

RE: PHV exemption

To Hopwood David <dc.hopwood@ntlworld.com>

Good morning,

None of the activities or uses of the vehicle described in the emails below constitute Private Hire and therefore you do not require licensing.

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Licensing Enforcement Officer
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From: Hopwood David [mailto:dc.hopwood@ntlworld.com]
Sent: 25 February 2019 21:15
To: Licensing Admin <LicensingAdmin@redcar-cleveland.gov.uk>
Subject: Re: PHV exemption

Dear

Please accept my apologies for the delay, we have been busy and developing transport has had to be put back I was asked to provide more information, Programmes etc. I have give four examples of current outdoor activity and illustrated how a small passenger vehicle would improve both safety and resilience. We already have full enhanced safeguarding, DBS and child protection procedures in place.

As a few examples.

1. Education development projects, we take learners and equipment on our trailers to specific remote activity sites, for bushcraft, hillwalking, camping, canoeing or other roles. this includes young leaders, trainees, youth and pupils. these can include Mountain training or Sports leaders award courses, British Canoeing training courses, NCFE or BTEC training
2. A Duke of Edinburgh's award group, (max 7 young people aged 14 to 25) will be on a 2,3, or 4 day independent unsupported expedition in challenging and remote countryside. They are not allowed to use any form of motorised transport. However we may need to take them to the start point of the expedition, have a vehicle on call. (for the duration) and possibly collect them from a remote road point.
3. A school climbing or activity day for 20 children will involve the school taking the group of children (14) in the school minibus, the Voluntary development transport or hiring a local PSV operator and dropping them off at the venue and our vehicle (8 seats) taking up to 6 others. the PSV would leave but our vehicle would then be parked on site for the day as safety cover.
4. Canoe shuttle support vehicle, A group is dropped at one end of a river, we journey down the river for up to 4 days (eg, the 100km Spey trip) our vehicle and driver operate a 'safety shadow' finally arriving at the end of the trip and we return the group to their vehicles.

in 2018 we operated in the river Wye(Hereford) the Lake district, Scotland, Upper Teesdale, North Yorkshire, Durham and the local area. we have benefited hundreds of people and really want this work to develop.

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1. Values driven and work to develop the person.
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On 08 July 2018 at 16:53 Hopwood David <dc.hopwood@ntlworld.com> wrote:

8th July 2018

Dear sirs

I would like to establish if the Local Authority Licensing Committee considers our business to require a Private Hire Licence or not. In 2011 the Department for transport decided that it was clear that those involved with the operation of vehicles needed to establish their position and that 'it is the responsibility of licensing authorities to reach informed decisions based on an assessment of each case'. In our case the Local Authority opinion will have a significant impact on future business plans and investment strategy.

We run outdoor activities and these activities carry an element of doubt about whether PHV licensing applies and this is the reason we are looking for an opinion from the local authority, if possible a definitive opinion statement about whether the authority believes we should or should not be licensed to operate up to an 8 seat vehicle. Outdoor adventure is already a very heavily regulated industry, and directly assessed by the HSE. We hold an HSE Adventure Activities Licence and all staff have enhanced DBS on the update service. We have full safeguarding in place and run activities for the local authority, we feel that these wider duties offer a genuine and compelling reason for PHV exemption.

The key message conveyed by DfT in the 2011 guidance was to think carefully about the burden which would be placed on people and organisations that are in the "grey areas" identified if they were to impose a requirement for PHV licensing. Particularly in cases where the activity in question is already regulated or assessed in respect of wider duties being carried out - whether there is any real need to oblige these people or organisations to acquire licences.

The Redcar and Cleveland approach is that the policy will be applied in the majority of cases when considering licence applications, but the licensing authority will consider each application on its individual merits and may, at times, allow exceptions to the general policy.

In our case we operate seasonally, we want the Local Authority to recognise that our practices of occasionally using eight seat vehicles, or operating a similar vehicle as ancillary support and activity transport for things like Duke of Edinburgh award groups is more closely aligned to the roles of a childminder and exempt than a taxi service. However we also want the transparency and clarity to express this in an unambiguous way. This is where the opinion of the authority is important.

We need to recognise that our staff have already been fully vetted for wider work with children and vulnerable adults, hold specific qualifications in outdoor adventure and the use of a vehicle is an ancillary part of our business that offers very limited commercial benefits, is more of a courtesy and support service, we often work with larger groups and use PSV operator licence holders for minibus or coach journeys.

Our transport will not be used for carrying customers or clients on any journey not directly connected to adventure activity and any vehicle used by us will be maintained at the standards of PHV / PSV levels of care, with documents to prove this.

Whilst we realise certain points may need case law to establish that does not change the responsibility of the authority to reach a decision on their Private hire policy in our case. This means I would like to get the view of the licensing committee, and have the opportunity to discuss our case in more detail or present further information to explain the unique and complex nature of our work.

Ideally we would like the authority to agree that as long as we maintain our Adventure Activities Licence, use qualified people to lead activity and ensure all staff including those tasked to drive hold an enhanced DBS and that any vehicle used is fully compliant with current road legislation and does not carry clients not involved in our wider activity, that we would be exempted from the Redcar and Cleveland PHV process for two vehicles of up to 8 seats. Or alternatively that for administration, management and oversight it will be

appropriate for us to hold a restricted Local Authority operator's license but that the vehicle and driver licensing were exempt due to our context and operation limits.

whatever the outcome it is clear that we would not be able to fulfill the current PHV guidance as we have specialsit vehicles and tow trailers but I would appreciate any further information, advice, guidance and support you are able to offer.

Yours Faithfully

David Hopwood



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