# NORTH HERTFORDSHIRE DISTRICT COUNCIL

**Hackney Carriage and Private Hire Consultative Forum**

Minutes of meeting held on Wednesday 29 May 2019 at 10.00am, Council Chamber, Council Offices, Gernon Road, Letchworth

# Present:

Mr. S. Cobb Licensing Manager NHDC (Chair)

Mrs. M. Shiells Licensing Officer NHDC

Mrs. J. Thompson Service Director - Legal and Community

Ms. C. Speck MSU (Minute taker)

Mr. T. Elnemr Taxi 4 You

Mrs. R. Elnemr Taxi 4 You

Mr. H. Alhaydary Owner/driver

Mr. M. Nassereslam Owner/driver

Mr. M. Thind Boxalls Taxis

Mr. K. Singh Tiny’s Taxis

Mr. A. Mander Mander’s Taxis

Mr. S. Gul Angels Taxi

Mrs. C. Grant Butler Meltax

# Not present:

Mr. W. Stewart Butler Meltax

Mr. H. Singh Tiny’s Taxis

Mrs. H. Hill Castle Taxis

Mr. D. Khela B&D

Mr. D. Sandhu Eurocabs and Cabstar

Mr. S. Singh Owner/driver

Mrs. E. Stewart-Page Owner/driver

# Introduction, Housekeeping and Apologies

SC opened the meeting with housekeeping and thanks to all attendees.

All introduced themselves.

SC reminded everyone that this meeting was not a drop in session for anyone who wished to raise personal and or 1-off issues. This is a members only Forum and members are expected to sign a membership applications and attend the meeting regularly.

Forum members can raise issues on behalf of the trade by requesting them to be added as agenda items.

All at the meeting completed membership applications and where accepted as members

Apologies for absence received:

Mr. W. Stewart Butler Meltax

Mr. H. Singh Tiny’s Taxis

# Minutes of the Previous Meeting, including updates on actions

Introduction of door signage for private hire vehicles: on agenda to be discussed later.

Uber updates: on agenda.   
In brief the Courts have decided that the Uber business model is lawful.

Task and finish Group: a copy of the full report is available and SC will ensure that the link is attached to the minutes of todays meeting.

<https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-government-response-to-independent-report>

It was agreed that the minutes of the previous meeting where a true account.

# Terms of Reference

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# SC said the terms of reference set out what the Forum can and can’t do and how it can be supported.

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# Action: SC will ensure they are on the website today and advised all to read them as it also explains how to be a member and the purpose of the Forum.

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# Enforcement update

# SC said at the last two taxi forum meetings we had received too many complaints about taxi drivers. MS had compiled a report and compared numbers from 2018 to 2019. In January to May 2019 we have received 20 complaints which is up by 10 complaints compared to the same period in 2018.

SC said licensing officers from other districts will go out and inspect.

SC reiterated that the majority of the taxi trade are doing a good job and are being let down by a small minority that impacts on the trade as a whole. Since the last Forum we have received 16 complaints which resulted in below:

* 1 vehicle being suspended
* 1 driver received penalty points
* 4 warnings and verbal warnings where issued
* 8 serious investigations ongoing
* 2 resulted in no further action

MT asked if the company would be told if an investigation was taking place. SC said the operator would be given an overview and would be told the outcome.

MT asked if there is a particular complaint. SC said a refusal to take a passenger of a minimum paying fare journey is a regular complaint and this is unacceptable as a driver can only refuse to take a fare if there is reasonable cause. The first vehicle on the rank should take the fare or leave the rank. There are some occasions when a refusal is reasonable such as a driver recently refused to take a drunk female passenger as she did not know where she was going and felt it was a risk to the female to take her to an unknown place and felt it would be better to keep her at the station where she was safer.

The other regular complaint is overcharging:

* Private hire fares must be quoted in advance and cannot then be increased.
* Hackney carriages can accept telephone/internet bookings but cannot put the meter on until the person is in the vehicle if the journey starts and/or ends in North Hertfordshire.
* If a hackney carriage journey starts or ends outside of North Hertfordshire then the fare is either on the meter as normal or by agreement to a fixed price in advance.
* If a private hire operator uses a hackney carriage to undertake a private hire booking then then the meter must be used as though it was a hackney carriage journey

**It is a criminal** **offence to refuse to carry a person with a disability**.

Hackney carriage wheelchair assessable vehicle drivers can not refuse to take a disabled person. If the driver is not medically fit to assist a disabled person into their vehicle then they should not be driving. Any driver reported for refusing to carry a disabled passenger do to a medical problem will be suspended until they are medically fit to be a hackney carriage driver.

MT asked why SC does not investigate complaints himself. SC said that the licensing officers present him with a case for him to make a decision on whether enforcement action is appropriate therefore he cannot be involved in the investigation.

AM asked if they should report incidents where a customer comes to a second car in the rank because the first car driver refused to take them as drivers are concerned about repercussions from the reported driver. SC said in this type of incident, the details of the driver reporting the incident would not be disclosed to the driver reported.

RE said she had a recent problem when picking up a disabled person from a home who was rather large and had to ask for help. She was also waiting half an hour at the home for a disabled customer when she had other bookings to do. SC said a taxi driver cannot be expected to do something unreasonable and put themselves at risk of physical harm. In terms of being kept waiting it is not unreasonable to say that you are happy to take the fare but they need to be on time as you have a further booking to attend.

RE asked when you can put the meter on, specifically can you put the meter on whilst loading the passenger into the vehicle. SC said recent case law confirmed that a journey starts when the person is in the vehicle therefore the meter should not be started until that point.

SC asked Forum members to pass this information on to other drivers. If drivers do refuse to take a passenger for any reason they should make a detailed record of the incident and the reasons for refusal in case the matter is investigated by licensing officers.

SC said a driver was called in yesterday and tried to avoid answering questions by claiming he didn’t understand English. All drivers should have a basic knowledge of the English language and anyone not meeting this requirement is likely to be suspended until they can demonstrate an adequate level of communication.

Driver badges need to be visible to passengers either by being worn by the driver or clearly displayed within the vehicle. Internal plates need to be displayed in the top right of the front windscreen so that they can be clearly seen by a passenger in the front seat and by the public approaching the vehicle from the passenger side.

There is a legal responsibility to report any accident involving your licensed vehicle to NHDC within 72 hours of the accident. If a vehicle will not pass an MOT or compliance test at any time during its licence period it should not continue to be driven without permission from the Council. A temporary vehicle plate may be considered if the licensed vehicle will not be roadworthy for a period in excess of a week however the Council will need to see the vehicle prior to issuing a temporary vehicle plate. If the vehicle is not drivable and is waiting to be collected by a garage, or at a garage, then photographic proof of the accident damage will be needed.

# Fees 2019/20

# We are about to publish our fees for the financial year 2019/20. The Forum was reminded that the Council is not permitted by legislation to make a profit from licensing fees. A public consultation on the proposed fees will take place using public notices in The Comet and The Royston Crow.

# Fares 2019/20

# Every year hackney carriage fares are reviewed with any change taking effect in November. The new Executive Member for Licensing is Cllr Grindal who will be presented with a summary of motoring costs and any suggestions by the trade. Cllr Grindal will liaise with JT prior to making a decision which will then be published in The Comet and The Royston Crow in August for public consultation.

# Cllr Grindal hopes to attend the next Forum meeting to introduce himself.

# SC said any suggestions for fares should be sent to licensing by email or letter by Forum members no later than the 30 June 2019. If any of the trade have any comments they can forward to a Forum member to raise on their behalf.

# Policy updates

# Safeguarding From 1 August it will be a mandatory requirement that all new drivers and those renewing their licence undertake a safeguarding course. If they have not taken the course they will not be granted a licence until the course has been attended. There will be a charge of approximately £25 and it will take about 2-3 hours. The course will show the trade *‘what to look for’* and then they can report any suspicious activity to either NHDC or the police. The course will need to be attended for each renewal as safeguarding is continually changing.

# PHV Door signage All private hire vehicles must display door signs using a Council-approved wording similar to “*pre-booked only”*. This will become mandatory on 1 August 2019 and any vehicle not displaying approved signage will fail a compliance test and will be suspended.

# Opt in bulletins Letters have been sent to the trade explaining that the Council is to become paperless. All paper communications will stop and everything will be done electronically. When you receive the letter you have to opt in to receive electronic communications by email. If you opt in you will be sent emails from the Council including bulletins with updates and important news; if you say no or don’t reply you will not receive any communications from the Council.

# Renewal letters The Council will no longer be sending out renewal reminder letters and application forms. All forms will be available to download from the Council’s website and licence holders need to ensure they renew their licences prior to expiry.

# Uber

# The Courts have decided that Uber business model working off an app is not illegal. Lawfully they can park anywhere a member of the public park but can not park on a rank or near to a rank when it would give the impression that they were available for hire.

# MT asked if any enforcement was planned. SC said if evidence is given about days/times/locations then enforcement can be undertaken but it will need to be intelligence-led..

# HA has evidence on his phone of an Uber parked on Hitchin taxi rank – SC asked him to send to [licensing@north-herts.gov.uk](mailto:licensing@north-herts.gov.uk) with info and he consider whether the vehicle was operating unlawfully.

# SC said Uber are operating off an app and complying with private hire legislation. At the last meeting of the Government Task & Finish Group a proposal was put forward that could potentially solve the problem. It was discussed that all private hire journeys should start and finish in the district in which the operator is licensed. Uber have currently found a loophole in the legislation. The Government are now considering what to do in response to the Task & Finish Group Report.

# RE asked if we can refuse a NHDC licence to an Uber driver. SC said we can not refuse a licence unless the grant of the licence would be contrary to Policy.

# AM said recently at Luton airport a man walked up to him and asked if he wanted a taxi. SC said this is touting for business and the driver could be prosecuted.

# AM asked if NHDC licensed hackney carriage drivers could sign-up to the Uber App and accept Uber bookings. SC said he will research this issue however he believes that any journey undertaken would have to be using the NHDC meter in the normal manner i.e. the meter could only go on at the point the passenger was in the vehicle and the journey started (unless it was an out-of-district journey when a price could be quoted).

# Action: SC to try and find out if drivers can use the Uber app and be licensed by NHDC.

# NM asked about whether it would be possible to have a Market Square rank. SC said NHDC looked at it recently and agree that the Hitchin taxi rank is not big enough and is probably in the wrong position. Unfortunately a suitable alternative site has not been found.

# Action SC will feedback to Parking Strategy Team that the Forum would like NHDC to revisit taxi ranks in the district.

# Any other business

# CG When a new driver comes to apply for a licence or an existing driver wants to renew their licence they have to present a document with their name and address on. Recently a driver said this was not possible as he does everything online – he managed to download a bank statement and brought that in to the council offices but this was not accepted as not the original document – he asked the bank to send him a statement which they did and this was accepted even though it was exactly the same as the one he had downloaded.

# SC advised that the DBS only accept original documents but agreed that this was not convenient and will discuss a way forward with the DBS.

# Action: SC to discuss way forward with the DBS and will update the Forum in the minutes and also in the bulletin.

# MT asked when the deadline for printable receipts was? and can it be extended if need be?

# SC the decision to extend can only be done by Cllr’s and dependent on forwarding a good case to do so.

# SC said the date is 1st April 2021.

# MT said the cost of a printer is £150 and to refit the meter £500 – this will be mandatory for all Hackney Carriage vehicles. MT said it would be a good idea to put a reminder in the bulletin.

# Action: MS to include a reminder in the next taxi bulletin about the printer’s deadline date.

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The meeting ended at 12.00

The next meeting will be arranged and will be on a Wednesday in late August 2019 at 10.00am in the Council Chamber.