

## ESSENTIAL REFERENCE PAPER 'D'

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

This reply is on behalf of:-

Translogistic Limited (on a corporate basis) Kaleidoscope Commerce Limited (on a corporate basis) Trading As:- Associated Taxis, Sawbridgeworth Cars; Kwick Cars Hackney Carriage Licensed Drivers: REDACTED, REDACTED, REDACTED, REDACTED, REDACTED, REDACTED

As a matter of principal, subject to usual considerations, we are supportive of East Herts Council and the Licensing and Enforcement Team in the approach to this matter and more widely in the efforts to improve standards within the industry in general.

We are aware of at least one EHC licensed vehicle carrying an original registration plate prefixed by letter "V" which does not appear to be included in the licensed vehicle tabulation; why is this and is the list otherwise accurate?

Comments on Essential Reference Paper "B"

Vehicle Age:

We believe the construction is wrong

At first application- vehicle licenses WILL NOT.....if more than 5 years old.

At renewal- vehicle licenses WILL NOT.....if more than 10 years old.

A vehicle MAY be considered for licensing beyond these upper age limits if it is exceptional condition.....

Exceptional Condition Criteria:

A vehicle WILL be considered to be in exceptional condition.....

On construction an operator can purchase and own a vehicle for just 5 years and 2 days and then present the vehicle in exceptional condition (as defined) but MAY find licence renewal arbitrarily declined, this would be unfair and is probably not the intention but is how the wording stands.

Exceptional Condition Criteria.

1. We object to the principal of defining "significant" by reference to any arbitrary monetary figure. There are several reasons for this not least that this introduces an arbitrary unintended discrimination between makes and models of vehicles, is no real indicator of condition and simply encourages pre-inspections which may negate the effectiveness of the general objectives trying to be achieved.

2. We object to any test which has an arbitrary element to it so "near perfect" requires a practical measure/established definition.

3. We object to any arbitrary view of what detracts from "appearance" (although we agree with the intention).

6. Agreed but in this case the "up to £100" soiling fee in the table of fares may need to be lifted to £200 (which it should anyway). A fouling that occurs in a short period before relicensing could on these terms lead to a vehicle being declined. To achieve the required results for relicensing a different level of valet may be required.

7. This implies that there is an additional test for "mechanical condition" beyond the MOT + RWT - what is it and how will this be carried out at point of licensing?

8. This implies that a full-service record should be present at first and every licensing before Exceptional Condition Criteria is applied in which case the licensing conditions may need to be changed?

Furthermore, many of the service records are now maintained on-line (eg Mercedes) where there are no hard copies or service books - will you be able to access these records?

9. This is listed as a separate condition but what does this inspection consist of?

Paragraph commencing "The first eight criteria....."

- will the designated officer(s) be formally trained and if so to what standards, define "necessary" in context of conditions 1-8, what fees are envisaged? This will be particularly important if it is intended to retain "arbitrary" measures within the Exceptional Condition Criteria

Perhaps exceptional conditions and inspections should be set against some agreed established industry standards (eg BVLRA) or there might be a heightened risk of inconsistency in the application of licensing conditions.

As a cautionary note and whilst agreeing with the general principals set out care should be taken with regard the barriers and costs of entry to the EHC Licenced Taxi/Private Hire Market as raising these may lead to licenced driver migration to neighbouring authorities with obvious consequences.

We would be happy to discuss any/all of the above

**Licensing Team response:**

**As a result of the comprehensive response a meeting was arranged for 3<sup>rd</sup> January 2018 to discuss the policy in more detail. Following this meeting the email below was sent summarising the content and outcomes of the discussions and a revised draft policy for comment:**

Thank you for meeting with me the other day. I appreciated you taking the time to comment on the draft policy and to discuss it with me face-to-face. I thought that I would email you before the end of the consultation make sure that I had recorded all your points accurately.

With regards to the construction of the paragraphs under the heading 'Vehicle Age' the point you made was that in the first two paragraphs it says 'will' but in the third it says 'may'. I agree with your point that all should say 'will' so that this section is consistent.

Your comments then relate to the section that details the 'Exceptional Condition Criteria'.

In relation to point 1 you believed that using a monetary value, in the draft document £30, to define what is considered a 'significant item' is incorrect. The point you made regarding the cost of a xenon bulb for some of the newer vehicles you run was very well made. Your suggestion was that the second sentence in point 1 be removed allowing significant to be decided on a case by case basis.

In relation to point 2 you were unhappy with the use of the subjective term 'near perfect'. I agree that it would be difficult for applicants to be certain that they can meet this standard without a clear definition. As we discussed I think point 2 can be replaced with the existing standards relating vehicle condition which will make what is required clearer for all.

In relation to point 3 you suggested that this is not necessary if the existing vehicle standards are applied as suggested in relation to point 2 above.

You have not made comment regarding points 4 and 5.

You agree with point 6 but have made other comments which do not fall within the proposed age and emissions policy. As we discussed we will be looking at the hackney carriage tariff again in the near future and the point about a soiling charge can be raised then.

Having discussed point 7 with you I agree that the wording appears to imply a standard above and beyond that which would be applied to other licensed vehicles. Vehicle mechanical condition is checked first by an MOT and then by the Council's own testing regime so I agree that point 7 is unnecessary.

With regards to point 8 your comments related to the value that this requirement would add to public safety and the ability of the Licensing Team to check this. In this modern age many vehicles do not have stamped service books as was the case before. Equally it is often difficult to know what the service intervals for a vehicle are and the owner may only realise the need for a service when the vehicle warns them. These issues seem to make this requirement onerous both for the vehicle proprietor and the Licensing Authority. Both the MOT and the Council's vehicle inspections go beyond what would be checked at a vehicle service. Another point you raised is would the authority to refuse to licence a vehicle if an oil service was done a few miles after it was actually due? This would seem to be defeating the purpose of the regime which is to licence safe and suitable vehicles to carry the public. A poorly serviced vehicle is likely to fail the MOT or Council inspection in which case other criteria in the policy will address this. Your suggestion was that point 8 be removed.

With regards to point 9 you asked what the inspection consisted of. This references the current Council vehicle test and not a different standard. As discussed this is a requirement of making the application for a vehicle licence but we were trying to make it clear

that the vehicle can only go for an inspection after it has been seen by an officer of the council to assess the other criteria. This can be described in a different way rather than being one of the bullet point criteria under this section.

I can confirm that all the officer's that will be carrying out these 'Exceptional Condition' inspections will be trained so that a consistent standard is applied. Officers will be required to complete paperwork confirming the condition of the vehicle and this will be supported by photographs. These checks will be audited to further ensure consistency. If an applicant disagrees with a decision it is open to them to appeal that decision.

We will be reviewing other areas of taxi licensing this year and as part of this we will look at the possibility of applying established industry standards but that is not part of the current consultation.

I understand your concerns regarding either real or perceived barriers to entry to the East Herts Taxi trade and it is in no way our intention of creating these. As you are fully aware our primary function is to ensure public safety and we believe that the Vehicle Age and Emissions policy would further promote this.

I have drafted a new version of the proposed Vehicle Age and Emissions policy based on our email and our subsequent discussions. Please have a look at it and if possible let me have any further comments before the consultation closes on 11th January 2019.

**Further response from licence holder:**

Thank you for your further response which is very helpful as it details the thinking behind the revisions. As we said and confirm, we support any policy which seeks to improve safety and standards. We are also comfortable that the policy revision should afford the

licensing team the discretionary powers necessary to flexibly pursue their licensing duties /oversight without being inhibited by (some of) the minutiae of regulation. Let us know if we can help further in any way.