

7th July 2020

Dear Sirs

As a representative of the Welwyn and Hatfield Rank Association and with reference to the current Welwyn Hatfield Borough Council's proposed policies regarding Hackney Carriages, I wish to make the following points:

1. All vehicles to be WCAVs

We appreciate that there is a need for more WCAVs within the borough but believe it is neither necessary nor advantageous to anyone to insist that all vehicles accommodate wheelchairs. Many wheelchair-bound customers prefer to transfer into the more secure seat of the taxi and find it both uncomfortable and frightening travelling strapped into their chair, especially when facing backwards.

The disability spectrum is vast and not all disabled customers are in wheelchairs, this is just a small proportion. By limiting the scope of the vehicles provided within the fleet, you potentially create problems for customers with other disabilities. Many older people and those suffering from conditions such as achondroplasia, find it hard to get into vehicles which are higher up.

Also, by limiting the variety of vehicles available, you alienate other customers who require alternatives such as an executive car, a saloon, an estate or a 6, 7 or 8-seater.

We disagree with your answer to the various questions regarding the cost of WCAVs. We have not been able to find any vehicles which comply with all of the Council's proposed criteria for under £13k plus VAT so would like to see your sources.

Some driver's vehicles are near the 8 year age limit or have to replace their vehicles owing to mechanical problems or accidental damage. It is wholly unreasonable for the council to expect these drivers to find the thousands of pounds extra immediately or in the next few weeks or months.

We also disagree that the proposed new vehicles are the same length as a non-WCAV. Again we would like to see your research. Many of the WCAVs are rear-loaded which would mean that additional space behind each taxi on the rank would be needed.

We would also like to have sight of the Hackney Carriage Office's survey regarding the requirement for WCAVs. We acknowledge that it's possible that 98% of the public would think that WCAVs are a good idea and should be provided, but not that the whole fleet should be wheelchair accessible. We have undertaken our own survey, which is available, and not one person said that they believed that all taxis should be WCAVs.

If the Council continue on this route, many Hackney carriage and private hire/chauffeur cars will choose to be licensed by another district. The loss of revenue to the council already exceeds £10,000.00 and there will be more to follow. The Council will end up without a taxi service at all.

If the Council feels there are not enough WCAVs within the borough, and the need is not fulfilled by the Private Sector, then the Council should invest in vehicles and drivers themselves. It is the Council's obligation to provide this service, not the drivers. In addition, you could insist that all new drivers coming into the trade provide a wheelchair-accessible vehicle, thereby, in time, replacing the whole fleet.

The current fleet already conform to the Vehicle Certification Agency's description of an ECWVTA M1 vehicle, in that they are designed and constructed for the carriage of passengers and comprising no more than eight seats in addition to the driver's seat.

2. Livery

We are very disappointed to see this item proposed again. You will recall that the suggestion of a uniform colour and WHBC crest were raised back in 2006 and 2007. Our solicitors proved at the time that both these issues were illegal. The council dropped the idea of the uniform colour but continued with the insistence of drivers displaying the council logo on their vehicles. The case went to court and the Council lost on appeal, costing thousands of pounds. The outcome will be the same should the Council wish to continue along this route.

One of the reasons given for changing the colour of the vehicles to a uniform silver colour, is that customers would more easily recognise them as taxis. At the moment, taxis are easily recognised by the roof light, for hire sign and the plate on the rear of the vehicle. In thirty-five years of driving a taxi, I have never had, nor heard of, any problems with anyone not recognising a vehicle as a taxi. Silver is not a standard universally kept throughout the county, so why, therefore, do you believe that this would make the vehicle more like a taxi? There are many effective and more appropriate ways which could be implemented to more easily identify a taxi. Changing the car to silver, or any colour, is not one of them.

The purpose of the Council is to provide a service for the residents of the district, not to shut down companies and, thereby, reduce the service. The actions of the Council are directly causing the folding of taxi companies and it would seem these companies are being specifically targeted.

There are many government Acts that state that once you put a logo on a taxi you cannot put it on any other vehicle. Therefore, the Welwyn Hatfield logo could not be used, unless you remove it from all other vehicles. It is not permissible to make a hackney carriage look like any vehicle.

Privately owned hackney carriage vehicles are not just used for work. Drivers do not want to get flagged down when they are not working, for instance, when they are on holiday. The Human Rights Act states that people have a right to privacy.

As a side note, hackney carriages are permitted to display advertising. Are the council willing to compensate drivers for loss of advertising space should the proposed logos be implemented?

Under the Public Passenger Vehicle Act of 1981, a privately owned taxi is not a public service vehicle but is a private business owned by the driver. It is not owned by the council. With the current proposed scheme there would be a rolling change-over to the new silver livery which might take up to eight years to implement, by which time there might be a new council with different ideas.

Standardised livery doesn't work. St Albans has had a standardised livery for approximately 20 years now and even still, non-liveried taxis are being flagged down. Customers from outside the district are not aware that there is a standard livery for the area and flag down any taxi with a light on. Customers do not care what colour taxi they get into. The Environment Overview and Scrutiny Committee stated that a standard livery would improve business of drivers, make local taxis more easily identifiable for local people who would also feel safer. What evidence do you have of these statements? Why would a customer feel safer in a silver car and not a black one? Why do you think that a change of colour would improve business and why do you believe that local people need to be able to identify taxis more easily?

As with all professions, there are rogue elements. If all cars were the same, it would greatly complicate identifying disreputable drivers. It would make it much harder, perhaps even impossible, for a lost purse or phone to be located, or more seriously, a dishonest or violent driver to be identified. It is of utmost importance to the honest members of the Association to identify these rogue drivers and have their licences revoked. If all cars looked the same, it would greatly complicate the identification of these disreputable drivers. The only defining description of the perpetrators of crime would be the sex of the driver and their skin colour, all other details would be the same. We need to make the detection of these drivers easier not harder.

It is not only the safety of passengers that is reduced by the use of a standardised colour and logo but the safety of the drivers and their vehicles. As I'm sure you are aware, several taxis have been vandalised and broken into for cash etc, in Welwyn Garden City and surrounding areas. Many drivers feel it necessary to switch off their 'For Hire' lights and remove their roof lights when parked, so potential assailants won't recognise the vehicle as a taxi. What the Council is suggesting would make it impossible to disguise a taxi and provide a perfect target on the side of the vehicle. Is the council prepared to foot the bill for damages to vehicles caused by the introduction of these standardisations? We believe you are inviting trouble by colour standardisation and the inclusion of a logo.

Finally on the subject of livery, the Council should note that the National Private Hire Association has challenged the standardisation of the colour of private hire vehicles many times and has won every single case, which we have, in the past, given evidence of. The Association has also won all the cases where they have challenged the standardisation Hackney Carriage colour.

3. Fixed Roof Light

Again, we bring your attention to the fact that taxis are privately owned vehicles and for the Council to insist on permanent roof lights, is defacement and would reduce the value of the car when re-sold. Under the Human Rights Act, drivers have a right to privacy so not being able to remove the roof light would contravene this act. Also, we come back to the fact that a fixed roof light would call undue attention to the vehicle when left unattended, and create a target for thieves.

4. Internal Licence Plate

This is unnecessary as drivers already have a badge which must be on view to the customer at all times. Perhaps, reminding drivers of this instead of the added expense of installing a plate would suffice. Installation of an internal plate is again defacement, would reduce the value of the vehicle, contravene the Human Rights Act and create a target for thieves.

In summary, the Council cannot standardise the colour of vehicles, cannot insist on installing logos, or deface the vehicle in any way, ie, fixed roof lights and internal fixed plates. In addition, it is not in the public interest to reduce the scope of the fleet by making all vehicles wheel-chair accessible.

In light of the current economic climate and the vulnerability of drivers' livelihood, do the Council really want to force more drivers out of business resulting in a total decimation of the service?

I look forward to receiving your comments and hope that common sense will prevail.

Yours faithfully

Richard Bunday