could the code of dress be stipulated, such as a driver being required to wear a shirt, polo shirt or T-Shirt which shows the company name/logo. Also that suitable safe footwear is worn when carrying out driving duties, certainly not slippers or flip flops. We've had a number of complaints over this past year, where drivers (and escorts) have been reported for wearing flimsy footwear, particularly when manoeuvring and loading wheelchairs, possibly leading to injury or causing a tripping hazard. ***(41)***
9. Appendix 3, Page 23, Section 1 (vii) - We understand that the vehicle specification requirements will prohibit the use of Zafira type vehicles from being registered in future. Is this what is intended? ***(42)***
10. Appendix 3, Section (xix) - Refers to an accident being reported immediately, which in the case of a Friday night would not be possible to do until Monday, unless there is an answering machine. If the instruction of immediately can't be complied with, should the word be replaced by 'at the earliest opportunity'. The requirement to report a road traffic accident involving personal injury to the police is written as 'at the earliest opportunity or anyway within 24 hours, which ever is the soonest'. ***(43)***

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11. Appendix 3, Page 24, Section (xxiii) - The issue of a Certificate of Compliance instead of an MOT causes difficulties when monitoring with outside agencies, such as the Police and VOSA. Such certificates are not registered on any national database and at times this causes confusion to these agencies who have no record of a valid MOT on these vehicles. We also understand that the trade has raised similar difficulties.
Clearly the standard of a C of C is specific to taxis and exceeds the requirement of a standard MOT. Could this be done as a single test (to C of C standards) but an MOT certificate also issued? ***(44)***
12. Page 25, Section (xxiv) - Is this aspirational enough. This policy lasts until 2014, where we seem to be happy having Euro 3 vehicles (manufactured after Jan 2000) still on the road. Could this be phased – for example by January 2013 all vehicles must meet Euro 4 (manufactured after Jan 2005) standards. Euro 5 will apply to all vehicles registered after January 2009. ***(45)***
13. Page 27, Section 3 - Whilst we have no problem with the removal of 'top signs', the identification of the vehicle as a private hire vehicle needs to be improved, for example the name of the company displayed prominently. Without a top sign, it is much more difficult to identify the vehicle as a private hire vehicle, which we think is a safety issue for those in vulnerable positions and requiring protection. ***(46)***
14. Page 27, Section 4 - We continue to have a situation whereby, accessible vehicles on contract to Durham County Council are inspected independent of the normal taxi inspection (which is currently every 6 months). This is because the standard set by the home to school contract conditions is higher than that required by the taxi licensing policy. It would seem appropriate to have a single standard and in a policy seeking to improve standards of operation, this should be the higher of the two standards. This would require all accessible vehicles to be registered as such with a more stringent inspection being undertaken, with specific focus on all aspects of the accessibility function of the vehicle. Currently, Passenger Transport pay for the inspection of all accessible vehicles used on contract. Operators only pay where a vehicle fails, then the original test fee and re-

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	<p>inspection fee is recharged, or where an appointment is made for inspection and the vehicle is not presented.</p> <p>By having a single inspection regime for accessible vehicle, it would cause less inconvenience to the trade, free up time for inspection staff at Direct Services and save Durham County Council and the trade money!! *(47)*</p> <p>15. Appendix 5 - Currently a Private Hire Operator has to renew his/her Private Hire Operator Licence every year and the new Policy is moving to a 3 year renewal cycle. There is clearly more chance of identifying any breaches of compliance on an annual basis as opposed to every 3 years. However, we would support the move to a 3 yearly cycle provided the process is carefully monitored and enforced. *(48)*</p>
Testing Station	<p>1. When testing a Fiat Scudo it was identified the only way passengers sitting in the rear of the vehicle can vacate is via the door on the driver's side which could potentially be into the middle of the road. *(49)*</p>
The City of Durham Trust	<p>1. I see that the draft policy at appendix 1 requires drivers to pass a Driver Knowledge and Locality Test (ref 1.1(iii)). I support this requirement.</p> <p>If the County is to become one zone then logically the drivers would all have to take this test again to ensure that they were familiar with the other six zones that they had not been previously licensed for. This might prove problematical, and I suggest that drivers could be licensed to operate only in those zones for which they had passed the relevant Locality Test. *(50)*</p>