

## Appendix 2: Comment received

1.	<b>Stakeholders:</b>
2.	<p><b>Community Partnership Team – Warwick district Council</b></p> <p>In my view the handbook from an equality perspective is very clear and concise. The guidance provided is compliant with sections 165 (places duties on drivers of wheelchair accessible taxis) and 167 (allows licensing authorities to maintain a list of ‘designated vehicles, this is, a list of wheelchair accessible taxis) of the Equality Act, which deals with the imposition of duties on drivers of wheelchair accessible taxis to assist passengers who use wheelchairs.</p> <p>However it would be useful to add something around Section 166 of the Equality Act, which allows licensing authorities to exempt drivers from duties 165 and 167 to assist passengers in wheelchairs if they are satisfied that it is appropriate to do so on medical grounds or because the driver’s physical condition makes it impossible or unreasonably difficult for him or her to comply with the duties as laid down in the Equality Act 2010.</p>
3.	<p><b>Equality and Diversity Advisor, West Midlands Equality and Diversity Network.</b></p> <p>Disability Awareness</p> <p>Reference to ‘Ambulant and Non-Ambulant Disabled’ etc looks like it is based on the medical model of disability and not the social model. Can the person be included e.g. Ambulant disabled people? Guide and Assistance Dogs - London Taxis have a yellow exemption sticker in the Cab which may be useful?</p>
4.	<p><b>Guide Dogs for the Blind</b></p> <p>I would advise that the training given to drivers should have a shelf life. Laws change as do practises and to have a clause to highlight that this training must be undertaken and furthermore should be repeated each 5 years would appear sensible.</p>
5.	<p><b>Health and Wellbeing Lead – Warwick District Council</b></p> <p>do we/should we refer out to:  <a href="https://www.gov.uk/health-conditions-and-driving">https://www.gov.uk/health-conditions-and-driving</a></p>
6.	<p><b>Kenilworth Town Council</b></p> <p>I can confirm that the Council supports all amendments, alterations or additions to the current policies as set out in the draft Handbook.</p>
7.	<p><b>Leamington Town Council</b></p> <p>There was some confusion as to the references to the carrying of infants- specifically children under the age of 3 years. The document refers to the exemption that a child up to the age of three may, if a restraint is not available in a licensed hackney carriage or private hire vehicle, travel unrestrained. However guidance provided by Government qualifies this more strictly as follows:- If the licensed taxi or minicab has a fixed partition that separates the front and rear seats: children under 3 can travel without a child’s car seat or seat belt, but only on a rear seat : children aged 3 or older can travel in a front or rear seat without a child’s car seat if they wear an adult seat belt</p>
8.	<p><b>Shop Mobility</b></p> <p>Generally I think this whole document is VERY well written, and at the Town Council committee when we looked at it, all Councillors gave approval. I have looked at it again since and my first impressions were confirmed. It is well written, and I like the training offered.</p> <p>Only one bullet point, that you may or may not wish to add. In the section under wheelchair users, you could add a 4th bullet point - Don't make a face when you see a wheelchair.(I have seen them do this, as though they are happy to have a fare, until they see a wheelchair and then they look disappointed. I have had to help them put the wheelchair in the taxi, for fear they would drive off without the person.)</p> <p>But that is my only comment.</p>

9.	<p><b>Warwickshire County Council – Schools contract provision</b></p> <p>Clarification required surrounding the definition of bald tyre.</p> <p>If a vehicle is presented at Mot with such defects would the points in the conduct scheme be applied.</p> <p>If a vehicle fails an MOT but still is with the date of the last MOT undertaken would the vehicle be treated as driving a vehicle that has not been properly maintained?</p> <p>There is no reference to lights in the conduct scheme or the correct securing of a wheelchair using passenger and believe that there should be.</p> <p>Recommend that licensing reviews failure certificates as well as the pass certificate for vehicles to demonstrate how the vehicle is being maintained not just after the safety repairs have been conducted.</p>
10.	<p><b>Warwickshire Police (Town Centre)</b></p> <p>All looks good to me</p>
11.	<p><b>Warwickshire Police (CSE Team)</b></p> <p>I have looked through the document and agree with the content. I particularly support the 'Prevention of CSE' section and see this a really positive step forward for the prevention and detection of these type of offences.</p> <p>The 'Fit and proper' section, particularly in relation to non-convictions, is positive because it allows discretion where there may be evidence/ information in relation to an applicant but not a conviction. This offers further safeguarding measures in addition to the usual DBS considerations.</p> <p>I cannot think of any reasons why window tinting should be permitted but I can think of lots of reasons not to.</p>
12.	<p><b>Warwick Town Council</b></p> <p>I am happy to advise you that the Town Council support the changes being proposed.</p>
13.	<p><b>Warwick University</b></p> <p>We discussed the provision of a dedicated, marked drop off area on the Warwickshire side of campus, but decided against it for a number of reasons including: confusion for users; expectation from users and possibly taxi drivers that it would be for pick-ups; disrupting the existing use of the areas; and so on.</p> <p>We have included the following advice as part of our taxi information communicated to staff and students:</p> <p>If you're getting a taxi from a Warwickshire town to campus, you can avoid the border issue by asking the driver to drop you off on the Warwickshire side of campus (e.g. the Cryfield Village area).</p>
14.	<p><b>Warwickshire Vision</b></p> <p>It is good that you have a requirement that Drivers undertake the My guide Training in order to get their licence. The appendix reference to how to help a visually impaired person is also useful. I think that it is worth mentioning that many older people have sight loss so it would be good practice to ask them if they need any help. Sometimes a person feels better supported if they can put their arm through yours rather than take your elbow.</p>
15.	<b>Driver:</b>
16.	I am against the proposed changes to the handbook.

17.	I am against the proposed changes to the handbook.
18.	I do NOT agree with the proposed changes to the handbook.
19.	<ul style="list-style-type: none"> <li>• New applicants procedure seems to be long and involved with many sections and courses to pass before becoming a licensed driver and the initial high costs must put off a lot of prospective drivers from getting involved in the taxi trade. There seems to be little mention of the process for existing drivers to renew their licenses and the sections that apply within the handbook.</li> <li>• Also it seems no mention has been made of the NVQ that many drivers undertook several years ago is this still applicable as if taken drivers were able to get a reduction/discount in the licence fee there was an idea that this course of learning may have become mandatory.</li> <li>• Page 12 Disclosure and Barring service first paragraph refers to information received from the police but is this not included in the DBS certificate has the DBS process involves Police checks in the application itself and results displayed on the certificate.</li> <li>• Page 17 use of mobile phones should it not read hand held devices when vehicle in motion.</li> <li>• Page 23 last paragraph transport for persons if payment is taken should this fall within the remit of licensing or is this exemption for certain types of work ie hospital cars where only a charge is made to cover the actual costs and expenses of the trip not for profit.</li> <li>• Page 24 Table 1 should the third row accept pre booked journeys apply to Private hire vehicles.</li> <li>• Page 33 Display of licence plates have the use of additional plates similar to other councils be supplied to attach to the sides of the doors and would be more clearly visible to taxi users and include information giving the plate number and type of vehicle ie hackney or private hire and with private hire to include wording as “pre booked only” or “no booking no insurance” or similar wording to ensure customers know it is a private hire vehicle.</li> <li>• Page 76 section 7 when acting as private hire driver to prevent any of the offences suggest the procedure or identify places where private hire cars may go so as not to be visible to public persons wishing to get a taxi.</li> <li>• Page 79 21a is it really necessary to carry a copy of the handbook/ conditions passengers hirers would not really be bothered in reading there only interest is to travel from A to B and would rely on the councils licensing procedures to ensure all aspects comply.</li> <li>• Page 79 22b use of mobile phones when carrying passengers should be allowed as the relevance of the call may be important in the efficient running of the work some cars may not have working radio system. the call may be important regarding the current passengers welfare or safety, if there are delays or drop off point changes, or in the case of school contracts important information regarding any changes to drop off or prolonged delays due traffic problems incidents. Only using appropriate hands free devices.</li> <li>• Licence holders conduct scheme is this really appropriate and applicable some of the offences should not be included for points as they do not apply in certain cases.</li> <li>• Page 109 1b operator records to be taken seem to be excessive the time taken to record all information would prolong phone calls not practicable in a busy office where there may be multiple phones ringing at the same time, good telephone practise is to answer all calls as soon as possible not to keep callers waiting too long not good for business could lose vital work or miss important calls.</li> </ul>
20.	<p>Your draft policy says we can only stop on a double yellow area if a paying customer present in the car requests this. I believe this needs to be looked at again. If a private hire vehicle or hackney is booked to pick up from an address where there are no parking spaces then it is unreasonable to expect the customer to have to walk 50 yards ,100 yards or if at night where parking spaces can be hard to find to the next street when there may well be a safe space to collect them adjacent to the premises on a double yellow line . Add to this the person booking may be disabled or have a walking difficulty so physically cannot walk such a distance . You will then get a flood of complaints and rightly so as the booking may well be to take them to a doctor or hospital appointment . Should your department force this through under the current wording it could be construed as discriminating against disabled people .</p> <p>A)Use of two way radio</p>

B) use of handsfree mobile phones .

This starts out fine with the paragraph on page 17 Quote ' It is contrary to road traffic law to use a mobile telephone when the vehicle is in motion. When in motion, drivers should only use the telephone using a hands free kit attached to the car, or a voice activated hard -wired or blue tooth connection. to maintain maximum concentration on the road , the council advise drivers to offer to call the person back when the vehicle is stationary.

However on page 79 Quote : 'Drivers will not use mobile phones whilst carrying passengers. The use of a mobile phone is restricted to hands free but not while carrying passengers. The use of radio equipment between vehicle and base is not permitted whilst passengers are on board , save for confirmation and in an emergency'

a ] I have held a hackney licence for around 30 years . PMR [private mobile radio ] has been around to my knowledge at least that long . It was i understand at one time used by the emergency services . I have never heard of a problem regarding accidents due to the driver using a radio. Communication is vital for the taxi/phv business . If a phv driver has a passenger and hits heavy traffic with for example a school run to follow he can radio through and the base operator who can ring the parents and advise them of the likely time delay . This would not constitute an emergency but it is nevertheless important. The same can be said with a return school run . The driver could be returning on the bypass with a customer [paying passenger] heading into leamington with a school pick up in leamington to follow and he hits slow moving traffic due to an accident he can radio through and the operator can dispatch another driver or ring the school and advise the teacher to keep the child inside for safety .

PMR is for business use only and i believe use of it should be allowed to continue.

b] It is legal to receive and end a call through a bluetooth earpiece . For the owner operator[ and a phv driver out of radio range] it is necessary to be able to take a call . A lot of people we pick up are unable to drive for various reasons including those who need to travel whilst seated in their wheelchair and those with visual problems. More often than not the people making that outward journey will want to come back . The driver who picks them up whether it be from a rank at the railway station or a house address is best placed to pick them up again . The customer can ask to go anywhere in the district or out of district. This can be common locations where there are a lot of people to obscure addresses out in the country .The driver who takes them will know where to go and that particular customers limitations i.e. if they have sight problems he can guide them back to the front door of their home. He will also recognise them making it easier to spot them in a crowd . If the driver accepts a fixed time and receives no further calls i.e. the customer sticks to the time then there is not a problem . however should the customer decide they need to change the time then they expect to be able to contact the driver to make a new booking . They may need to go home for a family emergency and getting picked up earlier would mean they could get an earlier train .If they can't get through because the driver can't answer due to the fact he has a passenger on board they will consider the service from the driver a particularly poor one . It could well be that the driver is in the vicinity and upon answering the phone can collect them in a matter of minutes leaving the customer happy . People cannot always say a definite time in advance with regard to bookings . This is often the case with hospital bookings . For example If a price is agreed for a run to coventry hospital and the driver doesn't pick up the phone for the return run you may well argue they could get a taxi from there . A taxi from coventry would likely be considerably more and the customer may not have the additional money . Also the customer is likely to be far more relaxed in the knowledge that the driver [who may well be one that takes them on a regular basis] has got them there safely so they anticipate the same on the return run. If a customer is taken to a village there may not be a nearby private hire business that they can call .They will be reliant on the driver who took them to pick them up. A driver who doesn't answer the phone will leave any customer frustrated and annoyed. If the driver is only 5 minutes from dropping off not answering the phone may not be so much of a problem but if he is on a twenty to twenty five minute run the customer is likely to get distressed. They are likely to believe they have been left stranded . Leaving someone in that predicament especially at night would be irresponsible particularly if they are disabled .

Drivers also have partners with illnesses / disabilities . It is important that a driver can answer a call from a family member / partner as it may be an emergency .

During the course of a journey a customer may well ask the driver to wait at the pre agreed drop off

	<p>and then go onto another destination . If the call a driver has just ignored was an emergency call he is then going to find himself in an awkward position and will not be viewed as professional by the customer if he has to then go and tell them the position .</p> <p>In the above examples the common factor is the person making the call needs to know what time the driver can get to them . The time it will take to answer on a handsfree is no longer than the time it will take in your recommendation above to offer to call the person back when the vehicle is stationary . Anyone ringing for an advance booking can simply be asked if they mind waiting until the driver can check and get back to them .</p> <p>When someone talks on a handsfree both hands are on the wheel . Passengers generally choose to talk . There is no difference talking on a handsfree or talking to someone in the car . A driver needs to be in proper control of his vehicle at all times . If the police believe the driver has been driving without proper control then they will look to prosecute . prosecution means points and you already have a system in place whereby 7 points attracts the attention of your office .</p> <p>You have done some good work by improving the condition of vehicles which is good for the business and increases the likelihood of people using taxis/phv vehicles . I sincerely hope you have a look at the use of handsfree again . I have spoken to a number of drivers about this and none said they would object if a rule was brought in whereby handsfree is only for brief business calls and to ensure that there is not a family emergency .</p> <p>This leads me onto my next point . Dashcams . I have done some research on this and it seems that forward facing dash cams only require a window sticker if they record inside the vehicle which of course is not appropriate . With regard to memory there was mention that the forward facing ones recording the road didn't come into privacy laws as people couldn't reasonably expect privacy on a public road . all of the ones i have seen on sale seem to have a playback facility . Can you make it clear what is and what isn't proposed to because i am unclear as the dash cam paragraph makes reference to the cctv section . Cyclists break every highway rule in the book and are allowed to do so by the police yet in an accident the driver always seems to get the blame . I intend to buy one for this reason as this will be my witness .</p>
21.	<p>15 point letter attached but summarised below x 121 drivers</p> <ul style="list-style-type: none"> <li>• No need for the points based system</li> <li>• Parking is permissible on yellow lines</li> <li>• Illegal ranking to enforce this ranks size needs to be reviewed</li> <li>• Vehicle transfers should be completed on the same day.</li> <li>• Make clearer that some hackney carriages are not wheelchair accessible.</li> <li>• Define which aspects of the MOT are to a higher standard.</li> <li>• Window tint requirements are not required</li> <li>• Private hire vehicles should return to base when have no passengers</li> <li>• Fares review period should be specified. i.e. annually</li> <li>• Page 59 – is this not applicable to private hire?</li> <li>• Pg79 22b – mobile phones and CB radios should be used when there are passengers in the vehicle.</li> <li>• Pg 87 failure to give assistance with luggage should be reviewed</li> <li>• Pg 88 – some vehicles do not need or are provided with spare wheel and tools</li> <li>• States hackney carriages cannot do corporate work.</li> <li>• Details that operators are being asked to keep should be less.</li> </ul>
22.	<p>The above 15 point letter X1 with additional comments:</p> <ul style="list-style-type: none"> <li>• If a points system is implemented should this be applied to bus drivers?</li> <li>• An extra charge should be made for baggage help</li> <li>• Any changes should require a 75% plus vote pass and this should not be forced upon the taxi drivers (vote by taxi drivers)</li> </ul>
23.	<p>The above 15 point letter X1 with additional comments:</p> <ul style="list-style-type: none"> <li>• Mobile phones and CB radios – a proviso point could be added “with the customers approval &amp; only for short duration”</li> </ul>

24.	<p>The above 15 point letter X1 with additional comments:</p> <ul style="list-style-type: none"> <li>• Illegal ranking – loading bays could double up as ranks after a certain time.</li> <li>• I do not feel that there is the need for the number of wheelchair accessible vehicles. Open the window for saloon vehicles.</li> <li>• I also consider my baseball cap as traditional. This does not make me look in any way scruffy and does not affect my standard as a taxi driver. I refuse to conform to a particular dress code. I do understand there is a need for the drivers to look neat and tidy. Please outline what you consider traditional.</li> </ul>
25.	<p>This is the response from request for comments to the draft handbook (Draft v18) from Hackney Carriage Driver and member of the drivers committee. This document also highlights issues/concerns raised by other Hackney Carriage drivers.</p> <p>Section 1:</p> <p>This section appears to apply to both new and renewing licence holders. It should be clearly stated who this applies to. As it looks like a new driver application.</p> <p>It would be helpful to split the requirements into two groups; one for those that are undertaken only once; and the second that have to be taken on a recurring basis i.e. medical and DBS.</p> <p>(b) Have passed the Driving Standards Agency (DSA) driving test for Hackney Carriage/Private Hire Drivers.</p> <p>Is this a requirement for all drivers applying for a licence; existing and new? Will existing licence holders be exempt?</p> <p>(e)For consistency, it should be stated that medical is required every 3 years. (See also general comments related to this section above).</p> <p>Section 2:</p> <p>Table 1: outlines the differences between a Hackney Carriage and Private Hire Vehicle. Some of the types of work should be applicable to private hire vehicles e.g. accept pre-booked journeys from licenced private hire operator.</p> <p>Type of vehicle: A Hackney Carriage must be:</p> <ul style="list-style-type: none"> <li>• Must be clearly identifiable as a Hackney carriage - Details should be provided on what constitutes clearly identifiable.</li> <li>• Capable of carrying a wheelchair using passenger safely (except a limited number of specific plates). Rear loading wheelchair accessible vehicles will not be acceptable. – Specific details should be provided on ‘a limited number of specific plates’ and car type. It is requested that this clause specifically state that the ‘exceptions’ can be saloon cars; and that it states that these include all current plates operating with a saloon car.</li> <li>• No unauthorised signs or advertisements. -- This should refer the section related to advertisements.</li> </ul> <p>Any vehicle over 8 years old with significant paintwork, bodywork, interior, structural, mechanical defects or faults will not be determined to have been maintained in a safe condition and therefore may not be suitable for licensing. This should apply to any car with displaying these issues, not just cars that are over 8 years old.</p> <p>Table 3:</p> <p><b>**Drivers must inform parents/carers that the decision to permit children to travel in the vehicle, without the correctly sized seat restraints (as permitted by relevant legislation) and with the obvious risks associated with such an action, remains with the parent/carer responsible for the children and not with the driver of the vehicle.</b></p> <p>This would be more realistic if it conceded that by allowing the child to travel with correctly sized restraints the parents/carer is giving implicit agreement that they are responsible for making the</p>

decision to travel with correct restraints.

If a driver is asked if they have correct restraints then the driver must inform that they t don't and that the parents/carers that the decision to permit children to travel in the vehicle, without the correctly sized seat restraints (as permitted by relevant legislation) and with the obvious risks associated with such an action, remains with the parent/carer responsible for the children and not with the driver of the vehicle.

Appendix D:

1: General conduct of diver:

(a) The driver must: (a) convey a passenger's luggage and afford all reasonable assistance with such luggage;

4. Safety Equipment

(a) The driver must ensure that every vehicle he drives is fitted with a 1kg BC Dry Powder Type Fire Extinguisher BSEN3 (European Standard), which must be kept full and pressurised.

Is this still a requirement? Is the driver required to use the fire extinguisher in case of a fire in the car?

(b)The driver must ensure that every vehicle he drives carries a basic first aid kit with suitable contents, in order to treat themselves.

Are these really required? If the first aid kit is to treat only themselves, then surely it should not be a requirement to carry one and should be left to the discretion of the driver?

21: Notifications, Licence Conditions & Renewals.

(a) The driver shall at all times, when driving carry, with him a copy of these conditions and make them available for inspection by hirer, any other passenger, Police, Licensing Officer or other agent of the Council upon request. – Are you asking drivers to carry a copy of this handbook with them at all times? Could this be held in electronic format?

22: Mobiles Phones, Radios, MP3/Ipods.

(a) Driver must not make use of a personal radio, MP3 player/ipod, DVD player etc. whilst carrying passengers. The relay of video images is only permitted in the rear of the vehicle.

This I assume refers to the driver listening using headphones and that radio/ipod are permitted if used through car speaker system and with acceptance/request of the passenger.

Appendix E:

- You must not hold a passenger against their will. i.e. lock doors in order to obtain payment or to take them to a Police Station.

If you are not allowed to take a passenger who is refusing to pay to the police station – what is the appropriate action?

- It is not acceptable to use a mobile phone/ hands free mobile phone when you have a passenger on board. – There should be some leeway to allow calls to be taken with the express permission of the passenger.

Issuing of points under the License Holder Conduct Scheme

8: Points

Behaviour Matters

Failure to give assistance with loading/unloading luggage to or from any building or place.

Drivers should provide assistance with loading and unloading of luggage to and from the vehicle. I don't believe a driver should be penalised if they do not assist a person in bringing the luggage to the vehicle from/to a building. I do believe it is good conduct, but any assistance beyond the vehicle, should be at the discretion of the driver.

For example;

If a passenger is dropped off at apartment block/flats, are they expected to help the passenger with luggage to the apartment, which may be several floors up?

If a passengers building or place is not accessible directly by a vehicle. Is the driver expected to provide assistance all the way to the building?

If this requires the vehicle to be parked in a paid for zone, who would incur the charge? The driver is

	<p>only allowed to charge the meter rate. In these instances; a complaint could be made and upheld based in these guidelines.</p> <p>Driving whilst using a mobile phone:</p> <ul style="list-style-type: none"> <li>- This should state ' unless using a headset, built in car system'</li> </ul> <p>Vehicle Matters</p> <p>Failure to carry legal spare wheel and tools.</p> <ul style="list-style-type: none"> <li>- Some vehicles do not carry spare wheels. For example the car may operate on run –flat tyres.</li> </ul>
26.	<p>These are the points I have picked up from the draft handbook. Please take these into consideration when revising the final copy.</p> <p>There had been a bit of confusion as to to the deadline for the consultation as the letter stated 13th May and other correspondence 12th May. I understand it has been confirmed as 13th May.</p> <p>Page 10 – It says that all documents to be received 8 weeks from start of application process. It can currently take 2 months to get a driving test booked and approximately 4 weeks for a medical. I am assuming that any applicant will start the process after making their initial application or would it be possible for the applicant to pass the DSA test and medical before making their initial application? If this is not permissible then I would suggest that the time of 8 weeks be increased to take account of the time scales of other requirements.</p> <p>Page 16 Mentions that religious / traditional dress is permitted – I disagree with this- Only professional dress code should be permitted, that is smart, smart casual or casual. However items symbolising religious affiliation should be permitted e.g turban, cap, cross. If any driver was employed they would not go to work in traditional dress.</p> <p>Page 18 – Guide and Assistance dogs. The handbook states that if a driver requires exemption on medical grounds then evidence must be submitted from a medical practitioner other than their own GP. It is now the case in most GP practices that a person does not have a particular GP but sees whichever GP is present at their surgery. Is the requirement to gain evidence form another doctor necessary? It should be noted that access to any other doctors / consultants is usually through the persons own GP surgery in the first instance.</p> <p>Page 19 – The last sentence does not make sense – 'You can now renew your licence immediately you receive your reminder.' Should this read 'You can now renew your licence immediately after you receive your reminder'?</p> <p>Page 20 – In the last paragraph it mentions about renewing a lapsed licence. It mentions that if a lapse is less than 6 months then the DSA test will not need to be taken but alongside this it says that the knowledge test and relevant courses will have to be taken. Is it necessary that for a short lapse such as under 1 month that these also have to be taken? Just as a person will not have forgotten how to drive they will not have forgotten where all the roads and destinations are nor will they have forgotten what they had learnt on the courses.</p> <p>Page 22 – At the top it says 'If the relevant documents are not received within 8 weeks of the start of your application, your application will be considered to have failed. In addition, if during this period the vehicle exceeds the age limit requirement, then your application will be considered to have failed.'</p> <p>Is this really necessary? The person may have spent thousands of pounds on a replacement vehicle and this clause would put an un necessary burden upon them. I feel that a better clause would be that an application won't be accepted without all of the required documentation.</p> <p>Page 24 – Table 1- You have omitted executive hire / corporate work for hackney carriages – a large number of the older 'saloon' plates are licenced to prestige vehicle and I know that business</p>



customers prefer to travel in these type of vehicle. I can say from experience I have saved a company 50% on their travel costs. Previously they were using a WDC chauffeur operator - when they started using the executive Hackneys available their costs dropped significantly both the customer (company) and drivers are very happy! Please be aware that this does happen as hackneys are used for a lot of the work (prebooked, executive, corporate and of course rank work). I have also known both HC and PH vehicles to be booked for use at weddings (Iconic Black Cabs). In fact a lot of the chauffeur operators have a large part of their business based on weddings. Also I think that it should be clear that a vehicle with over 8 passenger seats plus driver can not be licenced as a HC or PH vehicle and that they come under the remit of VOSA as minibuses.

Page 25 - Type of Vehicle – Hackney Carriage – In the bullet points it is clear that hackney carriages must be able to carry a passenger who wishes to travel whilst remaining seated in their wheelchair – you have added in brackets to this point that this does not apply to a certain number of plates. I understand this to quite rightly mean that the 'saloon' type plates do not need to meet this requirement. Could you please make this clearer and more specific? Perhaps a separate bullet point? SUGGESTION – 'The existing Hackney Carriage licences issued that are currently licenced to non wheelchair accessible vehicles do not need to meet the previous requirement in regards to wheelchair accessibility.

Page 25 – I think the word 'taximetre' should be spelt 'taxi meter' – Additionally it does not mention in the Hackney Carriage Vehicle requirements as in the Private Hire Vehicle requirements the need for the vehicle to have a drivers door, passenger door etc? Although this is common sense I think that it would be a good idea to add this.

Window Tinting - The stated requirement to have windows permitting a certain amount of light into the vehicle. – is this necessary? Any vehicle that has the tinting (usually to the rear windows) will have been fitted at time of manufacture so approved according to the various regulations. As stated any additions to a vehicle such as after market window tinting will have to be approved by the council as a change to the vehicle so there should not be any vehicle with dark tints that are not manufacturer specification.

Page 30 – Table 2 mentions that part of the inspection are MOT items to a higher standard than that set for an MOT. Is this really necessary? An example would be buses which can carry up to 80 people at a time can have tyres at a tread depth of 1mm whereas for an MOT the limit is 1.6 mm. If the items are going to have to meet a higher standard, the standard expected needs to be clearly stated in the handbook or as an appendix, justification should also be given in addition to travelling higher miles for the need to have these items meet a higher standard when a large proportion of vehicles already have 2 tests per year.

Page 33 – Licence plates must be affixed using the sticky rear surface of the plate to the vehicle directly. In my personal experience when removing a stuck on licence plate to replace with a new one on renewal it has been on for 6-12 months and on removal it leaves a sticky residue that is very difficult to clean. In addition to this on 2 occasions removing the sticker has stripped the paint from the vehicle. I have known a few colleagues who had inspection advisory points because of similar incidents. Please allow other approved methods of fixing as provided by the plate supplier VIP. Likewise for the table of fares a lot of drivers have laminated the card and stuck them down this gives the fare card a lot more durability. There should be no issue in regards to this so long the items are clearly visible to the public.

Page 35 Indicates that PH vehicles can only wait for passengers at a pre arranged collection point. A statement should be included as to where they should go when they are not waiting for passengers. Should they return to their base? Currently there a lot of private hire vehicles that loiter around the town especially on weekend nights.

Page 36 – Level of Fares – I believe that in the last fare increase proposal it was agreed that the fares would be reviewed on a 12 monthly basis. If this is incorrect please can a statement be added to

state when they will be reviewed – 12 month? 18 months? 24 months? By application?

Page 46 and 47 – Mentions a 10 day processing time. Is this working days or total days? This is fine for renewals but could this please be amended for transfers? As this is usually when the driver is off the road and not earning. It does mention in special circumstances the council will take special measures to prevent the loss of service (my personal experience is that in such circumstances the licensing department are extremely helpful and quick) but could a time frame please be put down for transfers in the handbook 24 / 48 hours?

Page 49 States that - The vehicles dispatched and the licenced drivers of those vehicles must also be licenced by WDC. Does this mean that the operator can not give work out to vehicles / drivers licenced by other authorities? Page 53 Indicates otherwise. Please clarify this.

Page 59 This is in blue but it states that the enforcement of hackney carriage and licensing provision is essential – this makes no mention of private hire- why is this?

Page 77 – Mentions that the dial of the taximeter is kept properly illuminated throughout any part of a hiring which is between half-an-hour after sunset and half-an hour before sunrise is this necessary because all taxi meters are now digital so they are always illuminated and there is no way for them to be not illuminated as the displays are all led.

Page 79- 22B – Mobile phones and CB radios – It is not appropriate for drivers not to be able to use them whilst passengers are on board. There are vast number of safety reasons for both driver and passenger that they should be permitted. Passengers may want to change or cancel a booking, the driver would need to be able to accept the call to receive information of the next fare or cancelled fare that he / she is on the way to collect. If the driver is conveying vulnerable passengers they may need to advise their carer that they have been delayed or vice versa. It should be permitted to use mobiles as stated in road traffic law with appropriate hands free equipment not to hold conversations but to take brief and necessary calls.

Page 86 – Dishonoured cheques – 6 points – A persons bank account can become overdrawn for many unexpected reasons which could lead to a cheque being dishonoured – to issue points for this is completely unacceptable. – Please remove this. In general the points system is not required!

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 from a building or place – this would mean that all drivers would need to carry out HSE lifting at work training also insurance issues may arise - public liability will not cover if for example the driver is on someone elses property and causes damage. Yes in to and out of a vehicle and to the property boundary with the highway but no further than this. Expecting this would be like expecting a sainsburys home delivery driver to come and unpack all of your shopping – their deliveries are made to the front door. Please remove this.

Illegal Ranking – this will only be appropriate if there are enough rank spaces for the number of hackney carriages in the vicinity of the busy areas otherwise ranks will have to be formed. In Coventry they have small ranks outside each busy pub / club / restaurant within the whole city and not just in the city centre.

Page 87 States that points will be issued for - Waiting or stopping on a double yellow area, bus stop or private land (without the owner's permission) unless requested by a paying customer present in the vehicle. This is inappropriate and not required. I believe there is case law which confirms that taxis are permitted to stop, pick up, drop off and wait for a customer on double yellow lines. In London taxis and ph vehicles are even permitted to do this on double red lines!

Page 88 – Failure to carry a legal spare wheel and tools. Some vehicles come with no spare wheel and have no space to carry one. It is becoming the norm with most newer vehicles to not have a

	<p>spare wheel from manufacture. Please remove this.</p> <p>Page 89 – Mentions that if you appeal your points to the committee you will get 12 points. Please clarify this?</p> <p>Page 90 – number 12 – It would also be advisable to also write to someone who has been given points when issued.</p> <p>Page 95 lists Fiat Freedom provided by cab direct as an approved vehicle – FYI this is a rear loading wheelchair accessible vehicle – it is my understanding that rear loading vehicles were not permitted. FXII is also listed this should read LTI TX models – TX4 is the current model and the TX2 is no obsolete – Bernard Mansell is no longer operating as a business – please revise list accordingly – FYI – the majority of the vehicles are supplied by cab direct and SVA – SVA is a local vehicle builder based in Coventry and they build the very popular Citroen Sentinel which is a very common vehicle in WDC.</p> <p>Page 97 – States that Licences cannot be transferred without the permission of the council – what does this mean? Please clarify</p> <p>If the points system is to implemented which I do not agree with as there is no need when the current system works fine. A suitable appeals process also needs to be implemented such as the one present with dvla driving licence points, a driver should be able to appeal to the committee and then to magistrates if they are not happy with any of the decisions made in relation to the points being issued.</p> <p>Is a fire extinguisher really necessary? – please let common sense prevail, lets be honest how many people are going to take their small fire extinguisher out and attempt to fight a very dangerous potentially fatal vehicle fire?</p> <p>There is also some contradictory information. In some places it says that an accident should be reported in 7 days and other it says 72 hours. To avoid confusion the notification period should be kept the same for detail change such as address, medical and accidents. 7 days would be more appropriate. Please clarify.</p> <p>I would also request that a special forum meeting be held to discuss this handbook following analysis of the consultation and before it is presented to the committee.</p>
27.	<p>Response to your 114 document regarding the review of the current hand book.</p> <p>Firstly I didn't think it was fair for such a very long document to be read and digested with a view to a response in such a very short time. Ideally more time is needed for a proper response.</p> <p>However, I do have some areas that need to be addressed</p> <p>Page 16 Conduct of a driver</p> <p>Where you state Religious or traditional dress is acceptable.</p> <p>I agree that every driver needs to be of smart appearance; our drivers are always business smart, which is appropriate according to the style of business, which our field is. However I don't agree that religious or traditional dress should be allowed, as this would offend passengers. This would include any head wear, also every driver should be a great ambassador of there county and should be reflected in the way they dress.</p> <p>Page 17 Use of a mobile phone</p> <p>All our drivers use a Bluetooth head set which is perfectly safe and maintains concentration. The</p>

	<p>council advises drivers to offer a call back service, this is not appropriate if the call is for there and then, 90% of our jobs are for now, so to offer a call back service would see a loss of trade. However if like yesterday we had a call and a booking for October 2016 we offered a call back service.</p> <p>Page 19 Large format of the drivers ID</p> <p>This is not appropriate as we change vehicles regularly. More items in the vehicle will make it look like a builders dashboard and finally ID photos are never flattering. When confirming a booking we always inform the customer of the driver's name.</p> <p>Page 20</p> <p>Is it absolutely necessary to take 10 days to process a driver's application?</p> <p>Page 24 TYPE OF WORK</p> <p>Please could you elaborate with the wordings in column 3,4, &amp; 5 for Private hire please? I cannot comment, as this doesn't make sense to me.</p> <p>Page 30 MOT</p> <p>Please could you elaborate with the meaning in column 2 regarding ending in a fail? I cannot comment, as this doesn't make sense to me</p> <p>The council needs to be more reasonable regarding General condition as in column 4, it seems your expecting showroom condition cars at all times when it's so easy to pick up a stone chip and you expect us to spend money to repair such a minor issue. Margins are normally small so common sense would help in this area.</p> <p>Page 31 Vehicle Inspections</p> <p>Is it absolutely necessary to involve E.g. Licensing Enforcement Officers, Police, Vehicle and Operator Standards Agency, Inland Revenue, HM Customs and Excise, Benefits Agency and other Council Departments such as Council Tax and Housing Benefits on inspections, surely there is a huge cost to this which would be greatly reduced if you kept it to a minimum?</p> <p>Page 75 First Aid Kit</p> <p>I'm sure this has been mentioned before but, I don't think it's necessary to have a basic kit to treat ourselves, how would a driver harm himself while driving?</p> <p>Page 76 Acting as a Private hire Driver</p> <p>It is normal for a member of the public to approach a PHD and ask for a journey. Our reply is to offer a business card with our number to call for their booking</p> <p>Page 79 22B Mobile Phones &amp; Radio's</p> <p>This is not possible, all licensed drivers in Warwickshire has a phone and since the never ending issuing of new plates have put more pressure on Hackney as they are in longer queues on the ranks and this will also affect p PHV as this is there only way of receiving jobs. Every driver has at least one back up driver to help each other cover jobs. There are a huge amount of independent drivers in the area and this is how they boost there income. A hackney driver cannot earn a respectable income just by sitting on the rank. If the law says it's ok to use hands free in the car then I cant see why the council can say any different.</p> <p>Page 82 When driving a Private hire vehicle</p> <p>It is common practice when we take a booking and the customer gives us a collection time during the journey, however the goal post's do move hourly and not always we are able to cover the return due to delays, so this is when we rely on other licensed to get the customer to there destination. To state this is illegal is utter rubbish as all we are trying to do is get these people home, 90% of our customer base are out of town or abroad.</p> <p>Page 84,85,86,87,88,89 Points system</p> <p>I don't agree to this system, as it's very childish &amp; school frame. We are all mature adults operating in the most professional way. I'm sure council employee's wouldn't be treated like this if they misused a photocopier for example.</p> <p>Other areas need to be discussed in full, I suggest we have a mass meeting with all drivers to attend on a Sunday so all questions and answers can be addressed. I'm sure you will have similar comments from other drivers. It would be a shame just to address questions that I have raised when it can be mentioned to all those concerned.</p> <p>Also can I bring to your attention that some drivers and Operators have not received your letter from 13th April.</p>
28.	<b>Private Hire Operator:</b>

29.	<ul style="list-style-type: none"> <li>• Page 28 - Wheelchair Accessibility: "If seat(s) have to be removed to allow the wheelchair to be carried, the seat(s) must remain permanently removed from the vehicle. A licence will only be granted for a seating capacity EXCLUDING the removed seat(s). This means that if a vehicle is designed to carry 6 passengers, but only 5 with the seat removed for the wheelchair, then a plate for 5 seats only will be issued." This seems counterintuitive. Surely if 5 seats remain and a wheelchair passenger can also be carried, then the vehicle should be licensed for 6 seats as it can carry 6 people in 6 seating positions. Otherwise would not carrying 6 people be in breach of a licence for 5 seats? I also do not understand the rationale for insisting that seats which have to be removed to permit a wheelchair to be carried must be permanently removed from the vehicle. Some vehicles have seats which are designed to be removed from their tracking specifically to provide space for a wheelchair which then can be secured using that tracking and appropriate restraints.</li> </ul> <p>Page 28 – Wheelchair Accessibility: "New or replacement vehicles that load wheelchairs from the rear are not permitted." I believe that vehicles with rear access ramps or lifts are inherently better for service users than side-access, where the ramps tend to be much steeper and the access height lower. I should add that my vehicles, which are normally used as ambulances, are designed only have rear access for wheelchairs (as well as stretchers).</p> <ul style="list-style-type: none"> <li>• Page 40 - Unauthorised/Non-Licensed Drivers: "It is an offence to allow an unlicensed driver to drive a Hackney Carriage or Private Hire Vehicle. A licence vehicle is licensed for 365 days of the year and can only be driven by a licensed driver." My primary business is that of a private ambulance service, but we also provide (and have done for many years) school transport for disabled children. For this purpose alone, two of my ambulances are licensed as private hire vehicles to comply with the requirements of Warwickshire County Council for school run contractors (they have 8 or fewer seats). When the vehicles are not engaged on school runs (i.e. most of the time), they work as ambulances and should, I believe, not be subject to this licensing restriction as to who may or may not drive them outside school runs.</li> </ul>
30.	<p>Following a recent meeting the owners of Victoria, Fourways, Castle Cars, Easy Cabs and Hackney carriage and Private hire drivers we would like to inform you of our general feelings with regard to the draft handbook currently under consultation.</p> <p>We are seeking to form a uniform and consolidated collaboration of all persons and businesses that will be affected by the new draft document appealing against its implementation in its current form and would like to seek further clarification and consultation prior to its implementation.</p> <p>We are very concerned with several key sections of the draft handbook that would need further investigation of the proposed amendments.</p> <p>We understand the need to make changes but the changes need to be fair and justified for all concerned and we wish to be part of the discussion process in determining the best way forward to achieve a satisfactory and suitable policies to be incorporated into the revised handbook.</p> <p>To facilitate this process we are seeking to form a new Association for the Warwick, Leamington and Kenilworth hackney carriage and private hire operators and drivers to encompass all aspects of the taxi business for the local area covered by Warwick District Council.</p>

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/2010/12/Case-Notes-29-11-2010-CO-4743-2009-Royal-Courts-of-Justice.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

