

Appendix D

Consultation Questions

Do you agree that an enforcement policy will ensure that enforcement is carried out in a firm yet fair, consistent and transparent way?

Do you consider that Option 1 or Option 2 for section 2 of the policy is clearer and easier to understand?

Do you consider that the graduated enforcement steps in section 2 of the policy could be set out in a clearer and more transparent way than the two suggested options? If so, please give details.

Do you have any constructive comments or recommendations on the policy?

Consultation responses – Taxi Enforcement options

	From	Capacity	Comment
1	Andrew Petrie	Licence holder	I have been asked to comment on the draft policy for taxi driver enforcement rules. I simply say that at present the Council is in breach of natural justice. A complaint was made about my conduct in the last year or so and I received 'words of advice' in a letter from the enforcement officer. This is tantamount to a presumption of guilt on behalf of taxi drivers. The Licensing Officer offered to leave a letter from me on the file. However this was after I received his 'words of advice'. I was not given the opportunity to present my version of events before the "advice" and it later transpired that my letter had not been kept on my file and the enforcement officer had not even spoken to the complainant! The principles of natural justice say that one is entitled to a FAIR hearing and an IMPARTIAL judge. One should also be allowed to cross-examine the complainant. There is great danger if the Council go down the route of finding taxi-drivers guilty unless proven innocent and award penalty points against them without proper due process. I believe the new policy cuts corners and breaches the Rules of Natural Justice because I do not think it allows for sufficient protection to the driver. The Council must be more equitable and more rigorous in investigating all complaints
2	Andrew Bowen	Member of public	I have read the draft policy. I doubt many will, especially taxi drivers. It is worthy, but very wordy. I suggest all taxis should carry in a place easy for a passenger to read, front and back, notice of the council contact if they have a complaint to make. Some of us protest to the driver, perhaps withholding a tip; most merely put up with bad driving. You are unlikely ever to get enough protests to trigger disqualification

3	Frank Harrison	Commercial Team Leader (EH)	<p>I believe that option 1 is clearer insofar as it states an offence & what action will be taken, rather than option 2 which appears to rely more on an interview than a judgement being made, & this can therefore lead to greater ambiguity & inconsistency. My one reservation about option 1 is the inclusion of unsubstantiated complaints triggering penalty points; clearly if they are unsubstantiated, penalising a driver for something which cannot be proven does seem a bit harsh</p>
4	Heather Coleman	Member of public	<p><i>Do you agree that an enforcement policy will ensure that enforcement is carried out in a firm yet fair, consistent and transparent way?</i> Yes.</p> <p><i>Do you consider that option 1 or option 2 for section 2 of the policy is clearer and easier to understand?</i> I consider that option 1 is the clearest, as it lays out a numerical penalty for each circumstance.</p> <p><i>Do you consider that the graduated enforcement steps in section 2 of the policy could be set out in a clearer and more transparent way than the two suggested options? If so, please give details.</i> No, not without a great deal of work.</p> <p><i>Do you have any constructive comments or recommendations on the policy?</i> I think the policy is a good one. There needs to be a clear expectation of standards with clear penalties if those standards are not met. If implemented, I think it needs to be publicised widely to the general public, so they are aware of it, and also, how to make a complaint if they need to. The procedure for making complaints needs to be simple. For example, either the taxi license plate OR the registration number of the vehicle should be sufficient as they are totally interlinked, and a member of the public may not have the expertise or time to take both.</p> <p>Most complaints I have had about taxis have related to either poor driving standards (eg excessive speed, impatient driving, tailgating), or causing an unnecessary obstruction (eg overranking, stopping to let off fares in a clearly dangerous spot), which would be under the category of "unsubstantiated complaints" by a member of the public. I think it is important that the public know that they can make complaints about poor driving or causing an obstruction that they feel is serious enough that it has either endangered them or other road users, but has not been witnessed by an Officer, and that this complaint will be kept on file such that if there is another complaint from someone else within twelve months, action that is more than a "ticking off" will result.</p> <p>Perhaps examples of poor or inconsiderate driving that should warrant a complaint should also be publicised, so that both taxi drivers, and the general public, both passengers and those who share the roads with taxis, know what is not acceptable from professional drivers, most of whom attempt to drive to a high standard at all times, but who are let down by a minority who do not. Those taxi drivers who drive to a high standard have nothing to fear from these proposals.</p>

5	Jonathan Schneider	Member of public	<p>I am in favour of the strictest standards you can reasonably enforce. If any other European cities work to a standard without much problem then it's reasonable. In the middle of the city a major problem is running engines. That is completely unnecessary emissions or if you like it stinks. This should be banned outright using whatever legal machinery is available.</p> <p>I have spoken to local police many times. Clearly despite reams of legislation and proposals enforcement for over-ranking is ineffective since they wander over from Parkside fully uniformed. It should be possible for normal members of the public to submit pictures.</p> <p>No strong feeling on the differences between options 1 and 2.</p>
6	John Fenton	Member of public	<p>1) I agree that an enforcement policy will ensure enforcement is carried out in a firm yet fair, consistent and transparent way. It will create a policy that will make it crystal clear to taxi drivers, traffic wardens and the public and in the end could save lives in particular with their long term illegal parking in St Andrews Street outside the banks and in the bus stops.</p> <p>2) I think both option 1 & 2 are clear but favour slightly option 1 – clean, crisp, clarity is required so that the taxi drivers are left in no doubt what will happen if they do things wrong.</p> <p>3)The graduated enforcement steps are transparent but could be put slightly clearer (plain English, so all levels of taxi driver can fully understand each point).</p> <p>4) The only constructive comments are those which I have already given. Just make sure that if the taxi drivers are going to have this long overdue enforcement policy, it must be crystal clear what penalties they will get (for continually parking illegally on double yellow lines for example). It is important for you to get input from the traffic wardens who do a fantastic job and feel powerless against the daily abuse meted out to them by taxi drivers whilst carrying out their duties.</p> <p>I think it would also be beneficial for you to email people like myself with a copy of your final draft so we can give you our final constructive comments.</p>
7	Sarah McManus	Licence holder	<p>With regard to your proposed changes to the enforcement of regulations governing Hackney Carriage and Private Hire Drivers in Cambridge, I believe there is enough legislation for enforcement, but a lack of presence by the Enforcement Officers in the city.</p> <p>The option 1 looks like it's been drawn up as an exercise in "jobs for the boys", and is open to abuse from the public or even a driver who has problems with other drivers. This also looks like it will be expensive to enforce and monitor.</p> <p>If I had to choose an option, it would be Option2.</p>

8	Panther Taxis (Paul Clare)	Private Hire Operator	We strongly favour option 2 of this proposal as we believe a graduated stepped approach is more practical, fair, and provides a workable and understandable framework for all parties to work to. Using our own experience of dealing with complaints and driver discipline, we do not believe that the type of rigid penalty points system outlined in option 1 can be applied effectively and efficiently to the broad range of complaints that can be received. We believe that each complaint has the capacity to be different and requires treatment on its own merits and option 2 allows for this.
9	National Private Hire Association	National Private Hire Association	Little need to consider either option currently as there are sufficient powers for a licensing authority to enforce its policies and conditions. We believe that penalty points schemes (option 1) are overly punitive, not reasonably necessary and result in double jeopardy. We would urge the council to wait until after the Law Commission consultation has opened and preferably until fresh legislation is outlined before proceeding.
10	Roger Salmon	Member of public	I strongly support Option 1. To make this effective, I think it is essential to extend the period over which points are assessed from 12 months, say to 3 years or 5 years. This makes it much more practicable to set enforcement levels which catch rogue multiple-offenders without penalising occasional offenders. I do not believe that Option 2 provides a realistic alternative or will be effective.
11	Cambridge City Licensed Taxis Ltd	Taxi trade representative body	CCLT Ltd agrees that enforcement is required and important for the trade. Option 1, the penalty points system, is not a reasonable or acceptable option for the trade. Option 2 is a reasonable option of enforcement and the trade would be happy to endorse it, with proper management.
12	Tess Jones	Member of public	I strongly support there being clear guidance on determining if a driver is a fit and proper person to hold a taxi licence. This is long overdue. I prefer Option 1 since it is clearer, and it also allows evidence of complaints and offences to be taken together. I think it is important that unsubstantiated complaints can accrue against a driver since these are the most common cause of conflict between taxis and other road users / pedestrians. I do believe that complaints and offences should be considered over longer than 12 months, e.g. 3 years as a means to improve taxi driving over the long term

13	"Wookey"	Member of public	<p>Option 1 (points) seems clearer.</p> <p>I have a few comments: It is not clear exactly how the expiry periods will work. It is implied that everything in done on a one-year basis - is that a fixed year, or does each points allocation last for one year from application (or one year from offence - probably impractical?) then evaporate.</p> <p>I do not know what the substantiated and unsubstantiated reporting rates are in practice, but I assume not very high, and thus noisy. It seems to me that having a longer period of accrual (and correspondingly higher thresholds) at least for complaints would make the system much less noisy and thus less prone to both false negatives and false positives. 2 or 3yrs would work a lot better than one.</p> <p>The document also does not make clear the distinction between substantiated and unsubstantiated complaints. Does substantiation require a second witness, a second report of same incident, a photo, an admission of guilt, or something else?</p>
14	Richard Jennings	Member of public	<p>I support option 1, a penalty points system as I believe it will be clearer. However I think that one year is too short a time for penalty points to expire and a term of three or five years would serve better to indicate any poor drivers</p>
15	Cambridge Cycling Campaign (Martin Lucas-Smith)	Cambridge Cycling Campaign	<p>We welcome the principles of the draft policy and particularly the intent that the driving behaviour of taxi drivers should be potentially an enforcement matter. There is a lot of bad and dangerous driving by taxis in Cambridge and cyclists and other road users suffer under it.</p> <p>We welcome the principle that driving offences that are not prosecuted should be taken into account in assessing whether a driver is a fit and proper person to hold a taxi licence, and normally to a lesser degree than a conviction.</p> <p>Of the two options we greatly prefer option 1, as it is more flexible and can take into account bad driving and behaviour of mixed kinds. If Option 2 were adopted, we would expect endless claims by drivers that different complaints were not "of a similar nature".</p>