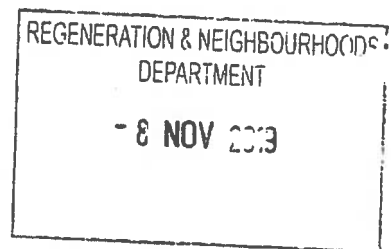


Hartlepool Council Licensing Committee, Can you please take into consideration this petition of Hartlepool Vehicle Owners when you consider making changes to Vehicle Age Restrictions and continue with current policy. A lot of drivers are working long hours for little pay and all these changes will do is put costs of running vehicles up and will put a lot of vehicle owners out of buisness which would be wrong for a council to do this..... Especially with Hartlepool named in the national press of having high unemployment. Hartlepool Taxis are maintained to a very high standard with regular Taxi Tests of twice a year. The majority of Hackney Carriages in Hartlepool are independents that are struggling to make a living and working for less than the minimum wage to serve the people of Hartlepool.

Thank You For Reading and Taking This Petition into Consideration.

40 signatures.





Mr Harrison,

I have enclosed a letter regarding my opinion against changing all yellow taxis, I would be quite happy at the meeting of Wednesday to come along and read this letter to yourselves and councillors, I'm very passionate about our yellow taxis as you are probably aware by now. (E-mail already sent)

There is one thing our taxis have been yellow for over 30 years and it works extremely well so I don't understand why we are having to defend against this change, why aren't the other parties who want the change explain in full why they want this change and what benefits it will have to Hatterpool because at this minute in time I see no benefits whatsoever all I see is a very confused public and Taxi family.

REGENERATION & NEIGHBOURHOODS  
DEPARTMENT  
11 OCT 2019

Hackney

St.  
Headland  
Hartlepool  
TS2  
9/10/2019

Dear Hartlepool Licensing Team + Councillors.

I have had my taxi badge nearly 17 years now and I'm so proud to drive my yellow taxi Hackney. I am totally against the change in colour of our Hackneys.

Firstly :- The whole point of having yellow taxis is to stand out, to be unique, we can be seen from a distance, everyone knows our ranks are full of yellow taxis, if you are on a night out you look for and flag a yellow taxi to get you home safely, yellow can't be mistaken for any other colour in the dark. Unlike other colours, ie white looks like silver beige, light grey, black looks like brown, navy dark grey, yellow is unique and uncommon. We are Hartlepool and we are YELLOW.

We don't want to be the same as other authorities ie Tyneside, Sunderland, Durham C.C. Stockton, Middlesbrough, We are Hartlepool and we are proud of our yellow taxis.

Secondly : When I renew my taxi I go to Skoda Dealer at Middlesbrough, I go with a car in mind normally used 2/3 years old, diesel 1.6. Possibly Skoda Rapid or Octavia, it doesn't matter what colour I get as I'll be spraying it yellow but if we change to white there's no guarantee I'll be able to buy a white one, I'll just have to buy any colour and spray it white.

- The cost of a spray is normally about £220 at Mel Slogrove's garage which is where most taxi drivers go to, I do not know where £500 - £1500 has come from. When you get your taxi sprayed the colour will be good for quite a lot of years, the cost of renewing your taxi license every year (but weights that £340 per year, our badges (Dual) cost £130 per year).  
Thirdly: Yellow Hackney drivers look out for each other we are noticeable, we don't blend in, we keep each other safe, we know who drives each yellow taxi maybe not all by name but by sight, we know these drivers are licensed by our council, if we change to white our streets are going to be flooded by out of town taxis possibly unlicensed drivers, possibly unlicensed taxis, we do not want this we are yellow and should stay yellow. If this change goes ahead where does this leave the public, confused is not the word!!! For 8 years there will be a mixture of yellow hackney white hackney, white private hire, not to mention all the white Hackneys from other authorities ILLEGALLY working our streets. If the taxi drivers want to change let them go Private Hire they can have whatever colour they want but leave us yellow. My last point I would like to talk to you about is SAFEGUARDING. As taxi drivers we have all had to do a safeguarding course on the internet

Now the best safeguard we have is the yellow. The colour stands out and is unique to Hartlepool. On a night out when people are vulnerable our best safeguard for them is a yellow taxi, it is unmistakable. As taxi drivers on our safeguarding course we are taught the signs of vulnerable children with adults, vulnerable relationships and we are told what to do and to report straight away. Well the best thing we can do to keep vulnerable members of public is to keep our taxis yellow and unique.

Thank-You for your time!

~~XXXXXX~~ ~~XXXXXX~~

For charge 3  
Against charge 52

[REDACTED]  
[REDACTED]  
[REDACTED]  
HARTLEPOOL  
TS 25 [REDACTED]

Jan.  
Due to the high feelings of  
users and proprietors I have done  
survey to show you a large  
of drivers and taxi users  
desire to change color of our taxis

[REDACTED]

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Ian Harrison  
Trading Standards & Licensing Manager  
Hartlepool Borough Council  
Civic Centre  
Victoria Road  
Hartlepool  
TS24 8AY

Our Ref: BLT / HBC / Policy  
Your Ref:  
Date: 8 November 2019  
Please ask for: David Wilson

**Sent by email only to:**  
**ian.harrison@hartlepool.gov.uk**

Dear Mr Harrison,

## **Taxi Licensing Policy Consultation Response of Taxi Cab Services Limited trading as Blueline Taxis**

As you are aware, I act on behalf of Taxi Cab Services Limited which trades as Blueline Taxis. It is one of the largest taxi and private hire companies in Hartlepool Borough.

Other parts of the group of companies that make up the Blueline Group are licensed by and trade in the areas of Durham County Council, Gateshead Council, Newcastle City Council, North Tyneside Council, Northumberland County Council, South Tyneside Council and Sunderland City Council.

The Blueline Group is the largest taxi and private hire company operating across the eight aforementioned areas.

Unless the context so requires, I shall refer to "Blueline Taxis" whether I am referring to Taxi Cab Services Limited, any other company within the Blueline Group or to the Blueline Group.

For ease of reference, I shall start by addressing the three main proposals, as detailed in your letter to Vehicle Owners Working Group Members, dated 2 September 2019 and the report to the meeting of Licensing Committee on 11 September 2019.

### **Hackney Carriage Colour**

It is appreciated that the consultation in relation to the proposed change in the colour of hackney carriages from yellow to white has evoked many emotional responses.

Website:  
[www.a2zlicensing.co.uk](http://www.a2zlicensing.co.uk)  
Email:  
[enquiries@a2zlicensing.co.uk](mailto:enquiries@a2zlicensing.co.uk)

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Company details and registered office:  
a2z Licensing (David Wilson) Ltd  
9 The Stables, Wynyard, Billingham TS22 5QQ  
Registered in England and Wales Company No: 11830848

Director:  
David B Wilson Cert HELL, MLoL, MBII.tp

Therefore, before commenting on the proposal, I should wish to take the opportunity to remind all concerned that this is not a beauty contest nor a democratic vote.

By law a private hire vehicle cannot be “of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage” (Local Government (Miscellaneous Provisions) Act 1976, section 48(1)(a)(ii)).

The Regulators' Code (BRDO/14/705) applies to the Council as the regulator of the hackney carriage and private hire trades as a result of those trades being specified in an order made under section 24(2) of the Legislative and Regulatory Reform Order 2006.

By virtue of section 22 of the said 2006 Act and the introduction to the Code, the Council “must have regard to the Code when developing policies” and is bound to follow the Code unless it concludes “on the basis of material evidence that a specific provision of the Code is either not applicable or is outweighed by another relevant consideration” but in such circumstances the Council is required to “record that decision and the reasons for it.”

The following provisions of the Code appear to be particularly relevant:

1. Regulators should carry out their activities in a way that supports those they regulate to comply and grow.
  - 1.1 Regulators should avoid imposing unnecessary regulatory burdens through their regulatory activities and should assess whether similar social, environmental and economic outcomes could be achieved by less burdensome means. Regulators should choose proportionate approaches to those they regulate, based on relevant factors, including, for example, business size and capacity.
  - 1.2 When designing and reviewing policies, operational procedures and practices, regulators should consider how they might support or enable economic growth for compliant businesses and other regulated entities, for example, by considering how they can best:
    - understand and minimise negative economic impacts of their regulatory activities;
    - minimising the costs of compliance for those they regulate;
    - improve confidence in compliance by those they regulate, by providing greater certainty; and
    - encourage and promote compliance.

That having been said, it appears from the report to the meeting of Licensing Committee on 11 September 2019 that these are uncontroversial assertions and that these matters are accepted by the Council.

In relation to the response of Blueline Taxis to the proposed change in colour from yellow to white for hackney carriages, Blueline Taxis wholeheartedly supports the proposal and thanks the Licensing Committee for consulting on its proposal.

Whilst some corporate account holders expressly request executive vehicles, which is something that Blueline Taxis is familiar with across the eight local authority areas in which it is licensed, it is only its Hartlepool operation that has corporate account holders that expressly refuse to accept a vehicle of a particular colour – yellow!

Blueline Taxis alone has 12 corporate account holders who have expressly stated that they will not accept a yellow vehicle. For reasons of commercial confidentiality, my client is not prepared to disclose the details of these 12 corporate account holders to the Council, unless the Council is able to give an assurance that such details will not be made public.

In addition to this, although currently impossible to identify and quantify, non-account customers also request non-yellow vehicles, but when this occurs, a specific type of vehicle is specified in the booking record by the call-taker, as my client does not have a 'non-yellow' car vehicle preference setting in its booking and dispatch system.

In the other seven areas in which Blueline Taxis is licensed, requirements in relation to hackney carriages vary, but even in those areas that have a colour specification for hackney carriages (such as black vehicles in Newcastle and white vehicles in Sunderland), corporate account holders do not refuse to have their bookings fulfilled by such vehicles.

As stated above, this phenomenon is exclusive to Hartlepool or, more particularly, its yellow hackney carriages.

Whilst this may seem to be of little or no practical consequence or significance, very often a non-yellow vehicle has to travel from a more distant location than the nearest yellow vehicle to get to the customer's pick-up address.

This means it takes longer for the customer to get a vehicle; means vehicles and drivers are being less efficiently deployed and used; results in higher than necessary levels of vehicle emissions; and impacts on driver earnings, because they are travelling more 'dead miles'.

And, of course, the non-yellow vehicle may be one that is licensed by another council, but used by my client under the subcontracting arrangements that now permit a private hire operator in one district to subcontract a booking to a licensed operator in another district.

As I am sure you noted at the Vehicle Owners Working Group meeting on 18 July 2019, other trade representatives present also said that they too have customers who refuse to accept yellow cars. In the circumstances, the negative effects suffered by my client's customers, drivers and the environment are, in all probability, only the tip of the iceberg.

At paragraph 3.7 n) of the report to the meeting of Licensing Committee on 11 September 2019, the Assistant Director (Environment & Neighbourhood Services) candidly stated:

"As there is no statutory requirement that hackney carriages must be yellow, and no evidence that yellow provides the general public with a higher level of

protection than any other colour, it is difficult to argue that yellow is a necessary burden on business.”

In light of this concession, the Council must appreciate that, if it were not to revise its policy in relation to the colour of hackney carriages and to specify a colour that is widely available from all vehicle manufacturers at no additional cost, it would be at risk of being legally challenged by judicial review.

### **Criminal Record Checks**

Blueline Taxis also wholeheartedly supports the proposed change that would require drivers to either submit to an annual criminal record check or to subscribe to the update service.

Although the cost of an Enhanced DBS check has reduced from £44 to £40 since this proposal was presented to the meeting of Licensing Committee on 11 September 2019, it is still cheaper to subscribe to the update service at £13 per annum than it would be to submit to an Enhanced DBS check at even £40 every 3 years.

However, of greater significance than the direct financial saving to drivers is the saving in time (and indirect costs) for drivers and the Council in processing criminal record checks.

Additionally, subscription to the update service also enables the Council to periodically check, whether that be annually or more frequently, that there has been no change to a driver's DBS information, which will undoubtedly enhance public safety by helping to identify any driver who may no longer be a fit and proper person to be so licensed.

### **Vehicle Age Restrictions**

Blueline Taxis welcomes any suggestion that there should be a harmonisation of licensing standards across the region (and hopes that parliament might yet introduce national standards for private hire licensing and national minimum standards for hackney carriage licensing).

The need to address air pollution is not just an issue to be addressed by the Council or the councils of the region, but one that needs to be addressed by parliament by way of national standards / national minimum standards as part of a global response to this environmental challenge.

In the circumstances, Blueline Taxis recognises the need to set a standard for vehicles based on their official emission levels, but questions whether there is really any legitimate justification to also prescribe age limits.

Can it really be said that a 4 years old vehicle is not suitable to be granted its first licence when, if it had been licensed when less than 4 years old, it could then have remain licensed until 8 years old, as the Council proposes?

If there is evidence to justify the imposition of age limits, as opposed to solely an emission level, the Council has failed to allude to its existence, let alone to present that evidence to the Licensing Committee or to disclose it to stakeholders.

Blueline Taxis acknowledges that older vehicles may be less well maintained and / or fail emission tests, but that is certainly not always the case and there are older vehicles that are exceptionally well maintained, as the Council has long acknowledged through its policy to license such vehicles beyond the current terminal age limit.

Although opposed to the imposition of an age limit for the granting of a first licence, Blueline Taxis would suggest that this ought to be at least 5 years and possibly 6 or 7 years of age from the date of first registration.

By way of example, I should say that I bought my current car, a Volvo estate, when it was approaching 6 years old and had a recorded mileage of less than 10,000 miles with a full service history with the supplying dealer. Why should anyone have been prevented from licensing that vehicle on the basis of its age alone?

Similarly, why should there be a terminal age when a vehicle must cease to be licensed? Like the public at large, the trade dispose of vehicles when they are no longer fit for purpose or can only be maintained to the required standard at prohibitively high cost.

Would it not be better for the environment for vehicles to be used for as long as possible? If vehicles are forced out of public service as hackney carriages or private hire vehicles at a particular age, they are still likely to be scrapped because they have been used as taxis, even if they are still well maintained.

That having been said, if a vehicle repeatedly fails tests when it is only 6 years of age, Blueline Taxis submits that the Council should refuse to license that vehicle, even though it is of an age the Council would propose to licence.

If a vehicle meets the Council's requirements and is roadworthy in every regard, it is submitted that the Council should licence it, irrespective of its age as it is the level of emissions that should be the determining feature as to whether a vehicle is suitable to be licensed.

Should the Council resolve to impose an age limit, despite the absence of material evidence to base any such decision on, Blueline Taxis would ask the Council to set the terminal age at 10 years, but to also expressly retain its exceptional condition policy to allow for vehicles to be licensed up to 12 years of age.

The Council will, in any event, appreciate that, if it were to withdraw its exceptional condition policy, it would still be obliged to consider any application that was made to depart from policy, but would not, in those circumstances, have the benefit of having a policy to guide it in its determination of such applications, which might well result in appeals to the courts.

The following relate to other matters, which may or may not relate to proposed changes to policy, but which my client considers requires further consideration by the Council. For ease of reference, I shall refer to the paragraph number of the policy.

- 2.5 By arbitrarily restricting the granting of a driver's licence to a person aged at least 21, the Council is discriminating against persons by reason of their age, a protected characteristic. Save for providing that an applicant must have held an ordinary driver's licence for at least 12 months before they can apply for a taxi driver's licence, there is no statutory age limit for the granting of a taxi driver's licence.
- 2.6 The policy states that if documentation produced in support of an application does not satisfy the Council's requirements, the application "will be deemed to be incomplete." Whilst the policy does not seem to explain what the consequence is of any application being deemed to be incomplete, it is assumed the Council meant to state that an application would be refused, if an applicant did not satisfy the Council that they were, in every regard, a fit and proper person.
- 2.7 In addition to full driving licences of the EU and Northern Ireland being recognised by the Council, the law recognises other driving licences, such as those issued by the USA, Canada, Australia, etc. If it would assist, I would be pleased to provide the Council with the relevant statutory provisions and a list of all countries' whose driving licences are recognised as being equivalent to the UK driving licence.
- 2.12 & 2.13 These paragraphs appear to be contradictory and need to be updated to accurately reflect whatever the Council's position may be in relation to EU and other non-UK driving licences.
- 2.32 Subparagraphs (ii) and (iii) appear to be saying the same, albeit not the same level of detail.
- 3.55 - 3.57 The provisions relating to tinted glass are not clearly expressed and requires careful re-wording.
- 4.10 It is now illegal for an employer or the Council to request sight of a police subject access request or to have sight of such a document. Requests for live criminal conviction data may now only be made by way of an application to the DBS for a Basic Disclosure certificate.
- 4.24 As a result of the decision of the High Court in R (on the application of Dean) v Secretary of State for Business, Energy and Industrial Strategy & Ors [2017] EWHC 1998 (Admin) at paragraph 138, the details / conditions of a licence may be varied by agreement unless there is an express statutory provision prohibiting any such variation. In the circumstances, the Council is asked to acknowledge that, by way of example, the address of the premises to which a private hire operator's licence applies may be changed by agreement.

If my client or I can assist by clarifying or expanding upon anything herein, please do not hesitate to contact me.

Please kindly acknowledge safe receipt of this letter and confirm that same will be included with the report to be presented to the Licensing Committee when it gives further consideration to the review of policy.

I look forward to hearing from you.

Yours sincerely,

A black rectangular redaction box covering the signature of David B Wilson.

**David B Wilson**

Licensing Consultant

Consulting Editor, Paterson's Licensing Acts 2015-20

Contributing Author, LexisPSL

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