

TABLE OF RESPONSES TO CONSULTATION–

HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE POLICY 17TH FEBRUARY – 14TH APRIL 2021

Comments have been made concerning sections of the proposed policy and have been listed under the relative section number.

Comments have been kept anonymous and action indicated in RED

2.4 Dress Code

Appropriate footwear must be worn at all times.

Comment 1. Please define appropriate. Flip flops? Open toed sandals?

Comment 2. Appropriate footwear (we could refer to Rule 79 of the Highway Code here and Police advice) (Rule 97. clothing and footwear do not prevent you using the controls in the correct manner)

(Changed to 'Flip flops / insecure sandals are not allowed..')

2.5 Driver Conduct -Advance bookings

Drivers must not arrive at pre-arranged pick up points more than 5 minutes late unless something unavoidable has happened to delay or prevent them from reaching the pick-up point. Drivers must contact the hirer or operator to inform them of a late arrival i.e. more than 5 minutes.

Comment 1. How are drivers supposed to contact the customer? The use of a mobile phone whilst in control of a vehicle is illegal. Is the driver supposed to park the vehicle and then ring the customer which will make them even later?

Comment 2. Inform them of late arrival, ie more than 5 minutes. My watches can be up to 5 minutes out at any one time, do you think more than 10 minutes would be more appropriate? (Changed to 10 minutes)

2.5 Destination.

Drivers must take the shortest route to the destination or, after discussing the matter with the passenger, the quickest, available route. Except in cases where a fixed fare has been agreed beforehand.

Comment 1. This suggests that a Hackney Carriage can offer a fixed fare but the law states that for all journeys within the district the meter must be used and the driver can charge no more than the metered fare but may offer a discount.

(Added: outside the Borough only in Hackney Carriage or in & outside the Borough for Private Hire vehicles.)

2.6 Application Procedure – NEW Driver

New Driver Before completing the application process for a new driver licence, the applicant will need to complete the following requirements;

- *Safeguarding Awareness Training*
- *Disability Awareness Training*

Comment 1. This section states that this training needs to be completed BEFORE completing the application process but 2.13 of the policy states Every driver should undergo Safeguarding Vulnerable Passenger Training within 12 months of obtaining a Combined drivers licence. Which is it???

(2.13 changed to prior to being issued with a combined drivers licence)

2.10 Assistance dogs.

An assistance dog must be a properly trained dog. Most are instantly recognisable by a harness or jacket. However, be aware that the law does not require the dog to wear a harness or jacket to identify it as an assistance dog. Some, but not all assistance dog users, will carry an ID book giving information about the assistance dog and the training organisation together with other useful information. Again, this is not a legal requirement.

Comment 1. Based on that paragraph if a customer says their dog is an a assistance dog without any evidence then we have to carry that dog without question so that means that every dog will have to be carried regardless.

(There is no way of ascertaining if a dog is an assistance dog, the driver/operator must meet their obligation under The Equality Act 2010)

3.9 Accessibility

The Council is committed to social inclusion and ensuring a wide variety of opportunities is available to disabled residents to enjoy a high quality of life. The provisions of the Equality Act 2010 will apply to vehicles, drivers and Licensing Authority.

In order to help achieve these duties, the Council will require Proprietors and Operators, especially those with 5 or more vehicles, to provide at least one vehicle which is fully wheelchair accessible, that is, capable of carrying a person who remains in the wheelchair with sufficient provision to secure the wheelchair to the floor of the vehicle.

A reduction on the vehicle licence fee for a fully wheelchair accessible vehicle will be made. This will be 100% off the current fee.

Comment 1. As the only company I believe that this would apply to I object to it. The cost of a WAV is very high. We used to have one and with such low uptake it was not worth the running costs. We currently get one phone call every month or 2 sometimes longer requesting such a vehicle. We refer them to Freddy's taxis. We could not afford to buy one.
(We only have 1 WAV and when that is not working the public have no option, fleets over 5 vehicles seemed to be a way of ensuring some access to such vehicles)

Comment 2. This paragraph suggests that everyone should have a Wheelchair accessible vehicle but especially proprietors with 5 or more vehicles. Does this apply to Hackney

Carriage operators and Private Hire operators? I am not aware of any legislation that states that a Private hire operator can be compelled to provide this type of vehicle and if there is, what type of vehicle would be acceptable bearing in mind that the policy states that a Private hire Vehicle must not give the appearance of being a Hackney carriage. (Not all WAV have appearance of being a Taxi and only London cab style would not be acceptable as a PHV)

Comment 3. In order to help achieve these duties the Council will (could we substitute this with "can") as there may not be a market for a lot of wheelchair friendly taxis in Melton, it sounds less like we are going to enforce it but listen to the market needs. (We have 1 WAV in Melton and the idea was to mandate at least one if proprietors / operators have fleets in excess of 5 vehicles)

3.10 Maximum Age of Vehicles

On the date of application for the first licence with the Council vehicles must be less than 6 years old unless they meet the specifications as a vintage/prestige vehicle. Vehicles can continue to be relicensed up to but not including the date when they are ten years old provided that they meet the vehicle specifications. The only exceptions to this are purpose built vehicles and conversions approved by the Public Carriage Office and vehicles which have been specially manufactured or professionally adapted to carry a wheelchair. Subject to approval by an Authorised Officer, and that these vehicles continue to meet the vehicle licensing specification, these vehicles can continue to be Hackney Carriage and Private Hire Licensing Policy 14.02.2021 37 | Page licensed until they are 15 years old. The vehicle examiner conducting the test has the discretion to pass or fail any such vehicle, submitted for a certificate of compliance test. The Council relies on the abilities of the authorised garages and testers. This is to ensure the vehicles are maintained in the best possible condition and promotes public safety within the Borough.

Comment 1. With reference to the above we as a company feel that "AGE" of a vehicle shouldn't determine whether they should be licensed or not, and should be based on whether they pass a compliance test.

As you are aware this test is more rigorous than your standard MOT, and therefore determines the road worthiness of the vehicle.

We do have several wheelchair accessible vehicles that are licensed under another authority that not have an age restriction on them, but determined on whether they pass a compliance test or not.

If this restriction was lifted we would happily plate some under Melton to service this area

(Purpose built and WAV vehicles changed from 6 years to 'being registered for the first time and continue to be licensed until they are 15 years old.)

4.4 Register of staff.

Operators may outsource booking and dispatch functions but they cannot pass on the obligation to protect children and vulnerable adults. Operators should be required to evidence that comparable protections are applied by the company to which they outsource these functions.

Comment 1. This paragraph states that outsourcing is permitted. Most outsourcing companies are based in Pakistan. How are we supposed to obtain a DBS certificate for these firms.

(Changed to 'An operator can not pass on the obligation placed on them to protect children and vulnerable adults.')

4.16 Records that you must keep Operator's licence

Bookings

You or your staff must only accept bookings at the premises from which you are licensed to operate.

Comment 1 This completely contradicts the statement at 4.4
(see above)