

Hackney & Private Hire Licensing

Newsletter



Issue 18

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Welcome

To the latest issue of Torbay Council Hackney Carriage & Private Hire Licensing News. It has been a while since the last issue and a lot has happened during this period, both within the Council and more generally on a national level.

In addition to usual contacts (mainly Craig Noble and Shaun Rackley), the team now has a new manager Gary O'Shea, who has moved to the South West from Essex. Gary has been in licensing for 12 years having worked as a licensing officer at Chelmsford and as Manager of the licensing teams at Colchester and Brentwood in Essex, as well as the London Borough of Hounslow.

Gary and Craig will try to visit some of the ranks and private hire offices over the next few weeks in order to meet as many of you as possible. Gary brings wealth of licensing knowledge and experience to the team and I'm sure he will be pleased to answer any questions you may have.

On-line Applications

The online system has now been in place for almost a year and is working well. There several advantages to this system; it is open 24 hours a day meaning you do not require an appointment to see the Licensing Team. Appointments will be minimised and generally only required for knowledge tests or in response to specific requests brought about by policy changes and/or changes to regulations or governing legislation. The online system has a number of step by step guides to provide further information or assistance when using the facility. If you have any questions or problems using the online system, you are able to use a web form which is available from the home screen on your account.

DVSA Driver Standards

Torbay Council is aware that the DVLA will no longer be carrying out Driver Standards test for drivers. We are told that anyone who already has an appointment should attend as planned, but new appointments will not be possible. We are currently in discussion with other Devon local authorities and looking for another provider for this service. We will advise new applicants of the new procedure/system as soon as we have further news.

Renewals 2017/18

The annual renewals process will commence in January. Any driver who is due a DBS check will be written to during early January to inform them of the action they need to take as soon as possible in order to renew their DBS. You can check the back of your current drivers badge and you will find information there on when the DBS and medical checks are next due.

As in previous years, the Council will not be sourcing your DBS check but will provide you with all of the information you need in order to make your application. Please remember it is your responsibility to ensure the DBS is in place in time for renewal. We are unable to issue a badge to any driver that does not have a valid DBS certificate.

New Government legislation requires the Council to issue driver licences for a period of 3 years. It makes sense however, that in doing this the renewal is tied in with the DBS check. For this reason all renewals requiring DBS will be renewed for the required 3 years with 1 year renewals only being offered to those applicants that do not need a DBS until next year. Any driver may request a 3 year renewal, although in such cases they will be required to undertake a new DBS.

Vehicle Inspections

We are still carrying out random vehicle inspections which take place at the far end of the Lymington Road Coach Station Car Park near the car park exit. Appointments will be sent out by letter giving plenty of notice. Any driver who does not attend the inspection without good reason and reasonable advance notification risks having the vehicle suspended. This means you will be unable to work until such time as the inspection has been carried out, which could take several days.

Vehicle Insurance

We have been made aware that Enterprise insurance company that provides insurance for Taxis and Private Hire Vehicles has become insolvent and a liquidator has been appointed. If you insure your vehicle with Enterprise you are encouraged to ensure that your insurance is still valid or to make arrangements to insure your vehicle with a different provider.

The Immigration Act 2016

Under the Immigration Act, the Council is now required (as from 1 December 2016), to conduct checks on an applicants' right to stay and work in the UK. We are NOT permitted to issue any new or renewed licence without first undertaking prescribed checks. All applications accepted with immediate effect will be required to go through the screening process. We intend to run a series of 'drop in' sessions which will commence in early January 2017 for all existing licensed drivers. New applicants will be screened as part of the application process. Once this process has been completed, subject to the odd exception, there is no requirement to do it again.

At the drop in sessions, drivers will need to bring along specific documents so as the right to work in the UK may be checked. The checks apply to all drivers no matter where they were born, how long they have lived in the UK or how long they have been driving a taxi or private hire vehicle. As indicated above, these are a requirement of law for which the Council could receive a heavy penalty should they not be conducted or if conducted wrongly.

An email will be sent to drivers within the next few weeks providing details of the documentation to bring along with an appointment date, time and venue.

Wheelchair Accessible Vehicles

The recent consultation was an attempt to address the availability of wheelchair accessible vehicles licensed

within Torbay and applies to both Hackney Carriages and private hire vehicles. We are aware that the Government has not set any numerical numbers for this as yet but Torbay Council was concerned that we do not have enough of these vehicles available in our area. Whilst the consultation was an open consultation, we were particularly interested to know the views of the licensed trade and the specific user groups. We will keep you informed about the progress on this issue.

Police Operation

The Licensing Team have recently been involved in a police operation as part of National Tyre Safety month. This involved the police stopping and checking vehicles on Marine Drive, Paignton. In addition to this, several police cars were deployed around the Bay to look at various vehicles, including taxis and private hire vehicles. During the course of the day, over 200 vehicles were stopped and checked included approximately 25 taxis and private hire vehicles. We are pleased to report we did not find any significant issues with any Torbay Council licensed vehicles. This was a fantastic result for the taxi and private hire trades. We would like to say a very big well done to everyone who was checked.



Parking

We are receiving increasing numbers of complaints about the number of Hackney Carriages at Torquay Harbourside that are parking in the bus bays prior to the permitted hour of midnight. In addition, there is a continuing issue on Torquay Harbourside where Hackney Carriages are regularly seen parking on the Clock Tower roundabout. This is not allowed at any time and this practice must stop with immediate effect.

Both practices are illegal and you run the risk being issued with a fixed penalty notice for obstruction or contravening parking regulations and/or being referred to the Councils' licensing committee.



Contact Centre

We are aware that some of you are having difficulty in contacting us and that the times spent on the telephone are increasing. We would like to apologise for this. The reason that you have to spend longer on the telephone is because the number of telephone calls the call centre is dealing with has increased dramatically. Please be assured, however, that the staff will always try and deal with your telephone call as quickly as possible.

Tips to avoid issues:

- Try calling at different times of the day; if you call at less peak times it can be quicker as the incoming call numbers do vary during the day.
- You can contact us via email using the web form, which can be found on the Council website at : www.torbay.gov.uk/taxis. Using this system, you can make a complaint, notify us of address changes and make general enquiries.

When contacting the team, by whichever means, please give us as much detail as possible as this will enable us to prioritise your enquiry. Using the web form will save you time as it is quicker than the telephone system: It is also available 24 hours per day.

Unfortunately we are still getting complaints from the call centre staff about some drivers who are rude and aggressive. You should be aware that this will not be tolerated and could result in action being taken, including a potential appearance before the Licensing Committee. Even if you have a justified complaint, it is unlikely to be the fault of the person in the call centre and we therefore ask for some consideration.

Medicals

We would like to remind all drivers that the medical must be carried out by your own doctor or a doctor who has access to your medical records. We cannot accept a medical from any other source.

Torbay Council Logo

We are happy to see a number of taxi and private hire Companies promoting the fact that they are licensed by Torbay Council on your websites and in your vehicles. If you wish to highlight that you are a Torbay Council licensed company, we would encourage you to use the following wording:-

(company name) is licensed by Torbay Council.

Please be aware that the Torbay Council logo should not be used under any circumstances without prior permission. The Council has established rules and guidelines on how its logo should be used to avoid confusion with the public over its relationship with any organisation or event. If you would like to use the logo please contact the Council's Communications Team on 01803 208850 or email at:

communications@torbay.gov.uk

Smoking

Several drivers have been witnessed smoking within their vehicle in recent times. Again we must remind you that this practice is illegal and you must not smoke in your vehicle at any time.

The regulations state :-

- 14.40** Smoking is prohibited in all Hackney Carriage and private hire vehicles. No smoking signs shall be displayed at all times within the vehicle.
- 14.41** Torbay Council also prohibits the use of E or vapour cigarettes by drivers or passengers in licensed vehicles.
- 14.14** A driver found smoking; using E/Vapour cigarettes or permitting these to take place in a licensed vehicle will be subject to enforcement action by either the Licensing Authority or any other relevant Council agent.

The other thing that has been witnessed is drivers discarding cigarette ends on the road or footpath. This is considered littering and a few drivers have received fixed penalty notices for this offence.

For the avoidance of doubt this means that smoking of any kind is prohibited at all times within any Private Hire or Hackney Carriage vehicle at any time, whether the vehicle is being used for hire or not and whether there is a passenger on board or not.

Please ensure that your vehicle remains smoke free at all times.



New Years Eve Road Closures

The usual road closures will be in place for the New Years Eve celebrations in Torquay. Closures around the Clock tower area will be from around 11pm on 31 December 2016 until the early hours of the morning on 1 January 2017. Police have confirmed that these will be removed as soon as practicably possible after the event.

A temporary rank will be in place higher up Torwood Street and private hire pick up points will be positioned at the entrance to AMF Bowling and from the Pavilions. Customers wishing to be picked up during the latter part of the evening will be told to go to the temporary rank or to book a pick up from the Bowling Alley or the Pavilions through one of the private hire companies.

Advance warning signs showing the exact details of the closures will be put up 7 days before the event.

Vehicle Types

We are increasingly being asked if specific vehicles are suitable for licensing or if they meet the Torbay Council specification. Please refer to your driver's handbook as the full specification is in there and you should be able to refer to this for clarification. We have also now changed our stance on certain vehicles such as the Ford Galaxy, the Volkswagen Sharan and the Seat Alhambra. These vehicles never did meet the specification as they do not meet the minimum boot space requirements. Please be aware that we will no longer licence these types of vehicle. If you have one of these vehicles currently licensed, we will honour the licence up to 8 years old as with all other vehicles but we will not licence any new vehicle which does not meet the specification in full. Anyone wishing to licence a particular vehicle must ensure that the vehicle fully meets the required specification.

Seat Belts

We have received a complaint from a member of the public about children in the back of a licensed vehicle without seat belts or restraints being used. I would remind all drivers the law requires that all children travelling in the front or rear seat of any car, van or goods vehicle must use the correct child car seat until they are either 135 cm in height or 12 years old (whichever they reach first). After this, they must use an adult seat belt.

There are four exceptions where a child may travel secured by a seat belt rather than a child seat, if a child seat is not available. These are if the child is travelling:

1. In the rear seats of a licensed taxi or private hire vehicle
2. A short distance and the journey is necessary and unexpected
3. Two occupied child restraints in the rear prevent a third one being fitted
4. The vehicle is not fitted with seat belts (only applies to vehicles that were originally manufactured without seat belts).

Licensed taxis and minicabs (private hire vehicles)

For the avoidance of doubt, the law relating to licensed vehicles permits children aged 3 years or older to travel in the rear (but never the front) wearing an adult seat belt if the appropriate child seat is unavailable.

Please remember... it is the driver's responsibility (not the parent or any other passenger) to ensure that children under the age of 14 years are restrained correctly in accordance with the law.



A Plea for Your Help

Part of the work of the Council's Safer Communities Team is to raise awareness of issues that may affect individuals or communities within Torbay. As part of this work they have asked us to circulate information to highlight the issues of Child Sexual Exploitation (CSE), what it is and most importantly, what you as a taxi driver can do to help prevent CSE taking place in Torbay.

You can help protect a child from being harmed

You may have read about the sexual exploitation of children in Rotherham between 1997 and 2013. An independent inquiry assessed that approximately 1400 children were victims of sexual abuse. It was found that licensed drivers were used to take victims to places where they were sexually exploited.

This is a nationwide issue, for which Torbay will not be an exception. Together we CAN make a difference in tackling this serious issue.

A separate email will be sent to all drivers on our database within the next few days to provide further information on this matter. In the meantime to find out more, please go to the NSPCC website at www.nspcc.org.uk/preventing-abuse/child-abuse-and-neglect/child-sexual-exploitation/.

Driver and CSE Training

You may be aware that the DVLA have recently discontinued their Driving Standards Assessments (DSA), which all new drivers must undertake as part of their application process. We are currently looking at alternative provision and will announce details of this as soon as possible.

Linking into the CSE problem, we are also looking to provide training for all drivers both new and existing. It is likely that the new DSA provider will provide CSE training for new applicants. A separate process will be implemented for existing drivers. This will likely commence early next year. We are looking to provide free CSE training to all drivers up to April although it may be chargeable thereafter.

Finally something light - Just like Archie

A man walks into the street and manages to hail a Taxi. He climbs into the car, and the driver says, 'Perfect timing. You're just like Archie.'

Passenger: 'Who?'

Driver: 'Archie Smith. There's a guy who did everything right. Like my coming along when you needed a cab. It would always happen to Archie like that.'

Passenger: 'Everyone has a few clouds over them.'

Driver: 'Not Archie. He was a terrific athlete, he could have won the Grand Slam at tennis, he could golf with the pros, he sang like an opera baritone and danced like a star and you should have heard him play the piano.'

Passenger: 'Sounds as if he was something real special.'

Driver: 'Oh there's more; he had a memory like a computer. He could remember everybody's birthday, he knew all about wine, which foods to order and which fork to eat them with, he could fix anything. Not like me. I change a fuse and the whole street blacks out.'

Passenger: 'Wow, some bloke then?'

Driver: 'He always knew the quickest way to go in traffic and how to avoid traffic jams, not like me, I always seem to get stuck in them.'

Passenger: 'Wow, there can't be many like him around.'

Driver: 'I'm not finished there; he knew how to treat a woman and make her feel good and never answer her back even if she was in the wrong, his clothing was always immaculate and his shoes highly polished too.'

Passenger: 'Amazing fellow. How did you meet him?'

Driver: 'Well, I never actually met Archie.'

Passenger: 'Then how do you know all about him?'

Driver: 'I married his flippin' widow.'

Contact Details

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