

TAXI NEWS

7 April 2017

Implementation of Sections 165 and 167 of the Equality Act 2010

The Government has enacted Sections 165 and 167 of the Equality Act 2010 with effect from the 6 April 2017 in respect to Hackney Carriage (Taxi) and Private Hire Drivers, Vehicles and Operators.

This will require the Council as the Licensing Authority to make a list of taxi and private hire vehicles licensed by Tendring District Council that it considers to be wheelchair accessible; e.g. as a minimum, the vehicle is designed for and is able to carry, a passenger seated in a standard "reference wheelchair" and also publish a list of those vehicles (known as designated vehicles under Section 167 of the EA 2010).

It will also require the Council to set a date from when it will be unlawful in our area for drivers of licensed Tendring District Council designated wheelchair accessible taxi and private hire vehicles to refuse to carry passengers in wheelchairs; provide assistance to those passengers and prohibit wheelchair passengers from being charged extra for their journey.

This date is likely to be six months from the date that the Licensing and Registration Committee commences the implementation of this policy in our area. E.g. if it is adopted by

Committee at the 12 April meeting then it is likely to come into force in mid-October 2017. It will be a criminal offence if a driver of a designated wheelchair accessible vehicle fails to comply with the duties specified and any driver convicted would be liable to receive a level 3 fine which is currently £1,000.

Drivers can however apply for a medical exemption to undertake the carriage of a wheelchair accessible passenger and the duties associated with that carriage under Section 165 of the EA 2010. It will be at the discretion of the Council as to who it will accept that medical exemption from, i.e. the drivers own General Practitioner, or one that the Local Authority designates such as an occupational health Doctor. Any such medical requests or examinations will be undertaken at the drivers own expense.

A report is being taken over this implementation to the Licensing and Registration Committee on Wednesday the 12 April 2017. The Committee meeting will be held at the Weeley Council Offices and commences at 7.30p.m. It is a public meeting. The agenda and covering report will be available to view or download from the Committee pages of the Council's web site www.tendringdc.gov.uk Usually seven days before the meeting.

Heathrow 'Authorised Vehicle Area' for Taxis and Private Hire Vehicles

We have been advised by the Heathrow Airport Authorities that Heathrow has opened an Authorised Vehicle Area to help reduce the number of private hire vehicles parking in local resident roads around the airport.

This is a dedicated facility for private hire vehicles **and** licensed taxis to wait for passengers prior to picking up from a short stay car park and meeting at an agreed location within the terminal.

It also has access to toilets, vending and a smoking area.

Located on the Northern Perimeter Road, Middlesex, TW6 2EQ
Sat nav: +51.48018 -0.45504
Open 7 days a week from 05:00.
Last entry 23:45.

For any further information see
heathrow.com/ava

We hope this information might be of help and assistance to you.

Immigration Act 2016 and how it will affect Taxi and Private Hire trades

The Immigration Act 2016 which went live as from the 1 December 2016 requires Councils to make positive checks that all applicants for both new and renewed hackney carriage and private hire driver and operator licences submitting applications after the 1 December 2016 have the right to work in the United Kingdom.

This means that all new applicants and those renewing existing hackney carriage and private hire driver and operator licences after the 1 December are required to provide confirmation that they have the right to work either permanently or temporarily in the United Kingdom.

The Council has a legal responsibility under the Immigration Act 2016 to ensure that it does not grant a licence to a person who does not have the right to work in the UK and must do so by verifying the applicant's identity and their right to work in the UK. The Council also has a responsibility to communicate and check with the Home Office in regards to the immigration status of any applicant or documents that they have presented in support of their driver licence application.

Applicants for hackney carriage and private hire driver and operator licences are also legally obliged to comply with the requirements of the Immigration Act 2016 when applying for these licences and will not be granted a licence unless they can prove compliance with the Immigration Act 2016.

This requirement applies to all new applications and renewals and to all applicants for driver and operator licences. Neither the Council nor the applicant has any discretion to waive this requirement.

As a result of the Immigration Act 2016 going live you will notice a change to our Driver, Vehicle and Operator application forms to reflect the legal requirements that both the Council and you as a licence holder/applicant are placed under to comply with the new Act.

Further details on the Immigration Act and how it will affect the taxi and private hire trades are available via the GOV.UK website or the covering Licensing and Registration Committee report of the 18 January 2017 can be viewed via the Committee pages of the Council's website www.tendringdc.gov.uk

Colchester Bus Lanes

The Licensing Team has been receiving a number of calls regarding the legality of taxis using bus lanes in North Hill, Colchester and High Street, Colchester.

We have contacted the department of Essex Highways that deal with this and they confirm that all Hackney Carriage and Private Hire vehicles are allowed to use these lanes regardless of where they are licensed.

However, you may unfortunately still receive a Penalty Charge Notice (PCN) and if you do you will need to make representation/appeal against the notice as communicated on the PCN.

You will need to prove that you hold the relevant licence to be able to use the bus lane, i.e. hackney carriage or private hire vehicle licence and once appealed you will be added to their database with the view of avoiding any future PCN's.

Please be aware that this is not something that the Licensing Team can or will deal with. For any further information please visit www.essexhighways.org.

E-mail of Applications and Documentation

It may be helpful for you to know that the Licensing Team are able to accept scanned copies of completed application forms, MOTs,

Insurances and any supporting documentation. For renewals we will also accept digital photographs if necessary, providing they are entirely clear and legible to read and can be downloaded easily. Please send these to the general taxi email address:
taxi@tendringdc.gov.uk.

The only time when scanned or photographed documents cannot be accepted is for brand new applications for driver, vehicle or operators licences, or is the original of the DBS (Criminal Records Certificate) which also has to be brought into us.

On line submission of applications and documents are an easy and convenient way for you to submit applications and can save you a journey and therefore save you time and money by not having to come into the Licensing office.

TDC Taxi Licensing Web Pages

Self-service application forms for amendment and renewals for a vehicle licence can now be found on our website. The website address is www.tendringdc.gov.uk and by typing Licensing in the search tab. You can download and complete these forms at your own convenience at any time.

We also try and frequently update our taxi licensing web pages with information that you may find useful or helpful. Often the answers to questions that you may have are shown on our taxi licensing web pages. It's often worth checking these first and which may save you sometime or a telephone call.

If the information you require is not available on the web page then please do not hesitate to email your question unto the licensing office using taxi@tendringdc.gov.uk.

Vehicle Break Ins

The Chairman of the Tendring District Taxi Association, Chris Thomas, has advised us that there have been a number of burglaries targeted at Taxi and Private Hire vehicles, particularly on home driveways.

Lots of vehicle crime can be preventable by taking the following steps to try and alleviate the opportunity and threat of vehicle break-ins.

These are;

- Always lock your car when left unattended, it takes as little as 10 seconds for a thief to steal something from your car.
- Removing everything from your car, don't even leave a jacket where it can be seen.
- Never, ever, leave valuables or takings in your car on display or overnight.
- Always ensure that windows and sunroof are closed when leaving your vehicle.
- Try not to store things in your boot except for essential items.
- Store your car information documents in your home, not in your car.
- Keep in a routine of removing your keys from the ignitions and do not leave your car unattended with engine running.
- Take all removable electronics such as stereos and sat nav equipment with you.

The Licensing Team has no objection for the top light and Taxi/Private hire vehicle plate to be removed when vehicle is parked up at night on your driveway for instance, however these will of course have to be reaffixed/replaced each and every time the vehicle is to be used. A vehicle cannot be used for hire without the proper identification in place.

As a result of Chris's information and if it helps you keep your vehicle safe, the Licensing Team have acquired a limited number of 'ALL VALUABLES HAVE BEEN REMOVED' window stickers which are

available free of charge if you would like to have one.

If you do, then just let one of the team know either by ringing 01255 686565 or by e-mailing taxi@tendringdc.gov.uk or ask for when next time that the reception is open or that you have an appointment with us.

Tendring Taxiwatch Scheme

The Chairman of the Tendring District Taxi Association also recently met with Inspector Darren Deex of Essex Police with a view to looking to see how the trade, Police and Council can work together to introduce a 'Taxiwatch' Scheme in Tendring. The Council's Licensing Enforcement Officer Steve Mahoney was also present at the meeting.

The 'Taxiwatch' scheme would help keep drivers safe in Tendring day and night and would bring a more direct route for drivers to the Police for advice and assistance. Particularly late at night where there is always the possibility of problems with customers over payment of fares or abusive behaviour.

If you would also like to be involved in the setting up of the 'Taxiwatch' scheme to keep drivers safe, informed and also build up a good working relationship with the Police locally then please e-mail taxi@tendringdc.gov.uk or phone Steve Mahoney on 01255 686591 or PCSO 42070398 Matthew Ladkin email address matthew.ladkin@essex.pnn.police.uk or phone 101.

Driver Badges

In the December 2016 edition of the Taxi Newsletter, we informed you that we would be taking a report to the Licensing and Registration Committee recommending that driver's names are put on the front of the taxi and private hire driver's badges.

On Wednesday the 18th of January 2017 the Licensing and Registration Committee agreed to include the title, initial(s) and surname of the licence holder prominently on the front of the Council's Hackney Carriage and Private Hire Drivers Badges.

This will help our licensing officers and anyone else like Police officers know who you are when speaking with you out on the road or rank. It also assists with passenger safety and security. Previously the driver's badges only showed your badge number.

We do not put anyone's full name on the badge e.g. 'Mr John Smith', but just the initial(s) of the driver concerned e.g. 'Mr J Smith'.

Please be aware that we will not be issuing you with a new badge to reflect this change and it will only become apparent on the renewal/issue of new badges.

Sale of Hackney Carriage/Private Hire Vehicles

Please be aware that you cannot sell a plate independently from the vehicle it belongs to.

The Hackney Carriage/Private Hire plate remains property of Tendring District Council.

This is outlined in the case of Challoner Vs Evans 1986 and states that:

'It is therefore seen and is conceded in the present case that the plate at all material times remain the property of the District Council. For so long as the Hackney carriage is serving as a Hackney carriage by section 38 of the 1847 Act the plate must be attached to the carriage, and then it is seemed to be a Hackney carriage for the purposes of that Act'.

Also be advised that when selling a vehicle it is recommended that you remove all logos advertising your business and anything that suggests that the vehicle is a Taxi. This avoids confusion over the ownership of the taxi.

Taxi Rank Markings

We are aware of the poor state of some of the taxi rank markings in Clacton and Frinton. Licensing Enforcement Officers have taken photographic evidence of the state of each of the taxi ranks markings and sent a report and photographs into Essex County Council

Highways Authority with a request for them to be remarked and repainted.

The ranks in questions are as follows:

- Station Road, Clacton Taxi Rank
- Connaught Avenue, Frinton Taxi Rank

Driver CCTV in Taxi and Private Hire Vehicles

For information, clarification and for the avoidance of any doubt or confusion, please be advised that TDC does not have a policy on the installation of CCTV systems in taxis and private hire vehicles.

There are no plans to introduce a specific policy either, nor does TDC hold a particular view on CCTV installations in taxi and private hire vehicles at this time.

Anything positive that helps to promote and maintain driver and customer safety is not in any way looked at negatively by the Council and the Licensing Team however.

A CCTV system is an installation of an internal facing in car camera (or cameras) and recording capacity and which can sometimes include audio recording depending on the circumstances that it is used under.

This is entirely different from something like a sole dash cam which of course is normally an external facing camera and is predominantly used for completely different purposes to an interior driver and customer safety and security internal facing CCTV system such as to witness possible external accident damage for car insurance purposes.

We have advised a number of persons over the years who have made enquiries about either of these types of cameras, particularly the internal safety and security camera to make sure any system they fit and use fully complies with the Information Commissioner's Office (ICO) requirements and guidance on data protection and to check with the ICO if they are not sure.

There are also some very good guidelines for CCTV in taxis and private hire held by Transport for London and which are compliant with the ICO's requirements on data protection. These can be viewed on the TfL website tfl.gov.uk

Significant fines can be issued for the misuse of data or images by the ICO, so anyone not complying with the ICO requirements/regulations frankly does so at their own peril and at their own cost.

More information on CCTV and data protection can be found on the Information Commissioner's Office website at ico.org.uk

In the meantime we hope this information is helpful to you.

Taxis Being Left Unattended on Taxi Ranks

All taxi drivers are respectfully reminded that you should not leave your taxi unattended on a taxi rank. Only taxis plying for hire are able to use a taxi rank.

If your vehicle is left unattended, then you cannot be plying for hire.

By leaving taxis unattended on a taxi rank, drivers can prevent other taxi drivers from being able to use the taxi rank properly.

Should you need to leave your taxi when working other than for reasons of an extreme emergency then you must find somewhere else appropriate to park it.

You also risk receiving a fixed penalty parking notice from the parking enforcement agency (North Essex Parking Partnership) if in the course of their patrols they come across an unattended taxi on a rank.

Road Closure Notices

The Licensing Authority has been made aware of the following road closures in the near future. These are:

Temporary Road Closure Town Police Clauses Act 1847

Location/Event: Harwich/Tour De Tendring
Dates & Times: 14th May 2017 from 0600hrs to 1100hrs

The area concerned is Lower Marine Parade between the junction of Gordon Road and The Drive.

Location/Event: Clacton on Sea/Clacton Air Show

Dates & Times: 23rd August 2017 from 0600hrs to 25th August 2017 2359hrs

The area concerned is Marine Parade West between the junction of Tower Road and Wash Lane.

Location/Event: Harwich/Essex Air Ambulance Motor Cycle Rally

Dates & Times: 10th September 2017 from 1000hrs to 1800hrs

The area concerned is Harwich Quay, Kings Quay Street, Wellington Road, Harbour Crescent and Barrack Lane.

FINALLY.....

By Courtesy of the Tendring Community Safety Partnership, we have included with your newsletter a 'Taxi Drivers Handbook' which contains a lot of very useful and helpful information including personal safety for drivers, car safety, home safety and ID fraud amongst many other topics. This booklet doesn't just contain useful information for drivers and for example it could also be helpful to family members or base staff working in taxi control offices. Whatever your job or whoever reads this we hope that it might help to keep you safe.

LICENSING TEAM CONTACT DETAILS

Contact details for the Licensing Team are:

E-Mail - taxi@tendringdc.gov.uk

Or

E-Mail - licensingsection@tendringdc.gov.uk

Phone - 01255 686565

Fax - 01255-686343

Licensing Reception Opening Times

Mondays - Appointments Only

Tuesdays - 10am to 12 noon

Wednesdays- 10am to 12 noon

Thursdays - Appointments Only

Fridays - 1pm to 4pm

Thank you for your time in reading this newsletter and we hope that the information it contains will be helpful. In the meantime please keep safe and drive safe.