



Taxi & Private Hire

NEWS

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Welcome to the first newsletter of 2011. Please do take the time to read this as we like to keep you informed of all relevant taxi and private hire matters. We would also like to hear your feedback on articles within this edition, in particular regarding matters out for consultation. Your views are important and can influence policy matters for approval by the licensing committee. Please return the feedback form at the end of the newsletter or email the licensing team at licensing@basingstoke.gov.uk with your comments.

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Well deserved praise

Praise goes to Colin Addis on his prompt return of a mobile phone which had been left by a customer in his taxi. The customer called the licensing team soon after she had left her phone in Colin's taxi. She described the driver and the taxi which enabled officers to identify Colin. By the time he was contacted, Colin had already dropped the phone back to his customer's house. The customer was so pleased with the service that she wrote a letter of gratitude about Colin's good service. This is a good reminder to check your vehicles at the end of each journey to ensure passengers have not left any belongings.

[cont..](#)



Well deserved praise cont...

Officers also heard from a thankful Mum wishing to pass on her gratitude to Michael Johnson of A1 Cars. Her daughter had felt unwell during a night out and called for a private hire vehicle to take her home. On arriving at their destination, the passenger couldn't find her keys.

She became upset thinking she'd be left stranded but Michael was very patient and called the passenger's mother and agreed to return her daughter back to the A1 taxi office in town from where she could be collected. The passenger's mother said Michael had been very kind and considerate to her daughter and when she arrived to collect her, Michael was waiting with her to ensure she was safely collected.

Although the mother thanked Michael at the time, she also wanted to pass on her appreciation to the company he works for due to this great service.

Well done Colin and Michael, such good service goes a long way to enhance the trade's reputation.

Travel token update

From April 2011 the responsibility for concessionary travel, currently bus passes and travel tokens, will pass from Basingstoke and Deane Borough Council to Hampshire County Council (HCC).

We previously wrote to you to advise that your name and address details would be passed to HCC to enable them to send you details of the revised travel scheme, including methods of reimbursement. Any enquiries concerning the revised scheme should be directed to the county council on 0845 045 8355.

Please be advised the 2010/2011 (orange) travel tokens issued by this council will need to be provided to the cashiers for reimbursement by the end of April 2011. Late tokens will not be accepted so don't lose out.



In memory of

It was with great sadness to learn that Terry Cooper passed away suddenly on 5 January 2011.

Terry was a dedicated family man who initially became a licensed cabbie in the 1970's. He returned to the hackney carriage trade in 1996 and since has provided his colleagues and customers with a first class service whilst taking great pride to ensure his taxi was always immaculately presented.

Terry was instrumental in forming the Basingstoke Hackney Carriage Federation ten years ago and has achieved much for the trade since. Perhaps most notably adding Basingstoke to the National Taxi Association, forming the Federation's own taxi radio circuit, pressing for the implementation of CCTV in licensed vehicles and he was also the mathematician behind requests for fare increases. These were just a few of many projects Terry worked hard for on behalf of the trade and frequently presented the federation's voice to the licensing committee.

Terry was a very principled and selfless man, always keen to ensure things were done in the right way. He had

great integrity and always offered his services to support his colleagues and provide the travelling public with a highly professional service.

Terry's anecdotes, his dry sense of humour and his wisdom will be sorely missed. At Terry's funeral held at the Basingstoke Crematorium, a cortege of over 30 taxis followed the hearse demonstrating great support and a fitting tribute to a man who contributed so much to the licensed trade.

Terry was taken ill at the Railway Station rank. We recognise the efforts of hackney carriage drivers Michael Gilluley, Paul Bulpitt and Stephen Saunders, who made every effort to save Terry's life until the arrival of the ambulance service.

Just prior to the printing of this newsletter, we have also sadly learnt that Joseph Dispinseri and Ian Radbourne passed away recently. Joe was a former hackney carriage driver licensed for 17 years. Ian had been a licensed private hire driver since 1998.

Our deepest sympathies go to Terry's, Ian's and Joe's family, friends and colleagues.

Fire Extinguishers

An article regarding fire extinguishers was featured in the summer 2010 newsletter. The article summarised fire extinguisher service requirements and changes made to British standards to bring them in line with European standards.

Further advice regarding fire extinguishers can be obtained from the British Approvals for Fire Equipment.

Their contact details are: Web: www.bafe.org.uk

Tel: 0844 335 0897 Email: info@bafefire.org.uk

The article did feature a local company able to offer further advice about extinguishers. These details were provided for information only purposes and not intended to advertise any particular company. You are able to obtain advice concerning extinguishers from any competent fire authority or company.



Liquid Taxi Rank

The council, in partnership with Hampshire Constabulary, has provided an additional night time taxi rank for the trade and members of the public visiting and leaving the town centre at night.

The new night time rank is located right beside Liquid Nightclub in Churchill Way and operates from 11pm through to 4am. This will mean taxis can be readily obtained in another town centre location.

This will not only benefit the public to ensure their safe passage home after a night out but also assist to disperse the

town centre in the evenings and avoid potential anti-social behaviour and noise nuisance.

The rank was initially marshaled on Friday and Saturday nights for a trial period.

Please support this new rank along with all of the town centre ranks. The best form of advertising ranks is the sight of taxis regularly being available and visibly collecting customers.

With your legal obligation to move to an alternative rank if you arrive at one that is full, this rank offers another option at night.

Top tips for 'green' driving

In times of rising fuel prices the council's climate change group offers the following advice to encourage drivers to reduce their carbon footprint whilst driving (whether this is professionally or domestically):

1. Avoid carrying unnecessary weight in your vehicle.
2. Make sure your vehicle is properly maintained: MOT and service, oil and water.
3. Always ensure tyre pressure is correct, check at least once a fortnight.
4. Try to avoid sudden acceleration, engine revving and sharp braking as these can use up to 30% more fuel and increase wear and tear of the vehicle.
5. Keep your distance from the vehicle in front to prevent excessive braking. On motorways be aware of the cars three or four ahead.
6. Avoid using air conditioning if possible as this uses more fuel.
7. Drive with the windows closed as this reduces drag on the vehicle.
8. Plan your journey to prevent getting lost or wasting fuel.
9. Shop around for the most efficient car by choosing one with a low CO₂/km figure or with high miles per gallon consumption.
10. When starting up there is no need to allow the engine to warm up - it is better to just drive off.
11. Switch the engine off if you think you are likely to be stationary for more than two minutes.
12. Try to avoid congested areas if possible.



Driver awareness tests

Driver awareness tests were added to the driver application criteria in 2007. The tests enable applicants to demonstrate a reasonable knowledge of the licensing legislation, local conditions, general driving and geographical knowledge of the borough.

We advise applicants in advance of tests of how best to prepare. Where applicants do not pass sections of the test, officers provide feedback so they are made aware of any areas they need to improve on before retaking those sections.

We monitor test results along with feedback from applicants. It is evident that some applicants may not be preparing for the tests with some repeatedly failing the same sections. The main areas for failure typically relate to routes and geographical locations as well as general aspects of the law relating to holding a licence. Currently applicants have three opportunities to pass all sections of the test, if they fail we ask them to wait six months before retaking the test.

Clearly this is a huge demand on applicant and officer time. Where applicants have had CRB checks carried out these can expire and incur additional costs. We are asking all

operators supporting new drivers with applications to encourage them to thoroughly research and revise prior to taking the test.

We are also proposing to extend the time between retakes on a sliding scale, for example; a six month wait following three failed tests, nine months following a further three failed tests, 12 months following a further three failed tests and so on.

We encourage your feedback to this proposal which you can provide by emailing us or completing the feedback form at the back of the newsletter.



Licensing committee update

The licensing committee meets almost every other month to consider all policy matters and receive updates on changes to the law. Licensees can attend these meetings. The council's website www.basingstoke.gov.uk gives the dates of these meetings which in 2011 are scheduled for 7 June, 12 July 6 September and 22 November.

Since the last newsletter, the following taxi and private hire policy matters have been decided upon or noted at licensing committee.

- licence fees agreed for 2011/12
- hackney carriage vehicle numbers (unmet demand survey)
- hackney carriage fare increase
- approval to consult about driver protection points system
- approval to consult about the 'designated vehicle' list.

Unmet demand survey update

At the licensing committee meeting held in November 2010, the committee considered a report regarding quantity restrictions upon hackney carriage vehicles in the borough.

An independent consultancy was commissioned to conduct a survey which included rank observations, on street interviews and a written consultation exercise. Results from the survey were presented to the committee along with references to the Office of Fair Trading findings, the Department for Transport Taxi and Private Hire Vehicle Licensing

Best Practice Guidance and other relevant evidence. The rank observations demonstrated an unmet demand for hackney carriage services at Festival Place and Church Street ranks.

Having considered all of the evidence, the committee resolved to remove the numerical limit upon the number of hackney carriage vehicles the council grants. This decision was made having regard to the benefits to the travelling public which is the main consideration when making such a decision.

Timely renewals

Previous newsletters have included articles about renewal licence turnaround times. 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, received and processed in good time.

Licence expiry dates are shown on paper licence documents as well as driver badges and vehicle plates so licensees should be aware when licences are approaching their renewal date. It is the licensees' responsibility to submit applications in time for renewing before they expire.

Despite our reminders and previous articles, late applications continue to be received from a minority of licensees. Applicants who submit late applications then frequently call to chase their licence and cause delays to processing times.

Please make every effort to ensure you submit your renewal application in good time. Late applications will not be prioritised regardless of how many chasing calls follow.

In exceptional circumstances and only when notified in advance, officers are able to schedule designated time where there is a justified reason for an application coming in late. Losing paperwork, forgetting to renew on time and lack of planning to provide full renewal licence applications do not constitute exceptional circumstances.

Council reception staff will, in the future, acknowledge hand delivered applications by providing a receipt slip to assure the licence will be renewed within ten working days. We will continue to endeavour to turn licences around as soon as we possibly can and frequently work to shorter timescales. Thank you to all licensees who submit renewal applications in good time.



Have your circumstances changed?



Please remember to advise us if any of your circumstances have changed as these changes may affect your suitability to hold that licence. If you receive DVLA driving endorsements, you are convicted or any criminal or motoring offences, subject to any police investigation or your medical fitness changes please let us know.

Seatbelt law

Hackney carriage drivers are only exempt from wearing a seat belt whilst driving when on duty, for example, when they have passengers in their vehicle or when plying for hire. Seat belts must be worn at all other times.

Private hire drivers are only exempt from wearing a seat belt when working and passengers are present in their vehicle. Seat belts must be worn when passengers are not on board.

The licensing team would advise that you wear your seat belt at all times for safety reasons.

Drivers caught without a seatbelt face an on the spot fine of £60 (which has recently increased from the previous £30 fine). If the case goes to court, this can increase to a maximum fine of £500.



Enforcement corner

The council follows a structured enforcement policy and investigates all complaints, allegations, incidents and non compliances thoroughly before action is taken. Any person subject to an allegation is always given the opportunity to state their case. This may be by an 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.

Enforcement action 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) Act 1984 codes. The main consideration is the impact on public safety and the seriousness of the allegation or offence.

Taxi and private hire drivers occupation means they are subject to the police notification scheme. The police central vetting unit will notify us where a licensed driver has been arrested or interviewed about any offence. You are advised to always notify the council if you have been the subject of a police investigation. You **MUST** notify us if you are convicted of any offence. This question is always asked on an application, licence renewal form and annual declarations, so must be declared.



Officers work in partnership with the police and other enforcement agencies and conduct both daytime and evening enforcement sessions.

Since our last newsletter, in the summer, the licensing team has revoked one driver licence and suspended several others. In addition, we have also taken action against licence holders for various reasons including:

- parking on ranks and a box junction
- totting up DVLA points
- unacceptable behaviour/unsuitable conduct
- non compliance with conditions
- driving with defective tyre
- poor driving standards
- smoking in licensed vehicles*
- driving whilst on a mobile phone
- dangerous driving
- overdue medical and CRB checks
- importance of keeping us informed of your up to date correspondence address (following returned reminders)
- late renewals and wasting officer time
- medical reasons

The licensing team successfully defended all appeals made to the licensing sub committee and the magistrate's court against decisions to suspend and revoke driver licenses. A number of other matters are also currently under investigation. We are very pleased to say however, that overall the numbers are very low and the vast majority of drivers are not subject to investigation.

** Despite numerous reminders about smoking offences within taxi and private hire vehicles and the display of no smoking signs, several drivers have been witnessed smoking in licensed vehicles. Several warning letters have been issued along with a further two fixed penalty notices. If you are a smoker, you and your passengers, must not smoke in a licensed vehicle at any time.*

Several vehicle licences have also been suspended due to mechanical and safety reasons. Details of the team's enforcement sessions are presented to the licensing committee and community safety portfolio holder, both are keen for the team to increase inspection and enforcement across all the licensing functions we are responsible for.





Updated checks

Amendments have been made to the licensing case management system to streamline automated reminder letters concerning updated medical and criminal record bureau 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. If your licence is suspended and you do not appeal the decision you will not be able to drive or use a vehicle with a suspended licence after the three week appeal period expires.

Return of badges and plates

Officers notify licensees when renewal licences and plates or badges are available for collection. When you collect your updated licenses please remember to drop off your expiring badge or plate.

There have been some instances where licensees have left their badges when delivering their licence renewal papers meaning drivers are working without a badge. Please keep your badge in order to ensure you comply with the requirement to wear your badge at all times whilst working. Please only leave your expired badge or plate when you collect the new one.

National taxi reform update

As we previously notified, the Institute of Licensing (IoL) carried out a nationwide survey to seek user, trade and regulators views regarding the hackney carriage and private hire licensing regime. Their goal was to establish whether there is support for a call for the taxi licensing regime to be reformed.

The IoL have now concluded their review to which licensing authorities, the licensed trade and members of the public made significant contributions. The report summary indicates a broad support for reform of the licensing regime from all sectors to benefit users, trade and regulators and to promote consistency and safety.

A formal report has been presented to the Governments Transport Committee as part of the IoL response to the recent enquiry about cross border hiring problems with private hires, and any other issues around taxi and private hire licensing. The IoL have not addressed how the law should be reformed.

Further details of the surveys results and conclusions can be seen on the Institute of Licensing website at www.instituteoflicensing.org. Thank you if you responded to the survey.



New fees

The licensing committee has approved the licensing fees for 2011/12. The amended fees effective from 1 April 2011 are as follows:

Licence Type	Fee 2011/12
Driver's licence 1 year	£108.00
Driver's licence 3 year	£270.00
Operator licence 1 year	£165.00
Operator licence 3 year	£384.00
Private hire vehicle licence	£229.00
Hackney carriage vehicle licence	£229.00
Hackney carriage meter test	£17.50
Hackney carriage driver knowledge test/retest	£32.00
Private hire driver awareness test/retest	£32.00
Vehicle plate fixing bracket	£10.00
Vehicle replacement plate – front	£9.00
Vehicle replacement plate – rear	£22.20
Private hire vehicle plate deposit – front	£8.85
Private hire/hackney carriage vehicle plate deposit – rear	£22.20
Vehicle ownership transfer	£26.50
Vehicle replacement door signs	£5.80
Replacement licence fee	£15.00
Replacement driver badge	£17.00

Note: The Criminal Record Bureau (CRB) sets the fee for CRB checks which we collect on their behalf. This remains at £36 for 2011/12.

Hackney carriage fare increase

A fare increase request made by the Basingstoke Hackney Carriage Federation was considered and approved by the licensing committee. This was advertised and no objections were received. The revised fares became effective from 17 December 2010. All meters have been updated accordingly.



Duty officer system

You'll be aware that the council's contact centre handles all incoming calls. For enquiries they are unable to answer, a message is taken and caller details are passed to the licensing team. We operate a duty system whereby the duty officer deals with all incoming correspondence, emails and calls as promptly as possible and in priority order.

All priority call back requests are responded to promptly and licences are all logged on receipt and turned around within the target timescale, often sooner. Officers are available to meet by prior appointment and are able to allocate time to deal with other matters such as complaints, enforcement, project and policy work.

By using the duty system, we can ensure the most efficient use of time and resources and ensure we can meet our statutory and corporate deadlines.

Of course, we are always open to suggestions or ideas to further improve our service, so if you have any ideas of how we may do so, please complete the feedback form at the back of this newsletter or email us.

You can contact the licensing team on 01256 844 844 or by email licensing@basingstoke.gov.uk

DVLA licence expiry dates

As part of the application process all licensed hackney carriage and private hire drivers sign a declaration permitting us to check their DVLA licence history. We perform these checks through Intelligent Data Systems (IDS) who confirm driving records and licence expiry dates.

As part of this checking procedure, we have been notified of some drivers who have failed to renew their photocard prior to its expiry date. If a driver fails to renew their photocard and are stopped by the police they could receive a fine of up to £1000. Failing to renew the photo card does not invalidate the licence or the insurance.

It is your responsibility to ensure you keep your DVLA counterpart and photo card up to date at all times. The following link on the Direct Gov website explains about renewal DVLA licence procedures: www.direct.gov.uk

The Equality Act 2010

The Equality Act 2010 brings together in one Act several pieces of legislation concerning discrimination including the Disability Discrimination Act (DDA) 1995. Sections 160 to 173 relate specifically to hackney carriage and private hire vehicles.

Sections 165, 166 & 167 of the Equality Act 2010 impose duties upon the drivers of wheelchair accessible hackney carriage and private hire vehicles to assist passengers who use wheelchairs. The duties have been contained within the DDA but had to date not been brought into force. When duties become effective (at a later date but not before April 2011), it will constitute a substantial change in the law.

Section 167 allows licensing authorities to maintain a list of 'designated vehicles' which is a list of wheelchair accessible vehicles licensed in the area. It is proposed that all hackney carriage vehicles (HCVs) will be on the 'designated list'. We also propose to include the wheelchair accessible private hire vehicles, with the proprietors consent.

Drivers of vehicles on the list must ensure the following duties are carried out:

- to carry the passenger while in the wheelchair
- not to make any additional charge for doing so
- if the passenger chooses to sit in a passenger seat to carry the wheelchair
- to take such necessary steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- to give the passenger such mobility assistance as is reasonably required.



Section 166 allows licensing authorities to exempt drivers from duties 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 unreasonably difficult for him or her to comply with the duties.

From October 2010 drivers of hackney carriage and private hire vehicles have been able to apply for this exemption. The Licensing Team are working to put a system into place for assessing drivers and for granting exemption certificates for drivers considered suitable for the exemption.

The Licensing Team can now accept applications from drivers for exemption. Initially drivers are asked to submit a letter requesting an exemption together with a medical letter from their own GP, which would then be assessed by the council's own medical advisor.

Sections 168 to 171 of the Equality Act 2010 deals with the carriage of guide and assistance dogs. These sections have been lifted from the DDA which imposed a duty upon drivers and operators to accept guide dogs. The existing obligations to carry guide dogs therefore continue but under different legislation.

A driver advice note concerning the Equality Act 2010 has been provided by the DfT which can be downloaded from their website www.dft.gov.uk

We recently investigated an allegation claiming that a hackney carriage driver refused to accept a wheelchair passenger

because the wheelchair user did not have third party insurance. It was reported to us, that the driver was concerned if he were to be injured as a result of loading or unloading a wheelchair passenger they would not be covered against personal injury.

The owner of an invalid carriage is exempt from the requirement to be insured or secured against third party risks as stated in chapter 52 section 143(4) of the Road Traffic Act 1988. There is no legal requirement for wheelchair users to have third party insurance cover. Despite this, the DVLA and DfT strongly advise wheelchair users to have a suitable insurance scheme in place.

We have contacted two of the major taxi insurance companies who both confirmed their standard public liability policy would not cover a driver against personal injury occurring as a result of loading or unloading a wheelchair passenger. They confirmed that the wheelchair passenger would be covered but not the driver. One company suggested however, that they offer Personal Accident Cover which would cover the driver under these circumstances.

If drivers are concerned about the possibility of personal injury then it is recommended that they obtain Personal Accident Cover.

It is not considered lawful to refuse a wheelchair passenger purely on the basis that third party insurance is not in place as this is not a legal requirement for wheelchair users.

Frequently asked questions

Do I have to hand in my licence renewal papers?

No, although you are welcome to do so by leaving your complete application with Parklands reception staff, you are also able to post your application papers to us at the Civic Offices address.

What are the rules about taxi ranks?

Ranks are provided for hackney carriage vehicles to stand and await the arrival of a 'hirer'. It is an offence for any person to 'cause or permit any vehicle other than a hackney carriage to wait on any stand for hackney carriages'. It is also an offence to leave a hackney carriage unattended on a rank.

If a rank is fully occupied with hackney carriages and another hackney carriage arrives, it must proceed to another rank. On arriving at a rank with space available drivers must position their vehicle immediately behind the taxis on the rank and to face in the same direction. When the taxi in front is driven off or moved forward, taxis must also move forward so as to fill the place previously occupied by the taxi driven off or moved forward.

Can a hackney carriage vehicle act as a private hire vehicle?

A hackney carriage vehicle can be used as a private hire vehicle and provided by a private hire operator to fulfil a prebooked journey. However, the fare for that journey must be no greater than the hackney carriage fare set by the council. When a hackney carriage is used as a private hire vehicle the fare must be calculated from the point at which the hirer is collected.

When will my renewal licence be ready?

Officers will call you when your licence is available for collection (See licence renewal article on page 8).



Have your say

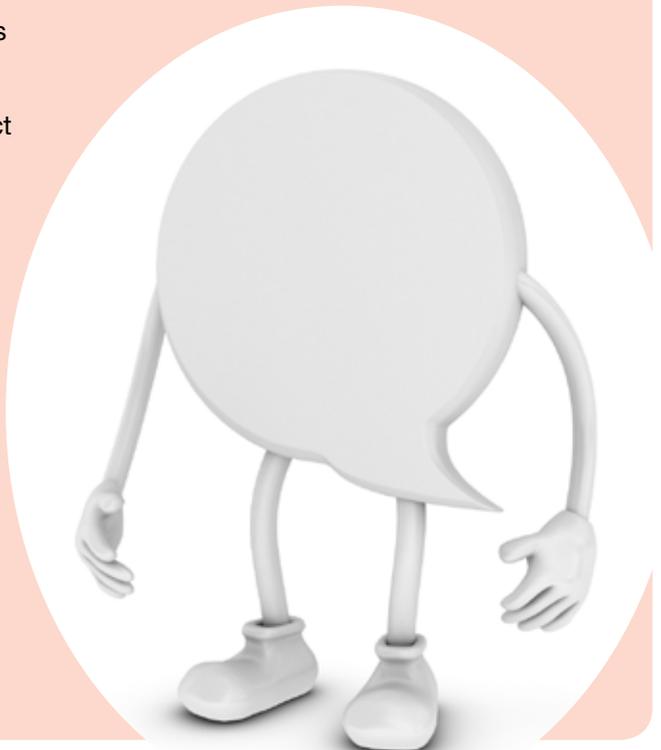
The licensing team will shortly be reviewed as part of the whole council 'Efficiency and Savings Review'. As part of this the licensing committee and the community safety portfolio holder, Cllr Clive Sanders, require the team to build into the review additional capacity for enforcement and inspection activities.

Officers are reviewing existing standards, procedures and practices and are looking at where processes can be streamlined and prioritised.

Where the council wishes to review and amend existing practices, procedures and policies, all recommendations have to go before the licensing committee. Any recommendations that impact on the trade activities will include a trade consultation exercise. We are consulting on the following matters in this newsletter and future editions and would be pleased to hear any comments that you wish to make by using the feedback form at the back of this newsletter or by email or letter:

- Equality Act 2010 – Designated vehicle list
- Extending waiting times between driver awareness tests
- Penalty Points System
- School run vehicles

These matters directly affect you and your work. We strongly encourage you to digest the contents of the enclosed document and provide your feedback to any or all of these areas. Please arrange to provide your written response, either by email to licensing@basingstoke.gov.uk or by post to the Civic Offices address by 31 May 2011. Your views can then be considered as part of our review into these areas.



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:
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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