



**Oversight and Governance**

Chief Executive's Department

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## Delegated Decisions

### Delegated Executive/Officer Decisions

Delegated Executive and Officer decisions are published every week and are available at the following link - <https://tinyurl.com/ms6umor>

Cabinet decisions subject to call-in are published at the following link - <http://tinyurl.com/yddrql6>

Notice of call-in for non-urgent decisions must be given to the Democratic Support Unit by 4.30 pm on Monday 23 October 2023. Please note – urgent decisions and non-key Council Officer decisions cannot be called in. Copies of the decisions together with background reports are available for viewing as follows:

- on the Council's Intranet Site at <https://modgov/mgDelegatedDecisions.aspx>
- on the Council's website at <https://tinyurl.com/jhnax4e>

The decision detailed below may be implemented on Tuesday 24 October 2023 if it is not called-in.

## **Delegated Decisions**

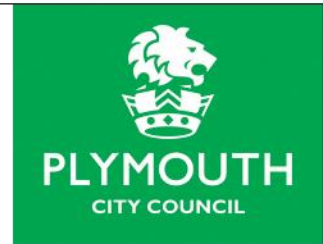
### **I. Councillor Sally Haydon, Cabinet Member for Community Safety, Libraries, Cemeteries & Crematoria:**

- I.a. CSLCC04 23/24 Authorisation to consult on a review of the Hackney Carriage and Private Hire Licensing Policy 2022 and Associated Policies and Conditions

**(Pages 1 - 24)**

# EXECUTIVE DECISION

made by a Cabinet Member



## REPORT OF ACTION TAKEN UNDER DELEGATED AUTHORITY BY AN INDIVIDUAL CABINET MEMBER

Executive Decision Reference Number – CSLCC04 23/24


Decision				
1	<b>Title of decision:</b> Authorisation to consult on a review of the Hackney Carriage and Private Hire Licensing Policy 2022 and Associated Policies and Conditions.			
2	<b>Decision maker:</b> Councillor Sally Haydon (Cabinet Member for Community Safety, Libraries, Cemeteries & Crematoria)			
3	<b>Report author and contact details:</b> Nicola Horne 01752 304556 E: <a href="mailto:nicola.horne@plymouth.gov.uk">nicola.horne@plymouth.gov.uk</a>			
4	<b>Decision to be taken:</b> To release for consultation the proposed changes to the Hackney Carriage and Private Hire Licensing Policy 2022 and associated conditions and policies.			
5	<b>Reasons for decision:</b> The Hackney Carriage and Private Hire Licensing is a framework policy and as such Cabinet Member approval is required prior to the commencement of consultation.			
6	<b>Alternative options considered and rejected:</b> The Council has considered leaving the Policy as it was written however there are certain elements of the policy that require amendment, due to the cost-of-living crisis, and for clarity.			
7	<b>Financial implications and risks:</b> None, met through existing budgets.			
8	<b>Is the decision a Key Decision?</b> (please contact <a href="#">Democratic Support</a> for further advice)	Yes	No	<b>Per the Constitution, a key decision is one which:</b>
			x	in the case of <b>capital</b> projects and contract awards, results in a new commitment to spend and/or save in excess of <b>£3million</b> in total
			x	in the case of <b>revenue</b> projects when the decision involves entering into new commitments and/or making new savings in excess of <b>£1million</b>
			x	is <b>significant</b> in terms of its effect on communities living or working in an area comprising <b>two or more</b> wards in the area of the local authority.

	<b>If yes, date of publication of the notice in the <a href="#">Forward Plan of Key Decisions</a></b>	
<b>9</b>	<b>Please specify how this decision is linked to the Council's corporate plan/Plymouth Plan and/or the policy framework and/or the revenue/capital budget:</b>	<p>This report also links to the delivery of the City and Council priorities. In particular:</p> <p><b>Fewer potholes, cleaner, greener streets and transport:</b></p> <p>By ensuring Plymouth is a clean and tidy city and a green and sustainable city that cares for its environment; has a vibrant economy offering quality jobs and skills; and has a varied, efficient and sustainable transport network.</p> <p><b>Keeping children, adults and communities safe:</b></p> <p>By ensuring Plymouth is a friendly, welcoming city, making sure people feel safe in the city, protecting children, young people and adults.</p>
<b>10</b>	<b>Please specify any direct environmental implications of the decision (carbon impact)</b>	None.

### Urgent decisions

<b>11</b>	<b>Is the decision urgent and to be implemented immediately in the interests of the Council or the public?</b>	<b>Yes</b>		(If yes, please contact Democratic Support ( <a href="mailto:democraticsupport@plymouth.gov.uk">democraticsupport@plymouth.gov.uk</a> ) for advice)
		<b>No</b>	x	<b>(If no, go to section 13a)</b>
<b>12a</b>	<b>Reason for urgency:</b>			
<b>12b</b>	<b>Scrutiny Chair Signature:</b>		<b>Date</b>	
	<b>Scrutiny Committee name:</b>			
	<b>Print Name:</b>			

Consultation			
I3a	Are any other Cabinet members' portfolios affected by the decision?	Yes	
		No	x (If no go to section I4)
I3b	Which other Cabinet member's portfolio is affected by the decision?		
I3c	Date Cabinet member consulted		
I4	Has any Cabinet member declared a conflict of interest in relation to the decision?	Yes	
		No	x If yes, please discuss with the Monitoring Officer
I5	Which Corporate Management Team member has been consulted?	Name	Dr Ruth Harrell
		Job title	Director of Public Health
		Date consulted	04 October 2023
Sign-off			
I6	Sign off codes from the relevant departments consulted:	Democratic Support (mandatory)	DS55 23/24
		Finance (mandatory)	HLS041023
		Legal (mandatory)	IW – 0001760 – 12.10.23
		Human Resources (if applicable)	
		Corporate property (if applicable)	
		Procurement (if applicable)	
Appendices			
I7	Ref.	Title of appendix	
	A	Briefing report for publication ( <i>mandatory</i> )	
	B	Equalities Impact Assessment ( <i>where required</i> )	
Confidential/exempt information			
I8a		Yes	

	<b>Do you need to include any confidential/exempt information?</b>	<b>No</b>	<input checked="" type="checkbox"/>	If yes, prepare a second, confidential ('Part II') briefing report and indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box in <b>18b</b> below.				
		(Keep as much information as possible in the briefing report that will be in the public domain)						
		<b>Exemption Paragraph Number</b>						
		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>
<b>18b</b>	<b>Confidential/exempt briefing report title:</b>							
<b>Background Papers</b>								
<b>19</b>	Please list all unpublished, background papers relevant to the decision in the table below. Background papers are <u>unpublished</u> works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based. If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.							
<b>Title of background paper(s)</b>		<b>Exemption Paragraph Number</b>						
		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>
<b>Cabinet Member Signature</b>								
<b>20</b>	I agree the decision and confirm that it is not contrary to the Council's policy and budget framework, Corporate Plan or Budget. In taking this decision I have given due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not. For further details please see the EIA attached.							
<b>Signature</b>			<b>Date of decision</b>	06 October 2023				
<b>Print Name</b>	Councillor Sally Haydon							

## Briefing Note

### Background

- 1.0 The Council adopted its third Hackney Carriage and Private Hire Licensing Policy (“Taxi Policy”) in May 2022, which updated the licensing framework required to regulate hackney carriage and private hire (taxi) services within Plymouth.
- 1.1 The Taxi Policy is framed by virtue of the powers granted to the Council by Town and Police Clauses Act 1847, the Plymouth City Council Act 1975, and the Plymouth City Council Act 1987.
- 1.2 This report outlines several proposed changes to the Taxi Policy and associated policies and conditions that are considered necessary when taking account of the economic and operational changes that have arisen since policy implementation in May 2022.
- 1.3 The democratic process that the proposed amendments to the Taxi Policy must go through is determined by the Council Constitution which can be found [here](#): page 71.

Appendix 1, page 15, summarises the democratic process, and some decisions are for the Taxi Licensing Committee to make, and others are for Full Council to determine. This decision is to agree to consult the taxi trade on the proposed changes for a period of 4 weeks.

### 2.0 Proposed changes to the Livery Policy 2022 (Full Council Decision)

- 2.1 The Taxi Policy introduced the Livery Policy 2022 which can be found at the following [link](#):
- 2.2 The Council and Officers have reviewed the Livery Policy after listening to feedback from vehicle proprietors, drivers and the wider taxi trade and have taken into consideration the continuing financial burden that is currently being faced due to the cost-of-living crisis pressures.
- 2.2 In addition it is accepted that the supply of new and second hand, ‘all white’ Euro 6, wheelchair accessible hackney carriage vehicles is severely limited with a continuing national shortage of the supply of vehicles of this specification and colour.
- 2.3 Furthermore, while there is a wide range of Euro 6 vehicles available to be licensed as private hire vehicles in Plymouth, the current policy requirement that these vehicles cannot be white severely reduces the number of vehicles that are available to be licensed.
- 2.4 It is therefore proposed to remove/revoke the Livery Policy for hackney carriage and private hire vehicles in its entirety from the Taxi Policy and the associated hackney carriage and private hire vehicle conditions.
- 2.5 Although it is proposed to remove/revoke the Livery Policy, it is the Officers view that the requirement for hackney carriage vehicles to display door signage in accordance with the design approved and supplied by the Council on the driver and front passenger door should,

be maintained. In addition to the tout light and the licence plate, the door signage increases the visibility of hackney carriage vehicles and supports public safety/ security as customers can be confident that the taxi is properly licensed especially in relation to vulnerable clients transported at night.

This requirement can be applied through the hackney carriage vehicle conditions, and it is therefore proposed that the following condition is added to them:

### **Front Door Signage**

**Each Hackney Carriage shall display signs on the front passenger and driver's door in accordance with the design approved and supplied by the Council. The signs shall be constructed of vinyl and be applied directly to the driver and front passenger door.**

- 2.7 It is proposed that where a hackney carriage vehicle has been licensed for a temporary period for example where a rental vehicle is used after accident or garaged for repair, the following wording would be added to the conditions:

### **Temporary Vehicles**

**In exceptional circumstances, where a temporary vehicle license is issued it will be exempt from displaying front door signage.**

If these proposals are approved, then the private hire vehicle and hackney carriage vehicle conditions and specification documents will also be updated to reflect these changes.

## **3.0 Topographical Test/Knowledge of Plymouth (Full Council Decision)**

- 3.1 After the Taxi Policy and associated guidance documents and conditions were approved by the City Council on 21 March 2022, there was an error in wording that was brought to Officers attention that incorrectly stated that the requirement for the Knowledge of Plymouth test (KOP) for new applicants only applied to those wishing to be hackney carriage drivers. This mistake was subsequently rectified by Full Council in May 2022 so that both hackney carriage and private hire driver applicants are required to take the KOP test.
- 3.2 During the 2 months that it took to rectify the mistake, taxi licensing saw a sharp increase in new applicants wishing to become licensed private hire drivers. All of Plymouth's main private hire operators reported an increase in enquiries for new drivers wishing to become private hire drivers. Plymouth like many other cities is struggling to encourage new drivers to the trade, and Officers have considered the benefit of the KOP for all drivers, due to the differences in how the fares are obtained between the hackney carriage and private hire drivers.
- 3.3 Private hire drivers cannot work without a GPS system or app which is accessed through their own smart phone. Modern dispatch management and booking systems send bookings



direct to the drivers' data pads, which along with details of the bookings show, via the inbuilt GPS navigation system, the most direct route to take. The routes take account of local traffic conditions at the time of the booking. There is a valid argument that a private hire drivers' topographical knowledge does not need to be as detailed as a hackney carriage driver who can 'ply for hire' and must determine the most suitable and direct route etc while by the roadside and enroute.

- 3.4 In light of modern technological methods of delivering work to private hire drivers through data pads, which plan the route automatically, Officers have been considering whether there is still a requirement for private hire driver applicants to sit the KOP, as it appears that this is a barrier to attracting new drivers into the private hire trade.
- 3.5 It is important to note that not all operators, such as those who operate school contracts or fixed contracts use dispatch management systems so these operators will be required to provide a form of electronic navigational system (GPS)
- 3.6 It is recognised that some private hire drivers may wish to switch to being a hackney carriage driver. In these cases, the applicant will still be required to sit the KOP test unless they have been in the trade for 3 years or more, where it is recognised that their knowledge of the local area would have increased.
- 3.7 It is therefore proposed that the requirement to take the KOP test remains for hackney carriage drivers but is removed for private hire drivers.

#### **4.0 Certificate of Good Conduct (Taxi Licensing Committee decision)**

- 4.1 The Taxi Policy requires all applicants who are a foreign national or a UK National but have lived for a period of three months or more in another Country, to obtain a Certificate of Good Conduct (COGC) from the relevant UK Embassy or Consulate of the relevant country(s) where they have resided. This is in addition to any requirement to obtain a DBS certificate.
- 4.2 Some applicants can demonstrate that there are clear and compelling reasons for them to be granted 'Exceptional Circumstances' to allow that applicant to be exempt from providing a COGC. These are:
- They have spent the majority of their adult life in this country (including five continuous years immediately prior to applying for the licence).
  - They cannot obtain a COGC from the relevant country (for example, they are an asylum seeker or a refugee, or no known process)
  - That an enhanced DBS will provide information covering a sufficient period of their adult life to allow a determination on the applicant's fitness and propriety to be made.
- 4.3 The basis for suggesting that the exemption only applies to those who have resided in the UK for the majority of their adult life is that this would mean that the enhanced DBS is likely to provide sufficient information for a decision to be made on their fitness to be a licensed driver in that it will cover the largest part of their adult life.

This requirement is seen as excessive and excludes many drivers from entering the taxi/private hire trade in Plymouth.

- 4.4 After further legal consideration and clarification from the Home Office it is proposed that the requirement for an applicant to have spent the majority of their adult life in the UK is amended to having to have lived in the UK for 10 years or more. It is the Officers view that

10 years or more in the UK will provide sufficient DBS records to establish whether the applicant is a fit and proper person to hold a licence. Therefore, it is proposed that the wording in section 7.2 of the Taxi Policy is amended to state:

**7.2 If within 10 years of the date of application or renewal you have lived outside of the UK for a continuous period of 3 months or more since the age of 18 you must obtain a certificate of good conduct from the country or countries that you have lived in.**

- 4.5 It is also proposed to add new wording into the policy for existing drivers who have been licensed for more than 5 years and who have spent 3 months or more outside of the UK to renew without a COGC or for Taxi Licensing Committee to make a decision dependent on the reason and justification for the absence. Therefore, it is proposed that the following wording is inserted to state:

**Where an existing driver (who has held a licence for 5 years or more), has lived outside the UK for a continuous period of 3 months or more and cannot provide a COGC the Council reserves the right to allow the licensed driver to continue without the COGC or to review the current licence at Taxi Licensing Committee.**

## **5.0 Dress Code (Taxi Licensing Committee)**

- 5.1 To ensure that the hackney carriage and private hire trade portrays a professional image and to ensure that driving is carried out safely, the Taxi Policy introduced the Dress Code in May 2022.

This was inserted into the [Code of Good Conduct for Licensed Drivers - Hackney carriage and Private Hire](#).

- 5.2 Contraventions of the Dress Code can result in the driver receiving penalty points leading to a review of their licence should they receive 12 or more points within a rolling 36-month period.
- 5.3 Whilst the dress code has been widely welcomed and accepted by the trade there have been continuing objections to the rule that denim jeans are not permitted. Members and Officers have listened to the arguments for and against this ruling and reviewed the situation and consider that the wording should be amended to allow the wearing of black denim jeans:

### **Trousers/Shorts/Skirts**

**Long legged trousers or black denim jeans, knee length tailored shorts, knee length skirt or dress.**

- 5.4 The condition of the clothing is covered within the existing dress code through:

“All clothing worn by the driver must be clean and in good condition, and the driver must have good standards of personal hygiene.”

## **6.0 PHD & HCD New Driver Applicants Driver Endorsements (Taxi Licensing Committee)**

- 6.1 It is a requirement for new and existing drivers under the Taxi Policy to meet the criteria set out in the Guidance on the Relevance of Convictions and Conduct. (GRCC)
- 6.2 Where an existing driver receives points or convictions on their driver’s licence (DVLA) there are provisions in the GRCC to deal with them either by warning from taxi licensing or through review of their hackney carriage or private hire driver’s licence at taxi licensing committee.
- 6.3 Where a new applicant has accumulated points on their DVLA licence prior to application there have been occasions where they do not fall under the GRCC requirements as the policy requires an applicant to go to committee if they either have six or more points arising from convictions in the last two years or they have received more than three penalty points in the twelve months prior to applying for a licence.
- 6.4 In addition, the existing GRCC does not allow the Council to consider an applicant’s pattern of offending through historic convictions or endorsements as it can with existing licensed drivers.
- 6.5 Therefore, there is disparity between the requirements for new and existing drivers and Officers propose to amend the motoring convictions wording of the GRCC for new applicants to resolve this. The proposed amended wording is shown in the table below.

Penalty points on a licence	
	Any applicant who applies to be a hackney carriage or private hire driver whose license has been endorsed with more than six points in the last two years on their licence, will not be granted a licence until two years after the last endorsement or conviction.
	Any applicant who applies to be a hackney carriage or private hire driver and their driving licence record demonstrates a pattern of offending through convictions or endorsements, the Council reserves the right to review their licence application at Taxi Licensing Committee.

## **7.0 Card Payments (Taxi Licensing Committee decision)**

- 7.1 The Taxi Policy introduced the requirement for the hackney carriage and private hire trade to have the facility to take electronic (card) as well as cash payments. The requirement was inserted into the hackney carriage and private hire vehicle conditions.
- 7.2 In addition, the current wording requires the card reader to ‘be placed in a plastic partition between the driver and passenger’ and that faults must be rectified within three days.

- 7.3 While the requirement to have a working card reader is clear and the ability to take payments by this method is implied, the wording needs to be amended for clarity and to remove any ambiguity about providing this method of payment to customers.
- 7.4 For driver operation and in practical terms the requirement for the card reader to be placed in a plastic partition between the driver and passenger is considered onerous and not required. Provided a working card reader is available and accessible to customers it should be at the driver's decision where this is placed.
- 7.5 It is therefore proposed that the hackney carriage and private hire vehicle conditions are amended to state:

### **Hackney carriage Vehicle Conditions**

#### **9.0 Payments**

- 9.1 All hackney carriage vehicles must have a card payment reader with the ability to always take contactless payments in the vehicle for use by customers.
- 9.2 Card payment readers must be kept in working order and any faults rectified before accepting any customers.
- 9.3 You must provide a receipt for payment if requested.

### **Private hire vehicle Conditions**

- 9.1 All private hire vehicles must provide a card payment reader with the ability to always take contactless payments in the vehicle for use by customers.
- 9.2 Card payment readers must be kept in working order and any faults rectified before accepting any customers.
- 9.3 You must provide a receipt for payment if requested.

## **8.0 Private Hire and Hackney Carriage Penalty Points Scheme (Taxi Licensing Committee)**

- 8.1 The Penalty Points Scheme was introduced into policy during the last Policy review to provide a more balanced, consistent, and transparent approach to enforcement against licence holders who commit minor offences and can be considered a more structured and formalised method of issuing warnings.
- 8.2 The scheme does not prevent the Council from taking any other enforcement actions it is entitled to take under legislation or byelaws. Penalty points will not be added to the person's record where they are dealt with by alternative sanctions.

- 8.3 Under the current scheme where a licence holder accumulates 12 points or more within a rolling period of 36 months their licence will be subject to a review by the Taxi Licensing Committee. After being in operation for more than a year it is the Officers view that the wording is amended to reflect that if a licence holder has accumulated 12 points or more within a 36-month period and they have had their licence reviewed by Committee that their points have been 'discharged' and they start from zero again.
- 8.4 Officers consider that this approach is fair and proportionate for minor offences and that should points be accumulated again quickly, then any previous history of noncompliance can be taken into consideration by Committee, should the licence holder appear before them again.
- 8.5 Officers therefore propose that the following wording is inserted to state:

**If a licence holder accumulates 12 points or more within a rolling period of 36 months, then their licence will be subject to a review by the Taxi Licensing Committee. Once the Committee have considered the matter, the points will be considered as spent and therefore excluded from the running total recorded against any individual licensee. The Council reserves the right to take into consideration previous points accumulation and pattern of history should the 12-point threshold be reached again.**

- 8.6 Officers also consider that the following additional minor offences should be added to the hackney carriage and private hire infringements tables:

Point Code	Offence / breach of condition or policy	Points	Driver	Vehicle proprietor	Regulatory framework
<b>H38</b> <b>(insertion)</b>	Failure to display required signage and/or displaying unsuitable or inappropriate sited signs in or on the vehicle	4	√	√	Hackney carriage Vehicle Conditions Hackney carriage Vehicle Specification and Vehicle Compliance Testing Manual
<b>P32</b> <b>(amendment)</b>	Failure to display required signage and/or displaying unsuitable or inappropriate sited signs in or on the vehicle	4	√	√	Private hire vehicle Conditions Private hire vehicle Specification and Vehicle Compliance Testing Manual
<b>H39</b> <b>(insertion)</b>	Failure to provide working card machine for customer use.	6	√	√	Conditions of Licence Hackney Carriage Vehicle
<b>P33</b> <b>(insertion)</b>	Failure to provide working card machine for customer use.	6	√	√	Conditions of Licence Private Hire Vehicle

## 9.0 PHV Vehicle Specifications (Taxi Licensing Committee Decision)

### Wheelchair accessible vehicles

- 9.1 Taxi Policy prescribes the minimum standards a vehicle must satisfy to be licensed as a hackney carriage or private hire vehicle by Plymouth City Council. All hackney carriages must be wheelchair accessible whereas private hire vehicles can be wheelchair accessible, but it is not a formal requirement for a vehicle licence.
- 9.2 Private hire vehicles are required to be fitted with at least four doors with two passenger doors at the rear with a door situated on each side of the vehicle for the use of passengers. Rear opening doors are not counted for the purpose of this specification.
- 9.3 While this specification is suitable for the average private hire vehicle, the requirement to have opening doors on both sides for passengers generates a problem with the availability of those private hire vehicles that are wheelchair accessible and are fitted with tail lifts.
- 9.4 Vehicles available with 2 side loading doors other than the rear door are becoming increasingly difficult to source from manufacturers and specialist vehicle converters. Discussions with manufacturers and vehicle conversion specialists indicate that 99% of the vehicles they provide to the private hire trade are with one side loading doors. Manufacturers also state that only one side loading door is safe in the event of an emergency as most of the side doors are nearly 5ft wide opening for easy access in and out of the vehicle (along with the rear door (s)).
- 9.5 Officers offer reassurance that vehicle safety will not be compromised should this amendment be accepted as the vehicle conditions and specifications retain the requirement that they must have M1 classification from the Vehicle Certification Agency, be of fixed head design (i.e., no convertible vehicles) and fully comply with all aspects of the Vehicle Compliance Testing Manual.
- 9.6 M1 category vehicles are designed and constructed for the carriage of passengers and comprising no more than eight seats in addition to the driver's seat and having a maximum mass ("technically permissible maximum laden mass") not exceeding 3.5 tons. Converted vehicles are subjected to an IVA test to be classified as M1.
- 9.7 It is the Officers view that removing the requirement for wheelchair accessible private hire vehicles to have passenger doors on both sides of the vehicle will encourage investment in newer wheelchair accessible vehicles by not making this investment cost prohibitive. It is hoped that this amendment will facilitate an increase in more licensed vehicles of this type to be able to provide a service for disabled customers without compromising on passenger safety.

The proposed wording can be seen in 'Wheelchair Accessibility' Appendix 2, page 16.

- 9.8 The current vehicle specifications policy for private hire vehicles does not state that vehicles must be able to carry 4 adults in comfort. This is an omission, and the wording needs to be amended to reflect this requirement. The proposed wording can be seen in 'Seating' Appendix 2, page 16.
- 9.9 Vehicle design and safety standards has advanced over recent years. Rear fold away seats located in the boot are not permitted to be used under the current policy however after careful consideration it is Officers view that, where it is safe and suitable, these seats should be allowed subject to conditions. Therefore, it is proposed that the seating wording is amended to reflect this. The proposed wording can be seen in 'Seating' Appendix 2, page 16.
- 9.10 As with vehicle design and safety standards vehicle engines have advanced considerably in the last years. Smaller more efficient and environmentally friendly engines can now deliver as much power as older and larger capacity engines. To reflect this advancement, it is proposed that the private hire vehicles engine must not be less than 1290cc is removed from the vehicle specifications.

## Appendix I

### Democratic Process

Report Section	Policy Subject/Area	Changes Required	Full Council or TL Committee
2	Livery Policy 2022	Revoke full livery requirement & retain door signage	Full Council
3	Topographical Test (Knowledge of Plymouth)	Remove requirement for new private hire driver applicants to take and retain for hackney carriage drivers	Full Council
4	Certificate of Good Conduct	Change requirement for amount of time living in country from majority of adult life to more than 10 years in line with Barrister advice and Home Office guidance	TL Committee
5	Acceptable Standard of Dress (Dress Code)	Change of wording required to allow black denim, see review document for suggested wording.	TL Committee
6	PHD & HCD New Driver Applicants (Accumulation of licence endorsements before application)	Amend wording to cover new applicants who have more than 6 points on licence	TL Committee
7	Hackney carriage Conditions of Licence. (Card Holder) Fixing Point and must be operational and offered.	Amend card reader wording for clarity. Remove requirement for card reader fixture.	TL Committee
8	Changes to penalty Point Scheme	Review of what happens when 12 points reached i.e., points go back to nil or rollover etc, and Insertion of points for additional minor offences.	TL Committee
9	Private hire vehicle Specifications	Amend to allow PHV WA/tail lift vehicles to only have 1 side door. Add requirement for minimum of 4 adults to private hire vehicle specs. Amend seating requirements to allow for rear folding seats where safe and suitable. Remove engine capacity.	TL Committee



## **Appendix 2 Proposed Amendments to Private Hire Vehicle Specifications Wheelchair Accessibility**

### **Remove the following:**

1. The Council will licence private hire vehicles that are capable of carrying a wheelchair.
2. Where the licensed vehicle is capable of carrying wheelchairs, all wheelchair securing devices, fixtures and fittings as specified by the vehicle manufacturer must be available for use and kept in good working order.

### **Replace with:**

#### **Wheelchair Accessibility**

1. It is accepted that in some cases private hire vehicles need specific capability for carrying a passenger in whilst in a wheelchair.
2. These vehicles must be fitted with at least 3 doors with one door situated at the near side rear to allow convenient egress from the vehicle.
3. The driver's door must be situated on the offside and the front passenger door situated on the nearside of the vehicle to allow convenient egress from the vehicle.
4. Sliding doors are permitted to the near side rear. Any sliding door must be fitted with a device that will illuminate a sign mounted on the rear of the vehicle, which warns following traffic that the doors are opening.
5. Rear loading wheelchair access is permitted. These vehicles must be fitted with a back opening door and fitted with a tail lift or ramp mechanism to allow wheelchair(s) to be loaded whilst the passenger is in the wheelchair if required.
6. Ramps may also be used for the loading and unloading of wheelchairs from the rear or side rear side of the vehicle.
7. Passenger doors and the back opening door must be capable of being readily opened from the inside and outside of the vehicle by one operation of the latch mechanism.
8. Where the licensed vehicle is capable of carrying wheelchairs, all wheelchair securing devices, fixtures and fittings as specified by the vehicle manufacturer must be available for use and kept in good working order.

#### **Seating**

1. No vehicle shall have more than 8 passenger seats (excluding the driver seat)
2. The vehicle must be so constructed to carry a minimum of four passengers, with provision for one passenger seated beside the driver, and three passengers occupying the rear seats in comfort.
3. Where separate forward-facing seats are provided, each seating position shall be counted where a properly functioning seatbelt is provided.
4. Where a continuous forward-facing seating is provided, each seating position shall be counted where a properly functioning seatbelt is provided.


5. All licenced passenger seats will be suitably designed for an adult passenger. We are aware that some manufacturers produce vehicles with seats that take up much of the boot compartment. All seats must be of a standard size not a child's seat and that there is suitable head room for adults. In addition there must be suitable leg room for all adults when the vehicles seats are all taken.
6. Foldaway child seats located in the boot compartment should not generally be licensed as passenger seating for private hire services, on the grounds of suitability, passenger safety, comfort and reasonable leg room. There may be grounds to licence these seats for restricted operations, such as seaside and moorland tours,
7. Fold away seats will not count towards the overall passenger seating capacity of the vehicle.

**Remove the following**

8. It is accepted that these vehicles may not be suitable for passengers with luggage or for long journeys and consideration must be taken when booked that the journeys are local.

# EQUALITY IMPACT ASSESSMENT – AMENDMENTS TO HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY 2022

## SECTION ONE: INFORMATION ABOUT THE PROPOSAL

<p><b>Author(s):</b></p> <p>This is the person completing the EIA template.</p>	<p>Nicola Horne Environmental Health Manager Public Protection Service Office of the Director of Public Health</p>	<p><b>Department and service:</b></p>	<p>Intelligence and Licensing Public Protection Service Office of the Director of Public Health</p>	<p><b>Date of assessment:</b></p>	<p>5th October 2023</p>
<p><b>Lead Officer:</b></p> <p>Please note that a Head of Service, Service Director, or Strategic Director must approve the EIA.</p>	<p>Ruth Harrell Director of Public Health</p>	<p><b>Signature:</b></p>		<p><b>Approval date:</b></p>	<p>5<sup>th</sup> October 2023</p>
<p><b>Overview:</b></p>	<p>The consideration of the review of the Hackney Carriage and Private Hire Licensing Policy 2022, and proposed amendments and document updates, taking into consideration the economic and operational changes that have arisen since implementation in May 2022.</p> <p>The Council also currently operates a 100% wheelchair accessible Taxi fleet; however, a number of drivers have medical exemption certificates.</p>				
<p><b>Decision required:</b></p>	<p>To release for consultation with the taxi trade, the proposed amendments to the Hackney Carriage and Private Hire Licensing Policy 2022 and linked policy and conditions.</p>				

**SECTION TWO: EQUALITY IMPACT ASSESSMENT SCREENING TOOL**

<b>Potential external impacts:</b> Does the proposal have the potential to negatively impact service users, communities or residents with protected characteristics?	<b>Yes</b>		<b>No</b>	√
<b>Potential internal impacts:</b> Does the proposal have the potential to negatively impact Plymouth City Council employees?	<b>Yes</b>		<b>No</b>	√
Is a full Equality Impact Assessment required? (if you have answered yes to either of the questions above then a full impact assessment is required and you must complete section three)	<b>Yes</b>	√	<b>No</b>	
If you do not agree that a full equality impact assessment is required, please set out your justification for why not.	N/A			

**SECTION THREE: FULL EQUALITY IMPACT ASSESSMENT**

<b>Protected characteristics (Equality Act, 2010)</b>	<b>Evidence and information (e.g., data and consultation feedback)</b>	<b>Adverse impact</b>	<b>Mitigation activities</b>	<b>Timescale and responsible department</b>
<b>Age</b>	Plymouth <ul style="list-style-type: none"> <li>16.4 per cent of people in Plymouth are children aged under 15.</li> <li>65.1 per cent are adults aged 15 to 64.</li> <li>18.5 percent are adults aged 65 and over.</li> <li>2.4 percent of the resident population are 85 and over.</li> </ul> Southwest	Passengers accessing taxi services are not age-specific and would include all age groups from 18 years of age onwards.  <u>Under 18s</u> Children and young people access taxi services in particular on an arranged contractual basis to attend educational	All taxi drivers and operators are fully vetted under the taxi application process prior to being granted a licence.  Any discriminatory complaints received are fully investigated.	Taxi Licensing Officers and Police Officers

	<ul style="list-style-type: none"> <li>• 15.9 per cent of people are aged 0 to 14, 61.8 per cent are aged 15 to 64.</li> <li>• 22.3 per cent are aged 65 and over.</li> </ul> <p>England</p> <ul style="list-style-type: none"> <li>• 17.4 per cent of people are aged 0 to 14.</li> <li>• 64.2 per cent of people are aged 15 to 64.</li> <li>• 18.4 per cent of people are aged 65 and over.</li> </ul> <p>(2021 Census)</p>	<p>establishments. Normally these client groups would be accompanied by nominated carers or parents.</p>		
<p><b>Care experienced individuals.</b></p> <p>(Note that as per the Independent Review of Children’s Social Care recommendations, Plymouth City Council is treating care experience as though it is a protected characteristic).</p>	<p>It is estimated that 26 per cent of the homeless population in the UK have care experience. In Plymouth there are currently 7 per cent of care leavers open to the service (6 per cent aged 18-20 and 12 per cent of those aged 21+) who are in unsuitable accommodation.</p> <p>The Care Review reported that 41 per cent of 19–21-year-old care leavers are not in education, employment or training (NEET) compared to 12 per cent of all other young people in the same age group.</p> <p>In Plymouth there are currently 50 per cent of care leavers aged 18-21 Not in Education Training or Employment (54 per cent of all those care leavers aged 18-24 who are open to the service).</p> <p>There are currently 195 care leavers aged 18 to 20 (statutory service) and 58 aged 21 to 24 (extended offer). There are more care</p>	<p>There are no differential issues for this protected characteristic.</p> <p>It is not anticipated that the amendments to the Policy will have a direct adverse impact on this protected characteristic.</p> <p>The prevention of crime and disorder aspects would include hate crime.</p>	<p>Any discriminatory complaints received are fully investigated.</p>	<p>Taxi Licensing Officers and Police Officers</p>

	leavers aged 21 to 24 who could return for support from services if they wished to.			
<b>Disability</b>	<p>9.4 per cent of residents in Plymouth have their activities limited 'a lot' because of a physical or mental health problem.</p> <p>12.2 per cent of residents in Plymouth have their activities limited 'a little' because of a physical or mental health problem (2021 Census)</p>	<p>The hackney carriage fleet is 100% wheelchair accessible, however some vehicles may not be available to wheelchair users, as a result of drivers holding medical exemption certificates and there may be an impact on the client group.</p> <p>Hackney carriage vehicles must also carry assistance dogs.</p> <p>Officer regularly monitors wheelchair access and investigate all complaints where discrimination may arise.</p>	<p>These proposals are not intended to impact on this client group and are intended to ensure additional vehicles can be used for wheelchair access.</p> <p>Any discriminatory complaints received are fully investigated.</p>	<p>Ongoing</p> <p>Taxi Licensing Officers and Police Officers</p>
<b>Gender reassignment</b>	<p>0.5 per cent of residents in Plymouth have a gender identity that is different from their sex registered at birth. 0.1 per cent of residents identify as a trans man, 0.1 per cent identify as non-binary and, 0.1 per cent identify as a trans woman (2021 Census).</p>	<p>There are no differential issues for this protected characteristic.</p> <p>It is not anticipated that the amendments to the Policy will have a direct adverse impact on this protected characteristic.</p> <p>The prevention of crime and disorder aspects would include hate crime.</p>	<p>Any discriminatory complaints received are fully investigated.</p>	<p>Taxi Licensing Officers and Police Officers</p>
<b>Marriage and civil partnership</b>	<p>40.1 per cent of residents have never married and never registered a civil partnership. 10 per cent are divorced, 6 percent are</p>	<p>There are no differential issues for this protected characteristic.</p>	<p>Any discriminatory complaints received are fully investigated.</p>	<p>Taxi Licensing Officers and Police Officers</p>

	<p>widowed, with 2.5 per cent are separated but still married.</p> <p>0.49 per cent of residents are, or were, married or in a civil partnership of the same sex. 0.06 per cent of residents are in a civil partnership with the opposite sex (2021 Census).</p>	<p>It is not anticipated that the amendments to the Policy will have a direct adverse impact on this protected characteristic.</p> <p>The prevention of crime and disorder aspects would include hate crime.</p>		
<b>Pregnancy and maternity</b>	<p>The total fertility rate (TFR) for England was 1.62 children per woman in 2021. The total fertility rate (TFR) for Plymouth in 2021 was 1.5.</p>	<p>There are no differential issues for this protected characteristic.</p> <p>It is not anticipated that the amendments to the Policy will have a direct adverse impact on this protected characteristic.</p>	<p>Any discriminatory complaints received are fully investigated.</p>	<p>Taxi Licensing Officers and Police Officers</p>
<b>Race</b>	<p>In 2021, 94.9 per cent of Plymouth's population identified their ethnicity as White, 2.3 per cent as Asian and 1.1 per cent as Black (2021 Census)</p> <p>People with a mixed ethnic background comprised 1.8 per cent of the population. 1 per cent of the population use a different term to describe their ethnicity (2021 Census)</p> <p>92.7 per cent of residents speak English as their main language. 2021 Census data shows that after English, Polish, Romanian, Chinese, Portuguese, and Arabic are the most spoken languages in Plymouth (2021 Census).</p>	<p>Currently driver demographic covers many nationalities.</p> <p>It is not anticipated that the amendments to the Policy will have a direct adverse impact on this protected characteristic.</p> <p>The prevention of crime and disorder aspects would include hate crime.</p>	<p>Any discriminatory complaints received are fully investigated.</p>	<p>Taxi Licensing Officers and Police Officers</p>
<b>Religion or belief</b>	<p>48.9 per cent of the Plymouth population stated they had no religion. 42.5 per cent of</p>	<p>Currently driver demographic covers many</p>	<p>Any discriminatory complaints received are fully investigated.</p>	<p>Taxi Licensing Officers and Police Officers</p>

	<p>the population identified as Christian (2021 Census). Those who identified as Muslim account for 1.3 per cent of Plymouth’s population while Hindu, Buddhist, Jewish or Sikh combined totalled less than 1 per cent (2021 Census).</p>	<p>nationalities and many religious beliefs and religions. It is not anticipated that the amendments to the Policy will have a direct adverse impact on this protected characteristic. The prevention of crime and disorder aspects would include hate crime.</p>		
<b>Sex</b>	<p>51 per cent of our population are women and 49 per cent are men (2021 Census).</p>	<p>There are no differential issues for this protected characteristic. It is not anticipated that the amendments to the Policy will have a direct adverse impact on this protected characteristic. The prevention of crime and disorder aspects would include hate crime.</p>	<p>Any discriminatory complaints received are fully investigated.</p>	<p>Taxi Licensing Officers and Police Officers</p>
<b>Sexual orientation</b>	<p>88.95 per cent of residents aged 16 years and over in Plymouth describe their sexual orientation as straight or heterosexual. 2.06 per cent describe their sexuality as bisexual, 1.97 per cent of people describe their sexual orientation as gay or lesbian. 0.42 per cent of residents describe their sexual orientation using a different term (2021 Census).</p>	<p>There are no differential issues for this protected characteristic. It is not anticipated that the amendments to the Policy will have a direct adverse impact on this protected characteristic. The prevention of crime and disorder aspects would include hate crime.</p>	<p>Any discriminatory complaints received are fully investigated.</p>	<p>Taxi Licensing Officers and Police Officers</p>



**SECTION FOUR: HUMAN RIGHTS IMPLICATIONS**

Human Rights	Implications	Mitigation Actions	Timescale and responsible department
	<p>There are no differential issues for this protected characteristic.</p> <p>It is not anticipated that the amendments to the Policy will have a direct adverse impact on this protected characteristic.</p>	<p>Any discriminatory complaints received are fully investigated.</p>	<p>Taxi Licensing Officers and Police Officers</p>

**SECTION FIVE: OUR EQUALITY OBJECTIVES**

Equality objectives	Implications	Mitigation Actions	Timescale and responsible department
<p><b>Celebrate diversity and ensure that Plymouth is a welcoming city.</b></p>	<p>There are no differential issues for this protected characteristic.</p>	<p>Any discriminatory complaints, negative impacts to strategies and policies received are fully investigated.</p>	<p>Taxi Licensing Officers and Police Officers.</p>
<p><b>Pay equality for women, and staff with disabilities in our workforce.</b></p>	<p>It is not anticipated that the amendments to the Policy will have a direct adverse impact on any of the five listed equality objectives.</p>		
<p><b>Supporting our workforce through the implementation of Our People Strategy 2020 – 2024</b></p>			
<p><b>Supporting victims of hate crime so they feel confident to report incidents, and working with, and through our partner organisations to achieve positive outcomes.</b></p>			
<p><b>Plymouth is a city where people from different backgrounds get along well.</b></p>			

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