

Derby's all licensed private
hire & hackney association

Derby's Private Hire and taxi trade licensing consultation review and recommendation 2016

*Alpha responds to the need of the trade, and a voice for the
drivers*

This report will try and highlight the view of the members of the trade; along with their grievances they have had both in the recent months as well as the deeper past.

With reference to the meeting at the council house, 24th October 2016 it was clearly identified that Alpha opposed the two main proposals mentioned below along with various other items on the questionnaire. It was mentioned in the meeting that a further trade meetings were necessary and should be followed up to discuss the finer details.

As there was no official representation of the Taxi trade before (Alpha) and there are always, on going issues within the taxi industry. This report represents a small insight into the current situation.

The licensing authorities are suggesting to bring in, officer-based system for decision-making process, together with penalty point system.

This complex proposal change over would result in detrimental harm to the trade in many ways than one where the driver of the trade would lose out.

The proposed changes extend far beyond, than just point system and officers based panel. It is widely believed that the model has been taken from neighbouring councils, mixing and matching various areas of licensing with consequences not considered properly.

The proposal to change the way decisions would be made about licensing of drivers and vehicles with the two following options:

Option 1 :- An officer based system for deciding licensing applications

Option 2 :- Derby points based system

Under the current system and the very basics of it. An applicant makes application and submits it to the licensing department. If the decision is to grant or approve an application the applicant continues. If his application is rejected for one reason or the other he/she have an option to appeal to the sub committee. Licensing sub committee is totally independent of the department or the applicant.

Applicants appeal is heard in front of some independent locally elected councillors that form sub committee and that is a fair system which has been working for a few decades.

With these two options and the very heart of the consultation the regulatory service flawed in their questionnaire that is ambiguous and biased.(this was explained at the meeting on 24th October 2016. At the council house)

Methodology observed in this consultation questionnaire is far from achieving the desired right results. The true role of the council and its officers is definitely not being fulfilled.

It is important that the decision making process remain in its current state for the reasons as follows:

1. The sub committee is made up of approximate 10 or more members, therefore reaching a reasonable, fair and stable solution and decision. Where as officer based panel would lack resources both in numbers and finances.
2. Officer-based decision would already have been made either to grant the application or to reject it. In many cases both recent and past, the applicant have appealed and pleaded with the officer at separate levels of officer-based management with same result each time without any further development.
3. With just officer-based system the decision making process comes to a stand still. The applicant has run out of channels to pursue his application without additional costs.
4. In many cases applicants may not have enough financial resources to continue their journey in pursuit of employment, whilst being perfectly suitable as well as fit and proper person but over looked at technical detail, these examples were recorded in recent months. In addition to clear failings of the decision-making process by the officers of licensing authorities both in house and at the magistrates court .It is relatively common across the country that officers have forgotten their officer's role and have been side tracked with power tripping.

Councils are responsible for issuing licences for hackney carriages and private hire vehicles and drivers, Licensing is not a bureaucratic exercise maintained by councils to generate income (this a FACT) through licence fees; it only exists to protect **consumers**

and businesses alike.

Realistically council is to support businesses to develop and thrive in a way that manages the risk of potentially dangerous or irresponsible economic and social activities harming individuals, businesses and communities, Jay and Casey reports highlight the importance of this.

One of the important functions of the council is to provide assurances to residents about the businesses they engage with and boosts consumer confidence in an area thus help trade grow and prosper.

Officers working in licensing have regular interactions with the trade and can therefore have an important role in helping them become established and grow, at the same time as ensuring they adhere to important safeguards.

These roles have been abused by some officers and have been noted in personal vendetta being applied, harassment intimidation, manipulation, threats and allegations being bought upon individuals.

These activities being carried out by responsible officers should consider the important factors linked behind personal interest of an officer and should be monitored more carefully to stop reoccurrences as mentioned above.

Even though these injustices in many different forms have not been reported to the authorities, the reasons for not doing so would be lack of knowledge, and understanding, fears of losing livelihood, and stress in the ability to protect their dependants resulting in accepting harsh decisions imposed by councils enforcement team with added financial burden being imposed forcefully.

A large number from the work force of the trade have become fear struck individuals therefore making them defenceless and unprotected, against enforcement officers having lack of knowledge to identify such vulnerabilities and weakness, taking advantage from such situations.

This particular issue needs to be addressed in the consultation questionnaire.

Have the LA's looked into this situation. Have the seniors management of the LA's ever consulted the trade to fulfil the true role of the authorities.

Licensing also has an important role to play in helping councils shape the areas in which people live and work. Councillors, as democratic representatives of local communities, should be able to take licensing decisions that are in line with the preferred wishes of those communities, this should not be the role of the officers.

Officers have highlighted approx. 6 cases published in public interest report against the locally elected councillors whilst there are at least a dozen per year serious cases against Officer's.

Most recently huge number drivers losing income and livelihood due to LA's decisions (mistakes) on the cases of DBS and Medical. In some cases some drivers losing up to 5 months of income. Both DBS and Medical Certificates have been in force and still drivers losing out.

Why did the authorities failed to identify this?

What did the authorities do when the issue was high lighted?

Is there no one that would over see this?

Should this be taken up with central Government?

Why was the consultation not carried out totally independently?

What measures are been proposed to ensure equality and fairness?

What evidence would be provided to support the rationale behind the decisions.

Alpha's recommendation would as follows:

1. Besides the fact that the current system has been running for number of years, it is a stable and established system. This has been high lighted by public interest report.
2. Further training and education could improve the existing system.
3. The licensing sub committee, LA's and the Trade Association (Alpha) to work closely together bringing about improvement whilst maintaining safety, stability and economic growth with in our city.
4. It has been identified through local media statements that various political parties in Derby hold interests in taxi licensing concerns, why?
5. Alpha would strongly suggest and recommend that current system to remain as is, and that any changes to be consulted with all concerned stakeholders with one item at a time.
6. A pilot program should be set up tried and tested in detail before finalising.

Alpha would like to thank the reader and hopeserious consideration would be given for the welfare of the trade members before implementing any changes.

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