



CHELTENHAM BOROUGH COUNCIL

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

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2. By post to Licensing Section, Cheltenham Borough Council, Promenade, Cheltenham, GL50 9SA
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1. About you

Full name: Click here to enter text.

USMAN

AKRAM

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

Haverley village -32

Address: Click here to enter text.

Redwind way Longlevens Gloucester

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

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4. Other minor changes	8
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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?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> 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?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
------------------------------	--

Please provide further comments: people always argue on price
 Even they been told the meter is set by council and Rates as well
 Click here to enter text. if they complain to council with different story
 will council take action against driver on the basis of false story.

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?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Please provide further comments: we sit most of the time in the cab for fair, put that way 1 fair in our hour. 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?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> 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: NO

Click here to enter text.

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 become unusable.

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

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<p>Please provide further comments:</p> <p>Click here to enter text.</p>	

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?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<p>Please provide further comments:</p> <p>Click here to enter text.</p>	

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?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> 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.

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> 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.](#)



CHEL TENHAM
BOROUGH COUNCIL



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1. About you

Full name: ~~Click here to enter text.~~ RUSSELL GUN WILCOX

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

Address: ~~Click here to enter text.~~ MANDARIN WAY, CUELLENHAM, GLSD LPS

Please state in which capacity you are responding: ~~Click here to enter text.~~ HAZARDOUS WASTE DRIVER

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

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> 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?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Please provide further comments:

[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.

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

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<p>Please provide further comments: DIFFICULT TO IMPOSE Click here to enter text.</p>	

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

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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

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

<input checked="checked" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments:	
Click here to enter text.	

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b. SERVICE USERS SHOULD HAVE A CHOICE OF VEHICLE
Click here to enter text.

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☐ No

Please provide further comments:

Click here to enter text.

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1. About you

Full name: Click here to enter text.

Anthony Robert Taylor,

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

HCD 471 H/C 124

Address: Click here to enter text.

LIPSON ROAD Cheltenham
GL510EW

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

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<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
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Please provide further comments:

not for misdemeanours

Click here to enter text.

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☐ Yes

☒ No

Please provide further comments:

I have been a taxi driver for 34 years. When I'm tired I go home, I would like to think every driver can decide when to go 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?

☐ Yes

☒ No

Please provide further comments:

Click here to enter text.

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Please provide further comments:

I have been using this service for the last
Click here to enter text. 10 years (with no problem)

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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.

I have been in the trade for 34 years and have earned the rights to my plate

Click here to enter text.

there is only need for a percentage of the fleet to be wheelchair accessible.

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.

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
------------------------------	--

There should be no out of town plated taxis working in Cheltenham. Please provide further comments: they pay nothing to the Council and don't need to comply with our rules and regs.

it is wrong.

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.](#)

As previously stated I have been a taxi driver in Cheltenham for 34 years

If the age limit (of 5 years) was done away with vehicles would be changed more regularly, as a result of the age limit and Silver colour code it becomes increasingly more difficult to find a suitable vehicle without going to great expense and the trade is not there to meet this expense for new vehicles upon relicensing.

There are already enough wheelchair accessible vehicles working about the town, a large proportion of wheelchair bound people prefer to be treated normally and get in a normal taxi beside the driver (face to face) not stuck in the rear of the car looking at the back of the driver's head.

There are already designated agencies operating in the town to meet the demand for wheelchair individuals

A. Taylor
H/C 124.
HCD 471

1. About you

Full name: Derrick Sorrell

Organisation/group/department: Self Employed Taxi Driver

Address: [REDACTED] Russet Road, Cheltenham. GL51 7LW

Please state in which capacity you are responding: [Click here to enter text.](#)

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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?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<p>Please provide further comments:</p> <p>Click here to enter text.</p>	

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?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Please provide further comments:

MAY LEAD TO FALSE ALLEGATIONS WHICH LEAD TO A STRIKE AGAINST YOU.

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:

NO WAY OF ENFORCING THIS.

[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:

EXTRA COST ON TOP OF LICENCE FEES, WHEN 3 YEAR LICENCE TAKEN

Click here to enter text.

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 become unusable.

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

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> 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?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> 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?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments: Click here to enter text.	

4. Grandfather rights

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- 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.

B. MAKE NO CHANGES - THIS WILL RESULT IN FINANCIAL LOSS TO THOSE WITH GRANDFATHER RIGHTS.

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.

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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.

THE LIST SHOULD BE JUST FOR LICENCED WHEELCHAIR
VEHICLES ONLY, THEREFORE IT WILL GUARANTEE THE
PASSENGERS SAFETY.

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.

<input checked="checked" type="checkbox"/> Yes	<input type="checkbox"/> No
<p>Please provide further comments:</p> <p>Click here to enter text.</p>	

4. Other minor changes

The revised policy will reflect a number of minor changes:

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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.](#)

GRAEME TROTMAN
HCO 062

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Click here to enter text.

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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.

APPLAUD THE
SENTIMENT, BUT UNWORKABLE

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☐ Yes

☐ No

Please provide further comments:

Click here to enter text.

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AND IT WILL AFFECT ME

Click here to enter text.

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- B 90% OF MY WORK AT PRESENT IS FOR DISABLED PEOPLE THROUGH ARRIVA TRANSPORT THEY PREFER TO TRAVEL IN A SALOON CAR, FOR THE ELDERLY WHO CAN NO LONGER DRIVE THEY LIKE TO
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IN REGARD TO SECTION 4, CAN I ALSO SAY AT A TIME OF GREAT DIFFICULTY IN THE UK ECONOMY THE IDEA OF A LIBERAL COUNCIL TAKING AWAY £10,000 FROM LOW INCOME WORKERS, WITH A HIGH NUMBER OF MINORITY WORKERS, SEEMS CALOUS AND AGAINST LIBERAL PARTY BELIEFS

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.

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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. IMRAN RENTIYA

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

Address: Click here to enter text. ST PAULS STREET NORTH, CHELTENHAM

Please state in which capacity you are responding:

Click here to enter text.

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☒ Yes

☐ No

Please provide further comments:

[Click here to enter text.](#)

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Please provide further comments:

[Click here to enter text.](#) No

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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. My taxi is already side loading for wheelchair.

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

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

yes to avoid confusion every taxi should be colour coded for their districts.

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.

Page 8 of 9

yes the NVQ Should not be removed as
it relates to everything as part of the
Job.

JAYDIR KALAPI
Driver NO 399
145



CHELTENHAM BOROUGH COUNCIL

Review of Cheltenham Borough Council's Taxi & Private Hire Licensing Policy - Consultation Document

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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.](#)

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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?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> 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?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
---	-----------------------------

Please provide further comments:

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?

<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> 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?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> 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 enter text.

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.

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<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Please provide further comments:	
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Q7: Do you agree with the proposed policy change to only permit side loading wheelchair accessible vehicles?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> 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?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> 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.

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

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments: Click here to enter text.	

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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. 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.

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

<input checked="checked" type="checkbox"/> Yes	<input type="checkbox"/> 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?

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CHELTENHAM BOROUGH COUNCIL

Review of Cheltenham Borough Council's Taxi & Private Hire Licensing Policy - Consultation Document

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1. About you

Full name: Click here to enter text.

JOHN DONOHER

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

INDEPENDENT

Address: Click here to enter text.



FLECTERS DRIVE, HATHERLEY
CHELTENHAM, GLOS. GL51 3BB

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

HACKNEY VEHICLE AND INDIVIDUAL HACKNEY LICENSE
(10/1/202)

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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:

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

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- 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?

<input checked="" type="checkbox"/> Yes <i>YES</i>	<input type="checkbox"/> 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?

<input checked="" type="checkbox"/> Yes <i>YES</i>	<input type="checkbox"/> No
--	-----------------------------

Please provide further comments: THERE MUST BE AN INDEPENDENT MEANS OF CHALLENGE. 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
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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?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No 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?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No NO
Please provide further comments: Click here to enter text.	

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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?

YES I AGREE. Please provide further comments:

Click here to enter text.

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.

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

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
KEEP IT THE SAME. THE <u>LESS</u> THAN 5 Please provide further comments: YEAR OLD WHEN FIRST REGISTERED AS A LICENSED VEHICLE.	
Click here to enter text.	

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

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
THE O.A.P. or DISABLE DO NOT WANT Please provide further comments: 100% WHEELCHAIR LOADING VEHICLES.	
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?

<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
YES. REPLACEMENT WITH SIDE LOADING W.A.V. Please provide further comments: ONLY.	
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.

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

<input checked="" type="checkbox"/> Yes <i>YES</i>	<input type="checkbox"/> No
<p><i>CHELTENHAM ARE ONE OF THE FEW, IF NOT THE ONLY ONE THAT INSISTED PRIVATE LICENSED VEHICLES CAN USE ONLY ONE GARAGE.</i></p> <p>Please provide further comments:</p> <p>Click here to enter text.</p>	

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

<p><i>B) MAKE NO CHANGE TO THE CURRENT SYSTEM OR ONE COULD DO A & C.</i></p> <p>Click here to enter text.</p>

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.

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

THE COUNCIL MUST DO AS THE LAW SAYS
Click here to enter text.

3. Licensed Operators

1. Conditions

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

<input checked="" type="checkbox"/> Yes <i>YES</i>	<input type="checkbox"/> No
Please provide further comments: Click here to enter text.	

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The revised policy will reflect a number of minor changes:

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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.

DRIVERS
W.A.V.D. MUST BE TRAINED HOW TO
OPERATE THE RAMP & CLAMPS. ETC.



CHELTENHAM BOROUGH COUNCIL

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1. About you

Full name: Click here to enter text. ANDREW WALKER

Organisation/group/department: Click here to enter text. TAXI DRIVER INDEPENDENT

Address: Click here to enter text. [REDACTED], HARTBURY CLOSE, CHELTENHAM

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

INDEPENDENT TAXI DRIVER

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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?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments: IT SHOULD PROVIDE A BETTER STANDARD OF DRIVER.	
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?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Please provide further comments: A HIGH STANDARD SHOULD BE
REQUIRED AND MAINTAINED

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?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
WE ARE ADULTS. IF I WORK A 8 HR SHIFT Im ONLY Please provide further comments: DRIVING FOR ABOUT 1-2 HRS THE REST IS WAITING TIME	
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?

<input type="checkbox"/> Yes	<input type="checkbox"/> 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?

THE ONLINE CHECK IS VERY EASY.
Please provide further comments:

Click here to enter text.

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?

<input type="checkbox"/> Yes	<input type="checkbox"/> No
CAN SIDE LOADERS LOAD FROM BOTH SIDES?	
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?

<input type="checkbox"/> Yes	<input type="checkbox"/> No
IF IT HAS TO BE DONE THEN PHASING OUT WHEN	
Please provide further comments: VEHICLES ARE REPLACED NOT	
A DEADLINE AS DRIVERS COULD	
Click here to enter text. STILL BE PAYING FOR THEM	

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?

IF IT FAILS
ON THE M.O.T
TEST

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
ITS DIFFICULT TO GET A APPOINTMENT THAT SUITS BECAUSE OF THERE WORKLOAD, ALSO THEY WONT REPLACE A DEFECTIVE COMPON- Please provide further comments: ENT IF A BOLD BECAUSE THEY HAVEVENT GOT TIME OR CANT BE BOTHERED UNLIKE OTHER GARAGES. 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:

- 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.

IF SOME DRIVERS BOUGHT WHEELCHAIR-ACCESSIBLE VEHICLES TO GET a free plate they should replace like for like. Click here to enter text.
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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.	A. GOOD IDEA
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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.

<input type="checkbox"/> Yes	<input type="checkbox"/> No
VERY FEW PEOPLE CARE WHAT TAXI THEY GET IN THEY Please provide further comments: JUST WANT TO GET HOME. I DONT UNDERSTAND HOW A PLATED VEHICLE FROM Click here to enter text. ANOTHER TOWN CAN WORK HERE.	

4. Other minor changes

The revised policy will reflect a number of minor changes:

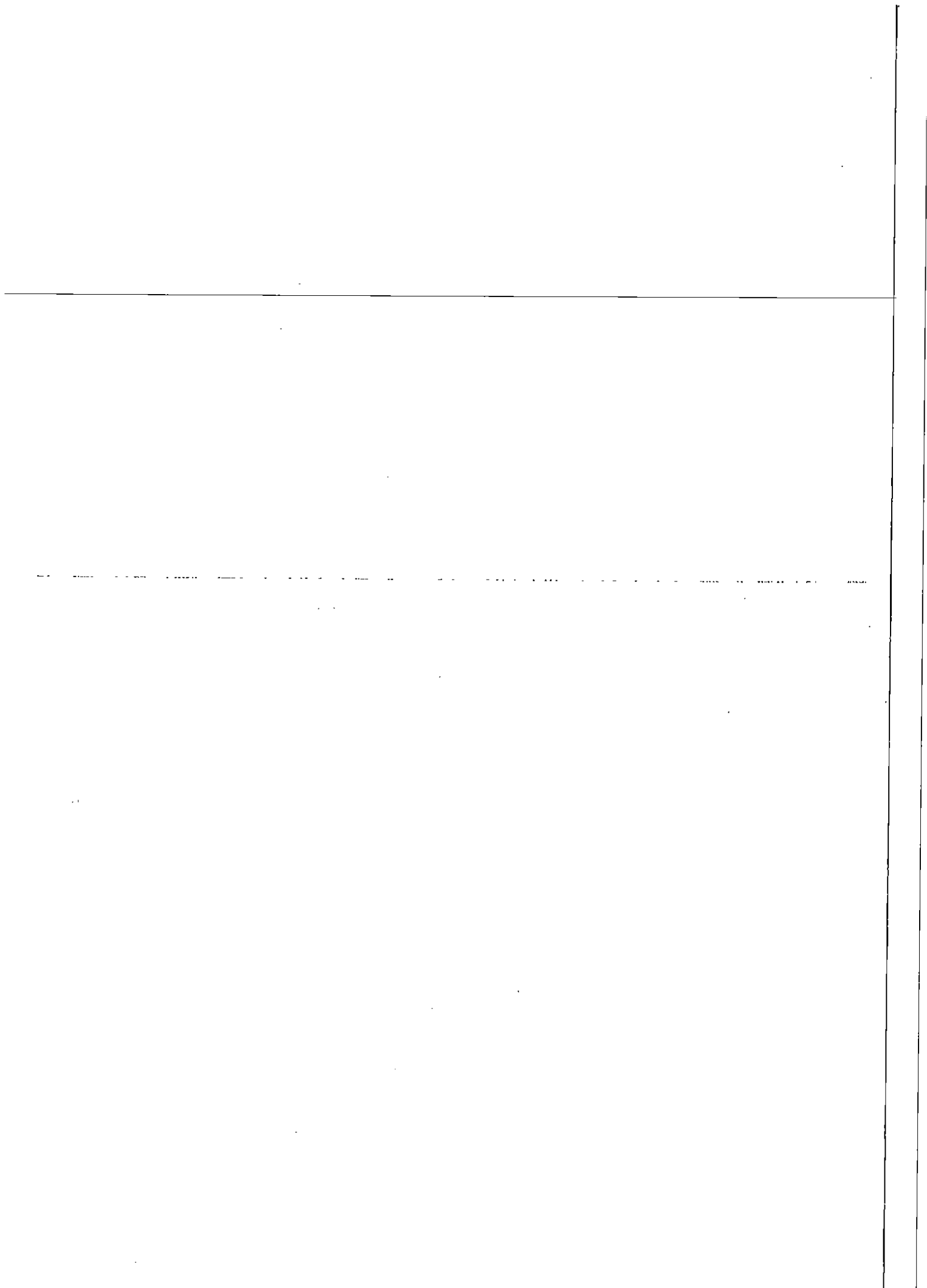
1. Changes resulting from the enactment of the Immigration Act 2017 relating to right to work status verification
2. Removal of the requirement for drivers to attain the NVQ.
THAT WAS A WASTE OF TIME THEN.

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.

A LOT OF ELDERLY CUSTOMERS PHYSICALLY CANNOT GET INTO WHEELCHAIR ACCESSIBLE VEHICLES BECAUSE OF THEIR AGE OR "BAD LEGS" AND SPECIFICALLY LOOK TO USE SALOON CARS. AS THEY ARE MUCH LOWER.





CHELTENHAM BOROUGH COUNCIL

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: Atiq Rehman

Organisation/group/department: [Click here to enter text.](#)

Address: Dunlin Terrace, Pilgrove Way, Cheltenham. GL51 0FE

Please state in which capacity you are responding: Hackney Driver

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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?

<input checked="checked" type="checkbox"/> Yes	<input type="checkbox"/> No
<p>Please provide further comments:</p> <p>Highway code should be a part of Practical/Driving Test as it's directly related to driving on public roads. There should be a small test regarding the highway code after every practical/driving test and candidate must pass both the driving test and highway code. This test should only be conducted by a DSA approved instructor/organisation who must report to CBC after every successful attempt made by the candidate. Practical/driving test should be same as current DSA guidelines including independent driving following the road signs and navigation system. Three consecutive failures in practical/driving test should automatically induce a ban of 3/6 months to the candidate to reappear in the practical test as it's a matter of road/passenger safety. I would certainly recommend the candidate must have held full UK license for a minimum 2 years or should have converted EU licence to full UK licence for a minimum of 2 years. Current policy regarding endorsements on driving licence should continue. Candidates should also demonstrate that they have been driving a vehicle for at least 6 months in last 12 months by bringing a copy of UK/EU motor</p>	

insurance policy where they were the named driver. It will ensure the driver is well aware of highway code and has got a good command on his/her manoeuvres. There should be an expiry date of 1 year unless the candidate has successfully obtained a private hire driver or a hackney carriage driver badge.

Safeguarding, equality act, legislation, wheelchair training and dealing with disable passengers should be conducted in a one day training followed by an assessment/test. CBC should introduce a fee of £30-£60 for each candidate. Failing candidates should attend the training session again and pay the fee again. Such training must be conducted by a professional instructor/organisation. (Recommendation: www.disability.co.uk)

Knowledge test should consist of following sections with passing marks of 80% in each section.

1. English language proficiency
2. Basic numeracy
3. Legislation
4. Licence conditions (Taxi and Private Hire)
5. Local routes (written/oral) (Extended test for Hackney Drivers)
6. Two-point location (Extended test for Hackney Carriage Drivers)
7. A-Z map exercise

Knowledge test should remain valid until the test pattern changes.

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?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<p>Please provide further comments:</p> <p>The current policy is sufficient to deal with any reasonable matter of concern. Three strikes policy will flourish the agitation among the licensed drivers.</p>	

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?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<p>Please provide further comments:</p> <p>As there isn't any standard rules/legislation regarding the working hours for licensed drivers in England and Wales. CBC can only recommend the guidelines presented by UK Government. Most of the drivers work in split shifts and all of them go on breaks as and whenever they require. No one drives the licensed vehicle continuously for longer hours without any breaks so I don't see any margins for enforcement in this regard. The HGV/lorry drivers usually drive their heavy vehicles with least amount of manoeuvres on motorway for longer hours which causes tiredness and driver may snooze on the steering, this is why legislation was introduced for such HGV drivers regarding working hours. CBC can only issue guidelines to licensed drivers on working hours according to UK government recommendations.</p>	

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

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<p>Please provide further comments:</p> <p>In the absence of any such legislation for licensed drivers in England and Wales regarding working hours and due to the working pattern of licensed drivers, CBC can only issue guidelines as recommended by UK Government.</p>	

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:

CBC should accept either a paper version or an online version of DBS to give equal opportunity to non-computer users.

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?

<input checked="checked" type="checkbox"/> Yes	<input type="checkbox"/> No
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Please provide further comments:

I would only support the introduction of Euro 5 petrol cars and Euro 6 diesel cars with the implementation date from 2020 onwards for new applications. Hybrid vehicles were introduced in UK market from 1997. There are many other aspects in terms of vehicle comfort, safety and wear and tear apart from the low emissions. So I would certainly disagree with no age restriction on ultra low emission vehicles for new application. I would recommend 6/7 years age limit for ultra low emission vehicle (<75g/km CO2 emission) for new application. Due to no environmental impact I would recommend 10 years age limit for 100% electric vehicles with Zero emission (e.g. Vauxhall Ampera, Nissan Leaf, BMW i20, Tesla Model S) and the same age limit for HHO fuel-cell vehicles with water vapours emitted from exhaust pipe (e.g. Toyota Mirai) for new application.

I would not support the phasing out of old licensed vehicles unless they are below Euro 5 emission standards as these vehicles don't have as much harmful emissions as a Euro 4 standard vehicle or a bus or lorry does. Local members of trade have invested money in taxi and private hire business and they would not be able to afford to phase out their current vehicles to buy new ones unless CBC offer grants to the drivers to upgrade their vehicles to Euro 5 standard for petrol and Euro 6 standard for diesel by 2020. Currently London, Birmingham, Leeds, Nottingham, Derby and Southampton have been identified as high emissions cities. There was a suggestion for licensed drivers from Birmingham City council to receive a grant of around £5000 to replace private hire vehicle and £7000 to replace hackney carriage vehicle which was refused by members of trade due to higher costs involved in purchasing new vehicles. Birmingham City council has already spend more than £1.2M by funding the installation of new engines with LPG kits installed on licensed vehicles in order to improve air quality. They are also considering implementing emission standards for buses which may well be causing more pollution than cars due to the big engines with higher emissions. Would CBC offer any grants to upgrade current licensed vehicles to phase out the old ones? What steps CBC intends to take to reduce the higher emissions coming from the local bus service which may well be emitting higher pollutants than the licensed vehicles. The current age limit of 12 years to phase out the licensed vehicle should continue for petrol and diesel vehicles. There should be 15 years age limit to phase out the ultra low emission vehicles and 20 years for 100% electric vehicle or HHO fuel-cell vehicles. Any vehicle over the age of 8 years should go for MOT inspection every 6 months.

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?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<p>Please provide further comments:</p> <p>I certainly don't agree with the proposed restriction on rear-loading wheelchair accessible vehicles. Lane excuses have been presented to CBC regarding the difficulties with rear loading vehicle and escape route in the event of an accident. Such false pretences have been presented by the drivers who don't actually drive the wheelchair accessible vehicles. How rationale is that? Their arguments have not been substantiated and are not based on evidence from a reliable source. I have the experience of driving rear loading and side loading vehicles. Side loading vehicles are big long wheel base vehicles with huge costs involved towards the purchase of vehicle, fuel, road tax, maintenance, massive weight and they are inconvenient to drive in some narrow streets of Cheltenham (St. Pauls, Tivoli, Leckhampton, Charlton Kings). Taxi meter slightly obstruct rear view mirror and the partition screen reflects back the image of front traffic to the rear view mirror. Side loading vehicles usually have one or two steps to enter or exit the vehicle which some passengers find it inconvenient or too high specially if they have restricted movement in their lower limbs or if they were drunk. Few people especially when they are drunk may even tend to fall on to the steps of a side loading vehicle. Side loading vehicles come with bigger engines causing more pollution than rear loading vehicles. How exactly the trade would benefit from having an expensive long wheel base side loading vehicle carrying excessive size and weight while most of the time you don't necessarily need a 7/8 seater vehicle? Some long wheel base vehicles only come with the wheelchair ramp on the left side, while the Promenade taxi rank is along the right hand side of the road and it's not safe to open wheelchair ramp from the left due to the oncoming traffic.</p>	

Rear loading vehicles are economic in terms of purchase of vehicle, fuel, road tax and maintenance. They are convenient to drive due to their size and weight. I never found it difficult to use the ramp on rear loading vehicle. On the taxi rank the licensed vehicles are parked with some gap and can certainly be moved forward or back in case if rear loading wheelchair ramp needs to be opened. Question needs to be asked what facilities CBC has provided to assist wheelchair passengers? CBC can certainly lower the pavement at certain points on taxi rank and can make some dedicated points/boxes for wheelchair accessible vehicles at taxi ranks. For example a space reserved for wheelchair accessible vehicle after every 4-5 taxis on the rank with the lowered pavements and a signpost on the pavement indicating wheelchair accessible taxi. It will facilitate the passengers on wheelchair to find the wheelchair accessible taxi and it would also encourage the drivers to buy wheelchair accessible vehicles. Mr Paul Fiace, who is a licensed driver in Gloucester probably more than 30 years and an experienced taxi insurance broker has quoted that 'two-third of accidents happen from the side of the vehicle and side loading vehicles will be of more matter of concern than the rear loading vehicles'. All rear loading vehicles in use within CBC are built to at least M1 Eurocab standard (EU type approval which is still valid) and are in use in many licensing areas across UK. All of them comes with the safety unlock mechanism if tailgate button becomes inoperatable. Most of the rear loading vehicles need their seats folded down in order to use the wheelchair ramp, which makes it even accessible from the side door if you ever need to take the wheelchair passenger out of the vehicle. Also breakdown assistance vehicles do carry power tools and can even cut the roof of the vehicle in case if the passengers needed to be removed from an accidental damaged vehicle. So loading from the rear isn't inconvenient or dangerous as described by taxi association guys and CBC should continue to allow rear loading vehicles to be licensed. On one hand CBC is looking to remove grandfather rights to bring in more wheelchair accessible vehicles on the taxi rank and on the other hand CBC is proposing to stop licensing rear loading wheelchair accessible vehicles which are more readily available in the UK market than the side loading wheelchair accessible vehicles. These steps would be in contrary to each other as drivers won't have much choice to buy wheelchair accessible vehicles. CBC can also compare the number of rear loading licensed vehicles with the side loading licensed vehicles, the ratio will testify the fact that rear loading vehicles are more in number because they are more readily available and are affordable and they are greener than side loading vehicles. The table below demonstrates the feasibility of wheelchair accessible vehicles available in UK market currently supplied by Cabdirect with Euro 6 engine:

Make/Model	Engine	Price (From)	CO2 g/km	Loading
Peugeot Premier	1. 6D	£19195	109	Rear
Ford Journey	1. 5D	£20695	124-129	Rear
VW Kudos	2. 0D	£23995	124-136	Rear
Ford MaxiCab	2. 0D	£24995	162-181	Rear
Ford ProCab	2. 0D	£33995	162-181	Side
Mercedes M8	2. 1D	£44095	161-171	Side

The comparison above clearly shows that the rear loading vehicles are more readily available in UK market, they are greener and are affordable while side loading vehicles are less greener and very expensive to buy. Who can afford to spend £33k-£44k for a side loading wheelchair accessible vehicle? Would CBC consider giving grants of at least £10k-£15k to the drivers enabling them to buy a side loading wheelchair accessible vehicle? CBC would also note all above vehicles come from non-British manufacturers and UK will go for brexit from March 2019. Inflation rate has gone up recently while car sales down more than 19% which will result in reduced production. The above manufacturers may reduce their production due to low sales and prices are likely to go up after brexit as UK is leaving single market from March 2019 which falls well ahead then the next policy review. So CBC should continue licensing rear loading vehicles and encourage more drivers to purchase wheelchair accessible vehicles.

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?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<p>Please provide further comments:</p> <p>I don' t agree to phase out the licensed rear loading wheelchair accessible vehicles due to above mentioned reasons unless they are below Euro 5 standard.</p>	

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?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<p>Please provide further comments:</p> <p>Ubico is not been able to manage the work load due to increase in licensed vehicles in Cheltenham. Sometimes there are long waiting times. More testing facilities should be introduced within Gloucestershire only where council should randomly visit the testing facilities to ensure taxi standards are maintained. It should include all main dealers as well. Usual MOT fee is around £30-£35 in the garages while Ubico charges are around £53.80. The fee for MOT in any approved testing facility should not exceed the Ubico charges of £53.80 in any event which won't leave Ubico in a disadvantageous state and CBC would have the opportunity to earn revenue of £10-£15 for each MOT done at an approved testing facility.</p>	

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.

<p>C. I would only support to remove the grandfather rights if CBC compensates</p>
--

the drivers who have invested huge amounts between £7000-£12000 to acquire the ownership of hackney carriage vehicle licence.

Drivers should be given the option to replace their current vehicle with a wheelchair accessible vehicle while retaining grandfather rights. It will encourage the drivers to buy a wheelchair accessible vehicle rather than a saloon vehicle. They should be able to switch between vehicles at any time.

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.

There aren' t any extra charges for guide dogs or wheelchairs.

CBC can only publish a list of wheelchair accessible vehicles but driver' s identities should be protected.

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.

<input checked="checked" type="checkbox"/> Yes	<input type="checkbox"/> No
<p>Please provide further comments:</p> <p>I agree and support even stronger measures taken for the vehicles that aren't licensed by CBC. I also believe it's unfair for any private hire vehicle to work with the borough of CBC if they aren't licensed by CBC. It is causing damage to local trade.</p>	

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?

There is an urgent need to expand the taxi rank capacity at promenade, pitville street and Montpellier as current spaces aren't enough compared to the number of licensed hackney carriage vehicles on the road.

Promenade taxi rank should be extended all the way up by the fountain and pay and display area must be removed.

Due to the closure of Lloyds and Barclays bank at Montpellier, the 2 blue badge spaces aren't used by any disabled driver. Those two spaces should be moved along the left hand side of taxi rank in front of Harry Cooks and taxi rank should be extended up to the crossing in front of Montpellier gardens. The area after the crossing should become taxi rank after 06:00pm as it is at present. Current signs aren't clear to demonstrate that the pay and display area at Montpellier becomes taxi rank after 06:00PM.

Pitville street taxi rank should be extended to include 3-4 more spaces for taxi

Nishir Deschander



CHELTENHAM BOROUGH COUNCIL

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.

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<https://democracy.cheltenham.gov.uk/ieDocHome.aspx?Categories=-12984>

1. About you

Full name: (Click here to enter text.) NIKHIL PRAVINCHANDR DEUCHANDE

Organisation/group/department: (Click here to enter text.) TAXI DRIVER

Address: (Click here to enter text.) MEDOE CLOSE, CHELSEA, GL50 4SP

Please state in which capacity you are responding: (Click here to enter text.) AS A Common
MAN

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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?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> 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?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
------------------------------	--

Please provide further comments:

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?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
IT'S FAIR FOR THE COUNCIL TO MAKE A RECOMMENDATION BUT IS PLEASE provide further comments: CLEARLY UNFAIR TO IMPOSE A RESTRICTION AS WORKING CONDITIONS VARY Click here to enter text. FROM WEEK TO WEEK, MONTHS TO MONTHS...	

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

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> 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:	NO OBJECTION
----------------------------------	--------------

Click here to enter text.

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?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> 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?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> 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?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> 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.

I HAVE MADE INVESTMENT ON MY BUSINESS, WHICH I DON'T WISH TO LOSE Click here to enter text. IT WITHOUT ANY FORM OF COMPASATION.
--

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.

FORWARD QUESTION:

QUESTION 11:

WHEELCHAIR ACCESSIBLE VEHICLES SHOULD BE DIRECTED
TO MOVE AT THE PRIVATE HIRE TRADE RATHER THAN HACKNEY
AS PRIVATE BOOKING ARE MORE LIKELY TO BE MADE WITH
OPERATORS SUCH AS STARLINE, AZB, ETC... RATHER
HACKNEY DRIVERS

CAN YOU HONESTLY SEE A WHEELCHAIR USER
TO THE BANK FROM A CARE HOME JUST TO BOOK
WHEELCHAIR ACCESSIBLE TAXI?

IN THE LAST SEVERAL YEARS I CAN HONESTLY
SAY THAT I HAVE NOT SEEN WHEELCHAIR
REQUESTING A TAXI ON THE BANKS.

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.](#)

NO COMMENTS ON THIS QUESTION.



CHEL TENHAM BOROUGH COUNCIL

Review of Cheltenham Borough Council's Taxi & Private Hire Licensing Policy - Consultation Document

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Further information

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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

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

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- 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?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> 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. Nor 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

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 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:

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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?

<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<p>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.</p>	

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:

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The current policy permits rear loading wheelchair accessible vehicles.

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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?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<p>Please provide further comments: Again, huge expense for drivers for little advantage Click here to enter text.</p>	

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?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<p>Please provide further comments:</p>	

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.

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

<input checked="checked" type="checkbox"/> Yes	<input type="checkbox"/> 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.

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- 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.

B or C these cars cost so much money it should be the choice of the driver

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.

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

Click here to enter text.

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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.](#)



CHELTENHAM BOROUGH COUNCIL

Review of Cheltenham Borough Council's Taxi & Private Hire Licensing Policy - Consultation Document

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<https://democracy.cheltenham.gov.uk/ieDocHome.aspx?Categories=-12984>

1. About you

Full name: David Keffler

Organisation/group/department: Azure Luxury Cars Private Hire Operator Licence
No: 15/01793/PHMI & Private Hire Driver Licence **No:** 14/02219/PHD3YR

Address: [REDACTED] Greenway Lane, Cheltenham GL52 6LB

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

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Policy Proposals

1. Fitness criteria for licensed drivers

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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?

<input checked="checked" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments: None required.	
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?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments: None required	
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?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<p>Please provide further comments: The opening paragraph in this section states quite clearly that Parliament doesn't consider there to be a need to govern the working hours of licensed taxis and private hire drivers. So if Cheltenham Borough Council decided to implement such procedures it could give the impression that the Council is legislating in an area that Parliament has felt it unnecessary to do, thereby making the Council's regulations appear superfluous and open to challenge in the High Court.</p> <p>Reading the proposed Code of Good Practice at Appendix 4, this appears to make it clear why Parliament has not legislated in this area; namely due to the overly complex rules that would have to be understood and adhered to by every driver and operator under the jurisdiction of the Council every hour of every day of the year. Moreover, to be effective, the Licensing Department's officers would have to create a system that could monitor the returns from operators and drivers and identify breaches in the regulations. They would then have to interpret every breach and assess the need to pursue the matter, with the implications this has for use of scarce council resources. In fact the last two sections of the Code provide a neat solution to the problem: use the Indicators of Fatigue to identify when it is best to stop driving and the Ways to avoid Fatigue to prevent becoming fatigued in the first place. These should be adopted as recommended practice for all licensed drivers.</p>	

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

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Please provide further comments: Please see response to Q3	
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: This should be adopted on the basis that the date for on-line only applications is published well in advance so as to allow applicants sufficient time to apply for the on-line certification.
Click here to enter text.

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: The policy is very sensible in moving gradually to the point where petrol and diesel licensed vehicles meet the latest Euro compliance levels.

New applications

By retaining the 5 year rule for petrol vehicles all such new vehicle applications will automatically be Euro 5 compliant.

By adopting an age policy for diesel vehicles, which must have been first registered after 31-Aug-15, all such new vehicle applications will automatically be Euro 6 compliant.

Existing Vehicles

The Council's extant policy adopted an approach whereby the age of the vehicle determined the date beyond which it could not be licensed. For instance, a vehicle first registered in 2004 could not be registered beyond 2018. This gave licensed drivers plenty of advance warning about the date by which their vehicle could not be re-licensed. With such long lead times it also meant that it would be unlikely that such an old vehicle would be still on the road as it would be uneconomic to repair and so the policy would very rarely if at all have prevented a vehicle from being relicensed, rather it would have been the owner's decision not to re-licence due to the excessive cost of repairing such an old vehicle.

The proposed policy adopts a similar approach but without a fixed maximum age limit. The ultimate aim is to get petrol vehicles to Euro 5 and diesel vehicles to Euro 6 but the proposed policy acknowledges the following:-

(A) Applications for a new vehicle license can currently be made for vehicles that are up to 5 years old and so diesel vehicles that are Euro 5 compliant come into this category. Such applications can continue to be made until the proposed policy comes into effect, which would be sometime in 2018. Let us for example say the date was 1st April, 2018 then if we take a driver who has had a Euro 5 compliant diesel licensed on 31st March 2018 and the statement in the proposed policy were adopted without derogation (namely "get all diesel vehicles to Euro 6 standard by 2020") then his/her vehicle would only have an effective life of 21 months (31st March 2018 to 31st December 2019). This is because from 1st January 2020 the car could not be licensed for use.

(B) Some existing licensed vehicles are Euro 5 compliant and these (as of November 2017) can be as young as 2 years 3 months old (Euro 6 became a requirement from 1st September 2015). So if they could not be licensed beyond 1st January 2020 then they would have to cease being licensed only a year after a 2004 vehicle could be licensed to, as per the example above.

Preventing the vehicles described in (A) and (B) from being licenced beyond 2019, when the owners of such vehicles bought and licenced them in good faith and in compliance with the Councils' prevailing policy, would not accord with natural justice or the spirit of the Council's existing policy, which is to phase out older vehicles gradually and so without a significant financial effect on private hire drivers.

So the policy has therefore adopted the approach of stating that by 2020 all licensed vehicles will be on a minimum of Euro 5 (due to the effectiveness of the current policy) and that as a result the council is not proposing a maximum age limit (as it did in the current policy) for vehicles that meet this standard, provided they continue to be in exceptional condition and safe

This means that the vehicles described at (A) and (B) above won't be prevented from being re-licensed in 2020 and beyond, provided they continue to be in exceptional condition and safe, as judged by the Council's enhanced MoT.

To reiterate my initial point, the proposed policy is very sensible in moving gradually to the point where petrol and diesel licensed vehicles meet the latest Euro compliance levels but without causing private hire drivers to suffer unnecessary economic loss.

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?

<input type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments: This is not an area I am familiar with so I am not able to agree/disagree/comment.	
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?

<input type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments: This is not an area I am familiar with so I am not able to agree/disagree/comment.	
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?

<input checked="checked" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments: This approach appears sensible given the apparent pressures the current arrangements generate.	
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:

- 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.

Please provide further comments: This is not an area I am familiar with so I am not able to agree/disagree/comment.

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.

Please provide further comments: This is not an area I am familiar with so I am not able to agree/disagree/comment.

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.

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments: This policy makes eminent sense, given the council's silver only taxi policy	

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



CHEL TENHAM BOROUGH COUNCIL

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/leDocHome.aspx?Categories=-12984>

1. About you

Full name: Chris Strangeway

Organisation/group/department: Gloucestershire County Council

Address: Shire Hall, Gloucester, GL1 2TH

Please state in which capacity you are responding: Procurer of taxi services and wheelchair specialist.

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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?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<p>Please provide further comments:</p> <p>Although further down you talk about wheelchairs users and their transportation there is no mentioned above of training in the safe (un) loading and securing of these clients and their chairs.</p>	

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?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments: 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?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Please provide further comments: It would be unmanageable, therefore pointless, without a similar tacograph arrangement that commercial vehicles use.	

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

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Please provide further comments: No appendix attached?	

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:

Seems sensible.

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:

Seems sensible.

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?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<p>Please provide further comments:</p> <p>There are also a number of issues with side loading ramps, most side loading ramps require resting on a kerb to ensure the ramp angle isn't too steep, especially for powered wheelchairs. There is a huge danger of chairs toppling over with ramp angles greater than 15-20 degrees. If you suggest that the driver assists then this becomes a serious moving and handling concern especially for larger users and chairs. Side ramps are normally on the near side of the vehicle, so how would that work when they park on the Prom with the nearside in the traffic flow? There are other areas in Cheltenham that this also affects. There are also issues with side access height and again especially for powered wheelchair users. I really don't understand the comment about emergency access? If you are a non-ambulant it doesn't really matter about emergency access, unless your suggestion is that they are dragged out? In fact I would suggest that side access vehicles are a greater concern. If access is from the rear then there are still two other doors. But with side access then the wheelchair will be positioned usually with seats behind its position. So only two doors.</p>	

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?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<p>Please provide further comments:</p> <p>As mentioned above this requires further thought about the implications that could leave the council open to additional costs and the health and safety concerns.</p>	

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?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<p>Please provide further comments:</p> <p>Click here to enter text.</p>	

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 think that further research needs to be carried out on how many wheelchair users use taxis? To have every taxi fully wheelchair accessible is going to be extremely costly, they are bigger and therefore use more fuel with increased emissions, which you are also trying to cut? Perhaps a quota should be in place for each operator? Say 50% of the fleet.

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.

When you come to deciding this, please note my comments previously mentioned in the document.

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.

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Please provide further comments:	
Are you really expecting operators to do this, not a chance.	

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 think a lot more work and thought needs to be put in to this before it progresses further.



CHEL TENHAM BOROUGH COUNCIL

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<https://democracy.cheltenham.gov.uk/ieDocHome.aspx?Categories=-12984>

1. About you

Full name: Cheltenham Borough Council's Licensing Sub-Committee as represented by Councillors Adam Lillywhite, Dennis Parsons, Diggory Seacome and David Willingham

Organisation/group/department: Cheltenham Borough Council

Address: Municipal Offices, Promenade, Cheltenham, GL50 9SA

Please state in which capacity you are responding: Cheltenham Borough Council's Licensing Sub-Committee

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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?

<input checked="checked" type="checkbox"/> Yes	<input type="checkbox"/> No
<p>The sub-committee is in agreement with the proposed changes and thinks it is important to retain a geographical knowledge test despite sat navs now being commonplace, as well as a test of the drivers' spoken English.</p> <p>Click here to enter text.</p>	

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?

<input checked="checked" type="checkbox"/> Yes	<input type="checkbox"/> No
<p>The sub-committee is in general agreement with a "three strikes" policy as long as there is no automatic sanction once three strikes have been reached, because not all of the infractions listed are of equal severity. The third strike should trigger a review which is then dealt with on a case-by-case basis by the sub-committee by way of review.</p> <p>The following additional comments were made by the sub-committee in relation to the policy at appendix 1.</p> <ul style="list-style-type: none">- Offences that fall outside the 3 strikes policy (for example serious offences such as drink-driving) are dealt with separately under the existing policy on convictions. The new 3 strikes policy needs to sit alongside and reference the existing policy on convictions, otherwise the new 3 strikes policy implies that other, serious offences are excluded and won't be dealt with. Reference to the existing policy on convictions should be included in the preamble to the 3 strikes policy.- The heading to "Excluded offences" should be amended to make clear that these offences are serious and will cause immediate review. As it stands the heading implies that offences listed as "excluded" will not be dealt with at all.- The following matters should be taken out of the list of "3-strikes infractions" and included instead in the list of more serious matters that will be dealt with immediately, because both are to do with the safety of the passengers and the public and both could result in invalid insurance: (1) Injuring or endangering any person or property through wanton and furious driving or other wilful misconduct; (2) Carrying excessive number of passengers.- A member felt that as the only applicable police station is now Hester's Way, it is an unnecessary burden on drivers to insist that all lost property must be handed to the police. The member suggested that this should be changed so that it only applies to property over a certain value or of a certain type.	

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?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<p>The sub-committee recognises that it is appropriate to reduce tiredness caused by over-work and is in broad agreement with a policy designed towards achieving that.</p> <p>However the sub-committee recognises that such a policy will be difficult to enforce, and would therefore be supportive of it only if a satisfactory and preferably lightweight method of enforcement can be found that is not overly burdensome on either drivers or officers. The sub-committee suggested delegating to officers the task of finding such a solution, but suggested the following as examples:</p> <ul style="list-style-type: none">- Drivers should maintain a handwritten log that must be kept in the vehicle at all times, showing the hours they have worked that day or week.- Signage could be displayed in the vehicle advising passengers that if they think their driver appears to be tired, they can ask to see the log.- Members recognise that any such manually-maintained solution is open to fraud and abuse, therefore officers should investigate the possibility of an electronic solution such as using tachographs, smartphone apps, or the vehicle's taximeter (vehicles not fitted with taximeters, i.e. private hire vehicles, can be monitored by way of their operator's records).- A member commented that one reason for drivers working increased hours is the dilution of their trade caused by more drivers becoming licensed and suggested that a solution be found to this underlying issue.	

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

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
See 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?

The sub-committee is in agreement and has no comments to add.

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?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<p>The sub-committee is in agreement with the proposals but is uncomfortable about removing the 5 year rule entirely for ultra-low emission vehicles. Rather than have no limit at all, consideration should be given to changing the 5 year rule for ultra-low emission vehicles to a 10 year rule, so that it reads:</p> <ul style="list-style-type: none">- All new vehicles, other than ultra-low-emission vehicles, must be less than 5 years old when first licensed (using the date of first registration on the registration document);- Ultra-low-emission vehicles must be less than 10 years old when first licensed (using the date of first registration on the registration document).	

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?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

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?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> 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?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

We must be satisfied that each approved testing station is up to the standard we expect and contracted with CBC to provide a service of a specified standard. A set number of approved stations must be identified rather than have an entirely open market.

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.

When asked for their preference, the majority of the sub-committee selected option C as their preferred option from those listed above, but with the following comments made by individual members.

1. A member felt that it is unnecessary and disproportionate to require all hackney carriage vehicles to be wheelchair accessible. It is sufficient that some are accessible without making it a requirement of the entire trade.
2. Consideration should be given to requiring private hire operators to use wheelchair accessible vehicles (WAVs), such as a condition on their operating licence that at least 50% or a minimum of 5 vehicles dispatched by the operator must be WAVs. The member felt that people requiring a WAV are much more likely to phone a company than use a taxi rank, therefore placing a requirement on the private hire trade would be more effective than having a 100% accessibility requirement on the taxi trade.
3. Another member felt that from an equalities point of view, all licensed vehicles should be WAVs as it is unequal if a person who requires such a vehicle arrives at a taxi rank and cannot find one. This member's preferred option was that 'grandfather rights' be dispensed with on replacement of their vehicles. This would mean that no one would be required to buy a new

vehicle immediately, but when they came naturally to replace their vehicle, the replacement must be wheelchair-accessible. It was recognised by the member that this would mean it would be several years before the entire trade became wheelchair accessible.

4. A member felt that the existing taxi trade are struggling because there are too many taxis and they are having to work longer hours to make a living. This would become worse if new taxis did *not* have to be wheelchair-accessible because WAVs are more expensive than saloon vehicles. Removing this requirement would result in more vehicles and more applications being made, which would further saturate the trade and have a detrimental effect on existing drivers. Another member felt that it is not the council's duty to regulate the numbers of taxis as market forces will determine a natural limit and it is beneficial to the people of Cheltenham to have more vehicles available.

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.

The sub-committee is in agreement with the proposal with the comment that the new General Data Protection Regulations need to be taken into consideration when it comes to personal information being published.

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.

<input checked="checked" type="checkbox"/> Yes	<input type="checkbox"/> No
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?

A member asked officers to make sure that any case-law that sets a precedent that has occurred since the last review is incorporated into the new policy such as KAIVANPOR V BRIGHTON AND HOVE CITY COUNCIL.

The same member asked for the new policy to include a statement that where there have been allegations against a licence-holder without convictions, those matters may still be taken into account on a case-by-case basis when determining an application, because the evidential limit is the civil standard, i.e. the balance of probability. Therefore where a number of allegations have been made that indicate a pattern of behaviour, but through lack of evidence no criminal charges have been brought, those matters may still be taken into consideration by the licensing committee in its decision making. Another member felt that the council needs to be very careful with this as people's livelihoods and reputations should not be jeopardised through "trial by media" where no conviction has taken place.

Cheltenham Borough Council

Agenda item

Ratification of Miscellaneous Licensing Sub-Committee's response to Taxi & Private Hire policy review

* Meeting of Licensing Committee, Wednesday, 6th December, 2017 6.00 pm (Item 8.)

Report of the Licensing Officer

Minutes:

The Chair introduced the report and explained that following the sub-committee meeting held on Wednesday 22nd November it was the licensing committee's responsibility to ratify and approve the sub-committee's response to the review of Cheltenham Borough Council's private hire and taxi licensing policy in readiness for submission to cabinet for consideration.

Some Members wished to raise concerns over grandfather rights and the sub-committee's preference towards option C to *'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'*. They felt that this was discriminatory against those with disabilities and that there was a need to enhance and promote equality, they felt option A would be more preferential.

The Chair suggested that the committee proceeded to go through the Policy – Consultation Document question by question and that should Members have any concerns they could raise them at the relevant question. No concerns were raised with regards to questions 1-9.

Several concerns were raised regarding question 10 and Grandfather rights and a discussion ensued. Some Members who had attended the previous sub-committee meeting justified why option C had been agreed as the preferential option. They rationalised that:

- The cost for a replacement taxi was in the region of £30,000-£40,000 and it was unfair to impose this cost upon taxi drivers.
- Wheelchair accessible vehicles were uncomfortable and it was unfair to impose this upon able-bodied persons. One Member made reference to a previous colleague who had found wheelchair-accessible vehicles so uncomfortable that they had preferred a saloon car with their wheelchair in the boot.

- One Member reasoned that there were around 400 licensed taxis in Cheltenham and the number of wheelchair users in the area was fewer than 400, they, therefore, felt there was an issue of proportionality as there was not a 400 a day demand for wheelchair users.
- In most cases, it was suggested that wheelchair users already had a driver with whom they called upon if necessary or relied on their spouse or other family Members.
- Members did, however, reason that if a wheelchair user required a vehicle that it was easily available.

Concerns were raised over the fact that not all Members were party to the previous discussion and some felt there had been a lack of engagement with disability groups and professional bodies. It was agreed that it was imperative to seek guidance from professional bodies on the review of the licensing policy and that user groups should be spoken to on the consultation process. The Chair confirmed that colleagues who were wheelchair users had been consulted to and advised that Leonard Cheshire and the National Star College were aware of the consultation.

Following discussion Members were invited to vote on what their preferred approach would be.

The vote was 3 in favour of option A and 4 in favour of option C.

Councillor Willingham, Wilkinson and Collins voted in favour of option A, Councillor Thornton, Lillywhite, Seacome and Parsons voted in favour of option C.

Members then proceeded to discuss question 11. The Licensing Officer suggested that the Council should maintain a list of wheelchair licensed vehicles on the Council's website, with the contact details of drivers if they agreed to it. Members agreed this would be a good idea but that it was imperative that contact details were made available out of hours. One Member raised a concern that Licensing Officers do not actively promote consultation from interested parties and that the Council should consult as widely as possible when adopting new policies as the committee were not experts in this field. The Chair confirmed that the consultation had been made available online and that there had been a press release.

The Committee had no queries regarding question 12.

Resolved That

1. *The responses of the miscellaneous licensing sub-committee be noted; and*
2. *The sub-committee's response for submission to Cabinet for consideration be approved.*

Supporting documents:

- 📎 Report - taxi policy review, item 8. 📎 PDF 57 KB
 - 📎 Appendix 1, item 8. 📎 PDF 219 KB
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