

# TAXI NEWS

November 2014

## Licensing Section Christmas Opening Times

Aside from the Bank holidays, during the Christmas period between 12 Noon on the 24th December 2014 up to the 2<sup>nd</sup> January 2015, the licensing office will only have a skeleton staff available. We would therefore advise that anyone wishing to call into the offices at Weeley during this period makes a timed appointment to do so to avoid any unnecessary waiting time.

## Submitting Documents and Applications

Please don't forget that applications can be submitted via the Online system, Email to the Licensing Section and Fax (**Fax number- 01255 686343**). If you wish to post applications i.e. original documents or cash this is at your own risk and we would strongly suggest that you never send cash through the post. Personal callers to Weeley are always welcome during the hours 09:00-12:00 Tuesday, Wednesdays and Fridays or at other times by prior appointment (excluding bank holidays).

## DBS (CRB)

It is really important that all drivers who are applying for the renewal of their HC/PH driver licence are aware that it is essential they present us with the CRB/DBS certificate they receive back through the post as the Council no longer receive copies of these. **Without the certificate we are unable to issue new driver licenses.** Additionally please be aware that we can only accept CRB/DBS certificates that are 3 months old from the date of issue, failure to do so will result in the applicant having to submit a new form including the £44 fee.

## Taxi and Registration plates

Sometime soon winter will arrive (probably next March at this rate!), but nevertheless we would be really grateful for all proprietors and drivers to ensure that their taxi and vehicle Registration plates are kept clean so the plate numbers are clearly visible.

## Expired Drivers Licenses

Recently we seem to have had several applicants for hackney carriage and private hire driver's licences expecting to be able to renew a driver's licence that has expired, or that they surrendered on expiry, months and even years ago in some cases. One or two of the applicants also seemed to believe that they were entitled to 'Grandfather Rights' in respect of expired licences, regardless of the fact that they had expired years ago. For clarity, please be aware that no such concept exists for hackney carriage and private hire driver licensing. Once a licence has expired it has expired. The nearest any case law has come to being a help in such instances is a High Court case in 2011 Exeter City Council v Sandle. Although this was about a vehicle licence rather than a drivers licence, nevertheless the principle applied by the Court would hold good for either situation. **The Court held that while there was no particular period in which (a licence) would cease to be capable of renewal, but an application received two or three days late would require very good reasons for the delay for it to be entertained by a local authority; delay beyond that would require exceptional circumstances.** Therefore if you are intending to renew your licence please ensure that you have submitted your renewal application and fee, or to let us know in writing why you have not been able to do this and when you will be doing it. At least we will be in a position to know that you still wish to renew your licence. If not, the licence will expire and lapse accordingly. Under such circumstances the only option available will be to apply as a new applicant and as you will be aware, all new driver licence applications are subject to passing the driver suitability and knowledge test, BTEC or its equivalent in passenger handling and DVSA taxi drivers test.

The bottom line though is that if you do not tell us if you are having problems renewing your licence, such as for family reasons for example, then we don't know and will not be in a position to be able to offer any help.

#### **Expired Taxi and Private Hire Plates**

Please can all proprietors/drivers make sure that they return expired vehicle licence plates to the licensing office within a seven day period from receipt of your new plate, or a letter from the office requesting the return of your plate please.

The Council's enhanced knowledge test for new driver applications has been up and running now for two and half years (since April 2012) and it feels about the right time to take stock of this and review it to see if it is working as well as it could be.

A copy of the guidelines which are given to all new applicants taking the test is attached.

#### **Knowledge Test for New Driver Licence Applicants**

The Council's enhanced knowledge test for new driver applications has been up and running now for two and half years (since April 2012) and it feels about the right time to take stock of this and review it to see if it is working as well as it could be.

It has however been commented to the team on a few occasions recently that some new applicants and some existing licensed drivers think that the current knowledge test for new drivers is too difficult.

Therefore the licensing team will be taking the test back to the Licensing Committee on the 16 December 2014, so that they can review the test as it currently is and so they can decide whether or not they wish any alterations to be made to it.

We would really welcome and appreciate your views on the question of whether or not the current test is too difficult and needs some slight amendment, or whether it should remain as it is.

To that end, we would be grateful if you could complete and return the questionnaire at the back of this newsletter to us and we will report back the results of this to the Licensing Committee for its consideration on the 16 December. If you can drop the questionnaire off into Weeley offices or Clacton Town Hall reception when you are passing that would be much appreciated. **We would need them back by the 30 November.**

The Committee meeting itself will be an open meeting so anyone interested in attending or addressing the Committee (at the Chairs discretion) as to whether the test needs any alteration is more than welcome to come along. The meeting will start at 7pm and will be held in the Council Chamber at Weeley Council Offices.

#### **Department for Transport and Government have change of heart**

You may be aware that the Department for Transport and the Government have had a change of heart about including a clause into the Governments De-Regulation Bill which if passed would have allowed unlicensed persons to drive a licensed private hire vehicle while it was not being used to undertake private hire work. You will be aware that the current position is that following a stated High Court case (Benson v Boyce v Copeland Borough Council 1997) only persons who hold a private hire drivers licence can drive a licensed private hire vehicle. This has been the case for hackney carriages since a stated case in 1970 called Yates v Gates.

The Government have now removed the clause in question from the De-Regulation Bill which will mean that the status quo remains the same that only a licensed driver can drive a licensed vehicle while the licence for the vehicle remains in force. The Governments change of heart has been broadly welcomed across the board, including from organisations such as the NSPCC, Barnardo's, Victims Support and Age UK.

## **TENBAC**

There was very nasty assault on one of your colleagues which occurred in the early hours of the morning at a taxi rank in Clacton town centre a couple of months back now.

The victim of this assault was understandably very upset and shaken by it. I'm very pleased to say that fortunately the driver concerned has recovered from his injuries, but it does show how vulnerable you can be even in a relatively peaceful town like Clacton.

There is however an organisation out there called TENBAC (Tendring Business Against Crime) which can provide a radio link into a 24 hour a day monitored radio channel which is monitored by the Council's CCTV control room, the Police and at night times is hooked up to Door Staff in Pubs and Clubs and also other late night business. In the daytime it is linked in with shops.

It is a way for businesses and people working in the day and night time economies to look out for one another and provide help, assistance and support quickly. For example if a person or group is ejected for causing trouble in a pub or nightclub then this information is quickly circulated on the TENBAC radio link and everyone else knows who to look out for or avoid if necessary.

A representative of the Tendring Drivers Taxi Association (TDTA) made some enquiries with me recently about TENBAC and the cost of joining it and any ongoing costs etc and TENBAC advised me that the cost is £50 per member, but a global price for taxi companies could be negotiated and that the radios are £6 per week plus VAT to hire with a radio licence of £20 per annum plus VAT.

**If anyone is interested in finding out more information about TENBAC or is interested in joining it, you can contact its co-ordinator Jacqui Penning by phoning 101 ext 440385 or e-mailing her at [tenbac12@gmail.com](mailto:tenbac12@gmail.com)**

## **Finally**

While it's probably a bit early to be thinking about Christmas, nevertheless, the Licensing

Team would like to take this opportunity to wish you and your families all a very merry and safe Christmas and a very prosperous and happy New Year. Please keep yourselves safe and sound out on the roads and late at nights over Christmas when one or two of your customers may be a little worse for wear through drinking a little too much.

## **LICENSING TEAM**

**Contact details for the Licensing Team are  
E-Mail - [licensingsection@tendringdc.gov.uk](mailto:licensingsection@tendringdc.gov.uk)  
Phone - 01255 686565 Fax 01255-686343**



TO: THE LICENSING OFFICE  
WEELEY COUNCIL OFFICES  
THORPE ROAD  
WEELEY  
ESSEX CO16 9AJ

To be returned to the office no later than 30 November 2014.

### Questionnaire

1. Looking at the guidance notes that accompany the knowledge test, is the test too difficult for new applicants? **Agree**  **Disagree**
2. Looking at the guidance notes that accompany the knowledge test, is the test set at the right level for new applicants? **Agree**  **Disagree**
3. The Council should make the knowledge test for new applicants easier to pass? **Agree**  **Disagree**
4. The Council should not make any alterations to the knowledge test for new applicants? **Agree**  **Disagree**
5. Should the Council continue requiring new applicants for drivers licences to pass a DVSA taxi drivers test? **Agree**  **Disagree**
6. Should the Council stop requiring new applicants for drivers licences to pass a DVSA taxi drivers test? **Agree**  **Disagree**
7. Should the Council continue requiring new applicants for drivers licences to obtain a BTEC qualification, or its equivalent in passenger handling (such as a PATS course), prior to making an application? **Agree**  **Disagree**
8. Should the Council stop requiring new applicants for drivers licences to obtain a BTEC qualification, or its equivalent in passenger handling (such as a PATS course), **prior** to making an application? **Agree**  **Disagree**
9. Should the Council require new applicants for drivers licences to obtain a BTEC qualification, or its equivalent in passenger handling (such as a PATS course), **as part** of the application and grant of licence process? **Agree**  **Disagree**
10. Is there any changes or improvements that could be made to the driver knowledge test such as allowing applicants who fail the test to re-sit only those categories/modules that they fail on? **Agree**  **Disagree**
11. Is there any changes or improvements that could be made to the driver knowledge test, such as allowing applicants who fail the test to re-sit a third attempt after 30 days, rather than 3 months as they have to at present and also apply the same timescale to the suitability test? **Agree**  **Disagree**

***Please use the box below if there is any other comments or suggestions that you may wish to make in connection with the Driver knowledge test.***