



## AYLESBURY VALE DISTRICT COUNCIL

### Democratic Services

Please ask for: Alice Fisher; [afisher@aylesburyvaledc.gov.uk](mailto:afisher@aylesburyvaledc.gov.uk);  
Switchboard: 01296 585858  
Text Relay Prefix your telephone number with 18001  
Date Not Specified

### LICENSING COMMITTEE

A meeting of the **Licensing Committee** will be held at **10.00 am** on **Monday 6 March 2017** in **The Olympic Room, Aylesbury Vale District Council, The Gateway, Gatehouse Road, Aylesbury, HP19 8FF**, when your attendance is requested.

Contact Officer for meeting arrangements: Alice Fisher; [afisher@aylesburyvaledc.gov.uk](mailto:afisher@aylesburyvaledc.gov.uk);

**Membership:** Councillors: J Brandis (Chairman), M Hawsett (Vice-Chairman), P Cooper, A Harrison, A Huxley, S Lambert, T Mills, G Powell, S Renshell, B Russel and Sir Beville Stanier Bt (ex-Officio)

### AGENDA

**1. APOLOGIES**

**2. TEMPORARY CHANGES TO MEMBERSHIP**

Any changes will be reported at the meeting.

**3. MINUTES** (Pages 3 - 4)

To approve as a correct record the Minutes of the meeting held on 7 November 2016 attached as an Appendix.

**4. DECLARATIONS OF INTEREST**

Members to declare any interests.

**5. REVIEW OF TAXI AND PRIVATE HIRE LICENSING POLICY** (Pages 5 - 34)

To consider the report attached.

**6. REPORT ON THE IMPACT OF THE DE-REGULATION ACT ON AVDC** (Pages 35 - 42)

To consider the report attached.

**7. REPORT ON CREATING A RURAL HACKNEY CARRIAGE TARIFF** (Pages 43 - 46)

To consider the report attached.

This page is intentionally left blank

## Licensing Committee

7 NOVEMBER 2016

**PRESENT:** Councillor J Brandis (Chairman); Councillors M Hawkett (Vice-Chairman), A Bond (In place of T Mills), A Huxley, S Lambert, G Powell and Sir Beville Stanier Bt (ex-Officio)

**APOLOGIES:** Councillors P Cooper, A Harrison, S Renshell and B Russel

### 1. TEMPORARY CHANGES TO MEMBERSHIP

Cllr A Bond substituted for Cllr T Mills

### 2. MINUTES

RESOLVED –

That the minutes of the meeting held on 5 September 2016 be approved as a correct record.

### 3. CREATING A RURAL HACKNEY CARRIAGE TARIFF

It was reported that the present tariff for Hackney Carriage fares had been set by the Licensing Committee in April 2010. Despite year on year increases in vehicle insurance costs to the trade there had been no requests for an increase in fares by either the Aylesbury Vale Hackney Carriage Association or the Rural Hackney Carriage Association since 2010.

The power for Local Authorities to set fares for hackney carriages came under Section 65 of the Local Government (Miscellaneous Provisions) Act 1976. In accordance with the Legislation, if local authorities wanted to vary the fares, a notice showing the proposed tariff had to be published in at least one newspaper for a period of not less than fourteen days and a copy of the notice needed to be kept for inspection at the local authority offices.

The Rural Hackney Carriage Association had proposed a new tariff be introduced specifically for the rural taxis. The rural taxis covered the whole of the Vale with the exception of Aylesbury Town where they were not permitted to ply for hire.

The rural taxis covered a very large area and could travel a significant distance to accommodate a journey that potentially could be quite short. The fare could only be started once the passenger was on board and many jobs resulted in “dead mileage”; travel to the customer’s home or start point and return mileage after the journey had been completed. An increase in fares would help to offset fuel costs involved in covering such a large area. The Association were proposing an increase in the incremental rates of the fare with the initial hire cost remaining the same. A breakdown of existing and proposed rural tariffs had been attached as an appendix to the report.

Hackney carriage proprietors had discretion to charge less than the amount shown on the meter and would exercise this discretion in order to ensure that short journeys were not unduly excessive. However, the committee noted that Aylesbury Vale continued to maintain one of the cheapest fares for an average 2 mile journey in comparison to other authorities’ tariffs. A table showing these tariffs had also been attached as an appendix to the report.

Tariffs, once agreed, were calibrated on to the taxi meter, which automatically calculated the fare dependent on the journey distance, time of day and the other criteria. The tariff would be set within the meter and could not be altered by the driver.

It was also noted that the proposals would create a separate tariff for the Rural Hackney Carriage trade and would not change the tariff for the fifty Aylesbury town based hackney carriages.

Members sought clarification on and commented on the following:

- That the increases shown in the table of proposed charges were acceptable to the Rural Hackney Carriage Trade and were comparable to other Local Authority charges.
- That the proposed changes would result in a 2 tier system between the rural and urban hackney carriages.
- The areas where the urban and rural hackney carriages could ply for hire.
- The date of the next review of unmet need.
- The tariff structure – how 1/13 of a mile and 1/16 of a mile were arrived at.
- Aylesbury Vale's fares being amongst the cheapest in the country; at 359 out of 365 local authorities

RESOLVED –

1. That the Licensing Manager be authorised to conduct the statutory consultation in accordance with Section 65 of the Local Government (Miscellaneous Provisions) Act, 1976 in respect to the proposed new tariff as set in the appendix to the report.
2. That, if no objections are received, the Licensing Manager to progress the adoption of the new tariff for the rural zone in conjunction with the Cabinet Member for Environment and Living who will make the final decision on adoption.
3. That, if any objections are received and not withdrawn, that they be reported to the Licensing Committee for further consideration.

## REVIEW OF TAXI AND PRIVATE HIRE LICENSING POLICY

### 1 Purpose

- 1.1 To update Licensing Committee of the results of various consultations with the taxi and private hire trade in relation to improving the quality of the licensed fleet.

### 2 Recommendations/for decision

- 2.1 To agree an upper age limit for private hire vehicles;
- 2.2 To agree an upper age limit for all other vehicles i.e. hackney carriages, wheel chair accessible vehicles and executive vehicles;
- 2.3 To note the additional licensing checks to be introduced at the Council's vehicle inspection centre at Pembroke Road;
- 2.4 To agree that the Licensing Manager prepare and agree with the Chairman of Licensing Committee a hackney carriage vehicle specification which will replace the requirement for hackney carriages to be European Whole Type Approved.
- 2.5 To agree that the Licensing Manager in consultation with the Chairman of Licensing Committee prepare an implementation plan with transitional arrangements.

### 3 Supporting information

- 3.1 In July 2016 Members of Licensing Committee discussed and appraised comments arising from a trade consultation on the Council's Taxi and Private Hire Licensing Policy and also policy developments recently introduced by Rotherham Metropolitan Borough Council. Members agreed a number of general changes that should form part of future policy for AVDC. Shortly afterwards a letter was prepared and sent to all operators summarising the views of the Committee. Attached as Appendix 1 is a copy of the letter which helpfully will remind Members of their conclusions reached in 2016.
- 3.2 The first issue to be addressed was to improve the quality of the licensed fleet and review vehicle age limits, currently set at 6 years for new vehicles and an upper limit of 10 years, subject to some exemptions. Initially a proposal of a single age limit of 7 years was presented to the trade as set out in the letter attached as Appendix 2.
- 3.3 The response from the trade was generally negative with the majority either asking AVDC to continue with the existing age limits or indeed to increase them. A number of responses were received from Aylesbury Hackney Carriage proprietors, although it was always envisaged that purpose built hackney carriages would be subject to an exemption.
- 3.4 It is important to note that around the same time as this consultation, Bucks County Council introduced parking in meters in Aylesbury town centre which caused some disquiet amongst the hackney carriage trade. As a consequence a significant minority joined the GMB Union, who took the opportunity to make a representation in respect to the age limit consultation. The National Private Hire Association also made representation. Both are attached as Appendix 3.

- 3.5 With the exception of the response from the National Private Hire Association comments arising from the consultation were defensively reactive and offered no positive or credible alternative to improve the quality of the licensed fleet. In an attempt to genuinely engage and consult with trade the consultation was extended and a further letter was sent to all operators, summarising the views of the National Private Hire Association and suggesting either a single lower age limit or single upper age limit. The letter is attached as Appendix 4.
- 3.6 In early December 2016 a well attended and constructive trade meeting was convened. The consensus was that AVDC implement a strictly applied single upper age limit of 10 years subject to exemptions. The exemptions identified were purpose built hackney carriages, specialist vehicles designed for wheel chair access and executive vehicles. It was proposed that such vehicles be subject to an upper age limit of 15 years. The Hackney Carriage Association also asked that AVDC reconsider the hackney carriage specification as there were now a broader range of vehicles available that meet the accessibility criteria but are not European Whole Type Approved.
- 3.7 After discussion with the Chairman of Licensing Committee and on reflection of the proposal made by the trade it was felt that a compromise had not been reached and would likely be unacceptable to the Members of Licensing Committee as a means to improve the quality of the licensed fleet. Consequently a further proposal was made to the trade, endorsing the principle of a single age limit but reducing it to a maximum of 8 years. Attached as Appendix 5 are representations from the Aylesbury Private Hire Association, the Aylesbury Hackney Carriage Association and the GMB Union.
- 3.8 Whilst the age of a vehicle is a relatively crude measure of its quality and condition, in broad, practical terms it does provide a clear and unequivocal standard that has the general effect of improving the fleet and defines the boundaries of acceptability. Age limit policies are adopted by the vast majority of licensing authorities. They do, however vary considerably. Below are a number of local examples:
- High Wycombe – 4 years for new vehicles and a maximum of 8 years.
- Milton Keynes – 7 years, no upper age limit.
- Dacorum – No older than 10 years.
- Luton – 5 years, no upper age limit.
- Bedford – No older than 9 years.
- Central Beds – 5 years, no upper age limit.
- Cherwell – 6 years, no upper age limit.
- 3.9 The adoption of a single lower or higher age limit appears to be more prevalent than a dual age limit policy, as currently used by AVDC. A single upper age limit of 10 years as proposed by the Private Hire Association appears to be counter intuitive, although, without the restrictive lower age limit it might result in the purchase of higher specification vehicles. It is not possible to predict what impact an amended age limit will have. An increased upper age limit for specialist vehicles and purpose built hackney carriages does have some merit. In the case of wheel chair adapted vehicles they incur much less mileage and purpose built hackney carriages are built to a much more robust specification.

- 3.10 In respect to the Hackney Carriage Association's request to review the specification, AVDC currently insist that the vehicle is European Whole Type Approved. This has proved to be problematical both to the trade and the licensing service. It is proposed that a new specification be drawn up to allow the licensing of purpose built taxis that meet all accessibility requirements.
- 3.11 Whilst a mutually agreeable age limit has not been reached at the time of writing this report, what is uncontended is the need for rigorous enforcement. The experience of the taxi licensing team is that the vehicle inspections conducted at Pembroke Road are effective in ensuring taxis and private hire vehicles are mechanically sound. However enforcement operations reveal that vehicles are not necessarily compliant with the full conditions of their licence. For example vehicles having recently passed their inspection at Pembroke Road are routinely found with superficial body damage or missing a fire extinguisher or first aid kit which subsequently results in penalty points.
- 3.12 Further analysis of the results of inspections carried out at Pembroke Road reveal that failures are very rare. However almost every vehicle, indeed during some months, every vehicle receives an 'advisory'. An 'advisory' is a notice of things that need fixing on the car eventually but are not reason to fail the test. This of course includes not just the renewal of existing licensed vehicles but also vehicles presented for the first time. The majority of these 'advisories' amount to a breach of the vehicle licence conditions but not necessarily always.
- 3.13 It is therefore proposed that annual inspections will be carried out in 2 stages. The vehicle will be subject to a full mechanical test and a further condition check conducted by a member of the taxi licensing team. Any breach will result in a short notice period (2 to 4 weeks) to resolve the issue(s) after which the vehicle will be suspended. Initially this is expected to result in a number of suspensions but will undoubtedly improve the quality of the licensed fleet. This increased inspection scrutiny will equally apply to specialist vehicles.
- 3.14 In the meantime the licensing team will continue to carry out kerbside inspections of vehicles along with partners such as the police, BCC and VOSA.

#### **4 Options considered**

- 4.1 There are a variety of options available. However the various consultations have almost reached a consensus.

#### **5 Reasons for Recommendation**

- 5.1 To improve the quality of the licensed fleet.

#### **6 Resource implications**

- 6.1 Any resource implications can be met within the existing budget.

Contact Officer                      Peter Seal x 5083  
Background Documents              None

**Environmental Health and Licensing**

Please ask for:

Direct Line: 01296 585605

Switchboard: 01296 585858

Text Relay: prefix telephone number with 18001

Email: [licensing@aylesburyvaledc.gov.uk](mailto:licensing@aylesburyvaledc.gov.uk)

Our Ref:

Your Ref:



13 July 2016

Dear Operator

**Review of Aylesbury Vale District Council Taxi and Private Hire Policy**

Following consultation with the trade on a review of the Council's policy on taxis and private hire a report was taken to Licensing Committee on the 4 July 2016. During the consultation, 25 separate representations were received and these were all drawn to the attention of the committee. A further representation from the Private Hire Association was also provided to the committee.

In an effort to ensure that the committee were kept up to date with taxi and private hire licensing beyond Aylesbury Vale they were appraised of developments in policy terms of Rotherham Metropolitan Borough Council. The report provoked much discussion and although no specific decisions were made, the committee have provided a strong steer as to what should form part of the Council's revised policy. In particular they have tasked me to investigate the following for possible inclusion in a new policy.

1. A review of age limits on vehicles. The committee took the general view that both the hackney carriage and private hire fleet had deteriorated in recent years and that new investment was overdue. They acknowledged comments from the trade that the current age limits possibly encouraged proprietors to retain vehicles longer than they would normally. However they also expressed a view that pricing of fares, although not a necessarily a District Council responsibility perhaps requires some revaluation by the trade.
2. A review of penalty points enforcement. Licensing Committee are in favour of the penalty points system of enforcement as it is targeted, consistent, transparent and proportionate. However it was noted there are occasions when the driver might be unfairly penalised, as opposed to the owner or operator of the vehicle. In terms of enforcement generally the committee felt that enforcement was absolutely necessary and cannot be compromised, even though it might occasionally be inconvenient.
3. The introduction of a knowledge and English language test. Several Councillors gave examples of drivers having little or no knowledge of the local area and similarly not understanding simple requests made to them. They did not expect the same kind of encyclopaedic knowledge of the 'London cabbie' but a general understanding of the key areas of the Vale was expected. They also would like to see all drivers having a basic grasp of the English language.
4. The introduction of 'safeguarding' training. The protection of children and vulnerable adults now occupies much of our policy making and regulatory decisions and Councillors would like to ensure that all drivers are aware of the principles of safeguarding and how to report concerns.
5. The investigation of CCTV in vehicles. The committee commended the benefits of CCTV in vehicles for both the protection of the driver and the passenger. However they appreciated that without detailed knowledge of the cost and practical implementation they could not



evaluate whether imposing such a requirement would be a proportionate measure.

Over the next weeks and months I will be investigating further the initiatives raised and I will attempt to ensure that your views are sought in an effort to draft a mutually acceptable future policy. In the meantime if you have any initial thoughts or comments feel free to contact me on the e mail address above.

Yours sincerely

Peter Seal

Licensing Manager

**Environmental Health and Licensing**

Please ask for:

Direct Line: 01296 585605

Switchboard: 01296 585858

Text Relay: prefix telephone number with 18001

Email: @aylesburyvaledc.gov.uk

Our Ref:

Your Ref:



??????

Dear Operator

**Review of Aylesbury Vale District Council Taxi and Private Hire Licensing Policy**

You will recall that I wrote to you in July 2016 drawing to your attention to the views of the Council's Licensing Committee in respect to changes in the taxi and private hire licensing policy. The first stage of the review will relate to age limits of vehicles with the objective of improving the quality of the licensed fleet.

It is proposed that we dispense with the current two tier age limits of 6 years and 10 years and replace it with a single upper age limit of 7 years subject to a limited number of exemptions. This will have the added benefit of removing the burden of a second inspection and enable a much more responsive service. With a single inspection vehicles will only be inspected prior to the grant of a licence or just before renewal. A new booking system will be introduced enabling drivers and operators to book their own inspection.

Feedback from the trade indicates that the current two tier age limits encourages owners of vehicles to retain them until they are ten years old rather than replace them when they actually need replacing. Once agreed it is likely that this single age limit will be introduced during 2017 with a 12 month lead in time for vehicles affected.

It is my intention to take a report to Licensing Committee in November 2016. Before then I would be interested in the views of the licensed trade. If you wish to make a comment or representation I would ask that you do so in writing by the 14 October 2016 to [taxilicensing@aylesburyvaledc.gov.uk](mailto:taxilicensing@aylesburyvaledc.gov.uk) or Taxi Licensing at the address below.

Yours sincerely

Peter Seal  
Licensing Manager

**AGE POLICIES**  
**A VIEW - AND ALTERNATIVE SUGGESTIONS**  
**from**  
**THE NATIONAL PRIVATE HIRE ASSOCIATION**

**BACKGROUND**

The National Private Hire Association has spent some considerable time over the last twenty years addressing and, on occasion, opposing the imposition of age policies by local authorities, both in the Council Chamber and in the courts.

In preparing evidence to present to Councillors and the courts we have discovered that, very often, the perception of the licensing authority that the age of the vehicle alone should be the fundamental and controlling factor in imposing a vehicle licensing regime is flawed.

Close examination of the vehicle testing records of various councils has clearly shown that although a case can be made that vehicles are indeed affected by age and/or high mileage, there are disturbing statistics to be shown for younger and “acceptable” vehicles.

Evidence can be shown that licensed vehicles do indeed have a “shelf life”, and as maintenance problems increase the average driver will indeed replace his vehicle. Common sense indicates that diminishing returns in income are a far more telling cause for vehicle replacement than conditions of licence.

Many examples exist of vehicles, purchased as being acceptable to the licensing authority, having to be replaced within the first year of service because they proved, in service, to have serious defects. Conversely in those areas that do impose age policies, Council Committees and the courts spend many hours hearing appeals from drivers who believe that their vehicles, regardless of age, are fit to continue in service. Quite a lot of these appeals are upheld.

It follows that the questions arising from “vehicle fault statistics” (VFS), acquired both from enforcement exercises and annual routine vehicle test sheets, need careful analysis. We have found that VFS’s raise one fundamental question that often begs a considered reply and that is:- What is it exactly that the council trying to achieve? Very often the initial report to the Licensing Sub Committee fails to highlight the full nature of the problem, which in turn can lead to costly appeals to the courts and possible overturning of the initial decision.

The experience gained by the Association has led it to formulate a new philosophy in addressing those problems which councils perceive might be resolved by the adoption of such a policy.

What are those problems?

## **PROBLEMS**

- That the local vehicle stock is of poor quality, and generally aged
- That there is evidence of lack of maintenance as evidenced by DVLA exercises
- Poor returns from the testing station and local enforcement exercises generally
- Public complaints

Faced with some or all of the evidence above, many local authorities take steps to rectify their particular perceived situation and many have reacted by introducing age policies and/or stricter or more numerous testing regimes.

Having said that, it has become apparent that many local authorities, having adopted a more rigorous regime, find that many of the problems persist and they are left with the inevitable questions: [1] Why is there little or no improvement? and, [2] Where do we go from here?

## **WHAT CAUSES THE PROBLEMS AND WHY THEY PERSIST**

Of course, many drivers do not see that there is a problem in the first place, and they are the first to voice concerns about rules that are more draconian. That is because they are for the most part representative of the majority of the trade who look after their vehicles and ensure that, when they are presented for inspection, those vehicles are prepared for that inspection.

Amazing as it may seem, in all the many reports to Licensing Committees we have seen, there has never been a section which analysed the statistics of the better side of the trade to see if lessons could be learned from those who obviously comply with the law, and to act as a benchmark for Licensing Committees in setting new conditions. In short, only one side of the picture is given.

All the reports we have seen address that segment of the trade who never appear to worry about maintenance or vehicle condition generally. They are the ones who regularly fall foul of enforcement exercises. Furthermore, when their vehicle is due for inspection they, perversely, seem to seize upon that very inspection as merely an opportunity to find out what is wrong with the vehicle, so that they can then have those points attended to.

Of course, the introduction of an age policy or a stricter or more regular testing regime does not impact upon this section of the trade. They will always have faulty vehicles regardless of the vehicle's age.

We find that the good driver with high standards will always search for a really sound or brand new vehicle which is going to stand the test imposed upon it by our trade; and, having acquired that vehicle, he/she will maintain it properly and regularly, and will, year after year, turn up at the vehicle testing station with a fully prepared car.

The other side of the trade, of course, has a different philosophy. Instead of searching for a really sound vehicle which is going to stand the test imposed upon it by our trade, they

will go into the market to look for the cheapest possible vehicle that will do the job and pass the council's set criteria.

These drivers' maintenance schedules will not improve, and it is certain that their attitude to presenting vehicles for test will continue.

At this point we have to insert a parameter which we have never observed in any report to Licensing Committees, and that is the financial ability of the drivers to purchase sound vehicles in the first place, let alone any of the proposed new/newer vehicles.

Again this is a statistic which is available to the licensing department and testing stations but never appears for Councillors' consideration. That statistic is that the many suppliers of new vehicles to the trade, and who commonly advertise in the trade press, report that a high proportion (as high as 61% - Nissan Finance) are refused finance to purchase vehicles in the first place. These drivers are then forced to shop around for less attractive terms to enter or continue in the trade, and can pay very high APR rates (29% to 32% is not uncommon).

Many of those better drivers will then, having learned lessons from experience, ensure that their credit history is improved by meeting all repayment dates and will ensure that the vehicle is well maintained in order to protect their income, but obviously at a very high price.

So, of those who run less acceptable vehicles, a percentage will do so out of circumstance rather than choice. Statistics from the testing station can easily separate the conscientious driver of the older car from the "couldn't care less" driver. The first will maintain the vehicle, which will often pass the vehicle test first time; the latter will not maintain and consequently provides the worst VFS's, which in turn will attract the attention of licensing and enforcement officers and Councillors.

A more telling statistic will show that a percentage of those who can purchase new/newer vehicles also appear on the VFS sheets, will fall foul of enforcement exercises and be found wanting on a daily check basis.

Unfortunately, it is true to say that the "couldn't care less" attitude is not only hard to correct but, if the wrong level of enforcement is employed, it can be catching. It is hard to combat the "If he can get away with it, so can I" frame of mind.

We do not need to ask any particular licensing or enforcement officer whether he knows drivers of both categories. We are certain that all officers could probably list many of them without reference to his or her files.

Councils who have VFS problems which affect public safety must react, and age policies often appear to be an attractive solution. This seems to be the case regardless of the fact that most councils have been licensing these vehicles for over 25 years and that despite their best efforts, including age policies and more regular testing, these vehicle defect problems still remain and are still caused by the very same drivers whose lack of respect for the law led to the imposition of the policy in the first place.

It often follows that the imposition of an age policy very often places the greatest burden on those who are used to buying new/newer vehicles and cossetting those vehicles to get

maximum usage from them. What stands out to this Association is the fact that most licensing authorities would wish to support these better drivers as examples of what they would like to see as the norm in their area. It is our contention that the imposition of a blanket age restriction, rather than offering the better licence holders that support, often penalises them unjustly rather than targeting only those proprietors who should be penalised.

In the normal course of events a standard vehicle may last three, four, five years or longer; prestige vehicles will normally last much longer. As we have said, it is important to note that very often these better vehicles have to be purchased on finance, which again may be over three or four years. Age policies with narrow parameters (ie. no older than three years at first licence and off at six or seven years old) can often mean that the better driver is locked in to the "hire purchase /APR trap" and paying that APR to work for the rest of their time in the trade.

We always ask councils to remember that it is only the periods between borrowing on finance agreements which give drivers APR-free incomes. If someone is used to maintaining a vehicle for six, seven, eight years or more, the APR-free period may well be essential to secure his deposit or payment for his next vehicle.

Conversely, and in the meantime, the couldn't-care-less driver may go through two or even three bangers purchased at rock bottom price to give maximum return in the short run; and besides, who cares about conditions of licence?

### **TIME FOR CHANGE?**

In conversation with licensing officers, we readily discover that there are always numbers of operators, proprietors and drivers who cause the council and the travelling public no problem whatsoever. The licensing officer's problem is how to deal with the cowboy element without imposing such a bevy of rules that it affects the good guys. Simple: the answer is to chase the bad guys.

But surely that is what the enforcement role of the council is supposed to encompass?

Conditions of licence are set to ensure that rules are followed in order that the public is protected. All councils set conditions, so why do so many have to revisit those conditions so often to fine tune or correct perceived problems?

We believe strongly that for those who follow and observe the rules, it is only the lawbreakers who spoil what otherwise would be a relatively simple occupation. As stated above, the fact that councils chase the lawbreakers with added conditions always impacts on the good faction of the trade, not the cowboys. Consequently we find considerable support amongst the conscientious drivers for a fine tuned and targeted enforcement role, ie. "Don't come after us - go after the cowboys."

As an alternative to continuing to implement the council's existing age policy or testing period, we suggest the introduction of what will become a self-disciplinary regime: in simple terms, the age policy guidelines should be set aside, but the council should impose three tests per year after clearly defined age limits are reached.

## **AGE LIMITS (TESTING PARAMETERS)**

Whilst we believe that it is not sound policy to set a vehicle age limit in the hope that this will “cure” VFS problems, we do accept that there is clear evidence that older vehicles need a higher level of maintenance to keep them safe for the road.

We suggest that councils should set testing parameters based on the vehicle’s age, and not just set age limits on what they will consider for licence. For example:

- Vehicle up to three years old – test once a year
- Vehicle between three and six years old -- test twice a year
- Vehicle over six years old -- test three times a year

Many councils may retort, “We have tried that before but it did not work”; to which we reply “Ah, but then you brought in an age policy and that policy is also under constant attack either by those who are financially burdened or by those who still fail to maintain their vehicles.”

We believe that any testing regimes or age policies are not, in themselves, enough to identify and eradicate that problem element within the trade which needs correction. It is the attitude of the bad driver which must be changed; therefore we suggest that the council should introduce a “three-strikes-and-out” rule.

A search through council files will show that the worst examples of failure certificates involve major Construction and Use problems: brakes, steering, tyres etc. These are the vehicle defects which will cause a vehicle’s immediate suspension, either on routine test or on enforcement exercises.

These defects are the one easily identifiable constant in all vehicle testing procedures and disciplines and therefore should, we suggest, form the basis of new conditions.

## **CHANGE THE CONSEQUENCES – THREE STRIKES AND OUT**

If any vehicle fails the test on, say, two to three Construction and Use items – and here we must make sure we are not being frivolous by clarifying that three cigarette burns and a scratch on the paintwork do not amount to Construction and Use problems – then the council should on the first occasion issue a warning in writing to the effect that:

*“We note that your vehicle was presented for licensing in such a condition that gives us concern that the vehicle may not be being properly maintained. You are warned that on a second such failure, you will be required to go before Committee to explain yourself. A copy of this letter will be attached to your file.”*

On the second such failure, the driver should be brought before Committee and should be given a formal warning and perhaps a penalty suspension, and should be issued with a letter which in effect says, “The next such failure will lead to the revocation of the vehicle licence.”

The council may also wish to consider adding to that warning, "consideration will also be given to the revocation of your proprietor's/driver's licence as being not fit and proper to hold such a licence, in that maintenance of your vehicle should have been paramount to you, especially after having had two clear written warnings."

On the third occasion the vehicle should not be allowed back for re-inspection, and a vehicle and/or driver licence refusal/revocation should be issued.

Certainly the driver has a right of appeal, but the council has more than enough evidence to show that on the three-warnings-and-out basis there are significant doubts about, on the one hand the vehicle's roadworthiness (it has a high, demonstrably non-maintained, mileage); and also demonstrably, the driver's attitude to authority is patently lacking (a point that magistrates often pick up on).

### **CONSULTATION AND TRADE APPROVAL**

We have found that, on consultation, the majority of the trade in any area will readily vote for such a testing regime as an alternative to age policies. That majority is also identifiable as those who do indeed maintain their vehicles and consequently will not be affected by such a new regime.

They will readily grasp the fact that a licensable five year old Mercedes would be a much sounder investment - and that passengers might well prefer to travel in such a vehicle - than a three or four year old standard saloon.

It is also true to say that both the trade and the licensing officers may well look forward to the removal of those who year in and year out, regardless of vehicle age, bring the trade into disrepute.

### **FOCUS ON STANDARD OF SAFETY EQUIPMENT**

In a large number of recent appeals both at Committee level and through the Courts, a major concern on the part of local authority licensing departments and Councillors is that the safety of the travelling public is seriously jeopardised in older hackney carriages or private hire vehicles. This rationale is often used as the sole justification for that authority to impose a restrictive age condition on either or both sides of the trade.

The general assumption is that, because of the vehicles' age, they lack modern safety equipment within their specification, whereas newer vehicles automatically are supplied with this equipment. This can include items such as driver, passenger and side air bags, side impact bars, ABS braking systems, security locking systems and alarms.

In reality, the majority of vehicles produced within the last decade that are suitable for licensing as hackney carriages or private hire vehicles are manufactured with most of this equipment as standard. Conversely, there is still a range of brand-new vehicles which still do not have this type of equipment.

Again, we would suggest that, rather than imposing a blanket age restriction, licensing authorities can set vehicle conditions which specify that vehicles being considered for first licensing – or renewal, from a reasonable date after the condition is brought in - must have such safety elements in their specification. We believe that this type of vehicle licensing



condition would stand up to any legal challenge as being “reasonably necessary”. Further, we believe that the majority of licence holders in the trade would wish to provide their customers with just such safety features.

## **BEST PRACTICE**

We are sure that most readers of this document will by now be familiar with the Department for Transport’s Best Practice guidance document, which was published first in November 2006 and updated in March 2010. In addition to their general suggestion that licensing authorities examine carefully any licensing condition they impose on licence holders as being commensurate, in both practical and financial terms, to the benefits they wish to achieve, a more specific reference is made to age limits on vehicles:-

*“It is perfectly possible for an older vehicle to be in good condition. **So the setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate.** But a greater frequency of testing may be appropriate for older vehicles – for example, twice-yearly tests for vehicles more than five years old.”*

The Association is both heartened and encouraged to see that our suggestions within this document echo the recommendations of the Department for Transport, as our document reflects our beliefs from the very inception of the NPHA. More importantly, we believe that the potential solutions suggested within these pages can be considered a more feasible formula to achieving and maintaining a high standard of taxi fleet in any licensing area.

## **CONCLUSION**

We ask all who read this document to carefully consider: “What is it that any policy or condition set by a local authority is trying to achieve?” We suggest that public protection is and must be the only answer. If the present policy ensures that the imposed financial burden does not in fact eradicate faulty vehicles, then we advocate that the above suggestions may be a more exacting and corrective regime.

In addition, the council is reminded that to impose an absolute age policy fetters their discretion, and this will be easily overturned in court. Neither unfortunately can they introduce a mileage policy, as this has already been tested in the case of **Sharpe -v- Nottingham City Council**.

Finally, due consideration should be given to the fare structure in any area, thereby determining whether the trade can in fact afford to maintain their vehicles in the first place, irrespective of their age. This applies to both hackney carriage drivers, whose fares are set by the council, and private hire drivers, whose fares whilst not regulated by local authorities, are more often than not pitched similarly or just below the hackney tariff.

Once again we have found that, when examined as an issue in the witness box, lack of affordability very frequently overturns a vehicle age policy if the local authority has not approved a taxi fare increase for any length of time.

It is also a provable fact that if drivers are working greatly extended hours – 60 to 80 hours being not uncommon – in order to make a living, then paying for vehicle maintenance

decreases in importance not only financially, but in time and periodicity. If a driver is working 80 hours a week, the rest of the time he will probably be asleep. Taking a day off to get a vehicle serviced may result in the driver having to put in another ten hours on the other shifts he works that week.

To illustrate, a 20-pence increase on the flagfall or initial charge in areas where drivers average 25 jobs per day over the year, will give them an increase of £1,800 per year. Due consideration should be given under Best Value to comparing existing levels of fares with local and national averages. The cost of a vehicle, and its maintenance, will not differ dramatically anywhere in the UK. Clearly income, and the ability to allow for the time off, are crucial factors in the maintenance of vehicles.

A simple example: We asked a number of drivers why they had been caught with bald tyres; the answer was always financial. Although some maintain that they had forgotten, when pressed, they affirmed that if they had had the cash available they would not have delayed.

Just such delay, and subsequent lapse in public safety, can be prevented by a re-examination of council policy as outlined in this document.

AYLESBURY COUNCIL  
TAXI AGE  
CONSULTATION  
RESPONSE

---



THORNE HOUSE  
152 BRENT STREET  
LONDON NW4 2DP

## **GMB Professional Driver's Branch**

Our membership is made up of those who drive professionally for a living and those who also assist them.

GMB membership Includes Private Hire Drivers, Taxi (Hackney) drivers as well as delivery, ambulance drivers, vehicle valets and Parts Delivery Drivers.

We also have a number of small private hire operators within our membership.

A large proportion of our membership is self-employed.

We have a close working relationship with TFL and have been responsible for working to help create and work on the legislation in place today from work on sight and diabetes for drivers to the bus lane signs available for Private hire vehicles in London.

Our Branch membership is substantial and growing and is made up of Both Taxi and Private Hire drivers.

We have links with many safety groups and other trade bodies.

Our branch maintains cordial relations with many licencing authorities.

## Aylesbury Council And Reducing Taxi Age Limits

The Head of Licensing has demanded apparently in concert with the licensing committee that the current lack of age limit for Taxi be dismissed and a mandatory limit of 7 Years imposed.

The claim that discussion has ensued is baseless and furthermore is of concern as should no response have come from Taxi at all then the term would be imposed without any consideration to the issues such a draconian proposal would cause.

Why 7 Years has been arrived at beyond the claim this would save drivers checks and some expense is stupefying?

In London as an example Taxis have 15 year limit with exemptions being in place.

In adjacent Wycombe the limit is 14 years.

Elsewhere in the UK this figure is substantially higher.

The presumption that taxi drivers are able to fund £700 a Month over 48 months prior to insurance, fuel, subsistence, tax, Licence fees, servicing and household expenses is presumptuous.

Many taxi drivers have seen a substantial drop in income in the most recent of years and are competing with the unchecked local minicabs offering £3.00 Minimum fares within the district.

Add to this the touts who remain unchecked and unenforced despite ample funds being paid in to licensing further food is taken from driver's tables.

The issue is further compounded by the requirement for all Hackney to reach a standard that Private hire does not have to thus creating a cost differential in vehicle options.

Even looking at TFL's model of a 10 Year limit on PHV the costs of putting a vehicle such as an E Class Mercedes on the road are unattainable for most drivers.

Unless a sensible limit is created taxi drivers will assume this is a direct attempt by the council to destroy the Taxi trade and that a hidden agenda exists to do so.

Few concessions are granted to Taxi and claims that Buckinghamshire County Council are behind reduction of rank space and Aylesbury Vale have no part in this are of concern.

Despite constant assurances and promises over the years some of Aylesbury's most conscientious and vulnerable workers have seen little in return.

There is now a situation where Taxi drivers are reliant on tax a credit which also means that finance may not necessarily be available for funding the dreams of licensing who show now real reason or explanation for such an adjustment.

We would remind the council the current fleet is based on the councils narrow interpretation and the low quality of the manufactured options without having to resort to higher cost vehicles beyond drivers reach.

Unless the council is prepared to offer a large incentive towards green vehicles we see no value in this outlandish proposal for taxi drivers or their families.

Unless the council wish to destroy incomes purposely for professional taxi drivers no changes must be made to taxi age limits.

We formally request no amendment for taxis in the borough is made.

### Private Hire.

Clearly there is a case for private hire vehicles to be subject to a limit as this will finally force rates up and keep a high standard of private hire.

Private hire has grown unchecked and allowed both White and Red plates to be marginalised in regard to income and work availability

driven by ever increasing private hire numbers coming in to the district.

This also begs the question of how funds are being used in relation to enforcement?

The large numbers of Private Hire ignoring or evading law is becoming a major concern of Hackney drivers as no safety checks or confirmation of booking are in place for touted journeys.

**Questions in relation to our response can be directed to:**

Steve Garelick – Branch Secretary [steve.garelick@gmbdrivers.org](mailto:steve.garelick@gmbdrivers.org) 07565 456776

Simon Rush – Branch President [simon.rush@gmbdrivers.org](mailto:simon.rush@gmbdrivers.org) 07863 256411

Tony Warr – Senior Organiser [tony.warr@gmbdrivers.org](mailto:tony.warr@gmbdrivers.org)

Press Office - [press.office@gmb.org.uk](mailto:press.office@gmb.org.uk)

**Environmental Health and Licensing**

Please ask for:

Direct Line: 01296 585

Switchboard: 01296 585858

Text Relay: prefix telephone number with 18001

Email: @aylesburyvaledc.gov.uk

Our Ref:

Your Ref:



11 November 2016

**Review of Aylesbury Vale District Council's Taxi and Private Hire Licensing Policy**

Arising from my last communication relating to age limits on taxi and private hire vehicles I was contacted by the National Private Hire Association and provided with their view on age policies and alternative suggestions. In summary the Association make the following observations and proposals.

- The perception of the licensing authority that the age of a vehicle alone should be the fundamental and controlling factor in imposing a vehicle licensing regime is flawed.
- Evidence can be shown that vehicles do have a shelf life and diminishing returns on income are a more telling cause for vehicle replacement than conditions of licence.
- The Association accept that the problems faced by licensing authorities are (1) the local vehicle stock is of a poor quality and generally aged; (2) there is evidence of lack of maintenance; (3) poor returns from testing stations and local enforcement exercises generally; and (4) public complaints.
- Both age policies and more numerous testing regimes appear not to have improved the licensed fleet.
- It is the attitude of the driver/operator who does not maintain their vehicle(s) that requires addressing.
- The Association recommend testing parameters based on the age of the vehicle and a '3 strikes and out' policy i.e. 3 separate failures will result in refusal/revocation of vehicle licence and potentially the driver, if the owner of the vehicle may face revocation.

Having deployed a more frequent testing regime in the past without any apparent success in improving the licensed fleet and acknowledging that the age of the vehicle generally is a significant indicator of more demanding maintenance, I would make 2 proposals.

1. The implementation of a single lower age limit that all new vehicles must comply with and no upper age limit.
2. The implementation of a single upper age limit after which, subject to exemptions vehicle licences will not be renewed.

In both cases vehicle inspections will be much stricter and the '3 strikes and out' policy recommended by the National Private Hire Association will be introduced.

The purpose of this letter and trade meetings that will follow is to gauge the response of all of those affected by this change in policy and provide an opportunity to inform, discuss and listen. The consultation is still at a formative stage and the proposals are capable of being changed once all responses have been considered. The deadline for comment is the 16 December 2016.



In an effort to focus attention on the implications of these proposals I would be particularly interested in your answer to the questions below.

1. If the authority was to adopt a single lower age limit, what age would you consider reasonable and proportionate?
2. If the authority were to adopt a single upper age limit, what age would you consider reasonable and proportionate?
3. What type of vehicles do you consider appropriate to be exempt from the strict age limits proposed?
4. The '3 strikes and out' policy relates to major construction and use problems such as brakes, steering, tyres, etc. Do you consider this approach reasonable and proportionate?
5. In respect to minor defects, should the authority introduce a similar approach, say '6 strikes and out'?

You will be contacted shortly with the dates for a trade meeting, where you will have the opportunity to discuss the implications of these proposals. However, ultimately only written representations can be considered by the Council's Licensing Committee. I can also assure you that each consultation response will receive conscientious consideration.

Yours sincerely

Peter Seal

Licensing Manager

## Aylesbury Private Hire Association

Thursday 26<sup>th</sup> January 2017

Dear Peter

Following on from the recent trade meeting regarding the proposed age limit changes, we are disappointed that our views and opinions have been disregarded and that there is still a proposal for an age limit change that will have an adverse impact on the local trade. The proposed rules will make it financially unviable for new and existing operators.

An average vehicle that is 6 years old has a retail value in the region of £8000 and will be worth next to nothing by the time it leaves the trade after 2 years if the proposed changes go ahead. The depreciation on a taxi is much higher than a vehicle that is run privately; this is around £4000 per year. The proposed change will have great financial implications on operators and is inevitably set to drive people out of the trade rather than improve standards. Standards in any industry only improve by way of proper enforcement, not by creating financial difficulties and forcing businesses to introduce new equipment.

If we look at buses that operate in around Aylesbury and many of them carry out school runs. These vehicles are maintained to a high standard and the age of the vehicle has no bearing on its suitability or the mechanical condition of the vehicle. There are also many councils that do not have an upper limit on Private Hire vehicles. They simply rely on the MOT test and additional inspections throughout the year to ensure the vehicle is maintained to a high standard. The purpose of the MOT Test is to ensure that vehicles over a prescribed age are checked at least once a year to see that they comply with key roadworthiness and environmental requirements regardless of their age.

Many operators have signed contracts with councils and other businesses, in order to provide a service for a period of time at set prices. Again, with these changes possibly coming into play as soon as next year it could be that these contracts will not be performed at the expected standard and will jeopardise our commitment and in turn our businesses going forward.

We understand that there are concerns relating to the quality of licensed vehicles, we will be interested to learn what percentage of vehicles in the trade are deemed to be below par by the council. How many complaints have been raised over the last year with regards to vehicle conditions. The Taxi and Private Hire trade are a vital part of the transport hub that serves Aylesbury and surrounding rural areas. We carry out thousands of bookings a year and as businesses it is vital for us to maintain a certain standard. We can assure you that any complaints we receive regarding the condition of the vehicle are addressed promptly and it is not in our interest to use sub standard vehicles to carry our passengers. The vehicles we use are fit for purpose and serve the public well.

As a trade we feel that rather than lowering the upper limit to 8 years if the lower limit was removed this will make it financially viable for us to change our vehicles more often and bring new and fresh vehicles to the trade. It is unfair that council wish to reduce the safety inspections down to one per year to simply save costs and yet expect the trade to suffer the consequences. Standards can only be maintained by proper enforcement that is fair and proportionate.

We object to the current proposals and would like a comprehensive report justifying any proposed changes. We have only had one meeting and were given the impression that 10 and 15 year limits will be looked at.

We would like a meeting to discuss this with members of the committee and would like to see statistics that these proposed changes are necessary. We believe further consultation with professional regulatory bodies needs to take place.

Yours sincerely

Aylesbury Private Hire Association.

# AYLESBURY HACKNEY CARRIAGE ASSOCIATION

This is a formal representation of the Aylesbury Hackney Carriage Association in respect to age limits on Aylesbury taxis. We represent 50 hackney carriage owners who operate in Aylesbury. In order to improve the quality of taxis we would like you to consider our recommendations.

It was suggested in the last trade meeting with taxi licencing that exemptions to the age limits of taxis and private hire will apply to wheelchair accessible vehicles. As all hackney carriage vehicles licenced by AVDC are wheelchair accessible the exemptions would also apply to them.

AHCA recommend that an upper limit of 15 years with no lower limit for hackney carriage vehicles. This proposed limit is in line with taxis operating in London. By removing a lower limit and setting an upper limit of 15 years for taxis would allow the trade to have more flexibility thus encouraging more investment. This in turn would also lead to more taxis being replaced more frequently.

However setting tighter age limits on vehicles will not necessary lead to better quality vehicles on the roads, this problem can only be dealt with by the taxi enforcement team. Therefore taxi enforcement need to play a more active role to ensure that standards are maintained. This can be achieved by introducing a mandatory annual visual inspections on all vehicles over 10 years of age and most important of all to have more frequent spot checks.

In summary:

- i) Upper limit set to 15 years of age for hackney carriage vehicles
- ii) No lower limit for hackney carriage vehicles
- iii) Annual visual inspection for vehicles over 10 years of age
- iv) More frequent spot checks by taxi enforcement

AHCA understand the aims and objectives of the licensing committee and are willing to work alongside AVDC to achieve this, but in order to get defective taxi or private hire vehicles off the roads the responsibility, ultimately, is that of taxi licencing or taxi enforcement.

Many thanks

Sakie Awan

Aylesbury Hackney Carriage Association

AYLESBURY COUNCIL  
TAXI AGE  
CONSULTATION  
RESPONSE  
JANUARY 2017

---



THORNE HOUSE  
152 BRENT STREET  
LONDON NW4 2DP

## **GMB Professional Driver's Branch**

Our membership is made up of those who drive professionally for a living and those who also assist them.

GMB membership Includes Private Hire Drivers, Taxi (Hackney) drivers as well as delivery, ambulance drivers, vehicle valets and Parts Delivery Drivers.

We also have a number of small private hire operators within our membership.

A large proportion of our membership is self-employed.

In Aylesbury we are now working towards a Check off scheme for all White plates.

We have a close working relationship with TFL and have been responsible for working to help create and work on the legislation in place today from work on sight and diabetes for drivers to the bus lane signs available for Private hire vehicles in London.

Our Branch membership is substantial and growing and is made up of Both Taxi and Private Hire drivers.

We have links with many safety groups and other trade bodies.

Our branch maintains cordial relations with many licencing authorities.

## Aylesbury Council And Reducing Taxi Age Limits

In London as an example Taxis have 15 year limit with exemptions being in place.

In adjacent Wycombe the limit is 14 years.

Elsewhere in the UK this figure is substantially higher.

The presumption that taxi drivers are able to fund £700 a Month over 48 months prior to insurance, fuel, subsistence, tax, Licence fees, servicing and household expenses is presumptuous.

Many taxi drivers have seen a substantial drop in income in the most recent of years and are competing with the unchecked local minicabs offering £3.00 Minimum fares within the district.

Add to this the touts who remain unchecked and unenforced despite ample funds being paid in to licensing further food is taken from driver's tables.

The issue is further compounded by the requirement for all Hackney to reach a standard that Private hire does not have to thus creating a cost differential in vehicle options.

Even looking at TFL's model of a 10 Year limit on PHV the costs of putting a vehicle such as an E Class Mercedes on the road are unattainable for most drivers.

Unless a sensible limit is created taxi drivers will assume this is a direct attempt by the council to destroy the Taxi trade and that a hidden agenda exists to do so.

For red plates a facility should allow a mixed fleet e,g half saloon cars + half E7 disabled.

A cap on red plates must be put in place to protect drivers investments.

For those who want to keep wheel chair disabled vehicle it's up to them. So whoever wants to remain either retain a disabled access vehicle or saloon this should be in place for the life of the vehicle.

Disabled access vehicle be they Private Hire or taxi should have a 5-6 years policy but upper page limit should be 14 years.

Should white plates be increased then the option should be given to the existing pool of red plates rather than outside parties.

### Private Hire.

Clearly there is a case for private hire vehicles to be subject to a limit as this will finally force rates up and keep a high standard of private hire.

Private hire has grown unchecked and allowed both White and Red plates to be marginalised in regard to income and work availability driven by ever increasing private hire numbers coming in to the district.

The large numbers of Private Hire ignoring or evading law is becoming a major concern of Hackney drivers as no safety checks or confirmation of booking are in place for touted journeys.

Age limit for saloon cars e.g lower age 5-6 years when licensing for the first time and Upper age limit 10-12 years.

Disabled access should have a 5-6 years policy but upper page limit should be 14 years.

Fares and rates for private hire work are not within the purview of licensing unless they choose to ignore national legislation additionally they must not restrict any account work.



**Questions in relation to our response can be directed to:**

Steve Garelick – Branch Secretary [steve.garelick@gmbdrivers.org](mailto:steve.garelick@gmbdrivers.org) 07565  
456776

Simon Rush – Branch President [simon.rush@gmbdrivers.org](mailto:simon.rush@gmbdrivers.org) 07863 256411

Tony Warr – Senior Organiser [tony.warr@gmbdrivers.org](mailto:tony.warr@gmbdrivers.org)

Press Office - [press.office@gmb.org.uk](mailto:press.office@gmb.org.uk)

This page is intentionally left blank

## REPORT ON THE IMPACT OF THE DEREGULATION ACT ON AVDC

### 1 Purpose

- 1.1 To draw attention to Members of Licensing Committee the impact of the Deregulation Act 2015 on AVDC.

### 2 Recommendations/for decision

- |  |
|--|
| <ol style="list-style-type: none"><li>2.1 To note the impact of the Deregulation Act 2015 on the Council's licensing services;</li><li>2.2 To endorse the requirement in respect to applicants who reside outside of AVDC to obtain a satisfactory check from their home authority;</li><li>2.3 To introduce an English language test for all applicants for a private hire and hackney carriage driver licence;</li><li>2.4 To consider the introduction of a local knowledge test for all applicants for a private hire and hackney carriage driver licence, who reside outside of AVDC.</li></ol> |
|--|

### 3 Supporting information

- 3.1 In October 2015 the Deregulation Act introduced an amendment to the Local Government (Miscellaneous Provisions) Act 1976 which effectively changed the rules in relation to sub-contracting work outside of the controlled district i.e. AVDC. Previously operators could only sub-contract bookings within the controlled district. However the Deregulation Act now allows operators to sub-contract bookings to licensed operators outside of the controlled district.
- 3.2 This change in the law has had a significant impact on the licensing services of AVDC and resulted in a large increase in driver applications from people who do not reside within the Vale. It appears that some operators are taking advantage of this change in legislation to circumnavigate the obtaining of licences in neighbouring authorities. Some of these applicants have been refused licences by their 'home authority' on the basis of failing a local knowledge or English language test. As these pre-requisites are absent in AVDC some individuals have obtained licences with AVDC and allegedly now operate in their home authority, much to the frustration of their respective licensing authority.
- 3.3 The change in legislation is to permit private hire businesses to grow beyond the boundaries of their respective licensing authorities. However the law requires the sub-contracted booking to be accepted in the district that the sub-contractor is licensed within. This is not always easily verifiable with the use of smart phones, Apps and virtual offices.
- 3.4 Take the example of perhaps the fastest growing private hire provider in the UK, Uber. Customers choose a vehicle via an App on their mobile phone and where they want to be picked up from. Upon requesting the booking Uber accepts it and Uber servers in the USA locate the nearest available vehicle of the type requested by the customer. The servers then send the accepted booking to the Smartphone of the driver, who has 15 seconds to accept the booking. If he does not accept it the servers sends the booking to the Smartphone of the driver of the next nearest vehicle to the customer. When the driver takes on the booking, he is sent all the relevant details including the

location. He can contact the customer via the Driver App but not via the customer's mobile number. The customer is also sent by the Customer App details of the driver, car and estimated time of arrival.

- 3.5 With the use of new technology the strict legal position has become ambiguous and no doubt will be subject to various interpretations until such time as the courts decide. In the meantime some operators have embraced the change in legislation in a constructive and professional way to meet an increased demand for on-line and Mobile App delivered bookings and payments. They have invested in new technology which effectively better manages their drivers and provides more detailed records for licensing authorities. This change in legislation may in the fullness of time expand a new breed of private hire businesses and bring the private hire and taxi industry into the 21<sup>st</sup> century.
- 3.6 For the moment, however it does pose difficulties for both AVDC and her neighbouring authorities. The principle concern of this Council is 'are these applicants fit and proper persons?'. All applicants are subjected to the same processes irrespective of where they live and assessed in accordance with the Council's policy on criminal conduct and unacceptable behaviour. In addition, any applicant residing outside of the Vale is subject to a further check with their home authority to determine whether they have held a licence and if they have been subject to any regulatory sanction.
- 3.7 However some of our neighbouring authorities have expressed concerns at the time and resource implications of processing requests from AVDC. Consequently applications from outside of AVDC are taking a considerable length of time to process. Nevertheless these local authority checks are considered reasonable and proportionate given that they have from time to time revealed unsuitable applicants. Members are asked to endorse the necessity of these checks.
- 3.8 The abundance of applications from other authorities has highlighted the importance of a National database of taxi drivers . To date, however little progress has been made. Discussion with other local authorities has revealed opportunities to at least develop a local database. Some of the Bedfordshire authorities already have a regional database extending into neighbouring counties which could be extended further into Thames valley. Officers are investigating and Members will be kept informed of developments.
- 3.9 It is also suggested that AVDC introduce an English language test, something that Members have already shown considerable support for. Attached as Appendix 1 is a draft example. Member are also asked whether a local knowledge test should be introduced for applicants that do not reside within the Vale. It is hoped that examples of other authority knowledge tests will be made available at Licensing Committee.
- 3.10 In the meantime officers are working in establishing joint warranting arrangements with neighbouring authorities to ensure enforcement outside of the Vale, together with enforcement protocols.

#### **4 Options considered**

- 4.1 Alternatively the onus could be placed on neighbouring authorities to take action.

**5 Reasons for Recommendation**

- 5.1 To ensure all applicants who do not reside within AVDC are fit and proper and have a local knowledge of the area and that all drivers have a basic command of the English language.

**6 Resource implications**

- 6.1 Resource implications are unknown at this time. However the increase in applications has resulted in considerably more income than budgeted.

Contact Officer                      Peter Seal x 5083  
Background Documents              De-Regulation Act 2015



## Taxi Licensing English Language Assessment

### Instructions for English Language Assessments for new applicants for Hackney Carriage and Private Hire Drivers' Licences

This English Language Assessment is a test for all new applicants for Hackney Carriage and Private Hire Drivers' Licences. Applicants will be required to demonstrate a basic level of proficiency in oral and written English and the ability to accurately give change in sterling. This is being implemented to ensure that drivers are capable of :

- a) Conversing with their passengers to the extent of understanding required destinations or other normal requests.
- b) Providing a customer with the correct change from a note of higher value than the given fare.
- c) Providing a legibly written receipt upon request.

The assessment will be conducted verbally by an officer of the Council and should take no longer than 15 minutes.

Before the assessment commences, the officer concerned will confirm the identity of the applicant.

The assessment should be conducted in a manner that is relatively informal in order to put the applicant at ease. The result of the assessment should be a strict pass or fail. This will be communicated to the applicant after the test and then confirmed in writing. The assessment is to assess the ability of the applicant to complete the tasks set. Minor spelling mistakes and mispronunciations are acceptable. Applicants should be expected to answer all questions correctly but the achievement of a PASS mark is possible in cases other than this where, in the judgement of the interviewing officer, the applicant has the basic standard of English being assessed. Plain paper should also be made available to the applicant to use for rough calculations etc.

The decision of the person undertaking the assessment is final. Those who have not attained a PASS mark in the English Language Assessment will not normally be granted a Private Hire or Hackney Carriage Driver's Licence. Unsuccessful applicants then have a right of appeal to the Magistrates' Court against the grant of a Licence.

If the applicant received a FAIL mark they should be given details of courses which are available locally to improve their English.

A bank of questions should be built up and rotated on a regular basis, examples below.

1. Can you read and write English? YES / NO  
(If the answer is 'NO' then the test must be terminated)
  
2. Please tell me:  
(The officer taking the test should write the answers in, below, to the following)
  - a) Your Full name & address: \_\_\_\_\_  
\_\_\_\_\_
  
  - b) Your Doctor's name & address: \_\_\_\_\_  
\_\_\_\_\_
  
3. Now please write in English the following (Applicant to complete):
  - a) What is the school your children attend (if applicable):  
  
\_\_\_\_\_  
*(If the applicant does not have children at a school, then the following should be asked)*
  
  - b) Write the name of a school locally:  
  
\_\_\_\_\_
  
  - c) Where does your family go for grocery shopping?:  
  
\_\_\_\_\_
  
4. Please calculate the correct change to be provided to a customer against the money offered: (The fare should be given in denominations of **10p's** e.g. **£4.30** and the officer taking the test should write the answer in, below, to the following)
  - a) 'The fare for a journey is, for example, **£4.80**. The customer pays with a **£10** note. How much change should you give him?  
  
Answer: \_\_\_\_\_
  
  - b) ' The fare for a journey is, for example, **£3.80**. The customer pays with **two £2 coins**. What change should he be given?  
  
Answer: \_\_\_\_\_

5. I would like you to write out a receipt, this should be signed by you and have your company's, contact details on and the officer taking the test should write the answer in, below, to the following:  
*e.g. Received from J. Smith £3.50. fare from Midland Rd, Bedford to Wentworth Drive, Bedford signed ..... XYZ Taxis*

Please write your answer in the space below.

(The officer taking the test should attach, in the space below, what example was used)



6. The Officer should then give the applicant 5 road names from the list below and the applicant be asked to identify them in the list. The Officer should indicate which addresses were asked for.

State which numbers were asked for: \_\_\_\_\_

### Street Names

1. Abbey Road	16. Fair Mile	31. Jackson Road	46. O'Grady Way
2. Alexander Road	17. Foskett Way	32. Keats Close	47. Orchard Way
3. Ardenham Lane	18. Friarscroft Way	33. Kerr Place	48. Parson's Fee
4. Battersby Mews	19. Garside Way	34. Kilner Road	49. Pearson Close
5. Belgrave Road	20. Goosen Green	35. Larch Close	50. Pebble Lane
6. Bicester Road	21. Granville Street	36. Lansdowne Road	51. Queen's Park
7. Cam Mead	22. Hampden Gardens	37. Leach Road	52. Quarrendon Avenue
8. Cambridge Street	23. Hanover Close	38. Melford Green	53. Rabans Close
9. Cedar Close	24. Hereford Way	39. Middle Road	54. Reading Close
10. Ditchingham Close	25. Ingram Avenue	40. Miles End	55. Simmons Court
11. Dormer Close	26. Iris Close	41. Nappin Close	56. Temple Street
12. Dunsham Lane	27. Ivinghoe View	42. Nene Close	57. Upper Abbots Hill
13. Edison Road	28. Jakeman Way	43. Narbeth Drive	58. Vincent Road
14. Eleanor Gardens	29. Jenner Road	44. Oak Green	59. Walton Green
15. Essex Place	30. Jasmine Close	45. Orwell Drive	60. Young Close



7. Please tell me what you understand by the following 5 licence conditions:  
(The Officer should indicate which licence conditions were asked)

Condition Number	Understood	Comments
_____	Yes / No	_____
_____	Yes / No	_____
_____	Yes / No	_____
_____	Yes / No	_____
_____	Yes / No	_____

This page is intentionally left blank

## REPORT ON CREATING A RURAL HACKNEY CARRIAGE TARIFF

### 1 Purpose

- 1.1 To re-consider the request from the Rural Hackney Carriage Association to create a new rural based hackney carriage tariff, following proposed changes.

### 2 Recommendations

- 2.1 That, following an objection from the rural hackney trade, and in accordance with section 65 of the Local Government (Miscellaneous Provisions) Act 1976, the Licensing committee re-consider the proposed changes to the tariff.
- 2.2 Once agreed, committee authorise the Licensing Manager to advertise the revised tariff in the local newspaper; and if no objections are received the Licensing Manager is authorised to adopt the new tariff for the rural zone; and that the meter be 'calendar controlled'.
- 2.3 That, if any objections are received and not withdrawn, they are reported to this Committee for further consideration.

### 3 Supporting information

- 3.1 Members will recall that the Rural Hackney Carriage Association requested a change to the current tariff and the introduction of a new rural tariff in a report bought to this committee in November 2016
- 3.2 Following discussions with the rural trade, it appeared that both the Rural Hackney trade and the licensing officer had made an error on the initial report stating the start time for the tariff 2 to commence at 11pm. The start time originally requested by the Rural Hackney Carriage Association had been 10pm.
- 3.3 Considering the earlier closing times of rural licensed bars, clubs and restaurants, the reduction of the late night tariff start time to 10pm from 11pm, provides the rural taxis with a longer window with which to earn during unsociable hours.
- 3.4 In Aylesbury town, many licensed premises are open until 2.30am with some licensed until 3 or 3.30. In Buckingham the successful introduction of a limited hours policy means that most late night licensed venues close at 12.30am with one venue open until 01.30 at the latest. This would support the rural trade in reducing the start time for this tariff.
- 3.5 It is not uncommon for a later tariff to start from 8pm and so the reduction to 10pm from 11pm would be appropriate and follows current tariffs set by other authorities such as Oxford or West Berkshire.

- 3.6 Once agreed, these tariffs are calibrated on to the taxi meter, which automatically calculates the fare depending on the journey distance, time of day and other criteria indicated. We requested that the meter would be “calendar controlled” which ensures that the tariff is set within the meter itself and cannot be altered by the driver. This is in line with the Aylesbury town centre based Hackney Carriage vehicles. The Rural Hackney Association have requested that this be changed to a non calendar controlled meter, in order that the date and time can be easily changed by the driver during daylight saving hours.
- 3.7 The proposal to change this was due to the difficulties in obtaining a company locally that could amend the times accordingly, causing undue travel and cost to have this reset twice yearly by each vehicle owner.
- 3.8 A discussion with the Aylesbury Hackney Association, however has demonstrated to this authority that this 6 monthly change is not necessary and that the clocks on meters can be calibrated to take account of these daylight saving times. Further a local company has been found that can provide all meter calibration services. These details will be made available to the Rural Hackney trade if the decision to retain the calendar control is kept.

#### **4 Options considered**

- 4.1 This report has been prepared in response to a request from the Rural Hackney Carriage trade. In order to facilitate their request the authority are required to follow a statutory procedure. There are no other options available.

#### **5 Reasons for Recommendation**

- 5.1 The rise in fare tariffs for the rural Hackney Carriage trade of Aylesbury is at the request of the Rural Hackney Carriage Association, and puts the local trade in line with tariffs across the country and assists with the various changes the trade has committed to.

#### **6 Resource implications**

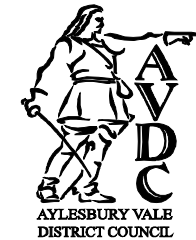
- 6.1 There are financial implications in placing an advert in a local paper. These will be met within the 2016/2017 budget .

#### **7 Response to Key Aims and Outcomes**

- 7.1 The rise in tariffs addresses the key aim for the local economy in that it generates income to support the continued development of the taxi service and further supports the infrastructure for the local economy.

Contact Officer                      Kyle Bennett – 01296 585385  
Background Documents            None

# AYLESBURY VALE DISTRICT COUNCIL



## LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 FARES FOR HACKNEY CARRIAGES

Aylesbury Vale District Council GIVES NOTICE under Section 65 (2) (a) of the above Act of its decision to Create and Vary the tariff of fares for the Rural Hackney Carriages within the district as detailed.

### Current Hackney Carriage fares

<u>MILEAGE – TARIFF 1</u>	<u>CHARGES</u>
If the distance does not exceed 1 mile for the whole distance	£3.00
If the distance exceeds 1 mile for the first mile	£3.00
Total journey, less than 5 miles For the subsequent 1/13 of the Mile, or uncompleted part thereof	£0.10
Journey over 5 miles For the subsequent 1/16 of the mile, Or uncompleted part thereof	£0.10
<u>WAITING TIME</u>	
For each period of 40 seconds or Uncompleted part thereof	£0.10
<u>EXTRA CHARGES – TARIFF 2</u>	

### Proposed Rural Hackney Carriage fares from April 2017

<u>MILEAGE – TARIFF 1</u>	<u>CHARGES</u>
If the distance does not exceed 1 mile for the whole distance	£3.00
If the distance exceeds 1 mile for the first mile	£3.00
Total journey, less than 5 miles For the subsequent 1/13 of the Mile, or uncompleted part thereof	£0.20
Journey over 5 miles For the subsequent 1/16 of the mile, Or uncompleted part thereof	£0.20
<u>WAITING TIME</u>	
For each period of 40 seconds or Uncompleted part thereof	£0.20
<u>EXTRA CHARGES – TARIFF 2</u>	

For hiring between 11:00pm till 5.30 am  
Monday to Sunday

25% extra for  
total rate of  
fare

For hiring between 10:00pm till 5.30 am  
Monday to Sunday

25% extra for  
total rate of  
fare

**EXTRA CHARGES - TARIFF 3**

**EXTRA CHARGES - TARIFF 3**

For hiring between 6.00pm 24th December till 5.30am  
27th December and 6.00pm 31st December till 5.30am  
2nd January

50% extra for  
total rate of  
fare

For hiring between 6.00pm 24th December till 5.30am  
27th December and 6.00pm 31st December till 5.30am  
2nd January

50% extra for  
total rate of  
fare

**EXTRA CHARGE**

**EXTRA CHARGE**

(A) For each article of luggage in excess of  
2 conveyed in compartment of carriage

£0.10

(A) For each article of luggage in excess of  
2 conveyed in compartment of carriage

£0.25

(B) For each person in excess of four persons

£1.20

(B) For each person in excess of four persons

£1.60

This notice can be inspected at the council's Offices, The Gateway, Gatehouse Road, Aylesbury, Bucks, HP19 8FF. If you wish to object to the proposed fares you should write to the Licensing Manager, Aylesbury Vale District Council, at the address above by the 30th November 2016. Unless there are any outstanding objections, the proposed fares will come into effect on the 1st December 2016.