

TORBAY COUNCIL

20 AUG 2018

COMMUNITY SAFETY

# **TORBAY LICENSED** **TAXI AND PRIVATE** **HIRE ASSOCIATION**

## **RESPONSE TO DRAFT HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY**

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**PRESENTED ON BEHALF OF OUR MEMBERS AND OTHER  
INTERESTED PARTIES**

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**2.6 To Encourage Environmental Sustainability: Investigate alternative fuels and conversion systems; Investigate the potential for providing an environmental levy or reducing licence fees for cleaner vehicles; Involve Taxi Trade in identifying ways to reduce vehicle emissions; Consideration of suitability of vehicles that are unable to comply with Euro Technology (or equivalent standard) requirements.**

**At present Emissions are at Euro 6 on all new cars. This is set out in European legislation. Tiered licensing charges would not be appropriate. Would the authority be wanting a higher standard than legislation applies?**

**2.8 The Licensing Authority is aware that applying licensing requirements which are unduly stringent may unreasonably restrict the supply of taxi and Private Hire services, and can lead to negative safety implications. Therefore, the Licensing Authority has considered each of its licensing requirements in relation to the proportion of risk it aims to address.**

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**This section should be taken notice of. We believe some of the proposals would be “restrictive”, by way of introducing extra expenses, limiting the ability to obtain work and reducing income.**

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**14.6 The age of a vehicle is taken from the date of the first registration in the vehicle registration document and applies to both Hackney Carriage and Private Hire Vehicles. The details of the vehicle age Policy are: Application Type Maximum Age of Vehicle Initial (first)**

**Application (all vehicle types) 4 Years AND Less than 50,000 miles  
Renewal Application (for vehicles already licensed) Up to 10 Years**

**Whilst we support cars being licensed for up to ten years, why has the maximum mileage been reduced? 50000 miles is arbitrary. If a car meets all other criteria then the mileage shouldn't matter at all. We understand a vehicle needs to be mechanically sound and we don't believe any driver would want to buy a car that wasn't.**

**14.7 Once licensed, vehicles which are deemed to be in exceptional condition at the end of the maximum age limit can apply to the Licensing Authority for an annual extension. The Licensing Committee will determine whether the vehicle is suitable for an extension, however all applications must be made 6 months prior to the expiration of the annual licence.**

**“Exceptional Condition” would need defining.**

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**14.12 The vehicle will be inspected by an Authorised Officer and a decision made as to whether or not the vehicle is in such condition to continue in service.**

**14.13 If any damage to the vehicle is such that the Authorised Officer considers it to be in a safe condition to continue in service, the vehicle shall be permitted to remain in continued service but the identified repairs must be undertaken within a maximum of 28 days of the damage occurring. Failure to do so may result in the vehicle licence being suspended until such time that the permanent repairs have been undertaken.**

**14.14** If any damage is considered by an Authorised Officer to be extensive enough to affect the safety or general appearance of the vehicle, the vehicle plate shall be removed and the proprietor of that vehicle shall immediately remove the vehicle from service. The vehicle must be repaired and may be required to undergo a full vehicle examination at the/an approved testing station, as authorised for the purpose of such inspection(s) by the Licensing Authority, before the plate is reattached and the vehicle returned to service. Such inspection will be at the expense of the vehicle proprietor.

If an authorised officer can deem a vehicle unfit for service, surely the same officer can deem it fit. The need for an approved testing station seems unnecessary and would be another expense/burden on the proprietor. Visual inspections have been performed by licensing officers for years and the expense has never been borne by the proprietor.

**14.23** Any Hackney Carriage or Private Hire vehicle being first presented for licensing, must be no older than 4 years (taken from date of first registration) and must not have more than 50,000 miles showing on the odometer. Any such vehicle shall be required to be presented for licensing with a valid MOT certificate in all cases where the vehicle is 12 months or more past the date of first registration. In addition the vehicle must be presented for testing at the/a Licensing Authority approved vehicle testing station and will only be licensed once it has satisfactorily passed a vehicle compliance test. The compliance test will be at the expense of the proprietor.

As said before, 50000 miles is arbitrary.

There is no need for a test at a testing station if the vehicle has just had an MOT issued.

**Historically Cars were presented to an officer on first registration, inspected and then issued with a plate. This was always covered in the licensing fees.**

**14.24 Any Hackney Carriage or Private Hire vehicle being presented for renewal of the vehicle licence must be no older than 9 years from date of first registration and will be permitted to remain licensed up to a maximum age of 10 years. Once a vehicle reaches 10 years of age from the date of first registration, it will be required to be replaced.**

**Unless it's of "exceptional condition", which still needs defining.**

**14.25 All vehicles presented for renewal must hold a valid MOT certificate. In addition the vehicle will be required to be presented for testing at the/a Licensing Authority approved vehicle testing station and will only be renewed once it has satisfactorily passed a vehicle compliance test. The compliance test will be at the expense of the proprietor.**

**See 14.23**

**Another "restrictive" unnecessary expense.**

**14.27 The Licensing Authority may request, at any time when there is doubt as to the suitability or condition of a licensed vehicle, that the vehicle licence holder takes the vehicle to the/a approved testing station, as determined by the Licensing Authority, for a vehicle inspection. The costs associated with the inspection, will be met by the proprietor.**

**If the L.A. Can't decide if a car is suitable or not we are in trouble! The use of a testing station seems very muddled, sometimes the L.A can decide and sometimes it can't. If the L.A. decides to send a vehicle for a test and the vehicle passes the L.A. should bear the costs.**

**14.29 Failure to present the vehicle for inspection will result in the vehicle licence being immediately suspended.**

**What would be the time scale?**

**14.39 A licensed Hackney Carriage or Private Hire vehicle may only be operated by the holder of a Torbay Council dual Hackney Carriage and Private Hire drivers' licence. The affixing permanently of door signs provides clarity and confidence for the public by ensuring that the vehicle is identifiable as a licensed vehicle at all times.**

**14.40 All Private Hire vehicles shall be fitted with Licensing Authority door signs, which must be affixed to the front doors of the vehicle and must be by way of vinyl stickers and not be magnetic. The door sign will be contain Torbay Council identification, the licence number of the vehicle and a statement to the effect of "Private Hire Vehicle - Pre Booked Fares Only".**

**14.41 All Hackney Carriage vehicles shall be fitted with Licensing Authority door signs, which must be affixed to the front doors of the vehicle and must be by way of vinyl stickers and not be magnetic. The door sign will contain Torbay Council identification, the licence number of the vehicle and a statement to the effect of "Licensed Hackney Carriage Vehicle".**

**14.42 If a licensed driver is witnessed by an Officer of the Licensing Authority driving a licensed vehicle without the use of Licensing Authority approved door signs being attached to that vehicle, the vehicle licence will be immediately suspended until the door signs are in place. If the same vehicle is found to repeat this conduct within a 6 month period of any such warning this may result in a report being submitted to Licensing Committee for consideration as to suspension or, in repeated cases, revocation of the vehicle and/or Torbay drivers' licence.**

**Permanent identification on vehicles would be restrictive to trade. Customers often want discretion and require an unmarked vehicle. Whilst Hackney Carriages work off the rank they also do the same work as private hire vehicles. Both need to be available for weddings, funerals, executive transfers e.t.c.**

**Taxis are already distinguishable by their roof sign and private hire by their door signs.**

**Torbay has no problem with rogue Taxis so this policy has no bearing upon this. Although we do have a problem with youngsters offering "lifts for money", generally via Facebook. We are not aware of any enforcement in this area.**

**Vinyl stickers can damage paint work and once removed the paint may have faded around the sign leaving a two tone paint job. This would affect the resale value at the end of use.**

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**15.3 All vehicles presented for licensing for the first time shall be subject to a vehicle compliance test.**

**This has always been done by licensing officers.**

**Another restrictive expense when an M.O.T. has already been passed.**

**15.4 All vehicles presented for licensing for the first time shall be under 4 years old and have a current mileage of less than 50,000 miles.**

**Arbitrary.**

#### **APPENDIX D Livery Policy •**

**All new or replacement vehicles presented for licensing as a Hackney Carriage vehicle on or from (Date to be Determined) must be white in colour with the exterior bonnet and boot/tailgate wrapped in 3M Scotchcal vinyl to the colour specification of (to be determined following consultation) •**

**All new or replacement vehicles presented for licensing as a Private Hire vehicle on or from (Date to be Determined) must be black in colour with the exterior bonnet and boot/tailgate wrapped in 3M Scotchcal vinyl to the colour specification of (to be determined following consultation)**

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**We are struggling to understand why we might require this change in policy. Areas that have a livery policy generally have problems with cross border hire. Torbay doesn't have this problem.**

**Only 30% of all licensing authorities have adopted a livery policy in England. These areas are generally surrounded by multiple licensing authorities.**

**Private hire vehicles are not mistaken for Taxis as they dont sit on Taxi ranks.**

**There just isn't a problem that needs solving here.**

**Why would the Authority wish to Bastardize an expensive vehicle like Mercedes, Audi, BMW or any other high end Taxi or Private Hire?**



**This change of policy would restrict the work available to everyone. Who would hire a car with this livery from the Torbay area for a wedding, funeral, executive transfer etc? This would drive people to hire vehicles from outside the area. For example, Teignbridge or the South Hams.**

**The council recognises the need for taxis to remove the roof sign for weddings, funerals etc. There is already provision for this in its policy but what's the point if the car is ruined by livery.**

**Summer plates change from Taxis to Private hires and back again.**

**Taxis and P.H change from one to the other regularly.**

**The switching of plates would be almost impossible financially.**

**Livery can also lead to cars being subject to break ins and theft.**

**When a car is left unattended it stands out and screams Taxi to an opportunist.**

**Whilst a wrap can be removed it may well lead to paint damage. Also, over time a cars paint fades a little. When the wrap is removed the original paintwork doesn't match the uncovered.**

**This policy would cost the operator too much!**

**Lost revenue and extra expense.**

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## **Doors**

**Vehicles generally must have at least 4 doors, excluding any tailgate, each allowing direct access to and from the seats.**

**This policy would be restrictive in practice. We believe the result would be the prohibition of any multi seat vehicle where a seat has to be moved to gain access to the rear seating.**

**Why has this policy been introduced? If it's for safety, we're sure the manufacturers wouldn't be allowed to sell something unsafe.**

**These vehicles are sold into the Taxi/PH trade across the country by companies such as Cab Direct or Taxis Direct in their tens of thousands.**

**If this policy were put in place the added cost to purchase a multi seat vehicle would be at least £10,000. Drivers would not be able to pay this and would lose revenue. Once again work like school contracts transfers etc would go out of the area to an Authority that does have these vehicles.**

**Paying for one Taxi instead of two is much more economical for the customer.**

**This article published in the Private Hire and Taxi Monthly shows how Councils are reversing their decision on this outdated policy:**

**MONMOUTHSHIRE:**

**'RESTRICTIVE' POLICY IS OVERTURNED**

**Taxi drivers in Monmouthshire are celebrating after a council policy restricting the number of seats allowed in a vehicle was overturned. According to the Abergavenny Chronicle, under the policy, taxis with eight passenger seats were only allowed if one seat was removed to allow access to a door. This meant taxis with eight seats including one folding seat were not allowed. The policy was implemented for safety reasons with the view that passengers had a greater chance of escape if they did not have to climb over a seat to exit the vehicle. But it made it increasingly difficult for taxi drivers across Monmouthshire to purchase reasonably priced vehicles. It also saw them struggle to compete for contracts for eight-seater taxis with neighbouring authorities who now have different policies in place. When Monmouthshire County Council first adopted the policy in 2002, it was also followed by most other authorities in Wales. However, new**

**guidance from the Department for Transport in 2010 ruled the policy may be 'restrictive.' Safety features on vehicles have also been improved in recent years, leading to many councils now changing their policy. Monmouthshire County Council's licensing and regulatory committee heard last month that the vast majority of taxi drivers had asked for the policy to be changed. At a transport consultation event, 20 drivers called for the policy to be changed, with just one saying it should stay the same. Therefore Councillors voted to change the policy.**

**Mmmm... Hoorah! A council where the trade won't have to go through the unnecessary angst, expense and annoyance of Committee hearings and court cases because their licensing authority listened to them. Wonderful! Thank you Monmouthshire!! – Ed.**

**Source, PHTM July 2018**

**Roof signs [applicable to Hackney Carriage Vehicles only]**

**The roof sign may be removed while the vehicle is being used in connection with a funeral or a wedding.**

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**This recognises the need for unmarked cars at certain times. A livery would make this impossible.**

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Date: 9<sup>th</sup> August 2018

[REDACTED]

[REDACTED]

**Subject:** New implementation on Torbay taxis

To whom may concern,

I would like to express my concern regarding the livery on the cars as the association has stated.

Customers in the Bay recognise a Hackney Torbay Taxi sign by the plate and the taxi sign. I believe there is no danger of the public getting in a bogus taxi in Torbay as we have never heard of one.

There haven't been any problems with taxis from other areas taking valuable trade in Torbay or taxis from Torbay doing likewise.

To add signs on the side of the car and different coloured bonnets is costly and devalues the car, and to be honest there are some very nice cars on the ranks, therefore you should understand why their owners don't want to do this, and top of it, to pay for it.

I understand one colour taxis in big cities where there are lots of busy public places and big crowds, it is usual in those places to get flag-downs, however not in Torbay. I cannot remember the last time I was flagged down.

I consider on the livery note that when I need to change my car, it would become extremely difficult to sell or exchange with a two toned colour scheme or faded doors because of door signs, this worries me when the car is on public roads, even for private use as every opportunist out there will know it is a taxi and think: money float, sat nav, camera, etc. Even if we are very careful.

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When I use my car for private use, eg: going up the country to visit friends and family or on holiday I always take the plate off and feel happy when the car is parked in public areas.

I take pride in my car, it is always clean, it wasn't cheap and I consider it my office. Not everyone can afford the run of two cars and I don't feel happy to use my car for private use shouting 'Taxi'.

There are a lot of top the range taxis that are expensive and why for one minute would you want a different bonnet or roof colour to the rest of the car, I seriously ask you to not implicate this for the reasons I have stated.

On the MOT and age of cars I think the standard of cars in the bay is very good and a lot better than other places I have been to.

And I, like lots of other taxi drivers use the same garage for MOTs services and repairs as they know the car and its history.

Yours sincerely,

[REDACTED]

**O'Shea, Gary**

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**From:** Licensing  
**Sent:** 30 August 2018 08:55  
**To:** O'Shea, Gary; Cox, Steve  
**Subject:** FW: Consultation Response  
**Attachments:** TORBAY LICENSED TAXI AND PRIVATE HIRE ASSOCIATION.pdf

**From:** [REDACTED]  
**Sent:** 29 August 2018 20:11  
**To:** Licensing <Licensing@torbay.gov.uk>  
**Subject:** Consultation Response



Dear Licensing please find attached a copy of the response from the Taxi Association. Whilst at present I am not a member of the association I totally agree with their response.

I would also like to add:

A combination of current policy and the pride of the majority of operators/drivers take in the condition/appearance of their vehicles resulting in Torbay having one of the finest fleets of Hackney Carriage and Private Hire vehicles not just in Devon but nationally, why jeopardise this with these unneeded and not necessary changes? If it is not broken leave it alone? In the foreword to the draught document it states that the reason for proposing the changes within is to help the general public understand and educate them in the difference between Hackney and private hire vehicles yet there is no provision in this consultation to complete this statement with respect to all parties the general public do not give a hoot about? Irrespective of what changes may or may not take place they will still pick up the phone and ask to book a "TAXI" whether they are phoning a Hackney or Private hire firm? Nothing will change this mind set> As long as the vehicle turns up on the agreed time and meeting place and transports them to there destination it would not matter if the car was blue,black,green or yellow? Hackney or private hire they got what they asked for a "TAXI" job done.

There is certainly no need to change something that has worked for the last 20 plus years? Hackneys have a blue plate on the rear number plate a sign in the front windscreen and more noticeable a TAXI ROOF SIGN, a private hire has a red plate on the rear number plate a sign in the front windscreen and a door sign on each door stating the fact that this vehicle is a private hire vehicle for advanced bookings only? Surely this is clear and effective enough? If I can drive down the street and little children shout out TAXI,TAXI then I rest my case!! Also a question must be raised as to why the biggest private hire firm in the bay is allowed to be called TORBAY TAXIS!!! Even some of the drivers of this company believe they are taxi drivers when indeed they are not? Maybe educating the public by advertising the difference would be a more suitable financial option? Even the Herald Express when something happens within the trade calls private hire "TAXI", unbelievable really? This does need sorting. Surely this would help educate the public?

To bring in the proposed livery change with vinyl stickers and wrapping would not only bear more cost on the trade but would have a drastic not needed adverse effect on the appearance of our fleet of hackney and private hire vehicles. Day trippers , holiday makers and indeed locals always comment on how good our vehicles are kept and there appearance in the Bay. Even taxi drivers from other area's comment on how good the fleet look? If the changes go through who in there right mind will spend tens of thousands of pounds on a new vehicle for it to be bastardised ? We would loose all our VIP,weddings,funeral and other private work. I for one would not buy another new vehicle but probably the bare minimum thus letting our high standards fall by the way side? Surely other options must be explored.

I can't believe that it is up to one man who has come down from a big city trying to bring his ideas with him, which will never work in the Bay. Who has not got any geographical knowledge nor idea of how the taxi industry works in the bay? Is able to have a drastic effect on all our lively hoods let alone all the extra financial burden to the trade. A person who most of the trade has never met and one who will not answer any of our questions? I thought the licensing officers and the local taxi trade were supposed to work together or at least talk about things? How would he feel if we the trade could effect his lively hood?

I am a great believer in changes for the good and moving with the times, but this is not needed one little bit?

Kind Regards

A thick black horizontal bar used to redact the sender's name.

Sent from Outlook

30 AUG 2018

TO

COMMUNITY SAFETY FROM.

LICENSING TEAM  
TORBAY COUNCIL  
TOWN HALL  
CASTLE CIRCUS  
TORQUAY TQ1 3DR.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
27 AUGUST 2018.

DEAR SIRS,

ALTHOUGH I AM NOT A MEMBER OF THE ASSOCIATION, I HAVE READ THROUGH THE RESPONSE DOCUMENT TO TORBAY COUNCIL.

I AM ABSOLUTELY HORRIFIED AS TO WHAT THE COUNCIL WANT TO DO AND STRONGLY OPPOSE ALL THE CHANGES WANTED.

I HAVE, GETTING IN MY TAXI FROM ALL OVER THE COUNTRY, PEOPLE SAYING HOW CLEAN OUR CARS ARE AND HOW HELPFUL WE ARE, THEY CERTAINLY RECOGNISE US AS TAXIS,

OBVIOUSLY THERE ARE ONE OR TWO EXCEPTIONS BUT YOU GET THAT IN ALL WALKS OF LIFE. TO ENFORCE THESE CHANGES WOULD PUT AN INTOLERABLE EXPENSE BURDEN ON A LOT OF DRIVERS TO THE EXTENT THAT SOME OF THEM COULD EVEN BE FORCED OUT OF WORK, AND IF THAT IS THE CASE, THE CHANGES SMACK OF GOING AGAINST PEOPLES HUMAN RIGHTS.

P.T.O

CNTD.

IT SEEMS TO ME THAT SOMEBODY ON THE COUNCIL IS TRYING TO MAKE A NAME FOR THEMSELVES, WELL IT WILL NOT END UP A VERY GOOD NAME.

I WILL ALSO BE CONSULTING OUR LOCAL M.P. KEVIN FOSTER FOR I HAVE ONE OR TWO QUESTIONS TO ASK HIM ABOUT THIS SUBJECT. LASTLY I AM A GREAT BELIEVER IN,

" IF ITT AIN'T BROKE

DON'T FIX IT "

YOURS SINCERELY

[REDACTED]

[REDACTED]