

ESSENTIAL REFERENCE PAPER 'B'

From the holder of a dual driver and hackney carriage vehicle licence:

This would be an unfair policy because more and more vehicles from other licensing areas are regularly working in East Hertfordshire. For example, Broxbourne and TFL vehicles are employed by companies based in Hertford and Ware, and unless the policy is the same for them it would be discrimination against the very people and their vehicles that are actually fully licensed to work in East Herts.

Coupled with the facts that East Herts drivers pay DOUBLE the fees than Broxbourne drivers, and that nothing is being done by yourselves to halt the influx of drivers from Uber/TFL/Broxbourne who we have made clear are damaging to our trade and earnings this is nothing more than another unfair hike of our ever increasing expenses. Totally unjustified. You cannot enforce one rule on us whilst the aforementioned is clearly happening.

Licensing Team response:

Thank you for your response to the consultation on the draft vehicle age and emissions policy which I have included below.

This would be an unfair policy because more and more vehicles from other licensing areas are regularly working in East Hertfordshire. For example, Broxbourne and TFL vehicles are employed by companies based in Hertford and Ware, and unless the policy is the same for them it would be discrimination against the very people and their vehicles that are actually fully licensed to work in East Herts. Coupled with the facts that East Herts drivers pay DOUBLE the fees than Broxbourne drivers, and that nothing is being done by yourselves to halt the influx of drivers from Uber/TFL/Broxbourne who we have made clear are damaging to our trade and earnings this is nothing more than another unfair hike of

our ever increasing expenses. Totally unjustified. You cannot enforce one rule on us whilst the aforementioned is clearly happening.

Having looked at the points you raise I agree that ideally there would be national standards for drivers, vehicles and operators but without new primary legislation this is not going to happen. I would suggest that people like yourself who feel strongly about these matters should take them up with their local MP. Without new legislation standards will always differ from area to area and despite the Local Government Association pushing for change, it is unlikely to happen soon, particularly whilst Brexit drags on.

In your email you reference Broxbourne and TFL licensed vehicles working in East Herts. The companies that are subcontracting work to vehicles licensed elsewhere hold operators licences with East Herts so form part of our licensed trade. This subcontracting is perfectly lawful if it is done in the correct way, another flaw in the current legislation you might say. We have checked these matters on a number of occasions with the operators licensed by East Herts and they comply with the law. Therefore we cannot take action against these vehicles unless they are illegally standing or plying for hire which does not appear to be what you are complaining about. If you do have information regarding illegal standing or plying for hire then please pass it to licensing.enforcement@eastherts.gov.uk.

As you will know from the update we sent following the ruling in the Reading case the courts consider how Uber operate to be lawful and as such we cannot take action against their drivers whilst they take bookings through the app. Again if they are illegally standing or plying for hire we could take action. The Reading decision has been appealed so the decision may get overturned but until that time Uber drivers are doing nothing illegal.

I appreciate that none of these facts will be of any comfort to you or others in the hackney carriage trade.

We have ever sympathy with our local licensed hackney carriage trade and make every effort to support them where we can. For example, there was a recent proposal to completely remove the rank at Mill Bridge in Hertford on a permanent basis. We pressed HCC Highways to at least include a time limited rank in the evenings and this proposal is now part of the development of this area of Hertford. We have then taken the time to gather the details of this change and notify the hackney trade so that they can have their say in a consultation that may otherwise have been missed. We are also working with neighbouring authorities to try and reach agreements on uniform standards and policies across parts of Hertfordshire and Essex. As you can appreciate without the legislation requiring this it can be a slow process but a similar (in fact stricter) vehicle age and emissions policy will be going out for consultation for Uttlesford District Council in the next few weeks.

The authority believes that the draft policy can be justified but is consulting the trade to hear their opinions and reasons, if any, for objecting. I am afraid that your argument that the policy should not be implemented because others have lower fees or standards does not carry any weight. There is no immediate cost to the trade if the policy is implemented as the changes, particularly the emissions part, are staggered. It would be illegal to have a blanket policy so there can always be exceptions if vehicles meet the required standards. We are trying to promote a direction of travel that will ultimately benefit all including the licensed trade. It is hoped that we will end up with a safer, more professional (I appreciate that the bulk of the trade is already professional but that should not stop us having aspirations to improve things further) and greener fleet in years to come.

If you would like to make comments about the content of the policy itself then I would welcome these.