



Trade Meeting

Following on from the last Trade Times a series of meetings were held with the Trade during October 2006. The aims of the meetings were to discuss potential solutions to the areas of concern that had been raised. A summary of discussions between the trade and various enforcement agencies follows:

Parking On Double Yellow Lines/Double Parking/U Turns Etc - Who Enforces

Police enforce moving traffic offences, taxi rank offences, obstructive and dangerous parking
Local Authority enforces yellow line contraventions. Community Safety Officers do not normally deal with these issues.

Sgt Stephenson explained priorities of policing; mainly dealing with crime related incidents and officers are pulled away for major incidents. Local businesses have contributed funding for officers to be available to deal with crime related issues.

Cleveland Police agreed to dedicate one officer on Friday and Saturday nights, targeted to deal with Hackney Carriage and Private Hire issues, up until Christmas. This will be part of a joint enforcement campaign with council Parking Enforcement Officers and Licensing Enforcement Officers.

Using Set Down Areas As Ranks

Trading Standards and Licensing, Police and Parking Officers all confirmed that the use of set down areas as ranks by either Hackney Carriages or Private Hire Vehicles is illegal. Vehicles should only be "parked" in such areas for the amount of time it takes for the booked passengers to get in/get out of the vehicles.

Position/Use Of Hackney Carriage Ranks

The Council is currently reviewing the number and position of taxi ranks throughout the authority. Representatives of the trade have been invited to attend the next meeting of the Officer Traffic Group to discuss these issues.

A request that the third lane of the High Street Rank be left available for wheelchair accessible vehicles only was considered, the Council has no powers to designate a hackney rank, or part thereof, as being for wheelchair accessible vehicles only and the trade members present at the meetings felt this was unnecessary.

Use Of Bus Lanes

The Council is currently looking at the issue of bus lane orders so that CCTV cameras can enforce contraventions. The Council is willing to consider exemptions e.g. night time 11pm until 6 am to give access to bus lanes for Hackney Carriages and Private Hire Vehicles. Vehicles would need to have license numbers placed on top of vehicles for identification purposes. This would improve the safety for drivers as their vehicles would be more easily identified.

Plying For Hire

Issues about plying for hire were discussed. It was agreed that it is not always easy to determine whether or not a vehicle had been pre-booked and it had to be accepted that a lot of what is being "seen" as plying for hire is actually normal private hire work. Council officers confirmed that further test purchase exercises were scheduled to take place during the year.

Members of the trade were advised that the only way that any of the enforcement agencies could take action about events that the trade report is if those individuals are prepared to come forward and give written evidence, in the form of a statement, that proves the offence and can be used in court.

Enforcement

Members of the trade expressed concerns about the level of enforcement. Many enforcement actions are undertaken without the majority of the trade realising that it takes place. Details of some of the work undertaken by the licensing team are included in this newsletter.

Trading Standards & Licensing Enforcement Officers will continue to provide training to other enforcement agencies on taxi licensing issues to ensure that, when appropriate, suitable enforcement action is taken.

Officers confirmed that increased levels of enforcement could be undertaken, however, this would involve an increased expenditure by the council and therefore could result in an increase to licensing fees and charges. Officers felt that we currently have the correct balance, however, we will continue to keep this under review.

Police and Council Officers explained that enforcement of taxi related issues is only one of a number of priorities they have to deal with. Some members of the trade said that they would like more information on the work of Trading Standards & Licensing and a Guide to Trading Standards & Licensing is enclosed for your information.

Following the publication of this newsletter action will be taken against any drivers failing to comply with the law or their licence conditions without further warning.

Licensing Enforcement Point System

Some members of the trade expressed concern about the operation of the current point system for licensing infringements, the amount of time taken in administering this system and that it was only applied to certain sectors of the trade. Officers confirmed that the system was applied uniformly to all members of the trade and the system is semi-automated using the existing computer record system. The alternative to using the point system was to report all infringements to disciplinary hearings of the Licensing Committee, which would be more time consuming to Officers, Councillors and members of the Trade.

Use Of Hackney Carriage Vehicles/Drivers Licensed By Other Districts

Members of the trade expressed concern about the use of Hackney Carriage Vehicles/Drivers licensed by other district councils being used as private hire vehicles. Whilst Officers share some of their concerns legal opinion has been obtained by the Council that stated that such practices are quite legal. Officers will continue to monitor the situation and take action when appropriate, as the vehicles are not allowed to ply for hire. Discussions are also continuing with neighbouring authorities to try and resolve these issues.

Restriction Of Number Of Plates

Restriction of the number of plates was discussed and it was confirmed that the decision of whether or not the number of plates should be restricted was a member decision. Members of the trade were advised that if they wished the Council to change its current policy of not restricting the number of plates they should write giving detailed reasons supporting their request. Since the meetings took place the Department of Transport have issued a document "Taxi and Private Hire Vehicle Licensing: Best Practice Guidance" which can be found at http://www.dft.gov.uk/stellent/groups/dft_localtrans/documents/page/dft_localtrans_613442.hcsp

In relation to restriction of numbers the guidance states the following:

"29. The present legal provision on quantity restrictions for taxis outside London is set out in section 16 of the Transport Act 1985. This provides that the grant of a taxi licence may be refused, for the purpose of limiting the number of licensed taxis 'if, but only if, the [local licensing authority] is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet'.

30. Local licensing authorities will be aware that, in the event of a challenge to a decision to refuse a licence, the local authority concerned would have to establish that it had, reasonably, been satisfied that there was no significant unmet demand.

31. Most local licensing authorities do not impose quantity restrictions; the Department regards that as best practice. Where restrictions are imposed, the Department would urge that the matter should be regularly reconsidered. The Department further urges that the issue to be addressed first in each reconsideration is whether the restrictions should continue at all. It is suggested that the matter should be approached in terms of the interests of the travelling public - that is to say, the people who use taxi services. What benefits or disadvantages arise for them as a result of the continuation of controls; and what benefits or disadvantages would result for the public if the controls were removed? Is there evidence that removal of the controls would result in a deterioration in the amount or quality of taxi service provision?

32. In most cases where quantity restrictions are imposed, vehicle licence plates command a premium, often of tens of thousands of pounds. This indicates that there are people who want to enter the taxi market and provide a service to the public, but who are being prevented from doing so by the quantity restrictions. This seems very hard to justify.

33. If a local authority does nonetheless take the view that a quantity restriction can be justified in principle, there remains the question of the level at which it should be set, bearing in mind the need to demonstrate that there is no significant unmet demand. This issue is usually addressed by means of a survey; it will be necessary for the local licensing authority to carry out a survey sufficiently frequently to be able to respond to any challenge to the satisfaction of a court. An interval of three years is commonly regarded as the maximum reasonable period between surveys.

34. As to the conduct of the survey, the Department's letter of 16 June 2004 set out a range of considerations. But key points are:

- the length of time that would-be customers have to wait at ranks. However, this alone is an inadequate indicator of demand; also taken into account should be...
- waiting times for street hailings and for telephone bookings. But waiting times at ranks or elsewhere do not in themselves satisfactorily resolve the question of unmet demand. It is also desirable to address...
- latent demand, for example people who have responded to long waiting times by not even trying to travel by taxi. This can be assessed by surveys of people who do not use taxis, perhaps using stated preference survey techniques.
- peaked demand. It is sometimes argued that delays associated only with peaks in demand (such as morning and evening rush hours, or pub closing times) are not 'significant' for the purpose of the Transport Act 1985. The Department does not share that view. Since the peaks in demand are by definition the most popular times for consumers to use taxis, it can be strongly argued that unmet demand at these times should not be ignored. Local authorities might wish to consider when the peaks occur and who is being disadvantaged through restrictions on provision of taxi services.
- consultation. As well as statistical surveys, assessment of quantity restrictions should include consultation with all those concerned, including user groups (which should include groups representing people with disabilities, and people such as students or women), the police, hoteliers, operators of pubs and clubs and visitor attractions, and providers of other transport modes (such as train operators, who want taxis available to take passengers to and from stations);
- publication. All the evidence gathered in a survey should be published, together with an explanation of what conclusions have been drawn from it and why. If quantity restrictions are to be continued, their benefits to consumers and the reason for the particular level at which the number is set should be set out.
- financing of surveys. It is not good practice for surveys to be paid for by the local taxi trade (except through general revenues from licence fees). To do so can call in question the impartiality and objectivity of the survey process.

35. Quite apart from the requirement of the 1985 Act, the Department's letter of 16 June 2004 asked all local licensing authorities that operate quantity restrictions to review their policy and justify it publicly by 31 March 2005 and at least every three years thereafter. The Department also expects the justification for any policy of quantity restrictions to be included in the five-yearly Local Transport Plan process. A recommended list of

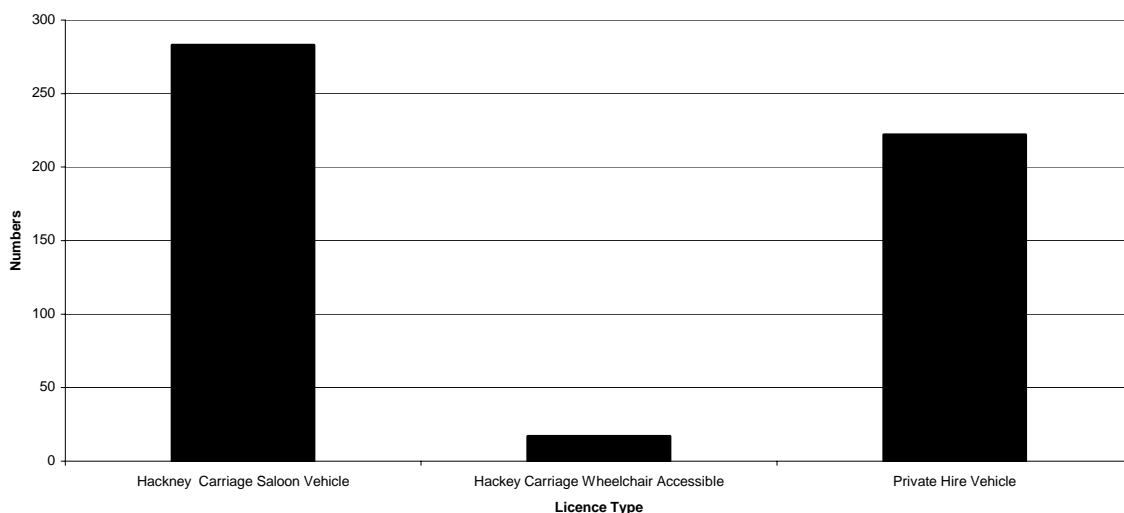
questions for local authorities to address when considering quantity controls was attached to the Department's letter. (The questions are listed in Annex A to this Guidance.)”

As a minimum the trade must consider all of these factors when submitting their reasons for a change to the current policy.

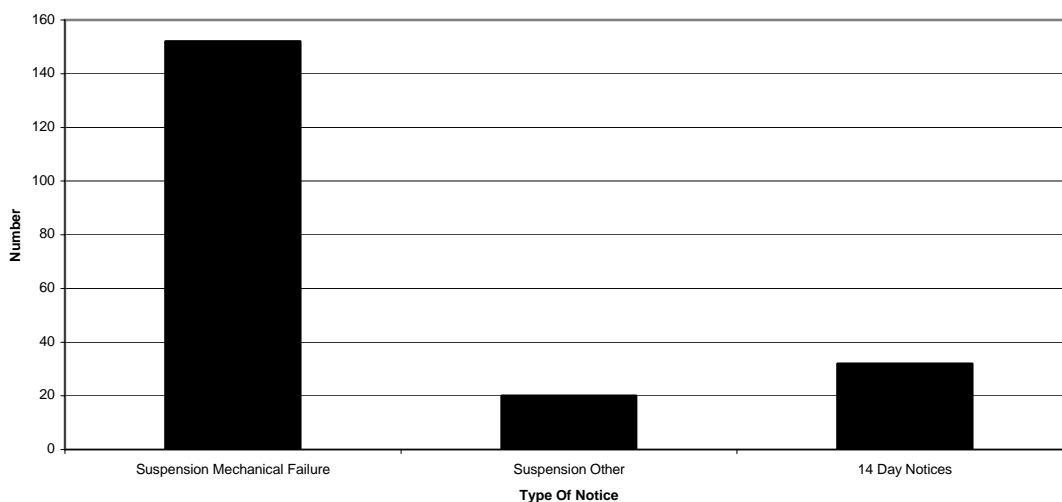
Enforcement Statistics

The following provides information on the number of licenses/suspension notices etc issued for the period April 2006 until October 2006.

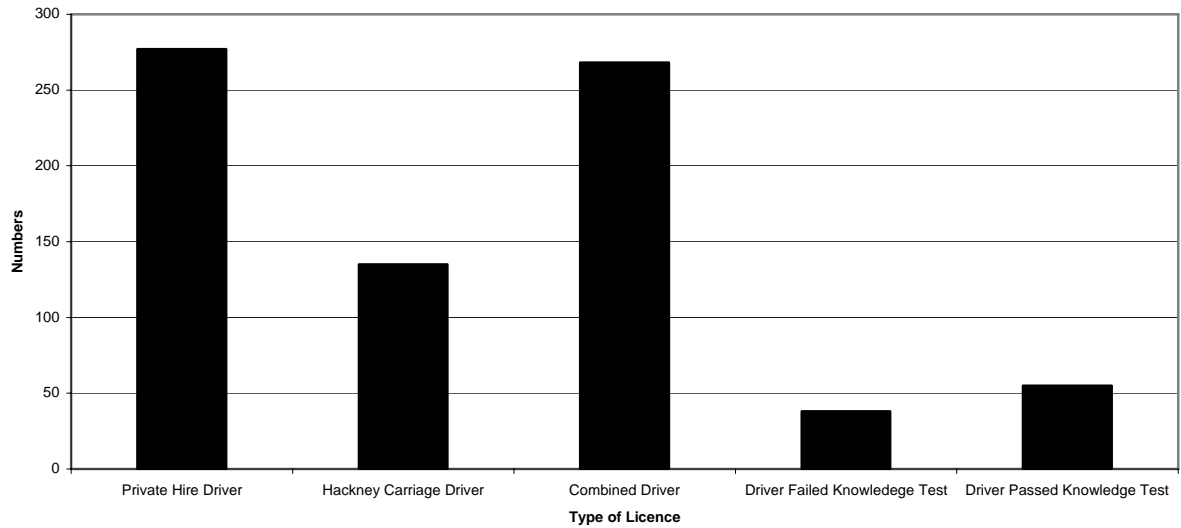
Numbe of Licensed Vehicles (October 2006)



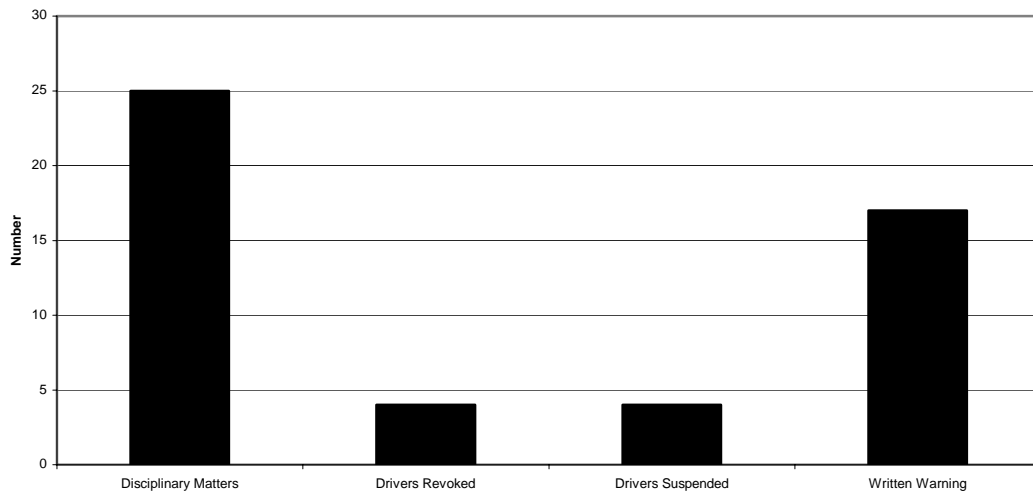
Number of Suspension Notices/14 Day Notices Issued (April - October 2006)



Licensed Drivers (October 2006)



Disciplinary Matters Relating to Conduct/Breach of Conditions Heard by Licensing Committee



The total number of enforcement points issued is 1445 to 242 individuals. See table below for breakdown.

Enforcement Points	Number of Individuals
3	146
6	49
8	1
9	18
12	10
15	7
18	2
21	4
24	2
30	1
36	1
84	1

Proposed Tariff Changes

Stockton Hackney Carriage Drivers Association proposed the following changes to the current Tariff. The Association suggested leaving the flag falls as existing and increasing the rate charged per mile by 10 pence for Tariff 1 i.e. from £1.10 to £1.20 and 15 pence per mile for Tariff 2 i.e. from £1.65 to £1.80. Tariff 3, waiting times, extra and soiling charges to be left at the present rate.

After consideration of this and an alternative proposal the Licensing Committee agreed the Associations proposal in principal and the changes are currently under consultation. An advert is to appear in the local newspaper shortly. Any comments on the changes in tariff should be made in writing to this address by 24th November 2006.

EU Drivers

Following enquires from a recruitment agency on the suitability of drivers from EU countries to be licensed as Private Hire/Hackney Carriage drivers in this authority the Licensing Committee have agreed that such applicants would be subject to the same requirements as any other applicant with the exception of the production of a disclosure from the Criminal Records Bureau. However, this would be replaced by the requirement to produce a similar disclosure from the appropriate body in their own country.

Private Hire Operators and Drivers

As you will be aware we are not sending out reminders for the renewal of licences.

The following is a quick reminder of when licences are due for renewal:

Licence Type	Renewal Date
Hackney Carriage Vehicle	30 th April every year
Private Hire Vehicle	31 st May every year
Private Hire Operator	30 th November every year
Driver Badges	Check your licence – There is no set date for renewal of driver badges

A number of Private Hire Operators have not yet submitted their renewal forms, can you please ensure you renew your licence before the expiry of your current licence. Failure to do so may result in your vehicles being suspended. Renewal forms are available from our office.

Due to the Christmas closure we would recommend drivers whose licence expire at the end of December 2006, to submit their renewal application before 15th December to ensure new licences and badges are available for collection before the office closure.

CHRISTMAS & NEW YEAR OPENING HOURS

18th – 21st December 2006

Normal Hours

22nd December 2006

8.30am – 12 Noon

25th December 2006

Until 2nd January 2007

Closed

3rd January 2007

Normal Hours

Please Note:

Proprietors wanting to licence new vehicles or a change of vehicle before the Christmas period must have completed the application process, including the submission of the vehicle test compliance certificate before 19th December 2006.