

# Trade Times

Brought to you by Cheltenham Borough Council Licensing

ISSUE 24 - NOVEMBER 2016

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Knowledge  
useful ab

## Safeguarding Training

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## Safeguarding Training for HC / PH Drivers

In the June edition of the trade newsletter we told you that the Council recently decided, following consultation, to introduce safeguarding training for all taxi and private hire drivers. The training will form part of the council's fitness assurance for licence holders, **is mandatory for all licensed drivers, and at this time the training will be FREE.**

The training will be presented by the Gloucestershire Safeguarding Board in partnership with Gloucestershire Constabulary.

We are now in a position to give the trade more information about the training. There will initially be two sessions in January 2017 and a further two in February:

Dates	Times	Location
19 January 2017	13:00 - 16:00	Pittville Room, Municipal Offices
26 January 2017	10:00 - 13:00	Pittville Room, Municipal Offices
9 February 2017	10:00 - 13:00	Pittville Room, Municipal Offices
16 February 2017	13:00 - 16:00	Pittville Room, Municipal Offices

The training will be **free** for taxi and private hire licence holders and will only have to be undertaken once.

It will generally deal with the signs of child sexual exploitation (CSE), trafficking and other safeguarding issues and how licensed drivers can identify these issues and the means of reporting them to the appropriate authorities.

It is also intended to ensure that licensed drivers are themselves equipped to guard against false and misleading safeguarding related allegations being made against them.

There will be an exemption clause for licensed drivers who have already undertaken comparable training by a recognised training provider.

Drivers will be awarded a certificate of attendance on completion of the training.

## How to book

The capacity for each session is 30. We will therefore book people on a first-come-first-served basis.

To book, please email the licensing section ([licensing@cheltenham.gov.uk](mailto:licensing@cheltenham.gov.uk)) or call us on 01242 775200 with:

- your full name;
- licence badge number (i.e. PHD000 or HCD000);
- an email address; and
- your preferred date and time.

We need an email address to send information and booking confirmation.

### On the day

You will need to bring your driver's licence photo badge with you.

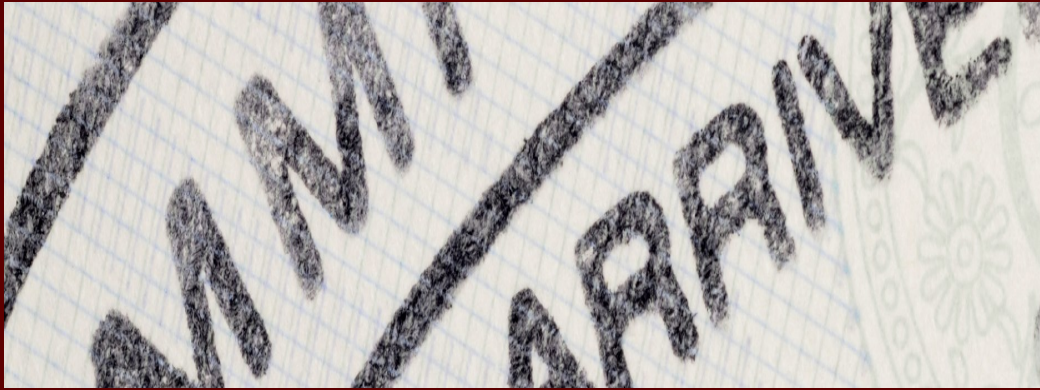
You will receive course material on the day that you can take away.

### Cancellation

If you have booked on but have to cancel your booking, you must do so in writing by sending us an email no later than 72 hours in advance.

There is a cost attached to the training and the council will consider charging drivers that persistently cancel their booking without valid reasons.

# Immigration Act 2016



On 1 December 2016, schedule 5 of the Immigration Act 2016 comes into force. This schedule deals with new immigration and right to work checks in the taxi and private hire industry.

From December, the council will be under a statutory duty to check the immigration and right to work status of *all* applicants for a drivers and/or operators licence irrespective of whether the applicant is UK born or otherwise. The guidance accompanying the Act is very clear on this.

All applicants and licence holders (on renewal) will be required to bring original identity documents with them when they see a licensing officer. The list of permitted documents can be found on the council's website at [www.cheltenham.gov.uk/licensing](http://www.cheltenham.gov.uk/licensing).



Licensing officers are now required by law to see these original documents in order to verify the immigration status and right to work of all licence holders. Officers cannot issue a licence (or renewal) until these documents have been produced and verified.

From December an issued licence will automatically lapse if the licence holder's immigration status changes so that they no longer have a right to reside lawfully in the UK.

In addition, the Act has also introduced new powers for the council to suspend or revoke driver and operator licences for immigration related offences.

If you want more information, please contact a licensing officer.



## Enforcement and Prosecution Update

### *Drivers found guilty of illegally plying for hire*

During the March race week, licensing officers from Cheltenham Borough Council carried out a number of enforcement operations working alongside officers from neighbouring councils and the police.

As a result of those operations the council has so far successfully prosecuted 5 drivers for illegally plying for hire and a further 4 prosecutions are pending. Three of those convicted were licensed Cheltenham private hire drivers whose licences have since been subject to review by the Licensing Committee. The committee revoked one driver's licence immediately, while the others were given warnings about their future conduct.

The message to licensed private hire drivers is *all* journeys you undertake must be properly booked through your operator. If you are approached by a member of the public asking to be taken somewhere, you must advise them to contact your operator (you cannot arrange the booking yourself).

The council will seek to take enforcement action against all drivers who ply for hire illegally.

A private hire driver who accepts a journey that has not been properly booked is not only committing an offence but is also invalidating their insurance and endangering the public.



## DVSA & NVQ Update



You will know that it is a requirement in the council's policy that all new applicants for taxi/PH driver licences must pass the Driver & Vehicle Standards Agency's (DVSA) driving assessment. The DVSA has recently made a decision to stop taxi and private hire driver assessments and so the council has adjusted its policy and identified a new provider.

The driving test is still a mandatory assessment for all new drivers, so the council has approved a new provider for the test, Diamond Advanced Motorist (<http://www.advancedmotoring.co.uk/taxi-test>). They are DVSA accredited so maintain the same assessment standard. They are set up to meet demand and waiting times are not more than 2 weeks.

How drivers can book the assessment:

Go to <http://www.advancedmotoring.co.uk/product-page/150fe0be-c933-e070-79b9-93e9eacfdc7f> to buy a test.

Once a driver purchases a test their details will be forwarded to the examiner who will be in touch with them within the next 48 hours (Monday-Friday) with a view to booking a test within the next 5-10 working days.

The examiner will arrange a mutually convenient date, time and place to conduct the test. This information will be passed to all new drivers along with anyone else who needs to take the test.

### NVQ in road passenger vehicle driving

Since 2010 it has been a mandatory requirement for all licensed drivers in Cheltenham to complete this qualification within a year of being licensed, as a consequence of which the majority of Cheltenham's drivers are now qualified. The NVQ was government funded which meant it was free for most drivers.

We have been advised that government funding for the NVQ has stopped, which means that drivers may need to pay for the test. The training provider used by most of our drivers, Betaris Training, have provided a quote and the council is currently looking at options.

In the meantime drivers should proceed as normal with renewing their licences when they receive their renewal letters.

Further information about the NVQ will be sent out to the trade in due course. Please don't delay the renewal of your licence even if you haven't completed the NVQ yet. Just discuss it with the officer when you come in to do the application and we will call you back when we have more information.

## Information

### Weekly open sessions

Mondays: 10am - 1pm

Wednesdays: 1pm - 4pm

Fridays: 10am - 1pm

### Report it!

You have to tell the council when:

- You change your address
- Your vehicle has sustained damage
- You receive points on your driving licence
- You are convicted, charged or cautioned for an offence
- You sell your licensed vehicle
- There is a change in your medical fitness

### Lost property

Drivers should at the end of each journey inspect their vehicles to ensure that no property has been left behind by passengers. If a passenger has left anything behind in a licensed vehicle, the property must be taken to the Hester's Way police station.

### Renew your licence on time

The council will as a matter of courtesy send reminder letters to licence holders to remind them to renew their licences on time. It is however the individual's own responsibility to ensure renewal applications are submitted on time.

### Replacing your licensed vehicle

If you are planning to replace your licensed vehicle or license a vehicle for the first time, you must in the first instance call the licensing section to check whether the vehicle to be licensed complies with the council's policy and fitness requirements. Never buy a vehicle without checking with the licensing team.

## Compliance Update

Council licensing and enforcement officers, working alongside the police, are engaged in an ongoing programme of checks on taxis and private hire vehicles and drivers. Here are some of the key issues officers have identified recently. Please take note as more checks are on the way!

- Hackney carriage roof signs not working—roof signs should be fixed to the roof at all times and lit at all times when plying for hire.
- Hackney carriage tariff cards not on display—A5 tariff cards are available from the council reception and should be available in the vehicle for passengers to view at all times.
- QR codes and no-smoking stickers should be clearly displayed within the vehicle. Pouches are available from the council during open sessions. If you do not have the correct plates, badges and stickers, you must obtain duplicates from the council as soon as possible. *Failure to clearly display the correct identifying documents on the car may result in your vehicle licence being suspended.* With regards to no-smoking stickers, please note it is against the law for anyone to smoke at any time in a licensed taxi or private hire vehicle. This applies even if you are off duty with no passengers in the vehicle.
- Insurance—A copy of your insurance certificate should be carried with you in the vehicle at all times. Why not keep a copy of it on your phone for convenience?
- Tyres—should be checked at regular intervals. Please remember that licensed drivers in Cheltenham have had their licences revoked due to poorly maintained tyres. Further advice on checking your tyres is below.

Compliance checks will be continuing day and night over coming months so please make sure you are compliant. If you are unsure about what you should or shouldn't be doing please check with a licensing officer.



### Why (and how) should you check your tyres? What should I check?

As mentioned above, licensed drivers in Cheltenham have had their licences revoked in recent years due to having poorly maintained tyres. The safety of the public is the council's primary concern when it comes to licensing so you need to make sure you are safe and compliant at all times if you want to stay licensed.

In addition to the licensing issues, did you know that you are not insured when driving on illegal tyres? If you are involved in an accident, regardless of whose fault the accident was, and it turns out that you have been driving on tyres with a tread depth lower than 1.6mm (legal limit in the UK) you could find yourself spending a lot of money on repairs and fines as well as having your licence reviewed.



Worn tyres significantly impede the performance of your car. Low tread depths reduce the effectiveness of braking, steering, and acceleration, all of which are vital in staying safe.

What are a few minutes put aside now to check your tyres, when compared to the safety of you, your family and the public?

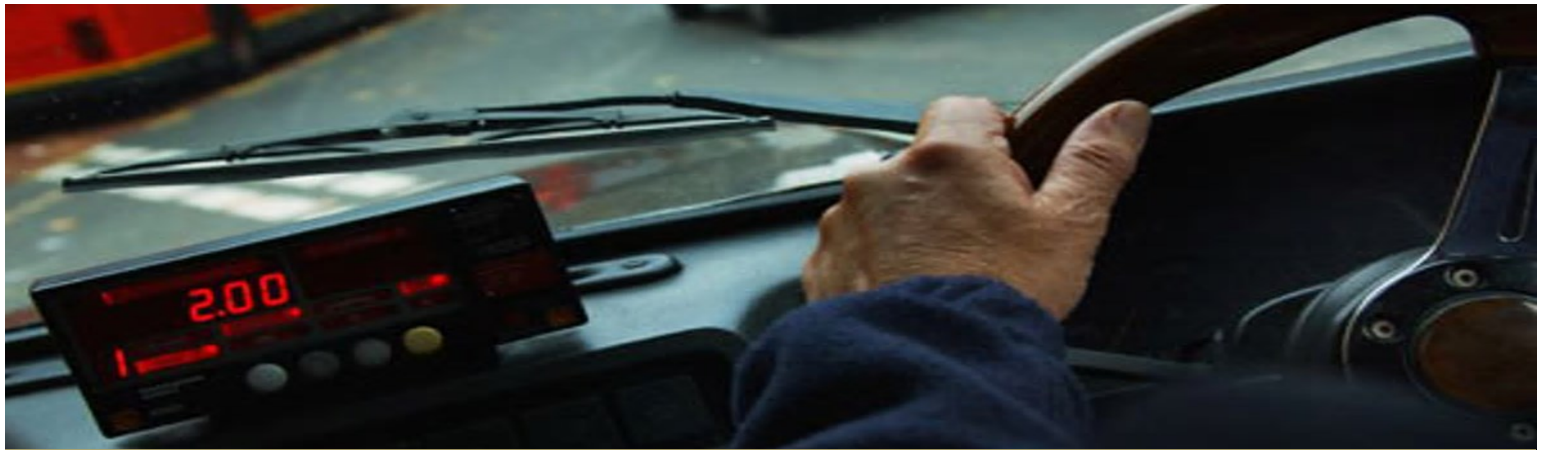
A five point tyre check that we strongly recommend you complete:

1. Check overall condition of tyres, including inner and outer sidewalls.
2. Check tyre tread depth.
3. Check all tyre pressures.
4. Check signs of irregular wear.
5. Check and examine the spare tyre.

The cheapest and easiest way to check your tread depth is with a 20p coin. All you need to do is place the coin in the main groove of each tyre and check the position of the coin's outer rim. If the rim is hidden in the tread then you are still within the legal limit. If you can see the outer rim, then you need to change your tyres straight away.

If you have any doubts, go to a mechanic and have the tyres checked professionally.

The council will review and may revoke the driver's licences of people who are found to be endangering the public by driving vehicles with defective tyres.



## Refusing a fare: What is reasonable?

In recent weeks we have received a number of complaints relating to Hackney Carriage drivers refusing fares. The specific drivers identified have been spoken to and given warnings in appropriate circumstances.

We thought it would therefore be useful if we explain the rules with regards to fares and when it is appropriate to refuse a fare.

Section 53 of the Town Police Clauses Act 1847 makes it an offence for a driver of a Hackney Carriage vehicle to refuse a fare that does not exceed the prescribed distance without reasonable excuse.

This means that unless a driver has a reasonable excuse, he or she cannot lawfully refuse a fare if the journey starts and finishes inside the borough of Cheltenham.

The two main points to notice from the paragraph above is that the distance of the fare is relevant, as is having a *reasonable* excuse.

In terms of distance, if the fare starts in Cheltenham but finishes outside of Cheltenham, the driver can then accept (or refuse) the fare at their own discretion. This is because “prescribed distance” refers to Cheltenham.

What a driver **cannot** lawfully do is refuse a fare for a short journey. We have received information and intelligence from a variety of sources that this commonly happens particularly over a weekend and at the railway station.

The other relevant consideration is what is a reasonable excuse in the context of refusing a fare?

Ultimately this is a matter for the courts to decide based on the individual merits of each case. However, it will also be down to the council as licensing authority to consider the reasonableness of a driver’s decision to refuse a fare. When we receive complaints we will - and have recently - consider whether the driver had a reasonable excuse in the circumstances.

The most common complaint we get is that drivers are using “drunkenness” as an excuse to refuse fares they do not want to take. The council accepts that the discretion as to whether a person is too drunk is that of the driver’s, but where there is evidence that this was used as an excuse for something else we will take the appropriate enforcement action.

In light of the complaints and intelligence, the council will in the near future be undertaking a number of “test purchase” operations with the support of licensing officers from neighbouring authorities.

Any driver found to be unlawfully refusing fares will face a review of their driver’s licence before the licensing committee. This carries with it the potential outcome of their licence being revoked, so think carefully before refusing a fare: *do you have a reasonable excuse?*

## Useful contacts

Testing station: 01242 264184

Parking enforcement: 01452 521284

DBS: 03000 200 190

Street works/road closures: 08000 514514

Licensing: 01242 775200