

Minutes of Hackney Carriage Consultation Meeting 12th August 2015

Present

Carol Stos	Licensing Manager
Geoff Binnington	Principal Officer, Fleet and Transport Services
Matthew Bibby	Licensing Support Officer (Minute Taker)
Phil Brook	Enforcement Officer
Shabir Munir	Bradford Hackney Carriage Owners & Drivers Association
Tahir Riaz	Bradford Hackney Carriage Owners & Drivers Association
Mohammad M Khan	Bradford Hackney Carriage Owners & Drivers Association
Shabir Ahmed	Keighley and Bradford Taxi Driver's Association
Zulfiqar Ali	Keighley and Bradford Taxi Driver's Association
Chiragh Khalid	Bradford Hackney Carriage Association
Jaswir Singh	Bradford Hackney Carriage Association

1. Introductions & Apologies

Shabbir Master	Bradford Hackney Carriage Owners & Drivers Association
Mazhar Iqbal	Bradford Hackney Carriage Owners & Drivers Association

2. Last Minutes

Summary of the last meeting in that all actions were completed. Information regarding OLEV had been sent around on email as had the CSE information. The CSE information (letters, leaflet and poster) is on the website under 'What's New'.

3. Roles & Responsibilities

GB talked the meeting through the key points of the "Roles and Responsibilities" workflow chart issued prior to the meeting. These were: everyone had responsibility for the safety of the travelling public; Members made policy, Officers had delegated powers to implement and enforce policy on behalf of Members; if an Association/person has a concern about a Policy, the Officer will explain the Policy and the processes which support that. The case may be reviewed by another Officer/ Manager. If the person remains dissatisfied then the person should approach ward Councillors rather than seek to remonstrate with Officers – Officers have no authority to change policy. It was also clarified that meetings with trade representatives were for consultation purposes, not negotiation.

4. CSE

The Police had to pass on late apologies as they were unable to attend the meeting due to an emergency. CSE info was posted out early June to all individuals and was also sent on email 16th June and 25th June to operators / Association Reps. The CSE information is on the website under 'What's New'. NB. The CSE leaflet must be retained in every licenced vehicle.

5. Relationships with authorities

This was brought up by a Private Hire Association at Cllr Slater's meeting in June. This point was tabled at the meeting other than frustrations with the Police number 101 however it was said that there were instances whereby they (HC drivers) had to wait 2 hours for Police responses. No comments were made about the hackney carriage service.

6. Ranks / Bus Lanes

Colleagues from Highways were expected to attend the meeting but did not do so. Highways did offer sincere apologies after the meeting and provided the following two updates, the first regarding Ranks and the next regarding Bus Lanes:

There has been approval in principal by highways for requests for:

- evening ranks at North Parade, Sunbridge Road and Morley Street (times to be stated)
- all day rank on Cheapside

A planned meeting with Cllr Slater for final approval of rank proposals 19th August 2015-08-17

Letter to be send to required party's – Police and Fire Services, 1 month response

After the period of 1 month has elapsed , provided objections (if any) are resolved this service will advertise in the T & A , again 1 month consultation is required

Provided any objections received are resolved then an instruction to create the rank including signs and lining will be given to highways and the ranks can become active.

Regarding the Rank request at Ilkley Train Station, this is currently under discussion with Local Councillors.

USE OF BUS LANES / GATES BY PRIVATE HIRE VEHICLES

I refer to the recent meeting between the Private Hire Associations and Cllr Val Slater where a number of issues were raised by the Associations in relation to the use of bus lanes and bus gates by private hire vehicles, namely:

- a. Why can't private hire vehicles use bus lanes?
- b. Why can't private hire vehicles use bus gates?
- c. If the above is not possible for 24 hour use can the above be used at night, say after 11pm?

As promised by Cllr Slater, this statement is to provide the Council's definitive formal response to the above questions.

Considering points (a) and (b) above the use of either bus lanes or bus gates by private hire vehicles operating under specific exemption would require a change in national legislation to amend the definition of the word 'taxi' in a number of Acts of Parliament; this is not something which Bradford Council could enact locally. Therefore, at this moment in time, the answer is no.

The reason behind this situation stems from the legal definition of 'licensed taxi' which is enshrined in legislation. The respective legislative and legal definition is contained in Section 13(3) of the Transport Act 1985 and Section 37 of the Town Police Clauses Act 1847.

These definitions make it expressly clear that only licensed hackney carriages are permitted the exemption to use bus lanes and gates, not private hire vehicles. The regulatory signs which are erected on sites with bus lanes/gates are similarly prescribed in the Traffic Signs Regulations & General Directions 2002. Within these Directions the word 'taxi' which is permitted to be included on bus lane / bus gate signs is also defined as a vehicle licensed under Section 37 of the Town Police Clauses Act 1847.

Therefore as the orders which the Council promote must comply with national legislation the Council is expressly forbidden from providing an exemption to private hire vehicles as such a provision would be considered to demonstrate that the Council is acting in an ultra vires manner.

With point (c), in relation to the request for use of these features after 11pm by private hire vehicles, this would only be possible on bus lanes and gates where specific hours of operation are defined (e.g. 4pm to 6.30pm where outside of these times the facility is available for use by all classes of vehicle). It would not be possible on features subject to 24 hour operation as again the legal exemptions would preclude the ability to offer this facility to private hire vehicles.

7. Communication Updates – Summary

A handout was issued summarising communications since 2012. There was also a summary of the key issues and developments in the coming months. The document is online – www.bradford.gov.uk/taxiandprivatehire

8. Flowcharts

- i) Thanks to all for feedback on the flowcharts
- ii) Future actions – further flowcharts will be sent out for information and then a meeting held to summarise feedback. Comments on the flow charts needs to be provided no later than Monday 31st August to taxi.testing@bradford.gov.uk

- iii) Proposed that the feedback session for the workflows is 1.00pm until 2.00pm on Monday 7th September

9. Requirements for trade Associations – Feedback

Thanks were given to those who had provided feedback on this matter.

10. Update on online bookings / payments

IT colleagues have been testing the system to ensure that it works and is secure. Final testing and trialling should commence within the next fortnight and we hope to be able to 'go live' in September. More information will follow as and when.

11. Barriers / Gates at Shearbridge

Vehicle / Pedestrian access will be only possible via stopping at the new barriers at the Shearbridge Road entrance from the 9th September 2015. All visitors whether in a vehicle or on foot will have to press the intercom and explain why they are visiting the site. For visitors in vehicles being tested, they will be directed to the vehicle testing area, for visitors to reception, if there is space in visitors parking they will be allowed access, if not they will be asked to park outside the depot and enter via pedestrian access point.

12. CAB

Colin Philpott will be attending the next Cllr meeting in October to review CAB and look at how to take the scheme forward.

13. Association Agenda items – see overleaf

Several agenda points were raised by 2 of the 3 Associations prior to the meeting. These are summarised on additional pages after all the agenda points.

14. Next HC meeting date – 8th September 2015

15. Next Cllr meeting date – 5th October 2015

Agenda Points submitted by Keighley and Bradford Taxi Driver's Association

1. Can you please tell inform us why there is no action being taken against crown private hire regarding taxi rank outside LG Keighley? We have lodged several complaints over the past 13 months with your officers, but no action been taken. On Friday and Saturday night, they deliberately put their vehicles on our rank. Photo evidence is available for your department to review, but this has even declined. Why is photographic evidence not sufficient?

Response: Enforcement Officers have carried out initiatives in the area in past weeks, vehicles have been noted and Operator's issued with resulting letters. Further actions will take place subject to evidence.

2. Can we have more details regarding the location of the new shopping centre rank?

Response: Please contact the Highways Department who will have details of this

3. Can we have a new tariff rate for minibuses?

Response: Please send a written proposal for consideration

4. As I was on holiday day last week I was unable to attend the meeting in Leeds regards eco friendly taxis. Can we have more details in respect of this new government initiative?

Response: This was sent via email in May and the information is available on the Web Site. In addition, trade representatives are to be invited to another meeting in September, trade email addresses have been forwarded to the co-coordinator of the OLEV Taxi Scheme Feasibility Study. You can then have the opportunity to attend.

Action: HC/PH service to resend info regarding OLEV

5. As there are no disability friendly eco cars, does that mean we can use non disability eco friendly cars?

Response: This question refers to WAV's – which has been asked and answered multiple times in the past years. All replacement HC vehicles must be WAV.

6. What is the update on full wrap of Hackney carriage vehicles?

Response: This question was asked and answered in the May meeting. No suggestions have been put forward by the trades.

Agenda Points submitted by Bradford Hackney Carriage Owner's & Driver's Association and answered prior to the meeting.

1. Pre check new vehicle have to wait for Phil some time 3 to 4 days

Response: It is reasonable for a waiting time of up to a week. If you feel you have any issues with vehicles that have waited longer than this then please email us details.

2. Ranks updates

Response: As above

3. Waiting time in reception around 1 hour

Response: The move to online bookings will solve this, see above for more details.

2 key additional AOB points were raised by Bradford Hackney Carriage Association.

- 1) A question was asked by an Association relating to vehicle re-tests and fees. The Association appeared confused as they believed that the retest fees related to the pay of the vehicle examiners.

Response: This is factually incorrect; there is no bearing on retest fees and officer pay.

- 2) An Association appeared confused as to who was responsible / liable for a passenger before the meter starts – i.e. when the person is getting into the vehicle if there is an accident at that point.

Response: The driver is responsible and the matter is covered by Public Liability insurance.