

# TAXI NEWS

22 August 2017

## Advertising on Hackney Carriage and Private Hire Vehicles

A reminder please that all advertising displayed on hackney carriage and private hire vehicles must be approved by the Licensing team before it is displayed. Failure to do so is likely to see action taken against the vehicle licence to remove the advert. You must request either in writing or via email the advert you propose to display and it must be accompanied by a diagram or image of the advert, including its dimensions. We will respond to you so that you have written confirmation the advert or advertising has been approved and authorised. For a reminder of the types of advertising that is not permitted on TDC hackney carriage and private hire vehicles as agreed at the Licensing Committee of the 29 July 2014, please see our website;

<http://www.tendringdc.gov.uk/business/licensing-legislation/taxi-licensing>

We have been asked by several different drivers in recent months about the legality of displaying discounted fares on the exterior of hackney carriage and private hire vehicles. We would like to clarify that at this time there is nothing to

prevent a vehicle from displaying this type of advert, it does not breach Council policy nor is it against the law. As you will be aware, it is illegal to charge more than the fare stated on the meter, but it is not illegal to charge less if you wish to do so.

## Implementation of Sections 165 and 167 of the Equality Act 2010

In the 7 April 2017 taxi newsletter we advised that the Council's Licensing and Registration Committee were going to consider the adoption and implementation of Sections 165 and 167 of the Equality Act 2010 at their meeting of the 12 April.

Section 167 of the Equality Act 2010 requires 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) on the Council's website.

Section 165 requires 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.

The Equality Act 2010 makes it a criminal offence for a driver of a designated wheelchair accessible vehicle to fail to comply with the duties specified and any driver convicted would be liable to receive a level 3 fine which is currently £1,000.

The Licensing and Registration Committee have decided to adopt and implement these sections of the Equality Act 2010 and proprietors of likely wheelchair accessible hackney carriage and private hire vehicles were notified of this decision by letter dated the 23 June 2017 and asked to advise the Licensing team by the 9 July if their vehicle is not capable of carrying a passenger seated and secured in a standard reference wheelchair.

The next step in this process is that the Licensing team have written again to the proprietors of vehicles that have been identified as capable of carrying a passenger seated and secured in a standard wheelchair reference wheelchair to advise them the designation and publication of these wheelchair accessible vehicles will take effect from **Monday the 9 October 2017**.

Any proprietor of one of these designated vehicles will have to the right to appeal the designation and publication to the Magistrates Court and full details have been given to them on how this can be done and where such an appeal must be lodged.

The 9 October 2017 implementation date for Sections 165 and 167 of the Equality Act 2010 will give a reasonable time period for any proprietor to appeal against their vehicle having been designated if that is what they wish to do and also give drivers of these vehicles a reasonable period of time to seek a medical or physical exemption from the duties that Section 165 places on them in respect to the carriage of wheelchair passengers.

Section 165 of the EA 2010 places the following legal duties on drivers of designated wheelchair accessible vehicles to carry out the following actions:

- to carry the passenger while in the wheelchair;
- not to make any additional charge for doing so;
- if the passenger chooses to sit in a passenger seat to carry the wheelchair;
- to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- to give the passenger such mobility assistance as is reasonably required.

In terms of defining what constitutes 'mobility assistance' for the wheelchair passenger, Section 165 of the EA 2010 describes it as assistance by the driver of a taxi or private hire vehicle (PHV) to do the following:

- To enable the passenger to get into or out of the vehicle;
- If the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
- To load the passenger's luggage into or out of the vehicle;
- If the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

These duties in accordance with Section 165 of the Equality Act will apply from the 9 October 2017 to all drivers of designated wheelchair accessible vehicles, unless the driver has applied for and been granted a medical and physical exemption from compliance with these duties.

Applications for medical or physical exemptions must be applied for from the Council Licensing team and only medical or physical examinations carried out by the Council's own Occupational Health Practitioner will be accepted as proof of a valid exemption. All examinations with the Council's Occupational Health Practitioner will be met by the driver concerned and the Council will not meet or accept any costs or expenses associated with such an application for exemption.

Any refusal by the Council to exempt a driver from the requirements of Section 165 of the Equality Act 2010 on medical and/or physical grounds can be appealed by way of lodging a written appeal to the Magistrates Court within 28 days of such a refusal being made. Full details of where to lodge any such appeal to will be given at that appropriate time.

Proprietors of wheelchair accessible vehicles in our second letter to them dated 24 July 2017 have been fully advised of the procedure and processes required to appeal against a designation of a vehicle and how they or their drivers can apply to be medically or physically exempted from the legal requirements that Section 165 of the Equality Act 2010 will place on them. They have been asked to pass this information onto their drivers and of course the taxi newsletter also is circulated by post to all drivers licensed by Tendring District Council and also e-mailed to the TDTA.

If there are any questions about what Sections 165 and 167 of the Equality Act 2010 will mean for you or your drivers then please do not hesitate to contact the Licensing team by e-mail or phone and we will do our best to advise or help you where it is possible to do so.

### **E-mailing of Applications and Documentation**

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](mailto:taxi@tendringdc.gov.uk).

Alternatively, you can now submit multiple documents using the "Submit Supporting Licensing Documents" form which can be found on the licensing webpage of the Tendring District Council website or using the direct link: <http://www.tendringdc.gov.uk/business/licensing-legislation/submit-supporting-licensing-documents>

Shortly you will be able to use this facility in the licensing reception area as well by using the ipad provided on the licensing desk so keep your eye out for this.

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.**



### **Colchester Bus Lanes**

Further to the item in the 7 April 2017 taxi newsletter concerning access and use of bus lanes in Colchester by 'out of town' taxi and private hire vehicles, we've had an update on this from Colin Bennett who many of you may know is a driver with us and a TDTA member.

We're very grateful to Colin for advising that you can register your vehicle for access and use of the bus lanes in Colchester and which will prevent you from getting and having to reclaim back or appeal against the issue of a fixed penalty notice.

The e-mail address to register is [network.operation@essexhighway.org](mailto:network.operation@essexhighway.org). You will need to provide proof that your vehicle holds a current licensed hackney carriage or private hire vehicle licence by providing proof such as a copy of your vehicle licence.

### **Chapman Road Taxi Rank - Complaint**

The Licensing team have received complaints from the residents of Coleman Court alleging that a number of taxis have been using their entrance forecourt as a place to turn round for easy access to the rank. We appreciate that road space is limited and you may find that it's quicker than driving round to enter Chapman Road from its junction with the High Street; however the allegation is that taxis are turning at speed and setting off sensor lights on the building at night which is causing both a danger and disturbance to the residents. We cannot stop you using the forecourt but we would kindly ask on behalf of the residents that you take more caution while turning and try to avoid setting the sensors off, though preferably try to avoid using the turning at all. Thank you.



### **Chapman Road Taxi Rank - Station Signage**

The Licensing team have been made aware that the rank is not well signposted at the train station which is causing people who may not be familiar with the area not to be clearly directed to the location of the rank. We are happy to help assist with this, and we intend to contact Essex County Council Highways and Greater Anglia to see the potential of them both erecting additional signs in the area. Unfortunately Tendring District Council has no authority over the highway or the station so we cannot guarantee any success, but we will endeavour to do what we can. Please be patient in the meantime.

### **Vehicle Seating Capacities - Children**

The Licensing team have received several enquiries from the taxi trade relating to the carriage of children and the rules for charging.

Please can it be made clear that a person of any age is considered as a passenger and would therefore be included in the seating capacity that your vehicle is licensed for. A vehicle licensed for 4 passengers cannot carry 4 adults and 1 child for example. We have had reports of drivers not adhering to this and again it should be made clear that not only is this a breach of licence which could result in the driver being prosecuted, but your vehicle insurance is also invalidated.

With regards to extra charges, a child under 3 years old cannot be included as 'a person in excess of one' as per your fare chart. Two children between 3 and 10 years old count as 1 person in excess of one, and so for example 4 children between 3 and 10 years old count as 2 persons in excess of one.

However they would still individually count as a passenger in terms of seating capacity.

This is from a 1976 Bylaw made under S.68 of the Town Police Clauses Act 1847 and S.171 of the Public Health Act 1875.

### **Notice of Road Closures**

#### **OVO TOUR OF BRITIAN TIMETRIAL EVENT**

As you may be aware, on Thursday 7th September 2017, Clacton is hosting a leg of the most prestigious cycling event in the UK, the OVO Tour of Britain. This will involve the best male cyclists in the world and will be shown live on television both in the UK and around the world.

In order for the time trial to take place, a number of road closures will be necessary which we hope does not cause undue inconvenience. A full list of roads affected by the event is listed as follows:-

The following roads will be closed from approximately 05:00am until 06:00pm:

Hastings Avenue Junction West Road to Selsey Avenue

West Road Junction Wash Lane / Marine Parade West to Coan Road

Marine Parade West Junction of Wash Lane to Tower Road

Wash Lane Junction of West Road/ Marine Parade West to St Vincent Road

Collingwood Road

NOTE - Please be assured that controlled access will be provided for residents up to 9.30am and after 2.30pm

The following roads will be closed from approximately 9.30 - 2.30pm

Junction Tower Road to Marine Parade West / Junction Pier Gap

Junction Marine Parade East / Pier Gap to Junction Kings Avenue / Kings Parade

Kings Parade to Junction Frinton Road / B1032

Kings Avenue

Junction Kings Avenue / Windermere Road / Holland Road (B1032) to Junction Valley Road (B1027)

Sladburys Lane to Junction Little Clacton Road

Junction of Sladburys Lane Holland Road, Little Clacton Road to Junction of Main Road / Frinton Rd (B1032)

From Junction of Main Road, Little Clacton Road, Clacton Road/ Frinton Road (B1032) to Junction (Mini Roundabout) Frinton Road (B1032) and Kings Parade.

Junction of Burrs Road / Gorse Lane to Sladburys Lane.

Junction of Thorpe Road, Holland Road to Junction of Sladburys Lane, Little Clacton Road

#### **Licensing Reception Opening Times Pier Avenue**

Mondays - Appointments Only

Tuesdays - 10am to 12 noon

Wednesdays- 10am to 12 noon

Thursdays - Appointments Only

Fridays - 1pm to 4pm

We cannot guarantee that a specific licensing officer will always be available even when reception is open, so if you need to speak to a particular officer its always best to ring beforehand to make an appointment to do so and they can be confirmed as available and you are guaranteed to be able to see the person that you wish to see.

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 time and a telephone call or personal visit to the office.

If the information you require is not available on the web page then please do not hesitate to email your question into the licensing office using [taxi@tendringdc.gov.uk](mailto:taxi@tendringdc.gov.uk)

#### **LICENSING TEAM CONTACT DETAILS**

**E-Mail - [taxi@tendringdc.gov.uk](mailto:taxi@tendringdc.gov.uk)**

**Phone - 01255 686565**

Thank you for your time in reading this newsletter and we hope that the information it contains will be helpful. We always welcome suggestions for future newsletters so please let us know if you think there may be something beneficial for your colleagues in the trade to know. In the meantime please keep safe and drive safe.