

Denbighshire Licensed Taxi Trade Association

NEWSLETTER

The usual disclaimer applies: I will accept no liability to any party for any error, omission or misstatement produced herein. C. Smith

It's getting beyond a joke!

The Community Safety Enforcement Officer (Mr. R. Schwarz) has once again gone beyond the bounds of stupidity and recommended to the Licensing Committee that Rhyl does not need any more rank spaces.

Do you agree? If so stop reading.

If you DO NOT AGREE, get to the Licensing Meeting on the 8th (Wednesday) for 10 a.m. at County Hall, Wynnstay Road Ruthin and let the Members know about it.

This Association has worked hard behind the scenes to make its feelings (disgust, disbelief, distrust) known to Rhyl Town Councillors, North Wales Police, and will continue to do so, BUT it means nothing without backup from drivers and owners. **That means YOU.**

We know 10 a.m. is a bad time and we know Ruthin is some miles away BUT THIS IS IMPORTANT.

The report to the Committee is full of rubbish, not so well hidden tricks, and they need to know.

Here is an extract of some of what's in the report;

- *The use of available rank space appears to be sufficient given the results of the survey carried out.*
- *The available numbers suggest that vehicle numbers will continue to decrease and that available rank spaces are sufficient for current use and members should not support an increase in rank spaces at this time.*
- *Highways have been advised of the outcome of the survey and have indicated that given the findings it would be difficult to support additional spaces.*

THIS IS THE TIME TO SHOW THEM THE "ONE VOICE" AND DO IT LOUDLY!

SEAT BELTS

Police may get powers to fine careless drivers, rather than taking them to court, as part of a government strategy to make Britain's roads safer. Ministers say motorists who tail-gate, undertake or cut others up often go unpunished and that introducing instant penalties would be more efficient. Offenders would get a fine of at least £80 and three points on their licence. The proposals still have to go through Parliament.



Plans for an 80mph speed limit for motorways and reduced speeds on country roads are not included in the legislation, but are part of ongoing plans.

And as we know, some Police Officers are not aware of the seat belt exemption for taxi and phv drivers so it may be worth memorising this "1993 Motor Vehicles (Wearing of Seat Belts) regulations Section 6(g)." *The Motor Vehicles (Wearing of Seat Belts) Regulations 1993 Exemptions: - 6.—(1) The requirements of regulation 5 do not apply to, g) the driver of a licensed taxi while it is being used for seeking hire, or answering a call for hire, or carrying a passenger for hire, or a private hire vehicle while it is being used to carry a passenger for hire.*

TALK•ABOUT•DON'T•BELIEVE•EVERYTHING•YOU•READ.....

By the law, you have the right of appeal against conditions imposed on your licence.

An appeal can be brought within 21 days – but•as•we•haven't•been•shown•the•new•rules – the Council has blocked our legal right to lodge an appeal.

The Council response to the article in the Daily Post was that you had notice of the new rules via a Newsletter.

This is true. In **January** you were told the new rules would apply as from 1st **April**. Yet, the Licensing Committee•didn't•actually•approve•the•final•changes•to•rules•until•15th **March!**

As we all know, one officer acts as The Licensing Committee and forgets he is an employee of the Council.

Reminder

- More reports coming in about complaints made about Licensing, in writing to Licensing have gone missing.
- Please address any complaints to Your Voice, DCC, County Hall, Wynnstay Road, Ruthin.
It will not go missing and you will get a reply.
- More•reports•coming•in•about•paperwork•going•missing•due•to•'moving•offices'•and licences being suspended due to not have the correct paperwork. This is NOT a reason it is an EXCUSE. **GET A RECEIPT FOR ANYTHING YOU HAND IN.**
- Money handed over for fees is also alleged to have gone missing – PLEASE DO NOT HAND IN CASH WITHOUT GETTING A RECEIPT.

 We know the management  of•licensing•is•a•joke•but•it's•just•not 
funny. 

DENBIGHSHIRE LICENSED TAXI TRADE ASSOCIATION

RESPONSE TO 'THAT REPORT'

TO: MEMBERS OF LICENSING COMMITTEE

MEETING ON 8TH JUNE 2011

Firstly we apologise for finding the need to approach Members again in this way.

In response to the report before you headed REVIEW OF RHYL TAXI RANK SPACES.

Without the need to digest the chart showing the numbers of hackney carriage licences issued; it's **246**. The spaces available throughout the WHOLE County from which taxis can ply for hire is **69**.

- Rank spaces have vanished due to the new Parking arrangement in Rhyl being approved via a delegated decision in July 2010 without consultation.
- *Two ranks in Rhyl were reduced from 24 hours to 12 hours. These ranks are not subject to any visible enforcement to move private cars when they become in use for taxis.*
- *We are at a loss as to why a reduction in the number of Private Hire Vehicles has been mentioned. Private Hire vehicles cannot use taxi ranks and therefore these comments are irrelevant and we feel are being used to distract Members from the real issue – **246 v 69***
- The survey mentioned is of no use;- it is not independent, proportionate, and does not even cover a full 24 hours a day, in fact the Trade Association was handed copy of this survey and informed it was for 7 days, and not the 16 days as shown in this report. Is this in fact the best use of CCTV?
- *Where is the written response to consultation from Highways?*
- Have Rhyl Town Councillors been consulted? There exists a committee resolution to the effect that Ward Members will be informed/consulted before any decision regarding taxi ranks is taken.
- *Trade members were informed at a Taxi Forum of several complaints about taxis over-ranking on the High Street Rhyl – does this not then demonstrate a need?*
- Has the North Wales Police been consulted which regard to traffic problems?
- *Has DCC Passenger Transport been consulted along with other transport providers such as Arriva?*
- If the answer to these questions is YES; where are the written questions and answers?
- ***If the answer to these question is NO, then this is not a survey, it is not a consultation and by no stretch of imagination can it be called a flawless report.***

Members should be aware of the 1976 Act which allows the Council to appoint hackney carriage ranks – it is not the sole remit of the Highways Authority as this report suggests – Members of the Licensing Committee have powers to appoint ranks.

- *How can officers suggest the number of taxi licences will reduce, when the Trade has written confirmation that no such evaluation of future licences exists?*

WHY WAS THE TAXI TRADE NOT CONSULTED ON THIS MATTER?

Email to Graham Boase on 4th June

Dear Mr. Boase,

Your report to the Committee meeting on the 8th regarding Taxi Ranks in Rhyl has raised some resentment within the Taxi Trade. This resentment stems mainly from untruths and misguidance contained in the report as well as the long xxxxxxxxx.

It is our intention to ask the Chair of the Committee to allow the trade a voice at the meeting, or at least to circulate the response to the report as detailed below. You yourself have been made aware of the ongoing problems of the lack of ranks in the County and in the main, Rhyl from where the majority of custom stems

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and for the recommendations in the report not to have been subject of consultation with taxi trade is outrageous.

On more than one occasion, licensees were told to have "One Voice" as a means of bettering communications - yet this seems to have been ignored.

We ask that the trade is given the opportunity to respond to this report.

Chris Smith, Acting Chair.

SOMETHING YOU ALL KNEW ALREADY

It's a shame Members were not shown full responses to the Questionnaire, as promised, then they may have known they were approving something outside of their remit. i.e. acting illegally.

Detailed legislation on vehicles exempt from a MOT are stated in the Motor Vehicles Test Regulations 1981 regulation 6 (as amended), and in the Road Traffic Act 1988 Section 189. Even when a vehicle is not required to have a test certificate, it must still be maintained in a roadworthy condition.

HC & PHVs that are licensed by local licensing authorities do not need to have a MOT certificate. Some individual authorities, (such as Denbighshire CC) are certified and empowered by the Secretary of State to issue their own exemption certificates. Exemption certificates, or more commonly known as 'Certificates of Compliance', cannot be issued until the vehicle has been inspected to standards that are *at least equal to that of the MOT test*. When a HC & PH vehicle, that is over 3 years old, ceases to be licensed, including suspension or revocation of licence, the owner must obtain a MOT certificate. The vehicle must not be used with an exemption certificate even if the exemption certificate is valid. HC and PH operators may think that a separate MOT is required if a vehicle is used for 'non-taxi' use. This is not the case and research has established that two previous court cases ruled that the compliance certificate is valid regardless of use, providing the vehicle remains licensed."

We await an explanation from DCC.

We have informed Graham Boase of the following on Conwys' webpages for HC/PHVs; *"The Compliance test will be of MOT standard plus additional checks. It must be carried out every six months, and as the Council applied for an exemption from the Ministry Of Transport, there is no need for the holder of a valid Hackney Vehicle Licence and Certificate of Compliance, to have the vehicle tested separately for an MOT."*

Keep hold of your documents as we will be demanding refunds if necessary.

JOIN THE ASSOCIATION AND BE INCLUDED IN ALL FUTURE NEWSLETTERS, ADVICE AND ASSISTANCE AND NEWS FROM DENBIGHSHIRE.

It won't take long, fill in the form and hand it back with £1, to me, Clive or Linda.

WE WILL BE ONE VOICE and there is strength in numbers.

Your details will not be given to anyone and will be kept confidential.

An online version of the membership application form can be filled in [HERE](#) where you can print it off or email it directly to dltapha@mail.com