



Quality Control Policy Agreed By Eastbourne Borough Council's Full Licensing Committee On The 21st April 2009

Quality Control Policy Applied to New Hackney Carriage Proprietor Licences Released After 22nd April 2009

All new Hackney Carriage Proprietor Licences released after 22nd April 2009 will only be released subject to the following terms and conditions. This Policy must be read in conjunction with Eastbourne Borough Council's Standard Hackney Carriage Vehicle Licence Conditions and complied with prior to a hackney carriage proprietor licence being issued.

- (1) The vehicle shall include Council approved Accessible Vehicle signage.
- (2) Vehicles must hold "European Whole Vehicle Type Approval (EWVA). The appropriate "Type Approval Certificate" must be made available for inspection to an Authorised Officer prior to being licensed and at any time thereafter.
- (3) Vehicles first presented for licensing must not be more than 12 months old from the first date of registration, and except in the case of manufacturer's purpose built vehicles, namely London Cab /TX vehicles, may not be presented for the purposes of renewing the licence beyond 7 years of age. The mileage of the vehicle being licensed under this Policy shall not exceed 20,000 miles at the time of the vehicle first being presented for licensing.
- (4) Vehicles presented for licensing must be fully wheelchair accessible, (WAV) side loading and capable of being licensed to carry 5, 6, 7 or 8 passengers.
- (5) The Hackney Carriage Proprietor licence granted under this policy and conditions may not be transferred to another individual or organisation within 12 months of the date of this issue, except where the licence holder is permanently relinquishing all Hackney Carriage/Private Hire licences issued by Eastbourne Borough Council.
- (6) A vehicle will only be licensed where it has met the criteria set out in the above conditions, forming the "Quality Control Policy." Any vehicle replacing one issued under this Policy and conditions must meet the same criteria.
- (7) New individuals issued with a licence under this policy are required to attend the VRQ2 (BTEC) course for Transporting Passengers by Taxi and Private Hire. Individuals must have passed this course within 12 months of being issued with a hackney carriage proprietor licence. This requirement shall also apply to journeymen seeking to operate under the terms of the licence.

Appendix 2a

Taxi Delimitation Sub Group Review Meeting

Minutes of Meeting held on 14th September 2009

Present: Chair: Kareen Plympton, Council Licensing Manger, Barry Morris, (Eastbourne & Country) Mike Chant, (Radio Cars) Councillor Goodall, Councillor Purchase, PC Stella Wells, (Sussex Police) Pat Newton, (Representing Disability Involvement Group) Peter Smith (Independent), Jay Virgo, Council Licensing Officer.
Chris Islip (Sussex Cars) - arrived after start of meeting

- 1.1 KP welcomed everyone to the Review Group and explained the purpose of the meeting.
- 1.2 She advised that at the time of the meeting, the Council had received 8 completed applications for hackney carriage proprietor licences. 7 of the new licences are operational. .It was indicated that a 9th is anticipated.
- 1.3 This has been a lower number than expected, and it seems that the Quality Control Policy has helped to manage the numbers. KP advised that it is the strictest Policy she had come across in the Country.
- 1.4 BM stated that 9 licences represented a 10% increase in the number of hackney carriage proprietor licences. KP reminded the group that only 7 had been issued at this point. All 7 proprietors were either previous journey men or a former member of the private hire trade.
- 1.5 BM asked if the roles occupied by those journeymen had been replaced by new journeymen in their place. KP advised that this would be difficult to assess but confirmed that the Council are still processing a high number of applications from new drivers.
- 1.6 BM advised the Group that E&C turnover is 9½% down for the period July-August. MC confirmed that this was about the average across the trade, but that traditionally this period was always quieter. In September, the schools back and the situation has improved as is normally the case.
- 1.7 PS advised that earnings are 50% down and is having to work much longer hours. He also offered the view that those issued with the new hackney carriage proprietor licences are very keen and work lots of hours to get the return, and take some of the work of others as a result. PS advised that taxi drivers are earning about £10 an hour on average,
- 1.9 PN asked of there a cap on number of hours? BM and PS advised that there was no cap but that drivers plan their hours according to what they want to earn.
- 1.10 KP hi lighted that there were a number of factors that had potentially led to the downturn in trade including
 - Economic situation and recession
 - Down turn in trade as taxis perceived as a "luxury" item
 - Seasonality
 - Splits in rank/street work and phone work

- 1.11 PN asked the working hours of drivers. PS advised 80 hours + A discussion ensued as to what's acceptable? It was identified by the Group that whilst some may accrue these hours, drivers were often waiting between jobs and therefore "resting." E&C have working practices and tea breaks for drivers in between working.
- 1.12 PS felt that the work was being taken by the new hackneys and this was unfair to current plate holders.
- 1.13 The Group recognised that taxi drivers are working the hours that they want to and "cherry picking" jobs and working until they have earned x amount. JV advised that the Council had no control over this and it was down to driver choice .to work what they want, however Central Government are looking at this by way of tachographs and similar. Fare levels were also discussed.
- 1.14 There are also corporate manslaughter issues where incidents may occur due to the driver being overtired by working too many hours. This has been discussed at a previous Taxi and Private Hire Forum.
- 1.15 BM stated that the issues at hand in relation to de-limitation were a matter for the hackney carriage trade only. KP advised that in her view that feedback from the Private Hire Trade was equally valid, and formed an important part of the consultation process. It was discussed that there are issues with the Private Hire Trade undercutting the Hackney Carriage trade in relation to the cost of fares.
- 1.16 MC Advised that de-limitation has not had a massive difference to the work of Radio Cars however, it does seem to have impacted on the independents.
- 1.17 CI Stated that he had heard that 3 of the new hackney carriage proprietors were looking for work already. He advised that he had reduced the number of cars on Sussex from 130 to 125.
- 1.18 KP suggested that this may be down to a growth in the number of private hire operators setting up, resulting in a greater spread of work across companies. Main firms are now Eastbourne and Country, Sussex Cars, Radio Cars and Call a Cab.
- 1.19 The changing economic climate was discussed, and associated market forces. Trade representatives advised that new drivers are struggling to make a living, coupled with a drop in the value of a hackney carriage proprietor plates. Has dropped to £14,000. There is also a difference between the value of the plates between WAVs and a mixed fleet.
- 1.20 PN gave an overview of challenges faced by disabled people. She acknowledged the significant investment made by those purchasing WAVs. It was recognised that there is no "one size fits all" in terms of a vehicle that can accommodate people with differing needs.
- 1.21 Discussion ensued regarding the transportation of people in wheelchairs, the recent change by ESCC regarding new safety requirements for transporting people in wheelchairs and the different models of WAV were explored as well as the ways in which people in WAVs are transported as there are some concerns regarding sideways facing methods. **Action: PN to forward a copy of Safe transport leaflet to KP for BM**
- 1.22 PS and CG. Only certain WAVs are recommended as suitable and it's important to retain a mixed fleet. PN advised that the DIG would support this.

- 1.23 PN asked if a ratio of WAVs could be worked to mirror the number of disabled people in Eastbourne. Accessibility to vehicles is also important. The issue was raised regarding contact details of WAVs at the Railway Station. This is something that is ongoing and is being progressed by KP/JV.
- 1.24 CI felt that there was a high percentage of WAVs. Many drivers do school runs and are therefore not available. He agrees with the Quality Control Policy, but feels that the Council's objectives have been met.
- 1.25 CP asked about rank work and reminded the Group that this was a matter for East Sussex County Council. KP advised that at this time there were no plans for additional ranks, and outlined the work of the earlier Scrutiny Review which the Trade were involved in and resulted in additional spaces at Langley Road. General discussion regarding the Rank at Hyde Gardens and others regarding financial viability. It is argued that the other ranks are not used because people don't go there, so money can't be made.
- 1.26 SW provided an overview of the new Police structure. She is the new Licensing Police Constable, Inspector Barrow is in charge of Licensing and Eastbourne's new Chief Inspector is Jayne Dando.
- 1.27 SW advised the Group that Sussex Police supported the policy of de-limitation and will continue to do so. More taxis help to get people out of the Town quicker, facilitating dispersal. This means that there is less crime, disorder and nuisance. SW identified that in the Police view, the release of new licences has helped the Police and has resulted in fewer problems at busy times, particularly late at night and in the early house as the clubs and late night food premises close at 0300 – 0330 hours. It was asked if allowing the late night food premises to open later, for example 0400 hours would help the situation. SW advised that she did not feel that this would assist as this would mean people would be out for longer and Sussex Police do not have the resources to cover this.
- 1.28 SW also advised that there was targeted enforcement action by Sussex Police, in particular the Pier and Bolton Road to try and keep the ranks clear of private vehicles.
- 1.29 General discussions regarding the over population of the feeder taxi rank in Old Orchard Road. KP reminded the Trade attendees of the byelaw requirements of moving to the next available rank. A further discussion ensued regarding railway station permits. KP advised that this is a matter for the Railway Station Manager, but that the Council had established working relationships with them.
- 1.30 KP advised that Nightwatch, a group attended and run by operators of licensed premises had been asked for their views in relation to the de-limitation policy and the availability of hackney carriages. Members want the Policy to remain as is so that a greater number of taxis can be available to facilitate dispersal and get patrons away from their premises quickly, particularly late at night. It was identified that their patrons often have difficulty getting a taxi.
- 1.31 BM spoke about the recent Birmingham Case regarding the transportation of persons in wheelchairs. This case hi-lighted the need for drivers to be appropriately trained. KP advised that this is something the Team are aware of. Currently in discussions with suppliers of purpose built WAVs and a training provider.
- 1.32 The suppliers advise that a manual is provided to drivers advising about the way in which wheelchair passengers should be secured. All drivers issued with new hackney

carriage proprietor licences have to attain the NVQ/Btech qualification in transporting passengers. PS stated that he felt drivers should get the qualification before being issued a licence/new plate. MC advised that you have to be a licensed driver to get on the course, as part of it is vocational and cannot be completed otherwise.

- 1.33 KP thanked all parties for attending and closed the meeting. A further meeting will be arranged.

Appendix 2b

Taxi Delimitation Sub Group Review Meeting

Minutes of Meeting held on 26th October 2009

Present: Chair: Karen Plympton, Council Licensing Manger, Barry Morris, (Eastbourne & Country) Mike Chant, (Radio Cars) Councillor Belsey, Pat Newton, (Representing Disability Involvement Group) Peter Smith (Independent), Jay Virgo, Council Licensing Officer.

Apologies: Cllr Heaps, Cllr Purchase, PC Stella Wells and Inspector Rachel Barrow, Sussex Police.

- 1.1 KP welcomed everyone to the Review Group and explained the purpose of the meeting. Minutes of the last meeting in October agreed. PS identified that he found ironic that the Eastbourne Pier rank had been obstructed due to filming for the past week. KP explained that this was something she did not have any control over, but when approached by the Film Liaison Unit, had stated that she did not support the obstruction of the rank.
- 1.2 KP advised that at the time of the meeting, the Council had received 8 completed applications for hackney carriage proprietor licences. 7 of the new licences are operational. No change from the earlier meeting in September.
- 1.3 The Group reported an ongoing reduction in trade in Eastbourne. Down on last year. This was attributed to the recession and economic downturn, The number of coach parties visiting Eastbourne had also diminished.
- 1.4 KP advised that Sussex Police continued to support the policy of delimitation to facilitate dispersal at key times. PS advised that he saw the situation differently and would like to see more police on the streets at key times and better enforcement to resolve congestion at ranks. A general discussion ensued regarding NCP and parking enforcement. MC suggested that vehicles had the NCP number readily available to report issues direct to NCP.
- 1.5 **Station Permits.** PS and BM provided the group with an overview regarding railway station permits. KP agreed that there had been some issues with permits and drivers, but that the Licensing Team were working closely with the Railway Station Manager to resolve this and has been given authority to assist in enforcement at the station. Meteor retains responsibility at this time. A limit of 83 permits had been issued, originally 79, however the Licensing Team had not been consulted originally. Any new drivers coming through the system are now advised at the point of application of the situation.
- 1.6 PS stated that the new hackneys had got a "free" plate/licence from the Council and that perhaps the limit on permits might make non permit holders use the other ranks and this in turn might make them more viable. MC didn't think that this would be a viable option.
- 1.7 MC advised that delimitation didn't really affect the Private Hire Trade. BM advised that Southend had re-limited. This is something KP will look at.
- 1.8 PS felt that Eastbourne is unique. KP advised the group that there is an ongoing trend and pressure from Central Government towards delimitation, with many adopting a quality control policy but not one that is as robust as Eastbourne's. Most recent DfT survey was 2007.

- 1.9 PS advised that the trade are struggling to make £10 an hour, with a downturn in trade. The new vehicles represented a 10% increase in the number of hackney carriages. KP reminded the group that 7 vehicles had been licensed since delimitation - 7% increase
- 1.10 BM advised that he understood that more Councils were reverting back to placing limits on the numbers of hackneys. CB wanted an up to date list and asked if an email could be sent to all Councils. KP advised that she would try and obtain as much information as possible. CB stated that the trades needs cant be ignored and cited experiences in Dublin. The economic climate was discussed and CB stated that a survey was needed and it was time to re-look at things, and stop comparisons with other towns.
- 1.11 BM stated that he did not agree with the Councils Legal advice against re-imposing a limit before any survey, KP advised that this was a matter for the Legal Section and not her.
- 1.12 The Group asked about any changes in the number of drivers. 7 new drivers plying for hire using the new hackney carriage licences. JV advised that there was a slight increase at the start of the year due to people seeking alternative employment, but that had levelled out with people leaving the trade. There was no significant difference from previous years and no increase in knowledge tests. It seems that there is a greater spread of drivers across the companies. The Licensing Team are advising applicants to see if there are vacancies before applying.
- 1.13 BM advised the Group that Reading had re-imposed a limit due to a lack of rank space and were doing a survey. KP unable to comment on the Legal position.
- 1.14 CB advised that it's the number of plates that is the issue. KP advised that a mixed fleet of vehicles will be retained as no "one size fits all" for the needs of the travelling public. In KPs view, there had been a levelling off of applications and enquires, with the market apparently deciding demand.
- 1.15 PN spoke about the DIG needs and the need for accessible vehicles of different types. She advised the Group that DIG are working with the Licensing Team to look at information systems at the Railway Station in a variety of formats to ensure that the right vehicle is provided according to a persons requirements. BM and CB stated that taxis weren't the only form of transport that the DIG could use and that buses and trains were also available. PN agreed that there had been some improvements but that freedom of access to taxis should also be allowed.
- 1.16 The Group discussed driver working hours, taco graphs and Fare increases. PS stated that the companies were able to charge lower fares. It was accepted that a minority of drivers charged the maximum rate set by the Council.
- 1.17 KP empathised with the trade during the current economic climate but reminded the Group that they could charge anything up to the maximum metered fare PS stated that E & C had prohibited its drivers from increasing fares. BM advised that a ballot was taken to decide this.
- 1.18 KP advised that this was not a matter for the Council, but appeared that its down to market forces for businesses to decide a fare structure that didn't exceed the maximum. She also advised that the trade would be contacted in the New Year to ask if they wanted an increase and would allow the majority to decide. She also advised the Group about meter certification, a cheaper alternative to the rolling road which the Council had adopted.

Appendix 3

Nick Tapp – ESDA

8th October 2009

Dear Kareen

Thank you for involving us in this matter.

As you are aware from our discussions and from previous meetings ESDA support the continuation of the Council's current policy.

It is important that disabled people are able to be spontaneous and not necessarily only be able to use a cab that they have booked. It may also increase the number of vehicles that are available for disabled people at the beginning and end of the day when many are currently used for contract hire. This policy will help ensure a greater number of accessible taxis are available for them to use. We also support the desire to maintain a mixed fleet as currently no one vehicle type is accessible to everyone.

We believe that this policy should be reviewed annually to ensure that the fleet in Eastbourne continues to meet the needs of all of its users.

I look forward to hearing from you

Sincerely
Nick

Nick Tapp
Deputy Chief Executive
East Sussex Disability Association

DIG SUBMISSION 30.20.09

The Disability Involvement Group supports the policy of maintaining a mixed fleet as this provides a travel service for users with all types of disability as well as serving the rest of the population. For the first time in Eastbourne cabs with the wheelchair logo on the door have been seen around the town and at ranks and the DIG is now working to make information on disability friendly vehicles available at the station; at the Information Bureau and in other ways.

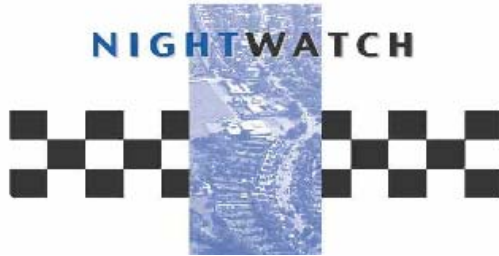
The DIG supports the de-limitation policy with quality control because the percentage of accessible cabs is still too low and the quality control policy is driven by the need and rights of all people, including those who are disabled, to have equality of access to all types of transport.

On that point the DIG wishes to emphasise the fact that only a small percentage of disabled people travel in wheelchairs and that although cabs designed to accommodate disabled people are named as "wheelchair accessible" they also have features to serve ambulant disabled people including a clearly marked slide out step close to the ground, internal grab rails for support and increased internal headroom for walkers; hearing loops for those with hearing impairment and clear signage for those with visual impairment. The fact that some disabled people have complained that WAV cabs are hard to access suggests that the slide out step has not been used and that Disability Awareness Training which is an integral part of Eastbourne's Quality Control Policy needs to be extended for the benefit of drivers and passengers. No passenger should have the difficulties referred to in a recent letter to the Eastbourne Herald and no driver or passenger should have difficulty in accommodating a power wheelchair lacking handles in a wheelchair accessible cab.

The DIG suggests that in an ideal world drivers of ALL cabs licensed by Eastbourne Borough Council would receive Disability Awareness Training instead of just those using plates licensed more recently. Saloons and hatchbacks are also used by disabled people and without driver training their needs may not be met and drivers may spend more time than necessary in passenger loading and even be at risk of physical injury.

PAT NEWTON

30.10.09



**Appendix 5
Steering Group Meeting
Thursday 10 September 2009**

Present:

Lucy Abdullah	Bacchus – Deputy Chair
Keiran Balmer (KB)	TJ's
Kerry Band (KBD)	Notetaker
Kean Franks	Sussex Police, Licensing
Andy Malyan (AMA)	TJ's
Andrew Morris (AM)	The Hart – Chair
Olivia Newbutt	EBC Licensing
Karen Plympton	EBC Licensing
Trish Pybous	EBCG Manager
Hayley Wright	Boltons
Jill Wright	Boltons
	Boltons
	Shore Bar
	Shore Bar

	ITEM	ACTION
1.	MINUTES OF LAST MEETING Agreed.	
3.1	<p>Taxi:</p> <ul style="list-style-type: none"> ▪ Since April 2009, the Full Licensing Committee agreed to relax the number of hackney carriage (taxi) proprietor licences, termed de-limitation. The Policy has been revised to meet the needs of the travelling public in particular disabled people, to facilitate dispersal of patrons late at night and to encourage more taxis to operate at night. ▪ KP invited attendee's views on policy. Members agreed that it is important to get people out of the town centre as quickly as possible. AM advised that customers occasionally have difficulties getting a taxi and that the Policy should be retained. ▪ KP confirmed with attendees that they wanted the policy of de-limitation (a relax on the number of taxi licences) AM and others confirmed that Nightwatch customers on occasion have difficulties getting a taxi particularly later in the evening/night and would therefore approve a continuation of the policy to bridge the gap in demand. ▪ Attendees understood that it was less popular for taxi drivers to work at night, but that there is a shortfall and this needs to be addressed. 	<p>KP</p>

	<ul style="list-style-type: none">▪ SW of Sussex Police shared the views of Nightwatch that the Policy should be maintained▪ KP advised that the views of Nightwatch would be relayed to the Licensing Committee, but that in summary, Members wanted the Policy of de-limitation to remain.	
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Appendix 6

Ranks in Eastbourne

A list of designated ranks, provided by East Sussex County Council is below.

- | | |
|--------------------|-----------|
| - Ashford Road | 4 spaces |
| - Bolton Road | 10 spaces |
| - The Pier | 4 spaces |
| - Hyde Gardens | 4 spaces |
| - Church Road | 4 spaces |
| - Langney Road | 2 spaces |
| - Old Orchard Road | 10 spaces |
| - Susans Road | 4 spaces |
| - Station approach | 4 spaces |

Department for Transport Best Practice Guide Extract 2007 onwards (2009 currently consulted on. No change in stance in relation to a relaxation on limits to hackney carriage proprietor licences.

Quantity Restrictions of Taxi Licences outside London

29. The present legal provision on quantity restrictions for taxis outside London is set out in section 16 of the Transport Act 1985. This provides that the grant of a taxi licence may be refused, for the purpose of limiting the number of licensed taxis 'if, but only if, the [local licensing authority] is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet'.

30. Local licensing authorities will be aware that, in the event of a challenge to a decision to refuse a licence, the local authority concerned would have to establish that it had, reasonably, been satisfied that there was no significant unmet demand.

31. Most local licensing authorities do not impose quantity restrictions; the Department regards that as best practice. Where restrictions are imposed, the Department would urge that the matter should be regularly reconsidered. The Department further urges that the issue to be addressed first in each reconsideration is whether the restrictions should continue at all. It is suggested that the matter should be approached in terms of the interests of the travelling public - that is to say, the people who use taxi services. What benefits or disadvantages arise for them as a result of the continuation of controls; and what benefits or disadvantages would result for the public if the controls were removed? Is there evidence that removal of the controls would result in a deterioration in the amount or quality of taxi service provision?

32. In most cases where quantity restrictions are imposed, vehicle licence plates command a premium, often of tens of thousands of pounds. This indicates that there are people who want to enter the taxi market and provide a service to the public, but who are being prevented from doing so by the quantity restrictions. This seems very hard to justify.

33. If a local authority does nonetheless take the view that a quantity restriction can be justified in principle, there remains the question of the level at which it should be set, bearing in mind the need to demonstrate that there is no significant unmet demand. This issue is usually addressed by means of a survey; it will be necessary for the local licensing authority to carry out a survey sufficiently frequently to be able to respond to any challenge to the satisfaction of a court. An interval of three years is commonly regarded as the maximum reasonable period between surveys.

35. Quite apart from the requirement of the 1985 Act, the Department's letter of 16 June 2004 asked all local licensing authorities that operate quantity restrictions to review their policy and justify it publicly by 31 March 2005 and at least every three years thereafter. The Department also expects the justification for any policy of quantity restrictions to be included in the five-yearly Local Transport Plan process. A recommended list of questions for local authorities to address when considering quantity controls was attached to the Department's letter. (The questions are listed in Annex A to this Guidance.)

Appendix 8 - Hackney carriage provision in CIPFA family group and Sussex authorities

CIPFA family group

In our CIPFA Family Group, 10 out of 15 Authorities have delimited (see table)

Authority	Delimited	Limited	Further Information
Adur	✓		Quality Control Policy – WAV requirement
Arun	✓		No quality control policy
Canterbury	✓		No quality control policy
Cheltenham	✓		Quality control Policy - WAV & age requirement
Dover		✓	Last survey 2006
Hastings		✓	Survey likely to be commissioned 2010
Lewes	✓		Quality Control Policy very liberal
Scarborough		✓	Survey recently completed
Shepway	✓		Delimitation 1988. Mixed fleet retained
Taunton Deane	✓		Quality Control Policy - WAV requirement
Tendring	✓		Delimited 1991 – Drivers being balloted
Thanet		✓	Previously zoned taxi areas
Waveney	✓		No quality control policy
Weymouth & Portland		✓	Survey agreed.
Worthing	✓		Delimited – WAV requirement

Sussex Position

Of the Sussex authorities surveyed below that have delimited, none are at present considering the imposition of a limit.

Authority	Approach
Arun	Delimited/No Quality Control Policy HC=380 PH=25
Brighton & Hove City	Managed Growth of 5 per annum & Quality Control. 20 WAVs released last year following complaints re a lack of wheelchair accessible vehicles. HC=528 PH=433
Worthing	Delimited & Quality Control – WAVs/Age HC=75 PH=214
Adur	Delimited & Quality Control –WAVs HC=70 PH=95
Rother	Delimited. HC=200 PH=100.
Mid Sussex	Limit on the number of licences. HC=154 PH=330
Hastings	Limit on the number of licences. HC=48 PH= 270
Eastbourne	Delimited HC= 97 PH= 323
Crawley	Delimited & Quality Control – WAVs only HC=103 PH=555
Chichester	Delimited HC=53 PH 275
Horsham	Delimited/No Quality Control HC=56 PH=120
Lewes	Delimited/No Quality Control HC=245 PH=57
Wealden	Delimited/No Quality Control HC=231 PH=248