

Margaret James

To: RAWLINGS MARTIN
Subject: RE: Consultation with the trade

Good Morning Martin

While I fully agree that both hackney carriage and private hire legislation needs updating, I cannot ignore the current legislation.. I can only reiterate, therefore, that only a licensed driver can drive a licensed vehicle.

Kind Regards

Margaret James
Principal Public Protection Officer (Licensing)

Central Bedfordshire Council Watling House, High Street North, Dunstable, Bedfordshire. LU6 1LF
Direct Dial: 0300 300 4521 | Internal: 74521 | Email: Margaret.james@centralbedfordshire.gov.uk

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From: RAWLINGS MARTIN [mailto:martinrawlings@ntlworld.com]
Sent: 14 January 2016 15:52
To: Margaret James
Subject: RE: Consultation with the trade

Hello Margaret,

Thanks for the reply; I'm pleased you will be suggesting dropping the current seating restrictions.

I am well aware of the current, old policy which states only licensed drivers are permitted to drive licensed vehicles.

The Town Police Clauses Act of 1847 was brought in before cars were invented and should not be applicable today. The local Government Act of 1976 is also out of date as it does not cater for operators such as myself who run a vehicle without signage. This Act needs changing.

My insurance company will insure my wife to drive my vehicle for social and domestic use, if you put the above laws to one side, can you give me a good reason why my wife should not drive my licenced vehicle privately?

The current restriction creates huge problems and huge costs for us.

1. We have to run an extra vehicle for my wife's private use.
2. We often use both the licenced vehicle and a vintage vehicle together in our wedding car hire business, my wife is only allowed to drive the vintage vehicle despite nearly all customers requesting she drives the modern licenced car.
3. We run four vehicles from our home, often we have to manoeuvre a vehicle onto the public highway to gain access to another. As my wife is not allowed to drive the licenced vehicle this can becomes ridiculous and annoying.

Regards,

Martin Rawlings.

Alan Martin

From: Margaret James
Sent: 14 January 2016 14:05
To: 'martinrawlings@ntlworld.com'
Cc: Guy Quint; Alan Martin
Subject: RE: Consultation with the trade

Good Afternoon Martin

Thank you for your comments on the consultation. Please be assured that they will be taken into consideration when the matter goes to Committee.

With regards to your comment on the seating arrangements, our current vehicle conditions state that passengers must be able to enter or exit the vehicle via the doors without the need to step over or across any passenger, seating or other obstruction. In the consultation document we have suggested that we drop this condition.

With regard to only licensed drivers being permitted to drive licensed vehicles. This is not a new policy or condition. Legislation makes it very clear that both hackney carriages and private hire vehicles remain licensed at all times, whether or not they are being used for business purposes. The effect of this is that the only person who may ever drive a CBC licenced vehicle is a CBC licensed driver. Such a person will also need to be insured to drive that vehicle and merely naming someone, say a spouse or relative, as a driver on the insurance policy for 'social, domestic and pleasure' purposes will not permit them to drive unless they are licensed to do so by CBC. In such circumstances, the insurance for that person may be void, as insurance cannot be valid where the conduct is itself illegal.

Where an unlicensed person drives a licensed vehicle, for whatever purpose, they would commit an offence under section 46 of the Town Police Clauses Act 1847 (hackney carriages) or section 46 of the Local Government (Miscellaneous Provisions) Act 1976 (private hire vehicles). The maximum fine in each case is £1,000.00. Further penalties may be imposed, on conviction, for no insurance.

I trust that this answers your queries but please do not hesitate to contact me again if you have any further comments.

Kind Regards

Margaret James
Principal Public Protection Officer (Licensing)

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From: RAWLINGS MARTIN [<mailto:martinrawlings@ntlworld.com>]
Sent: 09 January 2016 16:20
To: Taxilicensing
Subject: Consultation with the trade

Dear Licensing team,

As a licence holder for almost 30 years I would like to make some comments on the current licensing conditions in the hope that some changes will be made.

1. Appendix F states:

Passengers must be able to enter or exit the vehicle via the doors available on each side of the vehicle, and without the need to step over or across any passenger, seating or other obstruction.

I drive a Ford Galaxy MPV which has 6 passenger seats, the above wording states I would only be able to licence this vehicle for 3 passengers, as the rear centre passenger would have to step across seating. This is obviously ridiculous; this vehicle should be allowed to carry 6 passengers as Ford designed it.

Addison Lee in London used 4,800 Ford Galaxies all of which are licenced to carry 6 passengers. Why does Central Bedfordshire Council believe the licensing in London to be less safe?

2. Only licenced drivers can drive licenced vehicles.

My licenced vehicle is used mainly for executive contract work and wedding hire and is therefore exempt from signage. My wife who is not a licenced driver would like to occasionally use this vehicle for private use and wedding hire. Under the current regulations she cannot drive this vehicle, this seems completely senseless. The vehicle appears from both inside and out to be a private unlicensed vehicle. Please explain the reasoning for not allowing my wife to drive.

Yours sincerely

Martin Rawlings

Licence no: 2178

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Margaret James

From: Taxilicensing
Sent: 20 January 2016 13:14
To: Margaret James
Subject: FW: Taxi consultation

Some comments below, on the consultation.

Nicola O'Donnell
Licensing Co-ordinator
Licensing - Public Protection

Central Bedfordshire Council **Watling House, High Street North, Dunstable, Bedfordshire, LU6 1LF**
Telephone: 0300 300 8647 | Internal: 75497 |
Email: nicola.o'donnell@centralbedfordshire.gov.uk

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From: Edward Costello [<mailto:Edward.costello@drcbeds.org.uk>]
Sent: 20 January 2016 12:55
To: Taxilicensing
Subject: Taxi consultation

Hi I have read the consultation documents and would like to make a few comments.

- 1) To ensure that all taxi drivers and controllers have had disability awareness training
- 2) To make charging for wheelchairs more transparent as you think you pay the same as abled bodied passengers until you arrive at your destination and they charge £10 more.
- 3) Also what legal requirements there are in relation to ensuring a wheelchair is secured when travelling in case of an accident for example can we claim on the drivers insurance.

I hope that my comments are not too late and you find them useful.

Regards

Edward Costello

Disability Information, Assessor & Outreach Officer
The Disability Resource Centre
Poynters House
Poynters Road
Dunstable www.drcbeds.co.uk
Beds LU5 4TP

Tel 01582 470970 Fax 01582 470959 Textphone 01582 470968 Switch Board 01582 470900

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Margaret James

To: Emily White
Subject: Taxi Consultation

Good Morning Emily

The current guidelines, policies and conditions for hackney carriage and private hire matters were adopted on 01 April 2010. They were formed, in the main, by amalgamating the guidelines, policies and conditions of the former South Bedfordshire and Mid Bedfordshire Councils.

It is now hoped to adopt new guidelines, policies and conditions for Central Bedfordshire's hackney carriage and private hire trade. In addition we would like to take the opportunity to present the guidance in a way that will be easy to access and understand.

In December 2014 I wrote to inform you of the proposals and, in March 2015, I received your comments. The concerns and suggestions raised in your email came at a time when we were becoming increasingly aware of CSE matters and it was decided that CBC would take a Pan Bedfordshire approach to such matters. For this reason, a decision was made not to continue with the consultation until such time as a PAN Bedfordshire agreement had been made and could be included in the documentation. However, despite regular meetings taking place with LBC and BBC regarding CSE matters, we are not yet in a position to agree on joint policies and conditions (although we hope to be in such a position shortly)

In the meantime, many hackney carriage and private hire matters still need addressing and a decision has been taken to carry out the consultation again. As soon as a PAN Bedfordshire agreement has been reached regarding CSE matters, we will be consulting on this as a separate issue.

A copy of the proposals can be found on the council's website. Please feel free to comment on the document and its contents, as well as letting us know of anything you feel should have been included (your original comments are, of course, acknowledged). Comments should be in writing and received by the council not later than 3 February 2016. It is expected that the matter will then be discussed at the next Licensing Committee meeting on 9 March followed by Full Council on 14 April 2016.

Please do not hesitate to contact me if you wish to discuss further

Margaret James
Principal Public Protection Officer (Licensing)

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Margaret James

From: Taxilicensing
Sent: 18 March 2015 10:19
To: Margaret James
Subject: FW: Consultation on Taxi licencing policy

From: Emily White
Sent: 17 March 2015 13:34
To: Taxilicensing
Subject: Consultation on Taxi licencing policy

Hi
Please see below for my comments on the consultation:

It may be worth considering the code of conduct in relation to behaviours when transporting vulnerable people. The recent child sexual exploitation (CSE) cases in Rotherham and elsewhere have highlighted the key role that taxi drivers have in the community in being aware of issues and reporting them, and this would apply equally to vulnerable adults as to children. Herts Police have issued good practice guidance for taxi drivers, you may find some or all of the below useful in terms amending the code of conduct to address this area.

- All drivers should register in and out of shifts. A shift register should be maintained and at the point of registration the driver should confirm his/her identity and the registration number of the vehicle in use.
- Drivers should carry photo ID at all times.
- The booking process should include a check for vulnerability issues so that provision can be arranged. When making a journey with vulnerable passengers, photo-identification should be produced to the carer responsible for the vulnerable person. If necessary, the driver/staff should obtain a record of the carer's contact details if there is no chaperone.
- Never double up passengers unless formal consent and authorisation has been obtained.
- If a vulnerable passenger is refused service a responsible person should be informed so that alternative arrangements can be made.
- Always ask if a vulnerable passenger needs help, do not assume.
- Drivers/staff should remain professional at all times and should not:
 - Touch a vulnerable person inappropriately
 - Make offensive or inappropriate comments (such as the use of swearing or sexualised or discriminatory language)
 - Behave in a way that may make a vulnerable passenger feel intimidated or threatened
 - Attempt to misuse personal details obtained via the business about a passenger (for example communicating with them at their postal address, or by social network, internet or mobile telephone or by using any other information disclosed as part of placing a booking, or obtained by any other aspect of the business).
- A log should be maintained by drivers when a service has been provided to a vulnerable passenger including the details of any incidents occurring/actions taken or refusals of service.
- If a driver or member of staff is concerned about the safety, welfare or behaviour of a vulnerable person, s/he should report this to the police or other relevant service and to the business manager
- As with all professions if you are concerned about someone's conduct report your concerns to your manager or the relevant agency.
- Drivers/staff should familiarise themselves with any whistle blowing policy that may be in place for their business

Thanks

Margaret James

To: stu.weston@btinternet.com
Subject: RE: Letter to the Trade re consultation Dec 14

Good Afternoon

Many thanks for your views on the consultation. These matters will be taken into account when the conditions and policies are considered. I shall inform you of the committee date in due course.

Margaret James
Principal Public Protection Officer (Licensing)

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From: stuart weston [<mailto:stu.weston@btinternet.com>]
Sent: 29 March 2015 22:15
To: Taxilicensing
Subject: Re: Letter to the Trade re consultation Dec 14

Regarding the changes to Private Hire & Taxi regulations, I have read through the proposed documents and my observations are that most of it seems reasonable but there are some sections which are ill-conceived and a threat to our businesses. Whilst I appreciate that your primary concern is the health and safety of the public, you also have a responsibility to allow us to be profitable and make a success of our business. I have come to terms with the fact that I'll probably never be able to expand my business because the cost, process and bureaucracy involved prevent high quality people from entering the industry but the increasingly draconian regulations which raise our operating costs and destroy our ability to make the money that we need to survive and flourish are what concern me most.

The main section which I believe to threaten the future of my business is the exemption from plate regulations. The likes of myself, A1 cars and others operate a transfer service, not a budget local minicab service. We market ourselves as such and make it clear that we do not operate short haul taxis. We're a completely different type of business and our competitors are car services from other councils, from London or national operators therefore we need to be able to effectively compete with them or we will not survive. The new proposed regulations show a complete lack of commercial awareness and show no knowledge of the requirements of our customers. Transfer services offer higher quality and considerably more expensive cars, smartly dressed drivers and a higher level of service which is what our customers require. They are paying a premium for it and do not expect the cars to be covered in minicab signage. To state that only chief executives of large companies and sports stars warrant a modern transfer service is outdated, elitist and nonsensical. Written contracts with 24 hour notice are impractical and ridiculous, short notice bookings are a frequent occurrence. I've never heard of any other council placing such restrictions on their exec car firms so operators from other areas will benefit when customers within Central Beds prefer to use them instead of us.

I can understand why you might want new customers to know they are hiring a licensed vehicle so for our new customers, we need you to copy the regulations that other councils use to effectively eradicate any confusion as to whether a car is properly licensed. A sensible and practical idea that has been adopted by other councils is to e-mail or text confirmation of a booking to new customers which state the registration number of the car that will be picking them up, the name of the driver and an explanation that the car will not display private hire signage. You could also force companies to make it clear on their websites that they are a transfer service rather than a local private hire/taxi service and that cars have an exemption. These are simple and effective regulations that would allow us to continue to thrive and the public will clearly understand what they are getting, ensuring they never get into an unlicensed vehicle. I would urge you to rethink this section because your proposals don't work in their current form and I don't see much of a future in this business if you introduce them.

Regards

Margaret James

From: Mark Allen <a1carshitchin@gmail.com>
Sent: 29 December 2014 18:47
To: Taxilicensing
Subject: Proposed change to regulations

Hi

The proposed changes will not improve the driver situation where rural areas where late night taxis are not available because firms find it hard to recruit staff Example.

Biggleswade station , Arlesey station, Sandy station at 1am no taxis are available (this is not in the travelling publics interest) We have been trying to recruit for 8 months and have downsized by two vehicles in the last year

Vehicle age restrictions

Should be in line with other local authorities and PCO London as it will disadvantage CB firms if older vehicles are used elsewhere.

Duel hackney/ private hire badges make a local knowledge test for private hire drivers who may not need to have local knowledge an extra obstacle Example We take people to airports which are not included but drivers may be tested on a health centre in Leighton buzzard We use GPS , Google maps , and others use Internet mapping for pre booked jobs

Driving tests

Instead of a DSA before a licence is issued, maybe it could be done during the first six months of a licence. (This could apply to all as on going training)

The cost of entering the trade is very high and does not encourage new people into the trade and does not allow firms to expand leaving lots of one man band operations which can't cover a 24 hour period or they drive tired (not in the publics interest)

Time involved in getting a licence to work

It takes far to long for a relatively low paid industry to employ and that sends people to other sources of work (not in the publics interest)

Needs to be made easier to employ staff but in a safe manor

I have kept this short as I expect this will fall on deaf ears

Regards

Mark

a1cars@btconnect.com

www.theairporttaxicompany.co.uk

A1 Cars Private Hire Ltd

Telephone 01462 734499

Margaret James

From: Chris Sapsford <shuttlecraftmpv@hotmail.com>
Sent: 21 January 2016 11:34
To: Margaret James
Subject: Re: URGENT - Consultation letter December 2015

Margaret

Thank you for taking the time to respond to my comments re the consultation and giving those reassurances

Best regards

Chris Sapsford



Tel: 07708 962587
Web: ??www.shuttlecraftmpv.co.uk
Email: shuttlecraftmpv@hotmail.com

From: Margaret James <Margaret.James@centralbedfordshire.gov.uk>
Sent: 20 January 2016 14:18
To: 'shuttlecraftmpv@hotmail.com'
Subject: RE: URGENT - Consultation letter December 2015

Good Morning Chris

Thank you for your views. I can assure you that they will be taken into consideration at the Licensing Committee meeting.

As you rightly point out, private hire legislation does not permit a two tier system. This means that private hire vehicles must be clearly identified as such. However, an exemption from displaying signage is permitted when the vehicle is being used for executive hire. In the past there has been a tendency for some proprietors to ask for exemption simply because they do not wish to display door signs. Please be assured that enforcement action will only be taken if a licensed vehicle is found to be undertaking 'regular' private hire work without displaying the proper signage.

Kind Regards

Margaret James
Principal Public Protection Officer (Licensing)

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I also wear a suit and tie – although a more formal ‘dress code’ is not a subject of regulation.

A great deal for corporate work has been completed on a ‘sub-contractor’ basis over the five years that I have been trading.

It has also been used by private individuals for work as diverse as award ceremonies at Buckingham Palace, Christenings at the Palace of Westminster, Wedding and Funerals.

Non celebrities, entertaining friends or relatives at a day out at Royal Ascot, Henley Regatta, or a theatre trip to the West End, often will prefer a car which is unsigned and discreet, which helps to make that day (or evening) unique and special.

These events do not involve me having a ‘contract’ and subsequently be unlikely to meet the proposed criteria. Yet any external signs would seriously detract from the vehicles appearance in those circumstances.

I have in the past lost business due to the potential customers being ‘badge conscious’, preferring a Mercedes van, so displaying of plates/door signs could very well have an impact on bookings and/or the subsequent fare I seek for the work .

I also believe the constant process of removing/reapplying the magnetic signs for different types of work (as proposed) will eventually lead to the degradation of the signs and marking of the paint finish on my vehicle – be it only on a minor basis.

It is apparent other companies not necessarily based in Bedfordshire, let alone Central Beds, are seeking contract business in our area.

At least one company is based in London where the only signage required by TFL is the disc on the rear windscreen for the entire range of PH work.

Tinted Glass

‘No dark privacy tinted windows will be accepted, only lightly tinted manufacturer safety glass. After market kits are not acceptable’.

My views are if the privacy glass is ‘factory fitted’ then it automatically complies with relevant Construction & Use / EU type approval requirements and not therefore subject of debate.

Best regards

Chris Sapsford



Tel: 07708 962587

Web: www.shuttlecraftmpv.co.uk

Email: shuttlecraftmpv@hotmail.com

From: Taxilicensing <Taxilicensing@centralbedfordshire.gov.uk>

Sent: 23 December 2015 11:53

From: Chris Sapsford [mailto:shuttlecraftmpv@hotmail.com]
Sent: 15 January 2016 18:37
To: Taxilicensing
Subject: Re: URGENT - Consultation letter December 2015

Good Morning

My views regard the consultation letter from December 2015.

Please forward my written reply to the review team.

Exemptions from external plates/door signage

'The Council is keen to support its licensed Operators and proprietors in their attempt to secure corporate business. It recognises that there may be occasions when the requirements to display external identification may deter some corporate customers from using the service. However, requests for exemption should not be used when the vehicle is used for regular private hire bookings or because the proprietor objects to displaying door signs. The type of work that would be considered for an exemption from displaying external signs would include:- • Contracts with senior personnel of large companies to carry managing directors or their clients. • Contracts with national or local government or similar agencies to carry senior personnel and guests on official business; • The carriage of well known personalities such as sports stars. • Other situations would be considered on their own merits. It is expected that any bookings for executive work will be made by way of a written contract and that such contract would be in place at least 24 hours prior to the commencement of the journey. Written contracts must be made available for inspection by the Authorised officer at any reasonable time and be retained for a period of not less than 12 months. Exempt vehicles must not display any external markings e.g. private hire plates, operator details or advertisements but must carry a letter of authority to be produced upon request. The driver must also carry his combined Hackney Carriage / Private Hire driver badge and produce it if requested. When not engaged on work covered by the exemption, the vehicle must display the licence plate and (magnetic) door signs. Any breach of the exempt vehicle conditions could result in the vehicle having its exempt vehicle status withdrawn. 25 Any request for exemption must be made by the Private Hire Operator, in writing on the form provided. Such request will be assessed on its own merit and may include an inspection of the outward appearance of the vehicle together with the inspection of corporate contracts.'

I have concerns surrounding the new proposals and the exemption of plates and door signs

It is a shame the PHV industry does not operate a two tier system, as I see a distinct difference between my business and that of *regular* Private Hire operator/drivers.

I am assuming the hardening of attitudes in this respect, is to help identify 'rogue' drivers/operators on the basis if it is not displaying PHV plates, it must be unlicensed?

Although I support the need to help make identification of unlicensed cars easier, a more restrictive attitude concerning external door signage/rear plates, will hamper my specialist area of work and other bona- fide 'Chauffeurs'.

I present myself as 'Executive' hire, in an attempt to differentiate my position in this area of work.

Although not a Mercedes limousine, my vehicle is of high specification (and was priced accordingly).

Part of the attraction for clients to hire my services, is the appearance of the vehicle.

This features strongly in my business philosophy and I go to great lengths to maintain this image.

Margaret James

To: ntd@jetvansprinters.co.uk
Subject: RE: URGENT - Consultation letter December 2015

Good Afternoon Claire

Thank you for your comments on the consultation. Please be advised that they will be taken into consideration when the matter is put before the Licensing Committee on 9 March.

With regards to the tread on tyres, we have suggested a 3mm tread as recommended by RoSPA and to bring it into line with our School Transport vehicles who already have a minimum tread of 3mm. This condition has not previously been attached to vehicle licences.

With regards to tinted windows, the current conditions state 'tinted windows may be permitted providing they are fitted during the manufacture of the vehicle and meet all legal requirements' we have changed this to 'No dark privacy tinted windows will be accepted, only lightly tinted manufacture safety glass. After market kits are not acceptable.' We felt that we had to expand on the wording in the interests of safety and because, in the past, we have had proprietors adding a tinted film to their windows.

Kind Regards

Margaret James
Principal Public Protection Officer (Licensing)

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From: Taxilicensing
Sent: 28 January 2016 08:36
To: Margaret James
Subject: FW: URGENT - Consultation letter December 2015

Morning

Comments on the consultation. – See below

Thanks

Debbie Gorry
Licensing Co-ordinator
Public Protection
Community Services

Central Bedfordshire Council Watling House, High Street North, Dunstable, Beds, LU6 1LF
Internal: 75663 | Email: debbie.gorry@centralbedfordshire.gov.uk

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From: NTD Ltd [mailto:ntd@jetvansprinters.co.uk]
Sent: 27 January 2016 11:20
To: Taxilicensing
Subject: RE: URGENT - Consultation letter December 2015

Following your letter of December 2015, regarding the proposed changes I would like to feedback the comments for the same consultation in December 2014. Please see details below. This feedback is still relevant for this consultation.

Private Hire Vehicle Conditions

No. 11. All tyres to have a minimum of 3mm depth tread.

The beginning of this proposal states "the vehicle will be test in accordance with National Inspection Standards". The National Standards are 1.6mm regardless of how the vehicle is used for personal use or business. What has changed in the Private Hire trade to increase the tyre depth to 3mm? This would have a detrimental effect to our business from a cost perspective, and also it is not very environmentally friendly, increasing our carbon footprint as a business and for the Central Beds at the legislator. Discarding tyres that could have another 5,000 – 8,000 miles left in wear, of which cost £150 - £250 each and lose 30% of the tyre's life is a cost has an impact on margins, forcing our costs up, competing against neighbouring companies licensed with other districts.

This condition has historically been included in the Private Hire License and was then taken off after the consultation in 2009 (new conditions were applied in April 2010). Please can you let me know why this condition would change back again?

No. 13. No dark privacy tinted windows will be accepted, only lightly tinted manufacturer safety glass.

Many of our clients expect the top of the range Mercedes S class, Audi A8 and BMW 7 series to have privacy glass, so they are not seen in the vehicles, and can travel with discretion and privacy, whether they are top executives in the corporate business or VIP celebrities. To enforce this condition on any new vehicles that we purchase, will significantly reduce our buying options and again force up our costs, which in turn increases our price to the consumer, and could out price us in a an already very competitive market. We may also lose a considerable amount of work due to this condition on the vehicles, as not being able to provide a vehicle in the correct specification as expected in the Chauffeur trade.

This condition was also previously lifted after consultation in 2009. Please can you let me know why this condition is being proposed to be reintroduced?

Kind regards

Claire Reynolds
Director
NTD Chauffeur Services Ltd
Tel: 01525 384025
www.chauffeurdriven.org

Margaret James

From: furrakh zaman <furrakh1@hotmail.com>
Sent: 29 December 2014 13:49
To: Taxilicensing
Subject: New conditions

Follow Up Flag: Follow up
Flag Status: Flagged

I am a Hackney carriage license holder 'I feel the £115 Cost of changing vehicle is excessive and the council should actively be encouraging drivers to change to newer cleaner vehicles than charging extortionate amounts and hindering drivers from doing so.

Sent from my iPhone

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Margaret James

From: Ireland, Tony <Tony.Ireland@luton.gov.uk>
Sent: 29 January 2016 16:18
To: Taxilicensing
Cc: Ireland, Tony; Wiltshire, Aaron; Margaret James
Subject: Response to PH/HC Consultation

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I wish to respond to your consultation on the proposed policy and conditions that you intend to apply to Private Hire Operators in Central Bedfordshire on behalf of Luton Borough Council.

As you are aware Luton Borough Council has made representations as to the continued practice of CBC licensing Private Hire Operations within the District of Luton. The continued action of CBC to issue licences to operators who are inviting and accepting the bookings within the District of Luton is not covered by the adoption of licensing powers under Part II of the Local Government (Miscellaneous Provisions) Act 1976 and therefore CBC is acting ultra vires.

Added to this any operator licence issued by CBC to an operation which was based within the controlled district of Luton would be a nullity and there is nothing that CBC can do with the issue of the licence to protect the operator from prosecution. Nothing CBC can do can confer a right to operate in Luton and that anyone operating (within the meaning of the statute) in Luton could have enforcement action taken against them regardless of whether they have a licence from Central Bedfordshire.

It has been stated by officers at CBC and by Operators applying for a licence that they are an established operation in Luton and the need for the CBC operators licence was necessary as they needed additional drivers. As these operators are established in Luton then there is no doubt that the actual operation of inviting and accepting bookings is within the controlled district of Luton. As that operation is within the Luton council boundary, then there needs to be an operating licence for it. If the operation is outside the boundary of the controlled district for CBC, no licence granted by Central Bedfordshire grants it the right to operate elsewhere: rather an operating licence is needed from the Council for the area concerned, in this case Luton and in most cases the operator already holds that licence.

It should be noted that the actual operation should not be confused with a designated administrative seat for the business, so to merely issue a licence to an address within the CBC area without having an actual operation there would also not provide any protection for the operator.

Despite all attempts by LBC to resolve this matter with CBC, and even following the meeting on the 9th December 2015 with the respective legal representatives we have had no response to these matters despite reminders since that date. The only contact has been via the CBC licensing service to signpost LBC to the consultation.

Clearly if this practice of Licensing Operators who have operations solely in Luton continues, then at some point we will have to consider formal action against the operators, owners of vehicles and drivers who would be acting in contravention of the legislation.

We hope that these matters will be taken into account through the consultation process and that the future policy can demonstrate that CBC will only licence within its own controlled district. LBC looks forward to working together with CBC as part of the Pan Bedfordshire Licensing Group and hope that this matter can now be resolved through the proposed policy documents.

Regards

MATTERS ARISING FROM TAXI FORUMS REGARDING CONSULTATION DOCUMENT

Dunstable 29 January 2015

8 attended. Of those 6 appeared to want a mixed fleet. Ideally 10% saloon cars. Said that they would mount a campaign and get a solicitor. I explained that we had already consulted on this issue a couple of years ago. Also explained that we had already had a legal challenge (in South Beds) in which the proprietor lost his case. Pointed out that they had known about the ruling for some time and had not challenged before. (believe they now had vehicles coming up to 10 years old that must be changed).

Chicksands 13 February 2015

8 attended. The following matters were raised.

1. Rear access hackney carriages should be permitted.
2. Rural areas cannot get drivers
3. Do not need knowledge test for private hire drivers because you can use sat navs.
4. Do not want DSA tests because all drivers have already passed test.
5. Would prefer ongoing training i.e. badge given and must take test within 6 months and then every 1 or 2 years.
6. Want separate hc and ph drivers then ph driver will not have to take test.
7. Medicals carried out by own doctor are too expensive. Examples from those attending - £180 own doctor £40 another doctor (however, the driver who paid £180 was happy with this arrangement and did not think others should carry out medical)
8. Executive travel – conditions should not only stipulate sportsman etc – could be ordinary customers.
9. Reminder letters – want at least 2. Explained that if new conditions come in they will get at least 2.
10. 1 wanted mixed fleet – as discussed at Dunstable meeting.