

A joint operator's statement requesting an urgent amendment to the existing Private Hire Policy

- The current Private Hire topographical test is to be amended to a point of interest test.
- Arbitrary Age limits on Private Hire Vehicles be replaced with Euro V standard. Vehicles over 10 years would need to be assessed by council-appointed testers as being in good condition.

Statement of Facts

The local Private Hire operators like many industries have suffered a huge exodus from their industry. Private Hire Operators derive their income from a subscription-based service. A working driver pays a weekly amount to the company to receive work.

Taxi/Private Hire companies all suffer from a lack of economic scale. Meaning our costs are almost equal if we have 100 cars or 150. The decline in numbers has now seen all three major operators near the point of collapse unless something significant is done to address our shortfall of drivers.

During COVID many drivers retired early or left the trade and haven't returned. We have seen the implementation of further barriers imposed upon the trade by the DfT all of which make the attractiveness of joining less and less appealing. These additional costs and barriers need to be "offset" by amending what we feel are the two largest hindrances to attracting drivers.

We cannot overstate the current situation as being anything other than terminal unless this situation is addressed with the urgency that is required. Councillors and fellow businesses need to understand that unless this is treated as an emergency there could be no major Private Hire companies trading in Eastbourne in as little as 6 months!

Safety and Disability

There is little doubt the level of service Eastbourne residents receive is not just below expectations but is endangering lives. We can collectively evidence lone females unable to obtain secure safe passage from any of the major companies solely due to a lack of cars. Elderly and disabled passengers miss Hospital and Doctors' appointments, and children are unable to get to school.

These are the known consequences, what we can't know, or measure is the unknown. Are elderly citizens not ringing for a doctor's appointment because they fear waiting hours for a Taxis? Are disabled people trapped in their own homes for the same fear?

Financial Impact

It is impossible to equate the total financial impact not just to our trade but to the wider economy.

We can all evidence that an increasing number of Local residents are choosing to no longer venture out to restaurants and theatres for fear of not being able to get home. We know that our tourist industry is being massively affected as was evidenced during Airbourne when our systems were set to only allow regular customers to get through or book on the app.

The Taxis industry is the backbone of any tourist town and can be the deciding factor on whether someone chooses to return or venture somewhere else. This is especially the case if the demographic, like Eastbourne, is elderly.

Evidence for license change

We have noted that all the recent license changes have been ‘justified’ by quoting DfT guidance. We will evidence that the changes being requested are perfectly aligned with this licensing policy ‘ethos’ and quote not just the DfT but additional significant guidance.

[Taxi-and-private-hire-vehicle-licensing-consulting-on-best-practice-guidance-for-licensing-authorities-in-England.pdf](#):

DfT Taxi and Private Hire Vehicle Licensing Best Practice Guidance for Licensing Authorities in England 2022

6.24 Private hire vehicles are not legally available for immediate hiring. To hire a private hire vehicle the prospective passenger must go through an operator, so the driver will have an opportunity to check the details of a route before starting a journey and plan or enter it in a navigation system. Licensing authorities may set private hire vehicle drivers a topographical test, but are not required to do so.

Vehicle age limits

8.28 The frequency of testing required (see ‘frequency of vehicle tests’ above) to ensure the ongoing safety of vehicles is a separate issue to the setting of maximum age limits at first licensing, or maximum age limits beyond which an authority will not licence a vehicle. The setting of an arbitrary age limit may be inappropriate and counterproductive and result in higher costs to the trade and ultimately passengers. For example, a maximum age for first licensing may have adverse unintended consequences; a five-year-old used electric vehicle will produce less emissions than a new Euro 6 diesel or petrol fuel car – enabling the trade to make use of previously owned vehicles will assist it to transition more rapidly to zero emission vehicles and improve air quality.

8.29 Licensing authorities should not impose age limits for the licensing of vehicles but should consider more targeted requirements to meet its policy objectives on emissions, safety rating and increasing wheelchair accessible provision where this is low.

[Private taxis-and-private-hire-vehicles-understanding-the-impact-on-competition](#):

Guidance Regulation of taxis and private hire vehicles: understanding the impact on competition 2017

Private hire

Passengers are in a better position to assess the quality and compare the prices of private hire operators than they are with taxis. Competition can generally work well between private hire operators.

There is a need to ensure passenger safety, but licensing conditions that go beyond this may reduce passenger choice, and increase cost and prices.

Some conditions may also create barriers to entry, reducing the number of operators, and hence reducing competitive pressure on operators to reduce prices or improve service quality.

Licensing conditions that can have negative impacts on consumers

The CMA's [competition impact assessment guidelines](#) can help those designing policy or regulations to assess their impact on competition and the interests of consumers.

These guidelines contain 4 tests which help policy makers assess whether their proposals will limit competition:

1. Will the measure directly or indirectly limit the number or range of suppliers?
2. Will the measure limit the ability of suppliers to compete?
3. Will the measure limit suppliers' incentives to compete?
4. Will the measure limit the choices and information available to consumers?

Considering these questions will help ensure local authorities are aware of the restrictions they may be introducing on competition and may encourage them to consider alternative courses of action where possible.

Examples of conditions that may harm the interests of passengers

Competition impact assessment test	Examples	Nature of harm
1. Limiting the number or range of suppliers	Quantity restrictions on taxis	Quantity restrictions may cause harm to passengers through reduced availability, increased waiting times, reduced scope for downward competitive pressure on fares and reduced choice. They also may increase the risk to passenger safety if they encourage the use of illegal, unlicensed drivers and vehicles.

2 & 3. Limiting the ability and incentives of suppliers to compete	<p>Service provision is over regulated beyond passenger needs/wants:</p> <ul style="list-style-type: none"> - Compulsory landline helpline, sometimes having to be based within the authority - Minimum number of days advance booking function - Extensive navigational skills assessments for PHV drivers 	<p>Private hire is a market where passengers are likely to be in a good position to trade off price and quality levels that best suit their needs. If sufficient numbers of passengers desire a high service standard, then it is likely that some operators will offer it.</p> <p>Over-regulation of service standards is likely to mean higher costs and therefore higher fares for passengers, especially those who would most value a low cost service. It may also create barriers to entry, thereby reducing the number of operators, and hence competitive pressure between them.</p>
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Regulators Code:

Regulators' Code

This Code was laid before Parliament in accordance with section 23 of the Legislative and Regulatory Reform Act 2006 ("the Act"). Regulators whose functions are specified by order under section 24(2) of the Act **must** have regard to the Code when developing policies and operational procedures that guide their regulatory activities. Regulators must equally have regard to the Code when setting standards or giving guidance which will guide the regulatory activities of other regulators. If a regulator concludes, on the basis of material evidence, that a specific provision of the Code is either not applicable or is outweighed by another relevant consideration, the regulator is not bound to follow that provision, but should record that decision and the reasons for it.

- 1. Regulators should carry out their activities in a way that supports those they regulate to comply and grow**
 - 1.1 Regulators should avoid imposing unnecessary regulatory burdens through their regulatory activities¹ and should assess whether similar social, environmental and economic outcomes could be achieved by less burdensome means. Regulators should choose proportionate approaches to those they regulate, based on relevant factors including, for example, business size and capacity.
 - 1.2 When designing and reviewing policies, operational procedures and practices, regulators should consider how they might support or enable economic growth for compliant businesses and other regulated entities², for example, by considering how they can best:
 - understand and minimise negative economic impacts of their regulatory activities;
 - minimising the costs of compliance for those they regulate;
 - improve confidence in compliance for those they regulate, by providing greater certainty; and
 - encourage and promote compliance.

Conclusion

If you have got this far, we collectively thank you!

It is important to point out that although we have engaged with the Licensing team and thank them for their time. We are 7 months on from first contact and fear there is a lack of understanding of the urgency this requires. We are also mindful that ultimately any changes and the speed at which they progress will be driven politically.

Along with the two requested changes, we must stress that the guidance pack provided by the Licensing department is made clear and succinct. Any new applicant should be able to study this pack to answer any of the questions presented in the online tests.

This should include but not be limited to,

All points of interest to be tested on

The full set of questions on Taxi Law

The full set of questions on Disability Law

The full set of questions on the highway code

Currently, a prospective candidate is supposed to be an expert in Taxis law, highway code, and disability and know every single road and point of interest in the entirety of Eastbourne. All without any definitive literature provided.

It is also important to highlight the Local Government (Miscellaneous Provisions) Act 1976:

48Licensing of private hire vehicles.

and shall not refuse such a licence for the purpose of limiting the number of vehicles in respect of which such licences are granted by the council.

The assigned to this document represent all the private hire trade and we see no detriment to the public or additional risk. Indeed, the only risk is if nothing is done and in haste.

It is clear all current guidance agrees with us that topographical knowledge is an unnecessary burden and obstacle to a person wishing to join as a Private Hire driver. It is worth noting Europe's largest City (London) with over 100K PHV License holders has no topographical knowledge other than evidencing the ability to use an SAT-NAV.

We can evidence that we have people waiting to join our trade but are being held up trying to learn all the aforementioned. We have evidence that many give up or don't even start learning once they find out all the obstacles that are in their way.

On age limits, again the guidance agrees with us, but then so does the council's own unwritten policy for Wheelchair accessible vehicles (WAV)!

There currently appears to be an unwritten policy of no age limit on purpose-built vehicles, evidenced by the excessive number of Hackney Carriage (WAV) Vehicles which are well over the current 10-year limit. This coupled with the owners not being asked to declare an 'exceptional circumstance'.

Correctly, in our view, officers have sort to address the issue of the shortage of WAV Vehicles by exercising their power of discretion. This same lack of supply is now evident in non-WAV and the many disabled people who require a 'Low' car are experiencing a poor or denial of service due to supply.

Would it, and indeed, does it not appear somewhat dysfunctional that the current unwritten policy which allows the most vulnerable (disabled and children on the school run) to be carried in a vehicle with no age limit but that same unwritten policy is not afforded to the wider public?

Any objections that are raised against higher age limits are also applicable to the unwritten policy for purpose-built.

We can again evidence that people are leaving the trade with perfectly servable vehicles because the vehicle has reached its "age limit" and cannot afford to be replaced.

This brings us to the last point on age limits, drivers are unable to get new cars and second-hand cars are more expensive than new ones. This is further exacerbated because you can't source the required specified vehicle.

The current policy has now created a ludicrous situation whereby a 10-year-old Hybrid vehicle in good condition, must be removed from the trade to be replaced with a newer but more polluting diesel vehicle because hybrid vehicles are in extremely short supply.

An analogy which highlights our issues

A prospective supermarket driver attends an interview, is offered the job, and starts Monday, a week later £500-£1000 is paid into their bank account as a thank you for joining.

The same person approaches a Taxi operator to become a driver, attends an interview to be told that they will need to pay the best part of £500 and spend months learning all the roads, Taxi law, disability, driving test, medical, DBS and then not guaranteed to pass.

So, I wonder how many people will join Sainsbury's food delivery service if the advert reads.

"Come join us, pay £500 pounds for the privilege, oh and you're not guaranteed a job at the end of months of unpaid training!"

If you do manage to pass, you will then need to purchase a van at a cost which is above that of a new one and that is if you can source one.

Signatories

720 Taxis Name KEVIN COLEMAN Title CHAIRMAN

Signature 

Sussex Cars Name BOB BREMER Title CHAIRMAN

Signature 

Call-a-Cab Name JULIAN HEDGER Title OWNER

Signature 

AWT Name ANDREW BALBY Title OWNER

Signature 

WTS Name MARK LESTER Title DIRECTOR

Signature 