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14th July, 2010

Our Ref.:
Your Ref.:

Mrs Sarah Taylor,
Head of Legal and Human Resources,
Town Hall,
Dalton Square,
Lancaster.
LA1 1PJ

Dear Madam,

**Re: The consultation on the new Rules, Regulations and Procedures for
Hackney Carriage & Private Hire Licensing.**

Having read the above document several times I can only conclude it is designed to create the maximum earnings for the legal profession. There is no exactitude in many of its pronouncements that require such to avoid legal challenge and in some instances completely ignores Government guidelines issued by various departments, again leaving the Council open to expensive and lengthy legal challenge.

I have appended a list of objections, suggestions and queries which I wish to be brought to the attention of the Licensing Regulatory Committee.

Yours faithfully,

[Redacted Signature]
David Hodgson

Please find below a list of suggestions, objections and observations on the draft consultation on the new rules, regulations and procedures for Hackney Carriage & Private Hire Licenses.

1. Page 2 – para. 2 Does the requirement for *EU drivers to possess a GB counterpart to their driving license* comply with EU employment law? It does not comply with DfT requirements.
2. Page 3 – para. 1b *Medicals issued by your own doctor. My doctors' surgery discourage appointments for medicals and I therefore need to see another doctor privately. Surely the requirement should be for any qualified doctor to complete the medical form.* *-this would still*
3. Page 3 – para. 1b *On reaching 65 a full medical will be required every year.* It is the government's intention to phase out ageism in employment and increase the retirement age to 70 over time. Unless you can demonstrate good medical evidence that people suddenly deteriorate at a fixed age then you are leaving the Council wide open to legal challenge for introducing an arbitrary bar to employment, without extra expense, to one group over other workers as well as the expense of having to redraft this document at some stage because it conflicts with future statute law.
4. Page 3 – para. 3 *required to complete a BTEC course.* This does not state whether this applies to all drivers or only new entrants. Please clarify.
5. Page 5 – para. 2b(i) Does this sub-paragraph entitle the owner or driver to remove the license number when the vehicle is not working?
6. Page 5 – para. 3(h) also page 19 – para. 1 – line 21, page 21. – para. 5, page 24 – para. 1 – line 24 & page 25 – para. 5 *All refer to fire extinguishers and their placement.* Whilst the first reference is to the extinguisher being readily available for use, all other references are to the extinguisher being in the boot. Does this mean two extinguishers are to be carried?
7. Page 5 – para. 3(i) also page 9 – para. 1 – line 2 & page 24 – para. 1 – line 6. *All refer to minimum number of doors.* The first reference requires two doors for passengers and one for the driver – total 3 doors minimum but future references require 4 doors. Which is it?
8. Page 6 – para. 4 *any taximeter with which the carriage is fitted.* The effect of this ambiguous line is to imply taximeters are optional. Should it not be stated all hackney carriages **WILL** be fitted with taximeters?
9. Page 6 – para. 4(f) also page 20 – para. 3 *seals on meters.* Since digital meters first appeared I have never known any meter checked or sealed by the Council.
10. Page 7 – para. 7(b) *Stand is occupied by the full number of carriages.* All stands used to have a plate stating the number of hackneys allowed on the stand, now there is no indication of the numbers allowed. Is every driver to be issued with a current list of stands and how many vehicles are allowed on them? (Also, when are sufficient stands going to be provided, in the places the public want them, for the number of vehicles working)
11. Page 7 – para. 13 also page 20 – line 5. *Reasonable amount of luggage, reasonable assistance, one piece of luggage per passenger.* All suitably vague to convey nothing at all. A reasonable man was defined in court as the man on the Clapham omnibus but as he has failed to give his definition on the subject of luggage the definition is worthless. Please define reasonable and also state what constitutes a piece of luggage as at present foreign students arriving at the railway station often have cases up to 3ft 6ins by 2ft or more and very few vehicles can accommodate four such cases.
12. Page 8 – para. 15 *rate of fare being calculated by distance.* The meters fitted to hackneys actually calculate the fare by distance and time, should not an allowance therefore be permissible for time to be included.
13. Page 8 – para. 15 *a fare greater than that recorded on the face of the taximeter.* This can only be enforced for hirings wholly within the Council area. This should be reflected in the wording.
14. Page 8 / 9 – para. 18(a) *found items handed in within 48 hours; offices of the Council; not more than £5.* Property left in a taxi cannot always be handed in within 48 hours at the offices of the Council as often they are closed for longer periods, e.g. bank holidays. What constitutes offices of the Council? Should not the property be handed into a police station, the place a reasonable person would enquire. Also the maximum reward of £5 is totally unrealistic as they figure has not risen in the thirty years I have driven taxis and fares often exceed this amount travelling within the Council area.

15. Page 10 – para. 1(b) *consent of the hirer*. Should not this state – whilst the carriage is hired?
16. Page 10 – para. 2 *shall not be set into operation until the hirer has commenced his journey*. Contradicts page 6 – para. 5(b) *Before beginning a journey ... bring the machinery of the taximeter into action*. Which is it?
17. Page 12 – para. 7 *carry a copy of the byelaws and code of conduct*. Will these be freely available at the offices of the Council and if so why cannot the public inspect them there. No other organisation provides this, and indeed all other forms of public transport refer you to their booking offices, head offices, etc. to inspect their terms and conditions of carriage. Also are we to give them away or can we leave the meter running if someone chooses to read them whilst sat in the taxi?
18. Page 13 – para. 13 *The council... vary in its discretion any provision of this code*. Should not this be predicated by *after consultation*?
19. Page 13 – para. 14 *within 48 hours*. As with page 8 / 9 – para. 18(a) not always possible. Also why are private hires allowed seven days?
20. Page 15 – para. 7 *deposit his license* Which license?
21. Page 17 - *Age of vehicles*. Ages are laid down for the licensing of vehicles but these are unenforceable as (a) the condition of a vehicle is the only grounds for refusal to plate a vehicle (as stated by the Dept for Transport, Bus and taxi section) (b) artificial restrictions on what vehicles can be plated have been ruled illegal under EU law as restraint of trade (some vehicles are exempt from the ten year rule whilst others are not) (case of Cabs Direct and Peugeot v Transport for London – this case cost TfL thousands of pounds; are you prepared to expose the local taxpayers to a possible costly court case brought by a major motor manufacturer?)
22. Page 18 – *Mot Certificates* Why is testing done by the Council? Should it not be put out to tender? Why do the Council wish to mechanically test a vehicle if it already has an Mot certificate? This whole section should be scrapped and redrafted to allow for competitive tendering for testing whilst the Council's nominee checks only those items required for hackney and private hire vehicle compliance.
23. *London type cabs*. Where is the definition of this term? Why can they be first plated up to six years of age when other vehicles must be under five? The inference must be that they are better built. Could you defend that in court against another car manufacture?
24. Page 18 – *Insurance Policies* Minimum cover on new policies is rarely six months, often only one month. How then can a new vehicle be licensed?
25. *Certificate of insurance to be carried in vehicle at all times*, also page 20 – para. 2 & page 26 – para. 10. This is not required by law and is discouraged by the Police as it makes life easier for a vehicle thief.
26. Page 19 – para. 1 *engine capacity shall be not less than 1600cc*. This again is a purely arbitrary judgement that ignores current technological progress. It would preclude the latest 1450cc engine producing 105bhp that is far greener and cheaper to run than current engines. Also precluded would be future hybrid vehicles, electric vehicles and who knows what else.
27. *Adequate leg and foot-room etc*. Define; for a six foot six inch person or a four foot two inch person?
28. *Vehicle glass to be kept clear*. The law requires only the sweep area of the windscreen to be kept clear. Where would the vehicle excise license go, the advertisement for drivers allowed in these regulation, the sat nav which helps improve efficiency, especially finding the shortest route on out of town work?
29. Page 22 – para. 10(a) *nearside rear door*. If you intend to specify which doors can be used to load wheelchairs are you also going to alter the ranks such as Market Street in Morecambe to comply with this requirement?
30. Page 23 - para. 13 *no DVD*. Does this include DVD based sat nav systems as fitted to many cars by the manufacturer when new? (CCTV is not covered by these rules and regulations. Is this an omission or are you just ignoring this safety item)

31. Page 25 – para. 2 *further plate should be fixed at the front of the vehicle*. Why only on private hire vehicles and not hackneys? (Is there any definitive proof that plastering signs all over private hire vehicles actually works when it has been proven on a BBC documentary that people late at night will get into any vehicle displaying signage on the side. Should we not be going back to anonymous private hire vehicles carrying just a small plate on the rear and / or front. This would also help the police, who admit they do not know the difference, to differentiate between licensing classes)
32. Page 28 – para. 1 *kept in a suitable book*. Does this preclude any other form of record keeping, such as on computer hard drives? Is the list of details, shown as required to be kept, compliant with the provisions of the Data Protection Act? Also why are these records never checked if they are required as I have never worked on any firm where this list was complied with.
33. Page 30 – Trailers *have sufficient luggage capacity*. Sufficient capacity for what? Too vague yet again.
34. Nowhere in this document is the duration of drivers' licenses mentioned. I raise this point as that is another area where the officers have chosen to ignore the guidelines (Please ask the officers to show you Department for Transport Taxi and Private Hire Licensing: Best Practice Guidance – Drivers – Duration of Licenses) by issuing one year licenses when the guidelines state this is not best practice.

In fact I would seriously suggest that you asked for copies of the entire document if not already sent to you before you consider any attempt to approve the present document.

Also I would ask for a redraft of the separate rules appertaining to Hackneys and Private Hire Vehicles so that there are no contradictions. This would be best achieved if the common rules are written in the same order and with the same paragraph headings / numbers first followed by any rules not common to both types of vehicle.