

DENBIGHSHIRE LICENSED TAXI TRADE ASSOCIATION

NEWSLETTER

I cannot be held responsible for any error, omission or misstatement contained in this newsletter. DB

You don't pay for insurance until an application is approved.

For all those drivers who have been asked to present **insured** vehicles before an application will be determined, or for those drivers that have been asked to pay hundreds of pounds before an application has been determined, then parts of this judgement might apply.

Extract: That Mr. Earnshaw on the District Council's behalf was wrong in law in telling Mr. Alldritt by his letter of 4/4/91 (Referring to his letter of 16/10/90) that Mr. Alldritt must apply for licences on the District Council's form of application. That was wrong in law because the Council's form of application imposed unlawful conditions in that it requires as a condition for applying for a licence for a vehicle the presentation of a certificate of insurance in respect of the vehicle it is sought to licence that is valid at the time of making the application. Such a condition is onerous and is not reasonably necessary and is liable for no good reason to discourage applications for licences.

It is inconsistent with the policy of section 16 of the Transport Act 1985 and with the plain implication of section 47 (1) of the Local Government (Miscellaneous Provisions) Act 1976 which permits a District Council to attach to the Grant of a licence of hackney carriage under the Act of 1847 such conditions as a District Council may consider reasonably necessary. By necessary implication a District Council is not permitted to attach conditions to an application for licences or at any rate not permitted to attach unreasonable conditions to such an application;

Thanks to taxi-driver.uk

In short, you don't need to take out insurance for an application. Insurance must of course be obtained but by way of a condition of licence, and not as a condition of application. This can be extended to compliances. You cannot reasonably be expected to pay for these things until your application has been approved. *Any problems, quote **Cannock Chase District Council V Neill Alldritt**.*

Conwy Taxi Operators Group fought for cutting red tape – and won!

Taxi firms have welcomed new rules which they say will add to the comfort and safety of passengers as well as cutting out unnecessary red tape. Members of the Conwy Taxi Operators Group (CTOG) had asked for some of the regulations governing the way they provide the service to be changed. And on Monday the county council's licensing committee agreed to their requests. CTOG secretary Maria Jones of Menyn's Taxis in Llanrwst said it had raised several issues with licensing officers **Roly Schwarz** and Kim Evans, and members were pleased the committee had acted on them.

"Red tape issues were making matters difficult and sometimes costly for the trade to go about their daily business. CTOG received empathy from the officers and they immediately began to review their policies, hence the new terms and conditions agreed by the licensing committee on Monday," she said. The amendments include the taking away of the need for vehicles over five years old being pre-inspected by council enforcement officers before having a stringent council MOT by an approved garage which can fail any vehicle that doesn't meet the required standards. They also remove certain vehicle design specifications which were found to be confusing to the trade as well as the authorities.

"Now the vehicle specifications are clear and simple to follow," explained Maria. And also approved was the replacement of the current Hackney carriage driver licence with a combined Hackney and private hire licence.

NWWN 26th January 2012

Extracts from the Minutes of the LAW COMMISSION ADVISORY GROUP ON TAXI AND PRIVATE REGULATION MEETING 22/11/11



1.1 Jessica Uguccioni (JU) opened the meeting by welcoming those present. It was explained that the views expressed in the briefing paper were provisional. The Law Commission was to publish a consultation paper in April 2012. The proposals contained within the briefing paper circulated prior to the meeting remained susceptible to change pending the outcome of the consultation period.

1.2 The first issue on the agenda was that of the structure of the taxi and private hire industries.

JU explained that the Law Commission felt that analysing the markets on a simple one or two tier basis oversimplified matters. In reality, many one-tier proposals contained aspects which rendered them more like a two-tier system. The Law Commission's current thinking preferred a modified two-tier system.

1.3 A two-tier system allowed for more targeted regulation and could accommodate the imbalance in competition in the two industries.

1.4 Steve Wright (SW) expressed a preference for a two-tier system. He felt that it worked very well in London and that, with the introduction of improved technology, its functioning would improve. The introduction of a one-tier system would lead to the collapse of the private hire industry and thus passengers' ability to pre-book.

1.5 Tommy McIntyre (TM) agreed that maintaining the pre-booked market was positive for customer choice. He also noted that fare setting in one market was often done by reference to fares in the other market. Furthermore, the problem of insufficient rank space would only be exacerbated by shifting to a one-tier system.

1.6 Dai Powell (DP) noted that pre-booking was essential to disabled persons who could not obtain a vehicle in another way.

1.7 Patrick Connor (PC) felt that moving to a one-tier system risked creating a "honeypot" situation which would reduce provision in non-urban areas.

1.8 Bryan Roland (BR) noted that 95% of drivers were self-employed. Private hire operators were concerned that a one-tier system would not give them sufficient control over drivers to allow them to cope with demand. The labour market was a different shape in each area and it was not possible to say to what extent driving work represented the main source of income.

For the full minutes, including those on Enforcement, Licensing and Operators, see <http://www.taxi-driver.co.uk/?p=217>

Members will be issued with a questionnaire to be able to compile a response to the Law Commissions Consultation document due out in April 2012.

This affects you, and you've been allowed a voice, don't lose the chance to be part of this – it's been a long time coming

News from the HOME OFFICE - Criminal Records Certificates: Taxi Drivers

The Parliamentary Under Secretary of State for Equalities and Criminal Information (Lynne Featherstone): The Government has received representations from a number of organisations concerning the appropriate level of criminal records checks for licensed taxi and public hire vehicle drivers. At present the legal entitlement for many drivers is for a standard level criminal records check, although the practice has grown up of applying for enhanced level checks across the sector. These checks include any relevant local police information, in addition to a record of previous criminal convictions, cautions and warnings.

Having carefully considered these representations, and consulted representatives of the sector, we have decided that:

- All taxi and private hire drivers should be entitled to enhanced criminal records checks; and
- Licensing authorities will additionally be entitled to check whether any applicant is barred from work with children or vulnerable adults under the Safeguarding Vulnerable Groups Act 2006.

Taking account of the fact that many drivers are self-employed, criminal records applications may be made through the appropriate licensing authority. The decision on whether to grant a licence will remain a matter for the licensing authority. This change clarifies the law and regularises practice which has grown up over many years in the taxi sector.

Changes will be made by secondary legislation as soon as practicable.

18 January 2012

HACKNEY NUMBERS COME BACK IN WIRRAL

Wirral taxi drivers have welcomed a new curb on the number of black cab licences handed out in the borough.

Councillors agreed on Monday to limit the number of licences to 289 – currently there are 286 licences “attached to a vehicle” – meaning they are in use by hackney cabs.

Drivers had urged members of the licensing, health and safety and general purposes committee to set the limit, arguing it would safeguard their livelihoods and stabilise the trade in challenging economic times. Derek Cummins of the Unite union said many newcomers had signed up to £30,000 finance deals for their vehicle then found it impossible to make a living in a saturated market.

The decision follows the results of independent report commissioned by the council, which concluded

Beware of false knowledge; it is more dangerous than ignorance.

George Bernard Shaw

For those of you how remember the Taxi Forum Meetings, you will also remember a lot of things were going to be ‘looked into to’ and then nothing was heard of again

Well, I have asked The Head of Service, Graham Boase:-

Mr. Boase,

At a Taxi Forum meeting held on 15th March 2010, the possibility of using bus stops as a taxi rank after buses had stopped running in the evening was highlighted as a possibility.

The notes of the meeting can be found here:

[http://www.denbighshire.gov.uk/www/cms/live/content.nsf/lookupattachment/English~DNAP-84VDRE/\\$File/Minutes%20of%20the%20Working%20Group%2015.03.2010.pdf](http://www.denbighshire.gov.uk/www/cms/live/content.nsf/lookupattachment/English~DNAP-84VDRE/$File/Minutes%20of%20the%20Working%20Group%2015.03.2010.pdf)

At the meeting of 2nd March 2010 Roly Schwartz was tasked with looking at the issue of taxi passes via the Older People’s Strategy. This is in relation to allowing older people easier access to door-to-door travel at a lower cost.

The notes of the meeting can be found here:

[http://www.denbighshire.gov.uk/www/cms/live/content.nsf/lookupattachment/English~DNAP-84VDNG/\\$File/Minutes%20of%20the%20Taxi%20Forum%2002.03.2010.pdf](http://www.denbighshire.gov.uk/www/cms/live/content.nsf/lookupattachment/English~DNAP-84VDNG/$File/Minutes%20of%20the%20Taxi%20Forum%2002.03.2010.pdf)

I write now to ask if any progress has been made with regard to the aforementioned ‘ideas’.

Yours, L. Lauderdale
Treasurer

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GAP IN THE MARKET?

FROM DCC PUBLIC TRANSPORT WEB-PAGE:

We very much regret that the Nightrider community transport scheme is suspended at the moment. We hope to re-launch Nightrider for passengers over 50 in the Rhyl & Prestatyn areas as soon as possible.

In the meantime, we are recruiting new volunteer "buddies" to assist older people use the evening bus service.

Are you able to spend a few hours every month helping older people in your community?

Buddies of all ages help to ensure sometimes isolated or vulnerable older people can use the service.

As a valuable volunteer, you will be fully insured and CRB checked. For more information about this award winning service, or to volunteer, please contact;

Passenger Transport Section
Denbighshire County Council
Caledfryn

Denbigh LL16 3RJ

Tel 01824 706968

SO, THERE'S MONEY TO BE MADE FOR THE TAXI/PHV TRADE IN THE RHYL AND PRESTATYN AREAS – OVER TO YOU!

Another Gap in the Market?

Also from the Public Transport web-page: Pilot Bus Routes-

These buses now operate on Saturdays and Sundays, from the Corwen and Denbigh areas.

The bus services offer scenic routes from Corwen and Denbigh to Llyn Brenig and Llyn Alwen. The Corwen service travels through the picturesque villages of Betws Gwerfil Goch, Melin y Wig, Llanfihangel Glyn Myfyr and Cerrigydrudion.

The Corwen service is timed to connect with Arriva's bus service X94 from Wrexham, Rhostyllen, Acrefair, Trevor and Llangollen.

Passengers from Uwch y Dre are now able to travel on services 91 & 95 on Mondays to Saturdays.

The aims of the pilot bus service are to provide increased access to the countryside for people who do not use cars or who wish to leave them at home, which in turn will minimise the environmental impact of increasing leisure travel and reduce congestion in tourist areas. The purpose is to encourage inclusive and sustainable access to rural communities and leisure destinations. A timetable of the new service may be viewed by following the links on this web page.

The services are operated under contract to Denbighshire County Council by Rogers Coaches of Graigfechan, Ruthin. **Looks like there are passengers in the South that may need a taxi/phv!**

A pessimist sees the difficulty in every opportunity; an optimist sees the opportunity in every difficulty.

Winston Churchill

We held a Special Meeting on 8th Feb. The turnout was disappointing although we gained more members.

It was unfortunate that we didn't have time to go through everything on the Agenda but we were on a time limit at the Community Centre in Rhuddlan. Thanks must go to Mr. and Mrs. Bloor for providing refreshments and to Sgt. Gareth Cust for his presentation on safety measures to be taken when faced with irate passengers.

Minutes will be available in due course.