

APPENDIX 3

Consultation responses – Taxi and Private Hire Policy 2021

Hastings Taxi Association

Dear Mr S. Bryant

Thankyou for sending the Association the proposed new altered Hastings Taxi Policy,

Please find the associations comments and Remarks on this new policy below.

It has been read in detail by the members and we have also taken advise from ACAS and a Licencing barrister as well as Social Services.

1) page 6 welfare of children,

The Association is alarmed at this new idea of official channels being set up for drivers to report what they percieve in their view, to be any parental abuse towards any child, In the present system any driver who thought this was happening, would make an anonymous phone call to put things in motion, with this new idea, after speaking with Social Services in depth I was informed that a file would be set up immediately with their name attatched with the date, this file can be accessed for up to 5 years by the parents themselves which would or could place the driver who made the call or complaint in immediate danger from the family if they were that way inclined.

Once any driver knows this, no one will use the new official route they will revert back to making an anonymous call.

I reflect on a case in London where a parent who took his son to school every day, As his son started to make closer friends he ended up taking his son and 2 other children that were enroute into school, after a while the 3rd child got into the vehicle on a monday morning with facial bruises and a wrist cast , the parent asked what had happened and the child replied "my dad did it" on this imformation the parent immediatly made an official complaint to the police who informed Social Services the upshot of the case was the child lied for his own reasons which was proved but the parent ended up in Hospital for nearly 4 weeks almost losing his life and the childs parent and 2 brothers were sentenced to 5 years for the damage the had inflicted on the other parent, all because the parent made the wrong call, children lie for attention and all manner of other reasons.

If councils are that worried about childrens welfare, they would be better spending time making sure that operators stop looking at the monetary value of a school run by bidding for as many as they can, and spend more time at looking at making sure the same driver takes the child to school each day, therefor the child creates a bond with the driver making for a happy journey both ways and a good rapport with the parents, that way you are in a better position to make any observations.

Only last month a child had his PA changed, for no other reason than the operator had a new school run, and decided to use the old PA for it as it was more money for her, the New PA did not get on with the child who is special needs, the parent rang the operator to ask for the PA to be back with her child she was told " tough you get what ever PA we decide," she then rang Lewis to speak to transport and was told "nothing to do with us," so here you have a simple case where the council and the operator at no point took what the child needed into account yet here we are, where councils want to bring untrained drivers into the mix just to say we have done something about it.

Also the Association wishes to know who is paying for this course or courses and how long they last before being renewed as well as the cost.

How anyone can become proficient in child abuse with a 1 day course is beyond me, we should remember that a small amount of knowledge in some hands is very very dangerous and when dealing with special needs children you need to get it right first time.

Page 8, 3.2.4 New Taxi colour code

The council requested after the deregulation that we formed a committee to set out a criteria for the new Wheelchair accessible Taxis, the council requested that they should all be the same colour, the council requested that we find a suitable pantone colour , the council accepted the pantone colour 8m4kJD6B , the council put the rule in that all new Taxis have to be this colour , the council clearly placed this pantone colour in the rule book and on the application for a new wheelchair Taxi, Only 1 out of the 7 new vehicles is the correct colour and that one person went and had his vehicle sprayed the correct colour before placing it for inspection to be accepted.

There is no reason why any of these vehicles could not of been sprayed the correct colour as it has been done , also I obtained the correct colour in wrapping from Signtek in Eastbourne and sent it to licencing to prove it is available in wrap.

Which brings us to the question, are we in a situation where the writers of the rule book do not need to follow the rules that they impose?. Especially after an owner sent seven emails on this question to councillor Mike Hepworth and did not receive one reply from the person he wrote to.

Page 11, 3.4.4 Engines off at ranks & Air quality

After much deliberation on this topic many good points had surfaced, the main and constructive point was, is it not the drivers human right to be able to keep warm in winter whilst waiting for a fare that can take up to an hour before the pandemic and up to 3 hours during the pandemic? There is not a vehicle that has been invented yet where the heater works with the engine off. Your camera and radio would drain the battery in 20 minutes with the engine turned off.

Also, if air pollution is high on a local councils agenda why would they a) increase the amount of diesel Taxis after deregulation and b) give the Taxi fraternity new taxi stands as more vehicles, and then promptly take them away again. We even have one in the old town that is new but someone from the public keeps cutting the cable ties off the sign to throw it away as they dont agree with Taxis being placed there. The council does replace these signs eventually but only with cable ties so that it can be cut again, why has no one thought of welding it in place like other signs so that it cannot be cut away without being seen.

Page 16, 3,16,4 DBS

In this section it seems to relax the importance of the DBS as it is written, it states that people from overseas, is less important to have records prior to 18 years of age, and it is only as an adult that is important. Yet english born applicants according to rule must have an enhanced DBS of which goes right back to pre 18, surely it should be the same for both parties, otherwise would be deemed discrimanative. We are the same people doing the same job, overseas applicants should have to have the same background checks as a british born driver, and should be done through the home office before applying for a licence so as to create an even and fair playing field.

This is an on going argument that has spanned a few years now, we used to have to carry a first aid kit but no longer do because the Health profession said none of us are qualified to use one and could create more problems than curing the problem. Now we have the same coming from the Fire Department,

After a lengthy conversation with the Fire brigade they informed me that their advice is to, at all times vacate your vehicle and take any passengers as far away from the vehicle as possible and at NO time try to attack the fire, and to inform them. So here we are again, having to purchase, maintain and upgrade something that we are not allowed to use. In my mind the first aid kit is far more important, as there are some drivers who are very qualified in First aid and could help at any RTA until an ambulance arrived proficiently.

So again we ask why do we have a fire extinguisher that we are not allowed to use?

Page 50 11.1 Medical

Some of our members have complained before and have requested the Association legally look further into the matter, as they do not see why the council has a right to hold private doctor patient information, any medication they are on and subsequent information that is strictly confidential under the data protection act. Most of the members believe the council only need the last page of the medical form which is the part from the doctor stating the person named in their opinion, is able and capable on a health aspect to drive a vehicle.

The argument from the last Licencing officer was that by having this information they can look back to track certain things in case a driver somehow acquires a dodgy medical report from somewhere to cover things. This brings in a question, who in licencing has the qualifications to be able to ascertain any difference between past and present medical reports?

The easiest and simplest way to stop any dodgy medicals being acquired is simple, bring in a rule that all medicals must come from the persons own registered doctor and stop drivers being allowed to just go to any doctor or the cheapest, your own doctor knows you and your history and is not going to give you a positive medical to cover anything as their own career would be in jeopardy.

Penalty point table

We have taken advice from ACAS on this table and have included any comments from them below as the self employment laws are now much stricter on what classes the difference of self employed and employed.

Section 53 Refusal to take a fare without a reasonable excuse.

ACAS All self employed people whether a builder, electrician, plumber or Taxi driver are in their own right self employed, with their own private business and thus can refuse any job or contract put before them for any reason they deem fit. The only person that can enforce someone to do a job or contract is an employer.

Section 58 Charging more than the legal fare.

What is the legal fare ? When using a Taxi as a private hire you can charge whatever price you like as they do and always have done

Section 62 Leaving a Hackney carriage unattended.

This needs clarifying better, when is it a council offence ? your vehicle is unattended when you use a toilet, when you carry peoples luggage or shopping when you are standing on the rank talking when you are paying for petrol etc, one driver did actually get this ticket from a traffic warden parked at peacocks which was allowed and all he did was escort a 87 year old woman across the lights to the Taxi shelter in queens road because she started to feel bad, when Pauline was licencing officer, she tried to get the ticket revoked but parking would not budge .

Section 54 (2) Failure to wear your badge.

This rule needs to catch up with the rest of the world, I have used a Taxi all over the world, Europe, China, Australia and America, their badges are on the dashboard facing the passenger seat so that any customer can immediately see the photo, the number, the date of licence etc, the customer can instantaneously see if the driver is the same person which is in the photo and if they wish to complain about the driver for any reason, the details are in front of them. Most people do not wish to have a confrontation with the driver. By placing the badge on the dashboard, would eliminate any possible confrontation. The badge hanging around your neck most of the time back to front with movement shows the customer no information at all.

Section 67 Charging more than the meter fare when used as a private hire.

If your using the Hackney as a private hire you can charge whatever price is agreed between the customer and yourself, also the meter would not be on when used as a private hire vehicle agreed by the council so this rule either needs clarification or taking out.

Breach of policy 1

Failure to adhere to dress code

According to ACAS the only time anyone can tell a self employed person with their own business what to wear is when Health and safety equipment or dress is needed by law, ie a building site and such like other than that, only an employer can determine your dress sense.

Our view is similair to the councils, we should be tidy and presentable.

We strongly recommend that the council allow tracksuits, providing it is a matching 2 piece tracksuit without any offensive logos except the makers, many compainies now issue track suits to their outside workers, they look neat and tidy, they are durable, warm in winter have a hood incase of rain and very trendy and with no engine on whilst on the rank looming, a tidy track suit would help vastly in keeping warm.

Breach of policy 65

Community police speed watch.

Why are we and we alone, being penalised with 4 points when the rest of the public receive nothing other than the paper warning. No court case has happened , no points have been issued, so no traffic offence. Inaffect a driver could recieve 3 of these in a year, and according to rule, can lose his licence and livelihood and still have a clean driving licence. The same driver could then apply legally to Rother for a Hackney licence which would be approved as he/she has no points on their licence. We would strongly argue that we should

not receive 4 points for a warning, only if it went to court and were found guilty. Again, discrimination.

Pandemic help

[REDACTED]

[REDACTED]

I hope these comments are of help and give you an insight into the general feeling of the Hackney trade in this town, any comments or questions please do not hesitate to contact me at [REDACTED]

Yours sincerely

D.Preedy

Hastings Taxi Association Secretary

Hastings Taxi Call

From: STUART PATNELL [REDACTED]

Sent: 31 January 2021 19:40

To: Licensing

Subject: Re: Hackney Carriage Policy on behalf of Hastings Taxi Association.

Attachments: Bob Brown Meeting Unmet demand survey Feb 18.pdf

Categories: Completed

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments

unless you recognise the sender and know the content is safe.

Hello Licensing, if i could please ask a couple of questions regarding the draft Hackney Carriage policy on

behalf of the Hastings Taxi Association as there is only a few of us left working at present.

PAGE 7-3.1.4

The council does not intend to set a limit on the number of Hackney vehicles ? This seems very final as

we were led to believe this was going to be debated again by the committee if ever the number of plates

reached 60 or above (please see attached e-mail below) .

Is this no longer the situation or has there been another meeting on this since then ?

PAGE 25 5-3-1

Operators base must be located in the Hastings District ?

we assume that Rother is also required to update the taxi policy. Will this effect cross border licensing in

any way where a company operates a taxi from another licensing District without an office there.

Hope you do not mind a couple of questions as i realise the hard work that has gone into this policy

having read it.

Look forward to hearing from you if possible.

Stuart patnell [REDACTED]

[REDACTED]

Stephen Histed

[REDACTED]

Dear Licencing

I have a few concerns around the new draft policy that I would appreciate being brought up at the meeting.

3.8.11

A private hire can apply to be exempt from displaying plates and doors along with the rate card.

How will this affect them will they have to display the complaints procedure?

3.10.2

Mandatory CCTV

In the past grants have been discussed to help the trade with CCTV is this something that will be introduced?

4.10

Child Sexual Exploitation Safe guarding training

I am a foster carer with ESCC and as such have taken the relevant course, I am classed by ESCC as self employed yet they pay for and maintain my qualification along with my DBS checks. East Sussex Childrens transport also provide free course if they require a driver/escort to have a particular qualification.

I feel that as this is something that licensing is making mandatory the cost should be met by the council and not passed onto the licenced driver. The hackney trade in Hastings has dramatically reduced over the last few yrs and even when we exit the Covid restrictions the trade will not recover due to the loss of large department stores and the student trade. The cost to obtain and maintain a hackney licence/hackney plate is increasing and with possible cost of CCTV and now training it will force alot of drivers out of the trade which ultimately will not be good for Hastings.

I would like to request that the council give serious consideration to the proposed increased cost to the trade.

Separately a number of council;s around the country have provided a grant to the taxi trade funded from money from the Government to support local business. I believe the council has paid out £5.5 million from the Local Restriction support grant to small businesses in Hastings the Taxi trade has and is suffering with reduced income is there anything that can be done to help the trade.

Kind Regards

Stephen Histed
Events Travel

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Hi there

Whatever you do can you please implement quality control checks? There are far too many taxis driving around the Hastings area with lights which aren't working, including headlamps, brake lights, tail lights and number plate lights. Also, far too many are driving with front fog lights on when it's perfectly clear.

Some courtesy from the drivers would also be appreciated; waiting for pick ups whilst sat in the middle of the road, stopping on footpaths, failing to turn off headlights whilst stopping on the wrong side of the road - all from supposed 'professionals ' who should be setting an example of best practice!

[REDACTED]

Sent from my iPad

247 Transport Solutions Ltd

Subject: RE: Revised Taxi Policy 2021 incorporating the new DfT Statutory Taxi & Private Hire Vehicle Standards

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unless you recognise the sender and know the content is safe.

Hi Stew,

Hope all is well?

I have been through the draft documents and think it's a job well done to be honest. I only have a

couple of bits to note:

* CCTV – We have seen the benefit of installing this across our fleet, its invaluable not just for customers but drivers too. Most recently we had a complaint made of sexual advances by a

driver to a customer but within a matter of minutes we were able to retrieve the CCTV, discount the allegation and it is now in the hands of the Police to take action against the original complainant. Without CCTV we'd have seen that driver have his licence suspended during an investigation and possibly revoked if he could not prove his innocence. Suffice to say we would like to see CCTV made mandatory for all licenced vehicles for the safety of all concerned.

* Safeguarding and Disability awareness training – Could we possibly look at this aspect, we already cover this with all drivers along with suicide awareness, mental health and or own driver standard training. Drivers are refreshed at a minimum of once every 6 months although any driver that covers a contracted Social Services or School route undertakes this as a bite size module within each school holiday including half terms so are very attuned to any advances or changes. ESCC have accepted that out training is sufficient for them and meets the needs and I am aware that our training manager Richard Harding had the sessions given the nod by Bob Brown too. Is there potential for us to maintain our system and meet the requirements of HBC?

* Hackney Carriages (Nos 49 upwards) – firstly could the paint code be removed, the code is not one available on these vehicles and relates to a late 1990s Toyota, this should be manufacturer base colour dark blue. Also, perhaps it's time (as unpopular as this will be with the hackney trade) to look at rear loading vehicle too, with the absence of a relevant unmet demand survey the latent/patent demand is clearly an unknown but from our own

experience of using rear loading vehicles we know that both latent and patent demand exists within the private hire sector, so by virtue of that it must also exist within the hackney sector, albeit the level cannot be accessed. I know that part of the argument from the hackney trade over this was that they deemed rear loading to be somewhat “unsafe” yet there is not clear evidence of this and that if they are safely deemed as a private hire surely they are safe to also be a hackney carriage.

Perhaps this isn't the right time to address this but it's something I think now warrants further conversation?

Anyhow, well done, great bit of work and we will happily support you and the team in getting this approved but I'd be grateful if we could look at the few points raised.

Have a good weekend, catch up soon.

Stew

Stew Smith

Business Manager

247 Transport Solutions Ltd