



Taxi & Private Hire

NEWS

basingstoke.gov.uk

Welcome to the first newsletter of 2010. Please take a few minutes to read it as we would like to keep you informed of all relevant taxi and private hire matters. We would be grateful for your feedback and any suggestions you may have to improve the content or layout. Please return the feedback form at the end of the newsletter or email the licensing team at licensing@basingstoke.gov.uk with your comments.

Well Deserved Praise

We recognise more people are likely to complain when they receive bad service rather than to pass on compliments when they receive great service. We know the licensed trade generally provide a first class service and we are always very pleased to receive compliments about drivers to recognise their efforts and are happy to publicise these.

The Chairperson of the licensing committee (a regular taxi user) has written to us after observing activity at the Railway Station rank. She wanted to compliment all the drivers she witnessed doing a great job commenting

"Business people, elderly people with shopping etc. all got greeted courteously and assisted to enter the cabs. Given that they are working in trying conditions it was great to see the way they interacted with the public"...'

cont..

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Plus much more...

We also received a compliment from a member of the public who was looking for a firm to transport her elderly father in his wheelchair. The lady was very impressed by the level of service provided by Steven Murphy and Michael Matthews. She said that both hackney carriage drivers were extremely friendly and professional.

Hackney carriage driver Steve Gubby has also been singled out for praise by a partially sighted customer for his service in the severe weather conditions earlier this year. His journey took approximately one and a half hours and on arrival at the destination Steve could not drive into the passengers' road, so he parked at the Asda car park and personally escorted the passenger to his front door. The passenger praised Steve on his excellent customer service and was extremely impressed



with the way Steve conducted himself considering the hazardous conditions and severe delays.

We would like to congratulate the trade in maintaining their services during the snow over Christmas 2009 and the New Year period. The borough's transportation network was particularly badly affected with numerous services temporarily closing down. The council received lots of calls asking if private hire and taxi services were still running and we were able to confirm licensees were doing all they could to maintain the best service they could under the circumstances.

These examples of good service can only enhance the reputation of the trade, well done to you all. We look forward to receiving more compliments.

Hackney carriage vehicles

The approved vehicle makes and models which may be licensed as hackney carriage vehicles are:

- London Taxi International TX Models
- Volkswagen Transporter/Shuttle/Caravelles
- Peugeot Euro 7 (or variations)
- Mercedes Vito
- TW200

Officers recently investigated the possibility of licensing a Citroen Euro Taxi as a hackney carriage vehicle. A test report for this vehicle found that it was identical both mechanically and structurally to the Peugeot E7. As the Peugeot vehicle type has been approved by licensing committee it is considered reasonable to accept suitable applications for the Citroen Euro Taxi as a hackney carriage vehicle.

Unmet Demand Survey update

We consulted with you last year about the quantity of hackney carriage vehicles licensed by this council. Responses were presented in a report to the Licensing Committee who determined that an updated Unmet Demand Survey should be commissioned. The previous Unmet Demand Survey took place in 2006.

We have now sourced and commissioned who we considered to be the most appropriate provider to carry out the necessary research, consultation and observations. The survey results, report and recommendation will be presented to the Licensing Committee who will decide whether to maintain a restricted number of hackney carriage vehicles the council licenses or otherwise.

Rank matters



Our summer 2009 newsletter included an article stating that private hire vehicles cannot stop within marked rank boundaries and that it is also an offence to leave a hackney carriage unattended on a rank. Since this, complaints have been received against private hire drivers stopping on ranks and a licensed hackney carriage driver was issued with a parking ticket for leaving his taxi on the rank while he went into town. We have also been provided with photographic evidence of private hire vehicles on ranks at night. The ranks will be monitored and repeat offenders are likely to have formal action taken against them.

Ranks are in place to enable hackney carriage vehicles to wait for passengers and must not be left unattended. If members of the public approach an empty vehicle, it may discourage them from reusing that particular rank.

Night time rank by Liquid

Later in 2010 a part time rank will be installed outside Liquid night club. The traffic order is currently being drafted. It will enable hackney carriages to wait for passengers possibly between the hours of 10pm and 4am. Watch this space for further updates about this.



Enforcement update

The council follows a structured enforcement policy and investigate all complaints, allegations, incidents and non compliances thoroughly before action is taken. Those persons subject to an allegation will always be given the opportunity to put forward their case. This may be by informal discussion or interview or in serious cases where there are grounds to suspect an offence may have been committed, a formal interview under caution is required to ensure that legal rights are protected.

Any enforcement action is not taken lightly and must be appropriate and proportionate to the matter under investigation. Interviews and other actions are carried out in line with the council's Policy and the Police and Criminal Evidence (PACE) codes. The main consideration is the impact on public safety and the seriousness of the allegation or offence.

Taxi and private hire drivers are subject to the police notification scheme. The police will notify us where they investigate an incident involving a licensed driver. You are advised to always notify the council if you have been the subject of a police investigation, charge or conviction. This question is always asked on an application and licence renewal form so must be declared.

Since the last newsletter, we have revoked one operator licence and four driver licences. We have also taken action against licence holders for various reasons including:

- parking on ranks
- totting up points
- unsuitable conduct from licensees
- non compliance with conditions
- plying for hire
- poor driving standards
- cross border hiring
- operating an unlicensed vehicle/driver
- smoking in licensed vehicle
- drink driving

The Licensing team successfully prosecuted a former private hire operator for operating an unlicensed driver and vehicle and cross border hiring. It also successfully defended a decision to revoke a driver's licence in the magistrate's court. A number of other matters are also currently under investigation.

As the licensing authority, the council expect a high standard of conduct and driving standards from licensees. We are sure you also want to uphold the good reputation of taxi and private hire trades in the borough.

Future Enforcement proposals

In view of the large range of incidents, offences and fixed penalties that are brought to the attention of the council some licensees have commented on an inconsistency of enforcement and the status of different types of warning letters. To ensure fairness and consistency to all licensees we are considering the introduction of a penalty point's scheme. This will mean that drivers who; for example are given a fixed penalty for a driving offence will be allocated a specific number of points on their council licence record. Points will also be added for vehicle faults, serious complaints, issues with operator licences etc. When a licensee reaches a total of say 12 points in a fixed period of for example; one or two years, their licence will be referred to the Licensing sub committee for a decision on whether to suspend, revoke or retain that licence.

We believe that this will ensure that the licensees who are always compliant and do not receive complaints about them will have no concerns about their licence but those

who regularly receive penalty points, fixed penalties tickets or other complaints about conduct will know exactly how this could impact on their licence from the council and in turn their livelihood.

We welcome your comments on this proposal and suggestions on how you think it could be structured. Please send your comments and suggestions to licensing@basingstoke.gov.uk by 31 July 2010. A draft scheme will then be circulated for your further comments and consideration. Any such policy would be presented to the licensing committee for their consideration.



Medical and CRB Reminders

As you know Criminal Record Bureau checks are due every three years. Medical Examinations are required every five years up to age 65 then annually thereafter. The Licensing Team send out reminders allowing reasonable time to enable licensees to duly perform their updated checks.

However, we regret some licensees have not acted upon reminders until the threat of suspension is issued. It is clear officers are spending unnecessary time chasing licensees to arrange their checks. From now on all licensees will receive one reminder when updated checks become due. Failure to arrange appointments will result in licenses being suspended pending satisfactory completion of that appointment.

Call for reform to taxi legislation

As you may be aware, the licensing of hackney carriages dates back to 1847, and private hire vehicles back to 1976. Seventeen principal Acts of Parliament, eight statutory instruments, and over 150 court decisions now regulate these activities.

The Institute of Licensing (IOL) has recently conducted a nationwide consultation exercise to find out how the existing law is working for different users including drivers, operators, customers and regulators.

There are many reasons for the IOL embarking on this exercise, including:

- to eliminate inconsistencies between licensing authorities in the application of outdated legislation
- to remove outdated practices and controls which stifle economic development and competition
- to enhance public protection and safety by virtue of a simplified system of regulation
- to promote the environmental impact of sustainable transport
- to recognise licensed vehicles as part of the national public transport infrastructure
- to reduce the administrative burden on licence holders and licensing authorities
- to provide a better structured and more understandable framework

The consultation was launched in Basingstoke and has been publicised on local radio and in the local and national press. We previously wrote to licensees about this exercise and hope you gave your views to the IOL. There is still time as the consultation period has been extended. You can respond online by going to www.instituteoflicensing.org and clicking on the taxi reform page.

The overall aim is to establish if there is a need for reform of this legislation outside London, to make it fit for purpose for the 21st century. Responses will be reviewed by the IOL who will determine whether there has been sufficient support to ask Parliament to review the taxi and private hire licensing regime.

Amended Conditions

(number of passengers).

Previously two children under the age of 10 could be regarded as one person. Several drivers contacted the Licensing team and felt the wording of the condition placed them in a difficult position when risk assessing the carriage of parties including young children. At the March 2010 Licensing Committee meeting, members approved an amendment to vehicle conditions of licence (upon the renewal of the vehicle licence) concerning the number of passengers licensed vehicles could carry.

The amended condition now states:

'The proprietor shall not convey (or permit, cause or suffer to be conveyed) in the vehicle a greater number of persons (excluding the driver) than the number of persons specified in the licence provided.'

Officers support The Royal Society for the Prevention of Accidents (ROSPA) views regarding the carriage of more passengers than seat belts where they say:

'...The safest option is to only carry the same number of passengers as there are seat belts.....'

In addition, Section 40A of the Road Traffic Act 1988 (as inserted by the Road Traffic Act 1991) creates the offence of using a motor vehicle in a dangerous condition so although the Traffic Act allows children under three to travel unrestrained in the rear, if someone takes the view that this puts any person in danger of injury, it is an offence under the section above and a penalty charge notice can be issued, it also carries penalty points.

The amended condition eliminates any confusion on this issue and drivers can only transport the number of passengers as detailed on the vehicle licence plate.



Timberlake road tunnel enforcement session

From time to time, in partnership with the police, Vehicle Operator Services Agency (VOSA) and the council's fraud team, licensing officers perform routine checks on drivers and vehicles during evening enforcement sessions. The purpose of this activity is to ensure safety standards and that operators, drivers and vehicles are complying with their licence conditions.

Since our last newsletter, two such sessions have taken place and a total of 107 vehicles were inspected. Of these, 55 vehicles were found to be in breach of their licence conditions for reasons including: plates not satisfactorily affixed to the vehicles, vehicle damage (unreported), faded/damaged No Booking No Ride (NBNR) stickers, defective or no fire extinguishers, no first aid kits, general vehicle condition, stickers/signs missing or displayed incorrectly plus others.

On the first of these enforcement sessions, VOSA detected several vehicles running on worn tyres and issued three vehicles with immediate prohibitions resulting in them not being able to continue working until the faulty tyres had been replaced. Two further vehicles were issued with delayed prohibitions due to worn gaiters (steering) and were required to undergo an MOT test within ten days otherwise the prohibition notice would

come into effect. The private hire vehicles issued with immediate prohibitions were suspended pending compliance with the prohibition notices. This was very disappointing.

It is important to remind licensees that it is the driver's responsibility to check the road worthiness of a vehicle before it is used to carry passengers. The proprietor of a vehicle also has a general duty to ensure any vehicle they provide to a driver is safe and roadworthy. All licensees should fully familiarise themselves with their licence conditions and ensure their vehicles are roadworthy at all times so not to compromise driver and passenger safety.

During the second session, although VOSA detected a couple of slightly worn tyres they did not issue any prohibition notices but advised the tyres were replaced promptly. The Police also reported an illegal licence plate which did not meet the regulatory kite mark.

The most consistent issue of the second session was the lack of No Smoking signs in vehicles. All licensed vehicles must display a no-smoking sign in each compartment of the vehicle in which people can be carried. The signs must display the international no-smoking symbol and be at least 70 mm in

diameter (Regulation SI 2007 923). We recommend all vehicle owners stock up on the stickers and check the signage on a regular basis.

Where breaches were found during both sessions, all licensees were either written to or provided with warnings regarding the breaches and follow up checks were made to ensure compliance with the licence conditions.

During both sessions, officers noted some licensee's showed a lack of awareness regarding some conditions.

The results from the first session were disappointing but it was pleasing the second session showed a noticeable improvement. Officers will be reporting feedback from these sessions to the Licensing Committee. More frequent checks will be carried out this year and it is hoped that such serious non compliances will not be repeated.

Service levels

We aim to produce licences within 10 working days, make appointments within three working days and respond to written communications within two working days, then 10 working days if a follow up is required. All calls are now taken by the contact centre who can deal with most queries. There have been incidents of callers being rude or aggressive towards the contact centre staff and refusing to give their details. If you do not provide this information, your call cannot be prioritized. Failure to provide requested information will result in you not receiving a call back. This is to ensure that all callers are responded to in order of priority whether he/she is a taxi driver, a publican, a member of the public, police officer or otherwise.

Travel Tokens

All private hire drivers must accept travel tokens as a condition of their licence. Hackney carriage drivers are not lawfully obliged to accept tokens but we are pleased that many do to enhance the service they provide. If you do not accept travel tokens please let your passengers know before the journey starts.

Last year's aqua coloured tokens expired on 31 March 2010 and had to be redeemed by noon on Friday 23 April 2010. Orange travel tokens have now been issued for use in 2010/11. These must be treated as normal tender and the correct change always given. You must not overcharge, round up fares or refuse to give change because a fare has been paid in tokens.

Licensing Committee update

The Licensing Committee meets almost every other month to consider all policy matters relating to licensing functions and receive updates on changes to the law. Licensees can attend these meetings. Visit the council's website www.basingstoke.gov.uk for the dates of these meetings.

Since the last newsletter, the following taxi and private hire related matters have been decided upon or noted at Licensing Committee.

- licence fees for 2010/11
- hackney carriage vehicle quantity restriction consultation
- hackney carriage and private hire vehicle condition amendments.

Licence Type	Fee 2008/09
Driver's Licence 1 year	£104.50
Driver's Licence 3 year	£261.00
Operator Licence 1 year	£162.00
Operator Licence 3 year	£372.00
Private Hire Vehicle Licence	£222.00
Hackney Carriage Vehicle Licence	£495.00*
Hackney Carriage Meter Test	£17.00
HC Driver Knowledge Test/Retest	£31.00
PH Driver Awareness Test/Retest	£31.00
Vehicle Plate Fixing Bracket	£9.80
Vehicle Replacement Plate – Front	£8.65
Vehicle Replacement Plate – Rear	£21.50
PH Vehicle Plate Deposit – Front	£8.65
PH/HC Vehicle Plate Deposit – Rear	£21.50
Vehicle Ownership Transfer	£25.25
Vehicle Replacement Door Signs	£5.60
Replacement Licence Fee	£12.65
Replacement Driver Badge	£15.20

New fees

The Licensing Committee has approved the licensing fees for 2010/11. The amended fees effective from 1 April 2010 are as follows:



Note: The Criminal Record Bureau (CRB) sets the fee for CRB checks which we collect on their behalf. This remains at £36 for 2010/11

* includes payment funding the Unmet Demand Survey.

Licence renewals

In our previous newsletter we included an article concerning licence turnaround times. Just to remind you, our target time to process a renewal application is within 10 working days and we continue to achieve this target.

Most applicants bring in their renewals on time, however some licensees still submit late applications and do not allow sufficient time to process renewal licences before the current one expires. Renewal applications are dealt with in strict order of receipt.

We make every effort to provide licensees with renewal papers well in advance of the licence expiry date to allow time for applications to be prepared and received, then processed in good time. However, it is the licensees' responsibility to submit applications in time for them to be processed before the licence expires.

Late submissions and calls to chase licenses result in additional work for the Licensing team which could mean delays in producing licences. If you are unable to provide your applications in time, please contact us in advance to explain why. In exceptional circumstances, and only when advised in advance, officers have discretion to prioritise applications. Excuses for late applications after a licence has expired are unlikely to be accepted and will be processed on order of receipt which could result in you being unable to work.

Service Improvements

We are looking at streamlining the renewal process to improve efficiency and save time and paper. We are investigating the possibility of using text messages to remind you that your licence is due for renewal and directing you to the council's website to obtain forms or collect them in person from the council offices. We will also be simplifying the process by reducing the number of documents required for renewal and minimising the number of pages on the application form. We hope these changes will make life simpler for all. Please give us your thoughts on these proposals on the attached feedback form



Return of Badges/Plates

Officers notify you when renewal licences are produced and make the licence and plate or badge available for collection. When you collect your updated badges and plates, please remember to drop off the plate or badge the new licence is replacing.

Vetting and Barring Scheme

We advised in the last newsletter about the new Vetting and Barring Scheme (VBS) which is being established to reduce the risk of harm to children and vulnerable adults. It will do this by **vetting** all those who wish to work in regulated activity with these vulnerable groups and **barring** those where the information shows they pose a risk of harm.

The Independent Safeguarding Authority (ISA) has been set up to make decisions as to who should be barred from working with vulnerable groups. Anyone wanting to work or volunteer regularly with children or vulnerable adults will be required by law to become registered with the ISA and employers will be legally required to check that new employees are registered.

Driving a vehicle solely for the purpose of conveying children or vulnerable adults and their carers frequently (once a week or more), or intensively (four days or more in a single month), is an activity included under the VBS as a regulated activity.

This has been clarified and means that private hire and taxi drivers used for transporting children or vulnerable adults to and from schools and care homes require to be ISA registered.

Drivers of licensed vehicles which are hired or hailed independently by children or vulnerable adults or their carers are not required to be ISA registered.

Therefore, BDBC will not require licensed private hire and hackney carriage drivers to be ISA registered. Current CRB requirements will remain unchanged.

However, Hampshire County Council will require all authorised drivers for school contracts to be ISA registered and will administer the registration themselves. In February 2010 HCC wrote to authorised operators of school contracts advising them of their requirements and deadlines for ISA registration. For further information or advice on HCC's requirements contact your operator or HCC Passenger Transport on 01962 845327.

In addition to school contracts however, there may be instances where an operator has an independent contract to transport or regularly provide a service for children and vulnerable adults, which may mean drivers carrying out the activity need to be ISA registered under the VBS scheme. This will depend on the circumstances e.g. who organises and manages the activity, frequency of the activity etc.

If you or your operator are unsure if you need to be registered, further advice can be obtained from the VBS at info@VBS-info.org, or 0300 123 1111

In some circumstances, even though there is no legal requirement for a driver to register with the ISA, they or their operator may choose to do so to provide assurance to the customer.

If you need or wish to be ISA registered, you can do so through the Licensing Team at BDBC by completing the relevant section in the CRB application form along with payment of the appropriate fee.

Enhanced CRB check only £36.00

ISA Registration only £64.00

ISA Registration with an Enhanced CRB check £64.00

The certificate issued will reveal if a person is ISA registered or barred. Those registered will be given a 16 digit ISA registration number. Although the process is still to be confirmed, we understand that you can then authorise others to check with the ISA that you are registered, so it is only necessary to register with the ISA once.

For your information: The ISA registration scheme comes into effect from 26 July 2010. Those already working with children and/or vulnerable adults will be phased into the scheme over a five year period and will be required to register between 1 April 2011 and 31 July 2015.

Please be aware, even if there is no requirement for ISA registration, it is an offence for a barred individual to undertake activity where they may be in contact with children or vulnerable adults. If they do they will be committing a serious offence.

DVLA Driving Licence Checks

Driver licence checks are currently performed directly with the DVLA through the postal system. This involves licensees signing a mandate which authorises the council to request driver records from the DVLA and in turn, the DVLA then disclosing driver records to the council. Mandates are valid for a three month period.

To streamline this process, officers have sourced an alternative provider called Intelligent Data Systems (IDS) who work within the same principles of the Data Protection Act 1988. IDS operate a secure, fully managed driving licence verification service which delivers on-line results directly from the DVLA driver database. The system verifies an individual driving licence record and status with enquiry results delivered on a secure web based application.

This offers a quicker and more efficient checking procedure and the data protection mandate is valid for three years. We wanted to notify you of this change which is being implemented imminently. You will notice a different data protection mandate included for your completion within your next renewal pack.



Portable Fire Extinguishers

In accordance with the council's standard conditions for licensed vehicles, fire extinguishers should be 1kg. Based on the risk and in line with PSV, the fire extinguisher should be a dry powder extinguisher.

British Standards for fire extinguishers have changed to bring them in line with European Standards. The changes only apply to new extinguishers. Existing extinguishers can continue to be used until the end of their useful life.

Fire extinguishers should conform to British Standard EN3 for new ones and British Standard 5423 for existing ones. In addition, the extinguisher should carry the British Standard Kitemark. You may also find it has a CE Certification or British Approvals for Fire Equipment (BAFE) mark.

The main change relates to the colour (BS7863) of the extinguisher. All new extinguishers must be coloured red regardless of content. The content will be stated on the extinguisher or colour coded on a patch not more than 5% of the surface to indicate the type of extinguishing content.

ABC Dry Powder Extinguisher

- Blue colour code band
- Correct gauge reading
- No damage
- Correctly filled service label
- Correct bracket fitted
- Safety tie in place



Fires involving freely burning materials. For example wood, paper, textiles and other carbonaceous materials.



Fires involving flammable liquids. For example petrol and spirits. NOT ALCOHOL OR COOKING OIL.



Fires involving flammable gasses. For example propane and butane.



Fires involving electrical equipment. For example photocopiers, fax machines and computers.



Extinguishers are required to be serviced to the latest standards (BS5306) and the onus is on the user to ensure this is carried out. The extinguisher should be properly serviced once a year. You should use a company registered by the BAFF, a Government recognised national organisation. BAFF can provide further advice and also supply a list of companies approved by them to service portable fire extinguishers. BAFF (British Approvals for Fire Equipment), Bridges 2, The Fire Service College, London Road, Moreton in Marsh, Gloucestershire GL56 0RH

Tel: 0844 335 0897 www.baff.org.uk

Email: info@baff.org.uk

Further advice can also be obtained from your local fire brigade or Basingstoke Fire Protection Ltd (Unit 4, The I O Centre, Brunel Road, Houndmills, Basingstoke RG21 6TZ Tel: 0800 7837224).

Smoking in licensed vehicles

It has now been illegal to smoke in taxis and private hire vehicles for over two and a half years. In this time the council has only had cause to fine two drivers for smoking in their vehicles. There have also been very few complaints from members of the public regarding such behaviour so it seems the majority of drivers have taken the new regulations on board.

However, the situation is by no means perfect as council officers have recently witnessed several drivers smoking. These drivers all received a written warning and have been advised that any further contraventions will be punished with a £50 fine. Officers will routinely mount spot checks so please continue to adhere to the smokefree laws.





Let us know your thoughts

The Licensing team likes to consult with licensees regarding relevant matters. We have done so via mail shots and articles in previous newsletters to ask for your thoughts about issues under review, including policy matters and licence conditions.

Your views are important to us and we encourage you to respond to consultations. There may be areas where you are able to identify shortfalls or suggest improvements which could be addressed before matters are decided. Please take the time to let us have your thoughts as these matters do affect you and your work.

Your views matter

If you have any comments, questions or suggestions, please complete the slip below and return it to the address at the end of the form.

Name

Address

Licence number

Contact number

Email address

Comments, questions or suggestions

Please return this form to the licensing team at: Licensing Team Basingstoke and Deane Borough Council Civic Offices London Road Basingstoke RG21 4AH
Alternatively, email your comments, questions/ or suggestions entitled taxi and private hire feedback to: licensing@basingstoke.gov.uk



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