

HACKNEY CARRIAGE AND PRIVATE HIRE TRADE MEETING

Wednesday 20 March 2013–Council Chamber,
East Cambridgeshire District Council, The Grange, Nutholt Lane, Ely
10.30am–12.05pm

PRESENT:

Cllr Tony Goodge
Elizabeth Bailey
Liz Knox
Melanie Sage

Chairman of Licensing Committee
Principal Environmental Health Officer
Head of Environmental Services
Democratic Services Officer

ALSO IN ATTENDANCE

Mr Colin Featherstone
Mr Jamie Edmunds
Mr Mike Humphrey
Ms E Humphrey
Ms Sue Lindsay

Mr Martin Lane
Mr John Skipper
Mr A Taggart
Mr N Walker-Webb

Summary of Discussion	Officer Comments/ Action	Officer Comments/ Action subsequent to meeting
Agenda Item 1–Vehicle Stickers Drivers were reminded in line with vehicle licence conditions, that this year all remaining Hackney Carriage and Private Hire vehicles are required to purchase and display vehicle stickers on renewal of their plate licence. The stickers cost £5.98 each and need be paid for at the same time as the plate renewal. Payment to be made at East Cambridgeshire District Council’s main reception. Please note cash is not accepted.		
Agenda Item 2 - Hackney Carriage Roof Sign Consultation The Hackney Carriage and Private Hire trade are reminded of the questionnaire, including a self addressed envelope that has been sent regarding the consultation on Hackney Carriage Roof Signage. Drivers were encouraged to respond to the consultation to assist the Council in decision making.		
Why was consultation on Hackney Carriage Roof Signage taking place when at the last Hackney Carriage and Private Hire Trade meeting drivers had opted that there should not be any amendments to roof signage until the Taxi and Private Hire Reform Bill had been published? Unlikely to receive responses from the majority of drivers as most do not drive their own vehicles, therefore they would not be directly affected by the condition.	Currently the Council has a Licence Condition (3.3) on roof signage, ‘A vehicle roof sign will be allowed in a form to be approved by the Council’ This condition is currently unenforceable as there is no definition as to the definition of an ‘approved sign’. The findings of the Hackney Carriage Roof Sign survey, and a summary of the discussions following the previous Hackney Carriage and Private Hire Trade meeting, were presented to the Licensing Committee meeting who agreed the basic standards of the ‘approved form’ for a Hackney Carriage roof sign.	

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	This decision then has to be submitted for public consultation. We are now at the consultation stage.	
Agenda Item 3 - Green Book and Revision of Blue Book		
<p>It was explained that a green book containing the Council's Licence conditions and byelaws has been sent out to the trade with a covering letter. The blue book is still in existence and available on the council's web site and in new application packs. It is a licence condition that all drivers should have with them at all times a copy of the Driver Licence Conditions. Therefore the green book would be useful to retain in the vehicle, and it will save the larger blue book being re printed every time a slight amendment is made to the guidance or text part of the blue book.</p> <p>It is hoped that the Green Book will draw closer attention to Conditions and Byelaws attached to the Driver, Vehicle and Operator licences and will be a useful document for ease of reference.</p>		
Agenda Item 4 - Medical Examinations—own GP or Council Approved GP?		
<p>A short presentation was delivered regarding the pros and cons of undertaking a medical examination with an individual's own GP in comparison to a medical examination by a Council Approved GP. Currently the Council's Licence condition specified that a medical examination must be completed by the individual's own GP.</p>		
<p>It was always possible to arrange an appointment with an individual's own GP as the driver had to pay approx £100 for a medical examination.</p>		
<p>Irrespective of whether the medical examination was with an individual's own GP or another firm, all GPs had access to the NHS database so could access medical records.</p>	<p>The NHS database of medical records was not accessible by all GPs and an individual could opt out of the database. Only the GP practice where an individual was registered could be guaranteed to have access to a patient's medical records.</p>	
<p>The majority of Hackney Carriage and Private Hire drivers in Cambridge go to a company on Milton Road, Cambridge for medical examinations which cost £49.</p> <p>If a private company could be used for medical examinations this could encourage competitive pricing.</p>	<p>In Stansted the cost of a medical examination with a private company was £75.</p> <p>A driver not using their own GP would incur additional travelling expenses.</p> <p>The average cost of a medical examination with a GP practice in the district was £102.</p> <p>Officers would investigate which company was used for medical examinations by the majority of</p>	

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	Hackney Carriage and Private Hire drivers in Cambridge.	
Why does each GP practice charge a different fee for medical examinations? Can anything be done to introduce a consistent fee?	Each GP practice has its own budget and therefore could set its own fee for medical examinations.	
Why does it matter if a medical examination is with an individual's own GP or a private company? Particularly as not all authorities specify that a medical examination must be with a Driver's own GP.	The Council has to be satisfied that a Driver is a 'fit and proper person' to hold a Hackney Carriage and Private Hire Driver licence. A private company does not have a driver's medical history and therefore the onus is on the driver to ensure that all medical information is disclosed.	
	The consensus appeared to be that the trade wished for there to be flexibility in the licence condition which allowed a Driver choice as to where a medical examination was undertaken. Any potential changes to policy would need to be considered, discussed with the legal team and, if appropriate, presented to the Licensing Committee for determination.	
Agenda Item 5–3 Yearly Driver Licence–What is the general feeling?		
It was explained that legislation permits the issue of up to 3 yearly Driver Licences. The Council currently issues Driver Licences for a term of 1 year. Where an Authority issues a longer term licence it is still best practice to offer shorter term licences. Some authorities issued Licences for a 2 year term. Comments were invited.		
If a 3 yearly licence was available - what would be the fee?	The fee would need to be considered. However, there would still be the option to apply for an annual licence.	
The photo on the licence could change in the 3 years.	It is a current condition of the driver licence that the Council must be notified of any change of appearance so that a new badge can be issued. There is no fee charged for updating a badge with a new photograph.	
Would there be a maximum age that a person could apply for a 3		

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yearly licence. Is it appropriate for people of a certain age to be able to obtain a 3 yearly licence?		
Would like to have the option of being able to apply for a 12 month or a 36 month Licence.	The Chairman suggested that a reduced rate could be considered if applying for a 3 yearly licence; however, it would still need to cover the cost of producing the licence and any projected costs for the licence period.	
Could be expensive, particularly when some people had to purchase an Operator's Licence and Vehicle Plates.	The Criminal Records Bureau (CRB) forms had to be completed every 3 years so it could be considered to renew Driver Licences at the same time.	
	In conclusion there appeared to be support to offer the option of a 3 yearly licence, as well a yearly licence, officers would therefore consider this issue and whether it was possible to link all renewals together.	

Agenda Item 6 - Common Inspection/Enforcement Issues- Reminder

A short presentation was delivered on:

- **Vehicle Licence Plate** – not always being returned - must be returned to the Council within 7 days of the expiry date or upon revocation or suspension as per Condition 7 Hackney Carriage and Private Hire Vehicle Licence Conditions and S58 Local Government (Miscellaneous Provisions) Act 1976.
- **Driver Badge** – not always being worn – condition of the Driver's Licence that a *'driver shall at all times when acting in accordance with his/her Licence wear the badge issued by East Cambridgeshire District Council in a conspicuous position. Any change of appearance of the licence holder must be notified to the Council in order that a new badge will be issued. No fee will be charged'* as per Condition 12 Hackney Carriage and Private Hire Drivers Licence Conditions and S54 Local Government (Miscellaneous Provisions) Act 1976.
- **Smoking inside Hackney Carriage and Private Hire Vehicles** - vehicles are to be smoke-free at all times as per Condition 21 Hackney Carriage and Private Hire Drivers Licence Conditions and the Health Act 2006 Sections 6, 7 and 8. It is an offence to smoke in a smoke-free place. A taxi driver was recently prosecuted by a neighbouring authority for smoking in his vehicle.
- **Mobile Phones** – occasionally the Council receives complaints from passengers of drivers using their mobile phones whilst driving. Condition 23 Hackney Carriage and Private Hire Drivers Licence Conditions states that a *'driver of a Private Hire/Hackney Carriage vehicle if using a mobile telephone shall use that equipment only by means of a hands free device whilst driving the vehicle'*.
- **Accident Notification** - Condition 11 Hackney Carriage and Private Hire Drivers Licence Conditions states that a *'driver shall notify the Head of Environmental Services in writing of any*

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<p><i>vehicle accident in which the driver is involved whilst driving a Private Hire/Hackney Carriage vehicle. The notification must be received within 72 hours of such an accident', which complies with S50(3) Local Government (Miscellaneous Provisions) Act 1976.</i></p> <p>The Council will be producing forms for drivers to use to notify the Council in the event of an accident.</p> <ul style="list-style-type: none"> • Physical and Mental Fitness – the Council is not always informed of changes to physical or mental fitness. Condition 18 Hackney Carriage and Private Hire Drivers Licence Conditions states that a <i>'driver shall during the period of the licence report to the Council as soon as practicable any disability, physical or mental medical condition which develops or worsens which may affect his/her ability to drive safely. Examples of such conditions could include the following: Heart Attack, Fainting, Epilepsy, Strokes, Parkinson's Disease. This list is not exhaustive, however drivers are reminded that they are legally required to inform the DVLA at Swansea of any developing conditions which may affect their ability to drive'</i>. • Change of Address – sometimes Drivers forget to inform the Council, which is later established at the renewal stage. Condition 9 Hackney Carriage and Private Hire Drivers Licence Conditions states that a <i>'driver shall notify the Head of Environmental Services in writing of any change of his/her name or address during the period of the licence. This notification and the A4 size driving licence must be received within 7 days of such change taking place, together with the appropriate fee'</i>. • Certificate of Compliance - No crossings out or corrections please, including the use of tippex, as forms will not be accepted. A replacement certificate will be required from the respective garage. • Insurance Documents—A driver is responsible for ensuring that any vehicle in his/her charge is insured for use as a Hackney Carriage/Private Hire vehicle as per Condition 20 Hackney Carriage and Private Hire Drivers Licence Conditions which complies with S50(4) Local Government (Miscellaneous Provisions) Act 1976. Drivers must produce the original insurance documents as photocopies will not be accepted. If an insurance policy expires during the licence period a new certificate must be provided to the Council. 		
<p>Enquired as to the type of accident that needed to be reported to the Council</p>	<p>Any vehicle accident in which a driver is involved whilst driving a Private Hire/Hackney Carriage vehicle must be reported to the Council. By law, accidents where the damage materially affects the safety, performance or appearance of the HC or PH vehicle or the comfort or convenience of persons carried therein (s50 (3) LG (MP) Act 1976)</p>	
<p>If a correction on a Certificate of Compliance was accompanied by a signature was this acceptable?</p>	<p>No – as the certificate could have been fraudulently amended at some other date.</p> <p>The Council had informed the approved vehicle examiners that crossings out or corrections, including the use of tippex, will not be accepted. However,</p>	

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	drivers would need to be vigilant.	
Where a vehicle fails and subsequently passes the inspection is it okay for the vehicle examiner to initially indicate a fail and then on a following inspection indicate a pass on the form.	Ideally no. However, this year a review of the certificate of compliance forms will be carried out. Until then, fails and passes can be marked on the same form.	
Will the Council accept insurance documents via email as it can be difficult to obtain paper copies from insurance companies?	Yes- however, both must be direct from the insurance company.	
Agenda Item 7 - Test Purchase Advisory Letter		
Due to changes to the Regulation of Investigatory Powers Act 2000, Hackney Carriage and Private Hire Drivers and Operators will be receiving a letter to inform them that the Council may at any time conduct test purchases including on the use of meters.		
Agenda Item 8 – Items raised by the Trade - A short presentation was delivered on the following issues:		
Approved Vehicle Examiners		
It was explained that one vehicle examiner was based outside of the district as this establishment had a long ramp for the use of stretched limousines and another establishment was based in Cambridge. All other establishments were based within the district. The list of approved vehicle examiners was an historical list.		
Currently it was stipulated in the 'Blue Book' that the use of a vehicle examination centre for 2 consecutive tests is forbidden, to avoid familiarity. Comments were invited as to whether this was deemed necessary.		
The establishment that had a long ramp was not referred to within the 'Blue Book' as a testing centre for stretched limousines. This should be identified as such as Hackney Carriage and Private Hire vehicles must be tested within the district.	When the blue book is reviewed, information can be added in for clarity.	
The directive in the 'Blue Book' that states the use of a vehicle examination centre for 2 consecutive tests is forbidden, should be removed. This would increase competition and hopefully lower the fees charged	It is agreed that this policy is outdated; and as such will be removed from the blue book. As this is a change of policy, it will go through committee and circulated.	

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by the more expensive establishments.		

Seatbelts–Legislation - Exemptions

The Motor Vehicles (Wearing of Seatbelt) Regulations 1993 (as amended) provides exemptions from wearing a seatbelt under Regulation 6(1) which states that the requirements of Regulation 5 do not apply to:

‘The driver of -

- (i) a licensed taxi while it is being used for seeking hire, or answering a call for hire, or carrying a passenger for hire, or*
- (ii) a private hire vehicle while it is being used to carry a passenger for hire’*

Touting for Hire – The Legal Position (Taken from Button on Taxis Licensing Law and Practice)

The Criminal Justice and Public Order Act 1994 s167 makes it an offence *‘in a public place to solicit persons to hire vehicles to carry them as passengers’*. There is no definition of ‘solicit’. However, any such journeys would be uninsured. This is a breach of the East Cambridgeshire District Council Hackney Carriage Byelaw 8.

A driver cannot approach a person and ask them if they want a lift.

Test purchases can be used.

Plying or Standing for Hire – Legal Position (Taken Button on Taxis Licensing Law and Practice)

Only Hackney Carriage vehicles can stand or ply for hire.

Nothing in the legislation or case law prevents a Private Hire vehicle parking lawfully to await a booking made via the Operator, provided that the vehicle is not standing or plying for hire (the test of plying or standing for hire is that the vehicle is exhibited and available for immediate hire without a pre-booking being made).

The length of time a Private Hire vehicle is lawfully parked is irrelevant.

The test of whether or not the vehicle is available for hire is based on the intentions of the driver, as evidenced by his actions if approached by a prospective passenger.

Private Hire vehicles do not have to ‘hide’ and a Private Hire vehicle can park lawfully anywhere (excluding Hackney Carriage ranks) to await the next booking received from the Operator. A Private Hire vehicle can park lawfully adjacent or otherwise proximate to a Hackney Carriage rank.

A prospective passenger can make a booking with the Operator by telephone having read the details displayed on the Private Hire vehicle and can be directed to the vehicle by the Operator. Therefore the driver has no involvement in the booking process.

If a Private Hire driver is approached by a prospective passenger and asked if he is available, provided the driver explains that a booking must first be made, the driver can direct the passenger to the Operator by providing his firms telephone number. A Private Hire driver cannot make a booking on behalf of the prospective passenger.

If the driver takes an active part in facilitating the booking via the Operator, e.g. by making the booking via the radio or by providing a mobile telephone directly connected to the Operator, that evidences the fact that his purpose in parking the vehicle was to be available for immediate hire and

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<p>an offence will have been made.</p> <p>The booking does not have to be made by the passenger personally as a third party can act as an intermediary or agent (e.g. a receptionist at a hotel, a work colleague, a pub landlord etc) but as noted above the driver cannot fulfil the role of an agent.</p> <p>It is a contravention of an Operator's Licence to make bogus pre-bookings as per S56 Local Government (Miscellaneous Provisions) Act 1976.</p>		
<p>Operator Records</p> <p>Before the commencement of each journey the following information must be recorded:</p> <p>Time and date of each booking; Name of hirer; Point of pick up; Destination; Costs of fare quoted (where appropriate); Call sign/badge number of driver allocated; Time at which a driver was allocated to the booking; Any remarks e.g.- sub-contracted or contract</p> <p>These records must be correctly maintained and up-to-date at all times.</p>		
<p>Railway Station</p> <p>Concerns had been expressed regarding plying for hire and touring allegations at the railway station. Therefore it is intended that officers will convene a meeting with railway station personnel to discuss issues at the railway station, railway station permit conditions and their enforcement of permit conditions.</p>		
<p>Both Private Hire Vehicles and Hackney Carriage Vehicles without a permit were plying and touting for hire. This is often occurring late at night and by the same drivers. The taxi rank at the railway station is for the exclusive use of permit holders, which cost a significant amount of money (approximately £800/annum).</p>	<p>The taxi rank at the railway station is in the ownership of the railway station, not the Council and therefore has separate rules.</p> <p>Officers would raise these issues with the railway station personnel.</p> <p>Test purchase exercises can observe what is happening at the station and identify any illegal activity.</p>	
<p>Sometimes drivers arrive just before the arrival of a train, park directly outside the entrance/exit to the station in direct view of passengers wanting a taxi.</p>		
<p>The area reserved for pre-booked vehicles was being mis-used. No railway station personnel were policing this area or the taxi rank. Feelings were running high.</p>		

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It was difficult to discuss the matter with the responsible staff at the railway station.		
At Peterborough Railway Station both Hackney Carriage vehicles and Private Hire vehicles were sharing the same rank.		
If a vehicle had to be taken off the road which had a permit for the railway station, the permit may be transferred to another vehicle if the railway station was notified.		
If passengers were waiting for a taxi and there were no Hackney Carriage vehicles on the rank a Hackney Carriage vehicle without a permit was allowed to take the fare.		
Taxi Rank Provision		
<p>At the previous meeting Hackney Carriage and Private Hire Trade meeting concerns were expressed that there is insufficient taxi rank provision in the City Centre. Legislation is available to create taxi ranks and a legal process had to be followed.</p>		
<p>A review of the design and management of Market Street has been identified as a priority in the Ely Traffic and Environment Study Consultation and it is hoped it will be included in a future Ely Market Town Transport Strategy. The Council had also adopted the Ely Masterplan which considered the future development of Ely.</p>		
<p>A meeting to specifically look at taxi rank provision would be arranged. Currently 7 spaces were available at the taxi ranks within the City Centre and the Council did not limit the number of Hackney Carriage and Private Hire licences that it issued. There was also an issue with Hackney Carriage vehicles waiting on the corner of Market Street, by Costa Coffee/Thomas Cook.</p>		
<p>Taxi rank provision has previously been raised with Cambridgeshire County Council. Officers would liaise with Cambridgeshire County Council Highways and invite a representative to attend the next Hackney Carriage and Private Hire Trade meeting.</p>		
Other Issues Raised at the Meeting		
<p>July Racecourse</p> <p>The July Racecourse was within East Cambridgeshire district. On race days a significant number of people await taxis as the companies within the Forest Heath district are unable to cope with the demand. It was requested that officers speak to the management at Newmarket</p>	<p>These issues can be looked into and reported back at the next meeting.</p>	

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Racecourse to obtain permission for East Cambridgeshire licensed Hackney Carriage vehicles to ply for trade at the July Racecourse, particularly as it was within the East Cambridgeshire district.		
<p>Insurance</p> <p>At the previous Hackney Carriage and Private Hire Trade meeting it was enquired whether a Hackney Carriage or Private Hire vehicle could be driven by an un-licensed Hackney Carriage or Private Hire driver. This would be useful in the event that the vehicle was used on a long journey to go on holiday so that the driving could not be shared, or in the event that the licensed driver became unwell.</p> <p>It was noted that insurance policies stipulated that other insured drivers could drive the vehicle.</p>	The legal principle is that once a 'taxi always a taxi' and therefore anyone driving the vehicle must be a licensed driver. Insurance companies are often not aware of the legislation/interpretation.	
Garage mechanics drive taxis when they are tested so why not partners of a licensed Hackney Carriage and Private Hire Drivers.	They are exempt. Relevant guidance to be provided.	<p>'Once a licensed vehicle always a licensed vehicle'</p> <p>The only exception is when the vehicle is being tested.</p> <p>This is due to the Transport Act 1985, s139 (2) and sch 7, para 3 which states section 46 of the Town Police Clauses Act 1847 (drivers not to act without first obtaining a licence) shall not apply to a person driving a hackney carriage licensed under that act for the purpose of or in connection with</p> <p>a) Any test of the mechanical condition of fitness of the hackney carriage or its equipment carried out for the purposes of s45 of the Road Traffic Act 1988 or for the purposes of any</p>

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		<p>requirements with respect to such condition or fitness imposed by or under any other enactment; or</p> <p>b) Any test of that person's competence to drive a hackney carriage out for the purposes of any application made by him for a licence to drive a hackney carriage.</p>
<p>Driver Safety/CCTV</p> <p>Driver safety was as important as public safety and it was suggested that Hackney Carriage and Private Hire drivers should work together to form a group similar to 'pub watch'.</p>		
<p>Could the Council circulate details of passengers that should not be allowed access to Hackney Carriage and Private Hire vehicles?</p>	<p>No. Any such system would be operated by the trade. Such available systems would be looked in to by the Council and brought back to the next meeting.</p>	<p>See http://www.taxiwatch.org/</p> <p>More information to follow/ to see if a rep will come to a meeting.</p>
<p>Can Hackney Carriage and Private Hire vehicles be fitted with CCTV?</p>	<p>East Cambridgeshire Hackney Carriage and Private Hire Conditions do not prohibit the use of CCTV. However, the use of CCTV in Hackney Carriage and Private Hire vehicles in other authorities has been challenged where conditions have been introduced in some cases. Should a Hackney Carriage and Private Hire vehicle use CCTV a warning notice that is obvious to the passengers, must be displayed that CCTV is in operation. Data protection and surveillance related legislation must be complied with.</p>	
<p>Within Fenland a computerised system is used between various organisations providing up-to-</p>	<p>Officers would investigate the system used and whether it is possible for Hackney Carriage</p>	

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date information on a website which is relevant to those organisations.	and Private Hire vehicles to link into this.	
Licensing Officer – it was requested that a Licensing Officer should be present at all future Hackney Carriage and Private Hire Trade meetings.	Agreed that a Licensing Officer would be present at the next Hackney Carriage and Private Hire Trade meeting.	
Hackney Carriage Fares Rate 1 and 2 were regularly used. Rate 3 was only used on public and bank holidays. When Rate 3 was used it only added an additional £2 to the fare. Therefore on Christmas Day Hackney Carriage drivers were only making an additional £2 per journey. A review of Hackney Carriage Fares was therefore suggested.	If the Council received a request to review hackney carriage table of fares from the trade, the Council would need to consult with the trade and present a report to the Licensing Committee for determination in line with s65 of the Local Government (Miscellaneous Provisions) Act 1976.	
Members needed to understand the true costs when determining the rate of Hackney Carriage tariffs.		
The trade stated that should another rate be proposed this would result in the meters needing to be re-calibrated, which incurred an additional cost to Hackney Carriage Vehicle proprietors.	Through the statutory consultation process the trade will be able to make comment on any proposals put forward/individuals are able to put their own proposals forward.	

The next Hackney Carriage and Private Hire Trade Meeting will take place on
Wednesday 4 September 2013 at 10.30am in the Council Chamber at
East Cambridgeshire District Council Offices.