

Hackney Carriage and Private Hire Licensing Guidance Consultation - Summer 2023

Consultation report | November 2023

Contents

Background	2
How we consulted	2
Who responded	3
Summary of responses	3
1. In what capacity you are responding to this consultation	3
2. Private Hire-only licence for new applicants	4
Private Hire-only licence for new applicants: Driver and operator responses	5
Private Hire-only licence for new applicants: Residents and visitors.....	5
3. Requirement for new Hackney Carriage vehicles to be Wheelchair Accessible Vehicles (WAVs).....	5
Wheelchair Accessible Vehicles (WAVs): Resident and visitor responses	6
Wheelchair Accessible Vehicles (WAVs): Driver and operator responses	7
Wheelchair Accessible Vehicles (WAVs): Respondents with a disability	7
4. Penalty Point Scheme	8
5. Customer and Driver Charter	8
6. Mandatory in-vehicle CCTV in all Private Hire and Hackney Carriage vehicles .	9
Mandatory in-vehicle CCTV: Resident and visitor responses	10
Mandatory in-vehicle CCTV: Driver and operator responses	10
7. In which circumstances should audio recordings be permitted?.....	11
Audio recording: Resident and visitor responses	11
Audio recording: Driver and operator responses.....	12
8. Spare wheel or appropriate alternative	13
Spare wheel or appropriate alternative: Resident and visitor responses.....	13
Spare wheel or appropriate alternative: Driver and operator responses	14
9. We would not license any vehicle that has been classed a written-off in any category.....	14
10. Disclosure and Barring Service.....	15
11. Tax code check.....	16
12. English language proficiency	16
13. Privacy Notice.....	17

14. Do you think that there are other changes that should be made to the Guidance?	17
18. What is your age?	18
19. What is your sex?.....	19
20. What is your ethnic group? Ethnic groups are defined by the 2011 census	19
21. Are your day-to-day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months?	20
Appendix A: Written response from the Eastbourne Access Group and Eastbourne Blind Society	20
Appendix B: Written response and petition submitted by operator Eastbourne & Country Ltd.....	24
Appendix C: Notes from the Eastbourne Taxi & Private Hire Drivers Forum - 2 October 2023	27
Appendix D: Notes from the resident focus group: 16 October 2023	28

Background

Eastbourne Borough Council is proposing to make some changes to its Hackney Carriage and Private Hire Licensing Guidance following feedback from residents and the trade.

From Monday 31 July date to Sunday 10 September 2023, we carried out a public consultation over our draft updated guidance.

We invited feedback from drivers, operators, partner organisations and residents on proposed changes to our taxi licensing guidance.

How we consulted

We published a page on the Eastbourne Borough Council website, providing the background information and an online survey which set out each of the key changes. The web page included a link to download the full draft guidance.

We made the consultation information available in other languages and formats, including hard copy on request.

We promoted the consultation through a press release to the local media, the news section of the council website, an email to our 20,000 news and consultation email alert subscribers. We sent the email to everyone who responded to one of our previous taxi and private hire licensing consultations. We also promoted the consultation repeatedly through the council's social media channels and emailed key stakeholders directly with an invitation to respond to the consultation.

The consultation information was sent to all members of the Eastbourne Taxi and Private Hire Drivers Forum. The proposed changes were discussed at the Taxi and Private Hire Driver's Forum on Monday 2 October

A focus group was conducted with a number of residents who responded to the consultation and expressed an interest in taking part in such an exercise. This took place on Monday 16 October 2023 at Eastbourne Town Hall.

We received a written response from the Eastbourne Access Group and Eastbourne Blind Society, which is available in Appendix A.

Who responded

The consultation survey received 342 responses in total, comprised of:

- 251 residents responded.
- 80 drivers and operators responded.
- 5 partner organisations and community groups responded.

A written responses was received from the Eastbourne Access Group.




A written response was received from operator Eastbourne & Country Ltd, submitted with 163 signatories with badge numbers from people working in the trade. This is available in full in Appendix B.



The Taxi Drivers Forum was attended by five members of the trade – the notes of this meeting are in Appendix c.

The resident focus group was held on Monday 16 October 2023 and was attended by six individuals, some of whom have a long-term health condition or disability. The notes of this meeting are included in Appendix D.

Summary of responses

In the case of questions where there was not clear support for or against a proposal, responses have been given in total and separately for drivers and operators






1. In what capacity you are responding to this consultation				
Answer Choices			Response Percent	Response Total
1	A resident or someone who works in or visits Eastbourne		73.39%	251
2	A driver licensed by Eastbourne Borough Council		21.93%	75
3	An operator licensed by		1.46%	5

	Eastbourne Borough Council			
4	A partner organisation or community group		1.46%	5
5	Other Local Authority		0.00%	0
6	Other (please specify):		1.75%	6
			answered	342
			skipped	0
Other (please specify): (6)				
<ul style="list-style-type: none"> • Landlord (Eastbourne property) • Passenger assistance • Eastbourne Property owner and frequent visitor • Customer • DSL at Eastbourne College • Sussex Police 				

2. Private Hire-only licence for new applicants

Current guidance: All new drivers can only apply to hold a Dual Hackney Carriage or a Restricted Private Hire driver licence. A dual licence allows drivers to drive a Hackney Carriage vehicle and/or a Private Hire vehicle. A restricted Private Hire drivers licence only allows a driver to undertake school transportation work in a private hire vehicle.

Proposal: We would introduce a Private Hire-only licence for new applicants. As a Private Hire driver, the applicant would not be required to complete the 'Routes' section of the knowledge test but would still need to complete all other aspects of the knowledge test and application. How much do you agree or disagree with this proposal?






Answer Choices			Response Percent	Response Total
1	Strongly agree		13.24%	45
2	Agree		28.53%	97
3	Disagree		19.12%	65
4	Strongly disagree		27.06%	92
5	Don't know		12.06%	41
			answered	340

skipped 2






Comments: (81). Themes below:

- Disagree with the proposal – 55 comments
- Drivers should have a good understanding of local routes - 28
- Drivers shouldn't rely on sat navigation systems - 11
- Agree with the proposal – 9
- New drivers to the trade shouldn't need to learn all routes - 4
- This would be unfair for existing drivers - 3
- Suggestion of lowering licensing fees - 3

Private Hire-only licence for new applicants: Driver and operator responses

Answer Choices			Response Percent	Response Total
1	Strongly agree		11.25%	9
2	Agree		17.50%	14
3	Disagree		20.00%	16
4	Strongly disagree		43.75%	35
5	Don't know		7.50%	6
			answered	80
			skipped	0

Private Hire-only licence for new applicants: Residents and visitors






Answer Choices			Response Percent	Response Total
1	Strongly agree		11.25%	9
2	Agree		17.50%	14
3	Disagree		20.00%	16
4	Strongly disagree		43.75%	35
5	Don't know		7.50%	6
			answered	249
			skipped	2

3. Requirement for new Hackney Carriage vehicles to be Wheelchair Accessible Vehicles (WAVs)

Current guidance: New Hackney Carriage vehicles are required to be WAVs to obtain a licence. These may be side-loading or rear-loading via a ramp. This

does not apply to existing Hackney Carriage licence holders who apply to change their vehicles.


Proposed change: New Hackney Carriage vehicles would no longer be required to be WAVs. This is following feedback from the trade about the difficulties and costs involved for new drivers acquiring WAVs. How much do you agree or disagree with this proposal?

Answer Choices			Response Percent	Response Total
1	Strongly agree		22.94%	78
2	Agree		32.35%	110
3	Disagree		15.88%	54
4	Strongly disagree		21.18%	72
5	Don't know		7.65%	26
			answered	340
			skipped	2





Comments: (68). Themes below:

- Disagree with the proposal due to it reducing the number of accessible vehicles available – 15 comments
- Support the proposal - 13
- Disagree with proposal as everybody deserves equal access to taxis - 8
- Cost is a barrier - 7
- Comment rank space availability - 5
- Suggest a minimum number of wavs per phv / taxi - 4
- Disagree with proposal due to limited rank space - 4
- Disagree with the proposal - 3
- Disagree with the proposal due to it not complying with the equality act 2010 - 3
- Comment On This Making It Difficult For Disabled Passengers - 2
- All Vehicles Should Be Wheelchair Accessible -2
- All Vehicles Should Cater For All Disabilities - 2
- Comment On The Town Needing More WAVs - 2
- Disagree With Proposal, Makes It More Challenging For Disabled Passengers To Use Taxis - 2






Wheelchair Accessible Vehicles (WAVs): Resident and visitor responses

Answer Choices			Response Percent	Response Total
1	Strongly agree		21.69%	54






Wheelchair Accessible Vehicles (WAVs): Resident and visitor responses

2	Agree		32.93%	82
3	Disagree		18.07%	45
4	Strongly disagree		20.48%	51
5	Don't know		6.83%	17
			answered	249
			skipped	2
Comments: (49)				

Wheelchair Accessible Vehicles (WAVs): Driver and operator responses

Answer Choices			Response Percent	Response Total
1	Strongly agree		28.75%	23
2	Agree		26.25%	21
3	Disagree		11.25%	9
4	Strongly disagree		22.50%	18
5	Don't know		11.25%	9
			answered	80
			skipped	0
Comments: (16)				

Wheelchair Accessible Vehicles (WAVs): Respondents with a disability






Answer Choices			Response Percent	Response Total
1	Strongly agree		13.33%	6
2	Agree		22.22%	10
3	Disagree		17.78%	8
4	Strongly disagree		40.00%	18
5	Don't know		6.67%	3
			answered	45
			skipped	0
Comments: (20)				

4. Penalty Point Scheme

The purpose of a penalty point scheme is to take a stepped approach for enforcement against a licence holder, for certain matters.

Proposed change: We would reword the scheme to make it easier for licence holders to understand. This would also help to streamline investigations. The number of penalty points for certain matters has also been changed to better reflect the severity of some matters.

How much do you agree or disagree with this proposal?

Answer Choices			Response Percent	Response Total
1	Strongly agree		19.71%	67
2	Agree		52.06%	177
3	Disagree		5.88%	20
4	Strongly disagree		5.88%	20
5	Don't know		16.47%	56
			answered	340
			skipped	2

Comments: (40). Themes:






- Unsure – 8 comments
- Simplification of the points is better - 6
- Agree with the proposal – 6
- Comment on disliking enforcement - 3

5. Customer and Driver Charter

This charter sets out what passengers (customers) should expect when travelling in a Hackney Carriage or Private Hire vehicle in Eastbourne and what a driver can expect from a customer travelling in the vehicle. We do not currently have a charter, however other nearby authorities do.

Customer and Driver Charter How much do you agree or disagree with this proposal?

Answer Choices	Response Percent	Response Total
----------------	------------------	----------------

1	Strongly agree		29.88%	101
2	Agree		44.08%	149
3	Disagree		6.21%	21
4	Strongly disagree		6.80%	23
5	Don't know		13.02%	44
			answered	338
			skipped	4







Comments: (34). Themes:

- Disagree with the proposal on the basis that it doesn't add value – 13 comments
- Agree with the proposal because it lets everyone know how to behave 12
- The charter needs re-wording - 5

6. Mandatory in-vehicle CCTV in all Private Hire and Hackney Carriage vehicles

Mandatory in-vehicle CCTV in all Private Hire and Hackney Carriage vehicles (other than private hire vehicles issued with a plate exemption for executive and VIP work, those vehicles solely used for this purpose) will become a requirement from 31 October 2023.

Following feedback from the taxi trade, we are considering the possibility of allowing audio recording via the CCTV of licensed vehicles. Current guidance: The CCTV system shall not be used to record conversations between members of the public, since that is highly intrusive, and if any system is equipped with a sound recording facility then that functionality shall be disabled. Proposed change: Audio recording should be permitted. Do you agree or disagree with this proposal?

Answer Choices			Response Percent	Response Total
1	Strongly agree		23.30%	79
2	Agree		27.43%	93
3	Disagree		15.04%	51
4	Strongly disagree		20.94%	71
5	Don't know		4.13%	14
6	Other (please specify):		9.14%	31
			answered	339
			skipped	3

Other (please specify): (31). Themes:

- Comment on not wanting CCTV – 11 comments
- Comment on wanting a 'trigger switch' – 5

Mandatory in-vehicle CCTV: Resident and visitor responses

Answer Choices			Response Percent	Response Total
1	Strongly agree		18.95%	47
2	Agree		31.05%	77
3	Disagree		18.95%	47
4	Strongly disagree		18.15%	45
5	Don't know		4.84%	12
6	Other (please specify):		8.06%	20
			answered	248
			skipped	3

Other (please specify): (20)

Mandatory in-vehicle CCTV: Driver and operator responses

Answer Choices			Response Percent	Response Total
1	Strongly agree		37.50%	30
2	Agree		15.00%	12
3	Disagree		5.00%	4
4	Strongly disagree		26.25%	21
5	Don't know		2.50%	2
6	Other (please specify):		13.75%	11
			answered	80
			skipped	0

Other (please specify): (11)

7. In which circumstances should audio recordings be permitted?

Answer Choices	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	Response Total
At all times or in limited circumstances	32.26% 70	38.71% 84	9.68% 21	11.98% 26	7.37% 16	217
That audio be recorded via CCTV if the customer or driver wishes it as activated by a trigger switch	25.70% 55	46.73% 100	11.21% 24	14.02% 30	2.34% 5	214
That audio be recorded via CCTV in vehicles driven by restricted private hire licence holders i.e. school runs	30.14% 66	38.81% 85	11.87% 26	9.59% 21	9.59% 21	219
					answered	227
					skipped	115

If you feel audio recording should be allowed in other circumstances, please state what these are: (41). Themes:

- Audio should be on at all times – 5 comments in favour so by default we can assume that a majority of people do not want it on all the time
- Concerns over the cost of CCTV - 5
- CCTV / audio protects drivers - 5
- CCTV / audio protects passengers - 3

Audio recording: Resident and visitor responses

Answer Choices	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	Response Total
At all times or in limited circumstances	28.95% 44	40.13% 61	10.53% 16	11.18% 17	9.21% 14	152
That audio be recorded via	25.85% 38	51.02% 75	8.16% 12	12.24% 18	2.72% 4	147






CCTV if the customer or driver wishes it as activated by a trigger switch						
That audio be recorded via CCTV in vehicles driven by restricted private hire licence holders i.e. school runs	30.72% 47	40.52% 62	10.46% 16	10.46% 16	7.84% 12	153
					answered	159
					skipped	92

Audio recording: Driver and operator responses						
Answer Choices	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	Response Total
At all times or in limited circumstances	41.38% 24	32.76% 19	6.90% 4	15.52% 9	3.45% 2	58
That audio be recorded via CCTV if the customer or driver wishes it as activated by a trigger switch	25.00% 15	38.33% 23	15.00% 9	20.00% 12	1.67% 1	60
That audio be recorded via CCTV in vehicles driven by restricted private hire licence holders i.e. school runs	27.12% 16	33.90% 20	15.25% 9	8.47% 5	15.25% 9	59
					answered	61
					skipped	19

8. Spare wheel or appropriate alternative

Current guidance: Currently there is no requirement to carry a legal spare wheel or appropriate alternative such as a tyre repair kit made up of a compressor which inflates the tyre.


Proposed change: We are considering introducing the condition for all licensed vehicles to carry a spare wheel or an appropriate alternative in the boot of the vehicle and the necessary tools to fit the spare wheel. How much do you agree or disagree with this proposal?

Answer Choices			Response Percent	Response Total
1	Strongly agree		25.96%	88
2	Agree		36.58%	124
3	Disagree		13.27%	45
4	Strongly disagree		14.75%	50
5	Don't know		9.44%	32
			answered	339
			skipped	3

Comments: (59). Themes:

- Agree with the proposal e.g. many thought it was a requirement already 14 - comments
- Disagree with the proposal e.g. it doesn't seem necessary 14
- Modern cars do not carry spare wheels - 13
- Concerns over spare wheels taking up too much space - 9
- Passengers do not want to wait for a wheel to be changed - 5
- Comments on requiring drivers have professional rescue services in place - 3
- Comments on drivers not knowing how to change a tyre - 3
- Run-flat tyres should be acceptable alternatives - 3

Spare wheel or appropriate alternative: Resident and visitor responses

Answer Choices			Response Percent	Response Total
1	Strongly agree		29.84%	74

Spare wheel or appropriate alternative: Resident and visitor responses

2	Agree		39.52%	98
3	Disagree		10.89%	27
4	Strongly disagree		9.27%	23
5	Don't know		10.48%	26
			answered	248
			skipped	3
Comments: (35)				






Spare wheel or appropriate alternative: Driver and operator responses

Answer Choices			Response Percent	Response Total
1	Strongly agree		15.00%	12
2	Agree		27.50%	22
3	Disagree		20.00%	16
4	Strongly disagree		31.25%	25
5	Don't know		6.25%	5
			answered	80
			skipped	0
Comments: (23)				

9. We would not license any vehicle that has been classed a written-off in any category

Current guidance: If a vehicle has an MOT, VST and valid insurance it can be licensed by Eastbourne Borough Council as Hackney Carriage or Private Hire. We do not take into consideration vehicles being classed as 'written-off'.

Proposal: There are several categories for vehicles to be classed as written-off. These range from those which cannot be repaired and those which could potentially be repaired to a roadworthy condition. We would not license any vehicle that has been classed a written-off in any category. Do you feel that you agree with this proposal?






Answer Choices			Response Percent	Response Total
1	Strongly agree		29.34%	98
2	Agree		35.33%	118
3	Disagree		9.58%	32
4	Strongly disagree		11.38%	38
5	Don't know		14.37%	48
			answered	334
			skipped	8

Comments: (50). Themes:

- Agree with the proposal e.g. on grounds of safety - 12 comments
- Not sure of the wording of the question – 12
- Disagree with the proposal e.g. MOT and VST should suffice - 9
- Some insurance write offs could still be licensed - 7
- Vehicles should show proof of undergoing an mot - 6

10. Disclosure and Barring Service

Proposed change: Drivers shall sign up to the Disclosure and Barring Service. It is considered that this will speed up the licence application and renewal process. A DBS check is a way to find out whether someone has a criminal record. Do you feel that you agree with this proposal?






Answer Choices			Response Percent	Response Total
1	Strongly agree		50.15%	170
2	Agree		40.41%	137
3	Disagree		2.65%	9
4	Strongly disagree		2.95%	10
5	Don't know		3.83%	13
			answered	339
			skipped	3

Comments: (36)

- Agree with proposal with many surprised this wasn't already the case - 20 comments
- Disagree with the proposal - 3
- Concerns over DBS process - 3

11. Tax code check

Proposed change: A grant of a licence will be subject to a tax code check being made with the HMRC. This is to ensure all drivers are registered correctly for tax purposes. Do you feel that you agree with this proposal?






Answer Choices			Response Percent	Response Total
1	Strongly agree		45.27%	153
2	Agree		35.21%	119
3	Disagree		6.51%	22
4	Strongly disagree		6.21%	21
5	Don't know		6.80%	23
			answered	338
			skipped	4

Comments: (26)

- Agree with the proposal e.g. good to prevent fraud - 15 comments
- Disagree with the proposal e.g. customers not feeling this is relevant to them - 5

12. English language proficiency

Proposed change: All new applicants are required to undergo a proficiency test to demonstrate their ability to communicate effectively in the English language. Any person found cheating on the test will be disqualified and will not be granted a licence for at least three years. Do you feel that you agree with this proposal?

Answer Choices			Response Percent	Response Total
1	Strongly agree		59.47%	201
2	Agree		31.07%	105
3	Disagree		3.85%	13
4	Strongly disagree		2.66%	9
5	Don't know		2.96%	10
			answered	338
			skipped	4






Comments: (35)

- All drivers should be fluent in English – 11 comments
- Drivers should be able to converse with passengers - 9
- Agree with proposal - 3
- Comments on too many drivers having poor English - 3

13. Privacy Notice

Proposed change: We are proposing to introduce a Privacy Notice. As data controllers, Eastbourne Borough Council must hold and process licence holders' personal data in order to issue and manage Hackney Carriage and Private Hire licences. This includes personal information such as including medical records, in order to determine whether a licence can be issued.

Licensing Do you feel that you agree with this proposal?

Answer Choices			Response Percent	Response Total
1	Strongly agree		33.04%	111
2	Agree		41.37%	139
3	Disagree		4.17%	14
4	Strongly disagree		2.98%	10
5	Don't know		18.45%	62
			answered	336
			skipped	6

Comments: (19)

- Agree with proposal - 5
- The privacy notice needs more detail - 4

14. Do you think that there are other changes that should be made to the Guidance?



If yes please outline those changes with your reasons in the box below.

Answer Choices			Response Percent	Response Total
1	Open-Ended Question		100.00%	88
<ul style="list-style-type: none"> • No further changes requested - 13 • Not wanting CCTV - 8 • Costs are too high - 6 				









- Drivers should be more courteous - 5
- Uber should be allowed to operate in Eastbourne - 3
- 3 more ways are needed in the trade - 3
- CCTV should be optional - 3

answered	88
skipped	254




17. Questions about you

Answer Choices		Response Percent	Response Total
1	Answer the questions 	49.10%	164
2	Skip the questions 	50.90%	170
		answered	334
		skipped	8











18. What is your age?

Answer Choices		Response Percent	Response Total
1	Under 18	0.00%	0
2	18 - 24 	1.20%	2
3	25 - 34 	2.99%	5
4	35 - 44 	9.58%	16
5	45 - 54 	19.76%	33
6	55 - 64 	29.34%	49
7	65 - 74 	22.16%	37
8	75 + 	12.57%	21
9	Prefer not to say 	2.40%	4
		answered	167
		skipped	175

19. What is your sex?

Answer Choices		Response Percent	Response Total
1	Male		60.12% 101
2	Female		38.10% 64
3	Other		1.79% 3
		answered	168
		skipped	174

20. What is your ethnic group? Ethnic groups are defined by the 2011 census

Answer Choices		Response Percent	Response Total
White			
1	English/Welsh/Scottish/Northern Irish/British		87.50% 147
2	Irish		0.60% 1
3	Gypsy or Irish Traveller		0.00% 0
4	Any Other White background		5.36% 9
Mixed/Multiple Ethnic Groups			
5	White and Black Caribbean		1.19% 2
6	White and Black African		0.00% 0
7	White and Asian		0.60% 1
8	Any Other Mixed background		0.60% 1
Asian or Asian British			
9	Asian/Asian British		0.60% 1
10	Indian		0.60% 1
11	Pakistani		0.00% 0
12	Bangladeshi		0.00% 0
13	Chinese		0.00% 0
14	Any Other Asian background		0.60% 1
Black/African/Caribbean/British Black			
15	African		0.60% 1
16	Caribbean		0.00% 0

20. What is your ethnic group? Ethnic groups are defined by the 2011 census				
17	Any Other Black/African/Caribbean background		0.00%	0
Other ethnic group				
18	Arab		0.00%	0
19	Any Other Ethnic Group (please specify):		1.79%	3
			answered	168
			skipped	174
Any Other Ethnic Group (please specify): (3)				

21. Are your day-to-day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months?				
Answer Choices			Response Percent	Response Total
1	Yes, limited a lot		8.93%	15
2	Yes, limited a little		20.24%	34
3	No		70.83%	119
			answered	168
			skipped	174

Appendix A: Written response from the Eastbourne Access Group and Eastbourne Blind Society

INTRODUCTION

- A. We remain opposed to any proposal to reduce the service standard offered by Licensed Hackneys or Private Hire Vehicles. We are strongly opposed to the current EBC proposal to **remove** the requirement for all new licensed Hackneys to be wheelchair accessible. There are very few WAVS available in Eastbourne and the designated EBC list has not been updated since August 2020. EBC are subject to a duty under the Equality Act 2010 (section 20) in relation to any policy, criterion or practice where disabled people are placed at a substantial disadvantage and to take steps to avoid the disadvantage. The **Taxi and Private Hire Vehicles (Disabled Persons Act) 2022** can only be fully complied with if WAVS (both hackneys and PHVS) are increased in both supply and availability.

- B. We are also opposed to any changes to remove the 'routes' section of the knowledge test for taxi licensing, as this will have a detrimental impact particularly upon customers with visual or cognitive impairments (who need the taxi driver to know where they are going once instructed as to the postcode/address of the destination) without assistance from the passenger as to further details of the route to be taken.
- C. For the proposal to permit audio recording as well as CCTV in taxis, it must be made clear to visually impaired customers and those with cognitive impairments as to when and how any recording is taking place.
- D. We support the introduction of a Customer and Driver charter.
- E. We strongly support the proposal for drivers and applicants to sign up to the Disclosure and Barring (DBS) service as this protects vulnerable adults and young people.

Comments on the draft EBC licensing guidance

1. **Under Driver tests section-Disability Awareness and safeguarding training-** who is providing the disability awareness training as key disability organizations who provide disability awareness training locally are not aware of it?
2. **Part 8- Equalities and Accessibility-** under Assistance Dogs, para 1 must be changed to: **'Operators must not refuse or fail to accept a booking from or on behalf of an assistance dog user'**. It is unlawful to refuse to take a booking or to fail to provide a licensed Hackney or PHV for an assistance dog user. Any medical exemption notice applies to an individual driver and **NOT** the operator or other drivers. **The medical exemption notice for the driver must be displayed on the vehicle by law (and removed when the vehicle is used by other drivers not covered by the individual exemption). Only substantiated medical grounds (e.g. diagnosed allergy) can be used to apply for an exemption, not just due to a preference or an assumed 'phobia' to dogs. (NB: The access group has received a number of reports of assistance dog users being refused bookings by operators (PHVs) in Eastbourne and on the rank(s) in Eastbourne in the period 2021-2023).**
3. **Part 8 Equalities and Accessibility-** under Driver Exemptions-para 3 insert 'medical' before 'consultant'.
4. In paragraph 4 under Driver Exemptions the word 'be' is missing- if a medical exemption is granted the driver 'will **be**' issued with an exemption certificate.

NB: could the exemption notice on the vehicle also be available as a printed copy for a visually impaired person to see it and hold it so they can read it with their own magnifying aid?

5. **Part 9- Fares- Hackney Carriages-** para 4 should be changed to the meter '**must** only' be started, not 'should'. It is unlawful under the 2022 Act to charge for loading and unloading wheelchairs/mobility aids whilst the meter is running before the journey starts and the meter must be stopped before the wheelchair/mobility aids are unloaded at the end of the journey.
6. **Part 9-Fares, Hackney carriages-** Para 4, last sentence should be changed to '**the fare for any journey that starts or ends outside the Borough must**

be negotiated prior to the commencement of the journey'. S.66 of the 1976 Act states that unless a fare is agreed then the metered fare has to be charged and no more (unless agreed before the journey starts). Drivers should ask the passenger if they wish to agree a fare or pay what is displayed on the meter.

- 7. Part 11- Appeals-** the Exemption grounds for appeal to the Magistrates court **must** include the appeals process to appeal a decision not to grant an exemption notice for the non carrying of assistance dogs or the mobility requirements exemption. These grounds are subject to appeal to a magistrate's court in law under the Equality Act 2010 (and regulations) and the Taxi and Private Hire Vehicles (Disabled Persons Act) 2022. The appeal must be made within 28 days of the written refusal not to award an exemption notice. **These appeals grounds are missing entirely from the draft licensing guidance.**

Appendix 7- Penalty Points scheme

- 8. Penalty Point 15-** when could it be reasonable to carry an offensive weapon? Surely there is never a 'lawful authority or reasonable cause' as has been stated in point 15? To permit this at all is a serious risk to the public.
- 9. Penalty Point 19- first aid kit,** is there a requirement that drivers have attended first aid training before using a kit?
- 10. Penalty Point 55-** failure to assist with a wheelchair- what are 'reasonable defences' as outlined by the government? **There is NO legal defence for not assisting with a folding manual wheelchair or charging extra.** The only excuse (not defence) is a medical exemption certificate issued by the licensing authority in respect of the loading/unloading of mobility aids/wheelchairs for an individual driver.
- 11. Penalty point 56-** driver not holding a valid current DVLA licence- a taxi driver would not be granted a Taxi licence in the first place if they do not hold a valid DVLA licence? However, it is understood that it is possible in practice that a driver might continue to drive a taxi or PHV whilst they are disqualified by the DVLA. It is also a legal requirement that a driver applicant for a PHV or licensed Hackney has held a DVLA licence for 12 months (S.51(1)(b) of the 1976 Act).

Appendix 9

- 12. (Para 3)** should set out the examples given under the **Taxi and Private Hire Vehicles (Disabled Persons Act) 2022** which include the accessible communication methods for the disabled customer, such as giving audio directions for a visually impaired customer, giving visual directions to a hearing impaired customer and repeating information for a customer with a cognitive or learning impairment.
- 13. Appendix 9, paras 4 and 5** should set out the procedure for applying for an exemption, as well as the appeals process to a magistrate's court as outlined in the **Taxi and Private Hire Vehicles (Disabled Persons Act) 2022**. It is recommended in the Statutory Code of Practice for the 2022 Act that Local authorities have specific forms in place for exemptions to be applied for. It is recommended that medical reports are only received from an independent medical practitioner, not the driver's own GP. The parallel example is given in the Code of Practice of the approach taken by local authorities for the granting of a blue badge whereby an independent medical assessment is undertaken.
- 14. Appendix 9, paras 6/9** it should be stated that is unlawful to charge a disabled person extra for providing assistance, loading and unloading of mobility equipment or assistance dogs. It should also be stated that is **unlawful** under the Equality Act 2010 to run the meter until the customer and any mobility aids/wheelchairs and/or

assistance dogs are in the vehicle and the meter should be stopped **before** the customer and mobility aids/wheelchairs are unloaded at the end of the journey.

15. Appendix 9, paragraph 9 reference wheelchair should be the specification outlined in the **Statutory Code of Practice for the Taxi and Private Hire Vehicles (Disabled Persons Act) 2022** which is 700 mm width, 1200 mm length and 1350 mm Height (see page 97 of the *DFT 2022 Reference Wheelchair Standard and Transport Design Research Report*). **NB: It is very concerning that in Eastbourne our licensed Hackneys still refuse to take standard adult powered wheelchairs, even though in other local authority areas powered wheelchairs are routinely taken on the rank in Hackneys or in pre booked journeys with Hackneys. The side loading Hackney (London cab style) does not preclude the safe passage of powered wheelchair users and London Hackney cabs do NOT refuse powered wheelchairs on the ranks. In July 2023 an access group member travelled to Shewsbury where the licensing authority had only licensed WAVS on the station rank, ALL capable of taking standard adult powered wheelchairs. In Chichester West Sussex, WAVS are also available on the station rank and willing to take powered wheelchairs.**

Comments on Draft Customer and Driver Charter

16. First sentence suggest changing to: 'is able to expect' rather than 'should be'.

17. Under the Customer should expect the driver (Bullet point 9) 'to be aware of disabilities and special needs and offer assistance where sought'. How will this awareness be defined and monitored?

How will the disability awareness training mentioned in the policy be delivered and evaluated? The training is confirmed in the policy as being mandatory. How will this be enforced in practice?

18. Bullet point 10-'when waiting at rank in a hackney carriage not to refuse a fare without reasonable cause such as alcohol or drug issues' the term reasonable is subjective? What might appear reasonable to one driver might not be reasonable to another? It might appear that a person with cerebral palsy for example is drunk or a person with speech impairment may be perceived as being under the influence. Driver discretion and judgment can be tricky. Also how about pre booked hackneys and phoning from home? How are bookings declined if they appear to be from people appearing to be drunk or under drugs influence?

19. Point 11- Not to play music without customer's permission- could this include talk shows on the radio for example, i.e. not just music?

20. Point 13- 'to carry guide, hearing and other assistance dogs unless expressly exempt' should read instead: '**unless an exemption certificate has been granted on medical grounds from the Licensing authority**'.

21. Final bullet point-' for journeys terminating outside the local licensing authority the fare 'may be mutually agreed' should be changed to '**must be mutually agreed**'. S.66 of the 1976 Act states that unless a fare is agreed then the metered fare has to be charged and no more (unless agreed before the journey starts).

Prepared by Mark Simmons, CEO, Eastbourne Blind Society and member of Eastbourne access group
Liz Trethewey, Eastbourne access group

Appendix B: Written response and petition submitted by operator Eastbourne & Country Ltd

The following response was submitted with 163 signatories.

A joint statement is hoped to send a message of how disenfranchised the entire trade feels. The basics of good governance should be one of mutual respect and shared goals, with policies borne out of proven necessity and shared interests. A workable relationship should be one where all parties are consulted, not dictated to. Whereby forums are used as sounding boards to improve the trade and policy drawn from. Not used as a box ticked for a committee report and called after reports are written and committee meetings held.

The consultation asked of the public and other vested interests should not be when the trade gets “lumped” in with the Butchers and Candle Tick Makers. The trade has no representation at the drafting stage of any policy. We are treated as an annoyance that must be nodded to as part of the “democratic” process.

There is no ambiguity, and it would be a complete falsehood to suggest that it was based on local evidence when CCTV was passed in 2021. Thus, this policy is in total contradiction with all ICO guidance. The policy was created around a falsehood that the DfT Statutory Guidance somehow gave Officer Carte blanche to recommend its introduction and a myriad of overzealous policies. All of these were drafted and presented to the committee before a word of input or, indeed, a single view expressed from the trade.

This theme has continued to this day; when the last committee meeting was held in June, a “Trade” forum was called AFTER this meeting, and the trade is once again advised that their input is lumped in with the Butchers and Candlestick makers. It is not only insulting but beggars’ belief how this could be remotely considered Open Policymaking in line with Government Best practices or the Regulators’ Code.

Open policy making helps civil servants create and deliver policy that meets the demands of a fast-paced and increasingly digital world. It means that policy is more informed and better designed for both the government and users by:

Open policy making is about developing and delivering policy in a fast-paced and increasingly networked and digital world through:

- using collaborative approaches in the policy making process, so that policy is informed by a broad range of input and expertise and meets user needs*
- applying new analytical techniques, insights and digital tools so that policy is data driven and evidence based*
- testing and iteratively improving policy to meet complex, changing user needs and making sure it can be successfully implemented*

Be open to new ideas and new ways of working

Listening to new ideas and engaging people will give you new insights and help you see problems from a different point of view. Design thinking and agile working are

examples of new approaches that can help seeing a problem from a user perspective.

Be humble

Gathering evidence, information and a broad range of views is vital. It is important to be humble about what you know, and what you don't know. Open policy is about recognising that you are not the only expert and that you do not have monopoly on good ideas and policy development. Where good ideas exist, it is your job to find them.

Be prepared to be told something is not working and open to new suggestions, data and evidence. This will help you to understand different points of view and make iterative improvements.

Understand the real needs of users

Understanding user needs will help you develop policy that works for the people it impacts. Begin by understanding how users currently experience a policy and go from there.

Questions like:

How do users want to experience a policy once implemented?

What are their needs from the policy?

What is going to make a user experience positive or negative?

help you to understand who your audience are and how they work.

1.3 Regulators should ensure that their officers have the necessary knowledge and skills to support those they regulate, including having an understanding of those they regulate that enables them to choose proportionate and effective approaches.

1.4 Regulators should ensure that their officers understand the statutory principles of good regulation³ and of this Code, and how the regulator delivers its activities in accordance with them. 2. Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views

2.1 Regulators should have mechanisms in place to engage those they regulate, citizens and others to offer views and contribute to the development of their policies and service standards. Before changing policies, practices or service standards, regulators should consider the impact on business and engage with business representatives.

Had the above approach been taken, there is little doubt that common ground would have been met, and two years on from the passing of the policy, we would not be in the complete mess we currently are.

Lessons should be learned from this debacle, and a more inclusive, progressive and democratic approach to governance should be undertaken. Committee reports should be extensive and evidence-based. Taxis/PHV Licensing is not planning; an officer should have solid recommendations. Councillors have been witnessed asking the simplest of questions, which have gone unanswered as the "data" is not available. Reports do not represent the trade's views, and little to no evidence-based data is produced.

The entire decision process on CCTV was a perfect example of misinformation provided to councillors. The consideration of CCTV is not based on an opinion of whether CCTV is good or bad. One would have hoped that the idea of policy being drafted or a decision made on such binary questions (cue Brexit) would have been learned from.

The ICO is categorical that any decision should be made on local compelling evidence and all other avenues explored BEFORE a decision is made to implement CCTV. The decision in 2021 is now known to have been a mistake. But rather than take ownership of this error and re-engage with the trade, there are moves afoot to collate data and engage with the Police to substantiate a policy that should only have been passed once this evidence had been established.

To quote the above guidance:

Be humble

Gathering evidence, information and a broad range of views is vital. It is important to be humble about what you know, and what you don't know. Open policy is about recognising that you are not the only expert and that you do not have monopoly on good ideas and policy development. Where good ideas exist, it is your job to find them.

A humble approach and one that better meets the Regulators' Code would be to have a meaningful re-engage with the trade and start the entire process again, with all avenues explored. Acknowledging that the trade is putting lives at risk due to its lack of numbers and that recent policy changes and a complete lack of engagement have only worsened this situation by people choosing to leave the trade or license in other authorities (Chichester) and drive for Uber in Brighton!!

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 1 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 entities², 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 for those they regulate, by providing greater certainty; and
- encourage and promote compliance.

Finally, as an example of the complete mess of current policymaking.

A new proposal below is up to a maximum of 12 points for not accepting a credit/debit card payment.

NE W*	failure to accept payment by credit or debit card Any payments paid for via credit or debit cards must not have a minimum charge	1-12*
----------	---	-------

Yet clearly, it is not a license condition to accept card payments.

Where payments for journeys by credit/debit card are accepted, it is not permissible to set a minimum card payment amount.

There are other errors in this document, but again, as it was written and presented to the committee before we even set eyes on it, these errors remain.

Appendix C: Notes from the Eastbourne Taxi & Private Hire Drivers Forum - 2 October 2023

Please note only relevant notes have been included and the attendees of the meeting have been anonymised.

Eastbourne Taxi & Private Hire Drivers Forum
Court room, Eastbourne Town Hall
12:30pm
2 October 2023

Attending.
Officers x 7
Councillors x 2
Drivers / operators x 5

1. Introductions and apologies

2. Terms of reference for the meeting.

3. Update from EBC licensing

b) CCTV

Deadline for Eastbourne is 31st October 2023. All approved suppliers will be issued with compliance certificates by the council as well as stickers for vehicles, to inform passengers of CCTV recording occurring. All compliance certificates must be emailed to Licensing Team by the drivers once installation has taken place. Enforcement action could be taken following this date.

Questions were raised re the number of cameras, and if the deadline was still the same due to the consultation taking place, which may amend the requirements.

It was also questioned as to whether there were enough suppliers to fit in time. New suppliers have been added.

It was suggested that the implementation of CCTV be put on hold. This is a matter for the Licensing committee, and at the moment remains the 31st October.

Also, the subject of Audio was raised, as if audio is to be added there will be a financial impact on the drivers, this was part of the consultation and will be taken to the next licensing committee.

Radio Relay are saying two cameras are required. This will be taken up with them.

Attached to these minutes is a copy of the most recent information on CCTV and list of current approved installers (this list is changing as more suppliers are being approved.)

c) Consultation

The Consultation for EBC closed on 11/09/2023 Thank you to everybody that took part in the process. We are currently analysing the results, and these will be included in the committee report the date of this will be shared with the trade in advance. We can confirm 75 number of Licensed drivers and 5 number of Operators engaged in the process there were also several joint responses. Approximately 250 members of the public contributed.

A list of those consulted was requested.

d) Communication

e) Questions raised from the drivers in advance of the meeting

4. Any other Business

Next Forum will be Tuesday 9 January 24 12:00 to 14:00 in the Court Room Eastbourne Town Hall- this is already scheduled in but can be changed if required.

Appendix D: Notes from the resident focus group: 16 October 2023

Please note only relevant notes have been included and the attendees of the meeting have been anonymised.

Eastbourne resident focus group
Meeting Room 1, Eastbourne Town Hall
16 October 2023

Attending:

Officers 3

Residents 5 (some of whom were people with a physical disability).

2. Introductions

2. Private-Hire only licenses for new applicants

There was consensus that the knowledge test should not be dropped and should still form part of the licencing process.

It was felt discarding the test would dilute the standards of Private-Hire drivers. There were concerns that new drivers may not know routes and visually impaired people, people with cognitive or mental impairments may be unable to direct drivers.

3. Requirement for new Hackney Carriage vehicles to be Wheelchair Accessible Vehicles (WAVs)

Officers explained the background with the trade feeling the cost of WAV vehicles is prohibitive and has a detrimental impact on numbers of new drivers coming into the trade.

Comments included that this change might not be in-line with the Equality Act 2020. The group expected the change to decrease the number of WAV vehicles in operation and it would therefore not provide an adequate future service for wheelchair users. It is already difficult to pre-book WAVs due to lack of availability.

Instead of removing the WAV requirement, it was suggested EBC should be more accommodating and loosen the criteria of WAV vehicles so that taxi drivers have greater choice of WAV vehicles would make them more cost effective.

The list of WAVs should be updated every three months and it was last updated 3 years ago. [Action: Officers to update the list of WAVs held on the website.](#)

People without access needs may not want to ride long distances in WAV vehicles.

4. Penalty point scheme

As long as it is enforced, there was general consensus that adding to the penalty point scheme maintains the standards of the taxi service.

5. CCTV and ability to record audio

There were mixed feelings with this. Some thought audio recordings should be recording at all times. Others felt this was an infringement of privacy and there should be buttons for both the driver and passenger to switch audio recording on.

The point was raised that if audio recording was adopted, not only should there be signs but also an announcement so that visually impaired people are aware of the recording.

6. Spare wheels

Some agreed strongly that a spare wheel should be mandatory. Others felt it was unnecessary as many modern cars don't carry spare wheels. There was also concern that spare wheels would be carried in precious boot space that could be used for equipment for disabled people.

7. Written-off vehicles

All in attendance stressed that the safety of the vehicle was the main priority. Some thought there should be categories of write-off so that some cars that had previously been written off for purely cosmetic reasons could still be licenced.

8. English proficiency test

Improvements to the English proficiency test were welcomed.

9. Customer and Driver Charter

A charter was felt to be a good idea. [Action: officer to circulate the Charter.](#)

10. Any further comments

Officers explained the next steps of the process and how today's discussion would feed back to decision makers.
