

Appendix 4: Comment received

| | |
|-----|--|
| 1. | Amendments to policy following consultation. |
| 2. | Change to wording in guidance for ambulant disabled person. |
| 3. | Reference made to the health conditions for drivers on the www.gov.uk website |
| 4. | Addition of points in conduct scheme for missing lights and failing to correctly secure a passenger |
| 5. | Added wording to documents to advise that the full maintained of vehicle will be considered |
| 6. | Table 1 has been corrected |
| 7. | The wording in the licence conditions for the use of mobile phones has been amended |
| 8. | The licensing condition for private hire operators record keeping has been amended |
| 9. | The wording in the section on Dash Cameras has been amended |
| 10. | Clearer direction has been given that some vehicles are not wheelchair accessible |
| 11. | The aspects of the MOT which are to a higher standard has been reworded. Further clarification is in the Wear and Tear guide |
| 12. | The wording has been amended in Section 5 to clearly demonstrate it applies to both Hackney Carriage and Private Hire activities |
| 13. | The wording requiring drivers to provide assistance with luggage has been amended |
| 14. | The wording requiring the provision of a spare wheel and tools has been amended |
| 15. | The wording detailing the licensing of vehicles with significant defects or faults has been amended |
| 16. | The wording in the condition for the use of personal radios/ MP3/Ipods etc has been amended |
| 17. | The wording in the section on guide and assistance dogs has been amended |
| 18. | The last sentence on page 19 has been amended |
| 19. | A sentence has been added into the conduct scheme to make it clear that a licence holder will receive a letter when they are issued with any points |
| 20. | The list of approved wheelchair accessible vehicles has been amended |
| 21. | The contradictions in the timeframe for reporting an accident have been amended |
| 22. | The section on wheelchair accessibility discussing the removal of seats has been amended |
| 23. | The reference to the location of the Warwickshire University Drop Off Point has been removed following a decision by the university to no longer provide one |
| 24. | Sentence regarding stopping or waiting on double yellow lines amended. |
| 25. | Ongoing/ Future areas of works |

| | |
|-----|--|
| | |
| 26. | Refresher requirements for the disability awareness course. |
| 27. | Additional signage provision for vehicles is being considered as part of the Hackney Carriage Fleet Colour piece of work. The comments received will be used to inform that piece of work |
| 28. | A new version of the Wear and Tear guide will be produced to further clarify the requirements of the aspects of the MOT which are to a higher standard |
| 29. | The provision of, size and location of Hackney Carriage Ranks are under currently under review. The comments received will be used to inform that piece of work. |
| 30. | Further details of how a Hackney Carriage is clearly identifiable will be outlined as part of the Hackney Carriage Fleet Colour piece of work. The comments received will be used to inform that piece of work |

May 2016

Ms Marianne Rolfe
Head of Health & Community Protection
Warwick District Council
Riverside House
Milverton Hill
Leamington Spa
Warwickshire
CV32 5HZ

Dear Madam

We would like to raise the following points and request for amendments to be made to the policy before it is implemented.

- 1) There is no need to implement a points based system. The system that is in place at the moment works fine, why change something that already works well?
- 2) Parking on Yellow lines – It is permissible for taxis to stop and wait on yellow lines to pick up passengers. Please refer to the case on 29/11/2010 in the royal courts of justice Case No. CO/4743/2009 - <http://www.mpslaw.co.uk/wp-content/uploads/2011/01/Case-Notes-29-11-2010-CO-4743-2009-1.pdf>. In the context of WDC if you look at the makeup of all of the pubs, clubs and restaurants and where they are located you will notice that the majority of them have double yellow lines outside – if this is applied how are we supposed to pick up any passengers from these places? These are very common pickup and drop off locations.
- 3) Illegal ranking – for this to be enforced enough rank spaces need to be provided for the number of hackney carriage vehicles – at present the number of vehicles significantly out number the spaces available.
- 4) Processing time for vehicle transfers - Could this please be changed to same day? Vehicle transfers either for a change of vehicle or for temporary vehicle initially entail the original vehicle being off the road and hence the operator / driver losing money. If a vehicle is supplied by an insurance company for temporary use the cost of the replacement vehicle is usually between £200 and £400 per day dependent on the type of vehicle. Having the processing time at 10 days would have the potential to increase any insurance claim significantly as once the temporary vehicle has been inspected it begins to be charged and a 10 day wait could potentially add an additional £5600 on to the claim. (taking into account weekends between the 10 day window) Ultimately this will be added to the insurance premiums of us all– This is totally unacceptable. Please change to same day service for vehicle transfers.
- 5) Can it be made clearer in the types of vehicle section that certain hackney carriage plates do not have to have a wheelchair accessible vehicle. It is mentioned in brackets but could it please be made clearer with a separate bullet point. For example - vehicles that currently are unable to carry a passenger when travelling in their wheelchair do not need to be changed for wheel chair accessible vehicles.
- 6) It states that parts of the inspection are MOT items to a higher standard than that set for an MOT. If this is going to be part of the inspection – the requirements and the standards also need to be clearly stated – and also when will they come into force? Is this necessary if most of the vehicles are tested twice a year?

- 7) The requirement to have windows permitting a certain amount of light –Is this necessary? Any vehicle that has the tinting would be from manufacture. And any changes to a vehicle as stated would have to be passed by the council so there would not be any with dark tints that are not manufacturer specification.
- 8) It is mentioned that PH vehicles can only wait for passengers at a pre arranged collection point. When they are not waiting for passengers a statement should be made where they should go when they are not waiting for passengers – (back to their base)? As currently there are large numbers of PH vehicles that float around the town.
- 9) It says that the level of fares will reviewed from time to time, is it possible that a review time be inserted – I.E they will be reviewed every 12 – months?
- 10) Page 59 – Although this is in Blue it states – Enforcement of the hackney carriage and licensing provisions is essential – it makes no mention of Private hire?
- 11) Page 79 – 228 – Mobile phones and CB radios – Not being able to use them with passengers on board is not appropriate- it should be permissible. If the next fare is delayed or the pickup point has changed this would be conveyed to the driver by radio or phone. Some hackney carriage drivers have customers who call them directly for pick ups so if they did not answer the call they would lose that customer. Also if a vehicle is on a school contract for example the driver could be on the way to drop off a child and there could be a delay due to whatever reason and this information needs to be relayed to the child's parents to save undue stress and worry. It should be permitted to use them with appropriate hands free appliance as is prescribed in law.
- 12) Page 87 - Failure to give assistance with loading/unloading luggage to or from any building or place. This is a grey area – drivers should not be expected to carry any luggage to or from a building or place – this would mean that all drivers would need to carry out HSE lifting at work training also insurance public liability will not cover if for example the driver is on someone else's property and causes damage. Yes in to out of a vehicle and to the property boundary with the highway but no further than this. Expecting this would be like expecting a supermarket home delivery driver to come and unpack all of your shopping – their deliveries are made to the front door.
- 13) Page 88 - Failure to carry legal spare wheel and tools. Some vehicles now come with no spare wheel and have no space to carry them. It is becoming the norm now with most newer cars not to have a spare wheel.
- 14) It also states that hackney carriage vehicles are unable to do corporate or executive hire. Why is this so? As currently many hackney carriages do this and provide a much cheaper alternative than the private operators do.
- 15) It states that private hire operators are expected to keep details of customers names and addresses and make them available for inspection to the council. For a business to release personal details of its customers to any third party would render the business liable under the data protection act. It also states that the price being charged should be made available – this is sensitive information from the point of view of the business and they would not want to release to any other party. The current system of keeping a record of bookings e.g name, pick up location, drop off location and number is sufficient.

Please give serious consideration to these points and make appropriate amendments as requested above.

Kind Regards

