

Prohibiting 'Flagging'

Reference the proposal to punish offenders initially with a mere caution, and repeat offenders with the *threat* of a 'Safety Awareness Course'

My view is fairly straightforward:

- 1) The **Local Government (Miscellaneous Provisions) Act 1976 (LG(MP)A 1976)** requires that the offence of 'flagging' be prohibited:
- 2) This proposal does nothing to discourage 'flagging' but in fact makes it more likely:
- 3) If this proposal is adopted the anomalous position arises where driving without insurance is treated more leniently than driving with a marginally illegal tyre, which results in 3 points on a licence:
- 4) The **LG(MP)A1976)** as it stands seeks to maintain the distinction between Hackney Carriages and Private Hire Vehicles and for Northampton Borough Council to adopt this proposal
 - i) undermines the intention of Parliament as expressed in the statute:
 - ii) permits a local by-law to usurp Statutory Law regarding driving without insurance which is punishable by 6-8 points on a licence:
 - iii) makes it more likely that the public will be put in danger
 - iv) fails to protect Hackney Carriage income which is **ONE** of the intentions inherent in prohibiting 'flagging'
 - v) will encourage PHV's to break the law and **will actively aid and abet criminal conduct:**

According to FOI's received, there have only been **72** prosecutions in the last **Six** years up until last September for 'flagging' resulting in only **2 PHV badges being permanently revoked**. This means, effectively, that there is almost **NO DETERRENT TO PROHIBIT FLAGGING AS THINGS STAND IN ANY EVENT!**

According to another FOI, there were **21** vehicular spot checks last year in Northampton at a Licensing Officer wages bill of approximately **£3,500!**

Proposals to deter Flagging

- 1) Remove illuminated Private Hire Roof Signs, in line with recommendations made by the **Ministry of Transport 2010** bringing Northampton into line with policy adopted in many towns and several major cities.

Roof signs are no longer indispensable as 'PDA' systems are now widespread and identify the make, model and registration mark of any vehicle legitimately booked to the person making the booking. **This system eliminates any confusion with 'Taxis'**.

- 2) **The aspects of a safety awareness course should be taught by the Licensing Authority at the point at which the drivers' badge is first issued! In any event, the Private Drivers' Handbook which every driver is supposed to have read, encompasses these point!**
- 3) **Every PHV should have a notice on the sides of their vehicles stating 'NO ADVANCE BOOKING – NO INSURANCE' thereby eliminating any confusion and BRINGING NORTHAMPTON INTO LINE WITH MANY NEIGHBOURING TOWNS AND SEVERAL MAJOR CITIES.**

These proposals seem both fair and easy to implement.

ALSO CONSIDER, THAT BY REDUCING THE NUMBER OF VEHICULAR INSPECTIONS (Oxford for instance, which has approximately the same number of Hackney Carriages as Northampton, had ONLY TWO such inspections last year without compromising safety!), this would free up money to be spent on a coherent anti-flagging policy!

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