

Also sent to:
Leader of the Council
Head of Legal
Head of Licensing
Licensing Committee Chairman

South Cambridgeshire Executive Operators Group
Unit 1, The Service Station
Ely Road, Waterbeach
Cambridgeshire
CB25 9PG
southcambsexecutiveoperators@gmail.com

Cllr. Douglas de Lacey
Chairman of the Council
South Cambridgeshire District Council
Cambourne
Cambridgeshire
CB23 6EA

27 November 2019

Dear Councillor,

I am writing to you as the lead representative of The South Cambridgeshire Executive Operators Group. We are a trade group consisting of 20 private hire operators that work solely in executive chauffeur travel and currently utilise the plate exemption conditions.

We are asking you to reject the proposed new taxi policy before you on the 28th as, after taking legal advice we believe the consultation has not been carried out correctly and requires further discussion with the public and trade.

We have major life changing policy proposals being put forward for policy that were not in the consultation document such as:

1. The removal of dispensation for existing operators whose bases are up to 10 miles outside of the SCDC Border. This will serious effect employment and cause genuine hardship to experienced operators who were advised at the time that they should licence with South Cambridgeshire.
2. The introduction of a ban on forward facing dash cams. These safety devices are a recognised by the police and insurance companies alike and some insurance companies insist upon their use. There are some units that could possibly be excluded but we see no reason to ban non audio forward facing dash cams. This was not part of the consultation.
3. New policy is worded that drivers incurring more than one motoring offence will have their licence revoked. We support road safety and professionalism in driving but this stance is too severe and again was not in the initial consultation.
4. The safeguarding course (which we support) was described as a course or workshop, we now learn in the proposed policy that it is a test or exam rather than a training course.

In regard to the consultation process we feel there were a number of irregularities including:

1. A submission from the only national trade association (LPHCA) was not presented to the Licensing Committee as it was submitted but was cut and pasted into the electronic submissions and referenced as a driver.

2. We feel that it was inappropriate for the Licencing Enforcement Officer to be responding to their own consultation, any recommendations from the Officer should have been sought initially and included in the consultation.
3. The rights of privacy to the public have been ignored with the introduction of a blanket policy for CCTV. This goes against the guidance of the Information Commissioners Office and codes of practice. We submitted a significant number of objections from the public regarding this policy, there is clearly a much greater discussion needed regarding the different types of work that private hire vehicles do, particularly those performing business transfers and chauffeur work and the need for CCTV
5. The reasons presented to you for the increase in volume of applications for the plate exemptions was given as due to the wording of the 2018 policy. We believe it to be more likely that the 2018 regulations introduced compulsory signage. We can't find this statement in the consultation.

Please see attached a copy of our submission to the council in response to the consultation.

In light of the above we respectfully ask that you refer the policy back for further discussion to achieve workable solutions.

Yours sincerely

Steve Russell

South Cambridgeshire Executive Operators Group

Taxi & Private Hire Vehicle Licensing Team

South Cambridgeshire District Council
South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge
CB23 6EA

22 September 2019,

Dear Licensing Team

I am writing to you in response to your consultation on proposed changes to Taxi licencing on behalf of The South Cambridgeshire Executive Operators Group.

We are a newly formed group representing operators in the executive and chauffeur profession and our aim is to promote better communication and understanding between the licencing team and our members. Currently we represent 18 executive/chauffeur operators utilising over 150 licenced vehicles and drivers which places the group as a majority voice in this sector. We are affiliated to the LPCHA to assist with legal and procedural advice, the group is open to any operator that 1. Holds a SCDC operator's licence, 2. Operates a fleet of only plate exempt vehicles with no street hire, 3. Is a member of the LPHCA.

Our current members are:

Airport Lynx
Blue Rose Cars
Business Drive
Cambridge Business Chauffeurs
Cambridge Chauffeurs
Cambridge Premier Chauffeurs
Cambridge City Cars
Cambridge Connections
Carlton Executive Cars
Executive Car Service
Grafton Executive Cars
Kenway Chauffeur Services
Merlin Executive Cars
Milton Executive Cars
RJM Cars
Silver Star Chauffeurs
Voyager Executive Cars
Windrush Executive

To begin with we would like to reassure the licensing team that the group is fully behind having sensible regulations of a high standard that are correctly and fairly enforced. We don't want to have rogue operators competing against us without being accountable to a standard that their passengers

should expect, public safety is an important issue and by working together to improve the standard of private hire in the area will only increase public confidence in the trade and increase our business in turn. There are many things in the new consultation which we wholeheartedly support such as more frequent safety checks on licenced vehicles, the drive towards lower emission vehicles and sensible safeguarding and awareness training, in reality our concerns are reasonably limited.

We found it difficult to form a full opinion on the consultation as the handbook that was referenced on many occasions is not yet available to view, as a result it is only the broad issues we can comment upon.

Signage & Livery.

- It is our opinion that signage on Private Hire vehicles overall is unnecessary and only confuses the public when trying to identify a public hire vehicle such as a hackney carriage, it therefore increases the risk of criminal activity by impersonation. However the SCEOG is exclusively made up of operators who use vehicles that have been afforded an exemption from displaying this signage. What is new to us is the inclusion of an internal notice (previously these details were allowed to be given electronically). Most drivers are self-employed and often work for several operators, the internal notice contains the information of the operator as well as the vehicle so it can be misleading to passengers. It would not be practical to keep swapping multiple notices throughout the day, the potential for error is enormous and these notices could get lost or stolen.
- It is our opinion that this notice should be changed for plate exempt vehicles to a tamperproof disc similar to that used by Transport for London that would permanently be affixed to the windscreen. The notice would contain the licence number, vehicle details and the address of the licencing office, we believe it is important that the operator details are not given here as they are not permanent to the vehicle. It is really important that complaints are directed to the council, operators may try to hide the complaint and protect a driver from repercussions which is not in the interests of public safety. Situations where a passenger in a private hire vehicle does not know the operator are generally very rare and even rarer in an executive vehicle. In any event, the notice would contain the licence number, the proprietor of that vehicle is duty bound to keep records of the driver at the time and operators are bound to keep details of the journey so tracing a complaint would not be difficult.

CCTV.

- We strongly oppose the introduction of compulsory CCTV in executive (exempt) vehicles and there are a number of reasons for this:
- Our passengers value privacy and this is why they hire a private car. Customers have reported that they would seek operators from other areas who do not have to have CCTV, this is the crux of the problem, it would be wholly unfair to impose a significant financial cost and negative customer experience on South Cambridgeshire Executive Operators when our competitors (that can and do operate in our area) are not burdened by these conditions. This should be a decision made at national level or given as a subsidised option for drivers & operators.
- Current licensing policy states that exempt vehicles are excluded from needing CCTV, this was after a similar consultation a few years ago where a few of our members put forward

the need for privacy rights and that the violent disputes do not occur in executive vehicles. We are not aware of any increase in complaints involving exempted vehicles over the last two years, in fact no member of the group can recall any complaint that would have benefitted from CCTV footage.

- As operators, drivers and vehicle owners we do not feel any benefit from mandatory CCTV and this is also the view of our passengers. There has been no consideration made for the passengers right to privacy in their privately hired vehicle, this is something our trade hold very dear, discretion, reliability and professionalism are at the very front of our passengers wishes. At our meeting earlier this month you kindly asked us to provide evidence from our customers, this has been collected by our members and forwarded to the LPHCA (for confidentiality), to date the LPHCA has only received objections in writing and more are expected.
- On the subject of CCTV itself there are a number of things also not very clear in the consultation:
 1. The data is controlled by licensing and can only be accessed by them, what steps would be taken to ensure the data is managed in a proper way and compliant to GDPR and other data protection regulations?
 2. What allowances would be made for temporary vehicles in the case of breakdowns and accidents?
 3. What allowances would be made for system breakdowns, how will it be monitored that the system is even working at all?
 4. It is understood that the system can be turned off when the vehicle is being used privately, what steps are being made to ensure that the driver cannot accidentally turn it off?

Vehicle Ages & Emissions requirements.

- We do not believe that excluding vehicles by age is necessary. If a vehicle is safe and fit for purpose then it should be allowed to be licenced, if the reasoning is for roadworthiness then there is already a compliance test in place to ascertain that.
- If the reason is for lower emissions then there is already a well-used and researched European standard for this. We would recommend that all vehicles should comply with Euro 6 emissions standards at first test and for renewals by a date to be determined to allow for owners that have entered into financial commitments on the strength of existing policy.
- If the reason is for safety or structural integrity then again a more efficient European standard is available in the form of NCAP ratings, we would recommend only 5 star be permitted.
- The two parameters above would make a much clearer and understandable policy.
- We also have concerns regarding ULEV & Ultra Low emission vehicles. While there is certainly a need to try to reduce carbon emissions, two things are clear Firstly there are not enough charging points in the South Cambridgeshire area to cope with the proposed rise in PH vehicles. Secondly some studies have shown that when taking into account the style of electric production in the UK and the production of the batteries that a modern blue efficiency diesel car could be less harmful to the environment overall.

Smaller Issues

A few less concerning issues but for the sake of completeness to your request for comments are:

- New private hire drivers and operators licences are being restricted to one year as a blanket policy. The LPHCA has advised us that this is contrary to the requirements of the 2015 Deregulation Act. This seems unfair to new applicants that they be penalised for no reason other than they are starting out, we should be encouraging entry to the trade not discouraging.
- We believe clauses should be added to some regulations to allow the licensing officer discretion in exceptional circumstances, this could include vehicle accidents or family bereavements.
- The content of the competency test should be made available to operators and drivers so training can be given

Executive Private Hire Service.

Finally we would like thank you for recognising that there is a strong market for executive private hire services (often referred to as chauffeur services), it is always the subject of much debate as to what defines that, some would believe it is only reserved for pop stars, royalty and ceo's!

We would like to offer in the future to consult with the licensing team to establish a clear understanding of the market and help shape the definition.

Yours Sincerely,

Steve Russell
South Cambridgeshire Executive Operators Group



Also sent to:
Leader of the Council
Head of Legal
Head of Licensing
Licensing Committee Chairman

59 Beaufort Road
Upper Cambourne
Cambridge
CB23 6FP

27 November 2019

Cllr Douglas de Lacey (Chairman Of Council)

I was very surprised after reading the proposed policy
Ref: Report to Licence committee on 11 November 2019
from the Council Subcommittee -Meeting regarding the Taxi/Private Hire consultation
that a since end of Consultation (Late September) there has been some significant
major changes to policy added.

I was on the understanding that the consultation period was a time for putting
forward changes to the trade and by scdc licencing sub-committee, to give us as a
trade to consultate on the new proposals.

Some of the new changes that removed/added have been added which could cause
major financial impact on many small businesses.

1. For example since consultation ended to the 10 Mile rule has been completely
removed for Scdc Operators who are based outside of Scdc area but within the
current policy 10 mile rule regulation.
Although this doesn't directly impact our business as im located inside south cambs I
work along side and sub-contract to other Scdc operators it will. So therefore will in
directly effect and impact me as a small business.

This will no doubt Cause other operators scdc great expense they haven't planned
for as no prior warning has been given or any written notification has been sent prior
to the new policy before full council.

I can see why you may want to add this on new applications, but to penalise your
existing customers who have set up substantial businesses for something you
allowed in the past with no prior warning seems rather unfair.

At the very least you should review this issue at the least give them some time into
restructuring relocating their businesses plan accordingly.

This was advised on the recommendation of the Scdc enforcement officer of a 1
year grace period for all new renewal that this affects at time of renewal
This recommendation has been totally ignored by the licencing team/ committee

2. The introduction of drivers having their licence revoked once they have exceeding
6 points (ie 7 or more) appears to be extremely harsh

Although I understand that the main focus is on safety and professionalism Due to previously being 9 points in current policy.
This also wasn't in consultation.

3. When have had engagement during the consultation period and after with Scdc regarding our main issue of CCTV being fitted to all Private hire vehicles, including plate exempt vehicles.

We were also asked during our engagement with Scdc for written proof from our accounts/Clients (Which we submitted around 40 from separate businesses) stating that this is something that is not wanted due to very delicate and discrete conversations being held in the car.

This has been ignored completely and needs further discussion as there is a big risk for our sector of losing business.

4. The removal of forward and rear facing dash cams which are mainly been asked for our insurance companies in the new policy.

By the removal of these stand to have a financial impact from insurance companies in my opinion.

Also an financial impact for removal costs and cancellation fees from insurance companies and new set up fees.

5. Hackney carriage and Private Hire handbook that has been mentioned through the consultation period has not been available.

Just to finalise I feel it would be totally un reasonable to approve this policy at full council on 28th November 2019 until further consultation has been discussed on the issues stated above.

Small businesses clients and livelihoods are dependent on decisions on the outcome of your decision with full council.

I therefore hope you will consider these points and further discuss with the trade for a new consultation.

Yours Sincerely

Rob Chapman

Business Drive

Newton Hall,
Town Street,
Newton,
Cambridge.

CB22 7ZE

T:01223872597

E-mail:admin@business-drive.co.uk

27 November 2019

Cllr Douglas de Lacey (Chairman of Council)

I was very surprised after reading the proposed policy
Ref: Report to Licence committee on 11 November 2019
from the Council Subcommittee -Meeting regarding the Taxi/Private Hire
consultation that a since end of Consultation (Late September) there has been
some significant major changes to policy added.

I was on the understanding that the consultation period was a time for putting
forward changes to the trade and by scdc licencing sub-committee, to give us as a
trade to consulate on the new proposals.

Some of the new changes that removed/added have been added which could
cause major financial impact on many small businesses.

1. For example since consultation ended to the 10 Mile rule has been completely
removed for Scdc Operators who are based outside of Scdc area but within the
current policy 10 mile rule regulation.

Although this doesn't directly impact our business as im located inside south
camps I work along side and sub-contract to other Scdc operators it will. So
therefore will in directly effect and impact me as a small business.

This will no doubt Cause other operators scdc great expense they haven't planned
for as no prior warning has been given or any written notification has been sent
prior to the new policy before full council.

I can see why you may want to add this on new applications, but to penalise your
existing customers who have set up substantial businesses for something you
allowed in the past with no prior warning seems rather unfair.

At the very least you should review this issue at the least give them some time into
restructuring relocating their businesses plan accordingly.

This was advised on the recommendation of the Scdc enforcement officer of a 1
year grace period for all new renewal that this affects at time of renewal

This recommendation has been totally ignored by the licencing team/ committee

2. The introduction of drivers having their licence revoked once they have exceeding 6 points (ie 7 or more) appears to be extremely harsh Although I understand that the main focus is on safety and professionalism Due to previously being 9 points in current policy. This also wasn't in consultation.

3. When have had engagement during the consultation period and after with Scdc regarding our main issue of CCTV being fitted to all Private hire vehicles, including plate exempt vehicles.

We were also asked during our engagement with Scdc for written proof from our accounts/Clients (Which we submitted around 40 from separate businesses) stating that this is something that is not wanted due to very delicate and discrete conversations being held in the car.

This has been ignored completely and needs further discussion as there is a big risk for our sector of losing business.

4. The removal of forward and rear facing dash cams which are mainly been asked for our insurance companies in the new policy.

By the removal of these stand to have a financial impact from insurance companies in my opinion.

Also an financial impact for removal costs and cancellation fees from insurance companies and new set up fees.

5. Hackney carriage and Private Hire handbook that has been mentioned thorough the consultation period has not been available.

Just to finalise I feel it would be totally un reasonable to approve this policy at full council on 28th November 2019 until further consultation has been discussed on the issues stated above.

Small businesses clients and livelihoods are dependent on decisions on the outcome of your decision with full council.

I therefore hope you will consider these points and further discuss with the trade for a new consultation.

Yours Sincerely, /

Peter Burrell

Letter sent to :

Chairman of Council

Leader of Council

Head of Legal

Head of Licensing and the Licensing Cttee Chairman.



South Cambridgeshire District Council
Cambourne
Cambridgeshire
CB23 6EA

27 November 2019

Dear Councillor,

We are writing to you as the operator of Milton Executive Cars Ltd who have been a licenced Private Hire Operator in South Cambridgeshire District Council for 25 years who have serious concerns over the proposed new taxi policy that you will be presiding over on 28 November 2019, and the way the consultation process has been carried out.

Firstly, Milton Executive Cars Ltd are fully in support of more rigorous policy that protects passenger and driver safety and ensures that Operators are fit for purpose. However, there are several points in the consultation that we believe will have a serious impact on our business and its future, and that the proposed policy should go back for further consultation with both the public and the trade.

1. The introduction of CCTV in vehicles, including Plate Exempt Private Hire Vehicles

As a company who purely operate a Plate Exempt fleet, we predominantly carry corporates who are often maximising their time by having meetings in our vehicles. With many of these companies, we have to sign confidentiality agreements as often the conversations carried out in the car are commercially sensitive. The blanket introduction of CCTV will cause some of our largest clients to seek alternative service providers from outside South Cambridgeshire who are not subject to the same conditions. Numerous client's letters were provided in response to the consultation, supporting this statement and we are really dismayed that they have not been taken into account. This could have a significant impact on the viability of our business and the drivers who earn their living, receiving work from us.

Furthermore, if a client exercises their right to privacy, and asks not to have active CCTV during their journey, a driver is then in the unenviable position of having to break Data Protection laws or their Councils licencing conditions. This directly contravenes the guidance provided by the ICO.

2. The introduction of a ban on forward facing dash cams

The ban of dash cams did not form part of the original consultation and therefore both the public and the trade were not afforded the opportunity to provide their contribution to this policy.

Dash cams are often a mandatory precursor to many insurance policies and a recognised safety feature by the police. They have often contributed in insurance disputes.

3. Motoring Offences Effecting Licence Renewals

The policy regarding motoring convictions effecting the granting or renewal of a licence did not form part of the original consultation, so once again, both the public and the trade were not afforded the opportunity to provide their contribution to this policy.

This policy has wide reaching implications for many drivers, and whilst as a Operator, we take public and road safety very seriously, we feel that this policy is excessive and further consultation over the sort of convictions and length of licence revocation should be consulted upon.

4. The introduction of a Safeguarding Test

Ensuring the safeguarding and welfare of children and adults at risk is paramount, and the introduction of a safeguarding test is something, as an Operator, we support. However, policy wording has now changed from a *course* to a *course and test*.

We feel a training course to ensure drivers and operators understand their commitments to ensuring safeguarding and welfare would be far more suitable, but as this did not form part of the consultation, we were not afforded the right to contribute to this important policy.

Policy states that you can take the test as many times as needed, but we have seen through the introduction of Competency testing, that waiting times can be long and when this forms a mandatory part of the licence, this could impact on drivers licence renewals being granted.

We hope you find these comments constructive and understand that we are only trying to contribute to strong policy is fit for purpose and that will stand the test of time.

Due to the points laid out above, we would respectfully ask that you refer the policy back for further discussion.

Yours sincerely

Bob Fisher

Director

Claire Thompson

Director

Licensed Private Hire Car Association

56 Austins Mead, Bovingdon, Hemel Hempstead, Herts. HP3 0LH
Tel: 01442 833464 Chairman Mobile: 07956 329288
E-mail: office@lphca.co.uk Chairman Email: steve@lphca.co.uk
Web: WWW.LPHCA.CO.UK



Council Leader Bridget Smith
South Cambridgeshire District Council
South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge CB23 6EA

Also sent to:
Chairman of Council
Head of Legal
Head of Licensing
Licensing Committee Chairman

27th November 2019

Dear Councillor Smith,

Subject: Hackney Carriage & Private Hire Licensing Policy & Conditions Proposals (December 2019)

I am writing to request South Cambridgeshire District Council ("SCDC") **rejects or otherwise does not approve or adopt** the proposed 'Hackney Carriage & Private Hire Licensing Policy & Conditions' on 28th November 2019.

The Licensed Private Hire Car Association ("LPHCA"), are national private hire trade representatives, who submit this request on behalf of, and in support of, affected members in the district. This includes the South Cambridgeshire Executive Operators Group ("SCEOG").

We, like them, have serious misgivings about SCDC's (a) *consultation process*, (b) *resultant report* and (c) *final proposals*. By way of example, attention is drawn to the following:

- (1) In respect of the consultation, **SCDC has failed to consult, in any way, on the blanket removal of private hire operator licences for businesses based outside the district.**
- (2) In respect of the report, **SCDC has failed to give due consideration to stakeholder consultation submissions, redacted aspects of those submissions and unduly relied upon SCDC Licensing Officer opinion.**
- (3) In respect of the proposals, **SCDC has failed to satisfy Information Commissioner Office (ICO) guidance and Surveillance Camera Commissioner (SCC) codes of practice on CCTV (and dashcam) requirements.**
- (4) **In general terms policy not proposed or covered in the consultation process would be introduced.**

Additional detail on our concerns, as expressed in our original consultation response, can be found in the attached letter dated 16th September 2019.

We are acutely mindful these complaints imply serious legal questions as to the *general fairness, impartiality, procedural propriety and reasonableness* of the proposals. It furthermore raises wider *accountability* concerns about the *transparency* of SCDC as a licensing authority.

In light of the above, I would welcome the opportunity to meet with SCDC officials to discuss how workable solutions may be achieved on these proposals.

Yours sincerely,

Steve Wright MBE LPHCA Chairman

Licensed Private Hire Car Association

56 Austins Mead, Bovingdon, Hemel Hempstead, Herts. HP3 0LH
Tel: 01442 833464 Chairman Mobile: 07956 329288
E-mail: office@lphca.co.uk Chairman Email: steve@lphca.co.uk
Web: WWW.LPHCA.CO.UK



Taxi & Private Hire Vehicle Licensing Team

DRAFT

South Cambridgeshire District Council
South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge CB23 6EA

16th September 2019

Dear Licensing Team,

South Cambridgeshire District Council (SCDC) - Taxi Policy Consultation

Thank you for consulting on Taxi Policy with a wide-ranging consultation and for hosting a Taxi Policy Consultation Event, which I was delighted to attend and meet so many of you at.

I am responding to your consultation as Chair of the Licensed Private Hire Car Association (the LPHCA), a national Trade Association for Operators of Private Hire Vehicles and Taxi services, with over 250 operator members from Portsmouth to Glasgow.

Overview

As previously advised I was contacted by executive private hire service providers (SCDC licensed operators) who had major concerns about some of the proposals in your consultation. I initially visited Cambridge on the basis of helping them and they subsequently formed The South Cambridgeshire Executive Operators Group (SCEOG).

This group is autonomous but has now affiliated to the LPHCA for guidance and support from myself and the Association. To that end, I have now visited Cambridge on numerous occasions and the SCEOG will be sending in their own considered submission, independently of the LPHCA's submission, which follows.

Our mandate has been to help them engage with you, to respond constructively to your consultation and to collectively work in harmony with you for the delivery of sensible regulations that ensure safety for drivers and the travelling public.

As previously advised I was afforded a great deal of courtesy and time at your Taxi Policy Consultation Event and managed to gain a lot from my visit with those involved from SCDC.

It was also helpful that we met with you following my request to meet you with SCEOG colleagues to discuss matters to enable your team to consider concerns and suggestions from the group and myself. Although the meeting had 3 different people to deal with at different times I feel it was beneficial to us, even though your colleague Jane Jackson (your Resource Team Leader) was unwell and therefore unable to attend.

Our response is as a national organisation extremely experienced in working with safety groups, operators, licensing authorities, alongside local and national government to deliver good regulations that work for all.

We will be forthright with our responses and constructively critical where we believe there are shortcomings, having said this, our responses are sent in the spirit of being helpful and collaborative.

Please consider the above Overview as part of our formal response to the actual consultation, which continues below.

Consultation structure and process

South Cambridgeshire District Council (SCDC) has produced a decent consultation and endeavoured to engage with the trade in an open and transparent manner. The documentation is well indexed and easy to follow however there are some considerable problems therein, which for potential responders are confusing at best and quite perplexing if you are not very familiar with previous policy.

Timing of the policy review

A key point to make at the outset is regarding the timing of the policy review and the potential policy introduction date. With government ministers considering National Standards, CCTV and consulting on replacing existing Department for Transport (DfT) Best Practice Guidance with Statutory Guidance, alongside your policy having been updated in 2018, it seems very odd to be proposing to introduce new policy in December 2019, especially as December is the busiest time for the industry and passenger trips.

Reference to a handbook not yet finished

Your proposal document well-over 40 times refers to the Hackney Carriage and Private Hire Handbook for details, without actually saying what the handbook is or how or where it can be obtained. As many, including the LPHCA, are looking at the online documentation, this renders it impossible to form a considered opinion on many matters in the consultation proposals without sight of this handbook.

At your Taxi Policy Consultation Event, I sought a copy of the handbook, only to be advised it was not ready prior to the consultation, which of course renders swathes of the consultation impossible to comment on in a 'learned' manner.

I mentioned that I had been given a copy of policy dated 2017 and referred to my not seeing or being able to access the referenced Handbook. Jane Jackson your Resource Team Leader subsequently kindly sent me the most current policy document in a series of PDFs, dated 2018 and advised that 'This policy replaces all previous Handbooks'.

This of course, with the timing issues referenced previously, makes bringing in major new policy, completely inappropriate as the consultation is undermined without the handbook it refers to throughout.

Notwithstanding the aforementioned, I have read the existing (2018) policy, which appears to be fairly sound and this could be a basis to work from but the consultation process without the handbook it refers to, is with respect, flawed.

In light of this alone I do not believe SCDC has consulted effectively enough to bring in serious policy changes in December 2019, without further consultation and trade discussion.

Proposed way forward

As mentioned in the overview we will be forthright with our responses as well as constructively critical and our response is sent in the spirit of being helpful and collaborative.

To this end, I have responded on the primary matters of concern, that I have identified from the proposals and feedback from the trade, alongside my own knowledge of what has worked well elsewhere. These are set out below and were forwarded then discussed as part of our meeting with SCDC on 4th September.

- Signage in/on Private Hire Vehicles
- CCTV
- Vehicle Ages
- Emission requirements
- Exemptions
- The Wider Consultation (Covered above)

Signage in/on Private Hire Vehicles (including branding)

The LPHCA has a long-standing belief and much evidence that there should be very little signage on Private Hire Vehicles for proven safety reasoning, including the confusion of the travelling public. Furthermore, the fact that Private Hire Vehicles (PHVs) are just that - Privately Hired Vehicles, is often lost on many.

It is a fact that the more signage you put on a PHV, the more it looks like a taxi and the more the public are confused, especially in licensed areas where traditional London style taxis are not utilised and the same vehicle can be licensed for taxi or PHV usage.

For this reason, regulatory signage on PHVs should be discreet, and the number plate should be the primary thing that a passenger looks for, not a licensing plate, door stickers, branding or other identifiers.

As the London Private Hire Car Association, we worked very hard with the Public Carriage Office in London on appropriate signage on PHVs, prior to licensing in 1998. We spent 2 years with other trade bodies agreeing to 'hologrammed' screen discs front and back that contain all the licence details, which very importantly can be seen from the outside of the vehicle.

With government currently constructing a taxi and PHV database that will carry that information in real time there will be even less reliance on such a disc.

We know that horrendous sexual attacks, robberies and assaults have taken place when unsuspecting members of the public have been lured into danger by false signage on vehicles that are not-purpose built like London taxis.

Branding

After many years of success with the screen disc system in London the question of what branding as opposed to regulatory signage could be allowed on PHVs was asked. It was resolved that almost no company branding would be permitted other than on the rear of vehicles, to ensure that PHVs were not hailed and mistaken as publicly hireable taxis.

Rear windscreen signage that meets light and opacity regulations was agreed upon, alongside MOGO number plate type attachments and approved sign-written company branding (all rearward facing). This has worked very well and there is no evidence to suggest otherwise, most importantly PHVs are far less likely to be mistaken as being taxis and members of the public are not likely to be confused.

Disc System and even greater safety

The disc system has been in place for over 15 years now in London and we estimate that well over 1 million have been issued (at the vehicle licensing point).

In addition to the fact that new government vehicle database is coming online, Transport for London (TfL) have regulated that Private hire operators must provide a booking confirmation to a passenger before their journey starts.

The operator is expected to request passenger contact information and offer to provide a booking confirmation for all bookings.

All operators must (at a minimum) be able to provide a booking confirmation to passengers via email, text (SMS and MMS) message and phone (regardless of what booking channels the operator offers). The booking confirmation must contain, as a minimum:

- The vehicle registration mark
- The first name of the driver
- The driver's private hire licence number, as shown on the ID the driver is wearing
- Where the passenger can receive it, a photo of driver

Where the customer books in person or by landline phone, a photo must be provided if the customer requests confirmation through a communications channel that can provide an image, for example an email or smart phone.

All this negates the need for confusing and in some cases very dangerous signage on vehicles that we know can be copied and used to confuse unsuspecting members of the public. From the Chauffeur and Executive perspective many corporates do not wish to have the company their staff are travelling with identified for aesthetical and security reasons.

Prosecution for false signage and badges

LPHCA research has revealed that in April this year (2019) a bogus cab driver used stickers to trick potential customers into thinking he was in a legitimate private hire vehicle. He also stuck no-smoking signs in the front windows of a dark-blue Vauxhall Zafira.

Fortunately, he was caught by council licensing officers and prosecuted by Southampton Magistrates' Court.

In 2017 'fake' South Cambridgeshire taxi drivers' badges were seized in an investigation which involved police in Buckinghamshire following the discovery of a fake taxi drivers badge purporting to be issued by you - South Cambridgeshire District Council. This prompted a police investigation into fraudulent taxi licences and a South Cambridgeshire vehicle plate was also seized.

False signage and badges have often been used to aid and abet criminal activity and with modern technology, police and enforcement teams can now check in real-time, as they do with road tax nowadays. With the DfT & DEFRA taxi & PHV database being constructed, which will identify the registered keeper, the licensing authority, date of licensing, etc., alongside the customers ability to check in real time with the company booked with, anything other than basic signage is unnecessary.

We know that the more you put on a PHV the more likelihood there is of illegal activity, including touting, bogus cabs and far worse. Some naively believe that putting 'pre-booked only' on doors helps but this does not help tourists or others who don't understand written English, it only serves to confuse. Council crests can be copied, as can branding and magnetic door signs, which can easily be removed by a criminal for potentially very sinister use.

Executive & Chauffeur Vehicles Signage

The case for discreet signage on executive vehicles is even more compelling because such vehicles are not utilised for street hiring's. Typically, but not exclusively, Executive & Chauffeur Vehicles are utilised for corporate work or executive business that may have emanated by recommendation or website promotion.

Street bookings are a rarity for Executive & Chauffeur Vehicles and in some cases never happens. The more discerning customers that utilise such specialist services in nearly 100% of cases book such vehicles well in advance.

If SCDC adopted the successful London signage model it could also be utilised by the wider Private Hire Vehicles you licence that has been so effective in the capital. Executive & Chauffeur Vehicles in London and in general all PHVs have accepted the Screen Disc option alongside the new operator requirements as the norm and it works well because it is discreet.

With government constructing the new Private Hire and taxi vehicle database, not only will safety improve because passengers with smart devices will be able to check in real-time, alongside the police, licensing & compliance officers, who will also have access to all the required details too.

Our response to signage and branding is that 'less is more', so please seriously consider the London Screen Disc and branding model not only for Executive Vehicles but for all PHVs that you licence. The public will be less easily confused and much safer.

Internal signage in PHVs is also a bad idea, as it can be fraudulently copied and used to entice a passenger into a vehicle and a potentially dangerous situation. With 'self-destruct on removal' screen discs, the practice of issuing things like a licensing information card, that can easily be replicated, removed by passengers and I understand, in the main gets stored in the glove box anyway, is negated.

All the Executive drivers I have spoken to in SCDC have said that the plate exemption you currently utilise should not be radically changed unless a screen disc option comes into place.

Finally, I think it useful to point out that vehicles especially for executive use, nowadays for very good business and environmental reasons, work for multiple companies. It is therefore not a good idea to tie vehicles or drivers to companies, especially as this can compromise their self-employed status. Working for multiple companies, increases the earnings potential and has considerable environmental benefits as drivers that are available to multiple operators have reduced dead mileage.

Executive & Chauffeur Vehicles Signage Position – Improve what you already have for Chauffeur & Executive, consider screen discs and far less signage more widely on PHVs, so they are not confused as taxis.

CCTV

The case for CCTV in Executive & Chauffeur Vehicles in particular and more widely in Private Hire Vehicles is controversial, unproven and subjective. Whilst there is slightly more of a case for publicly hired taxis as no independent record (unlike under PHV regulations) or tracking is assured, the Surveillance Camera Commissioner's response to the Department for Transport consultation on statutory guidance for taxi and private hire vehicles for licensing authorities makes significant points.

I have put our comments in bold below the Surveillance Camera Commissioner consultation response and I have put the full link at the bottom of this section in italics.



Surveillance Camera Commissioner consultation response to the Department for Transport consultation on statutory guidance for taxi and private hire vehicles licensing authorities.

1. The Surveillance Camera Commissioner welcomes the opportunity to provide input into this consultation on statutory guidance for licensing authorities with regard to taxis. He has worked with the Department for Transport in development of the draft guidance that was issued for consultation.

2. The Commissioner recognises that it refers local authorities to the Surveillance Camera Code of Practice. The Protection of Freedoms Act 2012 (PoFA) s.33(5) sets out that they must pay due regard to the code. It is also encouraging that the guidance refers to a number of the tools the Commissioner has issued to help organisations comply with the 12 guiding principles in the code. As relevant authorities under PoFA, local authorities must be made aware that if they do not pay due regard to the code this is admissible as evidence in court. The Crown Prosecution Service revised their Disclosure Manual in December 2018 to reflect this.

3. That said blanket licencing may be disproportionate and should only be used where there is a strong justification as set out in paragraph 1.15 of the code:

When a relevant authority has licensing functions and considers the use of surveillance camera systems as part of the conditions attached to a licence or certificate, it must in particular have regard to guiding principle one in this code. Any proposed imposition of a blanket requirement to attach surveillance camera conditions as part of the conditions attached to a licence or certificate is likely to give rise to concerns about the proportionality of such an approach and will require an appropriately strong justification and must be kept under regular review.

LPHCA COMMENT - In section 3.9 CCTV you state:

i. The installation of CCTV in licensed vehicles can be both a deterrent to would-be troublemakers and a source of evidence in the case of disputes between drivers and passengers, other incidents and accidents.

We question whether a lot of this is accurate and ask what evidence, especially for Chauffeur & Executive and basic pre-booked and often tracked PHVs do you have for SCDC?

Recent media footage has shown CCTV has not acted as a deterrent on busses, tube stations and main line railway, where murders and serious assaults have occurred. As PHVs are pre-booked we are not convinced that the cost of installation, maintenance and overheads a) are necessary, b) proportionate and can therefore be reasonably justified.

As well as this we would like to know if you conducted a formal regulatory impact assessment to cover costs to drivers, operators, SCDC and ultimately to the fare paying passengers.

In addition, what have you done to directly engage with businesses and passengers, who may well object?

At our recent meeting on 4th September we were asked by your goodselves to evidence how Chauffeur & Executive passengers would regard CCTV and we are now compiling the responses from Cambridgeshire businesses and expect to have them within 28 days of your request. Evidence gathered to date shows total resistance to CCTV being in place in a Private Hired Chauffeured or Executive Vehicle.

ii. The key objects are:

- The protection of licensed drivers.
- The protection of the travelling public.
- To ensure that licensed drivers continue to be 'fit and proper' in line with licence conditions.
- To enable investigations to be fully supported with evidence in a secure and retrievable form.

To understand the necessity for the protection of licensed drivers and the travelling public in SCDC are you able to provide statistical information on previous problems in PHVs please?

We have grave concerns regarding the bullet point that licensed drivers continue to be 'fit and proper' in line with licence conditions via CCTV surveillance as being reasonable and proportionate.

iii. All Hackney Carriage and Private Hire vehicles must be fitted with an approved CCTV system no later than 30th November 2020.

This seems to be a blanket policy and as stated above should only be used where there is a strong justification.

4. *The Commissioner is aware of the blanket requirement for taxis in Rotherham to have CCTV installed. This was one of a number of measures implemented following the child abuse issues in the Town where taxis were used to transport a number of the victims. Here there was persuasive evidence to argue sufficient justification but the Commissioner would not expect widespread installation of CCTV in taxis without well evidenced justifications. The local authority's Senior Responsible Officer for compliance with PoFA and the code will be able to advise on justification requirements for CCTV.*

In Rotherham, we understand there were major failings at Council Licensing & Enforcement level.

5. *Furthermore, CCTV in taxis typically also records audio (as well as video). The recording of conversations is extremely intrusive and requires strong justification as set out in paragraph 3.3.2 of the code:*

Any proposed deployment that includes audio recording in a public place is likely to require a strong justification of necessity to establish its proportionality. There is a strong presumption that a surveillance camera system must not be used to record conversations as this is highly intrusive and unlikely to be justified.

It is clear that customers do not want to be voice recorded

6. *A key part in the process for justifying a surveillance camera system is consultation. The Commissioner would expect to see clear evidence of public consultation before any final decision about installation is made. This consultation should involve members of the public, taxi drivers, police and any relevant regulators.*

Whilst you have clearly consulted via the proposal document, what direct level of engagement has been done with passengers and businesses by you on CCTV?

7. *Local authorities must also have completed a data protection impact assessment prior to installation and have consulted their data protection officer and legal teams. There is a surveillance camera specific DPIA template on the Commissioner's website which was developed in conjunction with the Information Commissioner's Office.*

Has this been done and if so is it available?

8. *Where it is the case that taxi drivers use the vehicle for their own private use the Commissioner would expect there to be a facility to switch off recording. In addition, there must be clear policies and procedures in place regarding how the CCTV system is used and who can access the footage it records and where CCTV systems are IP enabled (connected to the internet) then they must be cyber secure.*

Is this in place and applicable – the consultation does not appear to have covered this?

9. *The Commissioner would recommend that installation of any system should include a full operational requirement which can be achieved by using the Commissioner's Buyers' Toolkit and/or Passport to Compliance documents. This will ensure that a system is installed that is fit for purpose and actually delivers footage that can be used in court if required. Whilst the Commissioner appreciates the austere times that local authorities are working in, he would not expect that substandard systems are installed to save money particularly if the justification of the system is passenger and driver safety.*

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/798087/SCC-taxi-consultation-response-DfT.pdf

Vehicle Ages and Emission Requirements

LPHCA COMMENT - In section 3.6 Age of Vehicle you state:

i. As an incentive for the uptake of zero and ultra-low vehicles within the Hackney Carriage and Private Hire Licensing Policy and to comply with the South Cambridgeshire District Council's recognition of the global climate and health emergency action plan to deliver a zero-carbon future for South Cambridgeshire, it is required that:-

- A new vehicle licence will not be granted in respect of a vehicle unless it is less than 4 years old.
- A vehicle licence will not be renewed for a petrol or diesel vehicle unless the vehicle is less than 7 years old.

ii. To incentivise investment in ULEV and Zero Emission Vehicles, this rule will be extended as follows

iii. A vehicle licence will not be renewed for an Ultra-low emissions vehicle unless the vehicle is less than 12 years old.

iv. A vehicle licence will not be renewed for a zero emissions vehicle unless the vehicle is less than 15 years old.

This policy proposal, whilst well intended I do not believe will achieve the objectives you seek in i. above.

The regulatory impact will in my view be extremely disproportionate on different companies and different drivers in several ways for many reasons. The proposal presumes that 'age of', is better than 'condition of' and / or 'specification of' vehicles as the way forward.

I do not believe this will achieve the objectives you seek to achieve in i, as there are in my view many unforeseen consequences that a thorough regulatory impact assessment will highlight.

Age requirements

Age is a flawed method of determining the suitability and condition of a vehicle, so we are surprised that this method is being utilised, especially as SCDC already has in place, as set out in section 3.10 Vehicle Testing the following:

i. The vehicle must have an MOT certificate and a Certificate of Compliance that is no older than 1 month at the date of application for both new and renewal.

ii. The Certificate of Compliance will be issued for six months and a second test must be carried out 6 months minus 1 day from the last test.

As a former qualified mechanical engineer and operator of thousands of vehicles I can assure SCDC that the above policy is the right way to determine fitness and suitability of a vehicle, not age. It is the condition of a vehicle, not the age of the vehicle that is important and your Certificate of Compliance (COC) system that you already have, is in our view the correct measure.

A well-maintained older vehicle will mechanically almost certainly be in far better shape than a poorly maintained newer vehicle. Your COC deals with this aspect fully, without needing tick-box 'age-based' criteria.

You will be aware that primary regulation already permits more frequent testing for older vehicles, which is a far better option than a blanket age policy that could refuse or fail a perfectly suitable vehicle.

Importantly, specialist vehicles as used by Chauffeurs and Executives, as well as accessible / special needs vehicles are far more expensive. Some will have been purchased for a lengthy lifetime of work, often at great cost, in some instances over a long 'pay-back' period for the operator or the driver.

To enable owners of such vehicles to transition into their next vehicle they will need to repay outstanding payments and earn the money to do that, so they can move into the next generation of environmentally friendlier vehicles, which we will cover below.

SCDC is not alone in believing that integrating taxi and Private Hire licensing into its Air Quality Improvement strategy is prudent. There are however considerable issues in transitioning for both taxis and PHVs. If age limits are brought into the equation this is further complicated and we assert that Air Quality standards are a far more reliable basis for taxi and PHV than age limits.

Environmental considerations

Understandably Local Authorities are rightly looking at all possible ways to improve 'Air Quality' as soon as possible. The LPHCA has regularly been attending the Joint Air Quality Unit (JAQU) sessions with the Department for Transport and DEFRA.

As part of JAQU's strategy a national database is being created by government to help Local Authorities determine whether taxis and PHVs meet the particular emission standard for their vehicle type in Clean Air Zones (CAZs) in major cities in England & Wales.

To complicate matters, some cities are opting in and others opting out, furthermore the government has delayed the introduction of the database until at least July 2020.

The principle of improving Air Quality by Euro Standards and Fuel Type and the associated harmful particulates is sound and in London this has trumped determination by age.

Manchester like SCDC, also sought to tie in standards policy with air quality requirements but has now postponed doing so and the following statement was issued by John Garforth, JP, MIOL Chair – GM Licensing Network.

In 2018, Greater Manchester's 10 local authorities agreed to collectively develop, finalise and implement a common set of minimum standards for Taxi and Private Hire services licensed in Greater Manchester. The proposed standards have four areas of focus: driver standards, vehicles standards, operator standards and local authority standards.

Greater Manchester Leaders have consistently stated that these standards must align with the Greater Manchester Clean Air Plan proposals and support the requirements to tackle air pollution across the region. The 10 local authorities are awaiting feedback from government on some elements of those proposals, most notably the funding available to support vehicle upgrades – including taxis and private hire vehicles (PHVs).

With this uncertainty, and the lack of clarity around the Government's intention to legislate for national minimum licensing standards for taxis and PHVs in the future, there will be no consultation on the proposed Greater Manchester common minimum standards this autumn, however we will continue to engage with the trade on the development of both Clean Air Plan and common minimum standards.

What is clear is that many regional and Local Authorities are determining their standards for taxi & Private Hire via Euro Standards and Fuel Type and not by age. This in our view is not only sensible but Best Practice.

With National Standards now being discussed by Ministers and cited as a priority Post-Brexit at DfT meetings I have recently attended and with Low Emissions Standards coming into place, it would seem sensible to make taxi & PHV licensing policy going forward based on defined standards rather than criteria like age of vehicles.

The taxi and PHV industries will need to transition into more environmentally friendly vehicles in a cost-effective and achievable manner, especially for specialist vehicles as used by Chauffeurs and Executives, as well as accessible / special needs vehicles, which as previously mentioned are far more expensive.

Infrastructure, vehicle availability, scrappage schemes and grant money, all needs to be determined to enable a smooth transition and the avoidance of supply shortages.

In summary, it is not in our view timely to introduce age limits or be too prescriptive with new regulations at local level until government has determined new national standards, which we believe in most cases should be 'absolute' and not minimum.

Exemptions

I have been privileged to work with safety groups, trade bodies, politicians, ministers and government officials at local and national levels on taxi & PHV licensing. I have also been fortunate to work with the

Law Commission on its wide-ranging review of taxi & private hire, as well as being on the government's recent task and finish group.

Along the way, I have learnt that all good regulations are considered thoroughly, but most importantly have within them the ability to empower regulators to make exemptions and have flexibility for officials to have discretion to make alternative arrangements where sensible.

I wish to thank SCDC for the courtesy, consideration and assistance shown in this consultation exercise.

Yours sincerely,

Steve Wright MBE LPHCA Chairman

