

## APPENDIX B : TABLE OF RESPONSES TO CONSULTATION

| Consultation Responses                                                                                                                                                                                                                                                                                     | Assessment of Head of Regulatory Services                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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| <p><b>Peter Faulkner - Hackney Carriage and Private Hire Driver, Proprietor and Operator</b></p> <p>asks wouldn't be prudent to wait for the law commission review on Hackney Carriage and Private Hire Policy.</p>                                                                                        | <p>MBC HC and PH Policy has been in place since 2007 and for the last few years it has been anticipated that legislative changes would be forthcoming , however there are no prospects for these in the very near future. This proposed policy seeks to update the current policy with few major changes, whilst acknowledging that major reform may be forthcoming with the proposed Taxi Act 2015.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <p><b>Melton Mowbray Taxi Drivers Association – Peter Faulkner</b></p> <p><b>Age Limits</b></p> <p>Government Best Practice Guidance says that setting of vehicle age policy may be arbitrary and inappropriate therefore proposes greater frequency of inspections and no age policy</p>                  | <p>The age policy proposed differs from the current policy in that it extends the age for wheelchair accessible vehicles but restricts the upper age limit for Purpose Built vehicles to 12 years. The relaxation of the age limit for wheelchair accessible vehicles recognises the financial costs of providing such a vehicle and aims to encourage more such vehicles onto the fleet. The restriction of the age limit for Purpose Built vehicles is to ensure that any vehicles brought onto the fleet are of a good standard but accepts that these vehicles are generally more robust and usually involve greater financial outlay, therefore allowing the age limit to 12 years. The current policy of no age limits for such vehicles has allowed such vehicles onto the fleet that do not promote a good image of the Melton Taxi Trade having reached the end of their life as a licensed vehicle with another Local Authority. It is not felt that greater number of inspection tests would rectify this issue.</p> |
| <p><b>MMTDA – Peter Faulkner</b></p> <p><b>Medicals and the frequency of testing.</b></p> <p>This response notes that although the policy states that drivers must meet the DVLA Group 2 medical standards the frequency of testing for licensed drivers is greater than that for HGV and PCV drivers.</p> | <p>No changes are proposed to the current policy of medicals every three years then every year after the age of 65. This frequency of testing is seen appropriate for drivers who carry passengers, and need to be able to give reasonable assistance with luggage, who have long working hours and who may have to assist disabled passenger.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <p><b>MMTDA – Peter Faulkner</b></p> <p><b>Disclosure and Barring Service reports.</b></p> <p>The response suggests that DBS reports be accepted from any source.</p>                                                                                                                                      | <p>Melton Borough Council's policy, along with the Policy of many other Local Authorities, has always been only to accept DBS checks done by the Authority. However the DBS now have an update service which applicants may subscribe to. This would enable any employer or registered person to do ongoing checks. If Drivers subscribe to this service there would not be a requirement</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

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|                                                                                                                                                                                                        | to have a new check every three years.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>MMTDA – Peter Faulkner</b><br><b>Rehabilitation of Offenders Act 2013</b><br><b>Order– changes to legislation.</b>                                                                                  | <p>There have been recent legislative changes to the type of offences and the period of time when these offences can be considered spent. These changes, however, do not affect the fact that Hackney Carriage and Private Hire Drivers are still exempt from the Rehabilitation of Offenders Act. Although when considering application the new legislation – i.e. The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013 will be taken into account. It is not proposed to make any changes to the Policy in the light of this as due weight is given to any past offences of any applicant. Only where previous offences are relevant in the light of the whole application and there are more recent offences are these taken into account.</p> |
| <b>MMTDA – Peter Faulkner</b><br><b>Testing of older vehicles</b><br>Propose change to increase the number of vehicle tests to 3 for vehicles over 8 years old. No 'late night additional inspections' | <p>The current policy of 1 test per year up to 6 years old and 2 per year per year thereafter is seen as sufficient. The 'additional late night tests' are joint operations with the police and are very useful in terms of ensuring compliance not only with the Taxi standards but with legal standards. These inspections have resulted in vehicles being prohibited due to failure to meet legal standards. It is proposed to continue these operations on an ad hoc basis to ensure ongoing compliance with both MBC and legal standards.</p>                                                                                                                                                                                                                                                       |
| <b>MMTDA – Peter Faulkner</b><br><b>Insurance</b><br>Council's expectation in respect of insurance for trailers.                                                                                       | <p>Trailers are not licensed, therefore no additional requirements are made other than that they must be in reasonable condition and must display a plate. Insurance documents are checked in respect of the vehicle itself. It is regarded as a matter for the licensee to determine whether his insurance covers the use of the trailer.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>MMTDA – Peter Faulkner</b><br><b>Adhesive Pads</b><br>Use of adhesive pads to fix plates to vehicles.                                                                                               | <p>Adhesive pads not always robust enough to hold plate in place. Whilst the vehicle is licensed, the plate must remain in place, therefore, unless an exemption is granted, there is never any reason to remove the plate.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>MMTDA – Peter Faulkner</b><br><b>Signage</b><br>Use of the word TAXI on Private hire vehicle.                                                                                                       | <p>Local Government (Miscellaneous Provisions) Act 1976 S48 (1) (a) (ii) states that Private Hire vehicles should not be of such design as to lead any person to believe it is a Hackney Carriage. The word 'Taxi' on a Private Hire vehicle is therefore</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

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| <b>MMTDA – Peter Faulkner</b><br><b>Smoking</b><br>No smoking signs in Licensed vehicles.                                                                      | The Policy states that no smoking signs should be displayed in vehicles. The policy seeks to support the legislation not to replace it. Drivers should be aware of legislative requirements in this matter.                                                                                                                                                                                                                                                                                                                                                                     |
| <b>MMTDA – Peter Faulkner</b><br>Exemption from displaying a plate when engaged on 'executive' regardless of type and value of vehicle                         | LG(MP)Act 1976 S.75 allows for exemptions from displaying plate. However these are only granted in certain, specific, circumstances. Displaying a plate is seen as very important in terms of passenger safety and it is not therefore proposed to make these changes                                                                                                                                                                                                                                                                                                           |
| <b>MMTDA – Peter Faulkner</b><br><b>Special Vehicles</b><br>Concerns regarding special vehicles, vintage vehicles and limousines service history requirements. | The proposed policy requires that special/ vintage vehicles must show that they have been serviced and maintained in accordance with the manufacturer's specification. It is acknowledged that manufacturer's services requirements and a full service history are not always available for much older vehicles, but these will be provided where possible, without such documentation it will be for the applicant to prove the standard of these vehicles. It should be remembered that this Policy states in 1.4 that each application will be considered on its own merits. |
| <b>MMTDA – Peter Faulkner</b><br>Seating Capacity should be determined by the manufacturer of the vehicle.                                                     | The seating capacity of a licensed vehicle will be determined according to the vehicle itself, the legislative requirements, and the proposed policy.                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>MMTDA – Peter Faulkner</b><br>Request to remove the requirement to carry a Fire Extinguisher.                                                               | It is not proposed to remove this condition for safety reasons                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>MMTDA – Peter Faulkner</b><br>First Aid Kits                                                                                                                | First Aid kits must be carried and available for anyone to use in an emergency.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>S MMTDA – Peter Faulkner</b><br>'.22 Modification of the section to add – subject to appeal.'                                                               | The display of the plate is required by legislation.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>MMTDA – Peter Faulkner</b><br>Transfers and Vehicle registration document.                                                                                  | DVLA Registration document is required but this also includes the new keepers slip s.10 of the registration document which should be able to be provided immediately.                                                                                                                                                                                                                                                                                                                                                                                                           |

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| <p><b>MMTDA – Peter Faulkner</b><br/>Request for the Driver’s Licence be issued for a period of 3 years instead of the current 1 year and that Operators be licensed for a period of 5 years instead of the current 2 years.</p>      | <p>This matter is currently under consideration as part of a review of the Licensing Service. Consideration will be given to this matter when that review is complete. Therefore if changes are proposed this matter will be brought back to this Committee.</p>                                                                                                                                                                                                                                            |
| <p><b>MMTDA – Peter Faulkner</b><br/>Medicals – to include the C1 Medical criteria for insulin dependant drivers.</p>                                                                                                                 | <p>DVLA Group 2 standards are proposed along with a new condition that medicals will be provided by the applicant’s own GP. It is felt that this is sufficient to ensure that all drivers are safe to carry passengers. The policy also requires all drivers to report any significant deterioration in health which, when reported, may result in further medical checks being carried out.</p>                                                                                                            |
| <p><b>MMTDA – Peter Faulkner</b><br/>No restriction on drivers working hours therefore removal of phrase – Drivers should fulfil their responsibility to ensure compliance with legislation regarding the length of working hours</p> | <p>The European Working time directive does not apply to HC and PH Drivers and therefore there s no restriction on the hours drivers can work. This section was included to pre empt any change in the legislation but can be removed.</p>                                                                                                                                                                                                                                                                  |
| <p><b>MMTDA – Peter Faulkner</b><br/>Are drivers allowed to take medicines that contain alcohol?</p>                                                                                                                                  | <p>The statement in the policy regarding the consumption of alcohol or illegal drugs whilst in charge of a licensed vehicle is intended to prevent the deliberate use of alcohol and/or illegal drugs. It is recognised that certain medicines do contain alcohol and Driver’s should be aware of any medical condition or remedy for any medical condition that may affect their ability to drive safely.</p>                                                                                              |
| <p><b>MMTDA – Peter Faulkner</b><br/>Drivers be permitted to exit their vehicle to smoke or stretch their legs.</p>                                                                                                                   | <p>It is accepted that drivers need to exit their vehicle therefore it is proposed to change the wording of this section to ‘Drivers should remain either in their vehicle or in close proximity to it. At no time should a driver leave his vehicle unattended at a Taxi Rank.’</p>                                                                                                                                                                                                                        |
| <p><b>MMTDA – Peter Faulkner</b><br/>Appendix C - Guidance related to the relevance of cautions, convictions and prosecutions.</p>                                                                                                    | <p>It is believed that this part of the policy is relevant at the current time. The Rehabilitation of Offenders Act still does not apply to Taxi Drivers although it is accepted that changes have been made to this legislation. The overriding consideration in all matters is the safety of the travelling public and as such ALL decisions will be made dependent upon the individual circumstances in each case. This policy is a guide to drivers regarding how these matters will be dealt with.</p> |

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| <p><b>MMTDA – Peter Faulkner</b><br/>Private Hire Operator records to be held for 6 months instead of 12.</p>                                                                                                    | <p>The current requirement is that Operator Records be kept for 12 months. It is not proposed to change this to 6 months as Operator records are useful in both in terms of enforcement matters and police investigations.</p>                                                                                                                                                                                                                          |
| <p><b>D Cardwell – HC and PH Driver</b><br/><br/>Objection to the age policy in relation to purpose Built vehicles.</p>                                                                                          | <p>The current HC and PH vehicle permits purpose built vehicles onto the fleet without an age restriction. Whilst the Council accepts that such vehicles generally outlast ordinary cars in public service, it must be accepted that the condition of a vehicle will deteriorate over time. Accordingly, it is considered appropriate that a time limit be put on the licensing of such vehicles, albeit it permitting longer service on the fleet.</p> |
| <p><b>Jennifer Hurstfield – Member of public</b><br/><br/>Objection to age policy in respect of purpose built vehicles.</p>                                                                                      | <p>See above</p>                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <p><b>Manor Taxis – HC and PH Operator</b><br/><br/>Suggests a 3 year license as opposed to a 1 year license.</p>                                                                                                | <p>This matter is currently under consideration as part of a review of the Licensing Service. Consideration will be given to this matter when that review is complete. Therefore if changes are proposed this matter will be brought back to this Committee (n.b. the issue is not a matter for then Policy)</p>                                                                                                                                        |
| <p><b>Manor Taxis - HC and PH Operator</b><br/><br/>Why do we need 3 years experience when you can drive a coach or bus with only 1 years experience and from the age of 21?</p>                                 | <p>It is considered appropriate that a driver of a public vehicle ought to have the appropriate driving experience and maturity before driving members of the public. Coach and bus drivers must undertake appropriate training and testing before being permitted to drive such a vehicle.</p>                                                                                                                                                         |
| <p><b>Manor Taxis - HC and PH Operator</b><br/><br/>We are against mobile phones being used for bookings, as the driver would be breaking the law if they answer the phone whilst driving to take a booking.</p> | <p>This is accepted and the Policy amended accordingly.</p>                                                                                                                                                                                                                                                                                                                                                                                             |
| <p><b>Manor Taxis - HC and PH Operator</b><br/><br/>If using a building to take bookings over a landline, then it should have an operator's license and also planning permission for its use.</p>                | <p>Private hire requires an operator's license, although telephone (pre-booked) bookings for the use of a hackney carriage is permitted and does not require an operator's license. Planning permission may/may not be required for such a use depending on the facts of the issue and whether there is a material change of use.</p>                                                                                                                   |

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| <p><b>Manor Taxis - HC and PH Operator</b></p> <p>If using a landline, then this becomes private hire and not hackney.</p>                                                                                                                                                                                               | <p>The law provides for the pre-booking of a hackney vehicle, whether by landline or other means of communication.</p>                                                                                                                                                                |
| <p><b>Manor Taxis - HC and PH Operator</b></p> <p>Drivers should not give out business cards with mobile phone numbers on or display mobile numbers on their cars.</p>                                                                                                                                                   | <p>Whilst drivers must not use their phone whilst driving, a mobile phone remains an appropriate method of taking a booking, i.e. text or email (smart phones).</p>                                                                                                                   |
| <p><b>Manor Taxis - HC and PH Operator</b></p> <p>Wheelchair vehicles only meet the standard if they are secured to the floor and have their own seat belts.</p>                                                                                                                                                         | <p>The policy details the requirements for wheelchair accessible vehicles, including securing of wheelchairs and appropriate restraint for passengers.</p>                                                                                                                            |
| <p><b>Manor Taxis - HC and PH Operator</b></p> <p>The term Hackney Carriage is held to mean they can only pick up off the ranks or by being hailed not from over the phone bookings.</p>                                                                                                                                 | <p>This is incorrect; a hackney carriage can be used for a pre-booked fare.</p>                                                                                                                                                                                                       |
| <p><b>Manor Taxis - HC and PH Operator</b></p> <p>We feel that putting in a penalty points system at this stage is not necessary, as the Council are allowing bookings over mobile phones against National Guidelines and should an accident occur then the Council would be condoning this offence.</p>                 | <p>The PPS covers various misdemeanours and offences, including sanctions against the use of mobile phones (carrying a 9 point penalty). The Council, as indicated by the severity of the sanction within the PPS, does not condone illegal mobile phone use, quite the contrary.</p> |
| <p><b>Leicestershire County Council - School Contracts</b></p> <p>Requests 'appropriate footwear for driving and the operation of ancillary equipment' (this eliminates drivers wearing flip flops and the risk of crushed toes when dealing with ramps and wheelchair passengers).</p>                                  | <p>Propose to add this to the dress code for drivers.</p>                                                                                                                                                                                                                             |
| <p><b>Leicestershire County Council - School contracts</b></p> <p>There is potential for exemption from displaying a plate for a vehicle having a contract for more than 24 hours. The County Council does require any private hire or hackney carriage vehicle used on contract to be clearly identifiable as such.</p> | <p>Propose to add to S.7 ' No exemption from displaying a plate will be given for any vehicle used for school contracts'</p>                                                                                                                                                          |

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| <p><b>MMTDA – Peter Faulkner</b></p> <p>Executive Vehicle Standards: The Association believes that the setting of a minimum initial retail value...is pointless.</p> <p><b>Manor Taxis</b></p> <p>Executive cars should be vehicles in the top range of cars e.g. Jaguars or Mercedes Benz and not try to fix a value to be above.</p>                    | <p>The Council are seeking to ensure that the class of vehicle that is used for executive use is appropriate. Whilst it is accepted that many ordinary cars (e.g.. Ford Mondeo, Vauxhall Vectra) have models with a higher specifications, they remain derivative of a standard model.Also, many ‘executive’ brands manufacture lower range cars, i.e. BMW 3 Series or Audi A4 which whilst ‘executive’ cars are not considered to be of a class appropriate to be considered for an Executive Vehicle Exemption. A person using such a vehicle would expect a high level of luxury, comfort and specification, with such vehicles costing in excess of £45,000. An executive vehicle carries with it a prestige badge and a prestige price tag.</p> <p>It is accepted that there may be a lower class of car that may provide some of the luxuries of more expensive vehicles, e.g.Skoda Superb, but such marques are not considered to be appropriate to an ‘executive’ vehicle tag.</p> <p>Removing the price tag consideration would require a detailed specification for what would be considered an appropriate ‘executive’ vehicle, including an indication of the marque/model of vehicles considered to meet that standard.</p> <p>Officers propose to review this section of the policy, considering removing the price tag consideration and compiling an appropriate specification and thereafter allow for the discretion of officers to determine whether a vehicle would be deemed appropriate to be considered within the exemption.</p> |
| <p><b>MMTDA – Peter Faulkner</b></p> <p>Enforcement Policy – The association is of the opinion that the Council already have all the powers that are needed for disciplinary and enforcement and the new list of 51 offences that a driver or operator can be ‘punished’ for is totally unnecessary.</p> <p>Many of the points mentioned are offenses</p> | <p>The ‘penalty points system’ (PPS) has been devised to enable Officers to effectively record issues that are found with drivers/operators. Whilst sanctions may be available to the Police, such are not recorded for purpose at the Council. This is not a punishment regime, it is considered that in order to continue to raise the standards of vehicles, drivers and operators, the PPS offers licensed persons and the Council clear</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

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| <p>that should be dealt with by the Police and not Council Enforcement Officers.</p> <p>Item 14 – There is no legal requirement to keep records of commencement and cessation times for drivers or even total hours worked.</p> <p>Item 15 – There is no legal requirement to keep records of drivers work activity.</p> <p>Item 20. What is meant by rank discipline? The customer has the right to use any vehicle that they choose. Penalty Points System</p> | <p>guidelines for remedying particular breaches.</p> <p>It should be noted that in the previous 12 months, no driver/operator would have received 12 penalty points.</p> <p>The majority of complaints about licensed drivers/vehicles come from within the trade.</p> <p>This PPS is has been devised to ensure that all drivers and operators remain ‘fit and proper’ and are worthy of being classed as a Melton Taxi Driver.</p> <p>Items 14 and 15 in the PPS will be reviewed by officers. It should be noted that a PH operator is required to record within their bookings record the identity of the driver for that fare and produce that when requested. Such records are described in the Policy and are also covered by item 35 of the PPS.</p> <p>Whilst there is no statutory definition of ‘rank discipline’ it is generally conceived within the fleet of drivers that the vehicle at the front of the rank receives the next fare. The Council receive complaints from drivers annoyed with other drivers ‘jumping the queue’ and this sanction has been deemed an appropriate response to this problem.</p> <p>It is proposed to retain the PPS within the policy.</p> |
| <p><b>MMTDA – Peter Faulkner</b></p> <p>Maintenance and Condition of Vehicle: Could you please define ‘large dents’?</p>                                                                                                                                                                                                                                                                                                                                         | <p>There is no definition within the policy of large dents.</p> <p>At this time it remains an Officer’s adjudication to consider what is a ‘large dent’.</p> <p>It is proposed that a ‘specification’ is to be created for use by Licensing Officers that details the extent of damage to bodywork and interiors.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p><b>The Melton Mowbray Chamber of Trade</b></p> <p>Alleged inconsistency with the approach to applications for hackney Carriage and Private Hire applications.</p>                                                                                                                                                                                                                                                                                             | <p>Officers have requested clarification of this point and will advise verbally at the meeting.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |



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| <p><b>The Melton Mowbray Chamber of Trade</b></p> <p>Mobile phones are being used when accepting calls for hire and believe that a land line should be used.</p>                                                                                      | <p>This is incorrect. Mobile phones can be used to receive a booking for a fare. We require a land line within this area for a Private Hire Operators License.</p> <p>The Council do not condone the illegal and dangerous use of mobile phones whilst driving.</p> |
| <p><b>The Melton Mowbray Chamber of Trade</b></p> <p>Want assurance that where appropriate planning permission is applied for to use a licensed business premises.</p>                                                                                | <p>Such permission is only required where there is a material change of use. In many circumstances this will not be required,.</p>                                                                                                                                  |
| <p><b>The Melton Mowbray Chamber of Trade</b></p> <p>It would appear that standards vary with Taxi and Private Hire Businesses between Melton and other Boroughs in England. Is there not a standard by which the process is measured nationally?</p> | <p>Officers have requested clarification of this point and will advise verbally at the meeting.</p>                                                                                                                                                                 |
| <p><b>The Melton Mowbray Chamber of Trade</b></p> <p>We note that the consultation document has been made available to numerous organisations and relevant businesses in Melton but upon enquiry it would appear that this has not happened.</p>      | <p>Officers have requested clarification of this point and will advise verbally at the meeting.</p>                                                                                                                                                                 |