

Hackney Carriage and Private Hire Licensing Guidance Consultation Summer 2023



Consultation report | November 2023

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Background

Lewes District Council is proposing to make some changes to its Hackney Carriage and Private Hire Licensing Guidance following feedback from residents and the trade.

From Monday 31 July date to Monday 25 September 2023, we carried out a public consultation over our draft updated guidance.

We invited feedback from drivers, operators, partner organisations and residents on proposed changes to our taxi licensing guidance.

How we consulted

We published a page on the Lewes District Council website, providing the background information and an online survey which set out each of the key changes. The web page included a link to download the full draft guidance.

We made the consultation information available in other languages and formats, including hard copy on request.

We promoted the consultation through a press release to the local media, the news section of the council website, an email to our 20,000 news and consultation email alert subscribers. We sent the email to everyone who responded to one of our previous taxi and private hire licensing consultations. We also promoted the consultation repeatedly through the council's social media channels and emailed key stakeholders directly with an invitation to respond to the consultation.

The consultation information was sent to all members of the Lewes District Taxi and Private Hire Drivers Forum.

Who responded

The consultation survey received 358 responses in total, comprised of:

- 221 residents
- 112 drivers and operators
- Other respondents included drivers and operators working in different authority areas, an MP, National Trade Representative Association and other interested parties.

The Lewes Town Council Planning Committee discussed the consultation at their meeting on 28 August 2023 and provided a written response, available in full in Appendix A.

The following written responses were received and are available in the appendices:

- Brighton and Hove Cab Trade Association: Appendix B.
- Home to School Transport Representative for the Parents & Carers Council in Brighton & Hove: Appendix C.
- Minibus Travel Services Ltd: Appendix D.

Summary of responses

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

Answer Choices		Response Percent	Response Total
1	A resident or someone who works in or visits the district	61.73%	221
2	A driver licensed by Lewes District Council	27.93%	100
3	An operator licensed by Lewes District Council	3.07%	12
4	A partner organisation or community group	0.84%	3
5	Other Local Authority	3.35%	12
6	Other (please specify):	3.07%	11
		answered	358
		skipped	0
Other (please specify): (11)			
<ul style="list-style-type: none"> • An interested party - 3 • Driver from Brighton and Hove - 3 • A hackney carriage driver from another district - 1 • Visitor and work and local MP - 1 • As a driver and resident - 1 • National trade representative association (NPHTA) – 1 			

2. Private Hire-only licence for new applicants

Current guidance: All new drivers can only apply to hold a Dual Hackney Carriage or a Restricted Private Hire driver licence. A dual licence allows drivers to drive a Hackney Carriage vehicle and/or a Private Hire vehicle. A restricted Private Hire drivers licence only allows a driver to undertake school transportation work in a private hire vehicle.

Proposal: We would introduce a Private Hire-only licence for new applicants. As a Private Hire driver, the applicant would not be required to complete the 'Routes' section of the knowledge test but would still need to complete all other aspects of the knowledge test and application. How much do you agree or disagree with this proposal?

Answer Choices		Response Percent	Response Total
1	Strongly agree	15.58%	55
2	Agree	25.50%	90
3	Disagree	15.30%	54
4	Strongly disagree	31.73%	112
5	Don't know	11.90%	42
		answered	353

skipped	5
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Comments: (89). Themes:

- Drivers should know local routes – 36 comments
- Disagree with the proposal e.g. drivers should be familiar with local routes 25
- Concerns over cross border hiring - 14
- Drivers rely too heavily on sat navigation systems - 5
- Hackney carriage and private hire drivers should be held to the same standard - 5
- Agree with the proposal - 4

Private Hire-only licence for new applicants – just driver and operator responses

Answer Choices		Response Percent	Response Total
1	Strongly agree	20.00%	22
2	Agree	16.36%	18
3	Disagree	13.64%	15
4	Strongly disagree	42.73%	47
5	Don't know	7.27%	8
		answered	110
		skipped	2

Comments: (22)

3. Penalty Point Scheme

The purpose of a penalty point scheme is to take a stepped approach for enforcement against a licence holder, for certain matters.

Proposed change: We would reword the scheme to make it easier for licence holders to understand. This would also help to streamline investigations. The number of penalty points for certain matters has also been changed to better reflect the severity of some matters.

Answer Choices		Response Percent	Response Total
1	Strongly agree	18.47%	65
2	Agree	48.01%	169
3	Disagree	7.10%	25
4	Strongly disagree	10.80%	38
5	Don't know	15.63%	55
		answered	352
		skipped	6

Comments: (31)

- Disagree with the proposal e.g. the penalty scheme is unnecessary - 14
- Agree with the proposal e.g. because it's easier to understand - 7
- The revised penalty points are too strict - 4

4. Customer and Driver Charter

This charter sets out what passengers (customers) should expect when travelling in a Lewes District Council Hackney Carriage or Private Hire vehicle and what a driver can expect from a customer travelling in the vehicle. We do not currently have a charter, however neighbouring authorities do.

Answer Choices		Response Percent	Response Total
1	Strongly agree	28.29%	99
2	Agree	44.29%	155
3	Disagree	9.71%	34
4	Strongly disagree	6.57%	23
5	Don't know	11.14%	39
		answered	350
		skipped	8

Comments: (38)

- Disagree with the proposal e.g. viewed as unnecessary - 14
- Agree with the proposal e.g. this would improve things for drivers and customers - 14
- The charter should be re-worded e.g. to provide greater clarity on specific points - 7

5. CCTV and audio

Mandatory in-vehicle CCTV in all Private Hire and Hackney Carriage vehicles (other than private hire vehicles issued with a plate exemption for executive and VIP work, those vehicles solely used for this purpose) will become a requirement from 30 September 2023. Following feedback from the taxi trade, we are considering the possibility of allowing audio recording via the CCTV of licensed vehicles.

Current guidance: The CCTV system shall not be used to record conversations between members of the public, since that is highly intrusive, and if any system is equipped with a sound recording facility then that functionality shall be disabled.

Proposed change: Audio recording should be permitted. Do you agree or disagree with this proposal?

Answer Choices		Response Percent	Response Total
1	Strongly agree	37.96%	134
2	Agree	24.08%	85
3	Disagree	13.31%	47
4	Strongly disagree	18.98%	67
5	Don't know	5.67%	20
		answered	353
		skipped	5

6. If you agree with the proposal that audio recordings should be permitted do you agree or disagree that audio recording should be permitted:

Answer Choices	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	Response Total
At all times or in limited circumstances	43.70% 111	26.38% 67	6.30% 16	14.57% 37	9.06% 23	254
That audio be recorded via CCTV if the customer or driver wishes it as activated by a trigger switch	33.33% 86	33.72% 87	10.08% 26	14.73% 38	8.14% 21	258
That audio be recorded via CCTV in vehicles driven by restricted private hire licence holders i.e. school runs	41.86% 108	31.01% 80	8.14% 21	9.30% 24	9.69% 25	258
					answered	267
					skipped	91

If you feel audio recording should be allowed in other circumstances, please state what these are: (53)

- Audio should be included - 9
- Audio should only be recorded in limited circumstances - 7
- Audio should record at all times - 7
- Livery exempt vehicles should have CCTV installed - 6
- It must be clearly stated that audio recording is taking place - 4
- Audio is an invasion of privacy - 4
- CCTV should not be mandatory - 4
- CCTV should be in all licensed vehicles - 4
- Audio recording should have a trigger switch - 3
- Cost of CCTV is a concern - 3
- CCTV helps driver and passenger safety - 3

CCTV and audio – just driver and operator responses

Answer Choices	Response Percent	Response Total
1 Strongly agree	60.91%	67
2 Agree	14.55%	16
3 Disagree	7.27%	8
4 Strongly disagree	14.55%	16
5 Don't know	2.73%	3
		answered
		110
		skipped
		2

7. Spare wheel

Current guidance: Currently there is no requirement to carry a legal spare wheel or appropriate alternative such as a tyre repair kit made up of a compressor which inflates the tyre.

Proposed change: We are considering introducing the condition for all licensed vehicles to carry a spare wheel or an appropriate alternative in the boot of the vehicle and the necessary tools to fit the spare wheel. How much do you agree or disagree with this proposal?

Answer Choices		Response Percent	Response Total
1	Strongly agree	29.83%	105
2	Agree	32.95%	116
3	Disagree	12.22%	43
4	Strongly disagree	14.49%	51
5	Don't know	10.51%	37
		answered	352
		skipped	6

Comments: (60)

- Modern vehicles don't come with a spare wheel - 17
- Agree with proposal e.g. surprised this isn't a requirement already - 15
- Concerns over spare wheel taking up too much space inside the vehicle - 9
- Disagree with the proposal - 6
- Another vehicle should be sent for passengers if the tyre needs changing - 3

8. Written-off vehicles

Current guidance: If a vehicle has an MOT, VST and valid insurance it can be licensed by Lewes District Council as Hackney Carriage or Private Hire. We do not take into consideration vehicles being classed as 'written-off'.

Proposal: There are several categories for vehicles to be classed as written-off. These range from those which cannot be repaired and those which could potentially be repaired to a roadworthy condition. We would not license any vehicle that has been classed a written-off in any category. Do you feel that you agree with this proposal?

Answer Choices		Response Percent	Response Total
1	Strongly agree	34.57%	121
2	Agree	27.43%	96
3	Disagree	12.00%	42
4	Strongly disagree	12.57%	44
5	Don't know	13.43%	47
		answered	350
		skipped	8

Comments: (52)

- Believe if a taxi passes all tests it should be licensed - 15
- The question needs re-wording - 9
- Taxis should be safe for public use - 8
- Some write-offs are due to financial implications - 6
- Any written off vehicle should not be a taxi - 4

9. Proposed change: Drivers shall sign up to the online Disclosure and Barring Service DBS. It is considered that this will speed up the licence application and renewal process. A DBS check is a way to quickly find out whether someone has a criminal record. Do you feel that you agree with this proposal?

Answer Choices		Response Percent	Response Total
1	Strongly agree	52.41%	185
2	Agree	38.53%	136
3	Disagree	2.55%	9
4	Strongly disagree	1.98%	7
5	Don't know	4.53%	16
		answered	353
		skipped	5

Comments: (26)

- Agree with the proposal – 9
- Concerns over cost of DBS - 3
- 6 monthly DBS are too often - 3

10. Tax code check

Proposed change: A grant of a licence will be subject to a tax code check being made with the HMRC. This is to ensure all drivers are registered correctly for tax purposes. Do you feel that you agree with this proposal?

Answer Choices		Response Percent	Response Total
1	Strongly agree	45.61%	161
2	Agree	28.90%	102
3	Disagree	9.63%	34
4	Strongly disagree	8.78%	31
5	Don't know	7.08%	25
		answered	353
		skipped	5

Comments: (30)

- It is not LDC's business to get involved in tax issues - 8
- This is current law - 6
- Agree with the proposal - 5

11. English Language Proficiency Test

Proposed change: To provide greater clarity regarding the English Language Proficiency Test. All new applicants are required to undergo a proficiency test to demonstrate their ability to communicate effectively in the English language. Any person found cheating on the test will be disqualified and will not be granted a licence for at least three years. Do you feel that you agree with this proposal?

Answer Choices		Response Percent	Response Total
1	Strongly agree	56.94%	201
2	Agree	33.43%	118
3	Disagree	3.40%	12
4	Strongly disagree	1.98%	7
5	Don't know	4.25%	15
		answered	353
		skipped	5

Comments: (32)

- All drivers should speak English - 11
- Some drivers currently struggle to communicate with passengers - 7
- Concerns over the test being discriminatory - 3

12. Privacy Notice

Proposed change: We are proposing to introduce a Privacy Notice. As data controllers, Lewes District Council must hold and process licence holders' personal data in order to issue and manage Hackney Carriage and Private Hire licences. This includes personal information such as including medical records, in order to determine whether a licence can be issued. See Appendix 9: Privacy Notice for – Hackney Carriage and Private Hire Licensing (page 76) Do you feel that you agree with this proposal?

Answer Choices		Response Percent	Response Total
1	Strongly agree	29.34%	103
2	Agree	45.30%	159
3	Disagree	5.41%	19
4	Strongly disagree	7.69%	27
5	Don't know	12.25%	43
		answered	351
		skipped	7

Comments: (17)

- This is too intrusive - 5
- Agree with the proposal - 3
- Concerns over data sharing - 2
- Disagree with the proposal - 2

13. GDPR training

Do you consider that drivers should undertake GDPR training? The General Data Protection Regulation (GDPR) is a legal framework that sets guidelines for the collection and processing of personal information from individuals who live and outside of the European Union (EU).

Answer Choices		Response Percent	Response Total
1	Yes	39.80%	39
2	No	60.20%	59
		answered	98
		skipped	260

14. Mandatory or discretionary

If you have answer yes to the previous question, do you think this training should be mandatory or discretionary?

Answer Choices		Response Percent	Response Total
1	Mandatory	57.41%	31
2	Discretionary	27.78%	15
3	Don't know	14.81%	8
		answered	54
		skipped	304

Comments: (7)

- Drivers should not do training - 3
- Operators should do training - 2
- Disagree with the proposal - 2
- Agree with the proposal - 2

15. Safeguarding Awareness training

Proposed change: We are proposing that drivers / licence holders would need to undertake Safeguarding Awareness training every three years. This is to ensure all drivers are aware of good safeguarding practices and how to report concerns. Do you agree with this proposal?

Answer Choices		Response Percent	Response Total
1	Strongly agree	44.44%	44
2	Agree	28.28%	28
3	Disagree	7.07%	7
4	Strongly disagree	18.18%	18
5	Don't know	2.02%	2
		answered	99
		skipped	259

Comments: (16)

- Agree with the proposal e.g. safeguarding is very important
- One course is enough - 6
- Refresher training should be more frequent - 3
- Disagree with the proposal - 3

16. Any other changes

Do you think that there are other changes that should be made to the Guidance? If yes please outline those changes with your reasons in the box below.

Answer Choices		Response Percent	Response Total
1	Open-Ended Question	100.00%	91
<ul style="list-style-type: none"> • No further changes requested - 7 • The policy on white taxis should be changed - 4 • Concerns over cross border hiring - 4 • Vehicles should be allowed that are over 10 years old - 3 • More Ubers should be licensed - 2 • Limit the number of licenses being issued - 2 • Quicker response time from the council - 2 • Better choice for VST garages - 2 			
		answered	91
		skipped	267

Equality monitoring questions

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

Answer Choices		Response Percent	Response Total
1	Answer the questions	46.31%	163
2	Skip the questions	53.69%	189
		answered	352
		skipped	6

20. What is your age?

Answer Choices		Response Percent	Response Total
1	Under 18	0.00%	0
2	18 - 24	0.60%	1
3	25 - 34	4.19%	7

20. What is your age?

4	35 - 44		11.98%	20
5	45 - 54		22.75%	38
6	55 - 64		30.54%	51
7	65 - 74		19.76%	33
8	75 +		7.78%	13
9	Prefer not to say		2.40%	4
			answered	167
			skipped	191

21. What is your sex?

Answer Choices		Response Percent	Response Total
1	Male	59.88%	97
2	Female	38.89%	63
3	Other	1.23%	2
		answered	162
		skipped	196

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

Answer Choices		Response Percent	Response Total
White			
1	English/Welsh/Scottish/Northern Irish/British	79.63%	129
2	Irish	1.23%	2
3	Gypsy or Irish Traveller	0.62%	1
4	Any Other White background	6.17%	10
Mixed/Multiple Ethnic Groups			
5	White and Black Caribbean	0.62%	1
6	White and Black African	0.00%	0
7	White and Asian	0.00%	0
8	Any Other Mixed background	1.85%	3
Asian or Asian British			
9	Asian/Asian British	1.23%	2
10	Indian	1.23%	2
11	Pakistani	0.00%	0
12	Bangladeshi	0.62%	1
13	Chinese	0.00%	0

14	Any Other Asian background		0.62%	1
Black/African/Caribbean/British Black				
15	African		0.62%	1
16	Caribbean		0.62%	1
17	Any Other Black/African/Caribbean background		0.00%	0
Other ethnic group				
18	Arab		1.85%	3
19	Any Other Ethnic Group (please specify):		3.09%	5
			answered	162
			skipped	196
Any Other Ethnic Group (please specify): (5)				

23. Disability

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?

Answer Choices		Response Percent	Response Total
1	Yes, limited a lot	7.93%	13
2	Yes, limited a little	15.24%	25
3	No	76.83%	126
		answered	164
		skipped	194

Appendix A: Lewes Town Council Planning Committee response

Meeting held on 29 August 2023

Question	Response	Comment
2	Strongly agree	We consider regulations to control cross border hiring to be important
3	Strongly agree	We would like the guidance to be made clear and to be widely accessible. The Transport for London guidance is well written, easily understandable and clearly presented.
4	Strongly agree	There is duplication in the first two paragraphs
5	Strongly agree	
6	1)Strongly agree 2)agree 3)Strongly agree	Activation of the audio must be communicated to the passenger. The recording should start with the driver clearly notifying the passenger that audio is switched on. Auditory/visual notification of the recording must be accessible also for those with visual impairment.
7	Strongly agree	
8	Strongly agree	
9	Strongly agree	
10	Strongly agree	

11	Strongly agree	
12	Strongly agree	
13	yes	
14	mandatory	
15	Strongly agree	We consider 3 years to be a minimum, preferably more frequently
16	Strongly agree	We would add suicide awareness training
17		<p>We are disappointed that no aspect of the guidance relates to improving air quality.</p> <p>We include points for consideration:</p> <ul style="list-style-type: none"> • Ensuring that the latest engine performance standard is required as minimum (Euro 6) • Incentives to encourage hybrid and electric vehicles • Review of FLORUM congestion charge/low emissions strategies • Reminder of the idling guidance at level crossings and waiting periods. • Govt scheme “Plug-in Taxi grant” June 2022. Did LDC utilise this resource? <p>There is inadequate response to the needs of disabled passengers.</p> <p>We would like consideration to incentivise the acquisition of Wheelchair Accessible Vehicles</p> <p>We request a review of the livery policy to understand if it has an impact on the number of applications since its implementation.</p>

Appendix B: Written responses from Brighton and Hove Cab Trade Association



September 22 2023

Lewes District Council Private Hire & Taxi Consultation – September 2023

Lewes District Council is proposing to reduce the conditions for the application of licensing for private hire drivers.

“Proposal:

We would introduce a Private Hire-only licence for new applicants. As a Private Hire driver, the applicant would not be required to complete the ‘Routes’ section of the knowledge test but would still need to complete all other aspects of the knowledge test and application.”

Councillor Sean Mcleoud was quoted in ‘Sussex World’ in September 2023 as stating:

“The number of Lewes District taxis has halved since 2019

Since 2019 the number of registered taxis in the Lewes District area has dropped by over 50%, from 716 to 349 vehicles, and just 8 wheelchair accessible cars.

“According to a statement from Lewes District Council: “Since the pandemic, most parts of the UK have seen a reduction in the number of taxi drivers. This is largely due to many leaving the trade to take up other roles, most notably as delivery drivers for online retailers and supermarkets.

“Demand for taxis during the pandemic was obviously low and it was inevitable that drivers looked for alternative employment opportunities. Bodies representing the taxi trade have also confirmed this trend.

“We are currently consulting on changes to our Hackney Carriage and Private Hire Licensing Guidance that will help recruit new drivers: www.lewes-eastbourne.gov.uk/LDCTaxiConsultation”

Councillor Sean Macleod said: “As the previous licensing chair at Lewes District Council it was becoming clear that there were problems in retaining drivers. During the Covid 19 pandemic the government put out new guidance that meant lots of new strict and stringent rules on the trade.

“It felt during my time as chair that the trade just couldn’t catch a break. I feel some decisions have really had a negative effect on the trade and the numbers now left in the trade are genuinely alarming.”

Cllr Macleod largely puts the decline down to Lewes District Council's requirement that all Hackney carriage vehicles (HCV) be white since 2019. Since then the trade has gone from 204 to 64 HCV vehicles"

<https://www.sussexexpress.co.uk/news/transport/the-number-of-lewes-district-taxis-has-halved-since-2019-4275765>

The fact that it appears that misinformation has been used to justify the Council's proposal to reduce the requirements for a private hire driver licence application based on a claimed "...genuinely alarming..." drop in such numbers is extremely concerning.

However, information supplied by Lewes District Council on September 19 2023 to another party clearly shows that those numbers quoted by Councillor Macleod are incorrect with actual numbers currently licensed being:

Hackney Carriage 104 and Private Hire Vehicles 585.

In fact, the figure of 585 licensed private hire vehicle shows a rise in numbers.

The government holds a list of hackney carriage & private hire licensing which shows the following data as of April each year.

LDC Hackney Carriage (Taxi) and Private Hire Vehicle Historic Numbers					
YEAR	HACKNEY	PRIVATE HIRE	TOTAL	% PHV Increase Per year	
2013	244	53	297		% Increase from 2013/2023
2015	224	88	312	66.03%	
2017	212	132	344	50%	
2018	172	124	296	-6%	
2019	201	366	567	170%	
2020	150	441	591	31%	
2021	126	441	567	0%	
2022	120	495	615	12.20%	
2023	115	*540	655	9%	

*585 as of September 2023

<https://www.gov.uk/government/statistical-data-sets/taxi01-taxis-private-hire-vehilces-and-their-drivers>

Lewes DC Private Hire Licensing History

Between 2018/2019 Lewes saw a boom in private hire driver/vehicle licensing, as reported by the government statistics above and by the DoT below where Lewes was featured in a special report.

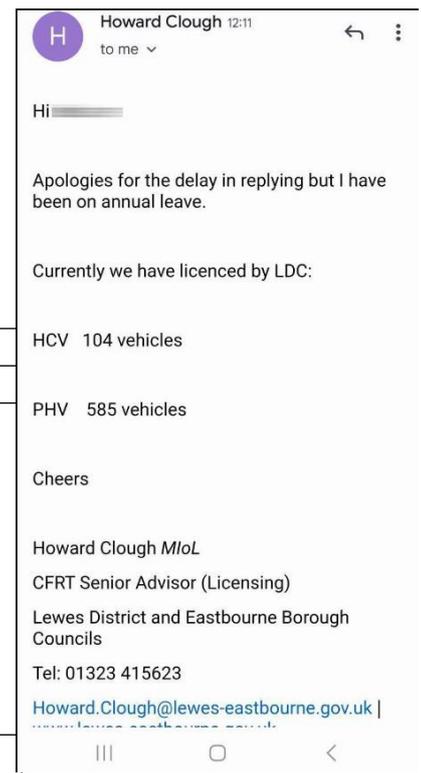


Table 3: The licensing authorities showing the largest percentage increases and decreases in licensed vehicles between 2018 and 2019, England (TAXI0104)

Local Authority	% increase	Local Authority	% decrease
Lewes	91.6	Rossendale	49.9
Aylesbury Vale	64.3	St Albans	37.5
Wolverhampton	62.3	Telford and Wrekin	33.9
South Gloucestershire	54.5	South Oxfordshire	23.6
Broadland	45.0	Hertsmere	21.7

Local level changes
 Large year on year changes can occur in a licensing authority for a number of reasons, such as a large operator moving in or out of a given licensing area, or significant changes in local licensing policy

The number of total licensed vehicles increased in just under half of the licensing authorities in England (142 out of 293 licensing authorities).

The above illustrates that Lewes DC was featured as being in the top five Licensing Authorities in England that saw a huge increase in licensing of private hire vehicle licences for 2018/19.

Cause

It is widely accepted that the reason for the increase is/was due to the arrival of Uber. Whether this increase was beneficial to the residents of Lewes DC is a matter of personal judgement.

It is a fact that when Uber applied for the renewal of its short-term granted Brighton & Hove Operators licence in 2018 it advertised on its website to potential drivers that they should go to Lewes DC to gain licences to work in Brighton & Hove. This was on the basis that Brighton & Hove has an extensive 'Knowledge Test' where as the Lewes DC knowledge test is much easier which would make any waiting time much shorter.

Effectively going to Lewes for a licence was known to be a quick route to be able to predominantly work in Brighton & Hove.

This was brought to the attention of the Brighton & Hove Licensing Committee at the time of the application which was at a public meeting. The Licensing Panel Member, Green Councillor Lizzie Deane, at the time expressed great concern to Uber for doing this and consequently Uber then removed that information from its website to appease the council.

Lewes DC then had a major increase of 170% vehicle licences being issued which shows in the chart for the 2018/19 period and has increased exponentially.

However....

It is notoriously known that the vast majority of drivers that gain a Lewes private hire driver/vehicle licence have no intention on working the Lewes area. In fact, most of these drivers/vehicles predominantly work outside of the Lewes District, and mostly in the city of Brighton & Hove. Whilst this is not illegal, it is certainly not in the spirit of the law and public safety but is fully encouraged by Uber. This practice obviously discourages gaining a licence in Brighton & Hove and flies in the face of legislators and their desire of "Localism" within the Acts as has been stated in various case law.

To date, we have provided over 130 reports of Lewes drivers/vehicles contravening respective licensing conditions such as missing rear licence plates and or missing repeater door licence plates which still continues to this day.

Additionally, we have Lewes DC private hire drivers/vehicles using Brighton & Hove taxi ranks which have been reported to Brighton & Hove Licensing to take action.

What reason is there to reduce the requirement for a Lewes private hire licence application? Facts and Figures

Facts show that an applicant for a Lewes DC private hire driver/vehicle licence indicates that there is no intention to work within the Lewes licensing authority area, although this is not illegal.

Figures supplied show that there **no decrease** in Lewes DC private hire vehicle numbers and with the supplied information shows there is in fact an **increase**. This is despite the misinformation recently published in the press originating from Council Mcleoud (Lewes DC). There is however an absolute and clearly documented decrease in Brighton & Hove licensed private hire vehicles

Effect

With lower requirements needed to gain a Lewes DC private hire driver/vehicle licence this has a knock-on effect for the Brighton & Hove Licensing department in reduced applications and reduced revenue for sustainment. *Brighton & Hove issue a dual licence for a hackney carriage and private hire driver licence with the knowledge/route test being exactly the same. This is what Lewes DC currently requires.*

All Licensing departments rely on the income generated from such licensing which is ring-fenced. Any reduction of such income would result in increased licensing fees from the existing licence holders.

Brighton & Hove licensing figures show a decrease of private hire vehicle licences since 2021 which would reflect the aftermath COVID-19 with an overall decrease of 14.12% since 2013. Figures are taken from April of each year. In normal circumstances it would be expected for vehicle licences to increase each year whereas over a ten-year period there has been a reduction where facts show that this is due to drivers gaining licences in Lewes DC to predominantly work in Brighton & Hove.

Brighton & Hove City Council Hackney Carriage (Taxi) and Private Hire Vehicle Historic Numbers 2013/2023					
YEAR	HACKNEY	PHV	TOTAL	% PHV Increase Per Year	
2013	545	432	977		
2015	555	467	1022	8.10%	% Difference between 2013/2023
2017	565	467	1032	0	
2018	570	480	1050	2.70%	
2019	575	490	1065	2.08%	
2020	580	490	1070	0.00%	
2021	585	401	986	-18.70%	
2022	590	395	985	-1.49%	
2023	595	*371	966	-4%	-14.12%

*379 as of September 19 2023

It should be noted that Brighton & Hove has less private hire vehicles than Lewes DC currently does

to date with Brighton & Hove having 379 and Lewes DC having 585 which is 42% more.

This is a strange situation but caused by the easier requirements of Lewes Licensing.

Wolverhampton

As shown in the figures produced by the DoT, Wolverhampton also saw a boom in private hire licensing.

In fact, Wolverhampton is now notoriously known in the taxi/private hire trade as now being the main licensing centre in England having issued in excess of 50,000 licences where the vast majority of these drivers are working under Uber hundreds of miles from Wolverhampton Licensing Enforcement.

Is it the Lewes DC Licensing Committee intention to become the Wolverhampton of the South-East?

Conclusion

There is clearly no need to reduce the requirements for the application of gaining a Lewes DC private hire driver licence as the concern about the supposed reduction of private hire numbers has been proven to be erroneous.

Any reduction of such requirements will only encourage a massive influx of applicants who have no intention of working in Lewes, but predominantly outside and beyond the control Lewes Licensing and Enforcement.

It should be noted that there is little if any Lewes Licensing Enforcement activity taking place in Brighton & Hove to keep control of the huge number of Lewes DC private hire drivers/vehicles predominantly operating there.

It is very evident that the Brighton & Hove taxi/private hire trade has to provide all licensing contravention reports to Lewes council. If this was not provided then Lewes DC would be oblivious to all of those breaches.

Lastly, I would invite you to open the Uber app to see how many Uber vehicles are available in Lewes and you will find that very few are..... as they are all in Brighton & Hove.

Andrew Peters

Brighton & Hove Taxi Trade Association

info@bhcta.co.uk

September 22 2023

Appendix C: Written responses from Home to School Transport Representative for the Parents & Carers Council in Brighton & Hove

I'm writing to you in your capacity as Deputy Chair of Licensing Committee for Lewes District Council.

I am the Home to School Transport (HTST) Representative for the Parents & Carers Council (PaCC) in Brighton & Hove. I'm currently working from home due to my Parent Carer responsibilities so am using my personal email account, but have added the admin@Pacc email in case you wish to verify my position. I am writing with regard to the above Consultation which closes tomorrow (Monday 25th September 2023). I have completed the online Consultation, but feel it is important to send a more complete response to this important consultation.

My response relates to the current Hackney Carriage License Agreement which *prevents the use of the Audio element* of CCTV, and I note the Consultation is now considering the possibility of *introducing the Audio element*.

You may be aware that Drivers who license with Lewes Council also undertake work via their Operators for the BHCC HTST Service - a vital service that ensures the safe transport of children and young people between their homes & their educational settings at the start and end of their day.

The HTST Service is part of a co-production agreement with PaCC, and my role is to work alongside the SLT for the HTST in robust & supportive capacity, advocating for the children and young people and their parents and carers.

Children and young people are eligible for HTST based on distance from school, safety of the route and their ability to walk or travel to school safely and independently. Many of the children and young people who qualify for HTST have Special Educational Needs & Disabilities (SEND). These are many and varied - children may be deaf, blind, deaf/disabled, have learning disabilities, physical disabilities, medical needs (eg. Epilepsy), challenging behaviour, social, emotional &/or mental health difficulties, and many have a combination of two or more conditions. Additionally, some of our children have English as an Additional Language, or have other protected characteristics.

We have recently commenced our 2023 4 year Procured Service, and as preparation, we have carried out a forensic overhaul of all our Policies and Contracts. The Service takes the safety and wellbeing of vulnerable young passengers very seriously.

We have a very robust system for monitoring service performance, part of which is a reporting structure for any onboard incidences or complaints. These may be reported to the service by children and young people, their parents or guardians, Drivers, Vehicle Passenger Assistants (VPAs), Schools Staff or members of the general public. In the event of an incident, it is essential that if required, the CCTV & Audio can be pulled for inspection. This is written into the HTST Contract, and all Operators who are accepted into our DPS, must comply.

We are very concerned that Lewes licensed Drivers/Vehicles could be transporting vulnerable youngsters with SEND without the audio component of this important Safeguarding mechanism if Audio is not introduced. There have been incidences in the past, where the viewing and listening to evidence has been integral to determining the truth

of a reported incident, and this is an important protection device for Drivers and VPAs as well as for the passengers. Again, I draw your attention to the reality that many of our children would simply not be able to communicate what has happened on a journey, and some may relay what turns out to be an inaccurate account, and for these reasons, we strongly believe there is a duty to apply the most stringent safeguarding approach. This is also against a national backdrop of increased Child Criminal Exploitation (CCE) and some particularly well publicised scandals in other parts the country (Rotherham) where taxi journeys were woven into the grooming mechanism.

Our HTST Service strives to maintain consistency and continuity of Drivers wherever possible, as this allows Drivers to get to know their passengers, who present so very individually. It can take time to build up trust and rapport and as we always say, Home to School Transport Taxis and Minibuses are the vital bookends to the school/college day. A good journey can set a child up for a productive learning day or help them to relax after a challenging day. If Lewes Drivers aren't able to meet the stringent safeguarding conditions required by BHCC's Blue Book and the HTST Contract, we would have to find other Drivers and vehicles for those runs - and the children would lose out, as well as the Drivers missing out on what can be a really reliable job during the quieter times of the day - something that has become even more valued in the current COL crisis.

I have been appraised of the ongoing dialogue between the two councils regarding the GDPR Legal implications and am aware that BHCC have written to Lewes Council Committee Members and Officers. So I would like to go on record formally as endorsing their representation and adding PaCC Brighton & Hove's allied request for audio to be made a mandated part of the Licensing Agreement, at least for Drivers who are working on Home to School Transport or indeed Social Care runs for adults who are vulnerable, if not for all passengers. Whilst I can only officially represent Brighton & Hove families, the outlined rationale does of course apply to those vulnerable children and young adults across Sussex who may receive transport from Lewes licensed Drivers.

Lastly, I would also like to raise a concern that this consultation and the specific audio cctv component may not have been on the radar for Lewes or Eastbourne parents and carers or the Parent Carer Forums in the broader Sussex area. I was made aware as I sit on our HTST Procurement Board, but this level of co-production isn't in place elsewhere around the HTST Service. For this reason I am concerned that the Consultation may not receive responses from those parents and carers of children with SEND or from community/voluntary organisations who rely on Lewes taxis for their vulnerable clients, unless they were directly contacted by the Lewes Licensing Authority and made aware of the Consultation and the audio cctv element specifically? Similarly, I wonder if organisations representing elders were directly contacted and invited to respond and whether 'online' was the only mechanism, as this excludes some members of the community? If this did not happen, please do bear this in mind during your deliberations, and I would politely request, in the future, that consultations are directly sent out to all local CVS organisations with a covering letter, in addition to an 'easy read' accessible version of the Consultation and how to respond, as a reasonable adjustment and to comply with Public Sector Equalities Duties.

I would also like to request that the Committee's Democratic Officer shares PaCC's submission with Licensing Committee Councillors and with Hackney Carriage Licensing Officers, and for it to be included in the Consultation responses. I have cc'ed the principle democracy email for this purpose, as I was unable to source the names/emails of the relevant officers from the Lewes Council website.

Please do get in contact if I can be of any further assistance to you or your colleagues on Licensing Committee. I can be reached either at my email or via the PaCC email that I've cc'ed above. I am also happy to be contacted by telephone.

I would be grateful for an acknowledgment of this email and that our formal response has been noted and shared.

Thank you for taking the time to read our submission.
Home to School Transport Rep
Parents and Carers Council (PaCC) Brighton & Hove.

Appendix D: Written responses from Minibus Travel Services

First I would like to say thank you for agreeing to let me represent our amazing 100 strong team of Drivers, VPA's, Office team and myself as the Operator in this way for this Consultation.

It does give me hope that I can hopefully try to explain our situation as I see it and for Home To School Transport in general, plus some concerns and ideas I have. So please bear with me while I try to share my thoughts as best I can.

For 31 years we have been Transporting Special Needs Children to and from Special Needs Schools for East Sussex, West Sussex and Brighton and Hove.

This is more challenging than most can ever imagine, unless you have operated and offered a dedicated Home To School Transport service at the rock face before.

You see all education facilities start and finish around the same, 1 Minibus, 1 Driver and 1 Vehicle Passenger Assistant can ONLY do 1 group of children, NO back to back routes at all.

So the resources needed by Councils is massive amounts of Vehicles, Drivers and VPA's, all at the same time each school day.

We do ZERO Taxi Type Work, we transport Special Needs Children to and from Schools, these children need a dedicated, reliable, caring, calm team or the children's conditions and behaviours can escalate, making transport to schools extremely difficult or even nye impossible. We are NOT rushing or putting any pressure on these children so we can get to the next Taxi Job, we do Zero Taxi Work, No Airports, No Train Stations, No Ports, No Mrs Smith to Sainsburys, nothing other than Special Needs School Contracts for 3 Councils.

We used to have 140 Employees, we now have around 100 Employees, it is so hard to find good reliable people that want to commit to taking children to school EVERY SCHOOL DAY.

We do all we can to keep the Driver, VPA and Minibus the same for each school route, Continuity for these special needs children is so important, plus for the Parents, Teachers and Councils too. We presently have 63 Wheelchair Accessible Minibuses, transporting nearly 200 children for around 400 parents each day, to different Education facilities, for 3 Councils.

I knew before Covid just how amazing our teams were, but when Covid hit I found out they were also Stoic too, no Vaccination for nearly a year but thankfully Nick at West Sussex gave us a Code to used to get all our teams the first bit of Vaccine protection in our minibuses, with children possible carrying Covid, how stoic is that. The help Nick gave us also helped our teams that delivered our service for East Sussex and Brighton and Hove school contracts.

Thank you so much Nick, as you know it was a very difficult time, no one else could or would help us, but you did, thank you again.

Most of our teams are aged between 55 to 75 years old, they all carried on working to help children get an education under very very difficult circumstances, what a credit they all are, many people stayed at home to work during Covid. We must never forget those that at great risk to themselves just carried on and ignored the risks to themselves.

Our team at the office also carried on, teamwork came first in order to be able to deliver our service for our Special Needs Children that still needed to get to school.

Their parents were key workers, so we also became key workers in order to supply this service.

3 Ex colleagues that work for us previously sadly died of the Covid infection, our teams know this, they all carried on getting children to school.

Thankfully we did not lose any working colleagues during the Pandemic, but luck and Nick played a very important part.

Many years ago I tried to have the service we offer to the Councils recognised as a special dedicated school transport service.

I hoping this time this service will be recognise as a dedicated service.

Can we please remove the 3 Private Hire signs on each Minibus, we do Executive work too, our children are special too. No CCTV need for Executive work and hopefully Dedicated School Minibus too.

Of course we can make operating this service more difficult than it needs to be, but it is challenging enough to deal with the complex needs of children to and from school, but other issues keep making this service more and more complicated and expensive in order to deliver a caring, calm, consistent school transport service.

All our Minibuses have stuck to the bonnet and rear doors a 30cm by 30cm Yellow and Black Sign of 2 children walking across the road, a school bus sign, how many Taxis have you seen with this and 3 PRIVATE Hire Plates on a Minibus ?

I try to make our Minibuses look as different from other Taxis as I can, plus the types of Wheelchair Accessible Minibuses we use are very different from a typical Taxis Small Minibus.

The wheelchair lifts and ramps do rattle a bit and the seats are on tracking so we can move them around depending on the number of children in wheelchairs or needing more seats. Also these vehicles tend to be bigger to accommodate Home To School Transport needs for these children.

Our Minibuses are not the typical Minibuses that take customers to the Theatre, Opera, Hotels, Holidays, Parties, Shopping, Weddings, Funerals or Executive work, they are dedicate Minibuses for a specialist service we provide 3 Councils ONLY.

There needs to be another License Group Solely for School Transport, dedicated to the service we and a few others provide. I am NOT referring to Taxis that do School Contracts and also want to do Taxi Work, they would stay as they are. Also all our Drivers are Restricted Private Hire Lewes Licensed, they are NOT allowed to do Taxi Work, ONLY School Contracts.

Let's make Dedicated School Transport a Specialist Service, give it the respect it rightly deserves, give it a pride of place amongst other valued services.

Councils need more choice or costs are going to go through the roof, Extra costs, Electrification, Leaving the trade for other work, Retiring and knock on lack of supply that increases the Market Price Level. Plus more and more children that are not coping with mainstream education and need Special Needs Education, a perfect storm.

The last 16 years has seen a Financial Crisis for the Country, Austerity, Brexit, Covid, War, Energy Increases, Global Warming, Migration the same as we would do if we were in some of their shoes, Massive Changes in Weather, Cost of Living Crisis, Childrens Truancy Extremely High, Massive Anxiety and Mental Health Increases for children and adults, People Jobs not Respected and Employment Rights Eroded with Zero Hour Contracts and cash in hand by some, plus some Operators. A sanctioned Black Market if ever there was one, which no one is doing anything about, but then if you ask the wrong questions you don't get the right answers, or ask no questions at all, it will go away?

No one wants to do really anything apart from put a sentence in a School Contract about not paying VPA's, under the Living Wage or under the Real Living Wage, nothing at all in the Taxi rules and regs, it's the Elephant in the room, cash in hand to VPA's, it needs to stop. VPA's call me for a job, they hear how we look after our employees.

Checks with HMRC are now being carried out with Drivers, that's taken a while, let's look after the extra person in the vehicle that help children get to school.

We Employ all our Drivers, VPA's, Office Team, we pay Holiday Pay, Sick Pay, Pensions and if the school is closed because of Bad Weather we pay, plus Strike Days we pay. We look after our Employees, we respect the great work they do for our special children, we and the 3 Councils could not operate a service without them.

Taxi Licensing plays a massive part of getting many thousands of children to school, all Councils could not offer this important service without the help of the Licensing teams. We all try to do things right the first time, no one is perfect, but to set a deadline for CCTV to be installed and then run a Consultation that has truly no prejudgments until a final judgment, is ass about face, sorry.

Also many Lewes Drivers live in the Brighton area, but no Brighton CCTV supplier has been added to the supplier list, other suppliers have been added that are many miles away, what about aftercare and downloading footage when it is needed quickly for Police, Council and Licensing with a CCTV supplier many miles away.

The vehicle must be returned to them for evidence to be gathered.

Why has the CCTV supplier in Brighton not been added to the approved supplier list from the beginning and still is not even now?

What is going on please, I have mentioned this before and the Brighton CCTV supplier has been in touch with Lewes Taxi Licensing too, but still they are not on the approved list? If our Wheelchair Accessible Minibuses have to have CCTV with or without Audio ??? they will go to have the correct CCTV setup fitted, 40 minibuses will not be visiting the CCTV Supplier TWICE, so Audio can be switched ON or OFF inside the control unit. It is NOT just an easy switch the driver can turn ON and OFF depending on the Consultation outcome.

Our Drivers are spread out many miles apart, from Bognor Regis to Seaford to Haywards Heath and in between, we will not be making 80 visits to a CCTV supplier.

We all need to think how we burn fossil fuels and the Green Credentials Green Councils say they Aspirer too, 1 CCTV visit is enough, plus £30,000 for the pleasure.

Where is any help for this extra cost ? Many will choose to leave or choose to retire because of this extra cost in this cost of living crisis, it will be the final straw. Also New and Second-hand Wheelchair Accessible Minibus prices have gone through the roof, Wages Increasing, Fuel Increasing, Insurance Increasing, Garage costs increasing, everything is increasing, but the only thing that will be decreasing will be the number of happy drivers prepared to provide this very important service for these special children and their transport to school.

We need to push back any deadline dates please, once the facts are in front for all to see, then make an informed correct decision please.

West Sussex and East Sussex have no policy regarding CCTV at all, please let them decide the approach they would like to take for their School Contracts.

They will be the ones dealing with any lack of supply, the increase in numbers of children and the Market Price Increases for their school transport. Let's not make it even more difficult for them.

It would be nice to see some changes happen for Home To School Transport and for it to be recognised as a special service for special needs children.

My dad used to say use the KIS principle, but sometimes he did add an extra S. He would say KEEP IT SIMPLE SUPID, because so much is more complicated than it needs to be.

But the real problem is this service is so multifaceted, so many different individuals are involved, plus trying to keep everyone happy is more challenging than most can ever imagine, you have to say calm and find any compromise, but sadly the personal cost can be immense.

My father was a Lecturer at Brighton City College for 20 years before starting this business in 1992, I joined Dad in 1997 after working for John Lewis for 17 years, I needed a change, Dad needed a hand changing the fleet from being petrol minibuses to then buying diesel minibuses, a big investment for me and Dad to make back then.

Sadly for some the massive commitment and dedication given to supply a service takes a massive toll on them.

Sadly my Father Graham and 2 ½ years later sadly my Sister Michele both committed suicide, she missed our dad like we all did and do now for them both.

Our amazing mum and myself along with our great team had to decide if we carry on or not, we still had the responsibility for other people's children to get to and from school.

I decided I could not change what has happened sadly however much I wanted too, I had to have a focus and a challenge in order to pull me through.

We decided to carry on under very sad circumstances, to do the best we could. We all have tried to offer a caring Home To School Transport service for many thousands of children since and over the last 31 years, but it really does seem to be getting more and more challenging to deliver, lets make what we can as simple as possible, making this service as easy as possible to deliver please.

Let's make any 100% Dedicated Home To School Transport service a specialist transport service, just as Executive specialist transport is please and no CCTV needed. Also No CCTV needed by East Sussex HTST or West Sussex HTST, unless they each request it for their routes, just as Brighton did a few years ago.

Lewes Licensing now agreeing not to take any enforcement action, which is very very much appreciated, thank you.

Let's make change happen please Lewes Licensing, let's make this a Dedicated Home To School Transport Service with Lewes Licensing.

If the Executives can have it, can HTST have it too please?

All Councils need to encourage more to stay operating a HTST service, plus encourage more to join, or Market Prices will increase massively, simple supply and demand. All Licensing departments can help Councils cope with the growing number of children needing Special Needs Education, the need will increase, what changes need to happen to meet it?

Licensing could be a part of the solution and make it a bit easier for many to supply the growing need for Special Needs School Transport please?

MTS Ltd
