TAXI NEWS

July 2014

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New Reception Weeley Office

We have now moved our licensing reception area which is now directly opposite the main entrance doors within Weeley Council Offices. There is a phone available that dials straight through to the licensing office and we will be looking at installing a computer within the near future for customer use to make payments on or to look at information that can provided by way of self-service.

On that point, while it is probably quite unlikely that anyone reading this newsletter will want or need any information for anything other than taxis or private hire, we do also licence a multitude of other activities such as pubs, nightclubs, betting and gaming, street trading, scrap metal dealers and a whole host of other things besides. Therefore if at any time you need information on any of these activities or whether you need to hold a licence to carry them out you can always find out by phoning us or looking at our licensing page on the Council's web site.

Dress Code

At the risk of sounding like a broken record, we have to once again draw your attention to the fact that some drivers are unfortunately still not complying with the Council's dress code in relation to hackney carriage and private hire drivers.

We would therefore like to take this opportunity of once again respectfully reminding everybody please that it is the Councils policy that all Hackney Carriage/Private Hire drivers must adhere to the dress code. In case of any doubt, it is again detailed below for clarity and to ensure that there is no uncertainty over this code.

The dress code is collared shirts, tailored trousers/shorts, plain jumpers/jackets, blouses with tailored skirt or trousers for women, no hoodies, no inappropriate slogans or adverts on clothing, and appropriate footwear i.e. no flip-flops or unsafe footwear.

This policy was adopted by the Licensing Committee on 1st November 2011 and will be enforced. If a driver is persistently in breach of this condition then he/she will be required to attend the Licensing (General Purposes) Sub Committee to explain to members of the Committee why this policy should not apply to them personally.

Broken Brackets/Plates on vehicles

Please be aware placing your plate in the back window of your Hackney/Private Hire vehicle is unacceptable. If your bracket is damaged it must be replaced. This is a condition of your vehicle licence and may lead to the vehicle having its licence suspended until such times as it is shown to the Licensing Authority that the plate has been properly fixed to its rear bracket. This happened recently unfortunately and we would much prefer not to have to take vehicles off the road for something that the proprietor could easily avoid.

Joint Checks with Essex Police and ECC

You may be aware or may recall that back in January stop checks–took place in and around the Clacton on Sea area. These stop checks which were carried out primarily on private motorists in a joint operation held by the Police and Essex County Council were also supported by TDC licensing enforcement officers where taxis and private hire vehicles and scrap metal collectors were stopped by Police as well. It is very likely that these stop checks will take place again in the future, so please be aware that any licensed vehicle that is stopped may be liable for example to seatbelt checks, smoking in licensed vehicles, or the road worthiness of licensed vehicles.

Waterglade Rank-End of NEPP 'Relaxation' on parking in service area

The North East Essex Parking Partnership (NEPP) has informed us that they will be ending the 'relaxation rule' at the Waterglade Taxi Rank. They are not able to advise us at this present time exactly when they will end this relaxation rule, but if we do hear anything further on this we will do our very best to get this information out to the trade. You will be aware that despite our best efforts over a period of time that we have unfortunately been unable to get permission from the owners of the Wateglade site for a trial rank within the Waterglade customer parking area. Therefore once the NEPP end this relaxation the Waterglade rank on Old Road will revert back to an official three car taxi rank. Please therefore be aware that once NEPP call time on this relaxation anyone caught parking or ranking in the service road area beyond the official rank is very likely to be issued with a parking ticket by NEPP enforcement officers.

Inspection Process for vehicles that are requested to renew over 10 years of age

We are really pleased to be able to advise that the Licensing Committee at their meeting of the 8 April agreed to the following request submitted by the Tendring District Taxi Association in respect of the maximum age that hackney carriage and private hire vehicles can be licensed for:

(a) the amendment of the current policy to allow saloon, estate and MPV type hackney carriage and private hire vehicles to be licensed up to, and including, a maximum of twelve years from the date that the vehicle is first registered provided that the vehicle was mechanically and bodily sound and was capable of passing the Council's hackney carriage and private hire vehicle inspection requirements;

(b) the amendment of the current policy to allow purpose built wheelchair accessible hackney carriage and private hire vehicles and 'London black cab' style purpose built wheelchair accessible Taxi's such as the TX1's to TXIV range etc. to be licensed up to, and including, a maximum of fifteen years from the date that the vehicle was first registered provided that the vehicle was mechanically and bodily sound and was capable of passing the Council's hackney carriage and private hire vehicle inspection requirements; and

(c) the adoption of a procedure, at a future meeting of this Committee, of visual inspection to be carried out by licensing officers for the interior and exterior of licensed hackney carriage and private hire vehicles at the time of renewal on the tenth and eleventh years for saloon, estate and MPV type vehicles and between the twelfth and fourteenth years for purpose built wheelchair accessible vehicles and 'London style' black cabs and to build in an appeal hearing process to the Licensing (General Purposes) Sub Committee for licence holders in the event of a refusal by licensing officers to renew a vehicle licence beyond its tenth year in respect of saloon, estate and MPV type vehicles and twelfth year for purpose built wheelchair accessible vehicles and 'London style' black cabs.

Licensing Officers have agreed with TDTA Committee members an agreed visual inspection schedule and an appeal process for renewals of licences for vehicles over ten years of age from date of first registration (as detailed above in a), b) and c) and this is going to the Licensing Committee on the 29 July 2014 for its approval. All being well we will be able to introduce the extension to the maximum vehicle age very shortly after this date.

Smoking in Taxis

The Licensing team has received an increasing number of reports about drivers smoking in their taxi or private hire vehicles. This is unlawful I'm afraid. A Taxi or Private Hire Vehicle is regarded as a workplace under the Health Act 2006 in exactly the same way as an office, or a bus or a shop or a factory would be for example. Please be aware the Licensing Team are also authorised to issue Fixed Penalty Notices to any drivers who are seen to be smoking in their taxis or not displaying the correct smoking prohibited signs in your vehicle. Again this is in accordance with the Health Act 2006.

We would prefer everyone's co-operation to avoid having the unpleasant job all round of issuing Fixed Penalty Notices, but if we have to then we will.
The fines for failing to comply are as follows:-

Smoking in a taxi
£30 if paid within 14 days
£50 if paid between 13 & 29 days
If no payment referred to Court, maximum fine of £200

Failing to Display signs
£150 if paid within 14 days
£200 if paid between 13 & 29 days
If no payment referred to Court, maximum fine of £1000

If you require signs for your taxi or private hire vehicle please contact the Office and we will be more than happy to provide them for you.

Information on relatives/partners driving Taxis without holding HCD/PHD licenses

An issue has been raised regarding whether named drivers on insurances other than the licence holder are able to use a hackney carriage or private hire vehicle for private use. I can confirm that the answer to this is unfortunately no, they cannot. The reason for this is due to two particular High Court Judgments which mean that a person driving a vehicle licensed as a Hackney Carriage (Yates v Gates 1970) must hold a hackney carriage drivers licence whether or not the vehicle is plying for hire at any particular moment and a Private Hire drivers licence in respect of private hire vehicles (Benson v Boyce 1997). The only legitimate exemption to this rule, (unless the law is changed at any time in the future), is for mechanics that may be driving a vehicle solely for the purposes of testing its mechanical condition or fitness in connection with Section 45 and 46 of the Road Traffic Act 1988 and in connection with sections 41 and 42 of the RTA 1988 and Road Vehicles (Construction and Use) Regulations 1986. At all other times only a licensed hackney carriage or private hire driver may drive a licensed hackney carriage or private hire vehicle.

An unlicensed driver is likely to be prosecuted and also invalidate the vehicles insurance.

Reducing the Strength Campaign- How you can help

You may have seen and heard about the joint campaign between Tendring District Council, the Police and the Health Authority to try and reduce the strength and sale to Street Drinkers of what are known as Super Strength lagers, beers and ciders which all have an alcohol by volume content of 6.5% or over.

Street Drinkers often unfortunately have dependency and medical problems that make them drink heavily, so along with trying to reduce the strength and limit the sale of alcohol to them, the Police and Council have stepped up enforcement in the town centre to remove alcohol from persons drinking in the street and quite literally tip this down the drain and also are working closely with health outreach workers to try and get some of the Street Drinkers into health programmes where they can be helped to reduce their consumption and dependency on alcohol.

I think it's fair to say that particularly in the summer some street drinkers can be a nuisance and can be very intimidating and off-putting for visitors, residents and many businesses in the town including yourselves on occasions no doubt.

The Council, the Police and the Health Authority would really welcome your support to try and make our town an even better place to visit and work which in turn means more money coming into the local economy for businesses, including of course yourselves.

You can help to do your bit for the campaign by keeping your ears and eyes open and reporting to the Licensing team your observations or knowledge of any off licence or shop that is persistently selling alcohol to persons who are quite clearly drunk, have had too much and are already worse for wear as a result.

Any information can be given in confidence and will be treated by us in the strictest confidence.

Taxi Drivers using ranks for personal use

Complaints have been received by the licensing team about taxis being left parked on ranks while their owners have gone off to do their shopping. Allegations have been made that vehicles are being left for anything up to an hour at a time. It is unlawful to leave a taxi unattended on a taxi rank and it is also unfair to other colleagues who want to use the rank for its legitimate use which is of course to stand and ply for hire.

We will take enforcement action against drivers caught doing this, but again we would prefer that everyone is fair and sensible over this issue and did not let their colleagues down by making such action necessary in the first place.

Gas Explosion- Thank You

A little belated we know, but we would just like to say a very big thank you to all the taxi drivers who were involved in helping and conveying the victims/relatives throughout the gas explosion in Cloes Lane that took place on 5th February 2014. You were unsung heroes on that difficult day and your help is greatly appreciated. So thank you and well done to everyone concerned!

DBS (CRB)

Please can all drivers who are applying for the renewal of their HC/PH driver licence be aware it is essential they present us with the CRB/DBS certificate they receive back through the post as the Council no longer receive copies of these direct from the DBS. Without the certificate we are unable to issue new driver licenses. Additionally please be aware that we can only accept CRB/DBS certificates that are 3 months old from the date of issue, failure to do so is very likely to result in the applicant having to submit a new form including the £44 fee

Keeping Safe

Anyone reading the news or looking at the taxi trade papers or magazines will know just how difficult and dangerous the job of taxi driver can be at times. It's important that everyone keeps safe and to try and help you do so the information shown below which is available on the Workplace Safety Advice web site is included in the newsletter as a reminder for everyone to look after themselves. Particularly when working late at night.

What Are the Predominant Risks for a Taxi Driver?

Working late at night and into the early hours of the morning, especially at weekends, is obviously going to present taxi drivers with far more instances of encountering drunk, aggressive and abusive passengers or criminals who might have their eye on robbing a taxi driver of his takings or committing some other act of violence or crime. Most taxi drivers will also be aware of the notorious trouble spots and geographical areas on their patch which often present more problems than others.

Another risk is in leaving the cab. For example, a passenger may get out of the cab without paying and it would seem quite natural for the driver to follow them out of the cab to try to obtain the payment which is rightfully theirs. However, this action can be fraught with danger as it can be part of an elaborate set up so that when the taxi driver leaves the cab, an 'accomplice' of the passenger is lying in wait to simply get in the cab and drive off.

Measures to Safeguard Yourself as a Taxi Driver

There are many useful things you can do to stay safe if you're working as a taxi driver. Firstly, the way you conduct yourself with passengers is crucial. You should always be polite. Good customer service is essential. It's also important not to be too judgemental. As a taxi driver, it's inevitable that you're going to encounter passengers from time to time who have had a bit too much to drink.

The fact of the matter is as the driver, you retain the control. Therefore, as you're pulling up to pick up a fare, you are entitled to refuse to pick up any passenger if you feel their behaviour or demeanour is likely to cause you problems. Of course, you'll not always be able to tell that in advance so it is very much a judgement call on a taxi driver's behalf.

Do Not Fight Back if Threatened
A taxicab may well represent your livelihood but you should not put yourself in any risk if you are threatened with violence. Criminals have been known to use knives, CS spray, syringes and even guns when carrying out armed robberies of taxi drivers so it's not worth the risk to fight back. Simply hand over any takings and leave it to the police to do the detective work.

Always Stay With the Taxi
Even if a passenger runs off without paying, you should always stay with your taxi. Leaving the taxi puts both you and the taxi in a more vulnerable position and by staying with the cab; you can at least call for assistance should an incident occur as well as it offering you a place of safety away from potential violence.

Other Useful Tips and Equipment
There are many other things you can do as a taxi driver to ensure your personal safety and prevent abuse. Door handles can be modified so that they can only be opened from the inside and deadlocks can be fitted which can be activated in areas known for violence.

You can have CCTV fitted in your cab and use plastic partitioned glass to separate you from the passenger area with lockable sliding screens through which fares and change can be exchanged although if you adopt this practice, make sure the screen is not directly located behind the driver's head.

There are also all kinds of sophisticated radio and communications devices which can alert those at base of any problems you're experiencing as well as base being able to keep you informed about potential trouble in a particular area, for example.

Ultimately, it will be for you as a taxi driver to decide what times of the day or night you wish to work and what geographical locations you're prepared to work in.

Further good advice on not just safety, but also about medical health problems encountered by taxi and private hire drivers can be found on the internet and in particular the following website which is the European Agency for Safety and Health at Work and can be viewed using the following link shown below:

https://osha.europa.eu/en/about/Road-transport/taxidrivers-safety-and-health.pdf

TAXI RANKS
We're aware that the Chapman Road Taxi Rank is still a mess frankly with pot holes and very faded rank markings and signage. We understand that this is frustrating for everyone including ourselves, but please be assured that we continue to chase up Essex County Council regularly about the potholes and also continue to chase up about the markings and signage. The pothole repairs are now listed under the ECC Highways repair schedule and we will carry on chasing these up. If we get any further details about when these repairs are likely to take place we will do our very best to get the word round.

For information, we have also been in discussion with representatives from the Harwich and Dovercourt taxi trade to work together to see where it might be possible to site a taxi rank in either Station Road or Kingsway in Dovercourt. This matter is still at a very early stage at this point in time and frankly we don't have any more information than this and any proposal will have to go through the usual route of being applied for as new traffic order and is therefore assessed as such by the North Essex Parking Partnership Joint Committee. Once we have any further information or update on this proposal we will advise in the newsletter accordingly.

LICENSING TEAM

Contact details for the Licensing Team are
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