**Resident**

Dear CBC Licensing Committee,

I am more than pleased with proposals about duties placed on drivers by new equalities legislation relating to disabled/wheelchair access.

Equality must be applied — well — equally. I use a lot of taxis and licensed hires. This may be an apocryphal story, but apparently, a driver refused to help a fragile, extremely elderly man with his supermarket shopping (taking it a short way from the taxi to the front door) “because there’s a bottle of alcohol in the bag.”

I offer no interpretation of this report (told to me by a taxi driver who said the company had lost a long-standing client — the old gentleman — because of this alleged behaviour of the driver). If this is true, I’m sorry. It is not acceptable.

Yours faithfully,

---

**Environmental Health**

Dear Licensing,

Please find below some comments in relation to the review of the CBC taxi/PH licensing policy from the EP team:

Department for Transport: Environmental Considerations:

Local licensing authorities, in discussion with those responsible for environmental health issues, will wish to consider how far their vehicle licensing policies can and should support any local environmental policies that the local authority may have adopted. This will be of particular importance in designated Air Quality Management Areas (AQMAs), Local authorities may, for example, wish to consider setting vehicle emissions standards for taxis and PHVs. However, local authorities would need to carefully and thoroughly assess the impact of introducing such a policy; for example, the effect on the supply of taxis and PHVs in the area would be an important consideration in deciding the standards, if any, to be set. They should also bear in mind the need to ensure that the benefits of any policies outweigh the costs (in whatever form).

Air Quality issues:
- Vehicles (Euro 6 in line with DEFRA guidance?)
- Engines left running (maximum time limit – excess is an infraction). Operators to be vicariously responsible, would the taxi marshals be responsible for this?
- Would Emissions testing be under taken and would there be a consideration for setting vehicle emissions standards for taxis and PHVs
- Could hybrid, or CNG/LPG vehicles to run on electric/gas whenever possible?
- Would there be a possibility to install electric vehicle charging points or support for people purchasing electric vehicles

Kind regards,
GCHQ

To Cheltenham Borough Council Licensing. GCHQ’s Director General for Technology and Disability Champion, and our Disabled Employee Network, were keen that we respond to your Taxi and Private Hire Licensing Policy Review:

“As a Disability Confident Leader, GCHQ welcomes Cheltenham Borough Council’s decision to include accessibility for disabled people as part of this consultation exercise. At GCHQ it is very often our disabled community that lead the cutting-edge work we do. While we do not feel able to comment on points of detail, we support the Council in any attempts to improve the quality of life for people with a disability.”

Kind regards,

Guide Dogs

Summary

0.1 Guide Dogs provides mobility services to increase the independence of people with sight loss in the UK. Alongside our mobility work we campaign to break down physical and legal barriers to enable people with sight loss to get around on their own terms. Current estimates suggest about 21,680 people with vision impairments are living in Gloucestershire of which about 53 are guide dog owners.1

0.2 Taxis and private hire vehicles (PHVs), and the door to door service they provide, are essential to the independence of blind and partially sighted people, who are often unable to drive or use public transport. However, accessing taxis and PHVs can be a major challenge for assistance dog owners: A Guide Dogs survey found that 42% of assistance dog owners were refused by a taxi or PHV driver in a one-year period because of their dog — despite this being a criminal offence under the Equality Act 2010.2 Such access refusals can have a significant impact on assistance dog owners’ lives, leading to feelings of anger and embarrassment and a loss of confidence and independence.

0.3 To help reduce the number of access refusals, it is important that drivers know their legal obligations and how to best offer assistance to their customers with vision impairments, including those travelling with a guide dog. We therefore welcome the proposed inclusion at section 1b of the introduction of a learning day which would include driver’s equality duties, but we recommend that the reference to equality duties is strengthened to disability equality training. We recommend that all drivers undertake disability equality training when obtaining their licence.

0.4 Recognising the damaging effect an access refusal can have on an assistance dog owner’s life, the policy should further clearly state that any such refusal will be investigated with a view to prosecution. We recommend that section 5 of the policy document is amended to include specific details of the Equality Act as it applies to assistance dog owners. This has been detailed in section 1 of this document.

1 Royal National Institute for Blind People research; Guide Dogs data
2 Guide Dogs, Hail Storm: The experiences of assistance dog owners when trying to use taxis and private hire vehicles 2016 [PDF].
0.5 There is currently no reference to medical exemption certificates for carrying assistance dogs. We recommend that the policy is amended to include a section on medical exemption certificates. The policy should state that medical exemptions certificates for carrying assistance dogs will only be issued where medical evidence is supplied. This will help ensure exemptions are only granted where the driver has a genuine medical condition that is aggravated by exposure to dogs.

Key recommendations: We recommend that all drivers are required to undertake disability equality training when obtaining their licence and that every access refusal is investigated with a view to prosecution.

1. Duties for taxi and private hire drivers under the Equality Act 2010

1.1. We welcome the specification in section 5, highlighting that the council will be implementing section 167 of the Equality Act in reference to wheelchair users but note that there is no reference in the current policy to passengers who are assistance dog owners. We recommend that this section is strengthened by including the specific duties placed on drivers arising from sections 168 and 170 which refer to assistance dogs:
   - To carry the disabled person’s dog and allow it to remain with that person;
   - Not to make any additional charge for doing so.
   The driver will commit an offence if they fail to comply with these duties.

2. Disability equality training

2.1. Drivers who refuse to carry an assistance dog are committing a criminal offence under the Equality Act 2010. The consequences of delayed travel combined with the emotional impact of facing discrimination and confrontation when trying to carry out everyday activities take a significant toll on assistance dog owners. We welcome the proposed inclusion at section 1b of the introduction of a learning day which would include driver’s equality duties. We also welcome the introduction of a written/practical assessment at the end of this training. However, we recommend that the reference to equality duties is strengthened to disability equality training.

2.2. Apart from feelings of anger and embarrassment, refusals can undermine the independence that assistance dogs bring to their owners. Assistance dog owners also reported that the stress of refusals has had a detrimental impact on their mental health and on whether they feel able to leave the house. This also has a negative impact on their ability to access work and other opportunities. As guide dog owners report:

2.2.1. “Each refusal is crushing, confidence shattering, rejecting, and traumatic. I always feel that I don’t want to go out after - but work dictates I must.” Guide dog owner, Stevenage

2.2.2. “I was left on my own at the side of the road in the dark. I am deaf and unable to phone for help and it made me feel very vulnerable. It makes me feel afraid to go out.” Assistance dog owner

2.2.3. “I was very upset, it was dark, raining and 10pm at night. I was scared. I avoid evening invites, as I worry about getting home. I lose out on the chance of

---

Guide Dogs, Hail Storm, 2016
socialising with friends, which is bad, as I have no family.” Guide dog owner, Rochester

2.2.4. “I used to have a very tough two-hour commute to work. The taxi part of the journey was the shortest bit travel wise, but it always ended up being the bit that held me up the most because I was having to spend time facing drivers who wouldn’t take me with my dog. ... It’s good that my contract was flexi hours otherwise I’m sure I would have been sacked for being late all the time – it happened so often.” Guide dog owner, Daventry

2.3. A Guide Dogs survey found that many taxi drivers are unaware of their legal obligations and the impact refusals have on assistance dog owners. The best way to address this is through disability equality training for all taxi and PHV drivers.

2.4. Disability equality training focuses on the concept of people being disabled by society’s barriers and attitudes. It highlights the role an organisation and individuals play in the removal of those barriers, while also including awareness elements such as customer care, etiquette and appropriate communication.

2.5. Many of the positive experiences disabled people report when using taxis and PHVs come about following disability equality training. Councils that have introduced disability equality training report very positive results with fewer refusals and drivers feeling more confident in assisting passengers with disabilities.

2.6. To enable taxi and PHV drivers to deliver the best and most inclusive service possible, we therefore recommend that all drivers undertake disability equality training. This will ensure they are knowledgeable on disability issues, have discussed barriers in their service and how to overcome them, and are informed about their legal obligations.

3. Enforcement

3.1. We recommend that every refusal of an assistance dog owner will be investigated with a view to prosecution and will lead to the driver’s licence being revoked. We welcome the proposed exclusion of the offence of “Refusing to accept booking to carry disabled passenger, or passenger with assistance dog” under point 6, from the Appendix detailing the “Three strikes policy for taxi & private hire licences”. Reference has been made to the seriousness of this offence, with a likely result of a single incident leading to either prosecution or referral of the driver to Committee. Whilst we welcome this, we recommend that in line with the seriousness of this offence, it is stated that all incidents will be investigated with a view to prosecution, which would lead to the driver’s licence being revoked.

3.2. As mentioned, it is a criminal offence for any operator or driver to refuse to carry assistance dogs. On conviction for such an offence, drivers can be fined up to £1,000.

3.3. While our survey shows that 42% of assistance dog owners have been refused over a one-year period, many of these incidents are not reported. Indeed, only 54% of respondents said they would ‘definitely’ or ‘very likely’ report an access refusal.

4 Guide Dogs, Access All Areas, 2015 [PDF].
5 Minutes of Guide Dogs focus group, Nottingham, Wales, August 2015.
3.4. In part, the underreporting is due to challenges of reporting, especially for people with sight loss. However, it is also due to disappointment at the lack of action taken following an access refusal and the low fines issued.\textsuperscript{6}

3.5. Considering the significant impact an access refusal can have on assistance dog owners’ lives, it is important that assistance dog owners know that all cases of access refusals are investigated and appropriate fees issued. To this end, we suggest inserting the following paragraphs into the policy:

3.5.1. The Licensing Authority will investigate all reported access refusals with a view to pursuing a conviction under the Equality Act 2010 and ensuring appropriate penalties are given that are in line with the distressing impact a refusal can have on an assistance dog owner.

3.5.2. The Council will undertake periodic test purchasing on licensed vehicles to ensure that licensing requirements are being complied with.

4. Medical exemption certificates

4.1. Drivers can be exempt from carrying an assistance dog on medical grounds, if they have a certifiable medical condition which is aggravated by exposure to dogs. There is no reference to a medical exemption certificate policy in the current document or the proposed changes in the consultation document. We recommend that the policy is amended to include a section on medical exemption certificates.

4.2. To ensure that exemptions are granted correctly, the policy should specify that exemption certificates will only be issued when authorised by a medical practitioner and accompanied by medical evidence, for example a blood test, a skin prick test or clinical history.

4.3. It is often difficult for vision-impaired passengers to identify the validity of exemption certificates. Currently, it is not permissible for licensing authorities to issue exemption certificates which incorporate tactile features, as this would alter the certificate’s prescribed form and render it invalid. We recommend that licensing authorities issue exemption certificates that are accompanied by features distinguishable to vision-impaired passengers, such as an embossed or raised ‘E’.

For more information, please contact Public Affairs Officer Sarah Schoenberger on sarah.schoenberger@guidedogs.org.uk or 0118 983 8492.

Resident

Dear Sir/Madam,

I’ve reviewed the policy with particular interest in regards to assistance dogs. I have experienced issues in the past with a taxi and refusal of my dog. To say the Council’s response was woeful is the grossest of understatements. Given how few guide dogs there are in Cheltenham in particular, should every owner experience an incident each week with a different taxi driver, it would take years for any real action to take place.

\textsuperscript{6} Guide Dogs, Hail Storm, 2016
I note that the refusal of an assistance dog is exempted from the three strikes policy that the Council is suggesting, which is gratifying. However I would wish the council to go further and to say that in any instance of a taxi driver refusing an assistance dog there should be an immediate presumption of a loss of license. I would also like the council to release guidelines on what an individual should do if they are refused by a taxi in terms of evidence collection e.g. recording of the incident on a phone. Furthermore I would like the council to advise as to what an individual with a disability, who may require a taxi for safe movement in hours of darkness or bad weather (such as snow), can practically do when they are refused a taxi.

Thank You

Community Fundraiser

I have got one lot of feedback. Fit not all WAV fit all Wheelchairs. Regular users of wheelchair taxis use the same firm so they which vehicles suit their particular Wheelchair. One Wheelchair user said says asked them to slow down because in a wheelchair you feel all the bumps in the road. There are a lot of different to ways to strap a wheelchair into a taxi.

It would be a good idea to increase the number of WAV Taxis but there is a lot knowledge that has to be gained for the safe use of the equipment.

Hackney Carriage Driver

As a Cheltenham Taxi driver of 15 years, I am dismayed at the latest developments for our trade. We have in Councillor Mckinlay someone who is using in his communications with the press and in email responses to driver inquiries, an adversarial approach. He has espoused to use the Law to change the working environment and working practices of Cheltenham drivers. These changes are the introduction of Safe working hours under the Working Time Regulations 1998. The same act states that Mobility Workers such as Taxi drivers are exempt. see Department for Transport Guidelines. Therefore any attempt at introducing said directive would be impossible. I might add that this was accepted by the Licensing Committee prior to its inclusion in this policy review.

Councillor Mckinlay's reasoning behind all vehicles upon renewal being made Wheelchair Accessible(WAV)/Ease of Access. He stated on the radio that the Disability Act 2010 asks for this, under sections 165,and 167. This is in fact the Equalities Act 2010. It might be trivial to pick him up on this, but the implications are important. In sections 165,167 of this act, it asks the local authority to place on a list all "designated vehicles"(WAV). Before the list is compiled a designated vehicle driver can refuse to take a wheelchair user without fear of prosecution. The list ensures that each driver has had the necessary training and therefore cannot refuse this passenger, and if he/she does then they can be brought before the courts, and rightly so. At no time does this act refer anywhere to the taxi fleet or require the local authority to having 100% WAV Taxis. In fact Plymouth Licensing Authority have adopted the part in the Equalities Act 2010 which relates to Taxis should afford a Mixed Taxi Fleet as many Mobility Impaired persons prefer a saloon car to Mandatory Vehicles. Section 3.3. It goes on to say the mandatory vehicles cost more to purchase which coupled with oversupply make Taxi fares more costly than Private Hires Fares.
At no time has Councillor McKinlay produced figures to back up his wishes for 100% WAV Taxi Fleet, please bare in mind the industry standard test is 'an Unmet Demand Survey'. This has been requested by the trade for some time. And for the record, according to NHS.gov.uk figures.

Cheltenham's population is 118000, with 18880 disabled and of that 2242 wheelchair users. The next problem with Councillor McKinlay's plans for the Taxi trade is a simple one. Under current plans to change all vehicles to WAV, and still be Euro6 Diesel, Euro5 Petrol and still be Silver in colour. His idea at the last policy change. The vehicles don't exist in any numbers or are not financially viable to purchase. Currently Peugeot E7 sideloading Taxi will not comply with emission standard and will cease production. The London taxi T5 is a hybrid and the cost £33,000. There is a fully electric vehicle not out yet GEELY which estimates a price of £55000. Because of the current oversubscription of Taxis, these prices are too exorbitant for the average driver. Im sure Councillor McKinlay's ongoing response would be too bad, there is always another borough we can work. He is right, Tewkesbury has a more flexible approach to its vehicles, and the irony, we can still work in Cheltenham.

The biggest problem with the current policy review is 'Grandfather Rights'. This is where a driver has purchased a Taxi business (plate) for the appropriate market value. With the understanding that he can transfer his 'plate' onto a similar vehicle upon renewal. This is an accepted practise. Cheltenham Borough council even ask when a licence is transferred 'how much'. Councillor McKinlay wishes to abolish this practise and adopt a 1 Tier system. (his interview with radio Gloucestershire 10/10/17). I will refer to the Law Commission 2013's findings page 165/166 11.104 recommendation 61.

11.104 As a matter of principle, if we were starting from scratch, we would wish to have a licensing system that did not generate plate values. First, evidence suggests that the premium in plates is not generally put back into the industry to help finance new or upgraded vehicles. Rather, many licence holders rely on plate premiums 72 Taxi Regulation Review, Report of the Review Group, p 12. 73 See also Katrina Wyman, “Problematic Private Property: The Case of New York Taxicab Medallions” Volume 30Yale Journal on Regulation, 125 at p 123 – 132. Wyman suggests that New York taxi medallions attract high values due to the economic benefit this gives to medallion owners, agents, brokers and lenders, drivers who share monopoly rents, the unions and the political clout of the taxi industry. 166 as pension funds, or to provide the collateral to repay a mortgage or fund their children’s education. 11.105 Second, plate values add little or no value to the licensing system as a whole, and the effect is to prevent many would-be entrants to the trade being able to obtain their own licence. The Taxi Review Group established to consider taxi licensing in the Republic of Ireland (where licence values peaked at around €150,000) noted that “a licence should determine a person’s suitability to carry out a function and it should not have monetary value or be traded on the open market.” 74 11.106 The above considerations suggest that if we were designing an entirely new system, plate values would not be a feature. However, it is important that we take into consideration the landscape which has evolved under the current law, in which plate values hold a great deal of significance for many people, for whom their removal would be highly damaging.

11.107 We recommend that in areas where quantity restrictions are introduced after our reforms (new quantity restricted areas), it should not be possible to trade vehicle licences. 75 In such areas an unwanted licence should be surrendered to the licensing authority, as with any other case of revocation or expiry at the end of a licence term. Notably, this means that if London, for example, were to introduce quantity restrictions further to our reforms, no plate values could arise. 11.108 The position is, however, considerably different in areas where quantity restrictions currently exist and premiums have been allowed to arise. Taxi licence holders in these areas have, in many cases reasonably, invested considerable sums in respect of plates. A change in the law would have a huge impact on incumbents, completely wiping out their investments. Given that plate premiums have
been permitted to arise, it would we think be unfair for a shift in legal policy to destroy them, causing substantial loss to a class of individuals who acted in accordance with the law. Recommendation 61 in licensing areas where quantity restrictions already exist at the time of the introduction of our reforms, but not in other areas, vehicle licence holders should continue to be able to transfer their taxi licences at a premium.

With the above in mind, a substantial loss would be incurred by us the Taxi Drivers and further action would have to take place to recover what amounts to around £1.6million.

The Current Policy review is ill thought out and unenforceable. We did have meaningful negotiations with the licensing committee to further the Taxi Trade. This has been largely ignored by Councillor McKinlay, because of this we do not see his involvement in the review as necessary. His input at best, has been described by many in the trade as inflammatory, adversarial, and nothing more than a bully. In our world he is not ‘Fit or Proper’ to continue.

Licensed Operator

As a private hire operator in Cheltenham, I have never felt the need to get involved in any disputes that prominent Hackney drivers may have with the licensing office, it’s individual members of staff or any members of the committee or councillors such as yourself.

However, the latest review of the licensing policy has proposed changes that will have far reaching consequences for the whole trade, and, most importantly, the safety of the general public.

I would, firstly like to give you some background as to my position and standpoint in the trade so that you may fully understand that this letter isn’t just a self-serving rant, but a heartfelt plea to the council to look again at some of the proposals that are set out in this policy review.

I gained my Hackney Carriage badge in 1990 and for twenty years plied my trade round most of the private hire operators in Cheltenham and working independently on the Promenade taxi rank.

I have, during that time, always had a good working relationship with the licensing office and respected the rules and regulations set out. I will admit that, at times my passion for the trade has led to the odd heated exchange in years gone by, but I’m sure all the current licensing officials would agree that my heart has always been in the right place.

In 2009, when licensing regulations weren’t quite so stringent, I was able to build a fleet of rental private hire vehicles, meaning that my dealings with the council were more on a weekly basis than annually, like most other taxi drivers.

In 2010, I was in conversation with a licensing officer, Amelia Byres about the general state of the taxi trade. In that conversation, Amelia told me that the licensing office were having to handle a very high call volume from frustrated wheelchair users about the lack of service available in Cheltenham. She asked me then if I would consider starting a taxi company that specialized in accessible service.

At that time, Kenneth Green had recently ceased trading as Dial-a-Cab and the only pre-booked wheelchair service was being provided by a gentleman called William (Billy) Nelson and his wife and son. They had two TX2 LTI London taxis. It was not unusual for people to need to book his service weeks in advance and if he was busy they would not be able to get an answer on his mobile for days at a time.
At the end of 2010, my father died and left me a sum of money in his will. Remembering my conversation with Amelia Byres and wanting to do something exceptional with my father’s legacy, that would not only provide jobs for my family and friends but would benefit the people of Cheltenham and have a profound effect on the taxi service in the town, I purchased the Dial-a-Cab name from Kenneth Green, the 242424 number from Nicholas Puddy and two Peugeot E7s from Cab Direct.

Six years later, we have a fleet of twenty-eight cars, of which sixteen are accessible.

In 2011, the only type of vehicle that could be licensed in Cheltenham was a side loading vehicle like the Peugeot Expert derived E7. Whilst supposedly purpose built to be ideal for taxi service, the problem with this vehicle was that the ramp was narrow, very steep with flip out side bars that were made of soft metal that provided no protection or safety for the wheelchair user and, worst of all, the height access meant that approximately 50% of our customers could not access the vehicle without banging their head on the roof.

Whilst the measurements from floor to roof on an E7 may be very similar to that of a rear loading vehicle, due to the lowered floor and more gradual slope in the latter, the access is the equivalent of 12cm greater, making them the perfect vehicle for all wheelchair users. I will gladly send you a video demonstration of the difference in access to these types of vehicles on request.

We needed to find a solution and Cheltenham Borough Council assisted in allowing rear loading wheelchair accessible to be licensed. We were able to buy two Cab Direct built Peugeot Partners which made an enormous difference to our service provision for the disabled.

In 2013, one of regular customers sustained injuries whilst trying to access our newest side loading E7 vehicle and consequently received substantial damages from the driver’s insurance company. As a result of this incident and previous near misses and injuries sustained by drivers trying to push and guide heavy wheelchairs up and down the steep ramps of these vehicles it was decided that we would move away from them completely and encourage our drivers to buy their own rear loading accessible vehicles.

And so was borne the era of the Peugeot Premier.

The first driver to buy one, new from Cab Direct was Simon Penberthy in 2015. The vehicle was supplied in silver with a meter and taxi light fitted, thus giving him the right to a free Hackney plate from Cheltenham Borough Council. Within two months of taking delivery, Mr Penberthy left Dial-a-Cab and went to work on the station taxi rank and has remained there for the last two years, providing little to no wheelchair service to the residents of Cheltenham.

The second driver to buy a Premier was Cristi Tudor, again supplied in silver with meter and top light, free plate provided and within three months he was gone, regularly working nights on the rank at Pittville Street and, by his own admission, very rarely providing wheelchair service, maybe four or five times in the last two years.

The third driver, Gheorghe Gheorghe followed exactly the same pattern and plied his trade solely from the Pittville Street rank.

These were three good, reliable and hardworking drivers that were lost to the rank due to the policy of issuing free plates to all compliant accessible vehicles.
The effect their arrival on the rank had on the Hackney trade was swift and devastating. In late 2015, some five years after the introduction of the Premier by Cab Direct, the second-hand market for high mileage Premiers that had served their best years in other towns was flooded. Drivers saw the opportunity to buy one of these vehicles with over 200,000 miles on the clock for between £2,500 and £3,000 and were able to join the Hackney fleet, with no training on how to load and safely harness a wheelchair, no idea how to safely drive with a wheelchair bound passenger on board. But that didn’t really matter to them as there was little or no demand for wheelchair service on the taxi rank, day or night. Did it matter to the council? No. all they were interested in was ticking boxes that said ‘look at us, we have a huge fleet of accessible vehicles’ A shameful and reckless interpretation of policy.

New Premiers are arriving on the rank almost on a weekly basis, so it is clear to understand why the long-suffering hard working established fleet are so frustrated and angry, and most of their anger seems to be pointing towards you.

With some good reason I would say, as your radio interview suggested that it is your intention to require all new licenses issued to be only for accessible vehicles and scrapping the grandfather rights on existing plates even though government legislation recommends a mixed fleet, not solely accessible.

Surely it is plain and obvious that the real people you should be asking about future plans for accessible vehicles is the wheelchair users themselves. You might ask ‘what do you do when you come out of Cineworld, it’s pouring with rain and you need a taxi home?’ Or alternatively, ‘you’ve been to a music festival at the racecourse and need to get home, what do you do?’ I guarantee to you 100% that the response you will get has no mention of making their way to the nearest taxi rank.

I can tell you now that between 80 and 90% of all wheelchair journeys completed by my company are from care homes. Almost every care home in Cheltenham has an account with Dial-a-Cab and pre-book their journeys to and from hospitals, doctors surgeries etc. without any trouble whatsoever.

The other 10-20% should not have their understanding of the taxi trade underestimated. These are people who either live full lives in accessible bungalows in and around the Cheltenham area, or at home with husbands or wives. They routinely book accessible vehicles with little or no notice as they are sure in the knowledge that the service is always available to them. When they wish to return home from, maybe a shopping trip to town we have safe pick up points to meet them and they rarely have to wait more than ten minutes for their cab to arrive.

Wheelchair bound visitors to Cheltenham are fully aware that the service available in our town is probably one of the best in the country and routinely pre-book taxis to be waiting for them at the train station. Google is a wonderful thing and if you think that people expect a never-ending line of accessible vehicles to be waiting for them then you are sadly mistaken.

We routinely provide wheelchair service from Gloucester to Gloucester, or Tewkesbury to Tewkesbury and even cover the whole of the Cotswolds as none of these towns or cities have the availability or quality of service that Cheltenham can provide.

A legacy my father would be very proud of.
I understand that the council are looking at the possibility of stopping rear loading vehicles from being licensed in the future and switching to an all side-loading accessible fleet. Although it is suggested that this is on safety grounds due to loading issues on the rank, this is simply not true, as normal practice is for the driver to move his vehicle to a safe point to pick up, either at the corner of the Promenade by Hotel Chocolat or outside H Samuels on Pittville Street and as none of the rear loading vehicles have been involved in accidents that have resulted in injury to the public, this must be an admission that you want to stop the influx of Premiers onto the rank.

Has any thought been given to the fact that the side loading vehicles are deeply unpopular with the general public? An impersonal service from a driver who is partitioned away from the customer, a bumpy ride in the back of a long wheel based vehicle is far from a pleasurable experience. But most importantly, their wheelchair loading ramps are located on the passenger side of the vehicle making them equally, if not more dangerous to load on either the Promenade or Pittville Street.

If I applied for planning permission to open a private-hire office anywhere in the town centre that required wheelchair users to either enter the vehicle from the middle of the road, thus blocking a busy bus hub, or to have to cross the road to access a vehicle, a risk assessment would be carried out and the application would be thrown out on safety grounds. Therefore, for Cheltenham Borough Council to be issuing Hackney licenses to vehicles that have to do the same without a risk assessment smacks of double standards. This would suggest that for the safety and security of all wheelchair users, all Hackney accessible vehicles should be banned.

The latest range of longer wheel based accessible vehicles includes the VW Caddy, branded as the Kudos by Cab Direct and the Ford Journey. These vehicles can carry four able bodied passengers plus a wheelchair behind without any seating capacity being compromised. We have one of each on Dial-a-Cab and they are undoubtedly the perfect vehicle for the job in every way. They are licensed to carry five passengers and are strong, sturdy vehicles, unlike the Premier. They do, unfortunately, come with a more prohibitive price tag too.

If the council is looking for a real and positive solution, they should look no further than these vehicles. However, there is clearly little to no need for more than a handful of Hackney accessibles working at day or night as there is proven to be no demand, and if, as your remit states, your priority is for the safety of the public, these vehicles should only ever be licensed as private hire, so the passenger can choose the safe pick-up point they are comfortable with.

An example of how little demand there is at night for wheelchair service on the taxi rank came when I purchased a four-year old £7 from a Hackney driver in Cheltenham. This vehicle had been licensed from new and had been working the Promenade taxi rank for the entirety of its life. I asked the seller where the wheelchair straps and harnesses were. He pointed to an overhead storage box above the front passenger seat. When I took them out they were still in vacuum sealed packaging from when the car was supplied new, proving that either the vehicle had not done a single wheelchair job in four years, or the owners of the vehicle had been transporting wheelchairs with no harnesses.

Any proposal for vehicle changes cannot discriminate against the Hackney trade and would, therefore, need to apply to private-hire vehicles too. That being said, this would then create, over the coming years, a massive fleet of 500 gas guzzling, emission spewing vans, that may be Euro 6 compliant, but consume 30% more fuel than conventional saloon cars, therefore negating any benefits in overall emission reduction.

In any single day, many customers who ring to pre-book taxis will request that they should not be sent a van type taxi due to mobility and access issues, so it is clear that there is a heavy demand for
saloon type vehicles for standard taxi work. Also, business models such as the higher end market of private hire, like chauffeur services and executive cars, such as provided by Jonny Rocks Ltd would also have to comply and replace their S Class and Jaguar cars with accessible vans.

Clearly the issues here apply to the whole trade, not just the Hackney fleet. With at least 95% of all wheelchair work done by private hire companies, surely you should be looking at making the private hire fleet more representative. Three out of the five main operators in Cheltenham have no accessible vehicles whatsoever, and this cannot be right. Whilst it is good for my business as their staff are instructed to tell customers to ring my company, they should be able to provide some type of service. It may be sensible, therefore, to look at the terms of the private hire operator’s licence and maybe demand that by, say 2021, all operators must have a minimum of 15% accessible vehicles, and they must prove that they are actively promoting this side of their business and actually taking bookings. This would increase the number of accessible vehicles working private hire by approximately 20 and would negate any concerns the council may have about being over-dependent on one operator.

On the subject of grandfather rights on Hackney plates, the ‘trade’ in plates began in around 1991 with a ceiling value of around £500, rising to a peak of around £15,000 in 2013. This trade has been silently overseen by the licensing office for the whole time. In years gone by, an office was made available at the Municipal Offices reception for trades to be completed and cash to be counted, with licensing officers turning a blind eye.

It is not shocking or unusual, these practices have gone on all over the world for the last fifty years, and Cheltenham is no exception. Drivers have remortgaged their houses, ploughed redundancy payments and life savings into their businesses and to suggest that you now want to pull the plug on all of this on public safety grounds is nothing short of laughable. The two-tier system that you speak of in your radio interview is entirely due to the council’s knee-jerk reaction to legislation without full consideration for the potential consequences.

There is always going to be a need for saloon cars on the taxi rank and the drivers that do the job with passion and care should be allowed to continue without constant interference and threat from the council.

The regulations put in place by Cheltenham Borough Council over the last ten years have been so strict that they are solely responsible for the creation of dual council operators. Believe me when I say, there is nothing I would like more than to be able to operate solely with Cheltenham Borough Council, but the driver licensing and vehicle standards regulations have had the bar set so high that it is feeding the market into Tewkesbury. With over 100 out of Cheltenham plates operating in the town, there is clearly a need for these vehicles, and all the money is going elsewhere.

I have a number of Tewkesbury licensed drivers working for me and I have given them all one year to prove that they are actively trying to get a Cheltenham licence. This has proved to be successful as two of my drivers, Florin Craciun and Marius Bara have both, in the last month passed the C.B.C. Hackney test and now hold Cheltenham licenses.

On the subject of three strikes, it is clear and obvious to the whole trade that there is little or no enforcement presence after 5.30pm on any given day, except for race days. Reporting of misdemeanors is left almost entirely to the drivers themselves who regularly submit photographic or video evidence to the council when alleged offences are committed. Sometimes this evidence can be misleading and should not be taken into account when disciplinary action is taken. Each offence must be brought before the committee by an enforcement officer on an individual basis and fully
considered to give a completely even playing field for all concerned. The same enforcement officer should not be able to bring before the committee more than two complaints against any individual driver as this could be construed as victimization.

It is absolutely vital that a set of standards apply across the whole trade to ensure fairness for all. This should apply to all aspects of the trade, especially vehicle condition. There are clearly some grey areas here as vehicle examiners are obviously applying different criteria when testing vehicles, with some vehicles failing fitness tests due to loading scratches on the back bumper and others passing with huge dents in body panels.

Regarding the future of Ubico as the sole testing station, a farcical situation that should never have been allowed to continue this long. Whilst the standard of testing can be trusted 100%, their shortage of available slots has seen drivers left unable to work for up to ten days whilst waiting for a re-test. I would suggest that a driver should be able to obtain a full M.O.T. with no advisories from any testing station they choose. However, they should not be permitted to use the same testing station on consecutive tests. This would be the safest way to ensure that no driver was able to receive an unfair advantage from any one station.

The fitness test is an exercise in box ticking and needs its value reviewing. The trade needs to maintain high standards, but when these standards are open to interpretation and clearly not the same for all, they have little or no value. I would propose that vehicle inspections should be done by licensing or enforcement officers only and drivers should either be invited by letter to a designated location or spot checked on an ad-hoc basis. A vehicle can pass its fitness test one day, the next day the electric windows fail in the back and the driver is free to drive for a further 364 or 182 days, dependent on the age of the vehicle, before needing to get them repaired. Random testing that is seen to be done would ensure that the fleet is maintained to a higher standard at all times and would free up the options for vehicle testing to be carried out at any licensed station.

You have spoken of the sixty-seven accessible plate drivers embracing the new licensing regulations and not having a problem. That comment shows that you have no understanding whatsoever about the taxi industry. The majority of those sixty-seven have never done and never will do a wheelchair job and are laughing at you and the council, whilst thinning out the work for the drivers who actually have invested in the industry and care about the job.

You should remember that Cheltenham Borough Council set a limit of two hundred on the number of Hackney licenses for a reason. No review has been done since to assess whether there was a need for a 35% rise in driver numbers with an ever-reducing number of rank places.

There are a number of Hackney drivers who may be considered to be the ‘caretakers’ of the Hackney trade in Cheltenham. They are staunchly passionate about the trade and want to ensure that regulations are complied with wherever possible. Their passion should be commended, embraced and encouraged. Whilst their approach may be considered somewhat adversarial at times, their hearts are in the right place and they clearly know a great deal more about local trade conditions on the ground than you or any other licensing officer or committee member.

I do understand that you are passionate about implementing changes, but those changes need to be carefully considered with the full understanding of their potential consequences.

Some of the ideas and proposals I have suggested in this letter could be potentially damaging for my business model, but I propose them for the overall good of the taxi and private hire industry in the town.
As I said in my opening statement and as you will have seen from the content of this letter, my suggestions are far from self-serving. I have always sought to do the right thing by the trade and will always continue to do so. I am more than happy for you to correct me if any of my interpretations or understandings of these issues are incorrect. Healthy debate can only bring positive outcomes. I have no connection to any of the Hackney drivers mentioned in this letter. Indeed, it is generally thought in the Hackney trade that is partly my fault that so many Premiers have arrived on the rank, a point that some in the trade have made quite clear to me. However, I admire their passion and commitment to the trade and I feel certain that with a ‘whole-trade’ discussion some good solutions can be reached.

Hackney Carriage Driver

Dear Councillors

Firstly we would like to express our thanks to yourselves for including our representatives from the Cheltenham Taxi Drivers Association 2016 in the recent policy review meetings, we hope our input helped.

Since the meetings we have discussed the following and think the suggestions may assist you in the forthcoming meetings.

We the Hackney Carriage Association wish to add the following argument in regards to the recent Taxi policy review.

The separation in policy for PHV and HCV vehicles. This would enable CBC to legislate under the title of PHV vehicle specification or type. The current policy combines both trades as one. Now the colour stipulation is in force for HCV’s it allows PHV vehicle type/specification to be more flexible. As you are aware the call for the ban on all non Eurocab M1 specification vehicles should only apply to HCV. The current fleet of M1 (Peugeot Partner type) could then be transferred to PHV status. This relaxation in vehicle type could then allow vehicles with tail lifts to appease the GCC transport policy. This should also aid Cheltenham Borough Council take back control as the need to register vehicles with Tewkesbury would be far less.

We also wish to bring into question the reasoning behind 6 monthly testing on cars.

1. What is the current mot testing status on buses and lorries?
2. Is there a history if cbc cars failing at the fit for use standard on first application?
3. Under a snap inspection at roadside, has there been a high proportion of cbc cars failing the standard?
4. Has the 6 monthly testing been aired to the general public to see if they agree with a higher standard?
If none of the above, where then is the need to increase costs to the trade?

We would also be grateful if we could be informed on when the policy meetings are to be held and if our representatives are permitted to be present.
Review of Cheltenham Borough Council’s Taxi & Private Hire Licensing Policy - Consultation Document

Introduction
The Council’s current licensing policy was adopted in 2014. In 2016/17 the council in partnership with representatives from the licensed trade undertook a review of the current policy.

This consultation document sets out the council’s proposal for amendments to the policy and is seeking feedback from consultees.

How to respond

Responses must be made in writing using this form either electronically or in hard copy. The form can be submitted:

1. By email to licensing@cheltenham.gov.uk
2. By post to Licensing Section, Cheltenham Borough Council, Promenade, Cheltenham, GL50 9SA
3. In person to the Municipal Offices Promenade, Cheltenham, GL50 9SA

If you are unable to respond to the consultation using this form, please contact the licensing section in the first instance.

Consultation responses must be submitted no later than 21 December 2017.

Further information

Any questions relating to this consultation should be referred to the licensing section.

Your consultation response will form part of a public report. It will also be subject to freedom of information legislation.

Please note that we are not able to provide individual feedback on consultation responses including notification of subsequent committee hearings. Please visit the council’s democracy pages for information on future committee hearings: https://democracy.cheltenham.gov.uk/ieDocHome.aspx?Categories=-12984
1. About you

**Full name:** Click here to enter text.

**Organisation/group/department:** Click here to enter text.

**Address:** Click here to enter text.

**Please state in which capacity you are responding:** Click here to enter text.

**Contents**
1. About you ...................................................................................................................................... 2

**Policy Proposals .................................................................................................................................... 3**
1. Fitness criteria for licensed drivers .................................................................................................. 3
2. Fitness of licensed vehicles ................................................................................................................ 5
3. Licensed Operators .......................................................................................................................... 8
4. Other minor changes .......................................................................................................................... 8
5. Other comments .................................................................................................................................. 9
Policy Proposals

1. Fitness criteria for licensed drivers

The council is proposing a number of changes to its fitness criteria for licensed drivers:

1. Knowledge test

Since the last policy review, a number of factors relevant to the current local knowledge test have changed which has prompted the need for a review of the current assessment:

a. The council has introduced a higher standard for its practical driving assessment;

b. Safeguarding training has been introduced for all licensed drivers and new applicants for a driving licence; and

c. The council has adopted a dedicated English proficiency policy and assessment service.

As a consequence, the council is proposing a number of changes to the current knowledge assessment:

a. Replacing the written Highway Code section of the test with the higher practical driving assessment;

b. Introducing a learning day covering safeguarding, equality duty, law and conditions with a written/practical assessment at the end of the session;

c. Retaining the local geographical knowledge and basic numeracy elements of the test; and

d. Replacing the basic literacy written element of the test with the English proficiency policy and assessment service.

Q1: Do you agree with the proposed changes to the current knowledge test?

[ ] Yes  [ ] No

Please provide further comments:

Click here to enter text.

2. Three strikes policy

The council is proposing the introduction of a “Three Strikes Policy”. The proposed policy lists a number of misdemeanours that, should a licensed driver be found to be in breach of one or more of these, it will be recorded against the driver’s licence records. If the driver has at least three of these misdemeanours recorded against their licence, a review of their licence will be called in.

A copy of the proposed “Three Strikes Policy” is enclosed at Appendix 1 of this consultation document.

Q2: Do you agree with the introduction and implementation of a three strikes policy?

[ ] Yes  [ ] No
3. Working hours

There are no national standards or statutory regulations that strictly govern working hours for licensed taxi and private hire drivers.

Through the policy review, it has been identified that there may be a need for the council to be proactive in regulating this in so far as it is able and practical. To this end, the following proposed policy changes are being consulted on:

- Amending licence conditions to set out a reasonable expectation on working hours for licence holders, implementing a mechanism whereby licence holders may need to keep a record of their working hours and to submit these records to the council; and
- Adopting a code of good practice for licensed drivers setting out the council's expectations on safe working practices and the implications for non-compliance with the code.

A copy of the proposed code is attached at Appendix 2 of this consultation document.

Q3: Do you agree with the proposal to regulate working hours for Cheltenham licensed drivers?

☐ Yes  ☒ No

Please provide further comments:

This is totally unworkable.
Click here to enter text.

Q4: Do you agree that the code of good practice referred to above is adequate to ensure safe working hours for Cheltenham licensed drivers?

☐ Yes  ☒ No

Please provide further comments: For the reason above.
Click here to enter text.

4. Criminal records checks (DBS)

The council is proposing to implement a requirement that all future criminal records checks be undertaken online. The council currently accepts paper copies of Disclosure and Barring Service (DBS) certificates. However, the DBS service now offers an online checking service.

Q5: Do you have any comments to make in relation to this proposal?
2. Fitness of licensed vehicles

The council is proposing a number of changes to its fitness assessments for licensed vehicles:

1. Vehicle emissions

   It was necessary for the council to review its current emissions policy because the current deadline for phasing out older vehicles expires in 2018.

   The purpose of the revised policy is 1) to contribute to the local and national air quality strategy to improve air quality in the town and 2) to have a safe, modern and professional licensed fleet.

   To this end, the proposed revised policy is:

   **New vehicles**

   - Retain 5 year rule for petrol cars (which will result in an automatic Euro Emissions Standard 5 compliance)
   - Apply Euro Emissions Standard 6 for diesel (i.e. vehicles no older than 1/9/2015)
   - Any age for Ultra-low emission vehicles - defined as 75g CO₂/km and under

   **Existing vehicles**

   Phase out older vehicles so to:

   - Get all petrol vehicles to at least Euro 5 standard by 2020
   - Get all diesel vehicles to Euro 6 standard by 2020

   Given that by 2020 all licensed vehicles will be on the minimum Euro 5 emission standards, the council is not proposing a maximum age limit in vehicles provided that they continue to be in exceptional condition and safe. This will be assessed through the Council’s enhanced MOT and fitness test for licensed vehicles, on the proviso that vehicles older than 8 years be subject to 6-monthly testing.

Q6: Do you have any comments to make on the revised vehicle emission policy?

<table>
<thead>
<tr>
<th>☐ Yes</th>
<th>☒ No</th>
</tr>
</thead>
</table>

Please provide further comments:

Click here to enter text.
2. Vehicle standards and specifications

A review has been undertaken of the council’s suitability standards for vehicles to be licensed and the following changes are being proposed:

Changing the vehicle fitness standards for wheelchair accessible vehicles making it a requirement that these types of vehicles be side-loading only.

The current policy permits rear loading wheelchair accessible vehicles.

The rationale for this proposed policy change is that there are difficulties with rear-loading public hire vehicles working off taxi ranks where safe entry is from the side.

There have also been concerns raised about the suitability of rear loading vehicles given that there is no other practical escape route for passengers in wheelchairs should the rear access point becomes unusable.

Q7: Do you agree with the proposed policy change to only permit side loading wheelchair accessible vehicles?

☑ Yes ☐ No

Please provide further comments:

Click here to enter text.

If the policy change were approved, the council is proposing to phase out licensed rear-loading vehicles as and when these vehicles are replaced for new ones.

Q8: Do you agree with the proposed phasing out process mentioned above?

☐ Yes ☑ No

Please provide further comments: This should be done as soon as possible to reduce the risk to wheelchair users of being trapped in a vehicle.

Click here to enter text.

3. Testing arrangements

The council currently only has one approved testing station for licensed vehicles which is Ubico. It has operated under this policy for several years but a need to review this has arisen. Due to the expansion of Ubico and the growth of the local trade, Ubico’s ability to continue to act as sole testing provider within the agreed service level agreement has become increasingly difficult.
This has facilitated a review of the sole use arrangement with Ubico and it is proposed that testing arrangements be opened up to other testing stations that can demonstrate to the council their ability to test to the standard expected by the council.

Q9: Do you agree with the proposal to nominate additional testing stations for Cheltenham Borough Council licensed vehicles?

<table>
<thead>
<tr>
<th>☒ Yes</th>
<th>☐ No</th>
</tr>
</thead>
</table>

Please provide further comments:

Click here to enter text.

4. **Grandfather rights**

Different rules currently exist for Hackney Carriage vehicle licence holders depending on the plate licence number. A number of Hackney Carriage vehicle licence numbers have grandfather rights attached to them which mean that as long as the licence remains valid, these vehicles do not have to be wheelchair-accessible and can be replaced indefinitely with non-wheelchair-accessible vehicles.

This is in contrast to other, newer licensed Hackney Carriage vehicles that do not have retained grandfather rights and which must be wheelchair-accessible and can only be replaced with wheelchair-accessible vehicles.

The council is seeking views on whether it should change the grandfather rules for Hackney Carriage vehicle licence holders to ensure that the same rules apply to all licence holders.

To this end the council is seeking views on a number of approaches in respect of this:

- a. Amend the grandfather rights so that these only apply to the current licensed vehicle and when the proprietor comes to replace that vehicle they are obligated to purchase a wheelchair-accessible vehicle and/or purpose built taxi;
- b. Make no changes to the current system;
- c. Amend the grandfather rights rules so that those who retain it can interchange between saloon cars and wheelchair-accessible vehicles without those rights being affected.

Q10: Please indicate your preferred choice from the list above and provide further explanation for your choice.

<table>
<thead>
<tr>
<th>I select ‘C’.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Click here to enter text.</td>
</tr>
</tbody>
</table>

5. **Equality Act 2010: Taxi and private hire requirements**

The council is seeking to implement the new statutory requirements placed upon it by the newly enacted section 167 of the Equalities Act 2010 as part of this policy review.

Section 167 places a new duty on the council to provide a list of wheelchair accessible hackney carriages and private hire vehicles for publication. It also places certain obligations
on drivers of vehicles on this list to carry wheelchair users and not to impose any additional charges for doing so.

The legislation leaves it to the council to decide what type of licensed vehicles should be included on the designated list. The statutory guidance however makes it clear that these must be vehicles capable of carrying wheelchairs.

To this end, the council has taken a view similar to that recommended by the statutory guidance whereby all vehicles licensed by this council to carry, as a minimum requirement, a “reference wheelchair” will be added to the designated list.

This list will be published in order for people who require the services of a wheelchair accessible vehicle to easily find this information.

Q11: Please provide any comments you would like to make in the box below.

Click here to enter text.

3. Licensed Operators

1. Conditions

There is an increasing issue of out of town vehicles working in Cheltenham due to the relaxation of out of district sub-contracting rules.

The council cannot enforce against vehicles and drivers not licensed by it (unless it is a criminal offence committed). It is therefore proposed that the council amend its conditions for licensed private hire operators to introduce a new requirement on them that, when they subcontract a booking to an operator not licensed in Cheltenham, they take all reasonable steps to ensure that the vehicle dispatched is not silver. The rationale behind this is to try to avoid members of the public confusing out of town vehicles with Cheltenham’s predominantly silver hackney carriage fleet.

Q12: Do you agree that this proposed change is necessary? Please explain.

<table>
<thead>
<tr>
<th>☐ Yes</th>
<th>☐ No</th>
</tr>
</thead>
</table>

Please provide further comments:

Click here to enter text.

4. Other minor changes

The revised policy will reflect a number of minor changes:

1. Changes resulting from the enactment of the Immigration Act 2017 relating to right to work status verification
2. Removal of the requirement for drivers to attain the NVQ.

5. Other comments
Do you have any other comments to make relevant to the taxi and private hire policy review?

Click here to enter text.
Review of Cheltenham Borough Council's Taxi & Private Hire Licensing Policy - Consultation Document

Introduction
The Council's current licensing policy was adopted in 2014. In 2016/17 the council in partnership with representatives from the licensed trade undertook a review of the current policy.

This consultation document sets out the council's proposal for amendments to the policy and is seeking feedback from consultees.

How to respond

Responses must be made in writing using this form either electronically or in hard copy. The form can be submitted:
1. By email to licensing@cheltenham.gov.uk
2. By post to Licensing Section, Cheltenham Borough Council, Promenade, Cheltenham, GL50 9SA
3. In person to the Municipal Offices Promenade, Cheltenham, GL50 9SA

If you are unable to respond to the consultation using this form, please contact the licensing section in the first instance.

Consultation responses must be submitted no later than 21 December 2017.

Further information

Any questions relating to this consultation should be referred to the licensing section.

Your consultation response will form part of a public report. It will also be subject to freedom of information legislation.

Please note that we are not able to provide individual feedback on consultation responses including notification of subsequent committee hearings. Please visit the council's democracy pages for information on future committee hearings: https://democracy.cheltenham.gov.uk/ieDocHome.aspx?Categories=-12984
1. About you

Full name: Muhammad Asif Shakoor

Organisation/group/department: Taxi driver, Hackney and Private Hire with Andy Cars

Address: Pates Avenue, Cheltenham GL518EQ

Please state in which capacity you are responding: Taxi/Hackney Driver

Contents
1. About you ..................................................................................................................... 2

Policy Proposals ............................................................................................................. 3
1. Fitness criteria for licensed drivers ............................................................................. 3
2. Fitness of licensed vehicles .......................................................................................... 5
3. Licensed Operators .................................................................................................... 8
4. Other minor changes ................................................................................................... 9
5. Other comments .......................................................................................................... 9
Policy Proposals

1. Fitness criteria for licensed drivers

The council is proposing a number of changes to its fitness criteria for licensed drivers:

1. Knowledge test

Since the last policy review, a number of factors relevant to the current local knowledge test have changed which has prompted the need for a review of the current assessment:

   a. The council has introduced a higher standard for its practical driving assessment;
   b. Safeguarding training has been introduced for all licensed drivers and new applicants for a driving licence; and
   c. The council has adopted a dedicated English proficiency policy and assessment service.

As a consequence, the council is proposing a number of changes to the current knowledge assessment:

   a. Replacing the written Highway Code section of the test with the higher practical driving assessment;
   b. Introducing a learning day covering safeguarding, equality duty, law and conditions with a written/practical assessment at the end of the session;
   c. Retaining the local geographical knowledge and basic numeracy elements of the test; and
   d. Replacing the basic literacy written element of the test with the English proficiency policy and assessment service.

Q1: Do you agree with the proposed changes to the current knowledge test?

<table>
<thead>
<tr>
<th>☒ Yes</th>
<th>☐ No</th>
</tr>
</thead>
</table>

Please provide further comments:

Sounds reasonable

2. Three strikes policy

The council is proposing the introduction of a “Three Strikes Policy”. The proposed policy lists a number of misdemeanours that, should a licensed driver be found to be in breach of one or more of these, it will be recorded against the driver’s licence records. If the driver has at least three of these misdemeanours recorded against their licence, a review of their licence will be called in.

A copy of the proposed “Three Strikes Policy” is enclosed at Appendix 1 of this consultation document.

Q2: Do you agree with the introduction and implementation of a three strikes policy?

| ☐ Yes | ☒ No |
Please provide further comments:
I feel it is too strict, each strike should only last a year or something

3. Working hours

There are no national standards or statutory regulations that strictly govern working hours for licensed taxi and private hire drivers.

Through the policy review, it has been identified that there may be a need for the council to be proactive in regulating this in so far as it is able and practical. To this end, the following proposed policy changes are being consulted on:

- Amending licence conditions to set out a reasonable expectation on working hours for licence holders, implementing a mechanism whereby licence holders may need to keep a record of their working hours and to submit these records to the council; and

- Adopting a code of good practice for licensed drivers setting out the council’s expectations on safe working practices and the implications for non-compliance with the code.

A copy of the proposed code is attached at Appendix 2 of this consultation document.

Q3: Do you agree with the proposal to regulate working hours for Cheltenham licensed drivers?

☐ Yes ☒ No

Please provide further comments:
It costs so much to become a taxi driver and continuing costs throughout working so it is entirely unfair to try and regulate (and reduce no doubt) hours and unfeasible as you cannot realistically record the hours without tachographs. I became self-employed for the flexibility of working hours it gave me and sometimes I need to work longer hours than others and unless you are becoming our employers and paying sick and holiday pay too, how can you start controlling when I work. Those were not the terms under which I got my licence and a better solution would be to stop handing out licences and make it a one out one in system from now on. The more licences you give out the more hours we all have to be in our cars waiting for jobs to make the amount we need for a living. Time sat in car does not directly relate to money earned. Nore does time the car is driven. Recently I had a job to Birmingham airport and the passenger was a no show. I drove all the way there, waited one hour and then returned home for nothing. If that then stopped me working other hours due to your proposed changes I would have lost out from two sides and all for doing my job.
Click here to enter text.

Q4: Do you agree that the code of good practice referred to above is adequate to ensure safe working hours for Cheltenham licensed drivers?

☐ Yes ☒ No
2. Fitness of licensed vehicles

The council is proposing a number of changes to its fitness assessments for licensed vehicles:

1. Vehicle emissions

It was necessary for the council to review its current emissions policy because the current deadline for phasing out older vehicles expires in 2018.

The purpose of the revised policy is 1) to contribute to the local and national air quality strategy to improve air quality in the town and 2) to have a safe, modern and professional licensed fleet.

To this end, the proposed revised policy is:

**New vehicles**

- Retain 5 year rule for petrol cars (which will result in an automatic Euro Emissions Standard 5 compliance)
- Apply Euro Emissions Standard 6 for diesel (i.e. vehicles no older than 1/9/2015)
- Any age for Ultra-low emission vehicles - defined as 75g CO₂/km and under

**Existing vehicles**

Phase out older vehicles so to:

- Get all petrol vehicles to at least Euro 5 standard by 2020
- Get all diesel vehicles to Euro 6 standard by 2020

Given that by 2020 all licensed vehicles will be on the minimum Euro 5 emission standards, the council is not proposing a maximum age limit in vehicles provided that they continue to be in exceptional condition and safe. This will be assessed through the Council’s enhanced MOT and fitness test for licensed vehicles, on the proviso that vehicles older than 8 years be subject to 6-monthly testing.
Q6: Do you have any comments to make on the revised vehicle emission policy?

<table>
<thead>
<tr>
<th>☑ Yes</th>
<th>☑ No</th>
</tr>
</thead>
</table>

Please provide further comments:
Please also consider the inevitable additional costs of this to each driver when considering the issue of regulating hours. Again the costs are continuing to meet standards and affecting earning potential will only bring stress to the drivers.
Click here to enter text.

2. Vehicle standards and specifications

A review has been undertaken of the council’s suitability standards for vehicles to be licensed and the following changes are being proposed:

Changing the vehicle fitness standards for wheelchair accessible vehicles making it a requirement that these types of vehicles be side-loading only.

The current policy permits rear loading wheelchair accessible vehicles.

The rationale for this proposed policy change is that there are difficulties with rear-loading public hire vehicles working off taxi ranks where safe entry is from the side.

There have also been concerns raised about the suitability of rear loading vehicles given that there is no other practical escape route for passengers in wheelchairs should the rear access point becomes unusable.

Q7: Do you agree with the proposed policy change to only permit side loading wheelchair accessible vehicles?

<table>
<thead>
<tr>
<th>☑ Yes</th>
<th>☑ No</th>
</tr>
</thead>
</table>

Please provide further comments:
Again, huge expense for drivers for little advantage
Click here to enter text.

If the policy change were approved, the council is proposing to phase out licensed rear-loading vehicles as and when these vehicles are replaced for new ones.

Q8: Do you agree with the proposed phasing out process mentioned above?

<table>
<thead>
<tr>
<th>☑ Yes</th>
<th>☑ No</th>
</tr>
</thead>
</table>

Please provide further comments:
3. Testing arrangements

The council currently only has one approved testing station for licensed vehicles which is Ubico. It has operated under this policy for several years but a need to review this has arisen. Due to the expansion of Ubico and the growth of the local trade, Ubico's ability to continue to act as sole testing provider within the agreed service level agreement has become increasingly difficult.

This has facilitated a review of the sole use arrangement with Ubico and it is proposed that testing arrangements be opened up to other testing stations that can demonstrate to the council their ability to test to the standard expected by the council.

Q9: Do you agree with the proposal to nominate additional testing stations for Cheltenham Borough Council licensed vehicles?

☐ Yes  ☐ No

Please provide further comments:
This would be useful
Click here to enter text.

4. Grandfather rights

Different rules currently exist for Hackney Carriage vehicle licence holders depending on the plate licence number. A number of Hackney Carriage vehicle licence numbers have grandfather rights attached to them which mean that as long as the licence remains valid, these vehicles do not have to be wheelchair-accessible and can be replaced indefinitely with non-wheelchair-accessible vehicles.

This is in contrast to other, newer licensed Hackney Carriage vehicles that do not have retained grandfather rights and which must be wheelchair-accessible and can only be replaced with wheelchair-accessible vehicles.

The council is seeking views on whether it should change the grandfather rules for Hackney Carriage vehicle licence holders to ensure that the same rules apply to all licence holders.

To this end the council is seeking views on a number of approaches in respect of this:

a. Amend the grandfather rights so that these only apply to the current licensed vehicle and when the proprietor comes to replace that vehicle they are obligated to purchase a wheelchair-accessible vehicle and/or purpose built taxi;

b. Make no changes to the current system;

c. Amend the grandfather rights rules so that those who retain it can interchange between saloon cars and wheelchair-accessible vehicles without those rights being affected.

Q10: Please indicate your preferred choice from the list above and provide further explanation for your choice.
5. Equality Act 2010: Taxi and private hire requirements

The council is seeking to implement the new statutory requirements placed upon it by the newly enacted section 167 of the Equalities Act 2010 as part of this policy review.

Section 167 places a new duty on the council to provide a list of wheelchair accessible hackney carriages and private hire vehicles for publication. It also places certain obligations on drivers of vehicles on this list to carry wheelchair users and not to impose any additional charges for doing so.

The legislation leaves it to the council to decide what type of licensed vehicles should be included on the designated list. The statutory guidance however makes it clear that these must be vehicles capable of carrying wheelchairs.

To this end, the council has taken a view similar to that recommended by the statutory guidance whereby all vehicles licensed by this council to carry, as a minimum requirement, a “reference wheelchair” will be added to the designated list.

This list will be published in order for people who require the services of a wheelchair accessible vehicle to easily find this information.

Q11: Please provide any comments you would like to make in the box below.

Click here to enter text.

3. Licensed Operators

1. Conditions

There is an increasing issue of out of town vehicles working in Cheltenham due to the relaxation of out of district sub-contracting rules.

The council cannot enforce against vehicles and drivers not licensed by it (unless it is a criminal offence committed). It is therefore proposed that the council amend its conditions for licensed private hire operators to introduce a new requirement on them that, when they sub-contract a booking to an operator not licensed in Cheltenham, they take all reasonable steps to ensure that the vehicle dispatched is not silver. The rationale behind this is to try to avoid members of the public confusing out of town vehicles with Cheltenham’s predominantly silver hackney carriage fleet.

Q12: Do you agree that this proposed change is necessary? Please explain.

☐ Yes ☑ No

Please provide further comments:
4. Other minor changes
The revised policy will reflect a number of minor changes:

1. Changes resulting from the enactment of the Immigration Act 2017 relating to right to work status verification
2. Removal of the requirement for drivers to attain the NVQ.

5. Other comments
Do you have any other comments to make relevant to the taxi and private hire policy review?

Click here to enter text.
Review of Cheltenham Borough Council’s Taxi & Private Hire Licensing Policy - Consultation Document

Introduction
The Council’s current licensing policy was adopted in 2014. In 2016/17 the council in partnership with representatives from the licensed trade undertook a review of the current policy.

This consultation document sets out the council’s proposal for amendments to the policy and is seeking feedback from consultees.

How to respond

Responses must be made in writing using this form either electronically or in hard copy. The form can be submitted:
1. By email to licensing@cheltenham.gov.uk
2. By post to Licensing Section, Cheltenham Borough Council, Promenade, Cheltenham, GL50 9SA
3. In person to the Municipal Offices Promenade, Cheltenham, GL50 9SA

If you are unable to respond to the consultation using this form, please contact the licensing section in the first instance.

Consultation responses must be submitted no later than 21 December 2017.

Further information

Any questions relating to this consultation should be referred to the licensing section.

Your consultation response will form part of a public report. It will also be subject to freedom of information legislation.

Please note that we are not able to provide individual feedback on consultation responses including notification of subsequent committee hearings. Please visit the council’s democracy pages for information on future committee hearings: https://democracy.cheltenham.gov.uk/ieDocHome.aspx?Categories=-12984
1. About you

Full name: Georgina Morris

Organisation/group/department: Click here to enter text.

Address: Hatherley Road Cheltenham GL516ew

Please state in which capacity you are responding: General Public

Contents
1. About you ........................................................................................................................................2
Policy Proposals ...................................................................................................................................3
1. Fitness criteria for licensed drivers .................................................................................................3
2. Fitness of licensed vehicles ..............................................................................................................5
3. Licensed Operators ..........................................................................................................................9
4. Other minor changes .......................................................................................................................9
5. Other comments .............................................................................................................................9
Policy Proposals

1. Fitness criteria for licensed drivers

The council is proposing a number of changes to its fitness criteria for licensed drivers:

1. Knowledge test

Since the last policy review, a number of factors relevant to the current local knowledge test have changed which has prompted the need for a review of the current assessment:

a. The council has introduced a higher standard for its practical driving assessment;
b. Safeguarding training has been introduced for all licensed drivers and new applicants for a driving licence; and
c. The council has adopted a dedicated English proficiency policy and assessment service.

As a consequence, the council is proposing a number of changes to the current knowledge assessment:

a. Replacing the written Highway Code section of the test with the higher practical driving assessment;
b. Introducing a learning day covering safeguarding, equality duty, law and conditions with a written/practical assessment at the end of the session;
c. Retaining the local geographical knowledge and basic numeracy elements of the test; and
d. Replacing the basic literacy written element of the test with the English proficiency policy and assessment service.

Q1: Do you agree with the proposed changes to the current knowledge test?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

Please provide further comments:
I have no opinion on this

2. Three strikes policy

The council is proposing the introduction of a “Three Strikes Policy”. The proposed policy lists a number of misdemeanours that, should a licensed driver be found to be in breach of one or more of these, it will be recorded against the driver’s licence records. If the driver has at least three of these misdemeanours recorded against their licence, a review of their licence will be called in.

A copy of the proposed “Three Strikes Policy” is enclosed at Appendix 1 of this consultation document.

Q2: Do you agree with the introduction and implementation of a three strikes policy?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

Please provide further comments:
3. Working hours

There are no national standards or statutory regulations that strictly govern working hours for licensed taxi and private hire drivers.

Through the policy review, it has been identified that there may be a need for the council to be proactive in regulating this in so far as it is able and practical. To this end, the following proposed policy changes are being consulted on:

- Amending licence conditions to set out a reasonable expectation on working hours for licence holders, implementing a mechanism whereby licence holders may need to keep a record of their working hours and to submit these records to the council; and

- Adopting a code of good practice for licensed drivers setting out the council’s expectations on safe working practices and the implications for non-compliance with the code.

A copy of the proposed code is attached at Appendix 2 of this consultation document.

Q3: Do you agree with the proposal to regulate working hours for Cheltenham licensed drivers?

☐ Yes  [x] No

Unless there is a statutory requirement, IR35 rules WILL apply (under the test of control) and you will be liable for employee NIC/tax contributions under disguised employment, along with fines plus interest.

If you spend 5 minutes using the government IR35 online toolset, this policy will change the taxi driver status from self employed to undecided. As a public body, HMRC is under greater scrutiny of disguised employment, and would expect you to declare this is outside IR35 unless you pass the online test. It would also require submission of yearly test cases to prove otherwise. This could be a very costly mistake to the taxpayers in Cheltenham. I for one, would be deeply unhappy with this change. If you want to change taxi driver hours then it needs to be a statutory requirement. You cannot restrict hours of a self employed person.

You have made a very poor attempt to use the GB domestic drivers’ hours rules from the government website as your template for safety regulations. These do not apply to self-employed taxi drivers.

If you try enforce this then the taxi drivers will also be entitled to worker status which means you’ll be liable for:
weekly working time, which must not exceed an average of 48 hours per week over the reference period
‘an entitlement to 5.6 weeks’ paid annual leave
health checks for night workers
an entitlement to adequate rest
Minimum wage.
In addition, 'on duty' means driving the vehicle or carrying out any other work in connection with the vehicle or its load, not waiting time outside the vehicle so strictly speaking, unless a taxi driver is continuously driving, your policy is not taking into consideration this rule.
You are also missing the section where a driver is entitled to reduce the 10 hour between shifts to 8.5 hours 3 times a week.

Q4: Do you agree that the code of good practice referred to above is adequate to ensure safe working hours for Cheltenham licensed drivers?

☐ Yes    [X] No

Please provide further comments:

If you want to reduce taxi driver hours, I suggest to stop issuing so many licenses so taxi drivers don't have to do so many hours to earn a decent wage (as per Uber, too many drivers having to work 90 hours just to make a living). Government policy actually admitted this within their committee working documents backed up by statistics, but it is also common sense.

Click here to enter text.

4. Criminal records checks (DBS)

The council is proposing to implement a requirement that all future criminal records checks be undertaken online. The council currently accepts paper copies of Disclosure and Barring Service (DBS) certificates. However, the DBS service now offers an online checking service.

Q5: Do you have any comments to make in relation to this proposal?

Please provide further comments:

I have no opinion on this

2. Fitness of licensed vehicles

The council is proposing a number of changes to its fitness assessments for licensed vehicles:

1. Vehicle emissions

It was necessary for the council to review its current emissions policy because the current deadline for phasing out older vehicles expires in 2018.

The purpose of the revised policy is 1) to contribute to the local and national air quality strategy to improve air quality in the town and 2) to have a safe, modern and professional licensed fleet.

To this end, the proposed revised policy is:

New vehicles
• Retain 5 year rule for petrol cars (which will result in an automatic Euro Emissions Standard 5 compliance)
• Apply Euro Emissions Standard 6 for diesel (i.e. vehicles no older than 1/9/2015)
• Any age for Ultra-low emission vehicles - defined as 75g CO₂/km and under

Existing vehicles

Phase out older vehicles so to:

• Get all petrol vehicles to at least Euro 5 standard by 2020
• Get all diesel vehicles to Euro 6 standard by 2020

Given that by 2020 all licensed vehicles will be on the minimum Euro 5 emission standards, the council is not proposing a maximum age limit in vehicles provided that they continue to be in exceptional condition and safe. This will be assessed through the Council’s enhanced MOT and fitness test for licensed vehicles, on the proviso that vehicles older than 8 years be subject to 6-monthly testing.

Q6: Do you have any comments to make on the revised vehicle emission policy?

<table>
<thead>
<tr>
<th>☐ Yes</th>
<th>☐ No</th>
</tr>
</thead>
</table>

Please provide further comments:
I have no opinion on this.

2. Vehicle standards and specifications

A review has been undertaken of the council’s suitability standards for vehicles to be licensed and the following changes are being proposed:

Changing the vehicle fitness standards for wheelchair accessible vehicles making it a requirement that these types of vehicles be side-loading only.

The current policy permits rear loading wheelchair accessible vehicles.

The rationale for this proposed policy change is that there are difficulties with rear-loading public hire vehicles working off taxi ranks where safe entry is from the side.

There have also been concerns raised about the suitability of rear loading vehicles given that there is no other practical escape route for passengers in wheelchairs should the rear access point becomes unusable.

Q7: Do you agree with the proposed policy change to only permit side loading wheelchair accessible vehicles?

| ☐ Yes | ☐ No |
3. Testing arrangements

The council currently only has one approved testing station for licensed vehicles which is Ubico. It has operated under this policy for several years but a need to review this has arisen. Due to the expansion of Ubico and the growth of the local trade, Ubico’s ability to continue to act as sole testing provider within the agreed service level agreement has become increasingly difficult.

This has facilitated a review of the sole use arrangement with Ubico and it is proposed that testing arrangements be opened up to other testing stations that can demonstrate to the council their ability to test to the standard expected by the council.

Q9: Do you agree with the proposal to nominate additional testing stations for Cheltenham Borough Council licensed vehicles?

[X] Yes

Please provide further comments:
I'd imagine it is a bit of a monopoly

4. Grandfather rights

Different rules currently exist for Hackney Carriage vehicle licence holders depending on the plate licence number. A number of Hackney Carriage vehicle licence numbers have grandfather rights attached to them which mean that as long as the licence remains valid, these vehicles do not have to be wheelchair-accessible and can be replaced indefinitely with non-wheelchair-accessible vehicles.

This is in contrast to other, newer licensed Hackney Carriage vehicles that do not have retained grandfather rights and which must be wheelchair-accessible and can only be replaced with wheelchair-accessible vehicles.
The council is seeking views on whether it should change the grandfather rules for Hackney Carriage vehicle licence holders to ensure that the same rules apply to all licence holders.

To this end the council is seeking views on a number of approaches in respect of this:

a. Amend the grandfather rights so that these only apply to the current licensed vehicle and when the proprietor comes to replace that vehicle they are obligated to purchase a wheelchair-accessible vehicle and/or purpose built taxi;
b. Make no changes to the current system;
c. Amend the grandfather rights rules so that those who retain it can interchange between saloon cars and wheelchair-accessible vehicles without those rights being affected.

Q10: Please indicate your preferred choice from the list above and provide further explanation for your choice.

B - I'm not sure why all new hackney licenses need to be wheelchair accessible. Surely, there should be a mix as the WAV vehicles have higher seats and therefore make them awkward for non wheelchair users with mobility issues to use (pull up rather than push off). Not all equal users find WAV vehicles accessible and find it easier to use saloon cars (like my father who had a stroke and used a walking stick), so the equality bit here should definitely be about choice and a mix of vehicles.

5. Equality Act 2010: Taxi and private hire requirements

The council is seeking to implement the new statutory requirements placed upon it by the newly enacted section 167 of the Equalities Act 2010 as part of this policy review.

Section 167 places a new duty on the council to provide a list of wheelchair accessible hackney carriages and private hire vehicles for publication. It also places certain obligations on drivers of vehicles on this list to carry wheelchair users and not to impose any additional charges for doing so.

The legislation leaves it to the council to decide what type of licensed vehicles should be included on the designated list. The statutory guidance however makes it clear that these must be vehicles capable of carrying wheelchairs.

To this end, the council has taken a view similar to that recommended by the statutory guidance whereby all vehicles licensed by this council to carry, as a minimum requirement, a "reference wheelchair" will be added to the designated list.

This list will be published in order for people who require the services of a wheelchair accessible vehicle to easily find this information.

Q11: Please provide any comments you would like to make in the box below.

Why can't you have a call button and designated WAV spot at the taxi ranks as well. A list is ok but not really with the times with the current technology that is available.
3. Licensed Operators

1. Conditions

There is an increasing issue of out of town vehicles working in Cheltenham due to the relaxation of out of district sub-contracting rules.

The council cannot enforce against vehicles and drivers not licensed by it (unless it is a criminal offence committed). It is therefore proposed that the council amend its conditions for licensed private hire operators to introduce a new requirement on them that, when they subcontract a booking to an operator not licensed in Cheltenham, they take all reasonable steps to ensure that the vehicle dispatched is not silver. The rationale behind this is to try to avoid members of the public confusing out of town vehicles with Cheltenham’s predominantly silver hackney carriage fleet.

Q12: Do you agree that this proposed change is necessary? Please explain.

<table>
<thead>
<tr>
<th>□ Yes</th>
<th>[X] No</th>
</tr>
</thead>
</table>

Please provide further comments: Pointless, you should be enforcing the difference between PHV and Hackney regardless of where its licensed. A national standard should be implemented. I’m sure if you engaged with the local councils, eg Tewkesbury, to standardise the licensing requirements (such as CBS checks), you would be more useful.

4. Other minor changes

The revised policy will reflect a number of minor changes:

1. Changes resulting from the enactment of the Immigration Act 2017 relating to right to work status verification
2. Removal of the requirement for drivers to attain the NVQ.

5. Other comments

Do you have any other comments to make relevant to the taxi and private hire policy review?

I see no reference to ensuring the safety of taxi drivers. I think additional funding should be provided for taking a zero tolerance stance to fare dodging and racial abuse, including signs in the taxis and support for prosecution.
I think your feedback form needs to go online. My phone and tablet struggled with this form, and I had to use my laptop but it is coming up with different fonts. This surely must discourage others to reply which is not very constructive.
Introduction
The Council's current licensing policy was adopted in 2014. In 2016/17 the council in partnership with representatives from the licensed trade undertook a review of the current policy.

This consultation document sets out the council's proposal for amendments to the policy and is seeking feedback from consultees.

How to respond
Responses must be made in writing using this form either electronically or in hard copy. The form can be submitted:
1. By email to licensing@cheltenham.gov.uk
2. By post to Licensing Section, Cheltenham Borough Council, Promenade, Cheltenham, GL50 9SA
3. In person to the Municipal Offices Promenade, Cheltenham, GL50 9SA

If you are unable to respond to the consultation using this form, please contact the licensing section in the first instance.

Consultation responses must be submitted no later than 21 December 2017.

Further information
Any questions relating to this consultation should be referred to the licensing section.

Your consultation response will form part of a public report. It will also be subject to freedom of information legislation.

Please note that we are not able to provide individual feedback on consultation responses including notification of subsequent committee hearings. Please visit the council's democracy pages for information on future committee hearings: https://democracy.cheltenham.gov.uk/ieDocHome.aspx?Categories=-12984
1. About you

**Full name:** Roger Whyborn (Cllr)

**Organisation/group/department:** CBC (Cllr – Up Hatherly)

**Address:** Fernleigh Crescent Up Hatherley, cheltenham. GL51 3QL

**Please state in which capacity you are responding:** Ward Councillor

---

**Contents**

1. About you ......................................................................................................................... 2

2. Policy Proposals ................................................................................................................ 3

   1. Fitness criteria for licensed drivers ............................................................................. 3

   2. Fitness of licensed vehicles ......................................................................................... 5

   3. Licensed Operators ................................................................................................... 8

   4. Other minor changes .................................................................................................. 9

   5. Other comments ......................................................................................................... 9
Policy Proposals

1. Fitness criteria for licensed drivers

The council is proposing a number of changes to its fitness criteria for licensed drivers:

1. Knowledge test

Since the last policy review, a number of factors relevant to the current local knowledge test have changed which has prompted the need for a review of the current assessment:

   a. The council has introduced a higher standard for its practical driving assessment;
   b. Safeguarding training has been introduced for all licensed drivers and new applicants for a driving licence; and
   c. The council has adopted a dedicated English proficiency policy and assessment service.

As a consequence, the council is proposing a number of changes to the current knowledge assessment:

   a. Replacing the written Highway Code section of the test with the higher practical driving assessment;
   b. Introducing a learning day covering safeguarding, equality duty, law and conditions with a written/practical assessment at the end of the session;
   c. Retaining the local geographical knowledge and basic numeracy elements of the test; and
   d. Replacing the basic literacy written element of the test with the English proficiency policy and assessment service.

Q1: Do you agree with the proposed changes to the current knowledge test?

| ☑ Yes | ☐ No |

Please provide further comments:

I would like to see some aspects of written testing left in, as drivers need to be both literate and numerate, able to issue receipts, and to read signs, and read their own documents.

2. Three strikes policy

The council is proposing the introduction of a “Three Strikes Policy”. The proposed policy lists a number of misdemeanours that, should a licensed driver be found to be in breach of one or more of these, it will be recorded against the driver’s licence records. If the driver has at least three of these misdemeanours recorded against their licence, a review of their licence will be called in.

A copy of the proposed “Three Strikes Policy” is enclosed at Appendix 1 of this consultation document.

Q2: Do you agree with the introduction and implementation of a three strikes policy?
3. Working hours

There are no national standards or statutory regulations that strictly govern working hours for licensed taxi and private hire drivers.

Through the policy review, it has been identified that there may be a need for the council to be proactive in regulating this in so far as it is able and practical. To this end, the following proposed policy changes are being consulted on:

- Amending licence conditions to set out a reasonable expectation on working hours for licence holders, implementing a mechanism whereby licence holders may need to keep a record of their working hours and to submit these records to the council; and

- Adopting a code of good practice for licensed drivers setting out the council’s expectations on safe working practices and the implications for non-compliance with the code.

A copy of the proposed code is attached at Appendix 2 of this consultation document.

Q3: Do you agree with the proposal to regulate working hours for Cheltenham licensed drivers?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

Please provide further comments:

In principle yes, see next question

Q4: Do you agree that the code of good practice referred to above is adequate to ensure safe working hours for Cheltenham licensed drivers?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>No</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Please provide further comments:

This needs to go further:- The individual bullet points are all fine, but collectively allow a driver to work over 80 hours every week. This might be alright for a singular exceptional week - but is dangerous if it goes on week in week out. Suggest add a bullet point which limits average working week to below (say) 50 hours.

4. Criminal records checks (DBS)
The council is proposing to implement a requirement that all future criminal records checks be undertaken online. The council currently accepts paper copies of Disclosure and Barring Service (DBS) certificates. However, the DBS service now offers an online checking service.

Q5: Do you have any comments to make in relation to this proposal?

Please provide further comments:

This proposal will make officers lives easier, but if it makes drivers' lives more difficult it could only be justified if the information supplied is more accurate or more timely. So, some caution on this proposal. My experience as former chair of Licensing is that the flow of information about drivers' alleged offences is very poor, particularly on recent DRIVING offences as opposed to say serious DBS type offences.

2. Fitness of licensed vehicles

The council is proposing a number of changes to its fitness assessments for licensed vehicles:

1. Vehicle emissions

   It was necessary for the council to review its current emissions policy because the current deadline for phasing out older vehicles expires in 2018.

   The purpose of the revised policy is 1) to contribute to the local and national air quality strategy to improve air quality in the town and 2) to have a safe, modern and professional licensed fleet.

   To this end, the proposed revised policy is:

   New vehicles

   - Retain 5 year rule for petrol cars (which will result in an automatic Euro Emissions Standard 5 compliance)
   - Apply Euro Emissions Standard 6 for diesel (i.e. vehicles no older than 1/9/2015)
   - Any age for Ultra-low emission vehicles - defined as 75g CO₂/km and under

   Existing vehicles

   Phase out older vehicles so to:

   - Get all petrol vehicles to at least Euro 5 standard by 2020
   - Get all diesel vehicles to Euro 6 standard by 2020

   Given that by 2020 all licensed vehicles will be on the minimum Euro 5 emission standards, the council is not proposing a maximum age limit in vehicles provided that they continue to be in exceptional condition and safe. This will be assessed through the Council's enhanced MOT and fitness test for licensed vehicles, on the proviso that vehicles older than 8 years be subject to 6-monthly testing.
Q6: Do you have any comments to make on the revised vehicle emission policy?

<table>
<thead>
<tr>
<th>☒ Yes</th>
<th>☐ No</th>
</tr>
</thead>
</table>

Please provide further comments:

I am struggling to understand the precise changes, though standards do need to go up to Euro 6 diesel and Euro 5 petrol on all new purchases. Owners who have purchased vehicles within the current policy need to be able to hold it without being forced to change unreasonably soon. A current proprietor might reasonably expect to hold the vehicle for about five years, or till the vehicle was eight years old.

---

2. Vehicle standards and specifications

A review has been undertaken of the council’s suitability standards for vehicles to be licensed and the following changes are being proposed:

Changing the vehicle fitness standards for wheelchair accessible vehicles making it a requirement that these types of vehicles be side-loading only.

The current policy permits rear loading wheelchair accessible vehicles.

The rationale for this proposed policy change is that there are difficulties with rear-loading public hire vehicles working off taxi ranks where safe entry is from the side.

There have also been concerns raised about the suitability of rear loading vehicles given that there is no other practical escape route for passengers in wheelchairs should the rear access point becomes unusable.

Q7: Do you agree with the proposed policy change to only permit side loading wheelchair accessible vehicles?

<table>
<thead>
<tr>
<th>☒ Yes</th>
<th>☐ No</th>
</tr>
</thead>
</table>

Please provide further comments:

There are known problems with rear access in some parking situations

If the policy change were approved, the council is proposing to phase out licensed rear-loading vehicles as and when these vehicles are replaced for new ones.

Q8: Do you agree with the proposed phasing out process mentioned above?

<table>
<thead>
<tr>
<th>☒ Yes</th>
<th>☐ No</th>
</tr>
</thead>
</table>

Please provide further comments:
Again – owners who have purchased vehicles within the current policy need to be able to old it without being forced to change unreasonably soon. A current proprietor might reasonably expect to hold the vehicle for about five years, or till the vehicle was eight years old. The exception is if we are overtaken by legislation which goes onto the statute book.

3. Testing arrangements

The council currently only has one approved testing station for licensed vehicles which is Ubico. It has operated under this policy for several years but a need to review this has arisen. Due to the expansion of Ubico and the growth of the local trade, Ubico’s ability to continue to act as sole testing provider within the agreed service level agreement has become increasingly difficult.

This has facilitated a review of the sole use arrangement with Ubico and it is proposed that testing arrangements be opened up to other testing stations that can demonstrate to the council their ability to test to the standard expected by the council.

Q9: Do you agree with the proposal to nominate additional testing stations for Cheltenham Borough Council licensed vehicles?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

Please provide further comments:

Somebody needs to decide who is reputable.

4. Grandfather rights

Different rules currently exist for Hackney Carriage vehicle licence holders depending on the plate licence number. A number of Hackney Carriage vehicle licence numbers have grandfather rights attached to them which mean that as long as the licence remains valid, these vehicles do not have to be wheelchair-accessible and can be replaced indefinitely with non-wheelchair-accessible vehicles.

This is in contrast to other, newer licensed Hackney Carriage vehicles that do not have retained grandfather rights and which must be wheelchair-accessible and can only be replaced with wheelchair-accessible vehicles.

The council is seeking views on whether it should change the grandfather rules for Hackney Carriage vehicle licence holders to ensure that the same rules apply to all licence holders.

To this end the council is seeking views on a number of approaches in respect of this:

a. Amend the grandfather rights so that these only apply to the current licensed vehicle and when the proprietor comes to replace that vehicle they are obligated to purchase a wheelchair-accessible vehicle and/or purpose built taxi;

b. Make no changes to the current system;

c. Amend the grandfather rights rules so that those who retain it can interchange between saloon cars and wheelchair-accessible vehicles without those rights being affected.
Q10: Please indicate your preferred choice from the list above and provide further explanation for your choice.

(a). Grandfather rights are a restrictive practice which must disappear, though I note some pragmatism has been rightly applied through option (a). But again, drivers need to be given adequate time to make the changeover of their vehicles.

5. Equality Act 2010: Taxi and private hire requirements

The council is seeking to implement the new statutory requirements placed upon it by the newly enacted section 167 of the Equalities Act 2010 as part of this policy review.

Section 167 places a new duty on the council to provide a list of wheelchair accessible hackney carriages and private hire vehicles for publication. It also places certain obligations on drivers of vehicles on this list to carry wheelchair users and not to impose any additional charges for doing so.

The legislation leaves it to the council to decide what type of licensed vehicles should be included on the designated list. The statutory guidance however makes it clear that these must be vehicles capable of carrying wheelchairs.

To this end, the council has taken a view similar to that recommended by the statutory guidance whereby all vehicles licensed by this council to carry, as a minimum requirement, a “reference wheelchair” will be added to the designated list.

This list will be published in order for people who require the services of a wheelchair accessible vehicle to easily find this information.

Q11: Please provide any comments you would like to make in the box below.

Again – owners who have purchased vehicles within the current policy need to be able to hold it without being forced to change unreasonably soon. A current proprietor might reasonably expect to hold the vehicle for about five years, or till the vehicle was eight years old. The exception is if we are overtaken by legislation which goes onto the statute book.

3. Licensed Operators

1. Conditions

There is an increasing issue of out of town vehicles working in Cheltenham due to the relaxation of out of district sub-contracting rules.
The council cannot enforce against vehicles and drivers not licensed by it (unless it is a criminal offence committed). It is therefore proposed that the council amend its conditions for licensed private hire operators to introduce a new requirement on them that, when they subcontract a booking to an operator not licensed in Cheltenham, they take all reasonable steps to ensure that the vehicle dispatched is not silver. The rationale behind this is to try to avoid members of the public confusing out of town vehicles with Cheltenham's predominantly silver hackney carriage fleet.

Q12: Do you agree that this proposed change is necessary? Please explain.

<table>
<thead>
<tr>
<th>☐ Yes</th>
<th>☒ No</th>
</tr>
</thead>
</table>

Please provide further comments:

This proposal is time consuming to enforce and will achieve very little would make sense if it applied to Hackneys, but for PH the public really doesn't take in what colour a hire car is when it turns up at the door.

4. Other minor changes

The revised policy will reflect a number of minor changes:

1. Changes resulting from the enactment of the Immigration Act 2017 relating to right to work status verification
2. Removal of the requirement for drivers to attain the NVQ.

5. Other comments

Do you have any other comments to make relevant to the taxi and private hire policy review?

Huge inefficiencies - and consumer costs - are built into the system by the ancient statutes which separate private hire from hackney carriage operation. Is there anything within the council’s powers to incentivise drivers to qualify for and operate as both? E.g. if picking somebody up in the suburbs to go to the rail station, then to be able to carry a fare back from the station?
Introduction
The Council’s current licensing policy was adopted in 2014. In 2016/17 the council in partnership with representatives from the licensed trade undertook a review of the current policy.

This consultation document sets out the council’s proposal for amendments to the policy and is seeking feedback from consultees.

How to respond

Responses must be made in writing using this form either electronically or in hard copy. The form can be submitted:
1. By email to licensing@cheltenham.gov.uk
2. By post to Licensing Section, Cheltenham Borough Council, Promenade, Cheltenham, GL50 9SA
3. In person to the Municipal Offices Promenade, Cheltenham, GL50 9SA

If you are unable to respond to the consultation using this form, please contact the licensing section in the first instance.

Consultation responses must be submitted no later than 21 December 2017.

Further information

Any questions relating to this consultation should be referred to the licensing section.

Your consultation response will form part of a public report. It will also be subject to freedom of information legislation.

Please note that we are not able to provide individual feedback on consultation responses including notification of subsequent committee hearings. Please visit the council’s democracy pages for information on future committee hearings: https://democracy.cheltenham.gov.uk/ieDocHome.aspx?Categories=-12984

Page 1 of 9
1. About you

Full name anthony paul dalby grovenor st cheltenham

Please state in which capacity you are responding: cheltenham taxi driver, station rank

Contents
1. About you2

Policy Proposals3
1. Fitness criteria for licensed drivers3
2. Fitness of licensed vehicles5
3. Licensed Operators8
4. Other minor changes8
5. Other comments9
Policy Proposals

1. Fitness criteria for licensed drivers

The council is proposing a number of changes to its fitness criteria for licensed drivers:

1. Knowledge test

Since the last policy review, a number of factors relevant to the current local knowledge test have changed which has prompted the need for a review of the current assessment:

   a. The council has introduced a higher standard for its practical driving assessment;
   b. Safeguarding training has been introduced for all licensed drivers and new applicants for a driving licence; and
   c. The council has adopted a dedicated English proficiency policy and assessment service.

As a consequence, the council is proposing a number of changes to the current knowledge assessment:

   a. Replacing the written Highway Code section of the test with the higher practical driving assessment;
   b. Introducing a learning day covering safeguarding, equality duty, law and conditions with a written/practical assessment at the end of the session;
   c. Retaining the local geographical knowledge and basic numeracy elements of the test; and
   d. Replacing the basic literacy written element of the test with the English proficiency policy and assessment service.

Q1: Do you agree with the proposed changes to the current knowledge test?

| Yes | | No |
|----------------------------------|
| Please provide further comments: |
| Click here to enter text. |

2. Three strikes policy

The council is proposing the introduction of a “Three Strikes Policy”. The proposed policy lists a number of misdemeanours that, should a licensed driver be found to be in breach of one or more of these, it will be recorded against the driver’s licence records. If the driver has at least three of these misdemeanours recorded against their licence, a review of their licence will be called in.

A copy of the proposed “Three Strikes Policy” is enclosed at Appendix 1 of this consultation document.

Q2: Do you agree with the introduction and implementation of a three strikes policy

| Yes | No |
|----------------------------------|
| Please provide further comments: |
3. Working hours

There are no national standards or statutory regulations that strictly govern working hours for licensed taxi and private hire drivers.

Through the policy review, it has been identified that there may be a need for the council to be proactive in regulating this in so far as it is able and practical. To this end, the following proposed policy changes are being consulted on:

- Amending licence conditions to set out a reasonable expectation on working hours for licence holders, implementing a mechanism whereby licence holders may need to keep a record of their working hours and to submit these records to the council; and

- Adopting a code of good practice for licensed drivers setting out the council’s expectations on safe working practices and the implications for non-compliance with the code.

A copy of the proposed code is attached at Appendix 2 of this consultation document.

Q3: Do you agree with the proposal to regulate working hours for Cheltenham licensed drivers?

/Yes

Please provide further comments: many station drivers are working 15hrs a day which is clearly unsafe

Click here to enter text.

Q4: Do you agree that the code of good practice referred to above is adequate to ensure safe working hours for Cheltenham licensed drivers?

/Yes

Please provide further comments: safer for passengers

Click here to enter text.

4. Criminal records checks (DBS)

The council is proposing to implement a requirement that all future criminal records checks be undertaken online. The council currently accepts paper copies of Disclosure and Barring Service (DBS) certificates. However, the DBS service now offers an online checking service.

Q5: Do you have any comments to make in relation to this proposal?

Please provide further comments: ok
2. Fitness of licensed vehicles

The council is proposing a number of changes to its fitness assessments for licensed vehicles:

1. Vehicle emissions

   It was necessary for the council to review its current emissions policy because the current deadline for phasing out older vehicles expires in 2018.

   The purpose of the revised policy is 1) to contribute to the local and national air quality strategy to improve air quality in the town and 2) to have a safe, modern and professional licensed fleet.

   To this end, the proposed revised policy is:

   **New vehicles**

   - Retain 5 year rule for petrol cars (which will result in an automatic Euro Emissions Standard 5 compliance)
   - Apply Euro Emissions Standard 6 for diesel (i.e. vehicles no older than 1/9/2015)
   - Any age for Ultra-low emission vehicles - defined as 75g CO₂/km and under

   **Existing vehicles**

   Phase out older vehicles so to:

   - Get all petrol vehicles to at least Euro 5 standard by 2020
   - Get all diesel vehicles to Euro 6 standard by 2020

   Given that by 2020 all licensed vehicles will be on the minimum Euro 5 emission standards, the council is not proposing a maximum age limit in vehicles provided that they continue to be in exceptional condition and safe. This will be assessed through the Council’s enhanced MOT and fitness test for licensed vehicles, on the proviso that vehicles older than 8 years be subject to 6-monthly testing.

   **Q6: Do you have any comments to make on the revised vehicle emission policy?**

   /Yes

   Please provide further comments: doesn't make sense. You're saying 2 things – euro 6 for diesels by 2020 but underneath it's ok to keep a euro 5 as long as you like.

   Click here to enter text.
2. Vehicle standards and specifications

A review has been undertaken of the council's suitability standards for vehicles to be licensed and the following changes are being proposed:

Changing the vehicle fitness standards for wheelchair accessible vehicles making it a requirement that these types of vehicles be side-loading only.

The current policy permits rear loading wheelchair accessible vehicles.

The rationale for this proposed policy change is that there are difficulties with rear-loading public hire vehicles working off taxi ranks where safe entry is from the side.

There have also been concerns raised about the suitability of rear loading vehicles given that there is no other practical escape route for passengers in wheelchairs should the rear access point becomes unusable.

Q7: Do you agree with the proposed policy change to only permit side loading wheelchair accessible vehicles?

<table>
<thead>
<tr>
<th>Yes</th>
</tr>
</thead>
</table>

Please provide further comments:

Click here to enter text.

If the policy change were approved, the council is proposing to phase out licensed rear-loading vehicles as and when these vehicles are replaced for new ones.

Q8: Do you agree with the proposed phasing out process mentioned above?

<table>
<thead>
<tr>
<th>Yes</th>
</tr>
</thead>
</table>

Please provide further comments:

Click here to enter text.

3. Testing arrangements

The council currently only has one approved testing station for licensed vehicles which is Ubico. It has operated under this policy for several years but a need to review this has arisen. Due to the expansion of Ubico and the growth of the local trade, Ubico's ability to continue to act as sole testing provider within the agreed service level agreement has become increasingly difficult.
This has facilitated a review of the sole use arrangement with Ubico and it is proposed that testing arrangements be opened up to other testing stations that can demonstrate to the council their ability to test to the standard expected by the council.

Q9: Do you agree with the proposal to nominate additional testing stations for Cheltenham Borough Council licensed vehicles?

<table>
<thead>
<tr>
<th>/Yes</th>
</tr>
</thead>
</table>

Please provide further comments:
most drivers have had problems with ubico
Click here to enter text.

4. Grandfather rights

Different rules currently exist for Hackney Carriage vehicle licence holders depending on the plate licence number. A number of Hackney Carriage vehicle licence numbers have grandfather rights attached to them which mean that as long as the licence remains valid, these vehicles do not have to be wheelchair-accessible and can be replaced indefinitely with non-wheelchair-accessible vehicles.

This is in contrast to other, newer licensed Hackney Carriage vehicles that do not have retained grandfather rights and which must be wheelchair-accessible and can only be replaced with wheelchair-accessible vehicles.

The council is seeking views on whether it should change the grandfather rules for Hackney Carriage vehicle licence holders to ensure that the same rules apply to all licence holders.

To this end the council is seeking views on a number of approaches in respect of this:

a. Amend the grandfather rights so that these only apply to the current licensed vehicle and when the proprietor comes to replace that vehicle they are obligated to purchase a wheelchair-accessible vehicle and/or purpose built taxi;

b. Make no changes to the current system;

c. Amend the grandfather rights rules so that those who retain it can interchange between saloon cars and wheelchair-accessible vehicles without those rights being affected.

Q10: Please indicate your preferred choice from the list above and provide further explanation for your choice.

| 
| 

b.

5. Equality Act 2010: Taxi and private hire requirements

The council is seeking to implement the new statutory requirements placed upon it by the newly enacted section 167 of the Equalities Act 2010 as part of this policy review.

Section 167 places a new duty on the council to provide a list of wheelchair accessible hackney carriages and private hire vehicles for publication. It also places certain obligations on drivers of vehicles on this list to carry wheelchair users and not to impose any additional charges for doing so.
The legislation leaves it to the council to decide what type of licensed vehicles should be included on the designated list. The statutory guidance however makes it clear that these must be vehicles capable of carrying wheelchairs.

To this end, the council has taken a view similar to that recommended by the statutory guidance whereby all vehicles licensed by this council to carry, as a minimum requirement, a “reference wheelchair” will be added to the designated list.

This list will be published in order for people who require the services of a wheelchair accessible vehicle to easily find this information.

Q11: Please provide any comments you would like to make in the box below.

Click here to enter text.

3. Licensed Operators

1. Conditions

There is an increasing issue of out of town vehicles working in Cheltenham due to the relaxation of out of district sub-contracting rules.

The council cannot enforce against vehicles and drivers not licensed by it (unless it is a criminal offence committed). It is therefore proposed that the council amend its conditions for licensed private hire operators to introduce a new requirement on them that, when they subcontract a booking to an operator not licensed in Cheltenham, they take all reasonable steps to ensure that the vehicle dispatched is not silver. The rationale behind this is to try to avoid members of the public confusing out of town vehicles with Cheltenham’s predominantly silver hackney carriage fleet.

Q12: Do you agree that this proposed change is necessary? Please explain.

/Yes

Please provide further comments: The change suggested is so minor why waste your time?

Click here to enter text.

4. Other minor changes

The revised policy will reflect a number of minor changes:

1. Changes resulting from the enactment of the Immigration Act 2017 relating to right to work status verification
2. Removal of the requirement for drivers to attain the NVQ.

5. Other comments
Do you have any other comments to make relevant to the taxi and private hire policy review?

Click here to enter text.
Review of Cheltenham Borough Council’s Taxi & Private Hire Licensing Policy - Consultation Document

Introduction
The Council’s current licensing policy was adopted in 2014. In 2016/17 the council in partnership with representatives from the licensed trade undertook a review of the current policy.

This consultation document sets out the council’s proposal for amendments to the policy and is seeking feedback from consultees.

How to respond

Responses must be made in writing using this form either electronically or in hard copy. The form can be submitted:

1. By email to licensing@cheltenham.gov.uk
2. By post to Licensing Section, Cheltenham Borough Council, Promenade, Cheltenham, GL50 9SA
3. In person to the Municipal Offices Promenade, Cheltenham, GL50 9SA

If you are unable to respond to the consultation using this form, please contact the licensing section in the first instance.

Consultation responses must be submitted no later than 21 December 2017.

Further information

Any questions relating to this consultation should be referred to the licensing section.

Your consultation response will form part of a public report. It will also be subject to freedom of information legislation.

Please note that we are not able to provide individual feedback on consultation responses including notification of subsequent committee hearings. Please visit the council’s democracy pages for information on future committee hearings: https://democracy.cheltenham.gov.uk/ieDocHome.aspx?Categories=-12984
1. About you

Full name: Andrew Pyrka

Organisation/group/department: Click here to enter text.

Address: Camberwell Road, Cheltenham, Glos, GL51 0XN

Please state in which capacity you are responding: Click here to enter text.

Contents
1. About you .......................................................................................................................... 2

Policy Proposals ..................................................................................................................... 3

1. Fitness criteria for licensed drivers .................................................................................. 3

2. Fitness of licensed vehicles .............................................................................................. 5

3. Licensed Operators ........................................................................................................... 8

4. Other minor changes ........................................................................................................ 9

5. Other comments ............................................................................................................... 9
Policy Proposals

1. Fitness criteria for licensed drivers

The council is proposing a number of changes to its fitness criteria for licensed drivers:

1. Knowledge test

Since the last policy review, a number of factors relevant to the current local knowledge test have changed which has prompted the need for a review of the current assessment:

a. The council has introduced a higher standard for its practical driving assessment;
   b. Safeguarding training has been introduced for all licensed drivers and new applicants for a driving licence; and
   c. The council has adopted a dedicated English proficiency policy and assessment service.

As a consequence, the council is proposing a number of changes to the current knowledge assessment:

a. Replacing the written Highway Code section of the test with the higher practical driving assessment;
   b. Introducing a learning day covering safeguarding, equality duty, law and conditions with a written/practical assessment at the end of the session;
   c. Retaining the local geographical knowledge and basic numeracy elements of the test; and
   d. Replacing the basic literacy written element of the test with the English proficiency policy and assessment service.

Q1: Do you agree with the proposed changes to the current knowledge test?

<table>
<thead>
<tr>
<th>Yes</th>
<th></th>
</tr>
</thead>
</table>

Driver etiquette would also be a worthy addition. New drivers (mainly The Peugeot Partner drivers) show no respect for other drivers. They pick up from the back of the queue and cut up other drivers in a bid to get to the ranks first. Their meters should also be visible to other drivers as currently they are placed out of sight by the gear sticks and are not used! Therefore outrages quotes are given to customers.

Click here to enter text.

2. Three strikes policy

The council is proposing the introduction of a “Three Strikes Policy”. The proposed policy lists a number of misdemeanours that, should a licensed driver be found to be in breach of one or more of these, it will be recorded against the driver’s licence records. If the driver has at least three of these misdemeanours recorded against their licence, a review of their licence will be called in.

A copy of the proposed “Three Strikes Policy” is enclosed at Appendix 1 of this consultation document.
Q2: Do you agree with the introduction and implementation of a three strikes policy?

☐ Yes  ☐ No

This area needs to fully clarified before its implemented – so its neither a Yes or a No answer.
Who will report drivers?
Drivers do have disagreements between one and other and may create allegations which may be misunderstood or false. How will these factors be determined for authenticity or fact?

Click here to enter text.

3. Working hours

There are no national standards or statutory regulations that strictly govern working hours for licensed taxi and private hire drivers.

Through the policy review, it has been identified that there may be a need for the council to be proactive in regulating this in so far as it is able and practical. To this end, the following proposed policy changes are being consulted on:

- Amending licence conditions to set out a reasonable expectation on working hours for licence holders, implementing a mechanism whereby licence holders may need to keep a record of their working hours and to submit these records to the council; and

- Adopting a code of good practice for licensed drivers setting out the council’s expectations on safe working practices and the implications for non-compliance with the code.

A copy of the proposed code is attached at Appendix 2 of this consultation document.

Q3: Do you agree with the proposal to regulate working hours for Cheltenham licensed drivers?

<table>
<thead>
<tr>
<th>No</th>
</tr>
</thead>
</table>

How is it possible to regulate working hours of a self employed person? A taxi driver job is based on flexibility not restrictions. Regulated working hours will simply hamper drivers earning potential – especially in a doubtful economic climate.

Q4: Do you agree that the code of good practice referred to above is adequate to ensure safe working hours for Cheltenham licensed drivers?

<table>
<thead>
<tr>
<th>No</th>
</tr>
</thead>
</table>

Introduction of working hours is like working directly for the council itself – so is the
4. Criminal records checks (DBS)

The council is proposing to implement a requirement that all future criminal records checks be undertaken online. The council currently accepts paper copies of Disclosure and Barring Service (DBS) certificates. However, the DBS service now offers an online checking service.

Q5: Do you have any comments to make in relation to this proposal?

The council is assuming that all drivers are computer literate – which is not the case.

2. Fitness of licensed vehicles

The council is proposing a number of changes to its fitness assessments for licensed vehicles:

1. Vehicle emissions

It was necessary for the council to review its current emissions policy because the current deadline for phasing out older vehicles expires in 2018.

The purpose of the revised policy is 1) to contribute to the local and national air quality strategy to improve air quality in the town and 2) to have a safe, modern and professional licensed fleet.

To this end, the proposed revised policy is:

New vehicles

- Retain 5 year rule for petrol cars (which will result in an automatic Euro Emissions Standard 5 compliance)
- Apply Euro Emissions Standard 6 for diesel (i.e. vehicles no older than 1/9/2015)
- Any age for Ultra-low emission vehicles - defined as 75g CO₂/km and under

Existing vehicles

Phase out older vehicles so to:

- Get all petrol vehicles to at least Euro 5 standard by 2020
- Get all diesel vehicles to Euro 6 standard by 2020

Given that by 2020 all licensed vehicles will be on the minimum Euro 5 emission standards, the council is not proposing a maximum age limit in vehicles provided that they continue to be in exceptional condition and safe. This will be assessed through the Council’s enhanced
MOT and fitness test for licensed vehicles, on the proviso that vehicles older than 8 years be subject to 6-monthly testing.

Q6: Do you have any comments to make on the revised vehicle emission policy?

☐ Yes  ☐ No

Please provide further comments:

Click here to enter text.

2. Vehicle standards and specifications

A review has been undertaken of the council’s suitability standards for vehicles to be licensed and the following changes are being proposed:

Changing the vehicle fitness standards for wheelchair accessible vehicles making it a requirement that these types of vehicles be side-loading only.

The current policy permits rear loading wheelchair accessible vehicles.

The rationale for this proposed policy change is that there are difficulties with rear-loading public hire vehicles working off taxi ranks where safe entry is from the side.

There have also been concerns raised about the suitability of rear loading vehicles given that there is no other practical escape route for passengers in wheelchairs should the rear access point becomes unusable.

Q7: Do you agree with the proposed policy change to only permit side loading wheelchair accessible vehicles?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No further comment</th>
</tr>
</thead>
</table>

If the policy change were approved, the council is proposing to phase out licensed rear-loading vehicles as and when these vehicles are replaced for new ones.

Q8: Do you agree with the proposed phasing out process mentioned above?

<table>
<thead>
<tr>
<th>Yes</th>
<th></th>
</tr>
</thead>
</table>

This proposal is an excellent idea
3. Testing arrangements

The council currently only has one approved testing station for licensed vehicles which is Ubico. It has operated under this policy for several years but a need to review this has arisen. Due to the expansion of Ubico and the growth of the local trade, Ubico’s ability to continue to act as sole testing provider within the agreed service level agreement has become increasingly difficult.

This has facilitated a review of the sole use arrangement with Ubico and it is proposed that testing arrangements be opened up to other testing stations that can demonstrate to the council their ability to test to the standard expected by the council.

Q9: Do you agree with the proposal to nominate additional testing stations for Cheltenham Borough Council licensed vehicles?

<table>
<thead>
<tr>
<th>Yes</th>
<th></th>
</tr>
</thead>
</table>

This proposal is an excellent Idea

4. Grandfather rights

Different rules currently exist for Hackney Carriage vehicle licence holders depending on the plate licence number. A number of Hackney Carriage vehicle licence numbers have grandfather rights attached to them which mean that as long as the licence remains valid, these vehicles do not have to be wheelchair-accessible and can be replaced indefinitely with non-wheelchair-accessible vehicles.

This is in contrast to other, newer licensed Hackney Carriage vehicles that do not have retained grandfather rights and which must be wheelchair-accessible and can only be replaced with wheelchair-accessible vehicles.

The council is seeking views on whether it should change the grandfather rules for Hackney Carriage vehicle licence holders to ensure that the same rules apply to all licence holders.

To this end the council is seeking views on a number of approaches in respect of this:

a. Amend the grandfather rights so that these only apply to the current licensed vehicle and when the proprietor comes to replace that vehicle they are obligated to purchase a wheelchair-accessible vehicle and/or purpose built taxi;

b. Make no changes to the current system;

c. Amend the grandfather rights rules so that those who retain it can interchange between saloon cars and wheelchair-accessible vehicles without those rights being affected.

Q10: Please indicate your preferred choice from the list above and provide further explanation for your choice.

Without any hesitation my answer is B (Make no changes to the current...
5. **Equality Act 2010: Taxi and private hire requirements**

The council is seeking to implement the new statutory requirements placed upon it by the newly enacted section 167 of the Equalities Act 2010 as part of this policy review.

Section 167 places a new duty on the council to provide a list of wheelchair accessible hackney carriages and private hire vehicles for publication. It also places certain obligations on drivers of vehicles on this list to carry wheelchair users and not to impose any additional charges for doing so.

The legislation leaves it to the council to decide what type of licensed vehicles should be included on the designated list. The statutory guidance however makes it clear that these must be vehicles capable of carrying wheelchairs.

To this end, the council has taken a view similar to that recommended by the statutory guidance whereby all vehicles licensed by this council to carry, as a minimum requirement, a "reference wheelchair" will be added to the designated list.

This list will be published in order for people who require the services of a wheelchair accessible vehicle to easily find this information.

**Q11: Please provide any comments you would like to make in the box below.**

Click here to enter text.

---

3. **Licensed Operators**

1. **Conditions**

There is an increasing issue of out of town vehicles working in Cheltenham due to the relaxation of out of district sub-contracting rules.

The council cannot enforce against vehicles and drivers not licensed by it (unless it is a criminal offence committed). It is therefore proposed that the council amend its conditions for licensed private hire operators to introduce a new requirement on them that, when they subcontract a booking to an operator not licensed in Cheltenham, they take all reasonable steps to ensure that the vehicle dispatched is not silver. The rationale behind this is to try to avoid members of the public confusing out of town vehicles with Cheltenham’s predominantly silver hackney carriage fleet.

**Q12: Do you agree that this proposed change is necessary? Please explain.**

<table>
<thead>
<tr>
<th>Yes</th>
<th></th>
</tr>
</thead>
</table>

The council needs to also find ways to overcome the Log Book colour entry. There are silver private hire cars which are listed as grey on the licence plate !!!???
4. Other minor changes

The revised policy will reflect a number of minor changes:

1. Changes resulting from the enactment of the Immigration Act 2017 relating to right to work status verification
2. Removal of the requirement for drivers to attain the NVQ.

5. Other comments
Do you have any other comments to make relevant to the taxi and private hire policy review

Section 4 Grandfather rights.

A few of my own comments for the council to consider:

1. Will the council contribute or reimburse my £7,000.00 investment in the business I purchased legitimately from another driver? (Please note I’m still paying a loan for investment)
   The council have witnessed and accepted payment for such a transaction in transferring a business from one driver to another – so are there any legal implications if the council wipe out my and other driver investment?

2. Drivers such as myself consider an investment as a small retirement fund – so therefore the council are denying such a right by abolishing grandfather rights.~

3. Retaining grandfather rights will also ensure that you have a driver who is willing to invest and take care of his business by providing customer service and good maintenance of vehicles – both ensure safety and professional conduct. Drivers who are given a plate for free have shown less respect to customers and other drivers.

4. Disability vehicles should a factor for the Private Hire Trade rather then the Hackney – Hackneys are generally used for the purpose to take people home!
   A disabled person is more likely to call a private hire operator rather than a Hackney who is parked on the Promenade – so do you not think that its the Private Hire sector who should be providing a disability taxi service rather than the entire fleet of Hackneys?

5. Mr Mackinleys radio interview comment regarding the price of disability vehicles was rather rash with any thought given – he suggested that we can purchase a disability type vehicle for £7,000.00 – REALLY ?? Such vehicle prices he refers to will be second hand bangers which will probably be not Euro6 compliant and will make Cheltenham look like Harry Buckland has moved to the Promenade!
   Come on guys be sensible – you are all aware in licencing that SILVER coloured vehicle which is...
emission compliant and fitted with wheelchair accessibility will cost anything from £25,000.00 to £35,000.00 and above.
Review of Cheltenham Borough Council’s Taxi & Private Hire Licensing Policy - Consultation Document

Introduction
The Council’s current licensing policy was adopted in 2014. In 2016/17 the council in partnership with representatives from the licensed trade undertook a review of the current policy.

This consultation document sets out the council’s proposal for amendments to the policy and is seeking feedback from consultees.

How to respond

Responses must be made in writing using this form either electronically or in hard copy. The form can be submitted:
1. By email to licensing@cheltenham.gov.uk
2. By post to Licensing Section, Cheltenham Borough Council, Promenade, Cheltenham, GL50 9SA
3. In person to the Municipal Offices Promenade, Cheltenham, GL50 9SA

If you are unable to respond to the consultation using this form, please contact the licensing section in the first instance.

Consultation responses must be submitted no later than 21 December 2017.

Further information

Any questions relating to this consultation should be referred to the licensing section.

Your consultation response will form part of a public report. It will also be subject to freedom of information legislation.

Please note that we are not able to provide individual feedback on consultation responses including notification of subsequent committee hearings. Please visit the council’s democracy pages for information on future committee hearings: https://democracy.cheltenham.gov.uk/ieDocHome.aspx?Categories=-12984
1. About you

**Full name:** Alan Gordon Wakefield

**Organisation/group/department:** Self employed private hire driver

**Address:** Carrol Grove, Cheltenham, GL51 0PP

**Please state in which capacity you are responding:** Private Hire Driver

**Contents**

1. About you ......................................................................................................................... 2

2. **Policy Proposals** .......................................................................................................... 3

   1. Fitness criteria for licensed drivers .................................................................................. 3
   2. Fitness of licensed vehicles ............................................................................................. 5
   3. Licensed Operators .......................................................................................................... 8
   4. Other minor changes ......................................................................................................... 9
   5. Other comments ............................................................................................................... 9
Policy Proposals

1. Fitness criteria for licensed drivers

The council is proposing a number of changes to its fitness criteria for licensed drivers:

1. Knowledge test

Since the last policy review, a number of factors relevant to the current local knowledge test have changed which has prompted the need for a review of the current assessment:

a. The council has introduced a higher standard for its practical driving assessment;

b. Safeguarding training has been introduced for all licensed drivers and new applicants for a driving licence; and

c. The council has adopted a dedicated English proficiency policy and assessment service.

As a consequence, the council is proposing a number of changes to the current knowledge assessment:

a. Replacing the written Highway Code section of the test with the higher practical driving assessment;

b. Introducing a learning day covering safeguarding, equality duty, law and conditions with a written/practical assessment at the end of the session;

c. Retaining the local geographical knowledge and basic numeracy elements of the test; and

d. Replacing the basic literacy written element of the test with the English proficiency policy and assessment service.

Q1: Do you agree with the proposed changes to the current knowledge test?

| ☑ Yes | ☐ No |

Please provide further comments:

Any changes made in the area of English proficiency would be a good move. Also think that the learning day is a good idea rather than just reading information.

2. Three strikes policy

The council is proposing the introduction of a “Three Strikes Policy”. The proposed policy lists a number of misdemeanours that, should a licensed driver be found to be in breach of one or more of these, it will be recorded against the driver’s licence records. If the driver has at least three of these misdemeanours recorded against their licence, a review of their licence will be called in.

A copy of the proposed “Three Strikes Policy” is enclosed at Appendix 1 of this consultation document.

Q2: Do you agree with the introduction and implementation of a three strikes policy?
3. Working hours

There are no national standards or statutory regulations that strictly govern working hours for licensed taxi and private hire drivers.

Through the policy review, it has been identified that there may be a need for the council to be proactive in regulating this in so far as it is able and practical. To this end, the following proposed policy changes are being consulted on:

- Amending licence conditions to set out a reasonable expectation on working hours for licence holders, implementing a mechanism whereby licence holders may need to keep a record of their working hours and to submit these records to the council; and

- Adopting a code of good practice for licensed drivers setting out the council’s expectations on safe working practices and the implications for non-compliance with the code.

A copy of the proposed code is attached at Appendix 2 of this consultation document.

Q3: Do you agree with the proposal to regulate working hours for Cheltenham licensed drivers?

Please provide further comments:

This is very good policy to adopt and to keep a check of working hours. There are a number of rules listed which are straight forward reading one by one but does not make it easy to understand as a whole, perhaps adding examples/scenarios would make it easier to communicate exactly what is allowed and what is not. Would there be any exemptions from the rules or allowances where rules could not be met. (i.e. driving to or from airport/long distance and got held up in traffic therefore technically driving over 5 hours 30 minutes) still needing to get customer to location or back home.

Q4: Do you agree that the code of good practice referred to above is adequate to ensure safe working hours for Cheltenham licensed drivers?

Please provide further comments:

I believe it could provide better safe working hours, a lot depends on
4. Criminal records checks (DBS)

The council is proposing to implement a requirement that all future criminal records checks be undertaken online. The council currently accepts paper copies of Disclosure and Barring Service (DBS) certificates. However, the DBS service now offers an online checking service.

Q5: Do you have any comments to make in relation to this proposal?

Please provide further comments:

Yes this would be better and cheaper for the drivers.

2. Fitness of licensed vehicles

The council is proposing a number of changes to its fitness assessments for licensed vehicles:

1. Vehicle emissions

It was necessary for the council to review its current emissions policy because the current deadline for phasing out older vehicles expires in 2018.

The purpose of the revised policy is 1) to contribute to the local and national air quality strategy to improve air quality in the town and 2) to have a safe, modern and professional licensed fleet.

To this end, the proposed revised policy is:

New vehicles

- Retain 5 year rule for petrol cars (which will result in an automatic Euro Emissions Standard 5 compliance)
- Apply Euro Emissions Standard 6 for diesel (i.e. vehicles no older than 1/9/2015)
- Any age for Ultra-low emission vehicles - defined as 75g CO₂/km and under

Existing vehicles

Phase out older vehicles so to:

- Get all petrol vehicles to at least Euro 5 standard by 2020
- Get all diesel vehicles to Euro 6 standard by 2020

Given that by 2020 all licensed vehicles will be on the minimum Euro 5 emission standards, the council is not proposing a maximum age limit in vehicles provided that they continue to be in exceptional condition and safe. This will be assessed through the Council's enhanced MOT and fitness test for licensed vehicles, on the proviso that vehicles older than 8 years be subject to 6-monthly testing.

Q6: Do you have any comments to make on the revised vehicle emission policy?
2. **Vehicle standards and specifications**

A review has been undertaken of the council’s suitability standards for vehicles to be licensed and the following changes are being proposed:

Changing the vehicle fitness standards for wheelchair accessible vehicles making it a requirement that these types of vehicles be side-loading only.

The current policy permits rear loading wheelchair accessible vehicles.

The rationale for this proposed policy change is that there are difficulties with rear-loading public hire vehicles working off taxi ranks where safe entry is from the side.

There have also been concerns raised about the suitability of rear loading vehicles given that there is no other practical escape route for passengers in wheelchairs should the rear access point becomes unusable.

**Q7: Do you agree with the proposed policy change to only permit side loading wheelchair accessible vehicles?**

<table>
<thead>
<tr>
<th>☑ Yes</th>
<th>☐ No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Please provide further comments:</td>
<td></td>
</tr>
<tr>
<td>The one point I would make is that there should be side-loading from both sides of vehicle to avoid same problem with access point becoming unusable.</td>
<td></td>
</tr>
</tbody>
</table>

If the policy change were approved, the council is proposing to phase out licensed rear-loading vehicles as and when these vehicles are replaced for new ones.

**Q8: Do you agree with the proposed phasing out process mentioned above?**

<table>
<thead>
<tr>
<th>☑ Yes</th>
<th>☐ No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Please provide further comments:</td>
<td></td>
</tr>
<tr>
<td>Click here to enter text.</td>
<td></td>
</tr>
</tbody>
</table>
3. Testing arrangements

The council currently only has one approved testing station for licensed vehicles which is Ubico. It has operated under this policy for several years but a need to review this has arisen. Due to the expansion of Ubico and the growth of the local trade, Ubico’s ability to continue to act as sole testing provider within the agreed service level agreement has become increasingly difficult.

This has facilitated a review of the sole use arrangement with Ubico and it is proposed that testing arrangements be opened up to other testing stations that can demonstrate to the council their ability to test to the standard expected by the council.

Q9: Do you agree with the proposal to nominate additional testing stations for Cheltenham Borough Council licensed vehicles?

<table>
<thead>
<tr>
<th>☒ Yes</th>
<th>☐ No</th>
</tr>
</thead>
</table>

Please provide further comments:

This is a good idea providing all testing stations have the same standards and are regularly checked to ensure they do.

4. Grandfather rights

Different rules currently exist for Hackney Carriage vehicle licence holders depending on the plate licence number. A number of Hackney Carriage vehicle licence numbers have grandfather rights attached to them which mean that as long as the licence remains valid, these vehicles do not have to be wheelchair-accessible and can be replaced indefinitely with non-wheelchair-accessible vehicles.

This is in contrast to other, newer licensed Hackney Carriage vehicles that do not have retained grandfather rights and which must be wheelchair-accessible and can only be replaced with wheelchair-accessible vehicles.

The council is seeking views on whether it should change the grandfather rules for Hackney Carriage vehicle licence holders to ensure that the same rules apply to all licence holders.

To this end the council is seeking views on a number of approaches in respect of this:

a. Amend the grandfather rights so that these only apply to the current licensed vehicle and when the proprietor comes to replace that vehicle they are obligated to purchase a wheelchair-accessible vehicle and/or purpose built taxi;

b. Make no changes to the current system;

c. Amend the grandfather rights rules so that those who retain it can interchange between saloon cars and wheelchair-accessible vehicles without those rights being affected.

Q10: Please indicate your preferred choice from the list above and provide further explanation for your choice.
5. Equality Act 2010: Taxi and private hire requirements

The council is seeking to implement the new statutory requirements placed upon it by the newly enacted section 167 of the Equalities Act 2010 as part of this policy review.

Section 167 places a new duty on the council to provide a list of wheelchair accessible hackney carriages and private hire vehicles for publication. It also places certain obligations on drivers of vehicles on this list to carry wheelchair users and not to impose any additional charges for doing so.

The legislation leaves it to the council to decide what type of licensed vehicles should be included on the designated list. The statutory guidance however makes it clear that these must be vehicles capable of carrying wheelchairs.

To this end, the council has taken a view similar to that recommended by the statutory guidance whereby all vehicles licensed by this council to carry, as a minimum requirement, a “reference wheelchair” will be added to the designated list.

This list will be published in order for people who require the services of a wheelchair accessible vehicle to easily find this information.

Q11: Please provide any comments you would like to make in the box below.

Click here to enter text.

3. Licensed Operators

1. Conditions

There is an increasing issue of out of town vehicles working in Cheltenham due to the relaxation of out of district sub-contracting rules.

The council cannot enforce against vehicles and drivers not licensed by it (unless it is a criminal offence committed). It is therefore proposed that the council amend its conditions for licensed private hire operators to introduce a new requirement on them that, when they subcontract a booking to an operator not licensed in Cheltenham, they take all reasonable steps to ensure that the vehicle dispatched is not silver. The rationale behind this is to try to avoid members of the public confusing out of town vehicles with Cheltenham’s predominantly silver hackney carriage fleet.

Q12: Do you agree that this proposed change is necessary? Please explain.

☑️ Yes □ No

Please provide further comments:
It would only seem fair that if Cheltenham private hire drivers have to have non silver cars then outside borough should as well. Although no doubt “all reasonable steps” will be abused or ignored.

4. Other minor changes

The revised policy will reflect a number of minor changes:

1. Changes resulting from the enactment of the Immigration Act 2017 relating to right to work status verification
2. Removal of the requirement for drivers to attain the NVQ.

5. Other comments

Do you have any other comments to make relevant to the taxi and private hire policy review?

None
Introduction
The Council’s current licensing policy was adopted in 2014. In 2016/17 the council in partnership with representatives from the licensed trade undertook a review of the current policy.

This consultation document sets out the council’s proposal for amendments to the policy and is seeking feedback from consultees.

How to respond

Responses must be made in writing using this form either electronically or in hard copy. The form can be submitted:

- By email to licensing@cheltenham.gov.uk
- By post to Licensing Section, Cheltenham Borough Council, Promenade, Cheltenham, GL50 9SA
- In person to the Municipal Offices Promenade, Cheltenham, GL50 9SA

If you are unable to respond to the consultation using this form, please contact the licensing section in the first instance.

Consultation responses must be submitted no later than 21 December 2017.

Further information

Any questions relating to this consultation should be referred to the licensing section.

Your consultation response will form part of a public report. It will also be subject to freedom of information legislation.

Please note that we are not able to provide individual feedback on consultation responses including notification of subsequent committee hearings. Please visit the council’s democracy pages for information on future committee hearings: https://democracy.cheltenham.gov.uk/ieDocHome.aspx?Categories=-12984
• About you

Full name: Abu Alomgir Syed
Organisation/group/department: Hackney Carriage Driving
Address: Gloucester Road

Please state in which capacity you are responding: As a Hackney Carriage driver

Policy Proposals

• Fitness criteria for licensed drivers

The council is proposing a number of changes to its fitness criteria for licensed drivers:

• Knowledge test

Since the last policy review, a number of factors relevant to the current local knowledge test have changed which has prompted the need for a review of the current assessment:

• The council has introduced a higher standard for its practical driving assessment;
- Safeguarding training has been introduced for all licensed drivers and new applicants for a driving licence; and
- The council has adopted a dedicated English proficiency policy and assessment service.

As a consequence, the council is proposing a number of changes to the current knowledge assessment:

- Replacing the written Highway Code section of the test with the higher practical driving assessment;
- Introducing a learning day covering safeguarding, equality duty, law and conditions with a written/practical assessment at the end of the session;
- Retaining the local geographical knowledge and basic numeracy elements of the test; and
- Replacing the basic literacy written element of the test with the English proficiency policy and assessment service.

Q1: Do you agree with the proposed changes to the current knowledge test?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Please provide further comments:

- Three strikes policy

The council is proposing the introduction of a "Three Strikes Policy". The proposed policy lists a number of misdemeanours that, should a licensed driver be found to be in breach of one or more of these, it will be recorded against the driver's licence records. If the driver has at least three of these misdemeanours recorded against their licence, a review of their licence will be called in.

A copy of the proposed "Three Strikes Policy" is enclosed at Appendix 1 of this consultation document.

Q2: Do you agree with the introduction and implementation of a three strikes policy?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Please provide further comments:

- Working hours

There are no national standards or statutory regulations that strictly govern working hours for licensed taxi and private hire drivers.
Through the policy review, it has been identified that there may be a need for the council to be proactive in regulating this in so far as it is able and practical. To this end, the following proposed policy changes are being consulted on:

- Amending licence conditions to set out a reasonable expectation on working hours for licence holders, implementing a mechanism whereby licence holders may need to keep a record of their working hours and to submit these records to the council; and

- Adopting a code of good practice for licensed drivers setting out the council’s expectations on safe working practices and the implications for non-compliance with the code.

A copy of the proposed code is attached at Appendix 2 of this consultation document.

Q3: Do you agree with the proposal to regulate working hours for Cheltenham licensed drivers?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

Please provide further comments:

Q4: Do you agree that the code of good practice referred to above is adequate to ensure safe working hours for Cheltenham licensed drivers?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

Please provide further comments:

- Criminal records checks (DBS)

The council is proposing to implement a requirement that all future criminal records checks be undertaken online. The council currently accepts paper copies of Disclosure and Barring Service (DBS) certificates. However, the DBS service now offers an online checking service.

Q5: Do you have any comments to make in relation to this proposal?

Please provide further comments: No, I do not

- Fitness of licensed vehicles

The council is proposing a number of changes to its fitness assessments for licensed vehicles:

- Vehicle emissions
It was necessary for the council to review its current emissions policy because the current deadline for phasing out older vehicles expires in 2018.

The purpose of the revised policy is 1) to contribute to the local and national air quality strategy to improve air quality in the town and 2) to have a safe, modern and professional licensed fleet.

To this end, the proposed revised policy is:

**New vehicles**

- Retain 5 year rule for petrol cars (which will result in an automatic Euro Emissions Standard 5 compliance)
- Apply Euro Emissions Standard 6 for diesel (i.e. vehicles no older than 1/9/2015)
- Any age for Ultra-low emission vehicles - defined as 75g CO₂/km and under

**Existing vehicles**

Phase out older vehicles so to:

- Get all petrol vehicles to at least Euro 5 standard by 2020
- Get all diesel vehicles to Euro 6 standard by 2020

Given that by 2020 all licensed vehicles will be on the minimum Euro 5 emission standards, the council is not proposing a maximum age limit in vehicles provided that they continue to be in exceptional condition and safe. This will be assessed through the Council’s enhanced MOT and fitness test for licensed vehicles, on the proviso that vehicles older than 8 years be subject to 6-monthly testing.

**Q6: Do you have any comments to make on the revised vehicle emission policy?**

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Please provide further comments:

- **Vehicle standards and specifications**

  A review has been undertaken of the council’s suitability standards for vehicles to be licensed and the following changes are being proposed:

  Changing the vehicle fitness standards for wheelchair accessible vehicles making it a requirement that these types of vehicles be side-loading only.

  The current policy permits rear loading wheelchair accessible vehicles.
The rationale for this proposed policy change is that there are difficulties with rear-loading public hire vehicles working off taxi ranks where safe entry is from the side.

There have also been concerns raised about the suitability of rear loading vehicles given that there is no other practical escape route for passengers in wheelchairs should the rear access point becomes unusable.

Q7: Do you agree with the proposed policy change to only permit side loading wheelchair accessible vehicles?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

Please provide further comments: I agree that we should continue to own a normal hatchback or saloon vehicle.

If the policy change were approved, the council is proposing to phase out licensed rear-loading vehicles as and when these vehicles are replaced for new ones.

Q8: Do you agree with the proposed phasing out process mentioned above?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

Please provide further comments:

- **Testing arrangements**

  The council currently only has one approved testing station for licensed vehicles which is Ubico. It has operated under this policy for several years but a need to review this has arisen. Due to the expansion of Ubico and the growth of the local trade, Ubico’s ability to continue to act as sole testing provider within the agreed service level agreement has become increasingly difficult.

  This has facilitated a review of the sole use arrangement with Ubico and it is proposed that testing arrangements be opened up to other testing stations that can demonstrate to the council their ability to test to the standard expected by the council.

Q9: Do you agree with the proposal to nominate additional testing stations for Cheltenham Borough Council licensed vehicles?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

Please provide further comments:
• **Grandfather rights**

Different rules currently exist for Hackney Carriage vehicle licence holders depending on the plate licence number. A number of Hackney Carriage vehicle licence numbers have grandfather rights attached to them which mean that as long as the licence remains valid, these vehicles do not have to be wheelchair-accessible and can be replaced indefinitely with non-wheelchair-accessible vehicles.

This is in contrast to other, newer licensed Hackney Carriage vehicles that do not have retained grandfather rights and which must be wheelchair-accessible and can only be replaced with wheelchair-accessible vehicles.

The council is seeking views on whether it should change the grandfather rules for Hackney Carriage vehicle licence holders to ensure that the same rules apply to all licence holders.

To this end the council is seeking views on a number of approaches in respect of this:

- Amend the grandfather rights so that these only apply to the current licensed vehicle and when the proprietor comes to replace that vehicle they are obligated to purchase a wheelchair-accessible vehicle and/or purpose built taxi;
- Make no changes to the current system;
- Amend the grandfather rights rules so that those who retain it can interchange between saloon cars and wheelchair-accessible vehicles without those rights being affected.

Q10: Please indicate your preferred choice from the list above and provide further explanation for your choice.

Amend the grandfather rights rules so that those who retain it can interchange between saloon cars and wheelchair-accessible vehicles without those rights being affected.

• **Equality Act 2010: Taxi and private hire requirements**

The council is seeking to implement the new statutory requirements placed upon it by the newly enacted section 167 of the Equalities Act 2010 as part of this policy review.

Section 167 places a new duty on the council to provide a list of wheelchair accessible hackney carriages and private hire vehicles for publication. It also places certain obligations on drivers of vehicles on this list to carry wheelchair users and not to impose any additional charges for doing so.

The legislation leaves it to the council to decide what type of licensed vehicles should be included on the designated list. The statutory guidance however makes it clear that these must be vehicles capable of carrying wheelchairs.

To this end, the council has taken a view similar to that recommended by the statutory guidance whereby all vehicles licensed by this council to carry, as a minimum requirement, a "reference wheelchair" will be added to the designated list.
This list will be published in order for people who require the services of a wheelchair accessible vehicle to easily find this information.

Q11: Please provide any comments you would like to make in the box below.

Happy for publication to be made

- **Licensed Operators**
  - **Conditions**

   There is an increasing issue of out of town vehicles working in Cheltenham due to the relaxation of out of district sub-contracting rules.

   The council cannot enforce against vehicles and drivers not licensed by it (unless it is a criminal offence committed). It is therefore proposed that the council amend its conditions for licensed private hire operators to introduce a new requirement on them that, when they subcontract a booking to an operator not licensed in Cheltenham, they take all reasonable steps to ensure that the vehicle dispatched is not silver. The rationale behind this is to try to avoid members of the public confusing out of town vehicles with Cheltenham’s predominantly silver hackney carriage fleet.

   Q12: Do you agree that this proposed change is necessary? Please explain.

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

   Please provide further comments:

- **Other minor changes**

   The revised policy will reflect a number of minor changes:

   - Changes resulting from the enactment of the Immigration Act 2017 relating to right to work status verification
   - Removal of the requirement for drivers to attain the NVQ.

- **Other comments**

   Do you have any other comments to make relevant to the taxi and private hire policy review?
Review of Cheltenham Borough Council's Taxi & Private Hire Licensing Policy - Consultation Document

Introduction
The Council's current licensing policy was adopted in 2014. In 2016/17 the council in partnership with representatives from the licensed trade undertook a review of the current policy.

This consultation document sets out the council's proposal for amendments to the policy and is seeking feedback from consultees.

How to respond
Responses must be made in writing using this form either electronically or in hard copy. The form can be submitted:
1. By email to licensing@cheltenham.gov.uk
2. By post to Licensing Section, Cheltenham Borough Council, Promenade, Cheltenham, GL50 9SA
3. In person to the Municipal Offices Promenade, Cheltenham, GL50 9SA

If you are unable to respond to the consultation using this form, please contact the licensing section in the first instance.

Consultation responses must be submitted no later than 21 December 2017.

Further information
Any questions relating to this consultation should be referred to the licensing section.

Your consultation response will form part of a public report. It will also be subject to freedom of information legislation.

Please note that we are not able to provide individual feedback on consultation responses including notification of subsequent committee hearings. Please visit the council's democracy pages for information on future committee hearings: https://democracy.cheltenham.gov.uk/iDocHome.aspx?Categories=-12984
1. About you

Full name: Click here to enter text. Farin SacicANT DraMac

Organisation/group/department: Click here to enter text. ELockenby Carriage Trail

Address: Click here to enter text. 8 Secret Way Chelseaham GL50 4FS

Please state in which capacity you are responding: Click here to enter text.

Contents
1. About you ........................................................................................................................................... 2
Policy Proposals ....................................................................................................................................... 3
1. Fitness criteria for licensed drivers ............................................................................................................... 3
2. Fitness of licensed vehicles ......................................................................................................................... 5
3. Licensed Operators .................................................................................................................................... 8
4. Other minor changes ................................................................................................................................. 8
5. Other comments ....................................................................................................................................... 9
Policy Proposals

1. Fitness criteria for licensed drivers

The council is proposing a number of changes to its fitness criteria for licensed drivers:

   1. Knowledge test

      Since the last policy review, a number of factors relevant to the current local knowledge test have changed which has prompted the need for a review of the current assessment:

      a. The council has introduced a higher standard for its practical driving assessment;
      b. Safeguarding training has been introduced for all licensed drivers and new applicants for a driving licence; and
      c. The council has adopted a dedicated English proficiency policy and assessment service.

      As a consequence, the council is proposing a number of changes to the current knowledge assessment:

      a. Replacing the written Highway Code section of the test with the higher practical driving assessment;
      b. Introducing a learning day covering safeguarding, equality duty, law and conditions with a written/practical assessment at the end of the session;
      c. Retaining the local geographical knowledge and basic numeracy elements of the test; and
      d. Replacing the basic literacy written element of the test with the English proficiency policy and assessment service.

      Q1: Do you agree with the proposed changes to the current knowledge test?

      ☑ Yes              ☐ No

      Please provide further comments:

      Click here to enter text.

2. Three strikes policy

The council is proposing the introduction of a “Three Strikes Policy”. The proposed policy lists a number of misdemeanours that, should a licensed driver be found to be in breach of one or more of these, it will be recorded against the driver’s licence records. If the driver has at least three of these misdemeanours recorded against their licence, a review of their licence will be called in.

A copy of the proposed “Three Strikes Policy” is enclosed at Appendix 1 of this consultation document.

Q2: Do you agree with the introduction and implementation of a three strikes policy?

☑ Yes              ☐ No
3. Working hours

There are no national standards or statutory regulations that strictly govern working hours for licensed taxi and private hire drivers.

Through the policy review, it has been identified that there may be a need for the council to be proactive in regulating this insofar as it is able and practical. To this end, the following proposed policy changes are being consulted on:

- Amending licence conditions to set out a reasonable expectation on working hours for licence holders, implementing a mechanism whereby licence holders may need to keep a record of their working hours and to submit these records to the council; and

- Adopting a code of good practice for licensed drivers setting out the council's expectations on safe working practices and the implications for non-compliance with the code.

A copy of the proposed code is attached at Appendix 2 of this consultation document.

Q3: Do you agree with the proposal to regulate working hours for Cheltenham licensed drivers?

☐ Yes  ☐ No

Please provide further comments:
Click here to enter text.

Q4: Do you agree that the code of good practice referred to above is adequate to ensure safe working hours for Cheltenham licensed drivers?

☐ Yes  ☐ No

Please provide further comments:
Click here to enter text.

4. Criminal records checks (DBS)

The council is proposing to implement a requirement that all future criminal records checks be undertaken online. The council currently accepts paper copies of Disclosure and Barring Service (DBS) certificates. However, the DBS service now offers an online checking service.

Q5: Do you have any comments to make in relation to this proposal?

Please provide further comments:  

Page 4 of 9
2. Fitness of licensed vehicles

The council is proposing a number of changes to its fitness assessments for licensed vehicles:

1. Vehicle emissions

It was necessary for the council to review its current emissions policy because the current deadline for phasing out older vehicles expires in 2018.

The purpose of the revised policy is 1) to contribute to the local and national air quality strategy to improve air quality in the town and 2) to have a safe, modern and professional licensed fleet.

To this end, the proposed revised policy is:

**New vehicles**

- Retain 5 year rule for petrol cars (which will result in an automatic Euro Emissions Standard 5 compliance)
- Apply Euro Emissions Standard 6 for diesel (i.e. vehicles no older than 1/9/2015)
- Any age for Ultra-low emission vehicles - defined as 75g CO₂/km and under

**Existing vehicles**

Phase out older vehicles so to:

- Get all petrol vehicles to at least Euro 5 standard by 2020
- Get all diesel vehicles to Euro 6 standard by 2020

Given that by 2020 all licensed vehicles will be on the minimum Euro 5 emission standards, the council is not proposing a maximum age limit in vehicles provided that they continue to be in exceptional condition and safe. This will be assessed through the Council’s enhanced MOT and fitness test for licensed vehicles, on the proviso that vehicles older than 8 years be subject to 6-monthly testing.

Q6: Do you have any comments to make on the revised vehicle emission policy?

[ ] Yes

[ ] No

Please provide further comments:

Click here to enter text.

2. Vehicle standards and specifications
A review has been undertaken of the council's suitability standards for vehicles to be licensed and the following changes are being proposed:

Changing the vehicle fitness standards for wheelchair accessible vehicles making it a requirement that these types of vehicles be side-loading only.

The current policy permits rear loading wheelchair accessible vehicles.

The rationale for this proposed policy change is that there are difficulties with rear-loading public hire vehicles working off taxi ranks where safe entry is from the side.

There have also been concerns raised about the suitability of rear loading vehicles given that there is no other practical escape route for passengers in wheelchairs should the rear access point becomes unusable.

Q7: Do you agree with the proposed policy change to only permit side loading wheelchair accessible vehicles?

☑ Yes  □ No

Please provide further comments:

Click here to enter text.

If the policy change were approved, the council is proposing to phase out licensed rear-loading vehicles as and when these vehicles are replaced for new ones.

Q8: Do you agree with the proposed phasing out process mentioned above?

☑ Yes  □ No

Please provide further comments:

Click here to enter text.

3. Testing arrangements

The council currently only has one approved testing station for licensed vehicles which is Ubico. It has operated under this policy for several years but a need to review this has arisen. Due to the expansion of Ubico and the growth of the local trade, Ubico's ability to continue to act as sole testing provider within the agreed service level agreement has become increasingly difficult.

This has facilitated a review of the sole use arrangement with Ubico and it is proposed that testing arrangements be opened up to other testing stations that can demonstrate to the council their ability to test to the standard expected by the council.
Q9: Do you agree with the proposal to nominate additional testing stations for Cheltenham Borough Council licensed vehicles?

☑ Yes ☐ No

Please provide further comments:

Click here to enter text.

4. Grandfather rights

Different rules currently exist for Hackney Carriage vehicle licence holders depending on the plate licence number. A number of Hackney Carriage vehicle licence numbers have grandfather rights attached to them which mean that as long as the licence remains valid, these vehicles do not have to be wheelchair-accessible and can be replaced indefinitely with non-wheelchair-accessible vehicles.

This is in contrast to other, newer licensed Hackney Carriage vehicles that do not have retained grandfather rights and which must be wheelchair-accessible and can only be replaced with wheelchair-accessible vehicles.

The council is seeking views on whether it should change the grandfather rules for Hackney Carriage vehicle licence holders to ensure that the same rules apply to all licence holders.

To this end the council is seeking views on a number of approaches in respect of this:

a. Amend the grandfather rights so that these only apply to the current licensed vehicle and when the proprietor comes to replace that vehicle they are obligated to purchase a wheelchair-accessible vehicle and/or purpose built taxi;

b. Make no changes to the current system;

c. Amend the grandfather rights rules so that those who retain it can interchange between saloon cars and wheelchair-accessible vehicles without those rights being affected.

Q10: Please indicate your preferred choice from the list above and provide further explanation for your choice.

☐

Click here to enter text.

5. Equality Act 2010: Taxi and private hire requirements

The council is seeking to implement the new statutory requirements placed upon it by the newly enacted section 167 of the Equalities Act 2010 as part of this policy review.

Section 167 places a new duty on the council to provide a list of wheelchair accessible hackney carriages and private hire vehicles for publication. It also places certain obligations on drivers of vehicles on this list to carry wheelchair users and not to impose any additional charges for doing so.
The legislation leaves it to the council to decide what type of licensed vehicles should be included on the designated list. The statutory guidance however makes it clear that these must be vehicles capable of carrying wheelchairs.

To this end, the council has taken a view similar to that recommended by the statutory guidance whereby all vehicles licensed by this council to carry, as a minimum requirement, a "reference wheelchair" will be added to the designated list.

This list will be published in order for people who require the services of a wheelchair accessible vehicle to easily find this information.

Q11: Please provide any comments you would like to make in the box below.

Click here to enter text.

3. Licensed Operators

1. Conditions

There is an increasing issue of out of town vehicles working in Cheltenham due to the relaxation of out of district sub-contracting rules.

The council cannot enforce against vehicles and drivers not licensed by it (unless it is a criminal offence committed). It is therefore proposed that the council amend its conditions for licensed private hire operators to introduce a new requirement on them that, when they subcontract a booking to an operator not licensed in Cheltenham, they take all reasonable steps to ensure that the vehicle dispatched is not silver. The rationale behind this is to try to avoid members of the public confusing out of town vehicles with Cheltenham’s predominantly silver hackney carriage fleet.

Q12: Do you agree that this proposed change is necessary? Please explain.

☐ Yes  ☐ No

Please provide further comments:

Click here to enter text.

4. Other minor changes

The revised policy will reflect a number of minor changes:

1. Changes resulting from the enactment of the Immigration Act 2017 relating to right to work status verification
2. Removal of the requirement for drivers to attain the NVQ.
5. Other comments
Do you have any other comments to make relevant to the taxi and private hire policy review?

Click here to enter text.
Introduction
The Council's current licensing policy was adopted in 2014. In 2016/17 the council in partnership with representatives from the licensed trade undertook a review of the current policy.

This consultation document sets out the council's proposal for amendments to the policy and is seeking feedback from consultees.

How to respond

Responses must be made in writing using this form either electronically or in hard copy. The form can be submitted:
1. By email to licensing@cheltenham.gov.uk
2. By post to Licensing Section, Cheltenham Borough Council, Promenade, Cheltenham, GL50 9SA
3. In person to the Municipal Offices Promenade, Cheltenham, GL50 9SA

If you are unable to respond to the consultation using this form, please contact the licensing section in the first instance.

Consultation responses must be submitted no later than 21 December 2017.

Further Information

Any questions relating to this consultation should be referred to the licensing section.

Your consultation response will form part of a public report. It will also be subject to freedom of information legislation.

Please note that we are not able to provide individual feedback on consultation responses including notification of subsequent committee hearings. Please visit the council's democracy pages for information on future committee hearings:
1. About you

Full name: Click here to enter text. **KASHMIR SINGH KHARIA**

Organisation/group/department: Click here to enter text.

Address: Click here to enter text **HOBBY CLOSE, CHELTENHAM GL53 0LP**

Please state in which capacity you are responding: Click here to enter text.

**Hackney carriage driver (HCD 403)**

**Contents**

1. About you .......................................................................................................................... 2

Policy Proposals ..................................................................................................................... 3

2. Fitness criteria for licensed drivers ..................................................................................... 3

3. Fitness of licensed vehicles .................................................................................................. 5

4. Licensed Operators ............................................................................................................. 8

5. Other minor changes ........................................................................................................... 8

6. Other comments ................................................................................................................. 9
Policy Proposals

1. Fitness criteria for licensed drivers

The council is proposing a number of changes to its fitness criteria for licensed drivers:

a. Knowledge test

Since the last policy review, a number of factors relevant to the current local knowledge test have changed which has prompted the need for a review of the current assessment:

b. The council has introduced a higher standard for its practical driving assessment;

c. Safeguarding training has been introduced for all licensed drivers and new applicants for a driving licence; and

d. The council has adopted a dedicated English proficiency policy and assessment service.

As a consequence, the council is proposing a number of changes to the current knowledge assessment:

a. Replacing the written Highway Code section of the test with the higher practical driving assessment;

b. Introducing a learning day covering safeguarding, equality duty, law and conditions with a written/practical assessment at the end of the session;

c. Retaining the local geographical knowledge and basic numeracy elements of the test; and

d. Replacing the basic literacy written element of the test with the English proficiency policy and assessment service.

Q1: Do you agree with the proposed changes to the current knowledge test?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

Please provide further comments:

Click here to enter text.

2. Three strikes policy

The council is proposing the introduction of a “three strikes Policy”. The proposed policy lists a number of misdemeanours that, should a licensed driver be found to be in breach of one or more of these, it will be recorded against the driver’s licence records. If the driver has at least three of these misdemeanours recorded against their licence, a review of their licence will be carried in.

A copy of the proposed “three strikes Policy” is enclosed at Appendix 1 of this consultation document.

Q2: Do you agree with the introduction and implementation of a three strikes policy?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>
2. Working hours

There are no national standards or statutory regulations that strictly govern working hours for licensed taxi and private hire drivers.

Through the policy review, it has been identified that there may be a need for the council to be proactive in regulating this insofar as it is able and practical. To this end, the following proposed policy changes are being consulted on:

- Amending licence conditions to set out a reasonable expectation on working hours for licence holders, implementing a mechanism whereby licence holders may need to keep a record of their working hours and to submit these records to the council; and

- Adopting a code of good practice for licensed drivers setting out the council’s expectations on safe working practices and the implications for non-compliance with the code.

A copy of the proposed code is attached at Appendix 2 of this consultation document.

Q3: Do you agree with the proposal to regulate working hours for Cheltenham licensed drivers?

☐ Yes  ☐ No

Please provide further comments:

Click here to enter text.

Q4: Do you agree that the code of good practice referred to above is adequate to ensure safe working hours for Cheltenham licensed drivers?

☐ Yes  ☐ No

Please provide further comments:

Click here to enter text.

4. Criminal records checks (DBS)

The council is proposing to implement a requirement that all future criminal records checks be undertaken online. The council currently accepts paper copies of Disclosure and Barring Service (DBS) certificates. However, the DBS service now offers an online checking service.

Q5: Do you have any comments to make in relation to this proposal?

Please provide further comments:
2. Fitness of licensed vehicles

The council is proposing a number of changes to its fitness assessments for licensed vehicles:

1. Vehicle emissions

It was necessary for the council to review its current emissions policy because the current deadline for phasing out older vehicles expires in 2013.

The purpose of the revised policy is 1) to contribute to the local and national air quality strategy to improve air quality in the town and 2) to have a safe, modern and professional licensed fleet.

To this end, the proposed revised policy is:

New vehicles

- Retain 5 year rule for petrol cars (which will result in an automatic Euro Emissions Standard 5 compliance)
- Apply Euro Emissions Standard 6 for diesel (i.e. vehicles no older than 1/9/2015)
- Any age for Ultra-low emission vehicles - defined as 75g CO2/km and under

Existing vehicles

Phase out older vehicles so to:

- Get all petrol vehicles to at least Euro 5 standard by 2020
- Get all diesel vehicles to Euro 6 standard by 2020

Given that by 2020 all licensed vehicles will be on the minimum Euro 5 emission standards, the council is not proposing a maximum age limit in vehicles provided that they continue to be in exceptional condition and safe. This will be assessed through the Council’s enhanced MOT and fitness test for licensed vehicles, on the proviso that vehicles older than 8 years be subject to 6-monthly testing.

Q5: Do you have any comments to make on the revised vehicle emission policy?

<table>
<thead>
<tr>
<th>☑ Yes</th>
<th>☐ No</th>
</tr>
</thead>
</table>

Please provide further comments:

Click here to enter text.

3. Vehicle standards and specifications
A review has been undertaken of the council's suitability standards for vehicles to be licensed and the following changes are being proposed:

Changing the vehicle fitness standards for wheelchair accessible vehicles making it a requirement that these types of vehicles be side-loading only.

The current policy permits rear loading wheelchair accessible vehicles.

The rationale for this proposed policy change is that there are difficulties with rear-loading public hire vehicles working off bus ranks where safe entry is from the side.

There have also been concerns raised about the suitability of rear-loading vehicles given that there is no other practical escape route for passengers in wheelchairs should the rear access point become unusable.

Q7: Do you agree with the proposed policy change to only permit side loading wheelchair accessible vehicles?

<table>
<thead>
<tr>
<th>☐ Yes</th>
<th>☑ No</th>
</tr>
</thead>
</table>

Please provide further comments:

Click here to enter text.

If the policy change were approved, the council is proposing to phase out licensed rear-loading vehicles as and when these vehicles are replaced by new ones.

Q8: Do you agree with the proposed phasing out process mentioned above?

<table>
<thead>
<tr>
<th>☑ Yes</th>
<th>☐ No</th>
</tr>
</thead>
</table>

Please provide further comments:

Click here to enter text.

3. Testing arrangements

The council currently only has one approved testing station for licensed vehicles which is Ubico. It has operated under this policy for several years but a need to review this has arisen. Due to the expansion of Ubico and the growth of the local trade, Ubico's ability to continue to act as sole testing provider within the agreed service level agreement has become increasingly difficult.

This has facilitated a review of the sole use arrangement with Ubico and it is proposed that testing arrangements be opened up to other testing stations that can demonstrate to the council their ability to test to the standard expected by the council.
4. Grandfather Rights

Different rules currently exist for Hackney Carriage vehicle licence holders depending on the plate licence number. A number of Hackney Carriage vehicle licence numbers have grandfather rights attached to them which mean that as long as the licence remains valid, these vehicles do not have to be wheelchair-accessible and can be replaced indefinitely with non-wheelchair-accessible vehicles.

This is in contrast to other, newer licensed Hackney Carriage vehicles that do not have retained grandfather rights and which must be wheelchair-accessible and can only be replaced with wheelchair-accessible vehicles.

The council is seeking views on whether it should change the grandfather rules for Hackney Carriage vehicle licence holders to ensure that the same rules apply to all licence holders.

To this end the council is seeking views on a number of approaches in respect of this:

- **a. Amend the grandfather rights so that these only apply to the current licensed vehicle and when the proprietor comes to replace that vehicle they are obligated to purchase a wheelchair-accessible vehicle and/or purpose built taxi;**
- **b. Make no changes to the current system;**
- **c. Amend the grandfather rights rules so that those who retain it can interchange between saloon cars and wheelchair-accessible vehicles without those rights being affected.**

5. Equality Act 2010: Taxi and private hire requirements

The council is seeking to implement the new statutory requirements placed upon it by the newly enacted section 167 of the Equalities Act 2010 as part of this policy review.

Section 167 places a new duty on the council to provide a list of wheelchair accessible Hackney carriages and private hire vehicles for publication. It also places certain obligations on drivers of vehicles on this list to carry wheelchair users and not to impose any additional charges for doing so.
The legislation leaves it to the council to decide what type of licensed vehicles should be included on the designated list. The statutory guidance however makes it clear that these must be vehicles capable of carrying wheelchairs.

To this end, the council has taken a view similar to that recommended by the statutory guidance whereby all vehicles licensed by this council to carry, as a minimum requirement, a "reference wheelchair" will be added to the designated list.

This list will be published in order for people who require the services of a wheelchair accessible vehicle to easily find this information.

Q11: Please provide any comments you would like to make in the box below.

Customer need choice of wheelchair

Click here to enter text.

3. Licensed Operators

1. Conditions

There is an increasing issue of out of town vehicles working in Cheltenham due to the relaxation of out of district sub-contracting rules.

The council cannot enforce against vehicles and drivers not licensed by it (unless it is a criminal offence committed). It is therefore proposed that the council amend its conditions for licensed private hire operators to introduce a new requirement on them that, when they subcontract a booking to an operator not licensed in Cheltenham, they take all reasonable steps to ensure that the vehicle dispatched is not silver. The rationale behind this is to try to avoid members of the public confusing out of town vehicles with Cheltenham’s predominantly silver hackney carriage fleet.

Q12: Do you agree that this proposed change is necessary? Please explain.

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Please provide further comments:

Click here to enter text.

4. Other minor changes

The revised policy will reflect a number of minor changes:

1. Changes resulting from the enactment of the Immigration Act 2017 relating to right to work status verification.
2. Removal of the requirement for drivers to attain the RVO.
5. Other comments
Do you have any other comments to make relevant to the taxi and private hire policy review?
Click here to enter text.
Review of Cheltenham Borough Council’s Taxi & Private Hire Licensing Policy - Consultation Document

Introduction
The Council’s current licensing policy was adopted in 2014. In 2016/17 the Council in partnership with representatives from the licensed trade undertook a review of the current policy.

This consultation document sets out the Council’s proposal for amendments to the policy and is seeking feedback from consultees.

How to respond

Responses must be made in writing using this form either electronically or in hard copy. The form can be submitted:
1. By email to licensing@cheltenham.gov.uk
2. By post to Licensing Section, Cheltenham Borough Council, Promenade, Cheltenham, GL50 9SA
3. In person to the Municipal Offices Promenade, Cheltenham, GL50 9SA

If you are unable to respond to the consultation using this form, please contact the licensing section in the first instance.

Consultation responses must be submitted no later than 21 December 2017.

Further information

Any questions relating to this consultation should be referred to the licensing section.

Your consultation response will form part of a public report. It will also be subject to freedom of information legislation.

Please note that we are not able to provide individual feedback on consultation responses including notification of subsequent committee hearings. Please visit the Council’s democracy pages for information on future committee hearings: https://democracy.cheltenham.gov.uk/ieDocHome.aspx?Categories=-12884
1. About you

Full name: Click here to enter text. JOHN HIGGINBOTHAM

Organisation/group/department: Click here to enter text.

Address: Click here to enter text. HEREFORD COURT, MILSOM ST, CHELTENHAM GL50 4BD

Please state in which capacity you are responding: Click here to enter text.

HARBOUR CARRIAGE DRIVER

Contents
1. About you ................................................................. 2

Policy Proposals ............................................................. 3
1. Fitness criteria for licensed drivers ..................................... 3
2. Fitness of licensed vehicles ............................................. 5
3. Licensed Operators ...................................................... 8
4. Other minor changes .................................................. 8
5. Other comments ......................................................... 9
Policy Proposals

1. Fitness criteria for licensed drivers

The council is proposing a number of changes to its fitness criteria for licensed drivers:

1. Knowledge test

Since the last policy review, a number of factors relevant to the current local knowledge test have changed which has prompted the need for a review of the current assessment:

a. The council has introduced a higher standard for its practical driving assessment;
b. Safeguarding training has been introduced for all licensed drivers and new applicants for a driving licence; and
c. The council has adopted a dedicated English proficiency policy and assessment service.

As a consequence, the council is proposing a number of changes to the current knowledge assessment:

a. Replacing the written Highway Code section of the test with the higher practical driving assessment;
b. Introducing a learning day covering safeguarding, equality duty, law and conditions with a written/practical assessment at the end of the session;
c. Retaining the local geographical knowledge and basic numeracy elements of the test; and
d. Replacing the basic Literacy written element of the test with the English proficiency policy and assessment service.

Q1: Do you agree with the proposed changes to the current knowledge test?

[X] Yes  [ ] No

Please provide further comments: I believe every driver should be able to speak English.

Click here to enter text.

2. Three strikes policy

The council is proposing the introduction of a "Three Strikes Policy". The proposed policy lists a number of misdemeanours that, should a licensed driver be found to be in breach of one or more of these, it will be recorded against the driver’s licence records. If the driver has at least three of these misdemeanours recorded against their licence, a review of their licence will be called in.

A copy of the proposed "Three Strikes Policy" is enclosed at Appendix 1 of this consultation document.

Q2: Do you agree with the introduction and implementation of a three strikes policy?

[ ] Yes  [X] No
3. Working hours

There are no national standards or statutory regulations that strictly govern working hours for licensed taxi and private hire drivers.

Through the policy review, it has been identified that there may be a need for the council to be proactive in regulating this in so far as it is able and practical. To this end, the following proposed policy changes are being consulted on:

- Amending licence conditions to set out a reasonable expectation on working hours for licence holders, implementing a mechanism whereby licence holders may need to keep a record of their working hours and to submit these records to the council; and

- Adopting a code of good practice for licensed drivers setting out the council’s expectations on safe working practices and the implications for non-compliance with the code.

A copy of the proposed code is attached at Appendix 2 of this consultation document.

Q3: Do you agree with the proposal to regulate working hours for Cheltenham licensed drivers?

☐ Yes ☐ No

I agree with most points except having a 24 hour break every 2 weeks and keeping a record of all hours worked.

Q4: Do you agree that the code of good practice referred to above is adequate to ensure safe working hours for Cheltenham licensed drivers?

☐ Yes ☐ No

Please provide further comments:

4. Criminal records checks (DBS)

The council is proposing to implement a requirement that all future criminal records checks be undertaken online. The council currently accepts paper copies of Disclosure and Barring Service (DBS) certificates. However, the DBS service now offers an online checking service.

Q5: Do you have any comments to make in relation to this proposal?

Not all drivers have internet access.

Please provide further comments:
2. Fitness of licensed vehicles

The council is proposing a number of changes to its fitness assessments for licensed vehicles:

1. Vehicle emissions

   It was necessary for the council to review its current emissions policy because the current deadline for phasing out older vehicles expires in 2018.

   The purpose of the revised policy is 1) to contribute to the local and national air quality strategy to improve air quality in the town and 2) to have a safe, modern and professional licensed fleet.

   To this end, the proposed revised policy is:

   **New vehicles**

   - Retain 5 year rule for petrol cars (which will result in an automatic Euro Emissions Standard 5 compliance)
   - Apply Euro Emissions Standard 6 for diesel (i.e. vehicles no older than 1/9/2015)
   - Any age for Ultra-low emission vehicles - defined as 75g CO₂/km and under

   **Existing vehicles**

   Phase out older vehicles so to:

   - Get all petrol vehicles to at least Euro 5 standard by 2020
   - Get all diesel vehicles to Euro 6 standard by 2020

   Given that by 2020 all licensed vehicles will be on the minimum Euro 5 emission standards, the council is not proposing a maximum age limit in vehicles provided that they continue to be in exceptional condition and safe. This will be assessed through the Council’s enhanced MOT and fitness test for licensed vehicles, on the proviso that vehicles older than 8 years be subject to 6-monthly testing.

Q6: Do you have any comments to make on the revised vehicle emission policy?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

Please provide further comments:

Click here to enter text.
A review has been undertaken of the council’s suitability standards for vehicles to be licensed and the following changes are being proposed:

Changing the vehicle fitness standards for wheelchair accessible vehicles making it a requirement that these types of vehicles be side-loading only.

The current policy permits rear loading wheelchair accessible vehicles.

The rationale for this proposed policy change is that there are difficulties with rear-loading public hire vehicles working off taxi ranks where safe entry is from the side.

There have also been concerns raised about the suitability of rear loading vehicles given that there is no other practical escape route for passengers in wheelchairs should the rear access point becomes unusable.

Q7: Do you agree with the proposed policy change to only permit side loading wheelchair accessible vehicles?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>____</td>
<td></td>
</tr>
</tbody>
</table>

Please provide further comments: I believe that the ramp is checked to be in working order.

Click here to enter text.

If the policy change were approved, the council is proposing to phase out licensed rear-loading vehicles as and when these vehicles are replaced for new ones.

Q8: Do you agree with the proposed phasing out process mentioned above?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>____</td>
<td></td>
</tr>
</tbody>
</table>

Please provide further comments:

Click here to enter text.

3. Testing arrangements

The council currently only has one approved testing station for licensed vehicles which is Ubico. It has operated under this policy for several years but a need to review this has arisen. Due to the expansion of Ubico and the growth of the local trade, Ubico’s ability to continue to act as sole testing provider within the agreed service level agreement has become increasingly difficult.

This has facilitated a review of the sole use arrangement with Ubico and it is proposed that testing arrangements be opened up to other testing stations that can demonstrate to the council their ability to test to the standard expected by the council.
Q9: Do you agree with the proposal to nominate additional testing stations for Cheltenham Borough Council licensed vehicles?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Please provide further comments:

Click here to enter text.

4. Grandfather rights

Different rules currently exist for Hackney Carriage vehicle licence holders depending on the plate licence number. A number of Hackney Carriage vehicle licence numbers have grandfather rights attached to them which mean that as long as the licence remains valid, these vehicles do not have to be wheelchair-accessible and can be replaced indefinitely with non-wheelchair-accessible vehicles.

This is in contrast to other, newer licensed Hackney Carriage vehicles that do not have retained grandfather rights and which must be wheelchair-accessible and can only be replaced with wheelchair-accessible vehicles.

The council is seeking views on whether it should change the grandfather rules for Hackney Carriage vehicle licence holders to ensure that the same rules apply to all licence holders.

To this end the council is seeking views on a number of approaches in respect of this:

a. Amend the grandfather rights so that these only apply to the current licensed vehicle and when the proprietor comes to replace that vehicle they are obligated to purchase a wheelchair-accessible vehicle and/or purpose built taxi;

b. Make no changes to the current system;

c. Amend the grandfather rights rules so that those who retain it can interchange between saloon cars and wheelchair-accessible vehicles without those rights being affected.

Q10: Please indicate your preferred choice from the list above and provide further explanation for your choice.

Click here to enter text.

5. Equality Act 2010: Taxi and private hire requirements

The council is seeking to implement the new statutory requirements placed upon it by the newly enacted section 167 of the Equalities Act 2010 as part of this policy review.

Section 167 places a new duty on the council to provide a list of wheelchair accessible hackney carriages and private hire vehicles for publication. It also places certain obligations on drivers of vehicles on this list to carry wheelchair users and not to impose any additional charges for doing so.
The legislation leaves it to the council to decide what type of licensed vehicles should be included on the designated list. The statutory guidance however makes it clear that these must be vehicles capable of carrying wheelchairs.

To this end, the council has taken a view similar to that recommended by the statutory guidance whereby all vehicles licensed by this council to carry, as a minimum requirement, a "reference wheelchair" will be added to the designated list.

This list will be published in order for people who require the services of a wheelchair accessible vehicle to easily find this information.

Q11: Please provide any comments you would like to make in the box below.

Click here to enter text.

3. Licensed Operators

1. Conditions

There is an increasing issue of out of town vehicles working in Cheltenham due to the relaxation of out of district sub-contracting rules.

The council cannot enforce against vehicles and drivers not licensed by it (unless it is a criminal offence committed). It is therefore proposed that the council amend its conditions for licensed private hire operators to introduce a new requirement on them that, when they subcontract a booking to an operator not licensed in Cheltenham, they take all reasonable steps to ensure that the vehicle dispatched is not silver. The rationale behind this is to try to avoid members of the public confusing out of town vehicles with Cheltenham’s predominantly silver hackney carriage fleet.

Q12: Do you agree that this proposed change is necessary? Please explain.

☐ Yes
☐ No

Please provide further comments:

Click here to enter text.

The majority of the general public don’t know that hackney cars
are silver

4. Other minor changes

The revised policy will reflect a number of minor changes:

1. Changes resulting from the enactment of the Immigration Act 2017 relating to right to work status verification
2. Removal of the requirement for drivers to attain the NVQ.
5. Other comments

Do you have any other comments to make relevant to the taxi and private hire policy review?

Click here to enter text.

I don't believe there is any need to have all handicap vehicles to be wheelchair accessible, there is very little call for wheelchair vehicles on the roads as most people who require such a vehicle will phone a company and book one. The cost of a side loading wheelchair accessible vehicle is approx 30 Thousand Pounds, there is not enough work locally to warrant paying that sort of money for a vehicle as we are only a medium sized town and we are not getting flag doors like the big cities. Also all of the elderly don't like the wheelchair vehicles, they prefer an ordinary car.
Introduction
The Council’s current licensing policy was adopted in 2014. In 2016/17 the council in partnership with representatives from the licensed trade undertook a review of the current policy.

This consultation document sets out the council’s proposal for amendments to the policy and is seeking feedback from consultees.

How to respond
Responses must be made in writing using this form either electronically or in hard copy. The form can be submitted:
1. By email to licensing@cheltenham.gov.uk
2. By post to Licensing Section, Cheltenham Borough Council, Promenade, Cheltenham, GL50 9SA
3. In person to the Municipal Offices Promenade, Cheltenham, GL50 9SA

If you are unable to respond to the consultation using this form, please contact the licensing section in the first instance.

Consultation responses must be submitted no later than 21 December 2017.

Further information
Any questions relating to this consultation should be referred to the licensing section.

Your consultation response will form part of a public report. It will also be subject to freedom of information legislation.

Please note that we are not able to provide individual feedback on consultation responses including notification of subsequent committee hearings. Please visit the council’s democracy pages for information on future committee hearings: https://democracy.cheltenham.gov.uk/leDocHome.aspx?Categories=12984
1. About you

Full name: Click here to enter text. Halkiat Singh Nijjar

Organisation/group/department: Click here to enter text.

Address: Click here to enter text. Kingscote Grove, Cheltenham, GL51 6XX

Please state in which capacity you are responding: Click here to enter text. Hackney Carringge Driver (G75)

Contents
1. About you ............................................................................................................. 2

Policy Proposals......................................................................................................... 3
1. Fitness criteria for licensed drivers ......................................................................... 3
2. Fitness of licensed vehicles .................................................................................... 5
3. Licensed Operators ............................................................................................... 8
4. Other minor changes .............................................................................................. 8
5. Other comments .................................................................................................... 9
Policy Proposals

1. Fitness criteria for licensed drivers

The council is proposing a number of changes to its fitness criteria for licensed drivers:

2. Knowledge test

Since the last policy review, a number of factors relevant to the current local knowledge test have changed which has prompted the need for a review of the current assessment:

a. The council has introduced a higher standard for its practical driving assessment;
b. Safeguarding training has been introduced for all licensed drivers and new applicants for a driving licence; and
c. The council has adopted a dedicated English proficiency policy and assessment service.

As a consequence, the council is proposing a number of changes to the current knowledge assessment:

a. Replacing the written Highway Code section of the test with the higher practical driving assessment;
b. Introducing a learning day covering safeguarding, equality duty, law and conditions with a written/practical assessment at the end of the session;
c. Retaining the local geographical knowledge and basic numeracy elements of the test; and
   d. Replacing the basic literacy written element of the test with the English proficiency policy and assessment service.

Q2: Do you agree with the proposed changes to the current knowledge test?

[ ] Yes [ ] No

Please provide further comments:
Click here to enter text.

2. Three strikes policy

The council is proposing the introduction of a “Three Strikes Policy”. The proposed policy lists a number of misdemeanours that, should a licensed driver be found to be in breach of one or more of these, it will be recorded against the driver’s licence records. If the driver has at least three of these misdemeanours recorded against their licence, a review of their licence will be called in.

A copy of the proposed “Three Strikes Policy” is enclosed at Appendix 2 of this consultation document.

Q2: Do you agree with the introduction and implementation of a three strikes policy?

[ ] Yes [ ] No
3. Working hours

There are no national standards or statutory regulations that strictly govern working hours for licensed fuel and private hire drivers.

Through the policy review, it has been identified that there may be a need for the council to be proactive in regulating this in so far as it is able and practical. To this end, the following proposed policy changes are being consulted on:

- Amending licence conditions to set out a reasonable expectation on working hours for licence holders, implementing a mechanism whereby licence holders may need to keep a record of their working hours and to submit these records to the council; and

- Adopting a code of good practice for licensed drivers setting out the council’s expectations on safe working practices and the implications for non-compliance with the code.

A copy of the proposed code is attached at Appendix 2 of this consultation document.

Q8: Do you agree with the proposed to regulate working hours for Chiswickham licensed drivers?

☐ Yes  [ ] No

Please provide further comments:

Click here to enter text.

Q9: Do you agree that the code of good practice referred to above is adequate to ensure safe working hours for Chiswickham licensed drivers?

☐ Yes  [ ] No

Please provide further comments:

Click here to enter text.

4. Criminal records checks (CRS)

The council is proposing to implement a requirement that all future criminal records checks be undertaken online. The council currently accepts paper copies of Disclosure and Barring Service (DBS) certificates. However, the DBS service now offers an online checking service.

Q10: Do you have any comments to make in relation to this proposal?

[ ] Please provide further comments:
2. Fitness of licensed vehicles

The council is proposing a number of changes to its fitness assessments for licensed vehicles:

1. Vehicle emissions

   It was necessary for the council to review its current emissions policy because the current deadline for phasing out older vehicles expires in 2018.

   The purpose of the revised policy is 1) to contribute to the local and national air quality strategy to improve air quality in the town and 2) to have a safe, modern and professional licensed fleet.

   To this end, the proposed revised policy is:

   New vehicles

   - Retain 5 year rule for petrol cars (which will result in an automatic Euro Emissions Standard 5 compliance)
   - Apply Euro Emissions Standard 6 for diesel (i.e. vehicles no older than 1/9/2015)
   - Any age for Ultra-low emission vehicles - defined as 75g CO₂/km and under

   Existing vehicles

   Phase out older vehicles so to:

   - Get all petrol vehicles to at least Euro 5 standard by 2020
   - Get all diesel vehicles to Euro 6 standard by 2020

   Given that by 2020 all licensed vehicles will be on the minimum Euro 5 emission standards, the council is not proposing a maximum age limit in vehicles provided that they continue to be in exceptional condition and safe. This will be assessed through the Council’s enhanced MOT and fitness test for licensed vehicles, on the proviso that vehicles older than 8 years be subject to 6-monthly testing.

Q6: Do you have any comments to make on the revised vehicle emission policy?

[ ] Yes [ ] No

Please provide further comments:

Click here to enter text.

2. Vehicle standards and specifications
A review has been undertaken of the council's suitability standards for vehicles to be licensed and the following changes are being proposed:

Changing the vehicle fitness standards for wheelchair accessible vehicles making it a requirement that these types of vehicles be side-loading only.

The current policy permits rear loading wheelchair accessible vehicles.

The rationale for this proposed policy change is that there are difficulties with rear-loading public hire vehicles working off road ranks where safe entry is from the side.

There have also been concerns raised about the suitability of rear loading vehicles given that there is no other practical escape route for passengers in wheelchairs should the rear access point becomes unusable.

Q2: Do you agree with the proposed policy change to only permit side loading wheelchair accessible vehicles?

[ ] Yes  [ ] No

Please provide further comments:

Click here to enter text.

If the policy change were approved, the council is proposing to phase out licensed rear-loading vehicles as and when these vehicles are replaced for new ones.

Q3: Do you agree with the proposed phasing out process mentioned above?

[ ] Yes  [ ] No

Please provide further comments:

Click here to enter text.

3. Testing arrangements

The council currently only has one approved testing station for licensed vehicles which is Ulico. It had operated under this policy for several years but a need to review this has arisen. Due to the expansion of Ulico and the growth of the local trade, Ulico's ability to continue to act as sole testing provider within the agreed service level agreement has become increasingly difficult.

This has facilitated a review of the sole use arrangement with Ulico and it is proposed that testing arrangements be opened up to other testing stations that can demonstrate to the council their ability to test to the standard expected by the council.
6. Grandfather rights

Different rules currently exist for Hackney Carriage vehicle licence holders depending on the plate licence number. A number of Hackney Carriage vehicle licence numbers have grandfather rights attached to them which mean that as long as the licence remains valid, these vehicles do not have to be wheelchair-accessible and can be replaced indefinitely with non-wheelchair-accessible vehicles.

This is in contrast to other, newer licensed Hackney Carriage vehicles that do not have retained grandfather rights and which must be wheelchair-accessible and can only be replaced with wheelchair-accessible vehicles.

The council is seeking views on whether it should change the grandfather rules for Hackney Carriage vehicle licence holders to ensure that the same rules apply to all licence holders.

To this end the council is seeking views on a number of approaches in respect of this:

a. Amend the grandfather rights so that these only apply to the current licensed vehicle and when the proprietor comes to replace that vehicle they are obliged to purchase a wheelchair-accessible vehicle and/or purpose built taxi;
b. Make no changes to the current system;
c. Amend the grandfather rights rules so that those who retain it can interchange between saloon cars and wheelchair-accessible vehicles without those rights being affected.

Q24: Please indicate your preferred choice from the list above and provide further explanation for your choice.

[ ] MAKE NO CHANGES TO THE CURRENT SYSTEM

Click here to enter text.

5. Equality Act 2010: Taxi and private hire requirements

The council is seeking to implement the new statutory requirements placed upon it by the newly enacted section 367 of the Equalities Act 2010 as part of this policy review.

Section 367 places a new duty on the council to provide a list of wheelchair accessible hackney carriages and private hire vehicles for publication. It also places certain obligations on drivers of vehicles on this list to carry wheelchair users and not to impose any additional charges for doing so.
The legislation leaves it to the council to decide what type of licensed vehicles should be included on the designated list. The statutory guidance however makes it clear that these must be vehicles capable of carrying wheelchairs.

To this end, the council has taken a view similar to that recommended by the statutory guidance whereby all vehicles licensed by this council to carry, as a minimum requirement, a "reference wheelchair" will be added to the designated list.

This list will be published in order for people who require the services of a wheelchair accessible vehicle to easily find this information.

Q3: Please provide any comments you would like to make in the box below.

CUSTOMERS NEED CHOICE OF SALOON CARS

Click here to enter text.

3. Licensed Operators

1. Conditions

There is an increasing issue of out of town vehicles working in Cheltenham due to the relaxation of out of district sub-contracting rules.

The council cannot enforce against vehicles and drivers not licensed by it (unless it is a criminal offence committed). It is therefore proposed that the council amend its conditions for licensed private hire operators to introduce a new requirement on them that, when they subcontract a booking to an operator not licensed in Cheltenham, they take all reasonable steps to ensure that the vehicle dispatched is not silver. The rationale behind this is to try to avoid members of the public confusing out of town vehicles with Cheltenham's predominantly silver hackney carriage fleet.

Q4.2: Do you agree that this proposed change is necessary? Please explain.

☑ Yes  ❌ No

Please provide further comments:

Click here to enter text.

4. Other minor changes

The revised policy will reflect a number of minor changes:

1. Changes resulting from the enactment of the Immigration Act 2017 relating to right to work status verification
2. Removal of the requirement for drivers to attain the NVQ,
5. Other comments
Do you have any other comments to make relevant to the taxi and private hire policy review?
Click here to enter text.
Introduction
The Council’s current licensing policy was adopted in 2014. In 2016/17 the council in partnership with representatives from the licensed trade undertook a review of the current policy.

This consultation document sets out the council’s proposal for amendments to the policy and is seeking feedback from consultees.

How to respond
Responses must be made in writing using this form either electronically or in hard copy. The form can be submitted:
1. By email to licensing@cheltenham.gov.uk
2. By post to Licensing Section, Cheltenham Borough Council, Promenade, Cheltenham, GL50 9SA
3. In person to the Municipal Offices Promenade, Cheltenham, GL50 9SA

If you are unable to respond to the consultation using this form, please contact the licensing section in the first instance.

Consultation responses must be submitted no later than 21 December 2017.

Further information
Any questions relating to this consultation should be referred to the licensing section.

Your consultation response will form part of a public report. It will also be subject to freedom of information legislation.

Please note that we are not able to provide individual feedback on consultation responses including notification of subsequent committee hearings. Please visit the council’s democracy pages for information on future committee hearings: https://democracy.cheltenham.gov.uk/ieDocHome.aspx?Categories=-12984
1. About you

Full name: Mehmet Hakan Koparan
Organisation/group/department: [Redacted]
Address: Trenchard Road, Cheltenham, GL50 2EA

Please state in which capacity you are responding: Review Policy

Contents
1. About you ......................................................................................................................... 2
Policy Proposals .................................................................................................................... 3
1. Fitness criteria for licensed drivers ................................................................................... 3
2. Fitness of licensed vehicles ............................................................................................... 5
3. Licensed Operators .......................................................................................................... 8
4. Other minor changes ........................................................................................................... 8
5. Other comments ................................................................................................................. 8
Policy Proposals

1. Fitness criteria for licensed drivers

The council is proposing a number of changes to its fitness criteria for licensed drivers:

1. Knowledge test

Since the last policy review, a number of factors relevant to the current local knowledge test have changed which has prompted the need for a review of the current assessment:

- The council has introduced a higher standard for its practical driving assessment;
- Safeguarding training has been introduced for all licensed drivers and new applicants for a driving licence; and
- The council has adopted a dedicated English proficiency policy and assessment service.

As a consequence, the council is proposing a number of changes to the current knowledge assessment:

- Replacing the written Highway Code section of the test with the higher practical driving assessment;
- Introducing a learning day covering safeguarding, equality duty, law and conditions with a written/practical assessment at the end of the session;
- Retaining the local geographical knowledge and basic numeracy elements of the test; and
- Replacing the basic literacy written element of the test with the English proficiency policy and assessment service.

Q1: Do you agree with the proposed changes to the current knowledge test?

[ ] Yes [ ] No

Please provide further comments:

I think there should be Highway Code Section as well as Higher practical driving test.

2. Three strikes policy

The council is proposing the introduction of a “Three Strikes Policy”. The proposed policy lists a number of misdemeanours that, should a licensed driver be found to be in breach of one or more of these, it will be recorded against the driver’s licence records. If the driver has at least three of these misdemeanours recorded against their licence, a review of their licence will be called in.

A copy of the proposed “Three Strikes Policy” is enclosed at Appendix 1 of this consultation document.

Q2: Do you agree with the introduction and implementation of a three strikes policy?

[ ] Yes [ ] No
3. Working hours

There are no national standards or statutory regulations that strictly govern working hours for licensed taxi and private hire drivers.

Through the policy review, it has been identified that there may be a need for the council to be proactive in regulating this in so far as it is able and practical. To this end, the following proposed policy changes are being consulted on:

- Amending licence conditions to set out a reasonable expectation on working hours for licence holders, implementing a mechanism whereby licence holders may need to keep a record of their working hours and to submit these records to the council; and

- Adopting a code of good practice for licensed drivers setting out the council’s expectations on safe working practices and the implications for non-compliance with the code.

A copy of the proposed code is attached at Appendix 2 of this consultation document.

Q3: Do you agree with the proposal to regulate working hours for Cheltenham licensed drivers?

☐ Yes ☐ No

Please provide further comments:

Click here to enter text.

Q4: Do you agree that the code of good practice referred to above is adequate to ensure safe working hours for Cheltenham licensed drivers?

☐ Yes ☐ No

Please provide further comments:

Click here to enter text.

4. Criminal records checks (DBS)

The council is proposing to implement a requirement that all future criminal records checks be undertaken online. The council currently accepts paper copies of Disclosure and Barring Service (DBS) certificates. However, the DBS service now offers an online checking service.

Q5: Do you have any comments to make in relation to this proposal?
2. **Fitness of licensed vehicles**

The council is proposing a number of changes to its fitness assessments for licensed vehicles:

1. **Vehicle emissions**

   It was necessary for the council to review its current emissions policy because the current deadline for phasing out older vehicles expires in 2018.

   The purpose of the revised policy is 1) to contribute to the local and national air quality strategy to improve air quality in the town and 2) to have a safe, modern and professional licensed fleet.

   To this end, the proposed revised policy is:

   **New vehicles**

   - Retain 5 year rule for petrol cars (which will result in an automatic Euro Emissions Standard 5 compliance)
   - Apply Euro Emissions Standard 5 for diesel (i.e. vehicles no older than 1/9/2015)
   - Any age for Ultra-low emission vehicles - defined as 75g CO₂/km and under

   **Existing vehicles**

   Phase out older vehicles so to:

   - Get all petrol vehicles to at least Euro 5 standard by 2020
   - Get all diesel vehicles to Euro 6 standard by 2020

   Given that by 2020 all licensed vehicles will be on the minimum Euro 5 emission standards, the council is not proposing a maximum age limit in vehicles provided that they continue to be in exceptional condition and safe. This will be assessed through the Council’s enhanced MOT and fitness test for licensed vehicles, on the proviso that vehicles older than 8 years be subject to 6-monthly testing.

**Q6: Do you have any comments to make on the revised vehicle emission policy?**

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

Please provide further comments:

Click here to enter text.

2. **Vehicle standards and specifications**
A review has been undertaken of the council’s suitability standards for vehicles to be licensed and the following changes are being proposed:

Changing the vehicle fitness standards for wheelchair accessible vehicles making it a requirement that these types of vehicles be side-loading only.

The current policy permits rear loading wheelchair accessible vehicles.

The rationale for this proposed policy change is that there are difficulties with rear-loading public hire vehicles working off taxi ranks where safe entry is from the side.

There have also been concerns raised about the suitability of rear loading vehicles given that there is no other practical escape route for passengers in wheelchairs should the rear access point becomes unusable.

Q7: Do you agree with the proposed policy change to only permit side loading wheelchair accessible vehicles?

[ ] Yes [ ] No

Please provide further comments:

Click here to enter text.

If the policy change were approved, the council is proposing to phase out licensed rear-loading vehicles as and when these vehicles are replaced for new ones.

Q8: Do you agree with the proposed phasing out process mentioned above?

[ ] Yes [ ] No

Please provide further comments:

Click here to enter text.

3. Testing arrangements

The council currently only has one approved testing station for licensed vehicles which is Ubico. It has operated under this policy for several years but a need to review this has arisen. Due to the expansion of Ubico and the growth of the local trade, Ubico’s ability to continue to act as sole testing provider within the agreed service level agreement has become increasingly difficult.

This has facilitated a review of the sole use arrangement with Ubico and it is proposed that testing arrangements be opened up to other testing stations that can demonstrate to the council their ability to test to the standard expected by the council.

Q9: Do you agree with the proposal to nominate additional testing stations for Cheltenham Borough Council licensed vehicles?
4. Grandfather rights

Different rules currently exist for Hackney Carriage vehicle licence holders depending on the plate licence number. A number of Hackney Carriage vehicle licence numbers have grandfather rights attached to them which mean that as long as the licence remains valid, these vehicles do not have to be wheelchair-accessible and can be replaced indefinitely with non-wheelchair-accessible vehicles.

This is in contrast to other, newer licensed Hackney Carriage vehicles that do not have retained grandfather rights and which must be wheelchair-accessible and can only be replaced with wheelchair-accessible vehicles.

The council is seeking views on whether it should change the grandfather rules for Hackney Carriage vehicle licence holders to ensure that the same rules apply to all licence holders.

To this end the council is seeking views on a number of approaches in respect of this:

a. Amend the grandfather rights so that these only apply to the current licensed vehicle and when the proprietor comes to replace that vehicle they are obligated to purchase a wheelchair-accessible vehicle and/or purpose built taxi;
b. Make no changes to the current system;
c. Amend the grandfather rights rules so that those who retain it can interchange between saloon cars and wheelchair-accessible vehicles without those rights being affected.

Q10: Please indicate your preferred choice from the list above and provide further explanation for your choice.

B - The grandfather rights was once granted and should not be removed from those who have it.

5. Equality Act 2010: Taxi and private hire requirements

The council is seeking to implement the new statutory requirements placed upon it by the newly enacted section 167 of the Equalities Act 2010 as part of this policy review.

Section 167 places a new duty on the council to provide a list of wheelchair accessible hackney carriages and private hire vehicles for publication. It also places certain obligations on drivers of vehicles on this list to carry wheelchair users and not to impose any additional charges for doing so.

The legislation leaves it to the council to decide what type of licensed vehicles should be included on the designated list. The statutory guidance however makes it clear that these must be vehicles capable of carrying wheelchairs.
To this end, the council has taken a view similar to that recommended by the statutory guidance whereby all vehicles licensed by this council to carry, as a minimum requirement, a "reference wheelchair" will be added to the designated list.

This list will be published in order for people who require the services of a wheelchair accessible vehicle to easily find this information.

Q11: Please provide any comments you would like to make in the box below.

Publishing the list of wheelchair-accessible vehicles to the public is beneficial both for the public and the wheelchair-accessible vehicle licence holders.

3. Licensed Operators

1. Conditions

There is an increasing issue of out of town vehicles working in Cheltenham due to the relaxation of out of district sub-contracting rules.

The council cannot enforce against vehicles and drivers not licensed by it (unless it is a criminal offence committed). It is therefore proposed that the council amend its conditions for licensed private hire operators to introduce a new requirement on them that, when they subcontract a booking to an operator not licensed in Cheltenham, they take all reasonable steps to ensure that the vehicle dispatched is not silver. The rationale behind this is to try to avoid members of the public confusing out of town vehicles with Cheltenham's predominantly silver hackney carriage fleet.

Q12: Do you agree that this proposed change is necessary? Please explain.

☐ Yes  ☑ No

Please provide further comments:
Click here to enter text.

4. Other minor changes
The revised policy will reflect a number of minor changes:

1. Changes resulting from the enactment of the Immigration Act 2017 relating to right to work status verification
2. Removal of the requirement for drivers to attain the NVQ.

5. Other comments
Do you have any other comments to make relevant to the taxi and private hire policy review?

Click here to enter text.
Review of Cheltenham Borough Council’s Taxi & Private Hire Licensing Policy - Consultation Document

Introduction
The Council’s current licensing policy was adopted in 2014. In 2016/17 the council in partnership with representatives from the licensed trade undertook a review of the current policy.

This consultation document sets out the council’s proposal for amendments to the policy and is seeking feedback from consultees.

How to respond
Responses must be made in writing using this form either electronically or in hard copy. The form can be submitted:
1. By email to licensing@cheltenham.gov.uk
2. By post to Licensing Section, Cheltenham Borough Council, Promenade, Cheltenham, GL50 9SA
3. In person to the Municipal Offices Promenade, Cheltenham, GL50 9SA

If you are unable to respond to the consultation using this form, please contact the licensing section in the first instance.

Consultation responses must be submitted no later than 21 December 2017.

Further information
Any questions relating to this consultation should be referred to the licensing section.

Your consultation response will form part of a public report. It will also be subject to freedom of information legislation.

Please note that we are not able to provide individual feedback on consultation responses including notification of subsequent committee hearings. Please visit the council’s democracy pages for information on future committee hearings: https://democracy.cheltenham.gov.uk/iEdDocHome.aspx?Categories=-12984
1. About you

Full name: martin white
Organisation/group/department: hackney
Address: kingsmead avenue
Please state in which capacity you are responding: general

Contents
1. About you .................................................................................................................. 2
Policy Proposals ........................................................................................................... 3
1. Fitness criteria for licensed drivers............................................................................. 3
2. Fitness of licensed vehicles ....................................................................................... 5
3. Licensed Operators..................................................................................................... 8
4. Other minor changes................................................................................................. 8
5. Other comments ....................................................................................................... 9
Policy Proposals

1. Fitness criteria for licensed drivers

The council is proposing a number of changes to its fitness criteria for licensed drivers:

1. Knowledge test

Since the last policy review, a number of factors relevant to the current local knowledge test have changed which has prompted the need for a review of the current assessment:

a. The council has introduced a higher standard for its practical driving assessment;
b. Safeguarding training has been introduced for all licensed drivers and new applicants for a driving licence; and
c. The council has adopted a dedicated English proficiency policy and assessment service.

As a consequence, the council is proposing a number of changes to the current knowledge assessment:

a. Replacing the written Highway Code section of the test with the higher practical driving assessment;
b. Introducing a learning day covering safeguarding, equality duty, law and conditions with a written/practical assessment at the end of the session;
c. Retaining the local geographical knowledge and basic numeracy elements of the test; and
d. Replacing the basic literacy written element of the test with the English proficiency policy and assessment service.

Q1: Do you agree with the proposed changes to the current knowledge test?

[X] Yes [ ] No

Better standards
Click here to enter text.

2. Three strikes policy

The council is proposing the introduction of a “Three Strikes Policy”. The proposed policy lists a number of misdemeanours that, should a licensed driver be found to be in breach of one or more of these, it will be recorded against the driver’s licence records. If the driver has at least three of these misdemeanours recorded against their licence, a review of their licence will be called in.

A copy of the proposed “Three Strikes Policy” is enclosed at Appendix 1 of this consultation document.

Q2: Do you agree with the introduction and implementation of a three strikes policy?

[X] Yes [ ] No

Please provide further comments:
3. Working hours

There are no national standards or statutory regulations that strictly govern working hours for licensed taxi and private hire drivers.

Through the policy review, it has been identified that there may be a need for the council to be proactive in regulating this in so far as it is able and practical. To this end, the following proposed policy changes are being consulted on:

- Amending licence conditions to set out a reasonable expectation on working hours for licence holders, implementing a mechanism whereby licence holders may need to keep a record of their working hours and to submit these records to the council; and

- Adopting a code of good practice for licensed drivers setting out the council’s expectations on safe working practices and the implications for non-compliance with the code.

A copy of the proposed code is attached at Appendix 2 of this consultation document.

Q3: Do you agree with the proposal to regulate working hours for Cheltenham licensed drivers?

☐ Yes ☒ No

Because you can wait up to 2 hours between jobs and you will be unable to make ends meet with the number of free plates being issued waiting will continue to maybe 3 hours between jobs

Q4: Do you agree that the code of good practice referred to above is adequate to ensure safe working hours for Cheltenham licensed drivers?

☐ Yes ☒ No

It will be not possible to enforce taxi drivers have mortgages car loans family to support maintenance costs it goes on and on selfemployed means no holiday pay no pensions no sick pay nothing like employed people it may be the death of taxis in general

4. Criminal records checks (DBS)

The council is proposing to implement a requirement that all future criminal records checks be undertaken online. The council currently accepts paper copies of Disclosure and Barring Service (DBS) certificates. However, the DBS service now offers an online checking service.

Q5: Do you have any comments to make in relation to this proposal?

Please provide further comments:
2. Fitness of licensed vehicles

The council is proposing a number of changes to its fitness assessments for licensed vehicles:

1. Vehicle emissions

It was necessary for the council to review its current emissions policy because the current deadline for phasing out older vehicles expires in 2018.

The purpose of the revised policy is 1) to contribute to the local and national air quality strategy to improve air quality in the town and 2) to have a safe, modern and professional licensed fleet.

To this end, the proposed revised policy is:

**New vehicles**

- Retain 5 year rule for petrol cars (which will result in an automatic Euro Emissions Standard 5 compliance)
- Apply Euro Emissions Standard 6 for diesel (i.e. vehicles no older than 1/9/2015)
- Any age for Ultra-low emission vehicles - defined as 75g CO₂/km and under

**Existing vehicles**

Phase out older vehicles so to:

- Get all petrol vehicles to at least Euro 5 standard by 2020
- Get all diesel vehicles to Euro 6 standard by 2020

Given that by 2020 all licensed vehicles will be on the minimum Euro 5 emission standards, the council is not proposing a maximum age limit in vehicles provided that they continue to be in exceptional condition and safe. This will be assessed through the Council’s enhanced MOT and fitness test for licensed vehicles, on the proviso that vehicles older than 8 years be subject to 6-monthly testing.

Q6: Do you have any comments to make on the revised vehicle emission policy?

| ☒ Yes | ☐ No |

Taxi drivers have spent upwards of 15k for vehicles with at least 5 year bank loans there must be a time frame 5-7 years at least:
2. Vehicle standards and specifications

A review has been undertaken of the council’s suitability standards for vehicles to be licensed and the following changes are being proposed:

Changing the vehicle fitness standards for wheelchair accessible vehicles making it a requirement that these types of vehicles be side-loading only.

The current policy permits rear loading wheelchair accessible vehicles.

The rationale for this proposed policy change is that there are difficulties with rear-loading public hire vehicles working off taxi ranks where safe entry is from the side.

There have also been concerns raised about the suitability of rear loading vehicles given that there is no other practical escape route for passengers in wheelchairs should the rear access point becomes unusable.

Q7: Do you agree with the proposed policy change to only permit side loading wheelchair accessible vehicles?

<table>
<thead>
<tr>
<th>☒ Yes</th>
<th>☐ No</th>
</tr>
</thead>
</table>

It’s about time this rear loading is dangerous many times seen wheelchair passengers bang heads when loading where they have to duck when entering from rear very distressing to watch

Click here to enter text.

If the policy change were approved, the council is proposing to phase out licensed rear-loading vehicles and when these vehicles are replaced for new ones.

Q8: Do you agree with the proposed phasing out process mentioned above?

<table>
<thead>
<tr>
<th>☒ Yes</th>
<th>☐ No</th>
</tr>
</thead>
</table>

Sooner the better disabled should feel safe and secure on their journey

Click here to enter text.

3. Testing arrangements

The council currently only has one approved testing station for licensed vehicles which is Ubico. It has operated under this policy for several years but a need to review this has arisen. Due to the expansion of Ubico and the growth of the local trade, Ubico’s ability to continue to act as sole testing provider within the agreed service level agreement has become increasingly difficult.

This has facilitated a review of the sole use arrangement with Ubico and it is proposed that testing arrangements be opened up to other testing stations that can demonstrate to the council their ability to test to the standard expected by the council.
Q9: Do you agree with the proposal to nominate additional testing stations for Cheltenham Borough Council licensed vehicles?

☐ Yes  ☐ No

Sooner the better thanks  
Click here to enter text.

4. Grandfather rights

Different rules currently exist for Hackney Carriage vehicle licence holders depending on the plate licence number. A number of Hackney Carriage vehicle licence numbers have grandfather rights attached to them which mean that as long as the licence remains valid, these vehicles do not have to be wheelchair-accessible and can be replaced indefinitely with non-wheelchair-accessible vehicles.

This is in contrast to other, newer licensed Hackney Carriage vehicles that do not have retained grandfather rights and which must be wheelchair-accessible and can only be replaced with wheelchair-accessible vehicles.

The council is seeking views on whether it should change the grandfather rules for Hackney Carriage vehicle licence holders to ensure that the same rules apply to all licence holders.

To this end the council is seeking views on a number of approaches in respect of this:

a. Amend the grandfather rights so that these only apply to the current licensed vehicle and when the proprietor comes to replace that vehicle they are obligated to purchase a wheelchair-accessible vehicle and/or purpose built taxi;

b. Make no changes to the current system;

c. Amend the grandfather rights rules so that those who retain it can interchange between saloon cars and wheelchair-accessible vehicles without those rights being affected.

Q10: Please indicate your preferred choice from the list above and provide further explanation for your choice.

☐ Make no changes  
Click here to enter text.

5. Equality Act 2010: Taxi and private hire requirements

The council is seeking to implement the new statutory requirements placed upon it by the newly enacted section 167 of the Equalities Act 2010 as part of this policy review.

Section 167 places a new duty on the council to provide a list of wheelchair accessible hackney carriages and private hire vehicles for publication. It also places certain obligations on drivers of vehicles on this list to carry wheelchair users and not to impose any additional charges for doing so.

The legislation leaves it to the council to decide what type of licensed vehicles should be included on the designated list. The statutory guidance however makes it clear that these must be vehicles capable of carrying wheelchairs.
To this end, the council has taken a view similar to that recommended by the statutory guidance whereby all vehicles licensed by this council to carry, as a minimum requirement, a "reference wheelchair" will be added to the designated list.

This list will be published in order for people who require the services of a wheelchair accessible vehicle to easily find this information.

Q11: Please provide any comments you would like to make in the box below.

Click here to enter text.

3. Licensed Operators

1. Conditions

There is an increasing issue of out of town vehicles working in Cheltenham due to the relaxation of out of district sub-contracting rules.

The council cannot enforce against vehicles and drivers not licensed by it (unless it is a criminal offence committed). It is therefore proposed that the council amend its conditions for licensed private hire operators to introduce a new requirement on them that, when they subcontract a booking to an operator not licensed in Cheltenham, they take all reasonable steps to ensure that the vehicle dispatched is not silver. The rationale behind this is to try to avoid members of the public confusing out of town vehicles with Cheltenham’s predominantly silver hackney carriage fleet.

Q12: Do you agree that this proposed change is necessary? Please explain.

<table>
<thead>
<tr>
<th>☒ Yes</th>
<th>☐ No</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The council are losing thousands in income one Cheltenham company has at least 60 tewkesbury plaited vehciles including silver colour must be stopped for the safety of public

Click here to enter text.

4. Other minor changes

The revised policy will reflect a number of minor changes:

1. Changes resulting from the enactment of the Immigration Act 2017 relating to right to work status verification
2. Removal of the requirement for drivers to attain the NVQ.
5. Other comments

Do you have any other comments to make relevant to the taxi and private hire policy review?

Click here to enter text.
1. About you

Full name: Michelle Sorrell

Organisation/group/department: Self Employed Taxi Driver

Address: Russet Road, Cheltenham. GL51 7LW

Please state in which capacity you are responding: Click here to enter text.

Contents
1. About you ........................................................................................................................................ 2
Policy Proposals .................................................................................................................................... 3
1. Fitness criteria for licensed drivers .................................................................................................... 3
2. Fitness of licensed vehicles .................................................................................................................. 5
3. Licensed Operators ............................................................................................................................ 8
4. Other minor changes .......................................................................................................................... 8
5. Other comments .................................................................................................................................... 9
Policy Proposals

1. Fitness criteria for licensed drivers

The council is proposing a number of changes to its fitness criteria for licensed drivers:

1. Knowledge test

Since the last policy review, a number of factors relevant to the current local knowledge test have changed which has prompted the need for a review of the current assessment:

a. The council has introduced a higher standard for its practical driving assessment;
b. Safeguarding training has been introduced for all licensed drivers and new applicants for a driving licence; and
c. The council has adopted a dedicated English proficiency policy and assessment service.

As a consequence, the council is proposing a number of changes to the current knowledge assessment:

a. Replacing the written Highway Code section of the test with the higher practical driving assessment;
b. Introducing a learning day covering safeguarding, equality duty, law and conditions with a written/practical assessment at the end of the session;
c. Retaining the local geographical knowledge and basic numeracy elements of the test; and
d. Replacing the basic literacy written element of the test with the English proficiency policy and assessment service.

Q1: Do you agree with the proposed changes to the current knowledge test?

[X] Yes       [ ] No

Please provide further comments:

Click here to enter text.

2. Three strikes policy

The council is proposing the introduction of a “Three Strikes Policy”. The proposed policy lists a number of misdemeanours that, should a licensed driver be found to be in breach of one or more of these, it will be recorded against the driver’s licence records. If the driver has at least three of these misdemeanours recorded against their licence, a review of their licence will be called in.

A copy of the proposed “Three Strikes Policy” is enclosed at Appendix 1 of this consultation document.

Q2: Do you agree with the introduction and implementation of a three strikes policy?

[ ] Yes       [X] No
3. Working hours

There are no national standards or statutory regulations that strictly govern working hours for licensed taxi and private hire drivers.

Through the policy review, it has been identified that there may be a need for the council to be proactive in regulating this in so far as it is able and practical. To this end, the following proposed policy changes are being consulted on:

- Amending licence conditions to set out a reasonable expectation on working hours for licence holders, implementing a mechanism whereby licence holders may need to keep a record of their working hours and to submit these records to the council; and

- Adopting a code of good practice for licensed drivers setting out the council’s expectations on safe working practices and the implications for non-compliance with the code.

A copy of the proposed code is attached at Appendix 2 of this consultation document.

Q3: Do you agree with the proposal to regulate working hours for Cheltenham licensed drivers?

☐ Yes  ☒ No

**Please provide further comments:** MIND THIS WILL BE AN EXTRA COST IN PLACE TO SAY A MINIMUM/ MAXIMUM LENGTH OF HOURS TO WORK FOR SELF EMPLOYED TAXI DRIVERS.

Q4: Do you agree that the code of good practice referred to above is adequate to ensure safe working hours for Cheltenham licensed drivers?

☐ Yes  ☒ No

**Please provide further comments:** AS ABOVE

4. Criminal records checks (DBS)

The council is proposing to implement a requirement that all future criminal records checks be undertaken online. The council currently accepts paper copies of Disclosure and Barring Service (DBS) certificates. However, the DBS service now offers an online checking service.

Q5: Do you have any comments to make in relation to this proposal?

**Please provide further comments:** THIS WILL BE AN EXTRA COST TO DRIVERS ON TOP OF WHAT THEY HAVE ALREADY PAID FOR A 3 YEAR LICENCE.
2. Fitness of licensed vehicles

The council is proposing a number of changes to its fitness assessments for licensed vehicles:

1. Vehicle emissions

It was necessary for the council to review its current emissions policy because the current deadline for phasing out older vehicles expires in 2018.

The purpose of the revised policy is 1) to contribute to the local and national air quality strategy to improve air quality in the town and 2) to have a safe, modern and professional licensed fleet.

To this end, the proposed revised policy is:

New vehicles

- Retain 5 year rule for petrol cars (which will result in an automatic Euro Emissions Standard 5 compliance)
- Apply Euro Emissions Standard 6 for diesel (i.e. vehicles no older than 1/9/2015)
- Any age for Ultra-low emission vehicles - defined as 75g CO₂/km and under

Existing vehicles

Phase out older vehicles so to:

- Get all petrol vehicles to at least Euro 5 standard by 2020.
- Get all diesel vehicles to Euro 6 standard by 2020.

Given that by 2020 all licensed vehicles will be on the minimum Euro 5 emission standards, the council is not proposing a maximum age limit in vehicles provided that they continue to be in exceptional condition and safe. This will be assessed through the Council’s enhanced MOT and fitness test for licensed vehicles, on the proviso that vehicles older than 8 years be subject to 6-monthly testing.

Q6: Do you have any comments to make on the revised vehicle emission policy?

☐ Yes ☒ No

Please provide further comments: PURCHASED NEW CARS WHICH WERE NOT COMPLIANT, WOULD THEN HAVE TO PAY FOR ANOTHER VEHICLE IN 3 YEARS TIME.

2. Vehicle standards and specifications
A review has been undertaken of the council’s suitability standards for vehicles to be licensed and the following changes are being proposed:

Changing the vehicle fitness standards for wheelchair accessible vehicles making it a requirement that these types of vehicles be side-loading only.

The current policy permits rear loading wheelchair accessible vehicles.

The rationale for this proposed policy change is that there are difficulties with rear-loading public hire vehicles working off taxi ranks where safe entry is from the side.

There have also been concerns raised about the suitability of rear loading vehicles given that there is no other practical escape route for passengers in wheelchairs should the rear access point becomes unusable.

Q7: Do you agree with the proposed policy change to only permit side loading wheelchair accessible vehicles?

☑ Yes ☐ No

Please provide further comments:

H & S - IF VEHICLE INVOLVED IN REAR SHUNT, IT WILL PROVE DIFFICULT TO REMOVE PASSENGER FROM CAR.

If the policy change were approved, the council is proposing to phase out licensed rear-loading vehicles as and when these vehicles are replaced for new ones.

Q8: Do you agree with the proposed phasing out process mentioned above?

☑ Yes ☐ No

Please provide further comments:

Click here to enter text.

3. Testing arrangements

The council currently only has one approved testing station for licensed vehicles which is Ubico. It has operated under this policy for several years but a need to review this has arisen. Due to the expansion of Ubico and the growth of the local trade, Ubico’s ability to continue to act as sole testing provider within the agreed service level agreement has become increasingly difficult.

This has facilitated a review of the sole use arrangement with Ubico and it is proposed that testing arrangements be opened up to other testing stations that can demonstrate to the council their ability to test to the standard expected by the council.
Q9: Do you agree with the proposal to nominate additional testing stations for Cheltenham Borough Council licensed vehicles?

Yes [ ] No [ ]

At present the council have a monopoly on where we should test taxis but there should be more testing stations so we can choose which one we would like to go to.

4. Grandfather rights

Different rules currently exist for Hackney Carriage vehicle licence holders depending on the plate licence number. A number of Hackney Carriage vehicle licence numbers have grandfather rights attached to them which mean that as long as the licence remains valid, these vehicles do not have to be wheelchair-accessible and can be replaced indefinitely with non-wheelchair-accessible vehicles.

This is in contrast to other, newer licensed Hackney Carriage vehicles that do not have retained grandfather rights and which must be wheelchair-accessible and can only be replaced with wheelchair-accessible vehicles.

The council is seeking views on whether it should change the grandfather rules for Hackney Carriage vehicle licence holders to ensure that the same rules apply to all licence holders.

To this end, the council is seeking views on a number of approaches in respect of this:

a. Amend the grandfather rights so that these only apply to the current licensed vehicle and when the proprietor comes to replace that vehicle they are obligated to purchase a wheelchair-accessible vehicle and/or purpose-built taxi;

b. Make no changes to the current system;

c. Amend the grandfather rights rules so that those who retain it can interchange between saloon cars and wheelchair-accessible vehicles without those rights being affected.

Q10: Please indicate your preferred choice from the list above and provide further explanation for your choice.

[ ] B - make no changes to the current system. Otherwise this will result in financial loss for people with grandfather places.

5. Equality Act 2010: Taxi and private hire requirements

The council is seeking to implement the new statutory requirements placed upon it by the newly enacted section 167 of the Equalities Act 2010 as part of this policy review.

Section 167 places a new duty on the council to provide a list of wheelchair accessible hackney carriages and private hire vehicles for publication. It also places certain obligations on drivers of vehicles on this list to carry wheelchair users and not to impose any additional charges for doing so.
The legislation leaves it to the council to decide what type of licensed vehicles should be included on the designated list. The statutory guidance however makes it clear that these must be vehicles capable of carrying wheelchairs.

To this end, the council has taken a view similar to that recommended by the statutory guidance whereby all vehicles licensed by this council to carry, as a minimum requirement, a "reference wheelchair" will be added to the designated list.

This list will be published in order for people who require the services of a wheelchair accessible vehicle to easily find this information.

Q11: Please provide any comments you would like to make in the box below.

Click here to enter text.

3. Licensed Operators

1. Conditions

There is an increasing issue of out of town vehicles working in Cheltenham due to the relaxation of out of district sub-contracting rules.

The council cannot enforce against vehicles and drivers not licensed by it (unless it is a criminal offence committed). It is therefore proposed that the council amend its conditions for licensed private hire operators to introduce a new requirement on them that, when they subcontract a booking to an operator not licensed in Cheltenham, they take all reasonable steps to ensure that the vehicle dispatched is not silver. The rationale behind this is to try to avoid members of the public confusing out of town vehicles with Cheltenham's predominantly silver hackney carriage fleet.

Q12: Do you agree that this proposed change is necessary? Please explain.

Yes [ ] No [ ]

Please provide further comments: NO PRIVATE HIRE VEHICLES SHOULD BE ALLOWED TO WORK IN CHELTENHAM IF THEY ARE SILVER. THIS WILL CONFUSE THE PUBLIC.

Click here to enter text.

4. Other minor changes

The revised policy will reflect a number of minor changes:

1. Changes resulting from the enactment of the Immigration Act 2017 relating to right to work status verification
2. Removal of the requirement for drivers to attain the NVQ.
5. Other comments
Do you have any other comments to make relevant to the taxi and private hire policy review?

Click here to enter text.
Introduction
The Council’s current licensing policy was adopted in 2014. In 2016/17 the council in partnership with representatives from the licensed trade undertook a review of the current policy.

This consultation document sets out the council’s proposal for amendments to the policy and is seeking feedback from consultees.

How to respond

Responses must be made in writing using this form either electronically or in hard copy. The form can be submitted:

1. By email to licensing@cheltenham.gov.uk
2. By post to Licensing Section, Cheltenham Borough Council, Promenade, Cheltenham, GL50 9SA
3. In person to the Municipal Offices Promenade, Cheltenham, GL50 9SA

If you are unable to respond to the consultation using this form, please contact the licensing section in the first instance.

Consultation responses must be submitted no later than 21 December 2017.

Further information
Any questions relating to this consultation should be referred to the licensing section.

Your consultation response will form part of a public report. It will also be subject to freedom of information legislation.

Please note that we are not able to provide individual feedback on consultation responses including notification of subsequent committee hearings. Please visit the council's democracy pages for information on future committee hearings: https://democracy.cheltenham.gov.uk/ieDocHome.aspx?Categories=-12984

1. About you

**Full name:** Click here to enter text. MOHAMMED SHAKIL MIAH

**Organisation/group/department:** Click here to enter text. GULF TRANSPORT SERVICES LTD.

**Address:** Click here to enter text. 38 YEW TREE CLOSE, CHELTENHAM

Please state in which capacity you are responding:

Click here to enter text.

Contents

1. **About you** 2

2. **Policy Proposals** 3

   1. Fitness criteria for licensed drivers 3
   2. Fitness of licensed vehicles 5
   3. Licensed Operators 8
   4. Other minor changes 8
   5. Other comments 8
Policy Proposals

1. Fitness criteria for licensed drivers

The council is proposing a number of changes to its fitness criteria for licensed drivers:

1. Knowledge test

Since the last policy review, a number of factors relevant to the current local knowledge test have changed which has prompted the need for a review of the current assessment:

a. The council has introduced a higher standard for its practical driving assessment;
b. Safeguarding training has been introduced for all licensed drivers and new applicants for a driving licence; and
c. The council has adopted a dedicated English proficiency policy and assessment service.

As a consequence, the council is proposing a number of changes to the current knowledge assessment:

a. Replacing the written Highway Code section of the test with the higher practical driving assessment;
b. Introducing a learning day covering safeguarding, equality duty, law and conditions with a written/practical assessment at the end of the session;
c. Retaining the local geographical knowledge and basic numeracy elements of the test; and
d. Replacing the basic literacy written element of the test with the English proficiency policy and assessment service.

Q1: Do you agree with the proposed changes to the current knowledge test?

☑ Yes ☐ No

Please provide further comments:

Click here to enter text.

2. Three strikes policy

The council is proposing the introduction of a “Three
Strikes Policy”. The proposed policy lists a number of misdemeanours that, should a licensed driver be found to be in breach of one or more of these, it will be recorded against the driver’s licence records. If the driver has at least three of these misdemeanours recorded against their licence, a review of their licence will be called in.

A copy of the proposed “Three Strikes Policy” is enclosed at Appendix 1 of this consultation document.

Q2: Do you agree with the introduction and implementation of a three strikes policy?

☐ Yes   ☐ No

Please provide further comments:

I also agree with a three strike policy, if there is a clear list of things that would constitute a misdemeanor.

3. Working hours

There are no national standards or statutory regulations that strictly govern working hours for licensed taxi and private hire drivers.

Through the policy review, it has been identified that there may be a need for the council to be proactive in regulating this in so far as it is able and practical. To this end, the following proposed policy changes are being consulted on:

• Amending licence conditions to set out a reasonable expectation on working hours for licence holders, implementing a mechanism whereby licence holders may need to keep a record of their working hours and to submit these records to the council; and

• Adopting a code of good practice for licensed drivers setting out the council’s expectations on safe working practices and the implications for non-compliance with the code.

A copy of the proposed code is attached at Appendix 2 of this consultation document.
Q3: Do you agree with the proposal to regulate working hours for Cheltenham licensed drivers?

☐ Yes ☐ No

Please provide further comments:

Click here to enter text. I don't think there is a need to regulate working hours as 16.5 hours including breaks is enough.

Q4: Do you agree that the code of good practice referred to above is adequate to ensure safe working hours for Cheltenham licensed drivers?

☐ Yes ☐ No

Please provide further comments:

Click here to enter text.

4. Criminal records checks (DBS)

The council is proposing to implement a requirement that all future criminal records checks be undertaken online. The council currently accepts paper copies of Disclosure and Barring Service (DBS) certificates. However, the DBS service now offers an online checking service.

Q5: Do you have any comments to make in relation to this proposal?

Please provide further comments:

Click here to agree with this.

2. Fitness of licensed vehicles

The council is proposing a number of changes to its fitness assessments for licensed vehicles:

1. Vehicle emissions

It was necessary for the council to review its current emissions policy because the current deadline for phasing out older vehicles expires in 2018.

The purpose of the revised policy is 1) to contribute to the local and national air quality strategy to improve air quality in the town and 2) to have a safe, modern and
professional licensed fleet.

To this end, the proposed revised policy is:

**New vehicles**

- Retain 5 year rule for petrol cars (which will result in an automatic Euro Emissions Standard 5 compliance)
- Apply Euro Emissions Standard 6 for diesel (i.e. vehicles no older than 1/9/2015)
- Any age for Ultra-low emission vehicles - defined as 75g CO₂/km and under

**Existing vehicles**

Phase out older vehicles so to:

- Get all petrol vehicles to at least Euro 5 standard by 2020
- Get all diesel vehicles to Euro 6 standard by 2020

Given that by 2020 all licensed vehicles will be on the minimum Euro 5 emission standards, the council is not proposing a maximum age limit in vehicles provided that they continue to be in exceptional condition and safe. This will be assessed through the Council’s enhanced MOT and fitness test for licensed vehicles, on the proviso that vehicles older than 8 years be subject to 6-monthly testing.

**Q6: Do you have any comments to make on the revised vehicle emission policy?**

☐ Yes  ☐ No

Please provide further comments:

Click here to enter text.

2. Vehicle standards and specifications

A review has been undertaken of the council’s suitability
standards for vehicles to be licensed and the following changes are being proposed:

Changing the vehicle fitness standards for wheelchair accessible vehicles making it a requirement that these types of vehicles be side-loading only.

The current policy permits rear loading wheelchair accessible vehicles.

The rationale for this proposed policy change is that there are difficulties with rear-loading public hire vehicles working off taxi ranks where safe entry is from the side.

There have also been concerns raised about the suitability of rear loading vehicles given that there is no other practical escape route for passengers in wheelchairs should the rear access point becomes unusable.

**Q7: Do you agree with the proposed policy change to only permit side loading wheelchair accessible vehicles?**

☑ Yes ☐ No

Please provide further comments:

Click here to enter text.

If the policy change were approved, the council is proposing to phase out licensed rear-loading vehicles as and when these vehicles are replaced for new ones.

**Q8: Do you agree with the proposed phasing out process mentioned above?**

☑ Yes ☐ No

Please provide further comments:

Click here to enter text.

3. Testing arrangements

The council currently only has one approved testing
station for licensed vehicles which is Ubico. It has operated under this policy for several years but a need to review this has arisen. Due to the expansion of Ubico and the growth of the local trade, Ubico's ability to continue to act as sole testing provider within the agreed service level agreement has become increasingly difficult.

This has facilitated a review of the sole use arrangement with Ubico and it is proposed that testing arrangements be opened up to other testing stations that can demonstrate to the council their ability to test to the standard expected by the council.

Q9: Do you agree with the proposal to nominate additional testing stations for Cheltenham Borough Council licensed vehicles?

☐ Yes  ☐ No

Please provide further comments:

Click here to enter text.

4. Grandfather rights

Different rules currently exist for Hackney Carriage vehicle licence holders depending on the plate licence number. A number of Hackney Carriage vehicle licence numbers have grandfather rights attached to them which mean that as long as the licence remains valid, these vehicles do not have to be wheelchair-accessible and can be replaced indefinitely with non-wheelchair-accessible vehicles.

This is in contrast to other, newer licensed Hackney Carriage vehicles that do not have retained grandfather rights and which must be wheelchair-accessible and can only be replaced with wheelchair-accessible vehicles.

The council is seeking views on whether it should change the grandfather rules for Hackney Carriage vehicle licence holders to ensure that the same rules apply to all licence holders.

To this end the council is seeking views on a number of
approaches in respect of this:

a. Amend the grandfather rights so that these only apply to the current licensed vehicle and when the proprietor comes to replace that vehicle they are obligated to purchase a wheelchair-accessible vehicle and/or purpose built taxi;

b. Make no changes to the current system;

c. Amend the grandfather rights rules so that those who retain it can interchange between saloon cars and wheelchair-accessible vehicles without those rights being affected.

**Q10:** Please indicate your preferred choice from the list above and provide further explanation for your choice.

---

5. **Equality Act 2010: Taxi and private hire requirements**

The council is seeking to implement the new statutory requirements placed upon it by the newly enacted section 167 of the Equalities Act 2010 as part of this policy review.

Section 167 places a new duty on the council to provide a list of wheelchair accessible hackney carriages and private hire vehicles for publication. It also places certain obligations on drivers of vehicles on this list to carry wheelchair users and not to impose any additional charges for doing so.

The legislation leaves it to the council to decide what type of licensed vehicles should be included on the designated list. The statutory guidance however makes it clear that these must be vehicles capable of carrying wheelchairs.

To this end, the council has taken a view similar to that recommended by the statutory guidance whereby all
vehicles licensed by this council to carry, as a minimum requirement, a “reference wheelchair” will be added to the designated list.

This list will be published in order for people who require the services of a wheelchair accessible vehicle to easily find this information.

Q11: Please provide any comments you would like to make in the box below.

Click here to enter text.

3. Licensed Operators

1. Conditions

There is an increasing issue of out of town vehicles working in Cheltenham due to the relaxation of out of district sub-contracting rules.

The council cannot enforce against vehicles and drivers not licensed by it (unless it is a criminal offence committed). It is therefore proposed that the council amend its conditions for licensed private hire operators to introduce a new requirement on them that, when they subcontract a booking to an operator not licensed in Cheltenham, they take all reasonable steps to ensure that the vehicle dispatched is not silver. The rationale behind this is to try to avoid members of the public confusing out of town vehicles with Cheltenham’s predominantly silver hackney carriage fleet.

Q12: Do you agree that this proposed change is necessary? Please explain.

☑ Yes  ☐ No

Please provide further comments:

Click here to enter text.

4. Other minor changes

The revised policy will reflect a number of minor changes:
1. Changes resulting from the enactment of the Immigration Act 2017 relating to right to work status verification
2. Removal of the requirement for drivers to attain the NVQ.

5. Other comments
Do you have any other comments to make relevant to the taxi and private hire policy review?
Click here to enter text.

I don't think the NVQ should be removed.