

Taxi Forum Minutes
Wednesday 16th January 2024
1030 – 1215

Attendees

Cllr Peter Feacey (Cllr F), Trevor Ford (TF), Julian Postlethwaite (JP), Robin Harnett, Manikumar Gurung, Lal Ghale, Yam Gurung, Bhim Towa, Binod Subba, Buddhi Rai, Rohit Rai, CJ Jassad, Christopher Cooper, Tyrone Archer, Garry Winter, Mirwais Khosravi, Harun Celik, Tom Platt, Alpha Tejun, Hiron Miah, Kaji Limbu, Om Chhantyal, Harku Limbu, Prakesh Rai, Ramkaji Limbu, Ganesh Ijam, Lloyd Santer, Ahad Ali, Muktar Ali, Min Thapa

Agenda

1. Update, and review of DfT Taxi and private hire vehicle Licensing Best Practice Guidance.

TF explained that the councils existing Taxi Licensing Policy for was due for review, but at the same time the Department for Transport have published updated best practice guidance for taxi licensing.

For the most part the council operate in line with best practice, there are however a few new areas of good practice which the council will need to consider when adopting an updated policy. Deviation from the best practice guidance should be justified with grounds as to why such deviation is relevant to local circumstance.

These points will be subject to a full consultation with the licensed trade, however in the meantime it is useful to outline these changes so that suitable proposals can be developed and consulted upon.

Those points are;

a) Intended use policy.

TF explained the basis of this section that drivers should be working in the area/Borough where they are licensed, and gave an example of Wolverhampton drivers operating in Swale, this is because of the ability to carry out cross border work. PF asked if Wolverhampton drivers could undercut Swale drivers, TF stated that they could. TF explained that the DfT guidance would aim to cut down on this outside Borough operations by ensuring that licensees work primarily within the borough in which they are licensed.

Delegates asked about Uber, and how we would enforce on this, JP explained how Uber operate, and that they are not licensed in Ashford. TF said that Private Hire Operator inspections would identify those operators that may be working predominantly outside the Borough, and those that are would be asked to relocate.

b) Practical driver assessment.

TF explained that the new DfT guidance places an emphasis on driving assessment at application and each renewal.

Delegates appeared to unanimously reject the idea. Comments such as, experienced drivers with no previous issues do not need to retest, it was not seen as fair, and unnecessary. Drivers also highlighted that those with identified issues could be tackled through driver assessment/remedial courses etc.

TF explained the current arrangement where drivers with identified issues are put on a remedial course, at their own expense. PF reiterated that current policies were in place that were robust.

c) Disability awareness.

TF explained that DfT guidance places a requirement for new and renewing drivers to complete disability awareness courses. Tyrone asked if this would be online, or a group 'one off' at the Civic centre to save time and costs. TF said that typically this would be via online course and certificate submission, but that a bulk booking was an option for existing drivers, and we would need to look at costings etc.

d) Topographical testing for new drivers.

JP explained that the current Private hire theory test only had two Topographical questions, and they would be going from the test in line with the DfT guidance that PH Drivers should not have to undergo any topographical testing as part of their application.

e) Drug testing.

TF explained that it is proposed that we update policy to clarify when drug testing is relevant to those with prior cautions and convictions for drug possession, and gave an example of whether it is relevant for an older driver who may have received a caution some 20/30 years ago in their youth.

Some delegates agreed that it should be mandatory, Tyrone asked about swabbing of vehicles and how it worked, JP explained the process and how the results are analysed.

TF explained the meaning and relevance of 'spent convictions' in the trade, and how this may reflect on older drivers over newer younger drivers who may not have been cautioned but may have only received a 'warning'. Those that had to submit to drug testing would pay for it themselves, it would not be paid for by ABC.

f) Operator's licence – disability awareness training.

TF explained that DfT guidance highlights that operators should be training their booking and dispatch staff on disability awareness in order that operators can ensure suitable support and assistance is provided at the time of booking.

Tyrone asked if this too could be done in house, bulk at the Civic centre. TF advised that Operators may have a regular turnover of staff, so should be training new staff as they start employment, and this might be a condition applied to the PHO licence, and the operator/manager and staff sign a register to show that it has been completed. This would not need to be submitted to the council, but checked at operator inspection – however operators who only use licensed drivers would not need to conduct this training as drivers would otherwise be subject to disability awareness training.

g) Conditions regarding responsibility for the booking, and that the contract is between the booker and the operator.

TF explained that to reflect current case law a condition would be added to all renewed operators licences to confirm that they are responsible for the booking (contract) placed with them and this cannot be dismissed or transferred to other parties.

No comments.

h) Digital booking platforms.

TF explained that the DfT propose a requirement that all digital booking systems are accessible, for example by having options for large print for visually impaired persons.

TF clarified upon questioning, that if you use a third party service that is not compliant, then operators would need to ensure that they move onto a accessibility compliant system.

i) Window tints.

TF explained that DfT guidance sought to clarify requirements on window tinting, and this should not in general change out policy – which remains that in general factory tints would not need to be removed.

There were no specific comments other than compliance should pick up a window tint that may not be compliant.

j) Daily vehicle inspections.

TF explained that DfT guidance highlights that drivers should complete a daily vehicle check, and keep a record of such checks

General discussion included if the check sheet would be digital or paper, perhaps an app, what drivers should do as they are not mechanics, JP explained what should be expected of any competent driver in respect of pre checks, but nobody expects them to carry out mechanical evaluations. TF said that perhaps an operator could have a fleet management system. There was a suggestion that there were 'recidivist' drivers who regularly received points for failed compliance, and they should be revoked. JP clarified that he had certainly never issued points to anyone for a failed compliance more than once, and he would be surprised if Alison had either, however if that situation arose it would be highly likely that the Operator/Proprietor would be put before committee.

Several delegates expressed a concern that there may be a conflict of interest at Ashford MOT, with failed compliances then being repaired there. One delegate said that he failed on emissions, and then took his vehicle to Just MOT where it passed. TF explained the bidding process, and said that when the contract next came up it may be possible to offer several recognised garages the opportunity to bid to carry out the compliance, but costs would vary. TF suggested that where there is a concern over a failed compliance, the driver may bring it to our attention.

Several delegates expressed their concerns that Ashford MOT had a monopoly.

k) Compliance testing frequency

TF explained that DfT guidance indicated that in general vehicle inspections should be annual unless local circumstances dictate otherwise. He further advised that from a licensing perspective failure such as 'cords exposed on tyre' highlight that 6 monthly checks appear to be justified and necessary for protecting public safety.

This topic drew mixed response, some agreed, others believed that it would lower standards and allow for more failed compliance tests. TF stated that failures at present were on basic matters, and at present he believed it should be six monthly. He added with a high annual mileage great care should be taken. The general view appeared to be an annual test would be preferable.

It was also noted that if the above vehicle checks improved vehicle standards, and resulted in a reduced failure rate, that the inspection frequency could be revisited in future years

l) Vehicle age limits

TF highlighted that the DfT recommended that licensing authorities should move from age-based vehicle requirements to consider emissions, safety and accessibility.

Due to time constraints this was not discussed in any detail, but would feature in any proposals that come forth to clarify and update vehicle specifications noting that the below mentioned inclusive service planning would need to be taken into account.

m) Clarification on internal PH plates for executive vehicles

TF highlighted a suggestion to better clarify that integral PH plates are for genuine executive hire vehicles only, and that this is for occasion where the external display of a plate may have an opposite effect on public safety.

n) Inclusive service planning

TF explained that the council would, under the new DfT guidance, be required to commission a review of inclusivity in the trade looking at vehicle availability and demand (particularly for wheelchair accessible vehicles), accessibility of ranks, disability training for drivers (also mentioned above), etc.

This would then lead to the development of an action plan to ensure that the taxi and private hire trade is sufficiently accessible – for example rank adaptations, varying vehicle requirements etc.

Due to time constraints this was not discussed in any further detail

o) Penalty points duration

TF clarified that DfT guidance recommended that penalty points should remain live for 3 years, or 5 years for operators – whereas it currently stands at 24 months under existing policy

Due to time constraints this was not discussed in any further detail

p) Update to penalty points tariff

TF clarified that in line with changes to policy, the penalty points tariff would need to be updated and include new areas such as ‘failure to record daily vehicle checks’

Due to time constraints this was not discussed in any further detail

q) Passenger notices, and staying safe guidance

TF clarified that the council would publish expectations of drivers, and also passengers online, and also link guidance to the trade on staying safe.

r) Mandatory card machines

TF clarified that whilst not a DfT requirement, now was a good opportunity to consider whether the trade felt it was necessary to mandate card

machines, or short of this whether it was appropriate to require 'cash only' vehicles to display such signage externally for the benefit of customers. It was noted that some neighbouring boroughs have moved this way, and increasingly it is expected with much of the trade already operating card machines.

Much discussion ensued, with some of the trade supporting the idea of front and rear cash only sticker. It was recommended that members feed into the policy consultation with their views on this topic.

s) Calendar locking HCV meters

Although not within the DfT guidance, TF highlighted a desire from licensing to mandate that hackney meters are calendar locked so as to limit the potential for persons to manually move fare onto higher rates when they did not apply. Although this does not remove the potential for tampering, it does make it easier for inspection to detect tampered meters and does protect the public from excess fares.

This was discussed briefly, and it was understood that this function could be added when the meter is set by the relevant meter agent.

t) DVLA checks

TF explained the need to address a minor discrepancy in existing policy, to clarify that drivers DVLA licences are automatically checked every 6-months for new and/or accumulated points.

Due to time constraints this was not discussed in any further detail