

LICENSING & APPEALS COMMITTEE – 13 OCTOBER 2004

APPENDIX 4 (b) – ENFORCEMENT PROTOCOL CONSULTATION

COMMENTS OF DELTA CENTRAL CARS

See attached letter

Response from Licensing Managers

1. The protocol was generally well-received by Delta Central Cars, whose Operator considers the document to be 'fair' and 'reasonable'. In his letter, Mr Doyle raises only two issues but both are of considerable importance to the private hire trade in the City.

The first issue, 'Parking in a prominent position' is always contentious and a difficult matter to enforce. Case law tends to suggest that private hire vehicles parked in a prominent position can be considered to be plying for hire. However, Mr Doyle makes some valid arguments for why private hire vehicles often park in such places. The matter requires further discussion and it is hoped that the matter can be discussed at a future private hire trade meeting.

The second issue, that of private hire vehicles using bus lanes, also requires further discussion. It is not included in the protocol because it is not a Taxi Licensing enforcement issue - it is a traffic management issue.

However, the comments have been referred to Senior Managers within the Traffic and Transportation Section who have made the following response:

"There are several reasons why the current regulations controlling access into bus lanes in Derby do not include an exemption for Private Hire vehicles. These include:

- Exemptions from the Traffic Regulation Orders which define bus lanes require a particular type of vehicle to be defined in order for an exemption to be made. Hackney carriages conform to a legal definition of that type of vehicle and can therefore be included in exemptions as can cycles and buses. Private Hire vehicles do not conform to a specific legal definition and can therefore not be offered an exemption. Moreover, the regulations covering the type and nature of road signs permitted to be used in the highway do not recognise a private hire vehicle as a unique class of vehicle. This means that even if it were possible to create an exemption for private hire vehicles then there is no concise manner in which this information could be given to potential users.

- Private Hire vehicles in the main have the appearance of traditional saloon type cars. Were private hire vehicles allowed to use bus lanes then this would be likely to add to confusion amongst other motorists. Where other motorists see vehicles, which they believe are normal cars, entering a bus lane then it is possible that this could lead to them believing that they could also enter the bus lane. Abuse of restrictions on the use of bus lanes is likely to have a detrimental effect on the efficiency of the lane. The more vehicles that are permitted to use the bus lanes the less priority afforded to those vehicles.

It is proposed that the matter is discussed in more detail at a meeting between private hire trade representatives, licensing managers and traffic and transportation managers.