

Eastbourne Borough Council Taxi licensing consultation report

Published 19 September 2019

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Background

Between 23 April and 18 June 2019 Eastbourne Borough invited comments from residents, private hire and Hackney Carriage drivers, operators and other stakeholders about its update draft taxi licensing guidance for Eastbourne.

The draft guidance introduces four broad objectives. These are to:

- Ensure the safety and welfare of the public which is the overriding objective
- Encourage environmental sustainability
- Ensure an efficient and effective hackney carriage and private hire provision
- Monitor and improve standards of service in the trade

Key changes to the updated guidance

A new emphasis on accessibility

- In response to requests from local residents, the guidance places a particular emphasis on equality and accessibility. It is proposed that all new Hackney Carriages will only be licensed if they are wheelchair accessible.
- Drivers will be required to attend training sessions on disability awareness. Applicants will be required to pass the training before a licence can be issued.

Introduction of 'intended use' for Hackney Carriages

- To ensure the council keeps local control over the Hackney Carriages it licenses, applicants will be asked which area they intend to operate in (intended use) for the purposes of fulfilling pre-booked journeys. Applicants will need to demonstrate that they will only take bookings predominantly within the borough.

Other changes in the new guidance

- Any person found cheating on knowledge tests will be disqualified from the test and not be granted a licence for at least three years. This is a change as there currently isn't a disqualification period.
- Awareness of Child Sexual Exploitation and Safeguarding will be incorporated into the knowledge test.
- Vehicle engines must meet the European standards for diesel and petrol powered vehicles.
- Legislative changes in relation to the Right to Work.

How we consulted

- We carried out a public consultation from 23 April to 18 June 2019.
- We published a page on the council website which included the background to the updated draft guidance and a summary of the key changes as well as the draft guidance in full.
- We provided an online survey for respondents to structure their feedback and made the offer of providing paper copies of this on request.
- Paper copies were sent to members of the Disability Involvement Group and a verbal update was given at one of the group's meetings.
- Paper copies were also made available from the Town Hall and Grove Road reception areas.
- We also offered the consultation information in different languages and formats.
- We visited taxi drivers and operators ahead of the consultation go-live to ensure they were aware of the consultation.
- We publicised the consultation through the local media, our social media channels, via the council's website and by email to the council's consultation mailing list.

Who responded

- 272 people responded to the consultation via the survey.
- 162 responses were received from residents.
- 98 responses were received from drivers and operators.
- Of these, 9 respondents submitted their response via a paper copy of the form.
- One letter and two emails were received from individual drivers. These have been anonymised and can be seen in in Appendix 1 and 2.
- A letter was received from Bespoke a local community group. This letter can be seen in Appendix 3.
- A letter was received from a local taxi operator which was signed by 83 licensed drivers and can be seen in full in Appendix 4.

Key findings

- There was a high level of agreement for all four broad objectives of the guidance with over 90% of respondents agreeing or strongly agreeing with the proposals.
- 70% of all respondents agreed that an 'intended use' policy is needed.
- 60% of respondents agreed that newly licensed vehicles should be no older than five years. 32% of respondents disagreed with this proposal.
- 56% of respondents agreed that 6 monthly VST (Vehicle Suitability Tests) tests should be undertaken. 39% of respondents disagreed with this proposal.
- 36 of respondents said they felt there is no unmet demand in Eastbourne for wheelchair accessible vehicles with 30% believing that there is unmet demand. 70% of drivers felt there is no unmet demand whereas 40% of residents felt there was an unmet demand (with 42% of residents stating that they did not know).
- 36% of respondents agreed that when Hackney carriage vehicles are replaced they should all be replaced with wheelchair accessible vehicles. 58% of respondents disagreed with this proposal. 83% of drivers disagreed with this proposal. 46% of respondents with a disability agreed with the proposal.

Next steps

This summary report will be considered at the Eastbourne Borough Council Licensing Committee in the Autumn 2019.

Summary of survey responses

1. Please tell us in what capacity you are responding to this consultation:

		Response Percent	Response Total
1	A resident	60.00%	162
2	A licensed driver working within Eastbourne	34.44%	93
3	An operator	1.85%	5
4	Other (please specify):	3.70%	10
		answered	270
		skipped	2

Other (please specify): (10)

1	Voluntary Charity
2	Civil servant and resident
3	Goes to Eastbourne three days week
4	multiple vehicle proprietor
5	Tourist
6	Language School
7	Regular taxi user
8	Taxi/vst tester
9	Disability Charity
10	Hackney

2. The draft guidance proposes four broad objectives. Please indicate if you agree or disagree with each:

2.1. To ensure the safety and welfare of the public		Response Percent	Response Total
1	Strongly agree	69.1%	186
2	Agree	28.3%	76
3	Disagree	0.7%	2
4	Strongly disagree	1.5%	4
5	Don't know	0.4%	1
		answered	269

2.2. To encourage environmental sustainability		Response Percent	Response Total
1	Strongly agree	44.0%	118
2	Agree	47.4%	127
3	Disagree	4.5%	12
4	Strongly disagree	2.2%	6
5	Don't know	1.9%	5
		answered	268

2.3. To ensure an efficient and effective Hackney Carriage and Private Hire provision in the district		Response Percent	Response Total
1	Strongly agree	57.3%	153
2	Agree	34.1%	91
3	Disagree	4.5%	12
4	Strongly disagree	2.2%	6
5	Don't know	1.9%	5
		answered	267

2.4. To monitor and improve standards of services in the trade		Response Percent	Response Total
1	Strongly agree	60.7%	162
2	Agree	31.5%	84
3	Disagree	4.5%	12
4	Strongly disagree	2.2%	6
5	Don't know	1.1%	3
		answered	267

3. A Hackney Carriage vehicle licensed by one local authority can be used to fulfil bookings on behalf of Private Hire operators licensed by another local authority. In order to keep control over the Hackney Carriages it licenses, Eastbourne Borough Council proposes to ask Hackney Carriage applicants which area they intend to mainly operate in for the purposes of fulfilling pre-booked hirings. This is called 'intended use'. Do you agree or disagree that this 'intended use' policy for Hackney Carriages is needed?

		Response Percent	Response Total
1	Strongly agree	35.07%	94
2	Agree	34.33%	92

3. A Hackney Carriage vehicle licensed by one local authority can be used to fulfil bookings on behalf of Private Hire operators licensed by another local authority. In order to keep control over the Hackney Carriages it licenses, Eastbourne Borough Council proposes to ask Hackney Carriage applicants which area they intend to mainly operate in for the purposes of fulfilling pre-booked hirings. This is called 'intended use'. Do you agree or disagree that this 'intended use' policy for Hackney Carriages is needed?

		Response Percent	Response Total
3	Disagree	9.33%	25
4	Strongly disagree	10.82%	29
5	Don't know	9.33%	25
6	Other:	1.12%	3

4. Do you agree or disagree that the maximum age for a newly licensed vehicle should be no more than five years?

		Response Percent	Response Total
1	Strongly agree	26.22%	70
2	Agree	34.08%	91
3	Disagree	14.61%	39
4	Strongly disagree	17.98%	48
5	Don't know	4.12%	11
6	Other (please specify):	3.00%	8
		answered	267
		skipped	5

Other (please specify): (8)

5. Do you agree or disagree that vehicles should undertake a 6 monthly VST (vehicle suitability test, Taxi MOT) from date of first licensing no matter what age the vehicle is?

		Response Percent	Response Total
1	Strongly agree	27.72%	74
2	Agree	28.84%	77
3	Disagree	13.86%	37
4	Strongly disagree	25.47%	68
5	Don't know	1.87%	5

5. Do you agree or disagree that vehicles should undertake a 6 monthly VST (vehicle suitability test, Taxi MOT) from date of first licensing no matter what age the vehicle is?

		Response Percent	Response Total
6	Other (please specify):	2.25%	6
		answered	267
		skipped	5
Other (please specify): (6)			

6. Do you feel that Eastbourne has an unmet demand for wheelchair accessible Hackney carriages?

All respondents

		Response Percent	Response Total
1	Yes	29.96%	80
2	No	36.70%	98
3	Don't know	33.33%	89
		answered	267
		skipped	5

6. Do you feel that Eastbourne has an unmet demand for wheelchair accessible Hackney carriages?

Responses from licensed drivers working within Eastbourne

		Response Percent	Response Total
1	Yes	11.34%	11
2	No	70.10%	68
3	Don't know	18.56%	18
		answered	97
		skipped	1

If yes, please tell us what times of the day the current unmet demand is greatest: (18)

Don't think there is unmet demand – 6 comments

School run times – 5 comments

Daytime – 2 comments

6. Do you feel that Eastbourne has an unmet demand for wheelchair accessible Hackney carriages?

Responses from residents

		Response Percent	Response Total
1	Yes	40.63%	65
2	No	16.88%	27
3	Don't know	42.50%	68
		answered	160
		skipped	2

If yes, please tell us what times of the day the current unmet demand is greatest: (34)

At any time – 13 comments

School run times – 8 comments

Disabled people should have the same choice and availability as everyone else – 4 comments

Later afternoon / evening – 3 comments

7. Do you agree or disagree that when Hackney carriage vehicles are replaced they should ALL be replaced with wheelchair accessible vehicles?

All respondents

		Response Percent	Response Total
1	Strongly agree	19.03%	51
2	Agree	16.79%	45
3	Disagree	25.75%	69
4	Strongly disagree	32.09%	86
5	Don't know	6.34%	17
		answered	268
		skipped	4

Comments: (68)

7. Do you agree or disagree that when Hackney carriage vehicles are replaced they should ALL be replaced with wheelchair accessible vehicles?

Just responses from licensed drivers working within Eastbourne

		Response Percent	Response Total
1	Strongly agree	7.14%	7
2	Agree	5.10%	5
3	Disagree	25.51%	25
4	Strongly disagree	58.16%	57
5	Don't know	4.08%	4
		answered	98
		skipped	0

Comments: (30)

- Older residents can have difficulty in getting into WAVs – 14 comments
- Having mixed fleet is a better – 3 comments
- Too expensive to replace – 3 comments
- Larger vehicles will cause pollution - 3 comments

7. Do you agree or disagree that when Hackney carriage vehicles are replaced they should ALL be replaced with wheelchair accessible vehicles?

Respondents with a disability

		Response Percent	Response Total
1	Strongly agree	33.33%	15
2	Agree	13.33%	6
3	Disagree	26.67%	12
4	Strongly disagree	15.56%	7
5	Don't know	11.11%	5
		answered	45
		skipped	1

Comments: (19)

- Mixed Fleet better – 8 comments
- Older residents can have difficulty in getting in and out of WAVs – 3 comments

8. Do you feel that Hackney Carriage wheelchair accessible vehicles should be side loading, rear loading or allow both?

All respondents

		Response Percent	Response Total
1	Side loading only	21.97%	58
2	Rear loading only	7.58%	20
3	Side and rear loading	54.17%	143
4	Other (please specify):	16.29%	43
		answered	264
		skipped	8
Other (please specify): (43)			

8. Do you feel that Hackney Carriage wheelchair accessible vehicles should be side loading, rear loading or allow both?

Responses from people with a disability

		Response Percent	Response Total
1	Side loading only	11.11%	5
2	Rear loading only	11.11%	5
3	Side and rear loading	57.78%	26
4	Other (please specify):	20.00%	9
		answered	45
		skipped	1
Other (please specify): (9)			

9. Are you supportive of adopting European standards for vehicle emissions to improve air quality?

		Response Percent	Response Total
1	Yes	72.96%	197
2	No	13.33%	36
3	Don't know	13.70%	37
		answered	270
		skipped	2

10. Do you have any other comments to make about the draft guidance?

		Response Percent	Response Total
Key themes from these open ended comments		100.00%	150
1	New vehicles should not all need to be wheelchair assisted vehicles – 26 comments		
2	There should be greater levels of enforcement of the trade by Eastbourne Borough Council – 27 comments		
3	Should be encouraging electric vehicles more – 14 comments		
4	Drivers should have increased disability awareness and suicide awareness – 12 comments		
5	Driver and operator views – 13		
6	All new vehicles should be wheelchair assisted vehicles – 7 comments		
7	Comments about vehicle conditions – 6 comments		
8	Other comments - 15		
9	No comments made – 27		
		answered	150
		skipped	122

11. Do you live or work in Eastbourne?

		Response Percent	Response Total
1	Yes	97.37%	259
2	No	2.63%	7
		answered	266
		skipped	6

Equality monitoring questions

13. Would you like to answer or skip the following questions about you?

		Response Percent	Response Total
1	Answer the questions	62.17%	166
2	Skip the questions	37.83%	101
		answered	267
		skipped	5

14. What is your age?

		Response Percent	Response Total
1	Under 18	0.00%	0
2	18 - 24	1.19%	2
3	25 - 34	7.14%	12
4	35 - 44	19.64%	33
5	45 - 54	25.00%	42
6	55 - 64	25.00%	42
7	65 - 74	17.26%	29
8	75 +	4.17%	7
9	Prefer not to say	0.60%	1
		answered	168
		skipped	104

15. What is your sex?

		Response Percent	Response Total
1	Male	62.65%	104
2	Female	37.35%	62
3	Other	0.00%	0
		answered	166
		skipped	106

16. What is your ethnic group? Ethnic groups are defined by the 2011 census

		Response Percent	Response Total
1	English/Welsh/Scottish/Northern Irish/British	86.06%	142
2	Irish	0.61%	1
3	Gypsy or Irish Traveller	0.00%	0
4	Any Other White background	4.24%	7

16. What is your ethnic group? Ethnic groups are defined by the 2011 census

		Response Percent	Response Total
5	White and Black Caribbean	0.00%	0
6	White and Black African	0.61%	1
7	White and Asian	0.00%	0
8	Any Other Mixed background	0.00%	0
9	Asian/Asian British	1.21%	2
10	Indian	0.61%	1
11	Pakistani	0.00%	0
12	Bangladeshi	0.00%	0
13	Chinese	0.00%	0
14	Any Other Asian background	1.82%	3
15	African	0.00%	0
16	Caribbean	0.00%	0
17	Any Other Black/African/Caribbean background	0.00%	0
18	Arab	1.21%	2
19	Any Other Ethnic Group (please specify):	3.64%	6
		answered	165
		skipped	107
Any Other Ethnic Group (please specify): (6)			
Kurdish - 3			
Iranian – 1			

17. Are your day-to-day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months?

		Response Percent	Response Total
1	Yes, limited a lot	13.94%	23
2	Yes, limited a little	13.94%	23
3	No	72.12%	119
		answered	165
		skipped	107

Appendix 1 – A letter received from an individual driver

“Dear Sir/Madam

With regard to your recent public consultation reviewing the taxi and private hire trade in Eastbourne, I would like to make a few relevant points from a Hackney carriage point of view.

I am, and have been, a Hackney licensed plateholder for thirty five years, I am also one of the founder shareholders of Eastbourne and Country Taxis serving on the Committee for many years before serving as a Director and Company Chairman for nine years. I wish it to be noted that I am in full agreement with the Eastbourne and Country statement regarding the consultation.

Over the years I have asked numerous times for a complete review of our current Taxi ranks and signage to such ranks. Several times in meetings which I have attended the response to my suggestion has been positive but ultimately nothing has ever really changed. Why, with this current consultation, is there no mention of alternative viable ranks or a review of current ranks? The redevelopment of the Congress Theatre site is a prime example of where the taxi trade has been overlooked. Whenever a rank is closed for a short period why is a temporary alternative rank not set up for the duration in the same way that bus stops have been during the recent town centre upheaval? The town centre redevelopment, which seems to be taking an extremely long time, as has been reported in the local paper has significantly reduced trade to many shops and traders in the town centre. This, most definitely, includes the Hackney carriage taxi trade; therefore I hope you can appreciate that it is not a good time to increase the overall running costs of the taxi trade.

The suggestion that all Hackney carriage taxis should become wheelchair accessible obviously comes from someone without any knowledge or understanding of the trade. Only 8% of disabled people use a wheelchair, the vast majority of whom book their transport with a private hire company. They generally, to my knowledge, receive an excellent service from a variety of providers in Eastbourne. The drivers doing this type of work are very dedicated and have made a moral and a business decision to buy a wheelchair vehicle. They are also able to carry six to eight people which helps to cover the extra costs of running a larger vehicle. This investment, by a dedicated group of drivers, would be greatly reduced if greater numbers were forced into wheelchair work and drivers who would feel pushed into it against their will would possibly not be as conscientious and dedicated to the needs of the customer. On the rank many disabled people with walking sticks, walking frames and wheel assisted frames bypass these larger vehicles to get into a saloon car because the majority cannot even climb up into the higher vehicles and are much more comfortable in a saloon car. Please therefore do not discriminate against the vast majority of disabled people and indeed the elderly with such an idiotic idea of making all Hackney carriage vehicles wheelchair accessible. There are also a number of fold-up wheelchairs used by people who can walk a short distance who also prefer to get into a saloon car. Some of these wheelchairs are not strong enough to take the

heavy strapping used in a wheelchair accessible vehicle which can be very dangerous.

I have been a driver of a saloon car for 35 years and now at 61 years of age feel how can it be sensible or fair that I should be made to change my work practices so drastically. Surely there are grandfather rights? If you are insistent that all vehicles should eventually be wheelchair accessible then it should not be forced to happen until a new driver takes over an existing plate. If any driver injured his back while pushing a wheelchair up a ramp after being forced into doing such work, particularly a man in his 60's, it would be interesting to know where he would stand legally?

Therefore, I cannot recommend strongly enough that the current system should remain in force for the foreseeable future. It is my understanding that currently 23 of 111 Hackney carriages are wheelchair accessible vehicles which is more than enough for the needs of Eastbourne.

My current vehicle is a Toyota Prius Hybrid which will be ten years old next June which I shall change for what, I hope, will be my last car before I retire. On average I get 60 miles to the gallon but the latest model advertises 81 miles per gallon. In the recent European elections paraphernalia both main parties referred to improved air quality being of paramount importance. So if 84 Taxis were forced to become large guzzling vehicles doing not much more than 30 miles to the gallon, surely that would not help with the air quality of Eastbourne and surrounding areas?

Lastly Eastbourne cannot ignore the fact that Lewes, your sister council, following their Taxi review decided overwhelmingly that Lewes District was best served by a mixed fleet."

Appendix 2 – An email received from an individual driver

"With recent consultation... I don't agree with having cars failing VST or made to having no smoking stickers reason being is most people no you can't smoke in cabs (maybe one on front windshield)

X2 VST's I'm happy with this

Cars brought into trade, should be euro 5 and above reason is extra cost on drivers especially as trade is dead

I don't agree with once car is 10 years old it should be rejected I like the system now if clean tidy can stay in longer especially premium cars

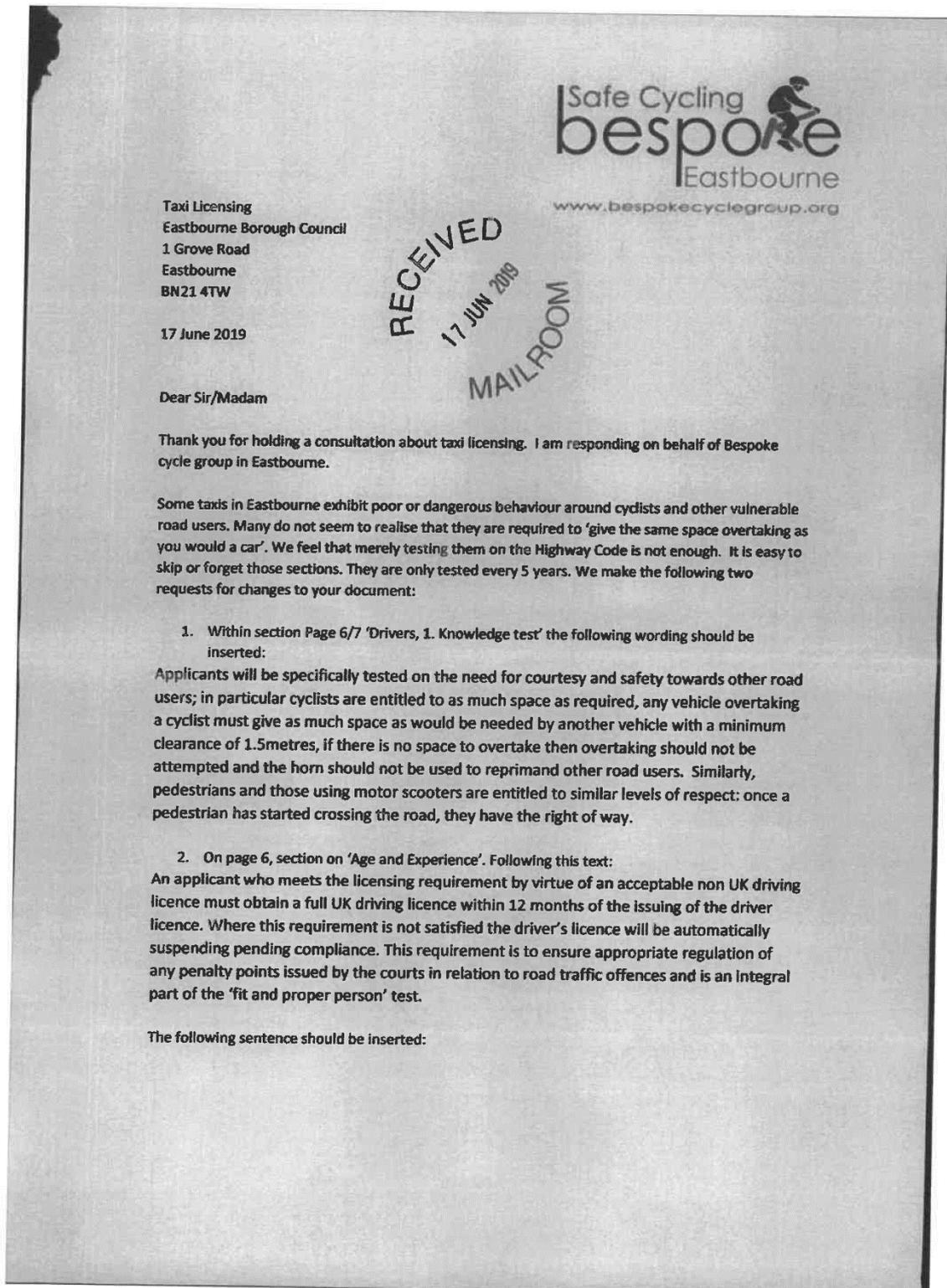
Hacks being made to buy wheelchair only accessible cabs no because a lot of people don't like getting in them council tried this years ago to bring in and also vehicles can only take certain weight and type of wheelchairs

(Sent subsequently)

Council door signs

- A) far to big
- B) to make drivers use them should be incorporated into company door signs that way Will always be worn“

Appendix 3 – A letter received from Bespoke

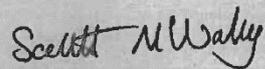


In addition, some other countries driving licensing requirements do not emphasise sufficiently the need for safety and courtesy around other vulnerable road users, for example with stipulations about giving space when overtaking cyclists.

It would be very useful in the future if the training for taxi drivers on disability awareness could be extended to cover all vulnerable road users.

We would be happy to have these comments shared or included in a dossier of responses.

Yours sincerely



Mrs Scarlett McNally
scarlett@themcnallys.co.uk
For Bespoke cycle group Eastbourne

Appendix 4 - A letter received from a taxi operator signed by 83 licensed drivers



Taxi Licensing
Eastbourne Borough Council
1 Grove Road
Eastbourne
BN21 4TW

Tel: (01323) 720720 Admin: (01323) 417555
Fax: (01323) 639443 Email: info@720taxis.com
Eastbourne & County Taxis Ltd.
1a Susans Road, Eastbourne, East Sussex BN21 3HA

13th June 2019

Response from 720 taxis to Draft Consultation Concerning Taxi Licensing Guidance

Dear Sir/Madam,

Please find enclosed a comprehensive report from our company highlighting our concerns regarding the draft consultation document. This is accompanied with a petition from our drivers who agree to the revision to the draft consultation document in accordance with the points raised in our response. Therefore, each of those who have signed the petition should be considered as an individual signatory who agree with the amendments contained in the response from the company.

We would like to provide the taxi licensing team with the following data concerning bookings made for Wheelchair Accessible Vehicles (WAV's) from May 2018 to May 2019 and for those who expressly requested that a WAV must *not* be sent:

% Customers who requested a WAV	% Customers who requested a non-WAV
0.5%	16.04%

This shows that a significantly higher proportion of our customers *do not* want to be transported in a WAV. Should designated council officers or elected members wish to view the data concerning the above statistics we would be pleased to provide in confidence, so as not to divulge data to our competitors.

In relation to our response we would urge that committee take due regard to each of the comments made, consider and amend accordingly.

Please also find enclosed a final reminder sent from your office for a taxi vehicle licence that does pertain to our company?

Yours sincerely

Mr Andrew Baldry
Chairman 720 TAXIS

Cc: Stephen Lloyd Mp
Cc: Cllr David Tutt
Cc: Cllr Pat Rodohan



Incorporating
Town & Country Taxis - Polegate Station Taxis - Station Taxis - Ace Taxis - Greyhound Courier Service - Crown Cars - Centre Cars
Registered in England & Wales No: 4062617 - Registered Office: 28 Wilton Road, Bexhill-on-Sea, East Sussex TN40 1EZ - VAT Number: 779 4860 42

Response from 720 Taxis to the Draft Eastbourne Borough Council Hackney Carriage and Private Hire Licensing Guidance Consultation

We the undersigned welcome the revision to the Licensing Guidance, save for the salient points in the attached document. Please note these points and amend accordingly.

NAME	Hackney Carriage/PH Number	Signature
HEATH BAUMER	562	[Signature]
ABDUL QUDUS.	504	[Signature]
THOMAS HARMER	166	[Signature]
SAY VIRGO	500 234/22L	[Signature]
VAUGHAN ELMS	167	[Signature]
PAUL DOLAN	500/269	[Signature]
GARY EVAN	72	[Signature]
LEE WATKIN	192	[Signature]
SCOTT VIRGO	178	[Signature]
MARIC HAYNES	502	[Signature]
AZIM	647/559	[Signature]
Thomas Philip	138	[Signature]
RBI HUTCHINSON	315	[Signature]
Steve Hopkins	470/300/306	[Signature]
ARTAN FERIZI	544/404	[Signature]
TOPY HARODINI	614	[Signature]
S. SLATER	443	[Signature]
R. Pudo	392	[Signature]
PAN COOKE	152 625	[Signature]
MASJID	207	[Signature]
K.R. LOCKIE	58	[Signature]
NICHOLAS JAMES	200/267	[Signature]
N. Fotehi	89	[Signature]
P. CAPOCCI	492	[Signature]
E.M. BURKE	114	[Signature]
S. TUNER	195	[Signature]
G. Young	94	[Signature]
M. WILSON	90	[Signature]
KETHI HOKORALE	99	[Signature]
J. HIGGINS	351	[Signature]
G. HADLAMER	61	[Signature]
S. GUANA	45	[Signature]
LUCAS SKIBA	166	[Signature]
HEI-H WILLIAMS	168	[Signature]
G. CORNELL	107	[Signature]
Paul Walker	316	[Signature]
RAJ UG	540	[Signature]
G. GUNNALL	82	311
P. WILSON	107/500	[Signature]

Response from 720 Taxis to the Draft Eastbourne Borough Council Hackney Carriage and Private Hire Licensing Guidance Consultation

We the undersigned welcome the revision to the Licensing Guidance, save for the salient points in the attached document. Please note these points and amend accordingly.

NAME	Hackney Carriage/PH Number	Signature
ABDUL ARAM	676/614	
Mrs Hought	633	
MARCIN CYBUKKA	327/237	
MAKWAN KADID	546/340	
IAIW SITINGS.	206	
Paul Price	74/115	
G. FEVANS	31/132	
KASHA	556/406	
C. KHADLAWD	61	
AMANDA CHAPMAN	257/485	
SIMON CHITTLE	464	
JEZ COOK	586/390	
V. ELMO	167	
M. BIGSBY	118/212	
G.	138	
H. DAVIES	498/138	
Karim Elghechi	522/326	
M. 46	10	
S. JENNIE	412	
K. YORDANOV	541/615	
M. Scullion.	607/486	
O. REST	304	
G. BUCHANAN	91	
M. Anderson	63	
J. LETHAM	083	
J. Smith	374	
W. Smith	448/185	
TIM	643/551	
Smiles	74/1223	
YANKO VESELOV	576/384	
Dave Bonarville	163 /322	
J.M. Darr.	375	
Dawood Sadiqi	555/358	
Kevin Coleman	206	
ALEX PINTO	326/325	
Ada Davidowska	683/526	
ANDREW BALDWIN	372/245	
MARK BAZZETT	651/276	

**Response from 720 Taxis to the Draft Eastbourne Borough Council
Hackney Carriage and Private Hire Licensing Guidance Consultation**

The drivers of 720 taxis welcome a revision of the guidance relevant to the trade. However there are a number of points that require clarification/amendment as per the following salient points.

Please note that page reference numbers refer to the relevant page in the consultation document received.

- The drivers welcome the granting of grandfather rights to existing vehicles in the trade as per the transitional arrangements (page 2). New applicants will of course have to be kept informed of any significant change immediately.
- We are concerned at the initiation of *restricted private hire driver* (page 3) licences. In particular that this reduces the professionalism of the service in Eastbourne and the quality of applicants who would normally pass a knowledge test. **Therefore what is the practical difference between a restricted private hire driver and a private hire driver and why has the authority decided this is a necessary measure?**
- We welcome the proposition that the maximum age of vehicles (page 4) is extended to 10 Years. Modern day cars have an extended usage cycle due to better quality metallurgy and engineering. This is in contrast to our view to amend the presentation of a new vehicle to the trade from 7 to 5 years. This is counter intuitive with the point already made. A car that is 7 years of age may well be in excellent condition and to therefore debar a driver from obtaining such a vehicle is an encumbrance to that driver. As we are all aware the vehicle standard in Eastbourne is excellent. This is because the current licensing system concerning vehicles entering the trade and the sound judgment of drivers buying modern cars accounts for this. The licensing authority must provide evidence that this measure is required so as not to hinder our businesses by increasing unnecessary costs. **Therefore we strongly propose that the maximum age of a vehicle presented for first licensing remain at 7 years.**
- Currently all vehicles are subject to an annual VST and MOT save for vehicles over 7 years of age. As per the excellent standard of vehicles in Eastbourne, this has served the travelling public and the drivers well. To arbitrarily change this to a six month monthly VST (which includes an MOT test) is again unjustified (page 4). Again the licensing authority must provide evidence that this measure is required so as not to hinder our businesses by increasing unnecessary costs. **Therefore**

we strongly propose that an annual VST and MoT, save for vehicles over 7 years of age remain in place as per the current licensing procedure

- The proposition that a licence of a vehicle be automatically suspended until such time as the vehicle is re-examined (page 5) should be viewed on a case by case basis. Currently if there is a serious safety issue with a vehicle, the garage in question should inform an authorised licensing officer who have powers to suspend the vehicle via a stop notice, as per s68 of the Local Government (Miscellaneous Provisions) Act 1976. Garages are not conferred by parliament with this power. It is the duty of the local authority officers to provide this measure. Our concern is that the licensing authority are attempting to delegate to garages in order to reduce their responsibility. **Therefore this proposition is ultra vires and the current mechanism must remain in force.**
- We welcome new vehicles entering the trade meeting Euro standards (page 6) and that current vehicles in the trade are permitted to continue being utilised as per conferred grandfather rights (page 2). Just one point - we hate to mention Brexit - but we **suggest adding Euro or equivalent standard - just in case we go back to British Standard or anything else for that matter!**
- Subject to the previous point we also suggest amending (page 7) **comprehensive vehicle specification list shall be available on the Councils website and a copy provided to all private hire operators**
- We welcome the statement (page 4) that local licensing authorities should adopt the principle of specifying as many different types of vehicle as possible. This is in accordance with the **Department for Transport - Taxi & Private Hire Licensing - Best Practice Guidance available via:**

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/212554/taxi-private-hire-licensing-guide.pdf

Specification Of Vehicle Types That May Be Licensed:

26. The legislation gives local authorities a wide range of discretion over the types of vehicle that they can license as taxis or PHVs. Some authorities specify conditions that in practice can only be met by purpose-built vehicles but the majority license a range of vehicles.

27. Normally, the best practice is for local licensing authorities to adopt the principle of specifying as many different types of vehicle as possible. Indeed, local authorities might usefully set down a range of general criteria, leaving it open to the taxi and PHV trades to put forward vehicles of their own choice which can be shown to meet those criteria. In that way there can be flexibility for new vehicle types to be readily taken into account.

28. It is suggested that local licensing authorities should give very careful consideration to a policy which automatically rules out particular types of vehicle or prescribes only one type or a small number of types of vehicle. For example, the Department believes authorities should be particularly cautious about specifying only purpose-built taxis, with the strict constraint on supply that that implies. But of course the purpose-built vehicles are amongst those which a local authority could be expected to license. Similarly, it may be too restrictive to automatically rule out considering Multi Purpose Vehicles, or to license them for fewer passengers than their seating capacity (provided of course that the capacity of the vehicle is not more than eight passengers).

We are therefore extremely dismayed to find that the consultation (page7) suggests that "as current hackney carriage vehicles are replaced, there will be a requirement for them to be replaced with wheelchair accessible vehicles". If initiated this policy would result in only wheelchair accessible vehicles being available at taxi ranks, therefore in stark contrast with the Department of Transport's Guidance above for a mixture of vehicles to be available.

<http://www.disabilitysport.org.uk/facts-and-figures-about-disabled-people-in-the-uk.html>

8% of disabled people utilise a wheelchair and most of these individuals are ambulatory. Therefore the demand for a purpose built taxi at a taxi rank is limited. This is important for the majority of disabled people who are ambulatory and who may not want to be transported in a wheelchair accessible vehicle that is more difficult to enter and alight from. The licensing authority must provide evidence that this measure is substantially required in relation to the demographic of Eastbourne, so as not to incur discomfort to individuals with a disability who would rather not be transported in a wheelchair accessible vehicle (for example an elderly person with osteoporosis)

- We are also concerned by the proposition that new hackney carriage vehicles can be rear loading (page7). This could cause an issue at taxi ranks as there may be a significant number of vehicles parked behind the rear loading vehicle. Hence this would cause disruption and

possible public safety issues. Therefore we propose that all new hackney carriage vehicles should remain side loading.

- We welcome the proposition that all new applicants will be required to attend Equalities Awareness training (page 9). Please note the typo - reference is made to drivers and then applicants. The licensing authority will of course provide details of the courses and associated costs to new applicants.
- Please note omitted word on page 11. "The council is permitted to apply conditions to private hire driver licences"
- "The Council will not grant an operators licence for an operating base outside the Borough" (page 12) What happens if an existing operator who works from home wants to move house outside the Borough?
- "The initial booking must be taken within the area in which the operator is based and the sub-contracted booking must be taken within the area in which the sub-contracted operator is based" (page 12). Please provide statute/case law that permits this condition to possible working practice.
- "If a licence has not been issued at the point when an existing licence expires the licence holder must cease operating until the new licence has been received" (page 13). What if the licensing authority fails in its administrative duty to issue a private hire operators licence in good time?
- As per page 16 we would expect that should the Senior Specialist Advisor decide to suspend or revoke a drivers licence, this would be in consultation with the Councils legal section as per less serious action quoted in the list. Of course there has to be solid grounds for suspending/revoking a drivers licence. This is provided for in statute and hence should be included in this draft policy document. Therefore not at the "discretion" of the Senior Specialist Advisor. Failure to do so could lead to legal challenge if a driver suspension/revocation were unwarranted or indeed *ultra vires*.
- "Where there is a risk to public safety use of the vehicle will be suspended until the defects have been remedied. The suspension will not then be lifted until the vehicle has undergone a further test at a DVSA approved garage in the Borough, at the licence holders expense..." (page 16). Stop notices to vehicles often do not necessitate a garage conducting a full test of the vehicle. For example a tail light being out can be remedied easily or *in situ* and the officer concerned should use their initiative. Therefore suggest re-word to "If a licensing officer has a serious concern the the suspension will not be lifted until...etc"

- We have serious concern regarding the "Refusal to Renew" section on page 17. If an individual is an immediate threat to the public and therefore not fit and proper, they should not be permitted to hold a drivers licence. This policy should make clear when it is correct to do so. There must not be arbitrary decisions that pervert the course of natural justice. We suggest that if the Senior Specialist Advisor, in consultation with the Council's legal team, are in any doubt on a course of action then a licensing committee should be convened to rightfully consider the matter.
- In relation to the "Prosecution" section on page 17 there should be reference to the public interest.
- Private Hire Vehicles section (page 19) states "In the case of a metered fare, the starting point for engaging the meter must be agreed at the time of booking". Our customers are aware that the meter is engaged at point of contact. It would be unnecessarily onerous for an operator to agree this with hundreds of customers every day, or via our automated systems.
- We welcome the point on page 22 concerning the duty of licensed drivers to disclose convictions, cautions etc. However we note that FPNs are included - *Fixed Penalty Notices* - parking tickets. The point of an FPN is to dispose of the matter by way of a fine. Seems rather onerous on the driver for a non-criminal matter. Suggest this is removed.
- There is a contradiction on page 20. We suggest that it is only proper that "the council is able to accept payment by cash, debit or credit card, cheques, or BACS payments..." We do not accept that the council can not accept cash payments. It is legal tender and the population of Eastbourne expect to be able to pay in cash if they wish.
- "The CCTV system shall not be used to record conversations between members of the public, since it is highly intrusive" (page 22). As only the police and authorised officers are able to access the data, it is not intrusive. Consider a conversation where a driver is verbally assaulted, possibly based on a protected characteristic under the Equality Act. There may not necessarily be a visual record of this. If conversations are recorded then the driver can advertise the fact, thereby reducing the chance of such abuse and report to the police if such an incident were to occur.
- "Totally blacked out windows will not be permitted, however partially blacked out windows may be allowed at the discretion of an authorised officer". This is very poorly worded. "Blacked out" is not parlance used to describe tinted windows on vehicles. May we draw your attention to Department for Transport - Taxi & Private Hire Licensing - Best Practice Guidance available via:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/212554/taxi-private-hire-licensing-guide.pdf

Tinted windows 30. The minimum light transmission for glass in front of, and to the side of, the driver is 70%. Vehicles may be manufactured with glass that is darker than this fitted to windows rearward of the vehicles, authorities should be mindful of this as well as the large costs and inconvenience associated with changing glass that conforms to both Type Approval and Construction and Use Regulations.

We would like to point out to the authority that most modern cars, especially of a higher specification, have higher tints in the rear windows to increase comfort levels by reducing incoming solar radiation. Obviously existing vehicles in the trade have grandfather rights (page 2.) However a badly worded/unnecessary policy will create a great deal of work for the authority to work out which cars are permissible and is contrary to the Department for Transport Guidance. What is the evidence that there is any tangible benefit from this?

- "Where an applicant or existing licence holder fails to disclose motoring offences, even if they have been declared on previous applications, or are spent, the council will deal with this by way of the issuing of a warning" (page 25). *Clearly if an existing driver has declared previous motoring offences then they have acted in good faith to disclose the information. Once those offences are spent, they should be disregarded from the renewal process as the authority has already considered the application/renewal.*
- On page 28 there is a section on hackney carriage and private hire offences and in particular radio scanners. What is this?
- Concerning the list on page 29 regarding private hire operator conditions. It is important for the authority to understand *that customers do not always give details* of destination etc and can change their mind. For example they may say - "I want to go into town". Therefore there has to be flexibility in the system to facilitate customer service.
- Concerning the duty on operators to keep written records. It is noted that a "valid road fund licence" has been added. *This is an extra duty passed to the operator which is unnecessary and adds an extra burden to the operator. Tax discs have been removed and many drivers pay online and therefore it is an automated system - far more efficient. Why add inefficiency to the licensing system?*
- In reference to the display of licence plates "the operator shall ensure that the licence plates issued by the Council are affixed to such position as shall be approved by an authorised officer". *This the responsibility of the owner/driver of the vehicle and for licensing officers to enforce - not pass off to the operator to enforce.*

- "The operator must not accept a request for hire (a booking) which has been communicated to them via a driver. For clarification, the operator must not accept a booking made by a driver on behalf of a potential customer where the person approached the driver in the street seeking to hire the vehicle". *This is poor customer service and should be removed. For example a vulnerable individual seeking a cab will be told by the driver they can't book a cab for them?*
- "The operator may only operate from an address within the Borough they are licensed (page 30). *Presumably this will include ride hailing services that will be required to have a physical address in the Borough, should they choose to operate here.*
- "The operator shall ensure that all drivers have a badge issued by the Council and that the driver wears the badge". *This is currently and should remain the responsibility of authorised officers to enforce.*
- Regarding Appendix 5 (page 33) refers to a dress code for private hire drivers. There is no provision within the legislation to dress hackney carriage drivers. As a company we have agreed our own dress code and find it rather *patronising* that private hire drivers would have to wear clothes stipulated by the state if this were agreed. *This is not agreeable and officers should concentrate on the tasks for which they are already authorised.*
- "The driver must not cause or permit the vehicle to stand on a public road so as to suggest that it is plying for hire" (page 35). This is very subjective and is not an offence under the Town Police Clauses Act 1847, or by case law. An offence has to be made out, not suggested. *Therefore not enforceable.*
- Presumably there is no change to the Hackney Carriage Byelaws? (page 35)
- As a company we would like the authority to also acknowledge the important issue of the *health and safety of the drivers*. We understand the licensing regime is to ensure that the safety and comfort of passengers is paramount. However a driver should always *reserve the right to refuse custom* on the basis of possible verbal/physical assault, or that the customer may cause damage or inconvenience to the drivers vehicle.
- We must stress that further costs to drivers at this time is particularly unwelcome. The winding down of the business cycle in conjunction with Brexit jitters has substantially affected trade. The timing could not be worse. Therefore we urge committee to ensure that no unnecessary extra financial burden is forced upon our drivers.