

Mrs Jenette Hicks
Licensing Consultant
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Our Ref: DBW / RTA
Your Ref:
Date: 30 January 2017
Please ask for: David Wilson

Sent by email only to:
JenetteHicks@rossendalebc.gov.uk

Dear Mrs Hicks,

Draft Driver Code of Conduct, Draft Exceptional Vehicle Condition Policy et al

As you are aware, I act on behalf of Rossendale Taxi Association.

Thank you for inviting trade representatives, including myself, to a meeting on 18 January 2017 concerning the above.

Your email of 18 January 2017 at 16:49 fairly reflects the concerns raised at that meeting by trade representatives and your responses thereto are broadly accepted.

The following specific comments or responses to your requests are set out under each of the relevant subject headings.

Draft Exceptional Vehicle Condition Policy

Whilst your proposal to include a sentence at the beginning of the revised draft taxi licensing policy to acknowledge and emphasise that each application must be considered on its own merits is welcomed, the applicability of that provision might not be clear to someone reading, what appears to be a separate policy, even if that supplemental policy is appended to the main policy document. In the circumstances, might it be possible to include this sentence at the beginning of the supplemental policy as well as the main one?

Rossendale Taxi Association is concerned that the standard detailed in the draft policy is unlikely ever, let alone exceptionally, to be met and that, in reality every

application that were to be made would have to seek a departure from the Exceptional Vehicle Condition Policy as well as the principal policy.

Perhaps, in those circumstances, consideration could be given to refining the standard so that not every element of the criteria need be met in order to meet the requirements of a Vehicle Condition Policy.

Draft Driver Code of Conduct

Rather than creating possible conflict between private hire driver licence conditions and a Code of Conduct, such matters should be incorporated as conditions of licence.

Although concealed as a subsection of the Driver Code of Conduct, I shall separately address the issues in relation to the proposed draft Driver Dress Code.

In relation to hackney carriage drivers it is accepted that a Code of Conduct, like the Highway Code that is not itself law, will serve a purpose and provide greater clarity to drivers as to what is expected of them.

However, the Code of Conduct should not seek to address matters that are already addressed elsewhere, especially those contained within the hackney carriage byelaws, because otherwise there is great risk that they will contradict each other, as the draft Code of Conduct does in relation to the use of a taximeter.

Draft Driver Dress Code

Not only is Rossendale Taxi Association opposed to a Dress Code, but also every time this has been raised in the past, the Licensing Committee has declined to adopt a Dress Code.

The proposed Driver Dress Code may well unjustifiably discriminate against those who choose to wear religious or cultural dress.

It is accepted that drivers should not wear clothing or, more particularly, footwear that might impede their ability to drive safely, but otherwise this should not go beyond the requirement of Condition 16.1(a) of the private hire driver conditions of licence, namely that drivers should “be clean and respectable in his dress”.

Vehicle Colour Policy

As the Council is aware, Rossendale Taxi Association is opposed to a vehicle block colour policy, not only on principle, but because of the other measures the Council is introducing to improve identification of a Rossendale Borough Council licensed hackney carriage, namely enlarged door signs and prescribed roofsign.

Both the proposed door signs and roofsign design are highly distinctive and have good colour contrast, whether the roofsign is black and white or yellow and white,

both being colour combinations used for vehicle registration plates for that very reason.

Councillor Cheetham's concerns about dark colours in relation to dementia sufferers have been noted by and accepted by my client as a further reason as to why Rossendale hackney carriages should not be black or any other potentially dark colours, such as blue and green.

As Rotherham, Leeds, Bradford and Sheffield hackney carriages and Manchester private hire vehicles are prescribed to be white (or in the case of Manchester private hire vehicles may also be silver), there is already enough confusion between those vehicles without adding white or silver Rossendale hackney carriages into the mix. A similar situation arose many years ago when Durham City Council proposed to require hackney carriages to be white, as had also been required by the neighbouring districts, and the crown court overturned that decision as it would create confusion with hackney carriages from the neighbouring districts which regularly travelled into Durham city from the suburbs in the neighbouring districts.

If one excludes black (and blue and green because they are potentially dark in colour), excludes white and silver because of the confusion that will be caused with the licensed vehicles of neighbouring and nearby authorities and excludes the colours that are not widely available as standard colours amongst the majority, if not all vehicle manufacturers, there is no colour left to be prescribed as the colour of a Rossendale hackney carriage.

Whilst your personal concerns about the different shades / tones of a colour (Other than black or white) are noted, with the greatest of respect, a vehicle displaying the Council's enlarged door signs and prescribed roofsign will be easily identifiable as a Rossendale hackney carriage, no matter what colour it is, so there is no need for a colour policy and, even if the Council proceed to adopt one, it really ought not matter which shade / tone of the chosen colour a vehicle is.

Whatever colour might be specified, if the Licensing Committee does not reverse its preliminary decision upon seeing examples of the enlarged door signs and roofsign, all my client asks is that colour should be determined with reference to the colour on the vehicle registration document (log book) and not by anything else or be of a prescribed shade / tone however defined.

If you require further clarification of anything herein, please do not hesitate to contact me.

Yours sincerely,



David B Wilson

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