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Democratic and Member Support

Chief Executive's Department
Plymouth City Council
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CITY COUNCIL

Monday 26 March 2018
2.00 pm
Council House, Plymouth

Members:

Councillor Mrs Foster, Chair

Councillor Kelly, Vice Chair

Councillors Mrs Aspinall, Ball, Mrs Beer, Bowie, Bowyer, Mrs Bowyer, Mrs Bridgeman, Carson, Churchill, Coker, Cook, Dann, Darcy, Philippa Davey, Sam Davey, Deacon, Downie, Drean, Evans, Fletcher, K Foster, Fry, Hendy, James, Jordan, Martin Leaves, Michael Leaves, Sam Leaves, Loveridge, Lowry, Dr Mahony, Mavin, McDonald, Morris, Murphy, Nicholson, Parker-Delaz-Ajete, Penberthy, Mrs Pengelly, Rennie, Ricketts, Riley, Singh, Smith, Sparling, Stevens, Storer, Jon Taylor, Kate Taylor, Tuffin, Tuohy, Vincent, Wheeler, Wiggins and Winter.

Members are invited to attend the above meeting to consider the items of business overleaf.

This meeting will be webcast and available on-line after the meeting. By entering the Council Chamber, councillors are consenting to being filmed during the meeting and to the use of the recording for the webcast.

The Council is a data controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with authority's published policy.

For further information on attending Council meetings and how to engage in the democratic process please follow this link - <http://www.plymouth.gov.uk/accesstomeetings>

Tracey Lee

Chief Executive

City Council

1. Apologies

To receive apologies for absence submitted by councillors.

2. Minutes

(Pages 1 - 6)

To approve and sign the minutes of the meeting held on 26 February 2018 as a correct record.

3. Declarations of Interest:

(Pages 7 - 8)

4. Announcements

(a) To receive announcements from the Lord Mayor, Chief Executive, Section 151 Officer or Monitoring Office.

(b) To receive announcements from the Leader, Cabinet Members or Committee Chairs.

5. Questions by the Public

To receive questions from and provide answers to the public in relation to matters which are about something the council is responsible for or something that directly affects people in the city, in accordance with Part B, paragraph 11 of the Constitution.

Questions, of no longer than 50 words, can be submitted to the Democratic Support Unit, Plymouth City Council, Ballard House, West Hoe Road, Plymouth, PL1 3BJ, or email to democraticsupport@plymouth.gov.uk. Any questions must be received at least five complete working days before the meeting.

6. Lord Mayoralty 2018-19

(Pages 9 - 10)

The City Council will be asked to approve the recommendation of the Lord Mayor Selection Committee, prior to the Annual Meeting, in accordance with Article 5.1.1 of the Council's Constitution.

7. Taxi Licensing Policy

(Pages 11 - 202)

The City Council will be asked to approve the recommendations from Cabinet on the Taxi Licensing Policy.

8. Council and Committee Meetings 2018/19

(Pages 203 - 208)

The City Council will be asked to approve the draft Calendar of the Council and Committees for 2018/19 up to the next Annual General Meeting of the Council.

9. Constitutional Amendments (to follow)

The City Council will be asked to approve changes to Contract Standing Orders following consideration at Audit Committee and the Constitutional Review Group (CRG), and to note other minor amendments that have been actioned by CRG under delegated authority.

10. Motions on notice

To consider motions from councillors in accordance with Part B, paragraph 14 of the Constitution.

11. Questions by Councillors

Questions to the Leader, Cabinet Members and Committee Chairs covering aspects for their areas of responsibility or concern by councillors in accordance with Part B, paragraph 12 of the constitution.

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City Council**Monday 26 February 2018****PRESENT:**

Councillor Mrs Foster, in the Chair.

Councillor Kelly, Vice Chair.

Councillors Mrs Aspinall, Ball, Mrs Beer, Bowie, Bowyer, Mrs Bowyer, Mrs Bridgeman, Carson, Churchill, Coker, Cook, Dann, Philippa Davey, Sam Davey, Deacon, Downie, Drean, Evans, Fletcher, K Foster, Fry, Hendy, James, Jordan, Martin Leaves, Michael Leaves, Sam Leaves, Loveridge, Lowry, Dr Mahony, Mavin, McDonald, Morris, Murphy, Nicholson, Parker-Delaz-Ajete, Penberthy, Mrs Pengelly, Rennie, Ricketts, Riley, Singh, Smith, Sparling, Storer, Jon Taylor, Kate Taylor, Tuffin, Tuohy, Vincent, Wheeler, Wigen and Winter.

Apologies for absence: Councillors Darcy and Stevens

The meeting started at 2pm and finished at 5.10pm

Note: The full discussion can be viewed on the webcast of the City Council meeting at www.plymouth.gov.uk. At a future meeting, the Council will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.

56. **Minutes**

Agreed the minutes of the meeting held on the 29 January 2018.

57. **Declarations of Interest**

The following declarations of interest were made by councillors in accordance with the code of conduct in respect of items under consideration at the meeting -

Name	Minute Number	Reason	Interest
Cllr Jon Taylor	61	NHS Employee	Private
Cllr Kate Taylor	61	NHS Employee	Private
Cllr Mrs Leaves	61	NHS Employee	Private

58. **Announcements**

There were no announcements.

59. **Questions by the Public**

There were no questions from members of the public.

60. **Appointments to Committees, Outside Bodies etc**

Council noted the following changes to appointments –

Committee	Previous Member	New Member
Planning Committee	Councillor Sparling	Vacancy
Wellbeing Overview Scrutiny Committee	Councillor Sparling	Councillor Vincent
North Yard Community Trust	Councillor Stevens	Councillor Coker
City Centre Company	Councillor Darcy	Councillor Churchill

61. **Revenue And Capital Budget And Proposed Council Tax Levels For 2018/19**

At the start of the debate Councillor Bowyer proposed, Councillor Evans seconded and Council agreed that in accordance with Part B, Council Procedure Rule 14.6 of the Constitution, Rule of Debate 4.2 (in Appendix one) (which limits speeches to five minutes) is suspended for this item in relation to the speeches by the Leader and the Leader of the Opposition.

For the motion (55) –

Lord Mayor, Councillors Mrs Aspinall, Bowie, Coker, Dann, P Davey, S Davey, Evans, Hendy, Lowry, Mavin, McDonald, Morris Murphy, Parker-Delaz-Ajete, Penberthy, Rennie, Singh, Smith, Sparling, Jon Taylor, Kate Taylor, Tuffin, Tuohy, Vincent, Wheeler, Winter, Ball, Mrs Beer, Bowyer, Mrs Bowyer, Mrs Bridgeman, Carson, Cook, Churchill, Deacon, Downie, Drean, Fletcher, Foster, Fry, Jordan, Kelly, Martin Leaves, Mike Leaves, Sam Leaves, Loveridge, Dr Mahony, Nicholson, Mrs Pengelly, Ricketts, Riley, Storer, Wiggins and James.

Absent / did not vote

Councillors Darcy and Stevens.

Councillor Bowyer (Leader) proposed and Councillor James (Vice Chair Wellbeing Overview and Scrutiny Panel) seconded an amended report and recommendations on the Revenue and Capital Budget and Proposed Council Tax Levels for 2018/19.

Following a debate on the budget Council agreed -

1. To approve the proposed net revenue budget requirement for 2018/19 of £185.556m;
2. To approve the total capital budget of £674.640m to 2021/22 (Appendix 5);
3. To -
 - a. Approve an increase to the Council Tax by one point four seven percent (1.47%)
 - b. Approve an increase to the Council Tax Adult Social Care precept of three percent (3.00%)
 - c. Approve the drawdown of surplus £0.512 from the Council Tax Collection Fund
 - d. Note that the Office Police and Crime Commissioner for Devon and Cornwall and The Isles of Scilly has issued precepts to the Council in accordance with Section 40 of the Local Government Finance Act 1992 for

- each category of dwellings in the Council's area, reflecting a twelve pounds or six point eight one per cent (£12.00 or 6.81%) increase for 2018/19.
- e. Note that the Devon and Somerset Fire and Rescue Authority precepts have been confirmed reflecting a two point nine nine per cent (2.99%) increase for 2018/19.
 - f. Use the Council Tax base for 2018/19 as 71,932 [Item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the "Act")]; calculate that the Council Tax requirement for the Councils own purposes for 2018/19 is £105,767,374.
4. To agree that the following amounts are calculated for the year 2018/19 in accordance with Sections 31 to 36 of the Act:
 - a. £516,219,564 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A (3) of the Act (Gross Expenditure and Transfers to Reserves).
 - b. £410,452,190 being the aggregate of the amounts which the council estimates for the items set out in Section 31A (3) of the Act (Gross Expenditure and Transfers to Reserves).
 - c. £105,767,374 being the amount by which the aggregate at 9.5(a) above exceeds the aggregate amount at 9.5(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as it's council Tax requirement for the year. (Item R in the formula in section 31B of the Act).
 - d. £1,470.38 being the amount at 9.5(c) above (Item R), all divided by Item T (9.4 above), calculated by the council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year.
 5. To note the Section 151 Officer's statement on the Budget Robustness Statement as set out in section 2 of this report;
 6. To approve the 2018/19 Flexible use of capital receipts strategy.
 7. To approve the annual Treasury Management Strategy and Annual Investment Strategy 2018/19 (incorporating the authorised limits, operational boundaries and prudential indicators) as submitted (Appendix 7);
 8. To note the Revenue and Capital Monitoring Report Quarter Three 2017/18 (Appendix 8);
 9. To note the response to the recommendations made by the Budget Scrutiny Select Committee (Appendix 9);
 10. To delegate responsibility for any technical accounting changes which may arise after the budget to the Section 151 Officer in consultation with the Leader and Portfolio Holder for Finance and IT.

For the motion (28) –

Councillors Ball, Mrs Beer, Bowyer, Mrs Bowyer, Mrs Bridgeman, Carson, Cook, Churchill, Deacon, Downie, Drear, Fletcher, Foster, Fry, Jordan, Kelly, Martin Leaves, Mike Leaves, Sam Leaves, Loveridge, Dr Mahony, Nicholson, Mrs Pengelly, Ricketts, Riley, Storer, Wiggins and James.

Against the motion (26)

Councillors Mrs Aspinall, Bowie, Coker, Dann, P Davey, S Davey, Evans, Hendy, Lowry, Mavin, McDonald, Morris, Murphy, Parker-Delaz-Ajete, Penberthy, Rennie, Singh, Smith, Sparling, Jon Taylor, Kate Taylor, Tuffin, Tuohy, Vincent, Wheeler, Winter,

Absent / did not vote

Lord Mayor and Councillors Darcy and Stevens

62. **Tamar Bridge and Torpoint Ferry Revenue and Capital Budget**

Councillor Nicholson (Cabinet Member for Strategic Transport and Planning) proposed and Councillor Martin Leaves (Tamar Bridge and Torpoint Ferry Joint Committee Chair) seconded the Tamar Bridge and Torpoint Ferry Joint Committee Capital and Revenue Budget (Cabinet minute 80 refers).

Councillor Coker proposed and Councillor Lowry seconded a motion to add a second recommendation –

- 2 does not approve potential toll increases in 2019/20, until such time as they have been subject to public consultation and further reports to the Tamar Bridge and Torpoint Ferry Joint Committee, Cornwall Council, Plymouth City Council and approval by the Secretary of State.

Following a vote the amendment was agreed.

For the motion (52) –

Councillors Mrs Aspinall, Bowie, Coker, Dann, P Davey, S Davey, Evans, Hendy, Lowry, Mavin, Morris, Murphy, Parker-Delaz-Ajete, Penberthy, Rennie, Singh, Smith, , Jon Taylor, Kate Taylor, Tuffin, Tuohy, Vincent, Wheeler, Winter, Ball, Mrs Beer, Bowyer, Mrs Bowyer, Mrs Bridgeman, Carson, Cook, Churchill, Deacon, Downie, Drean, Fletcher, Foster, Fry, Jordan, Kelly, Martin Leaves, Mike Leaves, Sam Leaves, Loveridge, Dr Mahony, Nicholson, Mrs Pengelly, Ricketts, Riley, Storer, Wiggins and James.

Abstentions (1)

Lord Mayor

Absent / did not vote (4)

Councillors McDonald, Darcy, Sparling and Stevens.

Following a short debate the council agreed-

- 1 To approve the Tamar Bridge and Torpoint Ferry Joint Committee's 2018/19 Revenue Estimates and Capital Programme.
- 2 To not approve potential toll increases in 2019/20, until such time as they have been subject to public consultation and further reports to the Tamar Bridge and Torpoint Ferry Joint Committee, Cornwall Council, Plymouth City Council and approval by the Secretary of State

For the motion (52) –

Councillors Mrs Aspinall, Bowie, Coker, Dann, P Davey, S Davey, Evans, Hendy, Lowry, Mavin, Morris, Murphy, Parker-Delaz-Ajete, Penberthy, Rennie, Singh, Smith, , Jon Taylor, Kate Taylor, Tuffin,

Tuohy, Vincent, Wheeler, Winter, Ball, Mrs Beer, Bowyer, Mrs Bowyer, Mrs Bridgeman, Carson, Cook, Churchill, Deacon, Downie, Drear, Fletcher, Foster, Fry, Jordan, Kelly, Martin Leaves, Mike Leaves, Sam Leaves, Loveridge, Dr Mahony, Nicholson, Mrs Pengelly, Ricketts, Riley, Storer, Wiggins and James.

Abstentions (1)

Lord Mayor

Absent / did not vote (4)

Councillors McDonald, Darcy, Sparling and Stevens.

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DECLARING INTERESTS – QUESTIONS TO ASK YOURSELF

What matters are being discussed?



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Does the business relate to or is it likely to affect a disclosable pecuniary interest (DPI)? This will include the interests of a spouse or civil partner (and co-habitees):

- any employment, office, trade, profession or vocation that they carry on for profit or gain
- any sponsorship that they receive including contributions to their expenses as a councillor or the councillor’s election expenses from a Trade Union
- any land licence or tenancy they have in Plymouth
- any current contracts leases or tenancies between the Council and them
- any current contracts leases or tenancies between the Council and any organisation with land in Plymouth in they are a partner, a paid Director, or have a relevant interest in its shares and securities
- any organisation which has land or a place of business in Plymouth and in which they have a relevant interest in its shares or its securities

No

Yes



Declare interest and leave (or obtain a dispensation)





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Does the business affect the well-being or financial position of (or relate to the approval, consent, licence or permission) for:



- a member of your family or
- any person with whom you have a close association; or
- any organisation of which you are a member or are involved in its management (whether or not appointed to that body by the council). This would include membership of a secret society and other similar organisations.

Yes No  You can speak and vote




Will it confer an advantage or disadvantage on your family, close associate or an organisation where you have a private interest more than it affects other people living or working in the ward?

Yes No

Declare the interest and speak and vote



Speak to Monitoring Officer in advance of the meeting to avoid risk of allegations of corruption or bias

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Cabinet members must declare and give brief details about any conflict of interest* relating to the matter to be decided and leave the room when the matter is being considered. Cabinet members may apply to the Monitoring Officer for a dispensation in respect of any conflict of interest.

*A conflict of interest is a situation in which a councillor’s responsibility to act and take decisions impartially, fairly and on merit without bias may conflict with his/her personal interest in the situation or where s/he may profit personally from the decisions that s/he is about to take.

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LORD MAYORALTY 2018/19**City Council: 26 March 2018****Lord Mayor Selection Committee (Minute 4)
(16 February 2018)**

The Committee sought nominations for the Lord Mayoralty 2018/19. Having been nominated by Councillor Evan OBE and seconded by Councillor Nicholson, it was agreed unanimously to extend a cordial invitation to Councillor Sam Davey to accept the office of Lord Mayor for the following municipal year.

Members reflected on the historic Lord Mayor Selection Committee's minute book dating back to 1944 and the activities of past Lord Mayors.

Councillors waited upon Councillor Sam Davey who, on arrival, expressed his appreciation at the nomination which he was delighted to accept.

Agreed that it is unanimously recommended to City Council that it approves the appointment of Councillor Sam Davey as Lord Mayor for the 2018/19 municipal year.

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CABINET MINUTE 85

Taxi Licensing Policy



The Leader introduced and highlighted that this report had gone before the Place and Corporate Overview and Scrutiny Committee. The Committee made two recommendations which included the prohibition of e-cigarettes and training on the lifting and securing of wheelchairs for drivers.

Following a debate and questions, it was recommended that the use of e-cigarettes would be prohibited whilst driving with a fare paying passenger and to propose that safeguarding refresher training would be required to be undertaken every 5 years.

It was therefore agreed that Cabinet -

1. Adopt the new Hackney Carriage and Private Hire Licensing Policy, including the amendment to prohibit the use of e-cigarettes or similar devices whilst fare paying passengers are on board and include refresher training for safeguarding every five years.
2. Adopt the conditions and guidance documents as attached at Appendix B, including the amendment to the penalty point scheme guidance document required in respect of use of e-cigarettes or similar devices.
3. Delegate to the Taxi Licensing Committee the authority to review and where necessary amend the said conditions and guidance documents.

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PLYMOUTH CITY COUNCIL

Subject: Adoption of the new Hackney Carriage and Private Hire Licensing Policy

Committee: Council

Date: 26 March 2018

Cabinet Member: Councillor John Riley

CMT Member: Ruth Harrell, Director of Public Health

Author: Rachael Hind, Service Manager, Licensing

Contact details Tel: 01752 308794
email: Rachael.hind@plymouth.gov.uk

Ref: RH/TP/0118

Key Decision: No

Part: I

Purpose of the report:

The Council adopted its first Hackney Carriage and Private Hire Licensing Policy in 2008 which set out a licensing framework required to regulate hackney carriage and private hire services within Plymouth. The policy now requires updating having regard to current operating practices, best practice guidance and short-comings identified within the current policy.

The Council's Hackney Carriage & Private Hire Licensing 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.

The draft new policy and associated documents were published on our website between 3 October and 27 November 2017. All drivers, vehicle proprietors and operators were sent a letter explaining the consultation and asking for their feedback. Letters were also sent to a variety of agencies and departments including disability groups, resident's associations and businesses. 95 responses were received following the public consultation between 3 October and 27 November 2017. A drop in meeting was also arranged at the Lower Guildhall on Monday 6 November 2017 and approximately 60 people attended. The meeting discussed the main changes to the policy and everyone was given the opportunity to ask questions of the Officers and Councillor Riley. The table of responses can be found in Appendix C.

The Taxi policy has been updated to reflect the responses received. A copy of the proposed policy is attached to this report marked **Appendix A** with a copy of the Guidance and Conditions documents referred to in the policy attached to this report marked **Appendix B**.

The Corporate Plan 2016 – 2019

This report links to the delivery of the City and Council priorities.

In particular:

Growing Plymouth: By economic prosperity through an efficient public transport network.

Confident Plymouth: A safe and vibrant leisure economy will allow Plymouth to be positively marketed as an attractive destination both nationally and internationally.

Caring Plymouth: Providing consumer confidence and a safe and reliable door to door service which is relied upon by a significant number of users.

**Implications for Medium Term Financial Plan and Resource Implications:
Including finance, human, IT and land:**

Not applicable.

The cost of the consultation will be taken proportionately from the hackney carriage and private hire trade budgets which are funded through the vehicle, driver and operator licence fee income.

Any amendments to the licensing policy should have no financial impact to the general account.

The drivers will be responsible for paying for the Safeguarding and Plymouth Ambassador Training.

Other Implications: e.g. Child Poverty, Community Safety, Health and Safety and Risk Management:

Members should be aware that Section 17 of the Crime and Disorder Act 1998 puts a statutory duty on every Local Authority to exercise its various functions with due regard to the need to do all that it reasonably can do to prevent crime and disorder in its area.

The provisions are designed to protect members of the public and ensure the taxi provision is safe and suitable.

Equality and Diversity

Has an Equality Impact Assessment been undertaken? Yes

Recommendations and Reasons for recommended action:

That council agrees to -

1. adopt the new Hackney Carriage and Private Hire Licensing Policy (attached at Appendix A);
2. adopt the conditions and guidance documents attached at Appendix B to this report;
3. delegates to the Taxi Licensing Committee the authority to review and where necessary amend the said conditions and guidance documents.
4. delegate to the Monitoring Officer any consequential amendments to the Constitution.

The reason for recommending that a new policy is adopted is to update the existing policy which was introduced in 2008.

The policy now requires updating having regard to current operating practices, best practice guidance and short-comings identified within the current policy.

The reason for recommending that Council resolves to delegate to the Taxi Licensing Committee to review conditions and guidance documents is to enable these documents to be updated in response to changes in legislation.

Alternative options considered and rejected:

The legislation and national framework that applies to regulating the taxi trade has not been updated and there is no indication from Government that this will be changed in the near future. We cannot defer revising and updating our existing policy as this would mean that we will not be in a position to properly regulate hackney carriage and private hire vehicle provision within Plymouth.

Published work / information:

Existing Policy - [Hackney Carriage & Private Hire Licensing Policy](#)
 Consultation documents - [Consultations | PLYMOUTH.GOV.UK](#)

Background papers:

Title	Part I	Part II	Exemption Paragraph Number							
			1	2	3	4	5	6	7	
Taxi Policy and associated documents	x									
Table of responses for all consultation feedback	x									

Sign off:

Fin	djn17 18.18 9	L e g	29624/ AG/1.2. 18	Mo n Off	LT/29624/ 1.2.18	HR		Assets		IT		Strat Proc	
Originating SMT Member: Ruth Harrell													
Has the Cabinet Member(s) agreed the contents of the report? Yes													

1.0 Introduction

The draft Taxi Policy and associated documents were published on our website between 3 October 2017 and 27 November 2017. All drivers, vehicle proprietors and operators were sent a letter explaining the consultation and asking for their feedback. Letters were also sent to a variety of agencies and departments including disability groups, residents associations and businesses.

A drop in meeting was also arranged at the Lower Guildhall on Monday 6 November 2017 and approximately 60 people attended. The meeting discussed the main changes to the policy and everyone was given the opportunity to ask questions of the Officers and Councillor Riley.

2.0 Results

51 written responses were received from the trade. Please see the table of responses in Appendix C.

Of the 51 responses; one response was from the Plymouth Licensed Taxi Association (PLTA) which represents 45 members and 30 responses were identical pre-printed objection letters that were signed by individual people. Therefore we have received 95 responses regarding the consultation.

3.0 Main Changes to the Taxi Policy

The Taxi Policy has been updated reflecting the comments raised during the consultation (please see attached table of responses in Appendix C).

This report has been split into two sections. Part 1 will review the feedback from the general issues raised within the Taxi Policy. Part 2 will focus on the feedback regarding the proposed livery.

Part 1: General Issues

The main areas that were reviewed and are recommended to be changed following the consultation are:

a) Dress code

The dress code will be introduced but it will be less restrictive than the one originally proposed. The following standard has been included in the policy and guidance documents:

As a minimum standard:

Tops

Collared shirt, collared polo shirt or collared blouses which have a full body and short or long sleeves.

Trousers/Shorts/Skirts

Smart long legged trousers (no denim), knee length tailored shorts, knee length skirt or dress.

Footwear

Footwear for all drivers shall fit around the heel of the foot.

b) Penalty Points System

The Penalty Points system will be introduced as published, whereby 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. However the scheme will be reviewed after 12 months to ensure it works effectively.

c) Plymouth Ambassador Course (1 day course)

All new drivers will have to complete this within 12 months of first licence and all existing drivers must complete it by 1 April 2019.

d) Safeguarding Course (2 hour workshop)

All new drivers must attend safeguarding training before a driver's licence can be approved and all existing drivers must complete the course by 1 April 2019.

e) Wheelchair Exemption Guidance

The Wheelchair guidance has been updated to advise that Exemption Certificates can be issued for short term exemptions for a maximum period of 12 months. Lifetime exemptions will only be granted where a driver is suffering from a degenerative injury, illness or medical condition in which recovery is not a reasonable outcome. Lifetime exemptions will only be issued where an application form has been completed by their GP and includes a report from a specialist consultant with full access to their medical records.

f) Spoken English Test

The independent Spoken English assessment has been included in the policy and will be required where an applicant cannot demonstrate that they can converse properly.

g) CCTV Guidelines

These guidelines have been included in the new policy.

Part 2: Livery

The Council invited views on whether a Council Livery should be introduced for hackney carriage vehicles. Draft conditions were included in the draft policy and details of the proposed design were published.

The impact a livery will have on the hackney carriage taxi fleet will attract business, give a professional image and identity for the trade and will enhance the public's perception of their safety and security in the knowledge that they can easily identify a licensed hackney carriage taxi.

A number of other local authorities have introduced a livery. The implementation of a livery is an important feature of supporting the public safety and safeguarding standards we require under our licensing policy to protect those at risk and these form the framework by which we undertake our statutory responsibilities in respect of hackney carriage taxi vehicle licensing.

A livery will also create a Plymouth brand, allowing customers to differentiate between hackney carriage taxis licensed in different areas and support the high professionalism of the local trade.

A hackney carriage taxi livery will raise standards in the licensed trade, as well as promote public safety.

The issues raised by the trade and the responses can be found in detail within the table of responses in Appendix C.

In light of the comments received, there needs to be further consideration of taxi livery and therefore this is not included within the current recommended taxi licensing policy changes.

4.0 Scrutiny Considerations

A draft of the cabinet report and associated documents were considered by the Place and Corporate Overview and Scrutiny Committee on 31 January 2018. The Committee agreed to the recommendations contained within the report, subject to the inclusion of the following:

1. Amend Chapter 3, Paragraph 2.5 of the Hackney Carriage and Private Hire Licensing Policy to include the following sentence 'In order to maintain a pleasant environment for all passengers, the use of e-cigarettes or similar devices within the vehicle is prohibited at any time'.
2. It was requested that regular training on the lifting and securing of wheelchairs is provided for drivers.

Recommendation 1 –

If this recommendation is included within the Policy document the Council's penalty point scheme guidance document will also need to be updated to reflect this.

There are some concerns about having a complete ban on e-cigarettes within the vehicle at all times. This would mean that a driver waiting at a rank in bad weather would not be able to use an e-cigarette whilst waiting for customers. It would also mean that drivers would not be able to use e-cigarettes in their vehicle when driving without passengers or when using the vehicle for their personal use.

There are a number of drivers who smoke but want to give up smoking with the help of e-cigarettes.

Cabinet agreed to recommend to Council that Chapter 3, paragraph 2.5 of the Hackney Carriage and Private Hire Licensing Policy should be amended to include:

In order to maintain a pleasant environment for all passengers, the use of e cigarettes or similar devices within the vehicle is prohibited whilst driving with a passenger.

Recommendation 2 –

This recommendation was not added to the Taxi Licensing Policy as it was not requested to be mandatory, however the taxi licencing team can arrange this training and offer it to the drivers.

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY 2018

FOREWARD

CHAPTER ONE - STATEMENT OF POLICY

CHAPTER 2 - DRIVERS

CHAPTER 3 - VEHICLES

CHAPTER 4 - PRIVATE HIRE OPERATORS

CHAPTER 5 - ADMINISTRATIVE & ENFORCEMENT PROCEDURES

FOREWARD

Plymouth City Council adopted its first framework taxi licensing policy in 2008 which recognised the need for safe, healthy, convenient, effective and sustainable hackney carriage and private hire transport. It also recognised the importance of this provision to the local economy and vibrancy of the City. The time is right to review our policy having regard to current operating practice, national concern raised following safeguarding incidents around the Country, changes in vehicle design and the desire to improve our policy for the benefit of the travelling customers.

Taxis are a vital component of the public transport system that provides a door-to-door service which is relied upon by a significant number of users.

For many visitors the journey they make in a licensed vehicle will play a significant part in forming an initial perception of the City and so our licensed drivers play an important role in the future economic success of the City as a business and visitor destination. First impressions do matter!

The Council sees the licensing as an integral part of its approach to achieving its strategic and corporate objectives. The policy will influence the nature of taxi provision in the lead up to Mayflower 2020 to ensure the trade contribute in the success of the celebrations and benefit from increased economic activity.

Councillor John Riley
Cabinet Member for Licensing
Plymouth City Council

CHAPTER ONE**STATEMENT OF POLICY**

- 1.0 General Matters
- 1.1 The Council's Hackney Carriage & Private Hire Licensing Policy (The policy) is framed by virtue of the powers granted to the Council by The Town and Police Clauses Act 1847, the Plymouth City Council Act 1975 and the Plymouth City Council Act 1987 and any subsequent legislation that may supersede or amend these local Acts.
- 1.2 The policy outlines the licensing process by which the Council will regulate the hackney carriage and private hire trades licensed to operate within the City of Plymouth.
- 1.3 The Council currently licences 357 hackney carriages (360 maximum), 835 private hire vehicles, 392 hackney carriage drivers, 838 private hire drivers, and 30 private hire operators. Private hire numbers are subject to a degree of fluctuation depending on economic factors and the time of year.
- 1.4 Plymouth City Council (The Council) is the designated local authority for the purposes of licensing and regulation of hackney carriage and private hire provision within the administrative district of Plymouth.
- 1.5 Throughout this policy the word 'taxi' is used as a generic term in respect to both hackney carriages and private hire vehicles as the term 'taxi' is commonly used by the general public and is used in this document in to reflect this. Where specific reference is made, the terms hackney carriages (taxis) and private hire vehicles are used.
- 2.0 The Department for Transport Best Practice Guidance**
- 2.1 The Department for Transport (DfT) has national responsibility for taxi and private hire legislation in England and Wales and supplies local authorities with Best Practice Guidance for those trades. The latest guidance has been considered when formulating this policy document. The Department for Transport itself recognises that individual Councils are best placed to *"decide for themselves the extent to which they wish to make use of it or adapt it to suit their own purposes"*.
- 3.0 Purpose of this Policy**
- 3.1 The policy will provide a framework that will assist in delivering a safe, regulated hackney carriage and private hire licensed trade. The Council, in adopting this policy recognises both the needs of residents and visitors to expect a safe, healthy, convenient and effective hackney carriage and private hire transport service.
- 3.2 The Council has adopted byelaws, conditions of licence and vehicle specifications and any other standards considered appropriate to regulate the hackney carriage and private hire trades for the benefit of all concerned within the City of Plymouth.
- 3.3 The Council in its decision making will consider each case on its own merits, having regard to the requirements of this policy, any relevant specific policy documents, national best practice guidance and any other information considered relevant.

- 3.4 The Council reserve the right to update, amend or otherwise change any policy, specification, condition of licence or guideline as the need arises, having regard to changes in legislation, statutory guidance or local standards.

4.0 Licensing Objectives

- 4.1 The Council will carry out its hackney carriage and private hire licensing functions with a view to promoting the following licensing objectives:

- 1. Safety and health of drivers and the public**
- 2. Vehicle safety, comfort and access**
- 3. Prevention of crime and disorder and protection of consumers**
- 4. To encourage environmental sustainability**
- 5. Protection of children and other vulnerable persons from harm**

- 4.2 As a guide, in promoting these objectives the Council will consider the following matters;

Safety and health of drivers and the public:

- Consideration of history of convictions and cautions
- Driver training, qualification and performance
- Knowledge of Plymouth
- Health and fitness to fulfil the role of a licensed driver
- Crime prevention measures
- Vehicle specifications and vehicle safety
- Safety at ranks
- Regular driver health checks
- Support for smoke freedom and tobacco control
- Personal safety initiatives for drivers

Vehicle safety, comfort and access

- Standards of vehicle safety, comfort and appearance
- Location of ranks
- Use of ranks
- Integration of transport systems
- Provision of disabled facilities and assistance
- Number of vehicles available
- Provision for the aged and the young
- Livery
- Good local knowledge
- High standards of customer service

Prevention of crime and disorder and protection of consumers

- Operating rules conditions and disciplinary processes
- Vetting, qualification, training and monitoring of licensees
- Servicing of city centre ranks at night and support for the provision of rank marshalling
- Support for the dispersal of customers from licensed premises, as necessary
- Measures to reduce noise, odour and light nuisance from hackney carriage and private hire activities
- Commitment to work with the police and other relevant agencies

- Provision of safe premises for driver and public use
- Transparent fares

To encourage environmental sustainability

- Work with stakeholders in the trade in finding methods of reducing vehicle emissions and only permitting licences for vehicles that comply Euro Technology or age requirements set out in specifications
- Consider alternative fuels, hybrids and other conversion systems
- Engine off at idle

Protection of children and other vulnerable persons from harm

- Safeguarding policies and procedures
- Co-operation with agencies to protect children
- Training to cover issues such as disability awareness, safeguarding, etc.
- Criminal records checks, police records or information held by any other agency

4.3 The policy recognises that the licensing function is only one means of securing the delivery of the above objectives. The Council will therefore continue to work in partnership with the industry, its neighbouring authorities, the Police, other enforcement agencies, local businesses and local people towards the promotion of the licensing objectives.

4.4 In undertaking its licensing function, the Council will have regard to;

- Town and Police Clauses Act 1847
- Plymouth City Council Act 1975
- Plymouth City Council Act 1987
- Transport Acts and other associated Road Traffic Acts
- Crime and Disorder Act 1998
- Environmental Protection Act 1990
- Equality Act 2010
- Health Act 2006 and associated regulations
- Local Authorities (Functions) & Responsibilities (England) Regulations 2000
- Any amendments to these acts or other new relevant legislation

The Council will also have regard to other relevant strategies, policies and guidance in its decision-making;

4.5 The Council will also have regard to wider considerations affecting visitors, employers and the residential population of the City. These include the availability of hackney carriage and private hire services at all times, public nuisance, pollution, crime and the capacity of the trade to cope with the customer demand, particularly at night.

4.6 In determining any matter in respect of a licence the overriding principle adopted by the Council will be that each matter will be determined on its own merits.

5.0 Consultation

5.1 Before determining this policy statement the Council has consulted with the following:

- The Police
- Devon & Somerset Fire and Rescue Service
- Children's Services Child Protection Team
- Vehicle, operator & driver licence holders

- Hackney Carriage and Private Hire trade representatives
- Local businesses and their representatives
- Local residents and their representatives
- Disability Groups
- Representatives of the transport industry serving Plymouth
- Highways Authority
- Social Inclusion Unit
- Office of the Director of Public Health
- Planning Authority
- Network Rail
- Plymouth University
- City Centre Management Company
- Plymouth Waterfront Partnership
- Ward Councillors

Proper weight has been given to all views prior to this policy being adopted.

- 5.2 The Council will conduct general or targeted public consultation as appropriate when considering any change to this policy or its associated documents.

6.0 Delegations

- 6.1 The Council will carry out all of its hackney carriage and private hire and other vehicle licensing responsibilities in Para B of Schedule I of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and the Plymouth City Council 1975. The method of delegation to Taxi Licensing Committee and to Officers is set out in the Council's Constitution which may be updated from time to time.

7.0 Promotion of Equality

- 7.1 This policy recognises that the Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 7.2 The Council will have regard to any relevant factors in its decision-making where a licensed driver or operator have carried out any actions, practices or processes, whether overtly or otherwise, where the intention is to cause discrimination, harassment or victimisation of any individual or group.
- 7.3 An equalities impact assessment has been completed and the actions of the Council as the Licensing Authority will be undertaken with due regard to equality obligations.
- 7.4 The Council promotes fairness and equality so will require pricing strategies that do not discriminate against disabled users. The Council actively seek to promote the licensing of specialist high dependency vehicles that provide a door to door service to disabled users. In all cases the Council will expect to see a clear pricing strategy that sets out hiring costs, which are not discriminatory.

8.0 Departure from this Policy

- 8.1 In exercising its discretion in carrying out its regulatory functions in respect to taxi licensing, the Council will have regard to its relevant policy documents. Notwithstanding the content of this policy, each matter will be considered on its own merits, but where there are clear and compelling reasons the Taxi Licensing Committee may, having regard to all the available information authorise a departure from its policy documents.
- 8.2 Any subject matter not covered in this policy, vehicle specification, condition of licence or any other associated document does not give any implied permission. In these circumstances any person should contact the Licensing Office and seek further guidance.
- 8.3 The Council reserves the right to carry out amendments to this policy, or any condition, specification or guideline where it is appropriate to do so to further clarify the original intention of any particular point, in terms of grammar, punctuation, diction or error. In addition, any changes in technical standards, case law, national policy or any other circumstances that make it reasonable to amend any relevant document.

CHAPTER 2**DRIVERS****1.0 Requirements for a Licence**

- 1.1 It is a legal requirement that drivers of either hackney carriage or private hire vehicles obtain a licence to drive those vehicles from the Council.
- 1.2 The Council may issue a licence provided the applicant has held a full driving licence for at least 12 months and is a 'fit and proper' person.
- 1.3 The Council will consider each case on its own merits.
- 1.4 The Council will only licence a driver, if that person has completed all pre-requisites as specified for the issue of that licence and holds a driving licence that enables him/her to drive lawfully in the UK. The licence must be valid, free from any defect, be in the current address of the holder and be in date.

The applicant or existing driver must sign a mandate or other method of authorisation that will enable the Council to check the current status of their driving licence for motoring endorsements as part of the licensing or compliance process.

The Council will expect all non-UK licensed drivers to apply for a UK DVLA driving licence in accordance with current DVSA requirements. Driving licences originally issued by an EU state are valid until the age of 70 years old or for 3 years as a resident of the UK. EU licences issued in exchange for a non-EU licence can only be used for 12 months.

1.5 In determining whether a person is 'fit and proper' to hold or retain a driver's licence, the Council will consider amongst other things, relevant skills, knowledge, experience, qualifications, spoken and written English, medical fitness, criminal record, motoring endorsements, an understanding of local byelaws and conditions of licence, enhanced training requirements, the Code of Good Conduct and any other information thought to be relevant.

1.6 These requirements apply to new applicants and existing licence holders.

- 1.7 The Council reserve the right to introduce changes to the way it administers the licensing process from time to time, on the grounds of improving efficiency and operational practice. For example the way it processes DBS disclosure checks, DVSA driving licence checks, on-line applications, cashless transactions, changing equipment suppliers and any other systems or processes that would improve service provision.

2.0 Qualification by Age

- 2.1 The Council will not have regard to the age of an applicant when determining their suitability to hold a licence providing that they have held a full driving licence for 12 months and satisfy all the pre-requisites required of any applicant or renewal application.

3.0 Immigration Status

- 3.1 The Council must ensure that all non UK national applicants or existing drivers have the appropriate 'right to reside' and 'right to work' permission and can present the correct papers that demonstrate this. Any costs associated with this requirement will be met by the applicant. Any driver who does not have the right to work, or has it removed will have their licence revoked.

4.0 Driver Qualifications, Skills and Knowledge

- 4.1 Before an application for a drivers licence can be approved, the individual must have passed the:
- a) Medical (see 5.0)
 - b) Submit a DBS and Certificate of Good Conduct (if required) (see 6.0)
 - c) Topographical Knowledge of Plymouth (KOP) test,
 - d) Driving Standard's Test (DST),
 - e) Safeguarding training

These pre-requisite tests are an essential part of the application process that ensures an applicant has the appropriate baseline skills to function as a licensed driver in the City of Plymouth. The licence application is not considered to be completed until all of the above elements have been provided.

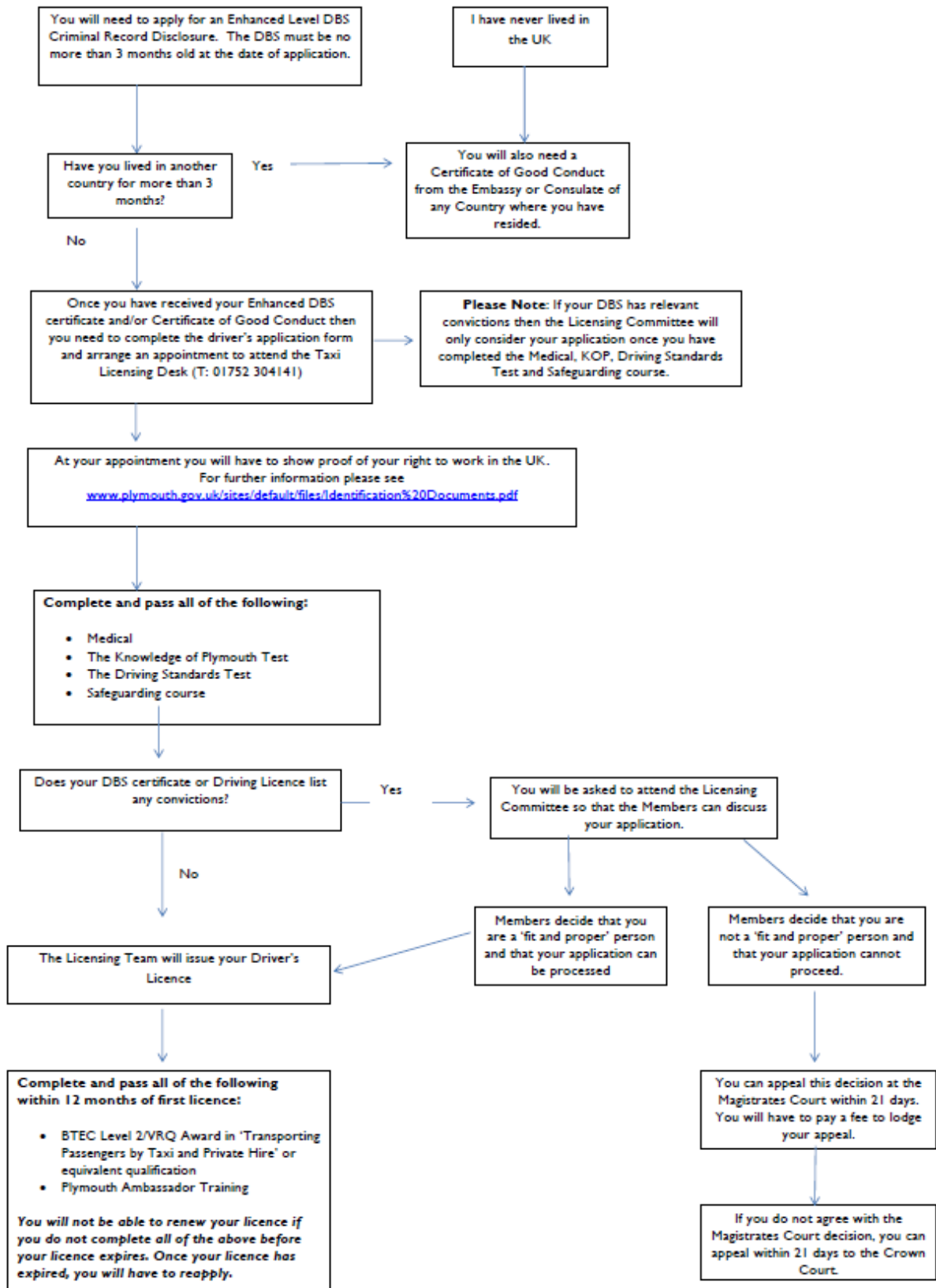
Within **12 months** of receiving their first licence, the driver will be required to undertake all of the following:

- a) The VRQ or equivalent qualification in 'Transporting Passengers by Taxi and Private Hire'
- b) Plymouth ambassador training

The licence will not be renewed if these qualifications have not been completed and passed.

Qualifications will only be accepted if they have been issued by a reputable training provider who can demonstrate full compliance with national training standards, specifications and quality assurance framework

Flow Chart for the application process for a taxi or private hire drivers licence



- 4.2 The Council expect any applicant to be able pass a Knowledge of Plymouth, Driving Standards test or any other relevant test within a maximum of three attempts. This will also apply to existing drivers who are required to re-sit a test as a sanction imposed by Taxi Licensing Committee. An applicant will not be entitled to re-sit any test after three failures unless they can demonstrate a change in professional behaviour and understanding e.g. successful completion of professional driving lessons as specified by the Council's nominated examiner or a structured English language course.

If an applicant fails a Driving Standards Test, the Council will be guided by the professional opinion of the test examiner as to whether the applicant should at any time be entitled to re-sit on safety grounds. This may require the applicant to submit to a series of professional driving lessons.

- 4.3 The Council reserve the right to require all licensed hackney carriage and/or private hire licensed drivers to successfully pass the VRQ or equivalent qualification in 'Transporting Passengers by Taxi and Private Hire. This is a relevant factor when deciding whether any person remains 'fit and proper' to hold or retain a licence.

- 4.4 The Council consider it a reasonable expectation that all licensed drivers undertake additional enhanced training (or refresher training) where it is appropriate to do so e.g. Safeguarding training and Plymouth Ambassador training where it is designed to improve the good image of Plymouth for the benefit of passengers and the ongoing visitor economy. All existing drivers must complete the following additional training:

- Safeguarding – at time of renewal or by 1st April 2019, whichever comes first and refresher training every 5 years
- Plymouth Ambassador – By 1st April 2019

The Council will take steps to ensure that every driver has the opportunity to attend a course of their choosing. Failure to attend will be considered as grounds that the driver is no longer 'fit and proper' to retain a licence

The Council reserves the right to introduce additional mandatory training where it is deemed necessary.

- 4.5 The Council consider it a reasonable expectation that all applicants and existing drivers are able to properly communicate with their passengers, enforcement agencies and the passers-by. The Council will assess communication skills at each stage of the application process and whilst licenced to ensure that an applicant is capable of;

- Conversing with their passengers sufficiently to respond to requests for assistance, directions, explanation of charges and any other reasonable request
- Calculating the correct fare and providing the correct change
- Providing a legibly written receipt upon request
- Understanding and complying with licence conditions

Where the Licensing Officer deems necessary a third party assessment may be required to confirm that the applicant has suitable spoken English language skills for working as a taxi driver. The costs of this assessment must be met by the applicant.

If at any time the Council has reason to believe that the standard of spoken English is not adequate an assessment will be made to establish whether or not the applicant has the communication skills expected of a licensed driver. Where a person cannot properly communicate with officers the Council reserve the right to defer an application or review an existing licence.

- 4.6 Any applicant found cheating or attempting to cheat to gain an advantage, by using any type of electronic device, additional aid, substitute candidate, or any other similar means during any prerequisite test will immediately be excluded from taking or continuing the test.

Where an applicant or existing licensed driver has been identified as having cheated in any pre-requisite test or training course, the Council consider this as serious misconduct.

The same requirements will apply to any licensed driver who, for whatever reason is required to retake any pre-requisite test.

- 4.7 All costs associated with complying with any pre-requisite test, standard or qualification as part of the application process or a direction by Taxi Licensing Committee are the responsibility of the applicant or licensed driver.

5.0 Medical Fitness

- 5.1 Applicants for the grant of a drivers licence are required to satisfy the requirements of the DVSA Group II medical standard of fitness to drive, signed by their own GP or other suitably qualified medical practitioner. The medical certificate must have been issued within the three months preceding the date of application for a licence.

- 5.2 An updated medical certificate must be provided at the following time line intervals; at 45 years of age and every 5 years thereafter until the age of 65 and annually from the age of 70 onwards, for as long as that person remains a licenced driver.

The medical certificate must be submitted using the paperwork supplied by the Council to coincide with the timeline and not at the renewal of the licence. The Council reserves the right to review an existing licence where the driver refuses to or does not fully comply with the requirements for determining medical fitness or any other reasonable request within 28 days of first reaching the age of 45 or each of the subsequent key milestone dates as specified above.

- 5.3 All licence holders must inform the Council of any illness or condition that may affect their ability to drive or call into question their ability to satisfy DVSA Group II medical standard of fitness to drive at the earliest opportunity.

- 5.4 In all cases, it is for the driver or applicant to obtain the required medical certificate as evidence of their fitness to drive, and satisfy the Council that they are 'fit and proper' to be granted or continue to hold a licence. All costs associated with obtaining any medical certification as part of the application or renewal process are to be met by the applicant or licensed driver.

- 5.5 Any applicant or existing licensed driver that is unable to satisfy the Council that they meet the required DVSA Group II standard of fitness to drive will not have a licence granted; or renewed; or the licence may be revoked or suspended until such time as the medical certificate or appropriate information is produced.
- 5.6 Any applicant and existing licensed driver with insulin treated diabetes may be granted a licence or permitted to renew an existing licence provided that the diabetes treatment would permit that person to be entitled to drive DVSA category C1 vehicles. All other aspects of the Group II medical standard of fitness to drive must be achieved.
- 5.7 The Council reserve the right to request further additional information or that a further medical examination be undertaken by a Council approved independent medical examiner to confirm medical fitness the DVSA Group II standard of fitness to drive where their medical fitness has been called into question.

6.0 Disclosure & Barring Service (DBS) Disclosure Checks

- 6.1 Applicants and licence holders are required to submit an **enhanced DBS disclosure check** prior to their first application and then every 3 years. The results of this disclosure will be used to assist the Council in deciding whether or not that person is 'fit and proper' to be granted or retain a driver's licence, in accordance with the Council's Guidelines Relating to the Relevance of Convictions and Conduct. The Council will have regard to a number of factors in assessing the relevance of convictions.
- 6.2 The Council will only accept an enhanced DBS disclosure certificate where it has been applied for using a provider nominated by the Council, or is provided by another acceptable regulated body. The Council will only accept certification that is consistent with that required to be a licensed driver. Any disclosure check must be less than 3 months old at the date of application.
- 6.4 Any costs associated with obtaining an enhanced DBS disclosure certificate is the responsibility of the applicant.
- 6.5 The Council reserves the right to make changes to the way in which it administers the DBS disclosure checking procedures and will review changes from time to time on the grounds of efficiency and improving administration of the service.

7.0 Certificates of Good Conduct

- 7.1 The Council recognise there are occasions when an enhanced DBS disclosure will not achieve its aim, for example, where the applicant has resided in this country for a short period of time. In these cases the Council require all applicants to obtain a Certificate of Good Conduct from the relevant UK embassy or consulate, authenticated, translated and sealed by that embassy or consulate, which accounts for all periods (in excess of 3 months) that they have not been resident in the UK.

- 7.2 If 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.

The certificate must be less than 3 months old at the date of the application.

However, if you are unable to provide a certificate of good conduct due to there being no process for obtaining criminal record certificates from the home country authorities (as set out in Home Office guidance), and you have lived in the UK from the age of 18 years and have been resident here for 5 continuous years you will be exempt from provision of this certificate.

- 7.3 Where an applicant has resided in this country for more than 3 months, they are also required to apply for an enhanced DBS disclosure, at the time of application.
- 7.4 Any costs associated with obtaining a Certificate of Good Conduct are the responsibility of the applicant.
- 7.5 Where an applicant is granted a licence without the necessity to have an enhanced DBS disclosure check the licence will only be for 1 year. That person will be required to submit an enhanced disclosure check after 12 months when the licence is renewed.

8.0 Grant and Renewal of Driver Licences

- 8.1 Driver licences can be issued for either a 1 year or 3 year duration. The Council may exercise discretion and issue a licence of a shorter duration, if it considers this to be reasonable given the individual circumstances.
- 8.2 The Council may exercise discretion and renew a licence past its expiry date although there can be no guarantee of reinstatement where prior notice has not been given or where other circumstances exist that call into question whether that person remains 'fit and proper' to hold a license, e.g. where a driver has continued to work whilst unlicensed.

A valid hackney carriage or private hire licence is required at all times when driving a licensed vehicle.

- 8.3 The following discretion will apply:

- Any driver can renew their driver's licence within 12 months from the date of expiry of their last licence providing that the licence holder gives a justifiable written explanation and on submission of a new application form, medical certificate and DBS certificate. There will be no requirement to complete the Knowledge of Plymouth or Driving Standards Test required of a new applicant, unless there is a specific reason to do so.
- The driver will be required to undertake a Level 2 VRQ in 'Transporting Passengers by Taxi or Private Hire (or equivalent qualification) and the Plymouth Ambassador and Safeguarding course if not already held within 12 months.

The new licence shall have effect from the date it is issued.

Any driver applying for a driving licence beyond 12 months from the date of expiry of their last licence will be considered as a new applicant with the requirement to undertake all pre-requisite tests and complete the relevant qualification

- 8.4 It is the licence holder's sole responsibility to take steps to renew their licence prior to the date displayed on their existing badge. Any reminder letters sent are a courtesy and should not be relied upon as the sole method of reminder.

9.0 Restricted Private Hire Drivers Licence

- 9.1 A restricted driver licence may be issued for specific driving situations where the full range of normal requirements expected of a private hire driver are not required. This is currently recognised as suitable for use in:

- Airport / Seaport Transfer drivers
- School Contract drivers
- Executive Hire drivers
- Sight-seeing tours

- 9.2 A driver issued with a restricted licence shall not be required to take the Knowledge of Plymouth test. All other pre-requisites for obtaining a licence still apply. Any driver issued with a restricted licence cannot provide traditional private hire or hackney carriage services until they have successfully passed a Knowledge of Plymouth test in which case their existing restricted licence will be cancelled and a full private hire driver's licence issued.

10.0 Conditions of Driver Licence

- 10.1 The Council may attach such conditions to a private hire driver's licence as are considered necessary. These conditions may vary from time to time at the discretion of the Council and where appropriate these new conditions of licence will be issued at each grant of licence.
- 10.2 Regulation of hackney carriage drivers is achieved through the use of byelaws. The Secretary of State for Transport has approved a set of byelaws to regulate the hackney carriage trade operating within the City of Plymouth. These byelaws became effective from the 14th July 2009 and will remain in place until such time as they are updated or replaced.

11.0 Medical Exemptions

- 11.1 The Council operate a 100% wheelchair accessible hackney carriage fleet driven by drivers who are experienced and able to transport wheelchair passengers in a safe and confident manner. Licensed drivers are not permitted to refuse any passenger, including wheel chair users, without reasonable cause, unless the driver holds a medical exemption excusing them from such duties.
- 11.2 The standards and conditions that apply to medical exemptions are contained in the Council's Wheelchair and Assistance Dogs Exemption Guidelines.

- 11.3 The Council reserves the right to review the necessity of a driver to continue to hold a medical exemption and where appropriate that driver will be required to submit to an independent medical assessment as a condition of retaining their medical exemption.

12.0 Code of Good Conduct

- 12.1 The Council consider that the hackney carriage and private hire trades are a key front-line transport service for residents and visitors to Plymouth and as such, view licensed drivers as 'ambassadors' in promoting the good image of Plymouth, both nationally and internationally.

- 12.2 In order to promote its licensing objectives the Council has adopted a Code of Good Conduct in respect to the operation, appearance and behaviour of licensed drivers. Compliance with this Code of Good Conduct will be relevant when considering whether a licensed driver is 'fit and proper' to hold or retain a licence.

13.0 Penalty Points System

- 13.1 The Council has adopted a 'penalty point' system of enforcement. The purpose of the scheme is to provide a more balanced, consistent and transparent approach of enforcement against licence holders who commit minor offences. It can be considered to be a more structured and formalised method of issuing warnings. The scheme does not prevent the Council from taking any other enforcement actions it is entitled to take under legislation or byelaws.
- 13.2 Points will be issued by authorised officers of the Authority to licence holders who are found to be in breach of legislation, byelaws, the taxi licensing policy or conditions of licence. Points will be issued by means of a written notice on which shall be supplied the number of points imposed and the reason/s for which they have been issued.
- 13.3 The maximum number of points that can be imposed in respect of any particular matter is set out in the table which accompanies the guidance, but it is possible for one incident or inspection to result in more than one set of points being issued.
- 13.4 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.

CHAPTER 3**VEHICLES****1.0 Safe and Suitable Vehicle Proprietors**

- 1.1 All vehicle proprietors must obtain a Basic Disclosure from the Disclosure and Barring Service (DBS) every three years.
- 1.2 To enable consistent and informed decisions to be made, the Council will apply the following test:
- ‘Would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of day or night without arousing suspicion and be satisfied that he/she would not allow it to be used for criminal or other unacceptable purposes, and be confident that he/she would maintain it to an acceptable standard throughout the period of the licence?’** (Paragraph 8.98, Button on Taxis – Licensing Law and Practice; Fourth Edition; Bloomsbury Professional
- 1.3 Guidance in relation to determining the relevance of offences for vehicle proprietors is set out in the Council’s Guidelines Relating to the Relevance of Convictions and Conduct.

2.0 Vehicle Specifications and conditions

- 2.1 All vehicles are presented to the Council for licensing and all vehicles whilst licensed must comply with the Council’s current Licensing Policy, Vehicle Compliance Testing Manual and vehicle specifications.
- 2.2 The Council will draft licensing policy and vehicle specifications where a distinct and recognisable difference is maintained between licensed hackney carriage and private hire vehicles. This may be achieved by way of livery, vehicle licensing restrictions, signage or other relevant methods.
- 2.3 When granting a hackney carriage or private hire vehicle licence, the Council will attach conditions to those vehicle licences that it considers reasonably necessary
- 2.4 Vehicles, once licenced, must be maintained in a mechanically safe and roadworthy condition, compliant with Council requirements, be kept clean and well presented. Failure to maintain a vehicle to an acceptable standard is a relevant matter when considering whether to grant, suspend, refuse or take any other action in respect of a vehicle licence.
- 2.5 Smoking tobacco in a licenced vehicle is prohibited under the Health Act 2006. In order to maintain a pleasant environment for all passengers, the use of e cigarettes or similar devices within the vehicle is prohibited whilst driving with a fare paying passenger.

3.0 Vehicle insurance

- 3.1 In all circumstances it is the responsibility of the proprietor and driver to ensure that the appropriate vehicle insurance cover is in place that authorises that person to drive the vehicle and that the current certificate or legible copy (electronic copies are acceptable if they achieve the same aim as a hardcopy) is carried in the licensed vehicle at all times and is available for inspection by a police officer or officer authorised by the Council. The certificate shall clearly indicate the condition and level of insurance cover in respect to the licensable activity.

4.0. Exemptions

4.1 The Department for Transport have issued guidance regarding the types of activities that may require licensing. In general the following will not be considered to require licensing

- Child-minder vehicles
- Care transport workers
- Volunteers
- Ambulances
- Courtesy cars

Each case will be taken on its own merits and the nature of the operation will be considered when considering if a licence is required.

4.2 Vehicles owned by funeral directors used wholly or mainly for the purposes of funerals are exempt from the requirement to be licensed under the Plymouth City Council Act 1975.

Where a licensed private hire vehicle is used in connection with a funeral it is not required to display any licence plate or door stickers, providing that the internal vehicle identification badge as issued by the Council is displayed in the appropriate position within the front windscreen for the duration of the funeral. In all cases the proprietor must notify the Council prior to the event.

4.3 Vehicles used wholly or mainly for the traditional purposes of wedding ceremonies are exempt from the requirement to be licensed under the Plymouth City Council Act 1975. For example, when the vehicle is used to transport to and from the ceremony venue and to the reception venue.

Where a licensed vehicle is used in connection with a wedding ceremony it is not required to display any licence plate or door stickers, providing that the internal vehicle identification badge as issued by the Council is displayed in the appropriate position within the front windscreen for the duration of the ceremony. In all cases the proprietor must notify the Council prior to the event.

5.0 Airport / Seaport / School Transfer Vehicles

5.1 Vehicles used for the purposes of airport or seaport transfer must be either licensed hackney carriages or private hire vehicles and will be subject to the same licensing requirements that apply to other hackney carriage or private hire vehicles.

6.0 Contract / Executive Hire Private Hire Vehicles

6.1 The Council recognise the value of licensed 'executive hire' vehicles in transporting passengers who have specific needs and as such will licence such vehicles providing that they are used SOLELY for that purpose. In which case there will be a requirement to display the internal vehicle identification badge in the front windscreen, as prescribed in the Vehicle Compliance Testing Manual. The licence plate and door stickers will not be issued.

6.2 The Council does not provide a definitive list of vehicles it considers to be suitable for licensing as executive hire, although it is expected that the vehicle is an 'high value' executive model, in pristine condition, that provides an elevated level of comfort that would not

reasonably be expected of a standard private hire vehicle. For the purposes of this policy executive hire applies to a licensed vehicle where the overt display of licence plates and door stickers may identify or otherwise compromise the anonymity of the travelling passenger(s) for specific personal or commercial reasons.

- 6.3 Each application for 'executive hire' will be assessed on its own merits. Each vehicle will be inspected by an authorised council officer, over and above a vehicle compliance test, to ensure compliance with these requirements.
- 6.4 In keeping with the general requirement for anonymity the vehicle shall not display any additional advertisement, signage, logos or insignia advertising the operating company or the vehicle's status as a private hire vehicle. Existing licensed private hire vehicles cannot remove the licence plate and door stickers as issued by the Council for the purposes of executive hire.
- 6.5 The driver must have their driver identification badge as proof they are properly licensed and show an authorised officer of the Council, police officer and other enforcement agency, passenger or any other person having a valid reason to inspect it, if required to do so.
- 6.6 The Council may issue specific guidelines in relation to the operation of Executive Hire.

7.0 Sight-Seeing Tours

- 7.1 Vehicles used for the purpose of bespoke sight-seeing tours must be either licensed hackney carriages or private hire vehicles and will be subject to the same licensing requirements that apply to other hackney carriage or private hire vehicles. Having regards to the nature of the work, the necessity to display door stickers is reduced. Each case will be considered on its own merits where the vehicle is used solely for that purpose.

8.0 Special Event Vehicles

- 8.1 The Council considers the following types of vehicle as examples of Special Event Vehicles when considered in the context of licensing:

- Stretched limousines;
- Decommissioned emergency service vehicles;
- Other non-standard type converted vehicles used for special events;
- Vintage vehicles.

The above list is not exhaustive, and other types of vehicle may be considered from time to time. All vehicles that carry up to eight passengers will come within the provision of this policy and as such will require licensing.

- 8.2 In formulating a standard set of conditions for such vehicles, the Council will take into account that special event vehicles will in general:
- Travel at lower speeds than other vehicles;
 - Not normally overtake;
 - Be easily recognisable by the hirer;

- Be heavier and/ or considerably longer than standard vehicles;
- Be converted or adapted vehicles.

8.3 All vehicles used for the purpose of the business must meet relevant British or European specification standard. Any vehicle, which falls within the requirements of Single Vehicle Type Approval (SVA), will require a test compliance certificate or equivalent.

The applicant must provide sight of the declaration issued to the importer by the testing authority (Driver and Vehicle Standards Agency) which states the roadworthiness and safety of the vehicle and the maximum permitted number of passengers that can be carried.

8.4 A licence for these types of vehicles will be issued for a period of 12 months, but the licence would be conditional upon the vehicle being tested and passing compliance test at four monthly intervals.

8.5 Drivers intending to drive Special Event Vehicles will be required to hold the relevant DVSA driving licence for that classification of vehicle.

8.6 The Council, when considering an application for a Special Event Vehicle, will have regards to existing specifications, conditions, local and national policies, the licensing objectives and any other relevant documentation when deciding whether to issue a vehicle licence.

9.0 Signage Conditions

9.1 The Council requires hackney carriages and private hire vehicles to clearly indicate to the public that they are licensed vehicles and will issue vehicle licence plates and stickers for that purpose for display at all times.

9.2 The Council accepts that hackney carriage and private hire vehicles must be distinguishable to allow the public to clearly identify them from other vehicles and each other and will provide plates and stickers for display for this purpose.

9.3 The Council will set standards on approved signage for both hackney carriages and private hire vehicles in its Vehicle Compliance Testing Manual, vehicle specifications and conditions of vehicle licence. They include:

- The permitted display position of licence plates;
- Colours to be used for licence plates;
- Positioning of door signs for private hire vehicles;
- Required wording for door signs on private hire vehicles;
- Requirements for the display of licenses on the internal dash or bulkhead;
- Permitted dimensions, location and wording of roof signs used on private hire vehicles.

10.0 Advertising Conditions

- 10.1 The Council will permit advertising on hackney carriages and will set standards that apply. Advertising must be approved by the Council and in making a decision the Council will take into account:
- Discrimination or sexualisation of any form;
 - The Council's licensing objectives, specifically in relation to health promotion and crime reduction;
 - The likelihood of the advert causing offence;
 - Advertising standards;
 - Council policies, in particular in respect to the promotion of smoking cessation and healthy lifestyles;
 - Advertising may take the form of words, pictures, vehicle colour/design or any other method which seeks to advertise subliminally;
 - Corporate values and standards
- 10.2 Hackney carriage owners and private hire operators are permitted to advertise the company name or trade name or mark and telephone number on the vehicle providing it complies with the Council's requirements.
- 10.3 Advertisements on vehicles must not, in the opinion of the Council, obscure or detract from the clarity of signage required by the Council to be displayed on licensed vehicles. This is particularly relevant in respect to the front passenger doors of a private hire vehicle, which should be kept clear other than for the display of vehicle door stickers issued by the Council.
- 10.4 The standards to be applied are set out in the Council's Advertising & Signage Guidelines

11.0 Window Tints

- 11.1 The minimum light transmission for glass in front of, and to the side of, the driver is 70%, except windscreens which shall have a minimum light transmission value of 75%. Vehicles may be manufactured with glass that is darker than this fitted to windows only in the rearward windows of the driver. Mirrored tints will not be permitted.

12.0 Vehicle Emissions / age policy

- 12.1 The Council's vehicle emissions standard was amended by delegated decision (Ref. CS (SSCLSC) 6 11/12), effective from the 10 January 2012. The amended standard as applicable from the date this policy was ratified is set out below;

Hackney Carriage and Private Hire Vehicle Emissions Policy

1. With effect from the 1 April 2015 no hackney carriage or private hire vehicle licence will be issued or renewed unless the vehicle has been manufactured to Euro 4 or a higher specification. The use of Bio-diesel, bio-fuel or LPG conversions will not be accepted after this date.

2. The Council may approve conversions or adaptation systems for vehicles to comply with the requirements of the Council emissions standards. The Council must be provided with satisfactory evidence that the conversion or adaptation system achieves the required emission standard and that test data complies with the European test standards for vehicle emissions. Such approval may be engine/vehicle specific. The cost of obtaining approval of new conversion or adaptation systems will not be met by the Council.
3. It is for the vehicle proprietor to provide satisfactory evidence to the Council or the approved testing station that any vehicle presented for licence or inspection complies with the requirements of this policy.
4. These provisions do not apply to Special Event Vehicles.

12.2 The Council will apply either an emissions policy or vehicle age policy in order to maintain modern standards of vehicle and reduce vehicle emissions.

13.0 Alternative Fuel Strategy

13.1 The Council is committed to promoting environmental sustainability and will consider alternative fuels which will contribute to reducing vehicle emissions, providing that the alternative is duly certificated by the Energy Savings Trust (EST), Transport for London or similar ratifying body that satisfies the Council's licensing objectives. The Council will publish a list of alternative fuel systems that comply with these requirements and update the list as new alternatives become available.

14.0 Disability Access

14.1 All hackney carriage vehicles licensed by the Council must be wheelchair accessible and capable of carrying wheelchair passengers safely.

14.2 On the grounds of safety and rank usage, hackney carriages must be able to load and unload wheelchair users from the near side passenger door (pavement facing).

14.3 There is no requirement on the private hire fleet to be wheelchair accessible. However, the Council will licence vehicles for private hire that are capable of carrying wheelchairs, providing that vehicle is not in conflict by way of make and model that is already licensed as a hackney carriage. It is the Council's intention that a distinctive recognisable difference is maintained between hackney carriage and private hire licensed vehicles.

15.0 Vehicle Compliance Testing

15.1 The Council reserve the right to carry out or require any form of test, examination or assessment as it sees fit to determine the suitability of a vehicle for licensing or to remain a licensed vehicle. The applicant will be expected to present the vehicle at any location for examination and cover all reasonable costs incurred in making this determination.

- 15.2 Prior to the issue of a vehicle licence the Council requires the vehicle to have passed a MOT and additional vehicle compliance test conducted at a Council appointed vehicle-testing station. For a licence to be issued the test certificates must be no more than 30 days old.
- The Council will specify the additional compliance test standards to be met by a licensed vehicle in its Vehicle Compliance Testing Manual. The Council reserve the right to amend and update the manual from time to time as the need arises.
- 15.3 On submission of a valid MOT and vehicle compliance certificate, the Council may issue a 12 month vehicle licence. The Council reserves the right to issue a licence of shorter duration where it is appropriate to do so.
- 15.4 Vehicles over 5 years of age at the time of licensing may be issued with a 12-month licence but are required to submit to an additional 6 month MOT / vehicle compliance test. The appointed test station will submit a copy of the compliance certificate direct to the Council by any method as agreed.
- 15.5 The Council reserves the right to suspend any licensed vehicle where the proprietor has not fully complied with these requirements as a condition of vehicle licence.
- 15.6 The Council reserve the right to alter or amend the Vehicle Compliance Testing Manual, Vehicle Specifications or Conditions of Licence at any time
- 16.0 Appointment of Testing Stations**
- 16.1 On application, the Council may appoint a currently registered MOT station as an Appointed Testing Station who will conduct tests on its behalf.
- 16.2 The Council will make an appointment for the period of one year to commence on the 1 April of each calendar year.
- 16.3 The Council reserves the right to charge an annual application fee. The fee will reflect the cost of administering the application process, ongoing application of standards, inspections and supply of documentation. The application fee is a non-returnable.
- The setting of fees will be considered as part of the service annual fees and charges review.
- 16.4 Every garage granted the status of an “Appointed Testing Station” shall abide by the Council’s terms of appointment.
- 16.5 An Appointed Testing Station will apply the standards set out in the Vehicle Compliance Testing Manual and comply with any other requirements as issued from time to time, at all times.
- 16.6 The Council reserves the right to terminate the registration of an Appointed Testing Station. Should the Council decide to terminate an appointment the Council shall give, not less than 28 days’ written notice and provide the reasons for the termination.

There is a written right of appeal to the termination of an appointment as a testing station.

- 16.7 Any garage subject to a termination may apply for reinstatement at the next calendar year however the reasons for termination will carefully considered in its decision making.
- 16.8 The Council reserves the right to apply an upper limit to the number of appointed testing stations. Factors to be considered in determining which garages are appointed will include compliance with the mandatory selection criteria, previous performance and any other relevant consideration. Previous appointment should not be viewed as any form of automatic entitlement or warrant any form of preferred status.
- 16.9 The Council reserve the right not to appoint any further testing stations.
- 17.0 Hackney Carriage Table of Fares (Tariff)**
- 17.1 The review and setting of fares is a function of the Taxi Licensing Committee.
- 17.2 The Council's approved and published table of maximum fares must be clearly displayed in the passenger compartment in an approved location as specified in the Council's Vehicle Compliance Testing Manual and hackney carriage conditions of licence.
- 17.3 The Council will review fare scales at regular intervals having regard to:
- The needs of the travelling public with reference to what it is reasonable to expect people to pay
 - The needs of the travelling public to understand how much they will be expected to pay
 - The need to give taxi drivers sufficient incentive to provide a service at the times when it is needed.
 - Distance travelled by the vehicle
 - Time of journey and waiting time
 - Passengers or goods carried
 - Day and time of travel
 - Sustainable income
 - Other reasonable charges
- 17.4 Hackney carriage fares are a maximum that may be charged and in principle are open to downward negotiation between passenger and driver. Where the journey ends outside the Council area of authority the driver and passenger may negotiate and agree a fare before the journey commences. The meter must be in operation at all times during the journey within the district of Plymouth.
- 17.5 It is an offence under adopted byelaws for any driver, without reasonable excuse, to charge more than the metered fare.

18.0 Taximeters

- 18.1 All hackney carriages must have a taximeter. The Council may from time to time publish an approved list of taximeters for use to calculate fares.
- 18.2 Taximeters used to calculate fares must be accurate and checked for accuracy by a mile distance (or part thereof). Meters in use must not facilitate fraudulent use. Taximeters must clearly display the fare to the passenger throughout the journey.
- 18.3 The Council expect agents or their nominated representatives to properly seal taximeters that can be inspected by appointed officers, appointed testing stations or any other enforcement agency. Where a taximeter is not properly sealed or shows signs that it has been tampered with, the Council reserves the right to suspend the vehicle until such time as it has been recalibrated and sealed to the satisfaction of the Council. Any costs associated with these works are the responsibility of the vehicle proprietor.

19.0 CCTV Guidance

- 19.1 The Council has adopted a minimum technical CCTV guidance to apply to all licensed hackney carriage and private hire vehicles if a CCTV system is installed in a licensed vehicle.
- 19.2 A CCTV system installed in a licensed vehicle must comply with the minimum technical CCTV specification, as indicated in our guidance.
- 19.3 The Council reserves the right to amend the CCTV guidance from time to time.
- 19.4 Where a CCTV system is installed in a licensed vehicle the proprietor must register the system with the ICO (Information Commissioners Office) for the lifetime of its installation within the licensed vehicle.

20.0 Lifting Mechanisms

- 20.1 Lifting mechanisms fitted to any licensed vehicle must conform and be tested in accordance with the Lifting Operations and Lifting Equipment Regulation 1998 (LOLER). Any costs associated with this requirement are the responsibility of the vehicle proprietor.
- 20.2 A valid compliance report conform to LOLER must be kept in the vehicle and be available for inspection.

21.0 Electric Vehicles, Hybrids etc.

- 21.1 The Council will licence electric, hybrid or similar fuel economy vehicles, providing they are of such design as to be able undertake a full range of journeys within the district, whilst carrying the maximum licensed number of passengers and associated luggage and are not be in conflict with the current vehicle emissions policy.

22.0 Private Hire – MPV's (Multi-Purpose Vehicles)

- 22.1 It is the Council's view that 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, where the seating requirements can be discussed in advance.

23.0 Non-Motorised Transport

- 23.1 Non-motorised transport falls outside the private hire licensing regime, therefore, can only be considered for licensing as hackney carriages if the business offers a 'plying for hire' service, or as an Omnibus.
- 23.2 The Council will not licence horse-drawn vehicles as hackney carriages given the existing maximum limit that currently applies and on the grounds of road safety. The Council will adopt standards and conditions that apply for non-motorised transport (horse-drawn omnibus) which may be topographically restricted to certain areas of the city (e.g. Hoe, Barbican). The Council recognises that such transport facilities can play an important role in the tourist market.
- 23.3 It is not the intention of the Council to license rickshaws or similar vehicles as hackney carriages given the maximum quantity limit that currently applies and on the grounds of road safety.

24.0 Vehicle Length (Hackney Carriage)

- 24.1 The Council will restrict the external length of a hackney carriage to a maximum length of 5000mm on the grounds of protecting limited rank space throughout the city.

25.0 Hackney Carriage Vehicle Plates

- 25.1 The Council operates a quantity limit regarding vehicle licence plates. Where a license plate is for whatever reason not linked to a roadworthy vehicle and so is not available for hire, the proprietor will receive 3 months written notice to take steps to rectify the situation so that it is made available for hire.
- 25.2 If the proprietor has failed to comply with these requirements within the 3 month written notice period, the plate must be returned to the Council. The Council will determine whether to re-issue the plate and how this will be allocated.

CHAPTER 4 PRIVATE HIRE OPERATORS

1.0 Requirements for an Operator Licence

- 1.1 Any person who operates a private hire service must apply to the Council for a private hire operator's licence and comply with the Council's conditions of licence.
- 1.2 All applications for a grant or renewal of a private hire operator's licence will be determined to ensure the applicant is 'fit and proper' to hold a licence and also having regard to any previous business activities performed by the applicant. The operator must declare all companies that operate under the umbrella of the operator's licence as this information will be displayed on the licence. Where the applicant is a limited company, a named individual(s) must be stated for inclusion in the licence.
- 1.3 The Council will issue a licence for a period of up to 5 years.

2.0 Criminal Records Checks

- 2.1 Private hire operators are required to provide a Basic DBS disclosure certificate or a Certificate of Good Conduct from a relevant embassy for foreign national applicants. The disclosure cannot be more than three months old from the date of application.
- 2.2 Where an applicant is required to obtain a Certificate of Good Conduct, they are also required to apply for a Basic DBS disclosure certificate if they have resided in this country for a period in excess of three months at the time of application.
- 2.3 The Council recognise that in many instances the applicant will already have a valid driver's license and therefore would have been the subject to 3 year DBS enhanced disclosure checks. In these circumstances the Council will accept a statutory declaration signed by a Solicitor or Commissioner of Oaths to cover the time lapse between that certificate and the date of the application.
- 2.4 Any costs for a DBS disclosure certificate, Certificate of Good Conduct or statutory declaration will be the responsibility of the applicant.

3.0 Operators Conditions of Licence

- 3.1 The Council will impose such conditions on an operator's licence as it considers necessary.

4.0 Record Keeping

- 4.1 The Council requires operators to keep records of each booking. Information must include:
- Date and time when the booking was made,
 - Name of the lead passenger,
 - Pick up point and the time of the pick-up,
 - Destination,
 - Name of the driver, the licence number of the vehicle and route.

The records must be in an approved electronic format unless otherwise agreed by the Council. Factors to be considered in deciding whether an operator does not have to comply with this requirement are size of business, number of vehicles operated, compliance and cost effectiveness.

- 4.2 The operator must hold records of insurance and licence expiry dates of drivers and vehicles. No journeys must be allocated to uninsured or unlicensed drivers and vehicles.

5.0 Operators Insurance

- 5.1 Before an application for, or renewal of, a private hire operator's licence is granted, the applicant must produce evidence that they have the appropriate public liability insurance. The Council's standard level of expected cover is £5M. Where necessary, evidence of suitable employer liability insurance will be required.

- 5.2 All operators must have suitable insurance in place indemnifying the operator against any third party claim made against the operator arising as a result of the use of a vehicle operated by virtue of their operator's licence.

6.0 Operators Offices Located Outside the Plymouth Licensing Area

- 6.1 The Council will not grant a private hire operator's licence to any person for an address or base of operations that is located outside the Plymouth City Council area.

7.0 Airport / Seaport Transfer

- 7.1 Any person providing the services of an airport transfer company or other similar service must hold a private hire operator's licence issued by the Council.
- 7.2 Companies providing airport/seaport services, school contract or executive hire or other services of a similar kind, but excluding traditional private hire or taxi journeys, will be required to provide the Council with a schedule of the types of services they provide.

CHAPTER 5**ADMINISTRATIVE & ENFORCEMENT PROCEDURES****1.0 Decision Making**

- 1.1 The Council endorses the principles of good enforcement as set out in the Regulators Code. In addition, the Council will comply with the requirements of any guidance issued by the Crown Prosecution Service and the Public Protection Service Enforcement Policy in its decision making.
- 1.2 The Council shall take enforcement action where it considers it necessary and proportionate to do so, having regard to its licensing objectives.
- 1.3 A record of any action whether informal or formal will be recorded and may be considered as relevant information, to be taken into account if further action is being considered.
- 1.4 The Council reserve the right to seek further information from external sources (for example police disclosure) to assess whether an applicant or existing licence holder is or remains 'fit and proper' to hold or retain a licence.

2.0 Compliance

- 2.1 Informal action to secure compliance with legislation will include offering advice, requests for action, verbal advice, guidance notes, the use of written instructions and the issue of inspection reports.
- 2.2 Formal action to secure compliance with a breach of any condition of licence; or any law; or byelaw relating to the hackney carriage or private hire trades will include;
- Issue a verbal instruction;
 - Issue a written warning, notice or caution;
 - Suspension of licence issued by the Council;
 - Revocation of a licence issued by the Council;
 - Refusal to renew a licence;
 - Institution of criminal proceedings;
- 2.3 These powers may be exercised by the Taxi Licensing Committee or by delegation to authorised officers.

3.0 Decision to Refuse, Revoke or Suspend a Licence.

- 3.1 Any decision to refuse, revoke or suspend a driver's licence will not be considered lightly. Nevertheless the licensing system is designed to protect the public and it would be wrong to avoid any course of action where it is clearly appropriate.

- 3.2 Guidance in relation to determining the relevance of offences together with the principles of the Rehabilitation of Offenders Act 1974 is set out in the Council's Guidelines Relating to the Relevance of Convictions and Conduct.
- 3.3 A disciplinary hearing, to consider any matter that may require a sanction against any licence issued by the Council, will be determined by the Taxi Licensing Committee or by delegation to officers, who may direct an applicant or existing driver to;
- Submit to a further Medical Examination
 - Submit to a further Driving Standards test;
 - Submit to a further Knowledge of Plymouth test;
 - Successfully complete a VRQ or equivalent qualification in 'Transporting Passengers by Taxi and Private Hire', or equivalent;
 - Complete further training or retraining, should the driver's suitability to hold or retain a licence be called into question;
 - Complete further enhanced training as specified by the Council;
 - Submit the vehicle to a further compliance test;
 - Request an increased frequency a vehicle compliance test;
 - Any other test, examination, assessment or action considered appropriate.
- 3.4 In circumstances where an applicant has not provided all relevant information or documents or has failed to comply with any of the requirements to renew a licence, then the Council will be entitled not to renew a licence based on the fact that it is an incomplete application.
- 4.0 Vehicle Licences**
- 4.1 Vehicles will be subject to periodic, random inspections by authorised officers of the Council or its agents (e.g. DVSA) to ensure the vehicle and/or its taximeter is fit for purpose.
- 4.2 Where the Council is satisfied that a vehicle fails in any respect to meet any specification or condition of licence or the relevant construction and use regulations required by law, they may suspend, revoke or refuse to renew a vehicles licence for any specified period.
- 4.3 Where an authorised officer is not satisfied of the fitness of the vehicle or taximeter they may serve on the driver or proprietor a vehicle defect notice. In cases where the authorised officer considers that the vehicle is a danger to passengers, other road users or members of the public then the licence will be immediately suspended (in accordance with S.26 of the Plymouth City Council Act 1975) until such time as the defect(s) have been remedied. The suspension shall not be lifted until it is proved to the authorised officer that the vehicle defect has been corrected. The defect notice may require the vehicle to be tested at an approved Council appointed testing station, at the proprietor's expense.
- 4.4 Where an authorised officer is satisfied of the fitness of the vehicle but considers that the vehicle has defects of a minor or cosmetic nature that do not make the vehicle un-roadworthy, they may serve the driver or proprietor with a vehicle defect notice (in accordance with S.26 of the Plymouth City Council Act 1975), specifying the defects and period of time to allow for

those defects to be remedied to his satisfaction. The authorised officer may also direct that the vehicle be made available for further testing at a Council appointed testing station to establish that the defects have been satisfactorily rectified.

- 4.5 Failure to comply with a vehicle defect notice within the statutory period for compliance may result in the revocation of that vehicle licence.

5.0 Operators Licences

- 5.1 The Council may suspend, revoke or refuse to renew an operator's licence under the provisions of S.20 of the Plymouth City Council Act 1975. In making this decision the Council will have regard to its licensing objectives.
- 5.2 The Council may suspend, revoke or refuse to renew an operator's licence on any of the following grounds:
- Any offence or non-compliance with the provisions of the Plymouth City Council Act 1975;
 - Any conduct that may render the licence holder not fit and proper (e.g. non-compliance with licence conditions);
 - Any material changes since the licence was granted; or
 - Any other reasonable cause.

6.0 Prosecution of Licence Holders

- 6.1 The Council will have regard to the Regulators Compliance Code, Code for Prosecutors, DfT Best Practise Guidance and the Public Protection Enforcement Policy when considering whether or not to prosecute a licence holder
- 6.2 When considering whether to prosecute, the following factors will be considered (this list is not exhaustive and additional factors may be considered as appropriate):-
- The seriousness of the alleged offence;
 - Risk or harm to the public;
 - Failure to comply with a statutory notice served;
 - Disregard of safety for financial reward;
 - The previous history of the person concerned;
 - Offences following a history of similar offences;
 - Failure to respond positively to past warnings;
 - The ability of any important witnesses and their willingness to co-operate;
 - The probable public benefit of a prosecution and the importance of the case;
 - Whether other action, such as issuing a formal caution, would be more appropriate or effective.

The Council will work with the Police and other enforcing authorities to coordinate agreed priorities to ensure that enforcement activity is proportionate and intelligence led.

7.0 Warning and Cautions

7.1 Written warnings and cautions may be used for minor, technical or first time transgressions where it may not be in the public interest to prosecute.

7.2 A Caution may be considered where:

- There is sufficient evidence to justify a prosecution
- The licence holder admits guilt and will accept the caution
- A caution is an appropriate means of disposal

When considering a caution, Officers will take into account the public interest principles set out in the Code for Crown Prosecutors. Where a simple caution is refused the Council will seek to pursue a prosecution.

8.0 Appeals

8.1 Any action which affects any licence will include information on how to appeal. This will include where and within what period an appeal may be brought

8.2 Where an appeal which allows the licensee to continue to operate, they must in all other respects meet the requirements for the retention of that licence. For example the need to submit medical certification, DBS checks etc.

9.0 Other Legislation

9.1 Other statutory requirements may apply and the responsibility for compliance rests with the appropriate licence holder. In its decision making, the Council may take account of non-compliance of any other statutory requirements where it undermines the licensing objectives and demonstrates that the licence holder, vehicle or premises is unsuitable to hold or retain a licence.

9.2 The grant of a licence does not imply the approval of other legislative requirements.

10.0 Administration, Exercise & Delegation

10.1 The approval of policies will generally be undertaken by Council or where suitable delegation exists, the nominated Cabinet Member, Taxi Licensing Committee or officers.

10.2 The Taxi Licensing Committee operates under terms of reference contained in the Council Constitution.

10.3 The discharge of the administration and exercise of the licensing process will be undertaken either by the Taxi Licensing Committee or officers where delegated authority exists.

10.4 The Council will expect that under normal circumstances an applicant should satisfactorily complete the application process within a maximum period of 6 months from the date of first application. If no contact is received for 6 months or insufficient progress has been made

towards the grant of a licence, then the application will be cancelled and all paperwork destroyed, with no repayment of fees.

11.0 Data Sharing

- 11.1 In the interest of protecting public funds, the Council reserve the right to use any information submitted during the application, renewal, administration or compliance process for the prevention and detection of fraud and crime. Subject to the proper data protection procedures being followed, information will be shared with other organisations involved in the investigation and detection of crime.

12.0 Refunds Policy

- 12.1 The Council will refund the unused portion of a driver or vehicle licence fee due to retirement, transfer, leaving the trade or similar reason. The refund will be calculated pro-rata based for each full month remaining on the licence, less any administrative fee which is set out in the Fees and Charges schedule.
- 12.2 Refunds will not be paid where the licence holder has been banned from driving, or had their licence suspended or revoked, or any other similar reason by Taxi Licensing Committee or officers under delegated powers.

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CCTV Vehicle Guidance

Taxi Licensing Policy 2018



Audio and Visual Recording Equipment in Licensed Vehicles

Should you wish to fit Audio and Visual Recording Equipment in your licensed vehicle, such a decision will be of your own choice. We have no mandatory scheme in relation to such equipment.

The information provided below is simply to assist you should you consider fitting any system to your vehicle.

Audio Recording

Should you wish to fit such equipment, you should ensure that any system fitted to your vehicle complies with the Information Commissioners Office "CCTV Code of Practice", which states that:

CCTV must not be used to record conversations between passengers as this is highly intrusive and cannot be justified and you should choose a system without this facility. If the installed system comes equipped with audio recording then it should be turned off or disabled. There are limited circumstances when the use of audio recording may be justified in which case the following safeguards should be observed.

- Audio based alert systems (such as those triggered by changes in noise patterns such as sudden shouting). Conversations must not be recorded, and operators should not listen in.
- Two-way audio feeds from 'help points' covered by CCTV cameras, where these are activated by the person requiring assistance.
- Where recording is triggered due to a specific threat, e.g. a 'panic button' in a taxi cab.

In the limited circumstances where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out.

The Council support the ICO's advice in relation to audio recording in its Guidelines for CCTV Systems in Licensed Taxis and Private Hire Vehicles and where you install a system with audio recording enabled you follow standards should be observed:

- Where audio recording is triggered due to a specific threat e.g. a 'panic button' a reset function must be installed which automatically disables audio recording and returns the system to normal default operation after a specified time period has elapsed.
- The time period that audio recording may be active should be the minimum possible and should be declared at the time of submission for approval of the equipment.

Notification to the Information Commissioner's Office

The Information Commissioner's Office (ICO) is the official regulator for all matters relating to the use of personal data.

The ICO defines a "data controller" as the body which has legal responsibility under the Data Protection Act (DPA) 1998 for all matters concerning the use of personal data. For the purpose of the installation and operation of in-vehicle CCTV, **the 'data controller' is the specified company, organisation or individual that has decided to have CCTV installed.**

The data controller has the final decision on how the images are stored and used and determines in what circumstances the images should be disclosed.

Notification is the process by which a data controller informs the ICO of certain details about their processing of personal information. These details are used to make an entry in the public register of data controllers.

The Council in setting a minimum CCTV technical standard and as the installation of improved systems is not mandatory are minded to specify that the 'data controller' at this time will be the

proprietor of the licensed vehicle. This decision will be kept under review and if circumstances demand changes may be implemented that change the data controller.

The nominated data controller as the proprietor of the vehicle who has a CCTV system installed must register with the ICO (Notification) and obtain documented evidence of that registration.

The Notification requires renewal on an annual basis and payment of the appropriate fee.

Where a service provider is used for the remote storage of CCTV data they will act as a 'data processor'. A data processor, in relation to personal data, means any person (other than an employee of the data controller) who processes data on behalf of the data controller, in response to specific instructions. The data controller retains full responsibility for the actions of the data processor.

Where the data controller is the vehicle proprietor or not the person driving the licensed vehicle fitted with CCTV then the controller shall ensure that any driver of the vehicle is made aware of every condition in relation to the installed CCTV system and has been given adequate instruction regarding the use of the system. The proprietor shall ensure that notification is lodged with the Information Commissioner to cover the purposes for which the CCTV system is used.

In order to register as a data controller with the ICO please visit- <https://ico.org.uk/> and choose the option Take action, register or renew.

Signage for Internal Audio and Visual Recording Equipment

All licensed vehicles fitted with a CCTV system must display signage informing passengers.

The signage must be displayed in such positions as may be specified in the Vehicle Compliance Manual that minimise obstruction of vision and to make it as visible as possible to passengers, before and after entering the vehicle. Where audio recording is installed signage must make it very clear that audio recording is being or may be carried out.

The name and the contact telephone number of the Data Controller must be included on the sign.

If you do not wish to display your name and personal telephone number then you can supply an email address however this must be checked regularly and you must respond to requests. Please contact the ICO for further details.

Signage for External Facing Audio and Visual Recording Systems

Where a system is installed in order to record incidents *outside* the vehicle, it will not be practical to display a sign. Instead, when the system is activated in response to an incident, the driver of the vehicle must inform the person(s) recorded that their personal data was captured - as soon as practicable after the incident. They should also be informed the purpose for which the device has been installed, for example to facilitate their insurance company's investigation of Insurance claims.

Operational Guidelines

Upon request for image retrieval by an officer of the Council or a police officer, the proprietor shall ensure that the CCTV system is made available to the system administrator, as soon as reasonably practicable, and in any event within 48 hours of the request.

All vehicles fitted with CCTV will display mandatory signage as detailed in the Vehicles Compliance testing Manual.

Licensing Office
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Plymouth City Council
Windsor House
Plymouth
PL6 5UF

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CODE OF GOOD CONDUCT FOR LICENSED DRIVERS

Hackney Carriage and Private Hire



CODE OF GOOD CONDUCT FOR LICENSED DRIVERS

The Council view the hackney carriage and private hire trades as a key service, that provides front-line transport services to residents and visitors to Plymouth and as such consider licensed drivers as 'ambassadors' in promoting the good image of Plymouth. First impressions are vital in encouraging tourism and new businesses to relocate in this area.

In order to promote its licensing objectives the Council has adopted a Code of Good Conduct in respect to the operation and behaviour of licensed drivers and operators and as such will have regard to this document in all its decision-making.

The Council is committed to improving the professional image of the trade so expects drivers to be smart in appearance, courteous and knowledgeable. This in turn will raise the reputation of the licensed trade and increase trade.

This Code of Good Conduct should be read in conjunction with other statutory and policy requirements, in particular that licensed vehicles are safe and roadworthy at all times.

It is a reasonable expectation that a passenger can expect a licensed vehicle to be safe, in a roadworthy condition and driven by a professional driver.

For the purposes of this code the 'trade' refers to both the hackney carriage and private hire trades.

Responsibility of the Council

The Council as the Licensing Authority will provide a licensing service that is;

- balancing the requirements of public protection against the needs for the licensed trades to operate within a stable regulatory regime
- Non-profit making;
- Fair and equitable;
- Provide support and assistance to the trade wherever possible;
- Adopt an even-handed approach to compliance and enforcement;
- Take appropriate enforcement action in respect to unlicensed activities;

Responsibility of the Trade

It is the Council's view that business owners, operators, proprietors and drivers of licensed vehicles have a shared responsibility, so far as is reasonably practical, to promote the image of the trade by complying with the following requirements;

- To comply with this Code of Good Conduct;
- To operate and make business decisions having due regard to the Council's Taxi Licensing Policy, Conditions of Licence and Vehicles Specifications or any other associated policies that may be relevant;
- To ensure any persons within their control such as employees or drivers, conduct their duties in a lawful and professional manner;
- To behave in a professional, civil, orderly and responsible manner at all times.

Responsibility of Vehicle Proprietors

A proprietor shall take reasonable steps to ensure that their vehicle(s) is maintained in a mechanically safe and roadworthy condition; is clean and well-presented both externally and internally at all times.

Responsibility of all Licensed Drivers

A licensed driver will take reasonable steps to comply with the following standards;

- To carry out a daily check to ensure that the vehicle is in a roadworthy condition prior to carrying passengers. Where faults of any description are identified which undermine the roadworthy condition of the vehicle the driver should not drive the vehicle and should report them to the proprietor as soon as possible;
- To be professional and understanding to other road users;
- To be polite and courteous to passengers;
- To behave in a manner that is in keeping of that expected of a professional licensed driver;
- Not to engage in any activities that would undermine professional standards and public confidence in the service;
- To assist passengers, where necessary into and out of the vehicle;
- To offer assistance to passengers with their luggage;
- To wear the driver's identification badge at all times when working;
- Be punctual;
- Not to smoke or allow passengers to smoke in your vehicle;
- Not to use a hand held mobile phone or similar devices whilst driving;
- Be smart and clean in appearance;
- be aware of and take reasonable steps to maintain acceptable levels of personal hygiene;
- transport passengers by the shortest available route (subject to any unforeseen circumstances such as any road works or congestion where it may be appropriate to take an alternative route by agreement with the passenger);
- Charge the correct monetary fare;
- Comply with the requirements of the Highway Code;

A licensed driver has successfully passed a Knowledge of Plymouth test which demonstrates a good knowledge of all main routes throughout Plymouth. A licensed driver is then expected to develop and improve their knowledge whilst working. Sole reliance on Satellite Navigation equipment is not an image that the Council wishes to promote. A professional driver is expected to know the shortest route and where unsure ask the passenger when nearing the desired destination.

A licensed driver will be expected to undertake '**enhanced training**' where it is appropriate or a mandatory condition of licence to do so e.g. Safeguarding training or Plymouth Ambassador training where it will improve the good image of Plymouth for the benefit of passengers.

A licensed driver should also have regard to their surrounding environment and not cause nuisance when picking up or dropping off passengers so must take reasonable steps to comply with the following requirements;

- Not sound the vehicle horn as a means of notifying a passenger of your arrival;
- Switch off the engine if required to wait;
- Do not play amplified music without passenger consent;
- Take whatever action is necessary to avoid disturbance to local residents;
- Pick up and drop off safely and without risk to pedestrians and other road users.

Hackney Carriages Drivers

Hackney carriage drivers can 'stand or ply for hire' so when using appointed ranks drivers must comply with the following requirements (as detailed in the Byelaws);

- Rank in an orderly manner;
- Move up promptly to allow others to access the end of the rank;
- If a space is not available, proceed to the next available rank;
- Remain with the vehicle whilst ranked;
- When hailed on the street to stop in a safe manner without hazard to other road users;

Private Hire Drivers

Private hire drivers cannot 'stand or ply for hire' or pick up from the street when hailed.

A private hire driver can only accept a fare that has been pre-booked through an operator.

The Council views the following activities as examples of unlawful plying for hire:

- Accepting a booking direct from a member of the public without the fare having been pre-booked.
- Touting or standing at the roadside directing persons to vehicles.
- A driver contacting his office by radio in order to make a booking on behalf of the customer.
- A driver contacting his office using his own mobile phone to make a booking on behalf of the customer.
- A driver offering their mobile to assist the customer to make a booking.

Professional Standards

The Council consider all licensed drivers to be 'ambassadors' who will take personal responsibility for presenting Plymouth in a positive light.

The Council is committed to improving the overall standards and as such expect all licensed drivers to present themselves in the manner that promotes a good professional image.

Acceptable Standard of Dress

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

As a minimum standard:

Tops

Collared shirt, collared polo shirt or collared blouses which have a full body and short or long sleeves.

Trousers/Shorts/Skirts

Smart long legged trousers (no denim), knee length tailored shorts, knee length skirt or dress.

Footwear

Footwear for all drivers shall fit around the heel of the foot.

Drivers should not wear or display any clothing, logos, badges or any other image that implies a political, sporting, national or similar allegiance which could cause offence, discriminate or enflame sections of the community.

There will be times when it is reasonable to provide community support e.g. World Cup, Olympics, royal weddings, local charitable events etc. In these cases prior permission should be sought from the Council, who may issue general guidance as may be appropriate.

Unacceptable Standards

The following standards are examples of unacceptable standards on the grounds of safety, common decency and professional image;

- Bare chests;
- Clothing or footwear which is unclean or damaged;
- Clothing printed with words, logos or graphics, which might offend;
- Clothing intended to support any political party, pressure group or other organisation designed to provoke discrimination or objection;
- Sports replica shirts e.g. football, rugby or cricket tops or track suits;
- Beach-type footwear (e.g. flip-flops or mules);
- High heels;
- The wearing of hoods or other clothing that obscures the drivers vision or their identity
- Sports shorts or swimming trunks
- Poor personal hygiene

The Council will consider the content of this Code of Good Conduct when assessing whether an applicant or existing driver is a 'fit and proper' person to hold or retain a driver's licence.

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GUIDANCE ON RELEVANCE OF CONVICTIONS AND CONDUCT



INTRODUCTION

This document should be read in conjunction with the current Taxi Licensing Policy, Vehicle Specifications, Conditions of Licence and other relevant documents.

The council cannot grant a drivers licence unless they are satisfied that the applicant is a “fit and proper person” to hold a hackney carriage or private hire drivers licence. Once a licence has been granted, there is a continuing requirement that the driver remains a fit and proper person, and if they fall below the required standard, the licence can be suspended or revoked.

To be a “fit and proper” person means that they must be “safe and suitable” to drive a hackney carriage or private hire vehicle.

The overriding consideration for the Members of the Taxi Licensing Committee is to protect the public. The licensing regime is intended, among other things, to ensure so far as is possible that those licensed to drive vehicles are safe and suitable persons to do so, namely that they are

“...safe drivers, with good driving records and adequate experience, sober, mentally and physically fit and not persons who would take advantage of their employment to abuse or assault passengers.”

(Lord Bingham in *McCool v Rushcliffe Borough Council* [1998] 3 All ER 889

Having considered and applied the appropriate guidelines, the following question should be asked:

“...Would you (as a member of the Licensing Board or other person charged with the ability to grant a hackney carriage/private hire driver’s licence) allow your daughter or son, granddaughter or grandson, spouse, mother or father, or any other person you care for or any vulnerable person you know, to get into a vehicle with this person alone?..”

(Paragraph 10.21 Button on Taxis – Licensing Law and Practice; Fourth Edition; Ed Bloomsbury Professional)

If the answer to this question is an unqualified yes, then a licence should normally be approved. If there are any doubts in the minds of those making the decision, then the licence must be refused, suspended or revoked. It is the responsibility of the applicant or existing driver to satisfy the Council they are a ‘fit and proper’ person.

In deciding whether an applicant or existing licensed driver is a 'fit and proper' person the Council will consider the overall character of the person, and in doing so will take the following factors into account (but this is not an exhaustive list, as other matters may be relevant);

- relevant skills
- knowledge
- experience
- qualifications
- spoken and written English
- medical fitness
- criminal record
- motoring endorsements
- good conduct
- any other relevant information

“Acting as a hackney carriage or private hire driver is a valuable form of employment, but it is recognised that for some drivers it will be in addition to other employment. In every case (whether a new application or an existing licensee) the overriding consideration will be public safety, and the drivers’ livelihood, and the impact of not being licensed (or having a licence suspended or revoked) on that livelihood and their family is not a matter that can or will be taken into account. “ [Cherwell District Council v Anwar (2011)] [Leeds City Council v Hussain (2002)]

Consideration to refuse, revoke or suspend a licence is not considered lightly. However, the licensing system is designed to protect the public and it would be wrong to avoid this course of action where it is clearly appropriate.

CONSIDERATION OF DISCLOSED CRIMINAL HISTORY

Whilst the Council will have regard to these guidelines, **each case will be considered on its individual merits and where the circumstances demand, the Taxi Licensing Committee may depart from its guidelines but in doing so will consider any mitigating or aggravating factors.**

If an applicant or driver has any convictions, warnings, cautions or charges awaiting trial, the Committee members will consider:

- The relevance of the offence to the licence
- How serious the offence(s) are/were
- The circumstances of the offence
- When the offence(s) were committed
- The date of conviction
- Circumstances of the individual concerned
- Sentence imposed by the court
- The applicant’s age at the time of conviction
- Whether they form part of a pattern of offending
- Any other character check considered reasonable (e.g. personal references)
- Any other factors that might be relevant

A person with a current conviction for a serious crime need not be permanently barred from obtaining a licence but should be expected to

- a) Remain free from conviction for an appropriate period and
- b) Show adequate evidence of good character from the time of the conviction. Simply remaining free of conviction may not be regarded as sufficient evidence of good character.

Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of offending or inappropriate behaviour which will be taken into account.

Where an applicant has been convicted of an offence, the Taxi Licensing Committee cannot review the merits of the conviction [Nottingham City Council v Mohammed Farooq (1998)]

When determining an application or considering whether the licence should be retained, a licence the Taxi Licensing Committee may:

- a) Take no further action / approve the licence
- b) Give a written warning
- c) Apply Conditions (on application for a licence only)
- d) Suspend the licence
- e) Revoke / refuse the issue of a licence.
- f) For existing drivers they may ask the driver to successfully undertake competence assessments or re-training. For example this may include the appropriate hackney carriage or private hire driving test, complete the VRQ or other relevant training, further medical examination or assessment, at their own expense. Should the driver fail to successfully complete additional requirements within the prescribed period the Committee may consider revoking the licence as the person will have failed to confirm to them that they are fit and proper to hold or retain a licence.

Where a driver's licence expires before the Council has had the opportunity to consider whether that person remains 'fit and proper' to continue to hold a licence, the same rehabilitation standards as set out in this document will apply. The Council will view any further application with the same seriousness as if the licence had been reviewed.

USE OF POWERS/SANCTIONS

Although each case will be considered on its own merits the Council will consider the following factors in its decision-making.

In all cases the Council will consider all relevant information even where these matters may already have been considered in a previous hearing.

In deciding whether a licensed driver is a 'fit and proper' person to hold or retain a licence, the cumulative impact of a range of relatively minor contraventions will be considered, having regard to passenger safety and maintaining public confidence in the licensed trade.

The imposition of any sanction will be considered carefully to ensure that it is just and is proportionate to the situation, taking into account the overriding requirement of maintaining public safety.

Where there are insufficient grounds to revoke a licence, the imposition of a suspension will be considered. Licences can be suspended as a punishment (R (on the application of Singh) v Cardiff City

Council Admin Court

Case Analysis	I5B86D190CA1D
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 [2013] L.L.R. 108). The length of suspension will reflect the seriousness of the contravention(s). The following parameters will be applied:

For more serious contraventions, where revocation has been discounted, a 14 day to 3 month suspension will be considered the same factors will be considered as indicated above.

For minor contraventions a 1 to 14 day suspension may be applied. Factors such as the multiple offences, frequency, patterns of offending, the circumstances of each situation and the attitude of the driver (including remorse) will be considered.

Where the skill-base or health of the licensed driver is not to the required standard, additional training, assessment or examination will also be considered.

APPEALS

Any applicant refused a driver's licence on the grounds that the licensing authority is not satisfied he is a fit and proper person to hold such a licence has a right to appeal to the Magistrates' Court within 21 days of the notice of refusal by virtue of S.9 (Private Hire) and S.17 (Hackney Carriage) Plymouth City Council Act 1975. There is also a right of appeal against any conditions attached to a private hire drivers licence S.9 (Private Hire). If a hackney carriage or private hire drivers licence is suspended, revoked or renewal is refused, a similar right of appeal exists under section 19(3) Plymouth City Council Act 1975.

TYPES OF OFFENCES

The Council considers that the following types of offences are relevant when considering the suitability of a person to hold or retain a licence;

- Dishonesty
- Violence (including criminal damage)
- Public order offences
- Substance abuse (including possession, use and distribution)
- Sexual offences (including obscene materials, indecency)
- Motoring Offences and disqualifications
- Alcohol related offences
- Contravention of licensing laws or conditions
- Discrimination

The Committee may consider other offences which may impact on the assessment of being "fit and proper". Where not specifically mentioned below these offences should be considered against the most relevant criteria and the fundamental question as to whether or not the applicant/licensee is a "fit and proper" person to hold a driver's licence.

RELEVANCE OF CONVICTIONS

The Council will have regard to the **Rehabilitation of Offenders Act 1974 as amended**.

This legislation allows most criminal convictions to become "spent" after a specified period of time. Once a conviction is spent for most purposes it does not have to be revealed and cannot be taken into consideration.

However hackney carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974 (by virtue of Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, Sch 2 para 4.)

As a result, ALL criminal convictions, irrespective of the length of time that has elapsed, can be considered by the council when determining whether a licence should be granted, renewed, suspended or revoked.

The case law (*Adamson v Waveney DC* QBD [1997] 2 All E.R. 898) makes it clear that only relevant spent convictions should be considered. The nature of the offence is the first consideration (for example it may not be connected to the activities of a driver) but the quantity of offences, even if they are not in themselves relevant, will also be taken into account.

Cautions and Endorsable Fixed Penalties

For the purpose of these guidelines formal cautions and endorsable fixed penalties shall be relevant and must be disclosed.

Cautions are not convictions but, being admissions of guilt, should be taken into consideration, in so far as it is relevant, in the determination of good character. In considering a caution the following factors will be taken into account;

- the nature of the offence
- the driver's offending history; and
- the guidelines applicable had it been a conviction

Criminal Behaviour Orders (CBOs), Community Protection Notices (CPOs), Civil Injunctions (CIs)

Criminal Behaviour Orders (CBOs) Community Protection Notices (CPNs) and Civil Injunctions (CIs) are civil, not criminal, sanctions (although breaches are punishable by up to five years in prison) and are administered by police and local authorities working in partnership.

These Orders will target serious and persistent, but generally, relatively low-level disorder that can blight a local neighbourhood. An order can restrict a person from entering a geographical area or specified premises which could affect a licensed driver's ability to carry out normal duties as a licensed driver.

An applicant or existing driver served with one of these Orders for behaviour considered to be of an anti-social nature is a relevant matter in deciding whether or not that person is 'fit and proper' to hold a licence.

In deciding whether an applicant or existing driver is 'fit and proper' to hold a licence, the Council will give consideration to the nature of the order and any conditions attached that restrict movement and any relevant factors.

The same standards will apply to any amended or replacement orders that may be introduced in the future.

Fixed Penalty Notices (for non-endorsable matters)

A number of criminal offences can be dealt with by way of a fixed penalty notice. This does not result in a conviction, but as the behaviour was itself criminal, the council will consider fixed penalty notices and the offences that were committed as relevant.

Absolute and Conditional Discharges

A court can dispose of a case by issuing an Absolute or Conditional Discharge which although results from a finding of guilt is not a conviction. The Council will take the circumstances that resulted in the discharge into consideration, in so far as it is relevant, in the determination of good character.

Suspended Sentences

Suspended sentences should be treated the same as if they had been put into effect immediately. Where a court decides to suspend the sentence, this can be taken into consideration when determining whether an applicant or existing driver, in so far as it is relevant, is 'fit and proper' to hold or retain a licence. Consideration will also be given to that person's behaviour during the period of suspension.

Arrests and/or Charges for serious offences

If a licensed driver is arrested and/or charged for a serious offence, the licensed driver may be referred to Taxi Licensing Committee before trial on the grounds of public safety. Such serious offences would include dishonesty, violence, drug offences, indecency or sexual offences and major traffic offences.

Where appropriate, officers will explore with the investigating agency, the possibility of applying for bail conditions to prevent that person from continuing to work as a licensed driver.

Action may also be taken against the licence.

Time periods following offences

Where a time period is specified for an offence below this should not normally commence until the person is either released from a prison sentence, completion of the conditions of the sentence or the restoration of the DVLA driving licence whichever is the later.

General Behaviour and Good Conduct

A pattern of offending may occur where a licensed driver accumulates a variety of offences/contraventions/warning notices that when considered individually are relatively minor, but when considered as a whole will call into question their right to hold a licence. Factors such as general behaviour; failure to comply with the rules of the road; repeated lack of compliance with lawful directions from authorised officers; a lack of good conduct, that could be reasonably expected of a licensed driver; failure to comply with conditions/byelaws will be considered. In these circumstances it is reasonable to consider all factors when deciding whether a driver is 'fit and proper' to hold a licence on the grounds of persistent offending and that public confidence in the licensed trade is repeatedly being undermined.

OFFENCES OF DISHONESTY

A licensed driver holds a position of trust as they deal with cash transactions. Drivers can easily defraud the travelling public by demanding more than the legal fare. They are also frequently transporting lone and vulnerable passengers. Passengers are entitled to expect a high level of honesty from a licensed driver and for this reason the Council consider any form of dishonesty as a serious offence.

In general, a period of **3 years** from the completion of any sentence for dishonesty will be required before an application will be considered.

For serious cases (prison sentences in excess of 4 years) or for persistent repeat offending it is reasonable, on the grounds of public safety for that person never to be accepted as 'fit and proper' to hold a licence, however each case will be treated on its own merits.

An application will normally be refused where the applicant has completed a sentence for any conviction within the last **3 years** for an offence involving;

- Theft
- Burglary
- Fraud
- Benefit fraud (including offences under ss.111A and 112 of the Social Security Administration Act 1992)
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Other deception
- Identity Theft

Repeat offending can be considered as an aggravating factor.

An existing licensed driver who is convicted of offences involving dishonesty will normally have their licence revoked, unless there are particular circumstances that do not warrant that course of action.

VIOLENCE

Licensed drivers maintain close contact with the passengers who are often alone in the vehicle and may be vulnerable. Passengers are entitled to feel safe and free from fear and to expect a high standard of safety from a licensed driver. For this reason the Council consider any convictions for violence as serious offences.

The Council consider any offence that occurs in the course of licensed employment or is racially aggravated as an aggravating factor.

For serious cases (prison sentences in excess of 4 years) or for persistent repeat offending it is reasonable, on the grounds of public safety for that person never to be accepted as 'fit and proper' to hold a licence, however each case will be treated on its own merits.

The Council consider that an application will be refused where the applicant has been sentenced to any of the following offences regardless of when the offence was committed;

- Murder
- Manslaughter
- Manslaughter or culpable homicide while driving
- Terrorism offences

The Council consider that an application will normally be refused where the applicant has completed a sentence for any of the following offences within the last **10 years** from the date of the application;

- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Actual bodily harm which is racially aggravated
- Grievous bodily harm with intent (s.18 Offences Against the Person Act)
- Grievous bodily harm (s.20 Offences Against the Person Act)
- Actual Bodily Harm
- Robbery
- Possession of a firearm
- Riot
- Assault of a police officer

A licence will normally be revoked where a licensed driver is convicted of any of the above offences.

The Council consider that an application will normally be refused where the applicant has completed a sentence for any of the following offences within the last **5 years** from the date of the application;

- Racially-aggravated criminal damage
- Racially-aggravated (fear or provocation of violence)
- Racially-aggravated public order (intentional harassment, alarm or distress)
- Racially-aggravated harassment (putting people in fear of violence)
- Any other similar offences including attempted or conspiracy to commit offences that replace the above

A licence will normally be revoked where a licensed driver is convicted of any of the above offences.

The Council consider that an application will normally be refused where the applicant has completed a sentence for any of the following offences within the last **3 years** from the date of the application;

- Common assault
- Assault occasioning actual bodily harm
- Affray
- Racially aggravated s.5 Public Order Act 1986 offence (harassment, alarm or distress)
- Obstruction
- Criminal damage
- Possession of offensive weapon
- Violent disorder
- Resisting arrest

A licence will normally be revoked where a licensed driver is convicted of any of the above offences.

An application that complies with the minimum times for offences of violence will be considered but it should not be assumed that the application will be granted. The Council will therefore consider each application on its merits having regard to all relevant information to hand.

Offences involving any weapon are considered as an aggravating factor.

Repeat offending can be considered as an aggravating factor.

DRUGS OFFENCES

Licensed drivers are required to carry the passengers on the public highway so the personal use of illegal substances will have significant public safety implications. The nature and quantity of the substances, whether for personal use or supply are issues which the Council will consider in its decision-making.

For serious cases (prison sentences in excess of **5 years**) or for persistent repeat offending it is reasonable, on the grounds of public safety for that person never to be accepted as 'fit and proper' to hold a licence, however each case will be treated on its own merits.

If there is evidence of persistent drugs use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) may be required before the application will be considered. The cost of any medical examination would have to be met by the applicant.

The supply of drugs will be considered as an aggravating factor.

The Council consider that an application will be refused where the applicant has completed a sentence for drug related offences within the last **5 years** from the date of the application;

An existing licensed driver who is convicted of offences involving drug offences will normally have their licence revoked, unless there are particular circumstances that do not warrant this course of action.

SEXUAL AND INDECENCY OFFENCES

Licensed drivers maintain close contact with their passengers, many of whom will be lone and vulnerable, and all passengers should feel safe and free from the likelihood of any sexual advance. Passengers are entitled to expect a high standard of safety from a licensed driver and for this reason the Council consider any convictions for sexual or indecency offences as serious offences.

The Council consider that an application will normally be refused where the applicant has been sentenced for any of the following offences regardless of when the offence was committed;

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults
- Sexual assault
- Indecent assault
- Exploitation of prostitution
- Trafficking for sexual exploitation
- Possession of indecent photographs, child pornography, etc.
- Any sex or indecency offence that was committed in the course of employment as a licensed driver, consensual or otherwise.
- Gross indecency with a female
- Gross indecency with a male
- Indecent assault on a child under 16 years
- Buggery
- Any similar offences (including attempted or conspiracy to commit) offences which replace the above

The Council consider that an application will be refused where the applicant is on the sexual offences register.

An existing licensed driver who is convicted of indecency or sexual offences will have their licence revoked, unless there are particular circumstances that do not warrant this course of action.

The Council expects any licensed driver to charge a just monetary fee for a completed journey. Negotiating an alternative sexual favour as payment is not acceptable and will be grounds for revocation.

MOTORING CONVICTIONS

Passengers are entitled to expect a high standard of road safety and driving skills from a licensed driver and for this reason the Council consider any convictions for motoring offences to be serious matters.

Motoring convictions are categorised as major, minor and hybrid offences and are set out in Table 1 of this document.

Major Traffic Offences

The Council consider that an isolated conviction, without disqualification, for an offence such as dangerous driving or driving without due care and attention will require careful consideration of the facts before a licence will be granted, or allowed to remain in force..

The Council consider that an application will normally be refused where the applicant has been sentenced to any of the following offences regardless of when the offence was committed;

- Causing death by dangerous driving
- Dangerous driving
- Causing death by careless driving
- Causing death by careless driving whilst under the influence of drink or drugs

An application will normally be refused where the applicant has completed a sentence for any conviction within the last **5 years** from the completion of the sanction, for any of the following offences

- Driving whilst uninsured
- Driving without due care and attention/without reasonable consideration
- Disqualification due to being unfit to drive through drink or drugs
- Similar offences

Multiple motoring convictions for any combination of serious, minor and hybrid offences will be considered as an aggravating factor as it provides a pattern of offending of the applicants driving skills, regard for the rules of the road and their general roadside awareness.

An existing licensed driver who is convicted of a major traffic offence will have their licence revoked, unless there are particular circumstances that do not warrant this course of action.

Minor Traffic Offences

Isolated convictions for minor traffic offences will not prevent a person from proceeding with an application. However, the number, type and frequency of this type of offence will be taken into account and if there are several offences of this nature the applicant will normally be expected to show a period free of conviction of at least 12 months.

An existing licensed driver who is convicted of minor traffic offences will normally have the status of their licence reviewed where a pattern of offending is demonstrated which calls into question whether that driver is 'fit and proper' to retain their licence.

On notification of a second minor traffic offence within a 12 month period the driver will receive a warning letter. On notification of a third offence within a 12 month period the matter may be referred to Taxi Licensing Committee as a pattern of offending may be relevant. Minor Traffic Offences will not be considered a relevant where they are more than 3 years from the date of conviction.

Hybrid Traffic Offences

Offences of the type listed in Table 1 below will be treated as major traffic offences if the court awarded 4 or more penalty points for the offence and as minor traffic offences if the court awarded 3 or less penalty points for the offence.

Disqualification

Where several minor traffic offences have resulted in the applicant being disqualified from driving for a period of time, this will normally reflect poorly on the applicant's driving standard. Generally, a period of **2 years** free from conviction must have elapsed from the restoration of the DVLA licence.

The Council will not consider 'exceptional hardship' as a factor in deciding whether or not that person is 'fit and proper' to continue to hold a licence.

Where a licensed driver receives a disqualification the licence will generally be revoked unless the licence expires in the meantime. Where a licensed driver has previously appeared in front of Taxi Licensing Committee for repeat offences such as multiple tyre defects, then this will be considered as an aggravating factor in its decision-making.

Compliance with any stated time restriction does not imply that the application will be granted. In all circumstances the Council will consider all relevant facts in its decision-making.

Offences under the Town Police Clauses Act 1847, Plymouth City Council Act 1975, Plymouth City Council Act 1987, Hackney Carriage Byelaws, Etc.

The Hackney carriage and private hire licensing regime is designed and intended to protect the travelling public and for this reason the Council consider convictions for offences under these Acts (including illegally plying for hire and failing to proceed) as serious offences when deciding whether a licensed driver is 'fit and proper' to hold a licence.

When a licensed driver has an isolated conviction, a warning letter will be sent warning of their future conduct and that any further conviction for a similar offence will result in the matter being considered by the Taxi Licensing Committee on the grounds of whether that person is 'fit and proper' to retain a licence.

These standards also apply to failure to comply with any condition of licence such as not advising the Council of changes in circumstances e.g. notification of convictions, change of address, etc.

Drunkenness

With a motor vehicle

The Council views driving or being in charge of a vehicle whilst under the influence of alcohol as an aggravating factor in its decision-making

The offences that apply to this section include:

- Driving or attempting to drive with alcohol levels above the prescribed limit
- In charge of a vehicle, driving or attempting to drive when unfit through drink
- Refusal to provide a specimen of breath or blood for analysis
- Aiding and abetting another in the commission of such an offence

An isolated incident in the past should not necessarily prevent a new applicant from being granted a licence provided a period of at least **5 years** from the completion of the disqualification has elapsed before an application will be considered.

Two disqualifications on different occasions should raise serious doubts as to an applicant's suitability therefore any application is likely to be refused. In these circumstances at least **5 years** should have elapsed from the completion of the last disqualification will have elapsed before an application will be considered.

Existing licensed drivers receiving an alcohol-related conviction will normally be revoked then the above standard would apply.

Not in a motor vehicle

An isolated conviction for drunkenness need not prevent an applicant from gaining or retaining a licence. However, a number of convictions for drunkenness could indicate a medical problem that requires critical examination in deciding whether to grant, suspend or revoke a licence. In these cases the applicant must be able to demonstrate no dependence on alcohol and show a period of at least **3 years** has elapsed after completion of any medical or other treatment.

Equality Act offences Licensed drivers are required to transport person from all sections of society, without any discrimination.

Sections 168 and 171 of the Equality Act 2010 require taxi and PHV drivers to carry guide, hearing and other assistance dogs accompanying disabled people and to do so without any additional charge. An offence under the Equality Act may call into question whether or not that person was 'fit and proper' to hold or retain a licence.

Any other convictions for any form of discrimination will be viewed very seriously

Racially motivated offences are referred to in the Violence section above.

Repeat Offending and Behaviour

There are occasions where a licensed driver will have a range of low level offences that may call into question their regard to acceptable standards of passenger safety, where there is a disregard to the rules of the road, a lack of professionalism in terms of appearance and behaviour and an unwillingness to behave in a manner that could reasonably be expected of a licensed driver.

In these particular cases the Council will consider all the facts in deciding whether that person is 'fit and proper' to retain a licence.

Safe and Suitable test for vehicle proprietors

All vehicle proprietors must obtain a Basic Disclosure from the Disclosure and Barring Service (DBS) every three years.

To enable consistent and informed decision to be made, the Council will apply the following test:

'Would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of day or night without arousing suspicion and be satisfied that he/she would not allow it to be used for criminal or other unacceptable purposes, and be confident that he/she would maintain it to an acceptable standard throughout the period of the licence?' (Paragraph 8.98, Button on Taxis - Licensing Law and Practice; Fourth Edition; Bloomsbury Professional).

On application, the vehicle proprietor will be required to list all unspent convictions.

Each application will be considered on its own merits and will include consideration of previous history of vehicle inspection and maintenance.

Offences of Dishonesty (Licensed vehicle proprietors)

There is potential for dishonesty to occur for example a licensed vehicle proprietor could purchase vehicles using criminal proceeds and then rent the vehicles out to gain 'genuine' earnings.

The Council consider any form of dishonesty as a serious offence.

In general, a period of **3 years** from the completion of any sentence for dishonesty will be required before an application will be considered. An existing proprietor who is convicted of dishonesty can expect their licence to be revoked, unless particular circumstances are put forward that suggest that this minimum sanction should not be applied. If the licence is revoked, the same length of time from the completion of a prison sentence will be required before a new application is likely to be successful.

For serious cases (prison sentences in excess of 4 years) or for persistent repeat offending it is reasonable, on the grounds of public safety for that person never to be accepted as 'safe and suitable' to hold a vehicle licence, however each case will be treated on its own merits.

An application will normally be refused where the applicant has completed a sentence for any conviction within the last **3 years** for an offence involving;

- Theft
- Burglary
- Fraud
- Benefit fraud (including offences under ss.111A and 112 of the Social Security Administration Act 1992)

- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Other deception
- Identity Theft

Repeat offending can be considered as an aggravating factor.

An existing licensed vehicle proprietor who is convicted of offences involving dishonesty will normally have their licence revoked, unless there are particular circumstances that do not warrant that course of action.

Drugs Offences (Licensed vehicle proprietors)

Licensed vehicle proprietors are using their vehicles to transport passengers on the public highway and have the potential to be used to transport drugs or to potentially sell to their passengers.

The nature and quantity of the substances, whether for personal use or supply are issues which the Council will consider in its decision-making.

For serious cases (prison sentences in excess of **5 years**) or for persistent repeat offending it is reasonable, on the grounds of public safety for that person never to be accepted as 'safe and suitable' to hold a licence, however each case will be treated on its own merits.

The supply of drugs will be considered as an aggravating factor.

The Council consider that an application will be refused where the applicant has completed a sentence for drug related offences within the last **5 years** from the date of the application;

An existing licensed proprietor who is convicted or has accepted a caution for offences involving drug offences will normally have their licence revoked, unless there are particular circumstances that do not warrant this course of action.

Table I - RELEVANCE OF PREVIOUS CONVICTIONS**MAJOR TRAFFIC OFFENCES**

Code	Penalty Points
Accident Offences	
AC10 Failing to stop after an accident	5-10
AC20 Failing to give particulars or to report an accident within 24 hours	5-10
AC30 Undefined accident offences	4-9
Disqualified Driver	
BA10 Driving while disqualified by order of court	6
BA20 Attempting to drive while disqualified by order of court	6
Careless Driving	
CD10 Driving without due care and attention	3-9
CD20 Driving without reasonable consideration for other road users	3-9
CD30 Driving without due care and attention or without reasonable consideration for other road users	3-9
CD40 Causing death through careless driving when unfit through drink	3-11
CD50 Causing death by careless driving when unfit through drugs	3-11
CD60 Causing death by careless driving with alcohol level above the limit	3-11
CD70 Causing death by careless driving then failing to supply a specimen for analysis	3-11
Reckless/Dangerous Driving	
DD40 Dangerous driving	3-11
DD60 Manslaughter or culpable homicide while driving a vehicle	3-11
DD80 Causing death by dangerous driving	3-11
Drink or Drugs	
DR10 Driving or attempting to drive with alcohol level above limit	3-11
DR20 Driving or attempting to drive while unfit through drink	3-11
DR30 Driving or attempting to drive then failing to supply a specimen for analysis	3-11
DR40 In charge of a vehicle while alcohol level above limit	10
DR50 In charge of a vehicle while unfit through drink	10
DR60 Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive	10
DR70 Failing to provide specimen for breath test	4
DR80 Driving or attempting to drive when unfit through drugs	3-11
DR90 In charge of a vehicle when unfit through drugs	10
Insurance Offences	
IN 10 Using a vehicle uninsured against third party risks	6-8

Licence Offences

LC20	Driving otherwise than in accordance with a licence	3-6
LC30	Driving after making a false declaration about fitness when applying for a licence	3-6
LC40	Driving a vehicle having failed to notify a disability	3-6
LC50	Driving after a licence has been revoked or refused on medical grounds	3-6
Miscellaneous Offences		
MS50	Motor racing on the highway	3-11
MS60	Offences not covered by other codes	as appropriate
Theft or Unauthorised Taking		
UT50	Aggravated taking of a vehicle	3-11

Aiding, abetting, counselling or procuring

Offences as coded above, but with 0 changed to 2 (e.g. IN10 becomes IN12)

Causing or permitting

Offences as coded above, but with 0 changed to 4 (e.g. IN10 becomes IN14)

Inciting

Offences as coded above, but with 0 changed to 6 (e.g. IN10 becomes IN16)

MINOR TRAFFIC OFFENCES

Miscellaneous Offences

MS10	Leaving a vehicle in a dangerous position	3
MS20	Unlawful pillion riding	3
MS30	Play street Offences	2
MS40	Driving with uncorrected defective eyesight or refusing to submit to a test	3
MS70	Driving with uncorrected defective eyesight	3
MS80	Refusing to submit to an eyesight test	3
MS90	Failure to give information as to identity of driver, etc.	3

Motorway Offences

MW10	Contravention of Special Road Regulations (excluding speed limits)	3
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Pedestrian Crossing

PC10	Undefined contravention of Pedestrian Crossing Regulations	3
PC20	Contravention of Pedestrian Crossing Regulations with moving vehicle	3
PC30	Contravention of Pedestrian Crossing Regulations with stationary vehicle	3

Traffic Direction and Signs

TS10	Failing to comply with traffic light signals	3
TS20	Failing to comply with double white lines	3
TS30	Failing to comply with a "Stop" sign	3
TS40	Failing to comply with direction of a constable or traffic warden	3

TS50	Failing to comply with traffic sign (excluding "Stop" sign, traffic lights or double white lines)	3
TS60	Failing to comply with school crossing patrol sign	3
TS70	Undefined failure to comply with a traffic direction sign	3

Aiding, abetting, counselling or procuring

Offences as coded above, but with 0 changed to 2 (e.g. PCI0 becomes PCI2)

Causing or permitting

Offences as coded above, but with 0 changed to 4 (e.g. PCI0 becomes PCI4)

Inciting

Offences as coded above, but with 0 changed to 6 (e.g. PCI0 becomes PCI6)

HYBRID TRAFFIC OFFENCES

Construction & Use Offences

CU10	Using vehicle with defective brakes	3
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition	3
CU30	Using a vehicle with defective tyre(s)	3
CU40	Using a vehicle with defective steering	3
CU50	Causing or likely to cause danger by reason of load or passengers	3
CU80	Using a mobile phone while driving a motor vehicle	3

Speed Limits

SP10	Exceeding goods vehicle speed limit	3-6
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)	3-6
SP30	Exceeding statutory speed limit on a public road	3-6
SP40	Exceeding passenger vehicle speed limit	3-6
SP50	Exceeding speed limit on a motorway	3-6
SP60	Undefined speed limit offence	3-6

Aiding, abetting, counselling or procuring

Offences as coded above, but with 0 changed to 2 (e.g. CU10 becomes CU12)

Causing or permitting

Offences as coded above, but with 0 changed to 4 (e.g. CU10 becomes CU14)

Inciting

Offences as coded above, but with 0 changed to 6 (e.g. CU10 becomes CU16)

VEHICLE SPECIFICATIONS

Hackney Carriages



General Vehicle Suitability

This document sets out to provide vehicle proprietors with the minimum standards a vehicle must satisfy in order to be licensed as a Hackney Carriage by Plymouth City Council. All hackney carriages must be wheelchair accessible, seat no more than 8 passengers, 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.

Hackney Carriage licences will only be granted subject to any numerical limits imposed by the Council. Any prospective vehicle purchaser is strongly urged to seek advice from the Licensing Section, **before** purchasing any vehicle which they intend to licence.

All vehicles must have European Whole Vehicle Type Approval (EWVTA), Low Volume Type Approval or Individual Vehicle Type Approval from the Vehicle and Operator Services Agency (VOSA).

Vehicles intending to be licensed as hackney carriages must be presented to a Council appointed vehicle testing station and pass the vehicle compliance test, before any licence can be granted. Further information on the Vehicle Compliance Test can be found in the vehicle Compliance Test Procedures document, and the Vehicle Compliance Testing Manual.

Vehicles that have been categorised by insurance companies as a Category A or B insurance write offs will not be accepted as suitable for a licence.

The vehicle shall have no significant signs of damage, or corrosion and paintwork must be of a “professional” finish and of one colour scheme for the whole vehicle. The passenger compartment and upholstery must be clean and free from damage that may affect its suitability for the carriage of passengers.

Licensing legislative framework

Plymouth City Council is the regulatory Licensing Authority for vehicles operating as either Hackney Carriage or Private Hire vehicles within the city. The Council obtains its powers for licensing purposes from the Plymouth City Council Acts of 1975 and 1987, and the Town Police Clauses Act 1847. This legislation enables the Council to determine the characteristics and specifications that vehicles must satisfy in order to be granted a licence. In order to assist vehicle proprietors the Council has produced separate vehicle specifications for each vehicle licence category. These specifications provide the general requirements that vehicles must satisfy, for them to be considered for licensing purposes by the Council.

Licensing section contact information

Licensing Office,
Public Protection Service,
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PL6 5UF

T: 01752 304141

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Vehicle Specifications – Hackney Carriage

Vehicle Dimensions and Steering

1. The maximum length of any vehicle licensed as a hackney carriage shall be 5 metres (5000mm). Any ancillary equipment or accessories attached to the vehicle such as tow bars will be included within the overall vehicle length.
2. The wheelbase shall be a minimum of 2.44m (2440mm)
3. The maximum step height on a passenger door shall be 0.43m (430mm)
4. The steering wheel and drivers controls shall be fitted to the offside of the vehicle, i.e. right hand drive.

Doors

1. All vehicles must have 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 passenger's. Rear opening doors are not counted for the purpose of this specification.
2. The driver's door must be situated on the offside and the passenger door on the nearside of the vehicle.
3. Sliding doors are permitted. 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.
4. All passenger doors must be fitted with an Automated Door Locking System which prevents the doors from being opened whilst the vehicle is in motion.
5. Passenger doors must be capable of being readily opened from the inside and outside of the vehicle by one operation of the latch mechanism

Windows

1. Windows must be provided in each passenger compartment and the driver compartment and be capable of being opened or adjusted by passengers when required.
2. The front windscreen must achieve a minimum of 75% light transmittance.
3. All front side windows must achieve a minimum of 70% light transmittance.
4. Mirrored tints will not be permitted.

Seating

1. No vehicle shall have more than 8 passenger seats (excluding the driver seat)
2. Each separate forward facing seat must be provided with the properly functioning seatbelt.
3. Where continuous forward facing seating are provided, each seating position shall be counted where a properly functioning seatbelt is provided.
4. The vertical distance between the highest point of the un-deflected seat cushion and the top of the floor covering must not be less than 0.35m (350mm).
5. Grab handles or other suitable means must be provided to assist passengers to rise from the rear seat.
6. Rear facing occasional tip up seats are permitted, provided they rise automatically when not in use.
7. Where seats are placed facing each other there must be a clear space of 0.38m (380mm) between any part of the front of a seat and any part of the other seat that faces it.
8. A front seat may be used for the carriage of passengers provided it is within the licensed capacity of the vehicle providing such seat is fitted by a suitably qualified mechanic and a properly functioning seatbelt.

Heating and Lighting

1. An adequate heating system must be provided in the passenger compartment which is capable of being controlled by any passenger.
2. An adequate heating system must be provided within the driver compartment.
3. Adequate lighting must be provided within the passenger compartment which can be controlled by the passenger.
4. Adequate lighting must be available in the driver compartment.

Wheels and Tyres

1. All vehicles must have a minimum of 4 road wheels fitted to the vehicle.
2. Wheels and tyres must be of a suitable size to ensure the correct operation of the calibrated taximeter.

Taximeter and Ancillaries

1. A taximeter of an approved type must be fitted within the vehicle in such a position so as to be readily seen by passengers within the passenger compartment.
2. An illuminated taxi 'For Hire' lamp must be fitted in an approved position. The words 'Taxi' or 'For Hire' shall be illuminated so as to be clearly visible both by day and by night when the taxi is not hired, and be extinguished or display the word 'hired' when the taxi is hired.

Wheelchair Accessibility

1. All Hackney Carriages must be capable of carrying a wheelchair as specified by the manufacturer of the vehicle.
2. Only the nearside rear passenger door opening is permitted for use in loading a wheelchair.
3. Rear loading wheelchair access is not permitted.
4. Ramps to assist with the loading and unloading of wheelchairs must be available for use and kept in good working order.
5. All wheelchair securing devices, fixtures and fittings as specified by the vehicle manufacturer must be available for use and kept in good working order.

Emission Standards and Fuel

1. Diesel, petrol or electric powered vehicles are permitted to be licensed as hackney carriages.
2. From 1 April 2015 all vehicles presented for the grant of a licence must achieve a Euro 4 vehicle emission standard without any modification.

General

1. The foregoing provisions give a general guide to the features which will be taken into account when assessing a vehicle's suitability for licensing. They are not exhaustive and the Council retains the sole discretion to approve or reject any vehicle if it is not considered suitable for licensing for any reason.
2. The Council reserve the right not to licence a particular vehicle as a hackney carriage if this particular make is already licensed as a private hire vehicle.
3. All fixtures and fittings must be fitted as per manufacturer's instructions and be in good working order.

These specifications are made by virtue of the Plymouth City Council Act 1975. These vehicle specifications shall apply to all hackney carriages licensed on or after the effective date and supersede all previous specifications relating to hackney carriages.

CONDITIONS OF LICENCE

Hackney Carriage



General information

The conditions of licence contained herein are made by virtue of section 4(1) of the Plymouth City Council Act 1975. Failure to comply with a condition of licence is an offence by virtue of section 4(3) of the Plymouth City Council Act 1975 as amended by the Plymouth City Council Act 1987, for which an offender may be fined £1,000 upon conviction.

It is important for hackney carriage proprietors to ensure that they are familiar with these standard conditions of licence and any special conditions that may be attached to the licence once granted. The proprietor of a vehicle is considered to have accepted these conditions of licence when being granted a private hire vehicle licence, unless a condition(s) is withdrawn or varied by a Magistrates court upon appeal by the proprietor.

Hackney carriage licences are granted for 1 year or such lesser period as may be determined by the Council; these conditions shall be applicable for the duration of the vehicle licence.

Any special conditions of licence shall be attached at the time of the grant of the licence by the Council or may be attached to the licence at a subsequent time during the licence period where circumstances require.

Terms

In these licence conditions:

- 1) **'Authorised Officer'** means any Officer of the Council authorised in writing for the purposes of the Plymouth City Council Act 1975/87
- 2) **'The Council'** means Plymouth City Council.
- 3) **'Vehicle'** means a vehicle licensed by Plymouth City Council for the purposes of providing hackney carriage services.
- 4) **'Licence Plate'** means the plate issued by the Council for the purposes of identifying the vehicle as a hackney carriage duly licensed by the Council.
- 5) **'Proprietor'** means the person or persons or body named on the licence as the proprietor of the vehicle and includes a part proprietor, and in relation to a vehicle object of a hiring agreement or hire purchase agreement means the person in possession of the vehicle under that agreement.

Licensing section contact information

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Conditions of Licence – Hackney Carriage

1. General Conditions

- 1.1 The Council will only licence a vehicle if it complies with all requirements contained in the Hackney Carriage Vehicle Specifications and Vehicle Compliance Testing Manual.
- 1.2 No person under the age of 18 years will be granted or is entitled to hold a hackney carriage licence issued by the Council.
- 1.3 No animals other than those owned by fare paying passengers shall be carried in any licensed vehicle whilst the vehicle is engaged under the terms of its licence.
- 1.4 The proprietor must ensure that the vehicle carries all attachments, fixtures and fitting as specified by the manufacturer, at all times, to allow the safe transportation of wheelchair users.

2. Display of Licence Plate, Drivers Badge and Vehicle Identification

- 2.1 The proprietor or where appropriate the driver, must ensure that the licence plates, drivers badge and such other signs issued by the Council are displayed, at all times, in the locations specified in the Vehicle Compliance Testing Manual. This condition may be varied in writing by the Council in exceptional circumstances.
- 2.2 The external licence plate must be displayed in the approved bracket, as supplied by the Council and affixed to the vehicle using an approved attachment to the lower rear aspect of the vehicle or in such other location as specified in writing by the Council.
- 2.3 Licence plates are not permitted to be displayed, internally or externally, on any window surface of the vehicle.
- 2.4 The internal ID vehicle notice and additional driver ID badge must be displayed on the bulkhead partition of the hackney carriage using such methods as may be specified by the Council so that they can be readily seen by passengers. The approved method of display is set out in the Vehicle Compliance Testing Manual.
- 2.5 The licence plate and other methods identifying the vehicle as a licensed hackney carriage referred to in these conditions shall remain the property of the Council at all times and must be surrendered upon expiry, or on demand by an Authorised Officer of the Council or Police Officer where the vehicle has been deemed as not fit for purpose.

3. Motor Vehicle Insurance

- 3.1 The vehicle must at all times be insured for the purposes of public hire.
- 3.2 There must be continuity of insurance cover as required by law and the vehicle proprietor and / or driver must be able to evidence such continuity of cover if required by the Council.
- 3.3 The certificate of insurance or cover note or copy of the same must be carried in the vehicle at all times to demonstrate insurance cover to an authorised officer of the Council or any other person having a legitimate reason to inspect it.

4. Convictions, Cautions and Fixed Penalty Notices

- 4.1 The proprietor of any licensed hackney carriage vehicle must report to the Council in writing details of any conviction or caution by the Police in respect of any offence, and any fixed penalty notice (motoring or otherwise) imposed during the period of the hackney carriage vehicle licence.

5. Compliance Testing Intervals

- 5.1 All vehicles being less than 5 years old (the age of the vehicle is taken from the date of first registration with DVSA) shall undergo an MOT and vehicle compliance test at a Council appointed Testing Station every 12 months.
- 5.2 All vehicles over 5 years old shall comply with condition 5.1 and undergo an additional vehicle compliance test at a Council Appointed Testing Station within 6 calendar months of the MOT and vehicle compliance test. The appointed testing station shall provide a copy of the vehicle compliance test pass certificate to the Council as soon as reasonably practicable.
- 5.3 No vehicle is permitted to be used as a hackney carriage without having a valid MOT and compliance documentation.

6. Number of Passengers

- 6.1 A hackney carriage vehicle must not convey a greater number of persons (regardless of the age or size of the passengers) than the number prescribed on the licence for that vehicle.

7. Fare Table

- 7.1 A current fare table must be displayed on the bulkhead partition of the hackney carriage in the location specified in the Vehicle Compliance Testing Manual so that it can be readily seen by passengers occupying the passenger compartment. The table may additionally be displayed in any holder supplied by the manufacturer of the vehicle.

8. Tyres and Wheels

- 8.1 All tyres and wheels must meet legal requirements as to suitability for use on the vehicle.
- 8.2 Tyres must have the minimum tread depth as required by law.
- 8.3 Tyres must be in good condition and inflated to the correct tyre pressures.
- 8.4 The tyre must be of such a size as to ensure the correct operation of the fare meter at the calibrated distances.
- 8.5 Vehicles must be equipped with a fully functional spare wheel, space saver or a tyre puncture repair system as supplied by the vehicle manufacturer.
- 8.6 Space saver spare tyres or tyre repair puncture systems cannot be used for the conveyance of passengers.
- 8.7 A wheel brace and vehicle jack or other suitable equipment as supplied or specified by the vehicle manufacturer must be carried in the vehicle to enable the effective changing of a wheel.

9. Maintenance of Vehicle

- 9.1 The hackney carriage and all its equipment, fixtures and fittings must, when the vehicle is available for hire, or when hired, be kept in good working order, safe, tidy and a clean condition.
- 9.2 A complete set of spare bulbs must be carried in the vehicle to allow for effective replacement. One bulb is required for each of the following types of vehicle lamp: headlamp, brake light, reverse, rear position lamp and directional indicator lamp.
- 9.3 The proprietor or driver must not service or carry out repairs to a vehicle on any roadside where it is likely to cause a nuisance or road safety hazard to other road users or local residents.

10. Alteration of Vehicle

- 10.1 No alteration to the specification, design, condition or appearance of the hackney carriage shall be permitted without the approval of the Council.

11. CCTV and radio equipment

- 11.1 A hackney carriage may be permitted to fit CCTV recording equipment providing that it complies with the Council's CCTV Guidance at the time of installation.
- 11.2 The vehicle must display an approved notice that informs passengers that CCTV recording equipment is installed in the vehicle.

12. Advertising

- 12.1 A hackney carriage may display advertising material in locations, as specified in the Signage and Advertising Guidelines as they relate to hackney carriages.

13. Vehicle and Driver Inspection

- 13.1 An Officer authorised by the Council or Police Officer may detain any licensed hackney carriage for the purposes of inspection to ensure its fitness for use as a hackney carriage, and/or examine the documentation of the driver of the vehicle. An inspection may include the operational condition of any fixtures, fittings or any other equipment installed in the vehicle.
- 13.2 The driver of the vehicle must remain with the vehicle during inspection and not proceed until the authorised officer has given approval.

14. Proprietor records

- 14.1 If the proprietor hires a hackney carriage or operates the vehicle as part of a fleet of vehicles for hire to a number of hackney carriage drivers, he shall:
- (a) Supply the name and address of the hackney carriage driver using this vehicle, to the Council within 7 days of the commencement of any hiring agreement;
 - (b) Inform the Council of any alteration to the information required in condition 14.1(a) within 7 days of such a change;
 - (c) Maintain a record of the periods for which this vehicle was hired to a particular driver
 - (d) Produce on demand to any Authorised Officer of the Council such records relating to the use of the vehicle as may from time to time be required;
 - (e) Obtain and hold for the period of engagement, employment or hiring a copy of the driver's hackney carriage driver licence.

15. Transfer of vehicle licence

- 15.1 The proprietor of a hackney carriage must notify the Council in writing of any transfer in ownership of the hackney carriage as required by law.
- 15.2 The person to whom the licence has been transferred must transfer the licence to their name with the Council upon payment of the relevant fee within 14 days of them acquiring ownership of the vehicle.
- 15.3 The hackney carriage licence is not transferable to another hackney carriage.

These conditions of licence are made by virtue of Section 4(1) of the Plymouth City Council Act 1975.

These conditions of licence apply to all hackney carriages licensed on or after the effective date and supersede all previous conditions of licence.

PENALTY POINTS SCHEME



Penalty Points Scheme Purpose

The Council has a 'penalty point' system of enforcement. The purpose of the scheme is to provide a more balanced, consistent and transparent approach of enforcement against licence holders who commit minor offences. It can be considered to be a more structured and formalised method of issuing warnings. 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.

The overriding aim of the licensing function is to protect the public from harm and reduce public nuisance being caused by the trades within the city by the adherence to the law, regulations and conditions of licence.

Method of operation

Points will be issued by authorised officers of the Authority to licence holders who are found to be in breach of legislation, byelaws, the taxi licensing policy or conditions of licence. Points will be issued by means of a written notice on which shall be supplied the number of points imposed and the reason/s for which they have been issued.

The maximum number of points that can be imposed in respect of any particular matter is set out in the accompanying table, but it is possible for one incident or inspection to result in more than one set of points being issued.

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.

Any licence holder aggrieved by the imposition of penalty points on their licence may appeal to the Taxi Licensing Committee where they will have the opportunity to explain why the points should not have been imposed. Members of the Committee will consider the matters that have resulted in points being awarded and can either uphold the points issued by the authorised officer, increase the number of points awarded, reduce or remove the points awarded, or decide to take any other action open to them or direct that a full review of the status of the licence held by the licensee to take place at a further future hearing.

Notice of the appeal must be submitted in writing to the Licensing Service Manager within 14 days of receiving the penalty points notice.

The tables list the breaches of legislation that attract penalty points.

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Point code	Offence / breach of condition or policy	Points	Driver	Vehicle proprietor	Regulatory framework
Hackney Carriage Driver Infringements					
H1	Fail to wear badge	4	✓		Byelaw 14
H2	Failure to display HC plate correctly	3	✓	✓	s.4(2) PCCA 1975, HCVL condition 2
H3	Evidence of using e-cigarettes or similar vapour devices in the vehicle whilst driving with a fare paying passenger.	3	✓		Taxi Licensing Policy
H4	Driver unacceptable appearance/hygiene	3	✓		Taxi licensing policy
H5	HC not well maintained or kept clean	4	✓	✓	HCVL condition 17
H6	Fail to behave in civil and orderly manner	8	✓		Byelaw 9a
H7	Leaving HC unattended at a stand	4	✓		s.62 TPCA 1847
H8	Carrying animal other than hirers	4	✓	✓	HCVL condition 11
H9	Play sound equipment without consent of hirer	3	✓	✓	Byelaw 9c
H10	Cause or permit noise from HC to annoy others	3	✓	✓	Byelaw 9d
H11	Carrying another person than the hirer without consent.	6	✓		s.59 TPCA 1847
H12	Obstructing other drivers	6	✓		s.64 TPCA 1847
H13	Taximeter not illuminated	3	✓	✓	Byelaw 5c
H14	Fail to produce licence upon request	3	✓		s.11 PCCA 1975
H15	Use HC horn to signal hirer	4	✓	✓	Byelaw 9f
H16	Fail to notify injury/illness affecting driving ability	8	✓		Byelaw 10b
H17	Fail to notify of conviction or endorsement within time	3	✓		Byelaw 11
H18	Fail to assist loading/unloading luggage	4	✓		Byelaw 15b
H19	Fail to take luggage to/from building/station etc.	4	✓		Byelaw 15c
H20	Prolonging journey unnecessarily	6	✓		s.27 PCCA 1975
H21	Fail to notify change of address	3	✓	✓	Byelaw 10a
H22	Fail to submit HC over 5 yrs old to 6 month test when required	6		✓	HCVL condition 7
H23	Fail to transfer HCV licence to other within permitted time	4		✓	s.7 PCCA 1975
H24	HC Proprietor fail to provide info as to driver	6		✓	HCVL conditions 12 or 13
H25	Fail to convey luggage	4	✓		Byelaw 15a
H26	Failing to proceed to stand	4	✓		Byelaw 7a
H27	Fail to proceed to another stand if fully occupied	4	✓		Byelaw 7b
H28	Fail to station carriage immediately behind carriage on stand	3	✓		Byelaw 7c
H29	Fail to move up stand	3	✓		Byelaw 7d
H30	Fail to display/conceal or illegible tariff	4	✓	✓	Byelaw 16b
H31	Fail to be at allotted time/place agreed with hirer	3	✓		Byelaw 12

Point Code	Offence / breach of condition or policy	Points	Driver	Vehicle proprietor or PH Operator	Regulatory framework
Private Hire Infringements					
P1	Fail to wear driver badge	4	✓		s.12 PCCA 1975
P2	Fail to display PH plate correctly	3	✓	✓	s.5(2) PCCA 1975, PHV condition 2
P3	Evidence of using e-cigarettes or similar vapour devices in the vehicle whilst driving with a fare paying passenger.	3	✓		Taxi Licensing Policy
P4	Driver unacceptable appearance/hygiene	3	✓		Taxi licensing policy
P5	PHV not well maintained or kept clean	4	✓	✓	PHVL condition 17
P6	Fail to behave in civil and orderly manner	8	✓		PHD condition 7a
P7	PHV parking or waiting on HC stand	6	✓		s.22 PCCA 1975
P8	Carrying animal other than hirers	4	✓		PHVL condition 11
P9	Play sound equipment without consent of hirer	6	✓	✓	PHD condition 7c
P10	Cause or permit noise from PHV to annoy others	6	✓	✓	PHD condition 7d
P11	Fail to notify change of PH Operator	3	✓		PHD condition 1b
P12	PHO fail to keep proper records	6		✓	s.14(2) PCCA 1975. PHO condition 2
P13	PHO fail to keep vehicle records	6		✓	s.14(3) PCCA 1975, PHO condition 1
P14	Fail to produce licence upon request	3	✓	✓	s.11 PCCA 1975
P15	Use PHV horn to signal hirer	6	✓		PHD condition 7e
P16	Fail to notify injury/illness affecting driving ability	8	✓		PHD condition 1d
P17	Fail to notify conviction	3	✓		PHD condition 1c
P18	Fail to notify of endorsement	3	✓		PHD condition 1e
P19	Fail to assist loading/unloading luggage	4	✓		PHD condition 6a
P20	Fail to take luggage to/from building/station etc.	4	✓		PHD condition 6b
P21	Prolonging journey unnecessarily	6	✓		s.27 PCCA 1975
P22	Fail to notify change of address	3	✓		PHD condition 1a
P23	Fail to submit PHV over 5 yrs old to 6 month test when required	6	✓		PHVL condition 7
P24	Fail to transfer PHV licence to other within permitted time	4		✓	s.7 PCCA 1975
P25	PHV Proprietor fail to provide info as to driver	6		✓	PHVL conditions 12 or 13

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CONDITIONS OF LICENCE

Private Hire Driver



General Information

The conditions of licence contained herein are made by virtue of section 9(2) of the Plymouth City Council Act 1975. Failure to comply with a condition of your driver licence could render the licence subject to a review, and ultimately to it being revoked.

It is important for drivers of private hire vehicles to ensure that they are familiar with these standard conditions of licence and any special conditions that may be attached to the licence once granted. The licence holder is considered to have accepted these conditions of licence when being granted a private hire driver licence, unless a condition(s) is withdrawn or varied by a Magistrates court upon appeal by the licence holder.

Private hire driver licences are granted for 1 year or such greater period, not being greater than 3 years, as may be determined by the Council; these conditions shall be applicable for the duration of the licence.

Any special conditions of licence shall be attached at the time of the grant of the licence by the Council or may be attached to the licence at a subsequent time during the licence period where circumstances require.

Terms

In these licence conditions:

- 1) **'Authorised Officer'** means any Officer of the Council authorised in writing for the purposes of the Plymouth City Council Act 1975/87
- 2) **'The Council'** means Plymouth City Council.
- 3) **'Vehicle'** means a private hire vehicle licensed by Plymouth City Council for the purposes of providing private hire services.
- 4) **'driver badge'** means the badge issued by the Council for the purposes of identifying the driver as a private hire driver duly licensed by the Council.
- 5) **'operator'** means the person or persons or body named on the licence as the operator of private hire vehicles. The operator must be licensed with Plymouth City Council.

Licensing section contact information

Licensing Office,
Plymouth City Council,
Windsor House,
Plymouth,
PL6 5UF.

T: 01752 304141

E: taxi.licensing@plymouth.gov.uk

www.plymouth.gov.uk

Conditions of Licence – Private Hire Driver

1. The licensed driver must notify the Licensing Office **in writing** of any alteration to their declared circumstances within 7 days of such alteration, which might affect the accuracy of the information set out below;
 - (a) Change of address;
 - (b) Change of office from which they operate;
 - (c) Conviction in a court of law in respect of any Motoring and/or Criminal Offences following the grant of a licence;
 - (d) Injury or illness sustained since the grant of a licence that may affect their driving ability;
 - (e) Any motoring fixed penalty endorsement received.

2. The licensed driver who drives a licensed private hire vehicle for hire and reward other than through or by virtue of his own operator's licence, must deposit a copy of their private hire drivers licence with their operator for the duration of that contract.

On termination of that contract the operator will return the copy licence to the licensed driver.

3. A driver of a licensed private hire vehicle is required to produce a Medical Certificate duly completed and signed by a registered medical practitioner, who has sight of that person's full medical records stating that the licence holder meets the required DVLA Group II medical standard. A Medical Certificate is required at first application; and then upon reaching 45 years of age; and then every five years thereafter until age 70.
4. Once a licence driver reaches 70 years of age they must provide the Council with a medical certificate duly signed by a registered medical practitioner stating that they meet the required DVLA Group II medical standard on an annual basis.
5. A licensed driver must provide the Medical Certificate at the time of renewal of their licence, or at any time on request. At any time during the term of a licence, a licensed driver may be required to submit to a further medical examination where the Council receive information, or consider it a reasonable request to ensure that the licensed driver is medically fit.
6. A licensed driver or proprietor of a private hire vehicle must, if any property is accidentally left therein by any passenger conveyed in that vehicle, deposit it with their operator for safekeeping.
7. A licensed driver of a private hire vehicle must, when requested by any person hiring or seeking to hire the vehicle provide;
 - (a) Reasonable assistance in loading and or unloading the belongings of the hirer;
 - (b) Reasonable assistance in removing the belongings to or from the entrance of any house, station or place at which he may take up or set down such person.
8. A licensed driver of a private hire vehicle must;
 - (a) Behave in a civil and orderly manner and must take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle;
 - (b) Not without the express consent of the hirer play any radio or sound reproducing equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle;

- (c) At no time cause or permit the noise emitted by any radio or sound reproducing equipment in the vehicle which he is driving or in control of, to be the source of annoyance to any person, whether inside or outside the vehicle.
 - (d) Not operate the vehicle horn for the purpose of signalling to the hirer that the vehicle has arrived.
9. A licensed driver must wear their driver's identification badge in a manner that is plainly visible and present it for inspection when requested to do so by an authorised officer of the Council or Police officer, or any other person legitimately requiring the same. Upon the expiry of the drivers licence, the badge must be returned to the Council forthwith. If the licence is suspended, revoked or renewal is refused, by virtue of Section 19 of the Plymouth City Council Act 1975, then the provisions of that section must apply.
10. A drivers badge remains the property of the Council at all times.
11. If the licensed driver loses their drivers badge, issued by the Council the loss must be reported to the Licensing Office within 48 hours of the loss.

These conditions of licence are made by virtue of Section 9(2) of the Plymouth City Council Act 1975.

These conditions of licence apply to all licensed private hire drivers licensed on or after the effective date, and super-cede all previous conditions of licence.

CONDITIONS OF LICENCE

Private Hire Operator



General Information

The conditions of licence contained herein are made by virtue of section 13(3) of the Plymouth City Council Act 1975. Failure to comply with a condition of licence relating to the keeping of records is an offence by virtue of section 14(5) of the Plymouth City Council Act 1975, for which an offender may be fined £1,000 upon conviction. Breaches of licence may also necessitate the review of the status of the licence by the Council, which may in certain circumstances result in the licence being revoked

It is important for private hire vehicle operators to ensure that they are familiar with these standard conditions of licence and any special conditions that may be attached to the licence once granted. The operator is considered to have accepted these conditions of licence when being granted a private hire operator's licence, unless a condition(s) is withdrawn or varied by a Magistrates court upon appeal by the proprietor.

Private hire operator licences are granted for 1 year or such lesser period as may be determined by the Council; these conditions shall be applicable for the duration of the licence. Where a licensed operator demonstrates that they meet the Council's expectations, the Council has discretion to issue a licence of up to 5 years.

Any special conditions of licence shall be attached at the time of the grant of the licence by the Council or may be attached to the licence at a subsequent time during the licence period where circumstances require.

Terms

In these licence conditions:

- **'Authorised Officer'** means any Officer of the Council authorised in writing for the purposes of the Plymouth City Council Act 1975/87
- **'The Council'** means Plymouth City Council.
- **'Vehicle'** means a vehicle licensed by virtue of section 5 of the Plymouth City Council Act 1975 for the purposes of providing private hire services.
- **'Operator'** means the person(s) named upon the licence who is responsible for the contract of hire for every journey undertaken by a private hire vehicle, made by virtue of the operator's licence.
- **'driver' & 'driver licence'** means a person and licence granted by virtue of section 9 of the Plymouth City Council Act 1975, to drive private hire vehicles licensed pursuant to section 5 of that Act.

Licensing section contact information

Licensing Office,
Public Protection Service,
Plymouth City Council,
Windsor House,
Plymouth,
PL1 2AA
T: 01752 304141
E: taxi.licensing@plymouth.gov.uk
www.plymouth.gov.uk

I. Driver and Vehicle Record Keeping

1.1 The operator must at all times keep a record of the following information in a form approved by the Council:

- The registration number and private hire licence number of each private hire vehicle operated by him;
- The name, address and private hire driver's licence number of every driver of such vehicle.

The records must be submitted to the Council Licensing Section on a monthly basis no later than the seventh day of the following month to which the record relates. All such records must be legible and retained for a period of not less than 12 months from the date of the commencement of the journey.

1.2 The operator must obtain from every licensed driver prior to employment or otherwise engaged by him, the private hire drivers licence and shall retain it for the period of such employment or engagement. The operator shall also record the overall period or periods for which such employment or engagement continues. At the termination of that period of employment or engagement, either by the Operator or licensed driver, the private hire driver licence shall be returned to the driver.

1.3 The private hire driver licence must be returned to the Council if requested to do so by an authorised officer of the Council, or if the licensed driver leaves the employ of the operator without requesting the return of the licence.

1.4 The operator must also obtain from the licensed driver a copy of the motor insurance relating to the vehicle being used by the driver for the purposes of private hire, and record the validity dates of that insurance, and take all reasonable precautions to ensure continuity of cover.

2. Booking Records

2.1 The operator must at all times keep a record of bookings in a manner approved by the Council within which there shall be recorded prior to the commencement of each journey undertaken by a private hire vehicle operated by him, the following;

- Details of the date, time and source of the booking;
- The name of the hirer;
- The place of commencement of the journey and destination;
- The name and registration number of the driver and vehicle respectively undertaking the journey;
- All such records must be legible and retained for a period of not less than 12 months from the date of the commencement of the journey.

2.3 A record of bookings must be computer-based using a package that is approved by the Council.

2.4 The operator may use a written system but only with the express permission of the Council. This could be applicable to an operator with one vehicle only, specializing in airport transfer or other similar activities.

3. Complaints

3.1 The operator must supply to the Council the following information with regard to complaints received by that operator in relation to the provision of private hire services supplied;

- The name and address of the complainant;
- Date and time of the incident that gave rise to the complaint;
- The nature of the complaint;
- The driver and/or vehicle to which the complaint relates;
- The outcome of the investigation;
- If the complaint has been resolved by the operator.

3.2 The records of all complaints must be submitted to the Council in the form shown above on a monthly basis no later than the seventh day of the following month.

4. General Conditions

4.1 The operator must ensure that the vehicle is in attendance at the appointed time and place unless delayed or prevented by some reasonable cause outside the control of the operator or driver.

4.2 If provision is made by the operator for a public waiting area for customers, adequate seating must be provided within the premises.

4.3 The operator must obtain adequate public liability insurance, should the public have access to the operator's premises, indemnifying the operator against any claim for loss, damage or personal injury by any person using those premises.

4.4 The operator must allow access to the premises at all reasonable times during business hours to any officer authorised by the Council or police officer, for the furtherance of his duties or for the purposes of inspection and/or enforcement. All such records as aforementioned must be made available for inspection without hindrance to the authorised officer or police officer upon demand.

4.5 The operator will fully cooperate with any person authorised by the Council or Police Officer in the investigation of any complaint or investigation concerning any licensed driver who is, or has worked for that company.

4.6 The operator will hold any property left within any hired licensed vehicle as provided by any licensed driver for safekeeping. A record of each item should be recorded in writing, which should be available for inspection by any person authorised by the Council. The operator must have a documented disposal policy which must be approved by the Council.

5.0 Alcohol

5.1 If the Operator provides Special Event Vehicles for hire, then the operator shall ensure that the relevant licence(s) as required under the Licensing Act 2003, for the sale or supply of alcohol during the period of the vehicle hire, are in the possession of the private hire operator.

5.2 No alcohol of any description shall be supplied to any person under 18 years of age.

These conditions of licence are made by virtue of Section 13(3) of the Plymouth City Council Act 1975.

These conditions of licence apply to all private hire operators licensed on or after the effective date and supersede all previous conditions of licence.

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CONDITIONS OF LICENCE

Private Hire Vehicle (Special Event) Vehicle



General information

The conditions of licence contained herein are made by virtue of section 5(2) of the Plymouth City Council Act 1975. Failure to comply with a condition of licence is an offence by virtue of section 5(8) of the Plymouth City Council Act 1975 as amended by the Plymouth City Council Act 1987, for which an offender may be fined £1,000 upon conviction.

It is important for private hire special event vehicle proprietors to ensure that they are familiar with these standard conditions of licence and any special conditions that may be attached to the licence once granted. The proprietor of a vehicle is considered to have accepted these conditions of licence when being granted a private hire special event vehicle licence, unless a condition(s) is withdrawn or varied by a Magistrates court upon appeal by the proprietor.

The Council may licence a private hire special event vehicle provided that it satisfies the requirements in these vehicle specifications, and the Council compliance testing manual, and has been issued with at least in Individual Vehicle Approval (IVA) certificate, or Single Vehicle Approval (SVA) certificate.

Private hire special event vehicle licences are granted for 1 year or such lesser period as may be determined by the Council; these conditions must be applicable for the duration of the vehicle licence.

Any special conditions of licence must be attached at the time of the grant of the licence by the Council or may be attached to the licence at a subsequent time during the licence period where circumstances require.

Terms

In these licence conditions:

- **'Authorised Officer'** means any Officer of the Council authorised in writing for the purposes of the Plymouth City Council Act 1975/87
- **'The Council'** means Plymouth City Council.
- **'Vehicle'** means a vehicle licensed by Plymouth City Council for the purposes of providing special event private hire services.
- **'Licence Plate'** means the plate or other identification issued by the Council for the purposes of identifying the vehicle as a private hire special event vehicle duly licensed by the Council.
- **'Proprietor'** means the person or persons or body named on the licence as the proprietor of the vehicle and includes a part proprietor, and in relation to a vehicle which is the subject of a hiring agreement or hire purchase agreement means the person in possession of the vehicle under that agreement.
- **'SEV'** means Special Event Vehicle

Licensing section contact information

Licensing Section,
Public Protection Service,
Plymouth City Council,
Windsor House,
Plymouth,
PL6 5UF.

T: 01752 304141

E: taxi.licensing@plymouth.gov.uk

www.plymouth.gov.uk

Conditions of licence – Private Hire (Special Event) Vehicle

1. General Conditions

- 1.1 The Council will only licence vehicle for special events if it complies with all requirements contained in the Private Hire (Special Events) Vehicle Specifications and Vehicle Compliance Testing Manual.
- 1.2 No person under the age of 18 years shall be granted or entitled to hold a Private Hire (Special Event) Vehicle licence issued by the Council.
- 1.3 No animals other than those owned by fare paying passengers shall be carried in any licensed vehicle whilst the vehicle is hired for the purposes of carrying pre-booked passengers.
- 1.4 A vehicle issued with a Private Hire (Special Event) licence shall only be used for special occasions and executive business contracts. A vehicle licensed within this category shall not be used for normal private hire use.

2. Display of Licence Plate and Vehicle Identification

- 2.1 The proprietor, or where appropriate the driver, must ensure that the licence plates, door signs or such other signs issued by the Council are displayed, at all times in the locations specified in the Private Hire Vehicle Specification and Vehicle Compliance Testing Manual. This condition may be varied in writing by the Council in exceptional circumstances.
- 2.2 A Private Hire (Special Event) vehicle may be exempted from displaying the licence plate and door stickers where application has been made in writing and approved by the Council. Providing the internal vehicle identification badge is displayed in the prescribed location in the front windscreen.
- 2.3 The licence plate and other methods identifying the vehicle as a licensed Private Hire (Special Event) Vehicle referred to in these conditions shall remain the property of the Council, at all times and must be surrendered upon expiry, or on demand to an authorised Officer of the Council or Police Officer where the vehicle is deemed as not fit for purpose.

3. Motor Vehicle Insurance

- 3.1 The vehicle must at all times be insured for the purposes of pre-booked private hire.
- 3.2 There must be a continuity of insurance cover as required by law and the vehicle proprietor and/or driver must be able to evidence such continuity of cover if required by the Council.
- 3.3 The certificate of insurance or cover note or copy of the same must be carried in the vehicle at all times to demonstrate insurance cover to any authorised officer or any other person having a legitimate reason to inspect it.

4. Convictions, Cautions and Fixed Penalty Notices

- 4.1 The proprietor of any Private Hire (Special Event) vehicle must report to the Council in writing, details of any conviction or caution by the Police in respect of any offence and any fixed penalty notice (motoring or otherwise) imposed on him during the period of the vehicle licence.

5. Compliance testing intervals

- 5.1 A vehicle must undergo compliance testing, to an approved specification, at a Council appointed Testing Station every 6 months.
- 5.2 No vehicle is permitted to be used for the purposes of private hire without having a valid MOT and compliance documentation.

6. Number of Passengers

- 6.1 The proprietor or driver of a vehicle must not convey or permit to be conveyed in the vehicle a greater number of persons (regardless of the age or size of the passengers) than the number of persons prescribed on the licence for the vehicle.

7. Tyres and Wheels

- 7.1 All tyres and wheels must meet the legal requirements as to suitability for use on the vehicle.
- 7.2 Tyres must have the minimum tread depth as required by law.
- 1.4 Tyres must be kept in good condition and inflated to the correct tyre pressures.
- 7.4 Space saver spare tyres or tyre repair puncture systems cannot be used for the conveyance of passengers under the terms of the vehicle licence.

8. Maintenance of Vehicle

- 8.1 The vehicle and all its equipment, fixtures and fittings must, when the vehicle is available for hire, or when hired be kept in good working order, safe, tidy and in a clean condition.
- 8.2 A complete set of spare bulbs must be carried in the vehicle to allow for effective replacement. One bulb must be required for each of the following types of vehicle lamp; headlamp, brake light, rear position lamp and directional indicator lamp.

9. Alteration of Vehicle

- 9.1 No alteration to the specification, design, condition or appearance of the vehicle will be permitted without the approval of the Council.

10. CCTV and Radio Equipment

- 10.1 A proprietor is permitted to fit CCTV recording equipment providing that it complies with the Council's CCTV Guidance at the time of installation.
- 10.2 The vehicle must display an approved notice that informs passengers that CCTV recording equipment is installed in the vehicle.

11. Advertising

- 11.1 A Private Hire (Special Event) vehicle is not permitted to carry any form of advertisement apart from the private hire operator's company name in locations as specified in the Signage and Advertising guidelines as they relate to Private Hire (Special Event) vehicles..

12. Vehicle and Driver Inspection

- 12.1 An Officer authorised by the Council, Police Officer or Appointed Testing Station may detain any licensed vehicle for the purposes of inspection to ensure its fitness for use as a Private Hire (Special Event) vehicle, and/or examine the documentation of the driver of the vehicle. An inspection may include the operational condition of any fixtures, fittings or any other equipment installed in the vehicle.
- 12.2 The driver of the vehicle must remain with the vehicle during inspection and not proceed until the Authorised officer has given approval.

13. Provision of alcohol

- 13.1 The sale or provision of alcohol must be in accordance with the provision of the Licensing Act 2003.
- 13.2 Any drinks glasses used with the vehicle must be non-breakable or toughened (polycarbonate or shatterproof)

14. Proprietor records

- 14.1 If the holder of a Private Hire (Special Event) vehicle licence hires to a private hire driver or operates this vehicle as part of a fleet of vehicles for hire, to a number of private hire drivers, he shall;
- (a) Supply the name and address of the private hire driver using the vehicle, to the Council within 7 days of the commencement of any hiring agreement;
 - (b) Inform the Council of any alteration to the information required in condition 14.1(a) within 7 days of such a change;
 - (c) Maintain a record of the periods for which this vehicle was hired to a particular driver;
 - (d) Produce on demand to any Authorised Officer such records relating to the use of the vehicle as may from time to time be required.
 - (e) Obtain and hold for the period of engagement, employment or hiring a copy of the driver's private hire driver licence.

15. Transfer of vehicle licence

- 15.1 The proprietor of this vehicle must notify the Council in writing of any transfer in ownership of the licensed vehicle as required by law.
- 15.2 The person to whom this licence has been transferred must transfer the licence to their name with the Council upon payment of the relevant fee within 14 days of them acquiring ownership of the vehicle.
- 15.3 This vehicle licence is not transferable to another vehicle.

These conditions of licence are made by virtue of Section 5(2) of the Plymouth City Council Act 1975.

These conditions of licence apply to all Private Hire (Special Event) vehicles licensed on or after the effective date and supersede all previous conditions of licence.

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VEHICLE SPECIFICATIONS

Private Hire (Special Event) Vehicle



General vehicle suitability

This document sets out to provide vehicle proprietors with the minimum standards a vehicle must satisfy in order to be licensed as a Private Hire (Special Event) Vehicle (SEV) by Plymouth City Council. In general all vehicles must seat no more than 8 passengers, 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 Testing Compliance Manual.

The Council wishes to maintain a clear separation between hackney carriage and private hire vehicles, therefore certain vehicles are prohibited from being licensed as a Private Hire Vehicle, if they resemble a Hackney Carriage or are currently licensed as such. Any prospective vehicle purchaser is strongly urged to seek advice from the Licensing Section, **before** purchasing any vehicle which they intend to licence.

All vehicles must have European Whole Vehicle Type Approval (EWVTA), Low Volume Type Approval or Individual Vehicle Type Approval from the Vehicle and Operator Services Agency (VOSA).

A vehicle intending to be licensed as Private Hire (SEV), must be presented to a Council appointed vehicle testing station and pass the vehicle compliance test, before any licence can be granted. Further information on the Vehicle Compliance Test can be found in the vehicle Compliance Test Procedures document, and the Vehicle Testing Compliance Manual.

Vehicles that have been categorised by insurance companies as a Category A or B insurance write offs will not be accepted as suitable for a licence.

The vehicle shall have no significant signs of damage, or corrosion and paintwork must be of a 'professional' finish and of one colour scheme for the whole vehicle. The passenger compartment and upholstery must be clean and free from damage that may affect its suitability for the carriage of passengers.

Categories of special event vehicle

The following categories of vehicle are what the Council consider to be private hire special event vehicles;

- Stretched limousines
- Decommissioned emergency services vehicles
- Vintage vehicles
- Other similar classifications

Stretched limousines

Stretched limousines are vehicles that have undergone an increase in length by extending the wheelbase after the vehicle was manufactured. Where a stretched limousine has been constructed or adapted to seat up to 8 passengers, the following original documentation must be provided to the Council before a vehicle licence can be granted:

- Individual or Single Vehicle Approval certificate
- Documentary evidence that the vehicle stretch has been performed by the manufacturer or by a coachbuilder approved by the manufacturer i.e. Imported American limousines must have been built by an approved coachbuilder under the Lincoln (Ford) vehicles Qualified Vehicle Modifier (QVM) programme or the Cadillac Master Coachbuilders (CMC) programme for Cadillac vehicles.
- DVSA vehicle registration document (V5)
- Valid MOT certificate.

Decommissioned emergency service vehicles

Vehicles falling into this category consist of decommissioned Fire Engines and Ambulances. Each vehicle falling into this category must fully satisfy the Council as to its suitability for licensing purposes. Therefore each vehicle proprietor must provide the Council with full information relating to the specification of each vehicle to enable an application for licensing to be considered. Each application will be considered on its own merits and may require the proprietor to perform modifications to the vehicle in the interests of public safety and or passenger comfort.

Vintage vehicles

Vehicles qualifying under this category of vehicle must not have been constructed after 1 January 1973. This is in accordance with the DVLA taxation class for Historic Vehicles. Each vehicle falling into this category must fully satisfy the Council as to its suitability for licensing purposes. Therefore each vehicle proprietor must provide the Council with full information relating to the specification of each vehicle to enable an application for licensing to be considered. Each application will be considered on its own merits and may require the proprietor to perform modifications to the vehicle in the interests of public safety and or passenger comfort.

Licensing legislative framework

Plymouth City Council is the regulatory Licensing Authority for vehicles operating as either Hackney Carriage or Private Hire vehicles within the city. The Council obtains its powers for licensing purposes from the Plymouth City Council Acts of 1975 and 1987, and the Town Police Clauses Act 1847. This legislation enables the Council to determine the characteristics and specifications that vehicles must satisfy in order to be granted a licence. In order to assist vehicle proprietors the Council has produced separate vehicle specifications for each vehicle licence category. These specifications provide the general requirements that vehicles must satisfy, for them to be considered for licensing purposes by the Council.

Licensing section contact information

Licensing Office,
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T: 01752 304141

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Vehicle Specifications - Private Hire (Special Event) Vehicle

Steering

1. The steering wheel and drivers controls may be fitted to the nearside of the vehicle, i.e. left hand drive, provided such steering and controls would have been fitted in that position at the time of manufacture.

Doors

1. All vehicles must have a minimum of two passenger doors at the rear of the vehicle, with a door situated on each side of the vehicle. Rear opening tailbacks are not to be counted for the purpose of this specification.
2. There must be a separate driver's door and front passenger door situated to allow convenient egress from the vehicle.

Windows

1. Windows must be provided in each passenger compartment and the driver compartment. Windows must be capable of being opened or adjusted by passengers when required.
2. Windscreens must achieve at least 75% light transmittance.
3. All front side windows must achieve at least 70% light transmittance.
4. Mirrored tints will not be permitted.

Seating

1. No vehicle shall have more than 8 passenger seats (excluding the driver seat)
2. Where separate forward facing seats are provided, a seating position will be counted where a properly functioning seatbelt is provided.
3. Where a continuous forward facing seat is provided, each seating position shall be counted where a properly functioning seatbelt is provided.
4. Where vehicles are fitted with continuous seating which is placed along the length of the vehicle (sideways facing) then a minimum seat width of 41 cm shall be calculated for each seating position. Properly functioning seatbelts must be provided for each seating position.

Heating and lighting

1. An adequate heating system must be provided in the passenger compartment which must be capable of being controlled by any passenger.
2. An adequate heating must be provided within the driver compartment.
3. Adequate lighting must be provided within the passenger compartment, and must be capable of being controlled by the passenger.
4. Adequate lighting must be available in the driver compartment.

Wheels and tyres

1. All vehicles must have a minimum of 4 road wheels fitted to the vehicle.
2. Tyres must be suitable for use on the vehicle when it is fully laden, and meet all legal requirements for use.

Emission Standards and Fuel

1. The Council's Vehicle Emissions Policy does not apply to Special Event Vehicles.

These specifications are made by virtue of Section 5(1) of the Plymouth City Council Act 1975.

These vehicle specifications apply to all private hire (special event) vehicles licensed on or after the effective date and supersede all previous vehicle specifications.

CONDITIONS OF LICENCE

Private Hire Vehicle



General Information

The conditions of licence contained herein are made by virtue of section 5(2) of the Plymouth City Council Act 1975. Failure to comply with a condition of licence is an offence by virtue of section 5(8) of the Plymouth City Council Act 1975 as amended by the Plymouth City Council Act 1987, for which an offender may be fined £1,000 upon conviction.

It is important for private hire vehicle proprietors to ensure that they are familiar with these standard conditions of licence and any special conditions that may be attached to the licence once granted. The proprietor of a vehicle is considered to have accepted these conditions of licence when being granted a private hire vehicle licence, unless a condition(s) is withdrawn or varied by a Magistrates court upon appeal by the proprietor.

Private hire vehicle licences are granted for 1 year or such lesser period as may be determined by the Council; these conditions shall be applicable for the duration of the vehicle licence.

Any special conditions of licence shall be attached at the time of the grant of the licence by the Council or may be attached to the licence at a subsequent time during the licence period where circumstances require.

Terms

In these licence conditions:

- 1) **'Authorised Officer'** means any Officer of the Council authorised in writing for the purposes of the Plymouth City Council Act 1975/87
- 2) **'The Council'** means Plymouth City Council.
- 3) **'Vehicle'** means a vehicle licensed by Plymouth City Council for the purposes of providing private hire services.
- 4) **'Licence Plate'** means the plate issued by the Council for the purposes of identifying the vehicle as a private hire vehicle duly licensed by the Council.
- 5) **'Proprietor'** means the person or persons or body named on the licence as the proprietor of the vehicle and includes a part proprietor, and in relation to a vehicle which is the subject of a hiring agreement or hire purchase agreement means the person in possession of the vehicle under that agreement.

Licensing section contact information

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www.plymouth.gov.uk

Conditions of Licence – Private Hire Vehicle

1. General Conditions

- 1.1 The Council will only licence a vehicle if it complies with all requirements contained in the Private Hire Vehicle Specifications and Vehicle Compliance Testing Manual.
- 1.2 No person under the age of 18 years shall be granted or entitled to hold a private hire vehicle licence issued by the Council.
- 1.3 No animals other than those owned by fare paying passengers shall be carried in any licensed vehicle whilst the vehicle is so engaged under the terms of its licence.

2. Display of Licence Plate and Vehicle Identification

- 2.1 The proprietor, or where appropriate the driver, must ensure that the licence plates, door signs or such other signs issued by the Council are displayed, at all times in the locations specified in the Private Hire Vehicle Specification and Vehicle Compliance Testing Manual. This condition may be varied in writing by the Council in exceptional circumstances.
- 2.2 The external licence plate must be displayed within the approved bracket as supplied by the Council and affixed to the vehicle using an approved attachment to the lower rear aspect of the vehicle, or in such other location as specified in writing by the Council.
- 2.3 Licence plates are not permitted to be displayed, internally or externally, on any window surface to the vehicle.
- 2.4 Front door licence stickers issued by the Council, must be affixed directly to the vehicle surface in a central location on both passenger doors.
- 2.5 Door licence stickers are not permitted to be placed on magnets or any other method of fitting, not approved by the Council.
- 2.6 The internal vehicle licence identification notice must be displayed lower nearside of the windscreen using such methods as specified by the Council, so as it can be easily seen by passengers. The approved method of display is set out in the Vehicle Compliance Testing Manual.
- 2.7 The licence plate and other methods identifying the vehicle as a licensed private hire vehicle referred to in these conditions shall remain the property of the Council at all times and must be surrendered upon expiry, or on demand to an authorised Officer of the Council or Police Officer where the vehicle is deemed as not fit for purpose.
- 2.8 The vehicle may display a roof sign provided the sign complies in every respect with the roof sign specification approved by the Council. The copy of the roof sign specification can be obtained from the Licensing Office.

3. Motor Vehicle Insurance

- 3.1 The vehicle must at all times be insured for the purposes of pre-booked private hire.
- 3.2 There must be continuity of insurance cover as required by law and the vehicle proprietor and / or driver must be able to evidence such continuity of cover if required by the Council.
- 3.3 The certificate of insurance or cover note or copy of the same must be carried in the vehicle at all times to demonstrate insurance cover to an authorised officer or any other person having a legitimate reason to inspect it.

4. Convictions, Cautions and Fixed Penalty Notices

- 4.1 The proprietor of any licensed private hire vehicle must report to the Council in writing details of any conviction or caution by the Police in respect of any offence and any fixed penalty notice (motoring or otherwise) imposed on him during the period of the private hire vehicle licence.

5. Compliance Testing Intervals

- 5.1 All vehicles being less than 5 years old (the age of the vehicle is taken from the date of first registration with DVAA) must undergo an MOT and vehicle compliance test at a Council appointed Testing Station every 12 months.
- 5.2 All vehicles over 5 years old must comply with condition 5.1 and undergo an additional vehicle compliance test at a Council Appointed Testing Station within 6 calendar months of the MOT and vehicle compliance test. The appointed testing station shall provide a copy of the vehicle compliance test pass certificate to the Council as soon as reasonably practicable.
- 5.3 No vehicle is permitted to be used as a private hire vehicle without having a valid MOT and compliance documentation.

6. Number of Passengers

- 6.1 The driver of a private hire vehicle must not convey a greater number of persons (regardless of the age or size of the passengers) than the number of persons prescribed on the licence for the vehicle.

7. Tyres and Wheels

- 7.1 All tyres and wheels must meet the legal requirements as to suitability for use on the vehicle.
- 7.2 Tyres must have the minimum tread depth as required by law.
- 7.3 Tyres must in good condition and inflated to the correct tyre pressures.
- 7.4 Vehicles must be equipped with a fully functional spare wheel or a tyre puncture repair system as supplied by the vehicle manufacturer.
- 7.4 Space saver spare tyres or tyre repair puncture systems cannot be used for the conveyance of passengers.
- 7.5 A wheel brace and vehicle jack or other suitable equipment as supplied or specified by the vehicle manufacturer must be carried in the vehicle to enable the effective changing of a wheel.

8. Maintenance of Vehicle

- 8.1 The private hire vehicle and all its equipment, fixtures and fittings must when the vehicle is available for hire, or when hired, be kept in good working order, safe, tidy and in a clean condition.
- 8.2 A complete set of spare bulbs must be carried in the vehicle to allow for effective replacement. One bulb is required for each of the following types of vehicle lamp; headlamp, brake light, rear position lamp and directional indicator lamp.
- 8.3 The proprietor or driver must not service or carry out repairs to a vehicle on any roadside where it is likely to cause a nuisance or road safety hazard to other road users or local residents.

9. Alteration of Vehicle

- 9.1 No alteration to the specification, design, condition or appearance of the private hire vehicle shall be permitted without the approval of the Council.

10. CCTV and Radio Equipment

- 10.1 A private hire vehicle may be permitted to fit CCTV recording equipment providing that it complies with the Council's CCTV Guidance at the time of installation.
- 10.2 The vehicle must display an approved notice that informs passengers that CCTV recording equipment is installed in the vehicle.

11. Advertising

- 11.1 A private hire vehicle is not permitted to carry any form of advertisement apart from the private hire operator's company name and contact details in the location specified in the Signage and Advertising guidelines as they relate to private hire vehicles.

12. Vehicle and Driver Inspection

- 12.1 An Officer authorised by the Council or Police Officer may detain any licensed private hire vehicle for the purposes of inspection to ensure its fitness for use as a private hire vehicle, and/or examine the documentation of the driver of the vehicle. An inspection may include the operational condition of any fixtures, fitting or any other equipment installed in the vehicle.
- 12.2 The driver of the vehicle must remain with the vehicle during inspection and must not proceed until the Authorised officer has given approval.

13. Proprietor Records

- 13.1 If the holder of a Private Hire vehicle licence hires to a private hire driver or operates this vehicle as part of a fleet of vehicles for hire, to a number of private hire drivers, he shall;
- (a) Supply the name and address of the private hire driver using the vehicle, to the Council within 7 days of the commencement of any hiring agreement;
 - (b) Inform the Council of any alteration to the information required in condition 13.1(a) within 7 days of such a change;
 - (c) Maintain a record of the periods for which this vehicle was hired to a particular driver;
 - (d) Produce on demand to any Authorised Officer such records relating to the use of the vehicle as may from time to time be required.
 - (e) Obtain and hold for the period of engagement, employment or hiring a copy of the driver's private hire driver licence.

14. Transfer of Vehicle Licence

- 14.1 The proprietor of this private hire vehicle must notify the Council in writing of any transfer in ownership of the private hire vehicle as required by law.
- 14.2 The person to whom this licence has been transferred must transfer the licence to their name with the Council upon payment of the relevant fee within 14 days of them acquiring ownership of the vehicle.

14.3 This private hire vehicle licence is not transferable to another private hire vehicle.

These conditions of licence are made by virtue of Section 5(2) of the Plymouth City Council Act 1975.

These conditions of licence apply to all private hire vehicles licensed on or after the effective date and supersede all previous conditions of licence.

VEHICLE SPECIFICATIONS

Private Hire Vehicles



General Vehicle Suitability

This document sets out to provide vehicle proprietors with the minimum standards a vehicle must satisfy in order to be licensed as a Private Hire Vehicle by Plymouth City Council. All vehicles must seat no more than 8 passengers, 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.

The Council wishes to maintain a clear separation between hackney carriage and private hire vehicles, therefore certain vehicles are prohibited from being licensed as a Private Hire Vehicle, if they resemble a Hackney Carriage or are currently licensed as such. Any prospective vehicle purchaser is strongly urged to seek advice from the Licensing Section, **before** purchasing any vehicle which they intend to licence.

All vehicles must have European Whole Vehicle Type Approval (EWWTA), Low Volume Type Approval or Individual Vehicle Type Approval from the Vehicle and Operator Services Agency (VOSA).

A vehicle intending to be licensed as Private Hire Vehicle must be presented to a Council appointed vehicle testing station and pass the vehicle compliance test, before any licence can be granted. Further information on the Vehicle Compliance Test can be found in the vehicle Compliance Test Procedures document, and the Vehicle Compliance Testing Manual.

Vehicles that have been categorised by insurance companies as a Category A or B insurance write offs will not be accepted as suitable for a licence.

The vehicle shall have no significant signs of damage, or corrosion and paintwork must be of a 'professional' finish and of one colour scheme for the whole vehicle. The passenger compartment and upholstery must be clean and free from damage that may affect its suitability for the carriage of passengers.

Licensing Legislative Framework

Plymouth City Council is the regulatory Licensing Authority for vehicles operating as either Hackney Carriage or Private Hire vehicles within the city. The Council obtains its powers for licensing purposes from the Plymouth City Council Acts of 1975 and 1987, and the Town Police Clauses Act 1847. This legislation enables the Council to determine the characteristics and specifications that vehicles must satisfy in order to be granted a licence. In order to assist vehicle proprietors the Council has produced separate vehicle specifications for each vehicle licence category. These specifications provide the general requirements that vehicles must satisfy, for them to be considered for licensing purposes by the Council.

Licensing section contact information

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Vehicle Specifications – Private Hire Vehicle

Vehicle dimensions and Engine Size

1. The wheelbase must be a minimum of 2.44m (2440mm)
2. The engine size must not be less than 1290cc.

Steering

1. The steering wheel and drivers controls must be fitted to the offside of the vehicle, i.e. right hand drive.

Doors

1. All vehicles must 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 passenger's. Rear opening doors are not counted for the purpose of this specification.
2. 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. Similar arrangements shall apply to the rear passenger doors.
3. Sliding doors are permitted. 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.
4. Passenger doors must be capable of being readily opened from the inside and outside of the vehicle by one operation of the latch mechanism.

Windows

1. Windows must be provided in each passenger compartment and the driver compartment. Windows must be capable of being opened or adjusted by passengers when required.
2. The front windscreen must achieve a minimum of 75% light transmittance.
3. All rear windows and side windows must achieve a minimum of 70% light transmittance.

Seating

1. No vehicle shall have more than 8 passenger seats (excluding the driver seat)
2. Where separate forward facing seats are provided, each seating position shall be counted where a properly functioning seatbelt is provided.
3. Where a continuous forward facing seating is provided, each seating position shall be counted where a properly functioning seatbelt is provided.
4. All licenced passenger seats will be suitably designed for an adult passenger. Fold away seats will not count towards the overall passenger seating capacity of the vehicle.

Heating and lighting

1. An adequate heating system must be provided in the passenger compartment which must be capable of being controlled by any passenger.
2. An adequate heating must be provided within the driver compartment.
3. Adequate lighting must be provided within the passenger compartment, and must be capable of being controlled by the passenger.
4. Adequate lighting must be available in the driver compartment.

Wheels and tyres

1. All vehicles must have a minimum of 4 road wheels fitted to the vehicle.

Wheelchair Accessibility

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.

Emission Standards and Fuel

1. Diesel, petrol or electric powered vehicles are permitted to be licensed as private hire vehicles.
2. From 1 April 2015 all vehicles presented for the grant of a licence must achieve a Euro 4 vehicle emission standard without any modification.

Electric Vehicles, Hybrids etc.

1. The Council will licence electric, hybrid or similar vehicles providing they are of such design as to be able undertake a full range of journeys within the district, whilst carrying the maximum licensed number of passengers and associated luggage. Please refer to the Vehicle Compliance Testing Manual specific to electric and similar vehicles for further detailed guidance on licensing requirements.

General

1. The foregoing provisions give a general guide to the features which will be taken into account when assessing a vehicle's suitability for licensing. They are not exhaustive and the Council retains the sole discretion to approve or reject any vehicle if it is not considered suitable for licensing for any reason.
2. The Council reserve the right not to licence a particular vehicle as a private hire vehicle if this particular make is already licensed as a hackney carriage.
3. All fixtures and fitting must be fitted as per manufacturer's instructions and be in good working order.

These specifications are made by virtue of Section 5(1) of the Plymouth City Council Act 1975.

These vehicle specifications apply to all private hire vehicles licensed on or after the effective date and supersede all previous private hire vehicle specifications.

Spoken English Assessment Test Procedure

1. It is a requirement that ALL new applicants for both Hackney Carriage and Private Hire Driver licenses can demonstrate an adequate and reasonable level of spoken English.
2. The purposes of this requirement are:
 - Ensure that members of the public are safeguarded by ensuring licensed drivers can competently communicate and give and understand most instructions.
 - Ensure that applicants are safeguarded by ensuring licensed drivers can competently communicate and give and understand most instructions.
 - Ensure impartiality and fairness in determining applications.
 - Accommodate all eligible applications.
3. The criteria for all new applicants for Hackney Carriage and Private Hire Driver licences are:
 - (a) Applicants for whom English is not their first language may be asked to provide evidence of having gained a qualification that was taught and assessed in English.
 - (b) Applicants who have some difficulty understanding spoken advice on the telephone or face to face and who have similar issues expressing themselves in English will be asked to provide a certificate showing the successful completion of a course of study or qualification in any subject or skill that was taught and assessed in English. (Examples are but not limited to, GCSE's, 'O Levels' GCE, NVQ, BTEC, RFQ, City and Guilds or similar, Degree, HND, HNC etc or a qualification equivalent to any previously listed issued by a recognised examining body in an English speaking country other than the UK). The weight given to the subject and grade achieved will be assessed on a case by case basis.
 - (c) Applicants who cannot demonstrate an adequate or reasonable level of spoken English and/or a suitable qualification will be required to undertake an independent assessment of their spoken English.
 - (d) Applicants who are clearly fluent English speakers will require no further assessment and may proceed with their application in full.

TAKING THE TEST

4. The spoken English assessment test is a pre-application requirement undertaken at the applicant's own expense at a cost of £SEE FEES TABLE (payable before the test is taken) and must be successfully completed before proceeding with the full application procedure.
5. Tests will be undertaken at the Taxi Offices, Building 4a, Derriford Business Park.
6. If the applicant has a mobile telephone it must be switched off to avoid any interruptions.
7. Applicants will be informed that the tests are recorded by the test provider and any attempt to cheat, for example by using their mobile telephone to attempt to get a fluent English speaker to complete the test will be detected by the system and the applicant will be automatically failed and will not be permitted to undertake another test or proceed with their application.
8. Test dates will depend on demand and room booking availability.
9. On the day of the test, the applicant will be escorted to the designated room by a

Licensing officer. The Licensing Officer will dial the number to the test provider and pass the telephone to the applicant and leave the room.

10. The English test assessment consists of a 15 minute exercise, taken by telephone during which applicants will be tested on various aspects of their speaking and listening ability.

11. The assessment is provided by a specialist education and testing company and consists of:

- Repeating back sentences that are read to the applicant over the phone.
- Answering simple questions asked over the phone.
- Constructing sentences from fragments read to the applicant over the phone (sentences divided into 3 or 4 parts)
- Answering open questions asked over the phone (speaking for up to 30 seconds per question).

12. The test is entirely automated, and questions will be asked by a variety of voices.

13. All of the questions will relate to normal life and the applicant's day-to-day activities; there are no trick questions.

14. The applicant will also be graded separately on sentence usage, vocabulary, fluency and pronunciation, all of which contribute to the overall score.

15. At the end of the test the Licensing Officer will contact the test provider via the website, access the applicant's result, a report will be produced (a copy of which will be provided to the applicant) with a score indicating their overall ability.

16. The test scoring will be set at CEFR Level B2 (CEFR= Common European Framework of Reference for Languages).

17. For licensing purposes, the Council will require applicants to score at least **56** out of **80**. This indicates a good overall ability in use of the English language, where applicants will be able to speak fluently on a range of everyday topics and be able to give and understand most instructions.

18. When passed, the pass certificate will be downloaded direct from the test provider's website the same day and provided to the applicant.

19. Failure to pass the minimum CEFR level B2 (56 out of 80) will require a further test to be taken.

20. There is no right of appeal where the applicant has failed to attain the minimum pass level of 56.

21. Unsuccessful applicants should be given an information sheet with the contacts of local colleges and courses where they may undertake further study to improve their spoken English. All training will be done at the applicant's own expense.

22. No person may re-sit the test within 28 days of taking a previous test.

23. Returning applicants may demonstrate a reasonable standard of spoken English either through the production of a certificate demonstrating the successful completion of an accredited spoken English qualification at point 3 above, or by successfully completing the spoken English assessment test detailed above.

24. Applicants choosing to re-take the spoken English assessment test will have to pay the required fee.

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WHEELCHAIR AND ASSISTANCE DOGS EXEMPTION GUIDELINES



WHEELCHAIR AND ASSISTANCE DOGS EXEMPTION GUIDELINES

Introduction

The Council is committed to an accessible public transport system in which disabled people can enjoy the same opportunities to travel as other members of society. Hackney Carriages are a vital link in the transport chain.

In formulating these guidelines the Council has had regard to Equality Act 2010.

The Hackney Carriage and Private Hire Licensing Policy states that the hackney carriage fleet will be 100% wheelchair accessible and a condition of the grant of a licence, that a licensed hackney carriage driver must give assistance to wheelchair users and to allow access to guide, hearing or other assistance dogs users.

The Council recognises that in some instances licensed hackney carriage drivers will not be physically fit enough to comply with this requirement in which case the following exemption policy will apply.

The applicant can obtain a medical exemption application form from the Taxi Licensing website www.plymouth.gov.uk/tellusanychanges. All costs associated with obtaining a medical exemption certificate are to be met by the driver.

Application Restrictions

An application for a lifetime exemption will not generally be accepted from a driver in their first year of being granted a hackney carriage driver's licence or when they have transferred from private hire.

Exemption Certificates

An exemption will be available to any driver who has suffered an acute injury, illness or medical condition in which recovery is a reasonable outcome, having regard to the nature of the work required in transporting wheelchair passengers safely.

Where a driver wishes to apply for an exemption the applicant is required to submit an assessment form signed and authenticated by that persons GP stating the precise reason for the exemption.

The completed form will only be accepted if it is completed by the driver's own GP or a GP within that practice who has full access to their medical records.

An Exemption Certificate will be short term and will be issued for a period up to 12 months.

Lifetime Exemption

A lifetime exemption will be available to any driver who is suffering from a degenerative injury, illness or medical condition which prevents the driver from loading and securing wheelchairs.

Where a driver wishes to apply for a 'lifetime' exemption the applicant is required to submit an assessment form signed and authenticated by that persons GP and supported by a specialist consultant confirming that in their professional opinion a lifetime exemption should be granted, having regard to the nature of the work required in transporting wheelchair passengers safely.

The completed form will only be accepted if it is completed by the driver's own GP (or a GP within that practice) and a report from a specialist consultant with full access to their medical records.

Where a driver cannot reasonably obtain a completed form from a consultant the application will be referred to a Council appointed independent occupational health advisor. The costs would have to be met by the applicant.

The Council reserve the right that any driver applying for a lifetime or already in possession of a lifetime exemption be assessed by an independent Occupational Health advisor. The Council reserve the right to contact their GP to discuss any part of the evidence supplied and will expect the applicant to sign a mandate for this purpose.

Occupational Health Advisor

An Occupational Health assessor will consider the following outcomes;

- (i) Fit for work
- (ii) Fit with reasonable vehicle or personal adjustments (as specified)
- (iii) Permanently unfit to carry passengers in wheelchairs and/or with an assistance dog
- (iv) Temporarily unfit to carry passengers in wheelchairs and/or with an assistance dog

Decision Making

If the driver is declared **fit for work**, the exemption certificate will not be issued or an issued certificate must be returned to the Licensing Office.

If the driver is declared **fit for work with reasonable vehicle or personal adjustments**, a temporary exemption may be issued to allow that person to undertake the reasonable adjustments to allow a return to full duties. The temporary exemption must be returned to the Licensing Section following the completion of the adjustments.

If the driver is declared **permanently unfit** to carry passengers in wheelchairs and/or assistance dogs a Lifetime Exemption Certificate will be issued. The certificate must be displayed in the vehicle for public viewing in the location specified.

If the driver is declared **temporarily unfit** to carry passengers in wheelchairs and/ or assistance dogs, an Exemption Certificate will be granted for the agreed time period.

The Council reserves the right to request a further Occupational Health review, at any time. The Council reserves the right to review a lifetime exemption at any time from the date of issue.

The Council reserves the right to withdraw a medical exemption at any time where the driver has not supplied the relevant information or not complied with stated timescales to consider or review an exemption, or any other information is received that would call into question the on-going necessity for such an exemption to remain in place.

If the driver declares themselves fit to return to normal duties, the exemption certificate must be returned to the Council.

The cost of an Occupational Health review will be met by the trade account. The costs of any further review requested by the driver will be at their own expense. The Council will not accept any signed medical exemption form that is more than 3 months old.

Assistance Dogs

The same exemption guidance will also apply to assistance dogs.

Assistance dogs include guide dogs trained by Guide Dogs, hearing dogs trained by Hearing Dogs and assistance dogs trained by Dogs for the Disabled, Support Dogs or Canine Partners or similar organisations.

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Appendix C: Table of Responses

Item Number	Objection	Response
1	<p>As a hackney driver I do not support the new proposal to force the trade to have a wrapping placed in the hackney carriages. Under our licensing 1975 act it states all Hackney Carriages should be black. That is our uniform colour already.</p> <p>It's not been enforced vigorously which has not let the policy slide to allow different colours.</p> <p>Plus as a hackney carriage driver I do a number of trips for funeral companies and funeral contractors request the cab is black with no adverts. Green and white would and will not go down well with families attending funerals.</p> <p>It is also not clear in the consultation who pays for this.</p>	In light of the comments received, there needs to be further consideration of taxi livery and therefore this is not included within the current recommended taxi licensing policy changes.
2	After looking at the colours you have put for the taxi livery I strongly object to this as my taxi silver and who do you think is going to pay for it to be done plus my cab has been plated by this council for the past 4 years in this colour I do not want to change the colour of my taxi at any time in the future	Please see response above.
3	I wish to send this email you formally register my protest against the proposed changes in taxi colours for Hackney carriages and private hires. I am in favour of a proposed dress code but I feel the need to change the colour is unnecessarily and a great expense to drivers who are already in a struggling profession therefore I wish to formally protest against the proposes changes and send this in this email.	Please see response above.
4	<p>I am responding to your request for feedback to the proposed taxi licensing policy.</p> <p>I, regarding colour coding of cabs: I will gladly have mine wrapped in the 'stars and stripes' if need be, as long as it is of NO cost to myself. I earn on</p>	In light of the comments received, there needs to be further consideration of taxi livery and therefore this is not included within the current recommended taxi licensing policy changes.

	<p>average fifty pounds per day things really tough enough out there, I for one cannot afford said proposal.</p> <p>2. Uniform: I consider myself to be very clean and tidily dressed, but would be willing to adhere to an agreed dress code.</p> <p>3. Meet and greet/local history courses. I am sorry but after 20 years in the job and a born and bred plymouthian I don't feel I need instruction either. I have transported every kind of character from local pimps/prostitutes, wannabe gangsters etc., to solicitors, police officers and admirals and their wives to functions and have treated every individual with courtesy and respect I expect back (not always forthcoming) but my point is, I know how to "meet and greet" ALL these different members of society. And in the last 20 years do you not think there have not been Americans, Germans, and French etc, visiting our city? All have been greeted with courtesy and respect from myself.</p> <p>As already stated I have no problem with the trade being smartened up, i.e. no flip-flops, vest t shirts etc., but again cost to the driver must be taken into consideration.</p> <p>As for the customization of the cab I feel as long as cab is clean/tidy, lawfully road worthy, I see no reason to financially burden drivers, I am honest hardworking fair person and hope my views do not fall on deaf ears thank you.</p>	<p>The aim of the ambassador training is to raise standards and it is proposed that all drivers complete this training by 1 April 2019. Funding is currently available to support drivers.</p>
5	<p>I am emailing you regarding the proposed colour changes for Hackney cabs, I have six about to be seven cabs and also drive myself, I have a couple new cabs on order that are silver/grey but still have time to change to a different colour if I'm quick !</p> <p>Could you advise if I need to or think I should change as I don't want to be in a position that I need to get them wrapped after spending £70k.</p> <p>Personally I do not wish to and will not spray any of my vehicles in my fleet !</p> <p>As they are not that old,</p> <p>(If you look at my file one Reg is XXXso you should see the rest of them from that) and the financial impact on the resale of them from being resprayed when I sell them at 3 years old would me massive as I have invested a couple hundred thousand in them.</p>	<p>In light of the comments received, there needs to be further consideration of taxi livery and therefore this is not included within the current recommended taxi licensing policy changes.</p>

	<p>On the other hand I'm not against change and if wrapping a boot or Bonnet to green on a silver, white or black cab has to be done so be it or worst case full wrap as long as it's applied correctly and with some type of funding.</p> <p>Or also if we wrap part of existing licensed cabs and from let's just say from the 1st of December all new or replacement cabs being registered/plated need to be a certain colour.</p> <p>Also should all cabs end up a uniform colour what would happen to the ones baring advertising?</p> <p>Also regarding the complaint drivers points system for cleaning up the trade I think is a good idea as cleaner more professional run service means more users and that attracts more drivers to come back to the hackney trade which in turn is good for someone like myself in the cab hire/rental sector. Also could you tell me if there will be any type of funding from the council Regarding the new electric black cab TX5 as I understand some councils are starting to offer incentives.</p> <p>Thank you for your time in reading this and if you could advise on colours as time is of the essence at the moment, please feel free to call me on XXX.</p>	
6	<p>I wish to register my objection to the proposal to colour code the taxis in a uniform colour, making the traditional black cab disappear.</p> <p>Forcing drivers to pay for their taxi cabs to be wrapped in a uniform colour is unnecessary regulation. It creates extra expense and means the loss of all over advertising currently permitted on vehicles.</p> <p>Drivers are all self-employed and are forced to work long hours to 'make ends meet' in the is world. With the rising cost of licensing fees, insurance and fuel costs, no driver benefits from a living wage, or receives holiday pay and sick pay entitlements. Free bus passes for the OAP has also really</p>	<p>In light of the comments received, there needs to be further consideration of taxi livery and therefore this is not included within the current recommended taxi licensing policy changes.</p>

	<p>impacted upon the trade therefore imposing this kind of policy is not acceptable.</p> <p>Nor is it right that the Council is wasting time on such proposals, expecting the City tax payer to fund such changes in policies particularly when the City has more important issues that need to be addressed in this current economic climate.</p> <p>I appreciate that the Mayflower 400 celebration is welcoming to our City, however as a tax payer I would rather the City Council invest in cleaning up the City, removing waste and graffiti, getting rid of weeds, sorting traffic congestion and tidying up the derelict and unsightly buildings on Union Street, which at present is an eyesore on a major gateway to the City.</p> <p>I very much hope that my objection to this policy proposal will be noted and recorded.</p>	
7	Identical letter to Number 6	See response in number 6 above
8	Identical letter to Number 6	See response in number 6 above
9	Identical letter to Number 6	See response in number 6 above
10	Identical letter to Number 6	See response in number 6 above
11	Identical letter to Number 6	See response in number 6 above
12	Identical letter to Number 6	See response in number 6 above
13	Identical letter to Number 6	See response in number 6 above
14	Identical letter to Number 6	See response in number 6 above
15	Identical letter to Number 6	See response in number 6 above
16	Identical letter to Number 6	See response in number 6 above
17	Identical letter to Number 6	See response in number 6 above
18	Identical letter to Number 6	See response in number 6 above
19	Identical letter to Number 6	See response in number 6 above
20	Identical letter to Number 6	See response in number 6 above
21	Identical letter to Number 6	See response in number 6 above

22	Identical letter to Number 6	See response in number 6 above
23	Identical letter to Number 6	See response in number 6 above
24	Identical letter to Number 6	See response in number 6 above
25	Identical letter to Number 6	See response in number 6 above
26	Identical letter to Number 6	See response in number 6 above
27	Identical letter to Number 6	See response in number 6 above
28	Identical letter to Number 6	See response in number 6 above
29	Identical letter to Number 6	See response in number 6 above
30	<p>Email – If a driver has already attended on of the pilot safeguarding sessions back in 2016 do they still have to re-sit the training?</p> <p>Plymouth Ambassador training – who is funding this? Trading conditions are not getting any easier, to be expected to have to pay for something that has limited value is going to be a hard thing to accept.</p> <p>In my view the VRQ should remain as a minimum requirement. For all current and new drivers. However, I go back to the point made in the previous comment, funding of the training needs to be addressed.</p> <p>If someone is willing to cheat on a pre-requisite test then they should be excluded from taking another.</p> <p>If someone is willing to cheat on a test then there is a greater than probability that they will cheat in other aspects of their personal and professional life.</p> <p>Code of good conduct – dress code: an excellent idea but one I fear that will be difficult to enforce.</p> <p>Private hire offices struggle to do this and they have resource to be able to check on their drivers, are the HCO officers going to be expected to carry this out as well?</p>	<p>The safeguarding course is recommended by the Safeguarding Board to be refreshed every 3-5 years. We will introduce a refresher every 5 years, however we will consider if this can be undertaken by e-learning.</p> <p>The Council have found a provider that will be able to provide full funding for the Plymouth Ambassador training in 2017, however this will not last indefinitely and the costs may have to be covered by the driver if alternative funding cannot be sought by the Council in future.</p> <p>The VRQ is a requirement for all new drivers. Unfortunately the council has no control regarding the funding.</p> <p>Cheating is regarded as serious misconduct (please see 4.6 on page 12 of the policy).</p> <p>The dress code has been updated slightly.</p> <p>We have updated this to reflect the responses received. A dress code will be introduced but will be less restricted. We have amended the standard in light of the responses to say:</p>

	<p>In my view there are very limited benefits to having the fleet of HC's in a council livery.</p> <p>Again I would question the cost of this as well, for those who are replacing their vehicle this can be offset but there are some operators who have recently purchased and so through the life of their HC will now have to factor in cost to add livery, will this cost be solely bourn by the operator?</p> <p>Would it be possible to include the minimum CCTV specification or link to the document for reference.</p>	<p>As a minimum standard, males must wear smart trousers (no denim) and a collared shirt or polo shirt which has a full body and short or long sleeves. Knee length tailored shorts may be worn, for example during periods of warm weather.</p> <p>As a minimum standard, females must wear smart long legged trouser (no denim) or knee length skirt or dress and a collared shirt/polo shirt or blouse which has a full body and short or long sleeves.</p> <p>In light of the comments received, there needs to be further consideration of taxi livery and therefore this is not included within the current recommended taxi licensing policy changes.</p> <p>The CCTV specification was published on the website and all the documents will be published in one place once adopted for ease of reference.</p>
<p>31</p>	<p>Para. 13 Page 16 Why the actual system isn't suitable anymore, please? 12 points in 3 years! If I failed to wear the badge only once in one year I will accumulate 12 points!</p> <p>Para. 10 Page 21 Why do we have to spend £3000 to paint my car? It's a huge effort for me, I have to make finance for this and it will cost me at least £3500! And for What? How much money will bring to the city my investment, please?</p> <p>Code of Good Conduct for Licensed drivers – page 3 Why Plymouth City Council imposes us a uniform? What's wrong with the old standard? Why Plymouth City Council imposes us the colours for trousers and shirts, please?</p>	<p>The primary objective of the penalty point's scheme is to improve levels of compliance and help improve the standards, safety and protection of the travelling public. The scheme has been designed so that it works in a similar way to driving points and will encourage drivers to ensure they abide by the law and comply with their licensing conditions and byelaw conditions. We will review the scheme to ensure it works effectively.</p> <p>If you fail to wear your badge, this will incur 4 points. However, you should be wearing your badge at all times and it is an offence not to do so which we can prosecute for either as a failure to comply with a Hackney Carriage Byelaw 14 or under s.12 PCCA 1975 requirement for Private Hire Drivers.</p> <p>In light of the comments received, there needs to be further consideration of taxi livery and therefore this is not included within the current recommended taxi licensing policy changes.</p>

		Uniform – please see response in 31 above. The reason for introducing a uniform is to ensure we can enforce unsuitable standards.
32	<p>I wish to strongly object to the latest idea of re- spraying my taxi's white and green based on my constructive and viable point of view detailed below.</p> <p>Having recently upgraded all my taxi's to euro 4 level, which to be fair has enhanced the fleet, which was much needed and done so at some considerable cost to myself and others at a time when myself, Plymouth and the rest of the country are in recession. Some owner/drivers have had to leave the taxi trade as the cost of renewing taxis to euro 4 has been too overwhelming for them all.</p> <p>Our City of Plymouth is at the end of a long dual carriageway from Exeter and is not yet affluent, vibrant or in any way a city striving to come out of recession. We have no industry, no business links, empty shops and business units all over the city center, empty warehouse units all over the city and no military which would all require public transport, granted we do have SEASONAL students however as they are all city based in skyscraper's that our council tax has paid for they also do not require the use of taxi's.</p> <p>The taxi fleet here in Plymouth is at the moment struggling on a daily basis for all the reasons above. As an owner myself I have taxis parked up, at considerable cost to myself, the same as other owners in my position because of the lack of drivers wishing to rent vehicles. Although of course you will put a case forward that you have many badged drivers on your records, it will not depict the amount of actual drivers on the road as many drivers just keep their badges active in case they want to use them in the future, this being good for the council but not for a driver as there is no money in being a taxi driver now or in the near future.</p>	In light of the comments received, there needs to be further consideration of taxi livery and therefore this is not included within the current recommended taxi licensing policy changes.

	<p>Although Las Vegas has gold taxis and New York has yellow ones, our little city at the end of a dual carriageway is not as vibrant and as rich as the above. You the council need to build this much anticipated cruise terminal now to help boost the tai trade else there will not be enough business or public transport to support such an asset as they would have all sold up and moved on.</p> <p>I doubt we may well all be able to afford to paint our fleet of taxis white and green, or shall we paint them blue with fishes on them as we claim to be an ocean city, or maybe the colours of Plymouth Albion? Let's be real here and put this idea on the back burner and let Plymouth crawl on its knees out of the recession. Whilst the council's wish list of green and white may look wonderful in your eyes would you think it was great if yo had to spend pointless money on vehicles that you do not even have drivers for, let alone the owners who have saved to buy a new cab and would have to take a sander to it. How selfish!</p> <p>Maybe when Plymouth is awash with money and we do not have people sleeping on the streets, crime rates are down and businesses are open again then maybe it would be better time to look at the councils own "disposable" incomes rather than trying to spend the publics. Probably an idea someone from the council thought of whist on holiday in Las Vegas or New York "lets make all our cabs the same", well where is the differentiation, freedom of speech, individual liberty and working together in that!</p>	
33	Identical letter to number 6	Please see response to question 6
34	Identical letter to number 6	Please see response to question 6
35	Identical letter to number 6	Please see response to question 6
36	Identical letter to number 6	Please see response to question 6
37	Identical letter to number 6	Please see response to question 6
38	I. when I look at busy Royal Parade full of multi-colour buses double parking, picking up and dropping off (unsafe) on the busy lane elderly ladies with babies in prams and the bus drivers most of the time doesn't help, is a disgusting picture of our city. But after all the bus driver has a uniform so his	I. This is not relevant to the taxi policy.

attitude is less important.

2. Every summer we have so many visitors in Plymouth, Barbican is full of people but surprise, if they need a taxi they have to walk on top of town to get one because there is only one taxi rank during the day to two taxis and because that two taxis taxi rank might be occupied we don't try to park somewhere nearby because is illegal.

3. Are many useless taxi ranks in Plymouth (Ham Drive etc.) which are well marked but we have important taxi ranks in town, not the some monitored so private cars are parking there all the time because the mark on the road is not well visible.

4 If we have some funds and we really want to do something for our visitors and our city people we can monitor the taxi ranks we have , create new taxi ranks where the people needs taxis not to spend it for something we don't need.

5. After all this I don't think is really necessary to have white and green bonnets cabs in Plymouth. The taxi drivers attitude is most important, no the uniform, don't matter how the taxi drivers looks like and his professional skills makes the difference for people.

6. After upgrading our cabs from Euro 3 to Euro 4 in 2015-16 for money, taxi drivers was huge investment that change their family lifestyle and increased the number of working hours. So another investment in our business in a such as short time when we didn't have time to breathe is not necessary.

2. The Taxi Enforcement Officers regularly patrol this area during the day and have often found the rank free and not being used by Taxi's so we would encourage drivers to use this rank.

3. The taxi enforcement officers are currently reviewing all the ranks whilst the fare signs are being updated. Any maintenance issues will be addressed. We will also review the ranks in the city and consult the trade regarding any that are no longer used. Please report any maintenance issues to us so that we can address these - email taxi.licensing@plymouth.gov.uk

4. Agreed – we are currently reviewing the ranks.
5/6. In light of the comments received, there needs to be further consideration of taxi livery and therefore this is not included within the current recommended taxi licensing policy changes.

39

Identical letter to number 6

Please see response to question 6

40

Medical Exemptions.

It seems to be the culture in the taxi trade now to get a medical exemption, basically so they do not have to take wheelchairs. The Council has not

The Wheelchair guidance has been amended following the consultation. There will be Exemption Certificates which will be short term and will be for a maximum period of 12 months. There will be Lifetime exemptions which will only be granted

helped matters by making us have vehicles that are not suitable for wheelchairs, limited space for loading, not being able to turn a wheelchair and secure it safely because of the size of the wheelchairs and the wheelchair in the wrong position facing backwards. Perhaps the Council should start looking at the reasons why all these drivers keep getting exemptions. One of the reasons is they are frightened of being prosecuted for not securing the wheelchair safely and a lot of the reason behind this is because the wheelchairs are too large for the taxis.

The other reason is you have got a group of taxi drivers who are too lazy to put themselves out. My opinion of this life time exemption, if this is the case, the driver should be made to go private hire and not be a hackney driver. You will all of a sudden see how are cured overnight. I regularly sit behind a taxi driver who has got a life time exemption and he is as fit as me. The only difference between him and me is that he is lazy.

Dress Code.

I understand that the Council want to smarten up some of the drivers, as I have also over the years cringed at the way some of them dress, sleeveless tee-shirts and shorts in the summer and flip flops. Even though the flip flops are illegal to drive in no one seems to want to enforce or take action against these drivers.

Although I think drivers need to be smartened up, I think a sensible policy would be better off instead of enforcing a uniform, ie. No shirts without collars, no jeans and proper footwear to start with. This is probable more palatable to the drivers themselves.

Vehicle and Licensing Specifications

It is about time the vehicle specification is brought up to a modern standard, ie. You have got vehicles that you want to do wheelchairs with which are totally unsuitable for loading and unloading. To be brought up-to-date the council need to bring in back loading vehicles for wheelchairs. By doing this, there will be less excuses for

where a driver is suffering from a degenerative injury, illness or medical condition in which recovery is not a reasonable outcome.

Dress Code

There is no law against wearing flip flops but drivers must ensure they can operate the controls safely. Wearing 'inappropriate footwear' and putting passengers and other motorists in danger is illegal.

The Code of Good Conduct has been updated to reflect the responses received. A dress code will be introduced but will be less restrictive. We have amended the standard in light of the responses to say:

As a minimum standard, males must wear smart trousers (no denim) and a collared shirt or polo shirt which has a full body and short or long sleeves. Knee length tailored shorts may be worn, for example during periods of warm weather.

As a minimum standard, females must wear smart long legged trouser (no denim) or knee length skirt or dress and a collared shirt/polo shirt or blouse which has a full body and short or long sleeves.

Vehicle and Licensing Specifications

any drivers not doing them, making loading and unloading a lot easier, safer for the wheelchair user and would comply with Plymouth City Council contract work and Devon contract work which specifies that all contracts must be forward facing wheelchairs.

I approached the Hackney Carriage officer a few years ago, George Kurness and he told me that it would not happen because it would take up too much room on the ranks. I cannot see that this is a problem because it will only take a five foot box section at the beginning of a rank to be able to accommodate them. One of the ranks I work on, if I load from the side I block the pavement and I think this is more dangerous to the public than loading from the back. You have got hackney carriages at the present time that have had a conversion done which in some cases are dangerous and none of these vehicles have been crash tested and you are actually altering the manufacturers specification of travel and I am sure if these were crash tested they would fail miserably.

Livery

At present, the Council have let private hire have vehicles which look identical to hackneys and in actual fact they look better than some of the hackneys with their illuminated lights on top. You are on about changing the livery of the taxis to green and white for Armada 400, but I think this is a good reason to change under safety reasons because by painting them white and green for 90% of the public this would be the easiest way to distinguish what a hackney is, by the colour. As an example, if you look at Exeter they are all done in red and grey colour, which makes them easily recognizable as hackney carriages, even though they use salon cars.

Taxi meters should be sealed by an independent body, as I remember years ago a certain group of taxi drivers worked out how to change the pulse rate in their favour to earn more money, so perhaps this would put an end to it if they were sealed.

Rear loading is not practical and would involve pushing people into the road and would require a 3m gap between each vehicle on ranks.

Thank you for your comments. The main reason for the livery is to protect the public and make a taxi easily recognisable from a private hire vehicle.

From 30 November 2017, all taxi meters in Plymouth must be sealed by an independent body.

41 Comments I am writing today to oppose certain measures to put forward by

There are other councils including London that have 100% WAV

the recent consultation paper. Firstly there is no council in the country with 100% WAV fleet with livery. These vehicles are already easily recognized as being a Taxi. The cost to the vehicle owner is unfair along with the time lost off the road to have the work done. It will de-value the cabs and make void any warranty on new vehicles, thus making drivers less likely to invest in new vehicles, thus going for older models which would be detrimental to the public. For many drivers they use their cabs as their private transport as well. This livery will cheapen the appearance when doors and boots are opened to show the original paintwork inside door jams etc. Plymouth now has probably the best, cleanest and most modern fleet of taxis in the city and this has been for quite a long time. Having cabs 'wrapped' has been suggested, white soon goes off colour and dirty and you are unable to polish the plastic effectively and no doubt in time will begin to peel and look tatty. I personally prefer to keep my cab plain but other drivers choose to advertise giving them little more income. Vehicles are used as wedding cars, executive hire etc. all revenue which would be lost to the drivers by enforcing livery. Another point is identification for an incidents would be impossible with all cabs looking the same. Detrimental to the very public we are trying to protect. I may also result in the driver not being described sufficiently to be identified, once again a safeguarding issue. I also oppose the city football colours on my cab making it a potential target for the unruly football supporters. Secondly I strongly oppose any form of uniform as I am an independent self- employed driver who although dress smartly I have not worn a uniform since school days and feel this would be an infringement of our civil rights. I must add however that I do not agree with flip flops, vests or skimpy shorts, there is nothing wrong with non-offensive t shirts, sweatshirts or shirts of any colour, as with trousers of any colour or style. Personal attire in no way effects the professionalism of a driver as long as he/she is polite and helpful. Gives the customer a pleasant experience this is what matters more than how they are dressed.

We have been informed that all of the above is to satisfy the 'dream' of one man, who expects this dream to be paid for with the time and expense of the

fleet.

In light of the comments received, there needs to be further consideration of taxi livery and therefore this is not included within the current recommended taxi licensing policy changes.

	<p>taxi trade, which is already struggling.</p> <p>We all have a dream and that is to do the job we love for a sensible amount of hours a week for a reasonable average wage. Working 80/90 hours a week is unacceptable and customers in a taxi whose driver is going into his 18th hour of work for the day is unsafe weather he is in uniform or the cab is liveried.</p>	
42	Please see separate document and response sheet attached.	Please see separate document.
43	I would like to register my objections to the proposal for hackney cabs to be covered in white and green wrap (livery).	Please see the response in number 6.
44	<p>Chapter 1, 1.5 If and when the new Taxi and Private Hire Legislation from the Law Commission is passed, the term “Taxi” will be reserved for the Public Hire vehicle. A revision of the PCC Policy may then be required in short order. It may be better to reconsider the terms for Taxis and Private Hire at this time.</p> <p>Chapter 1, 2.1 The “Best Practice Guidance” (rev 2010). It is to be regretted that “Cherry Picking” from the document is in effect, encouraged.</p> <p>Chapter 1, 4.2 Once in possession of a Drivers HC or PH Licence, further qualification is not needed. A Driver is either “Fit or Proper” or is not. Further and ongoing training is not legislated for and is completely unnecessary, is burdensome in financial and time constraints.</p> <p>Livery adds nothing to Comfort, nothing to Passenger Service and nothing to Access.</p>	<p>The general public tend to use the generic term ‘taxi’ to refer to hackney carriages and private hire and this is the reason that this term is used in the document.</p> <p>The Taxi Licensing Team refer to the Best Practice Guidance and other good practice from various sources to ensure we have a robust and suitable policy for Plymouth.</p> <p>The Taxi Licensing Department revise their policy to ensure it is fit for purpose and that any aspects of training that are highlighted as a requirement to enhance standards are addressed. The introduction of mandatory training for safeguarding and ambassador training is seen to be essential in raising standards and reporting safeguarding and modern slavery matters.</p> <p>In light of the comments received, there needs to be further consideration of taxi livery and therefore this is not included within the current recommended taxi licensing policy changes. It is a legislative requirement to ensure a person is ‘fit and</p>

Chapter 2, 1.5
Enhanced Training is not legislatively required.

Chapter 2, 1.6
Apply to preceding or proceeding?

Chapter 2, 4.1 sub para 2(a) and (b)
VRQ is not a legislative requirement.
Ambassador training is not a requirement and is a financial drain on the Trades Accounts. If PCC wish to the PCC Accounts and not TRADE accounts should pay for the courses.

Chapter 2, 4.3

PCC would appear to “Reserve a Right” where no “Right” actually exists. It is agreed that in disciplinary matters, a VRQ may help to decide that a Driver remains “Fit and Proper”.

Chapter 2, 4.4
It could be conceded that “Safeguarding” may be possibly of benefit.
The Ambassador Training does not achieve its aim, is expensive in time and comes at a cost. A rude or sullen Driver before taking the course will be a rude or sullen Driver after the course.

Chapter 2, 5.1
This must not be revised to only the “Drivers own GP”. It has led to drivers in other areas de-registering from the GP Practice to avoid prohibitive fees charged. Re registration with a Doctors practice is difficult.

proper’ and every case will be considered on their own merits.

1.6 - These requirements apply to new applicants or existing licence holders.

This will be altered to read ‘These requirements apply to new applicants **and** existing licence holders.

The VRQ is a requirement of the existing Taxi Licensing Policy and will continue to be a requirement in the new policy. The Ambassador training will not be paid from the trade accounts. It will either be funded or have to be paid by the driver.

The aim of the ambassador training is to raise standards.

The policy advises that it is either their own GP or a GP within that practice who has full access to their medical records. Where a driver wishes to apply for a ‘lifetime’ exemption the applicant is required to submit an assessment form signed and authenticated by that persons GP and supported by a specialist consultant.

Chapter 2, 13.1 to 13.4 inc
Points systems, adopted in other LA areas are open to abuse, are not legislated for and rarely work well.

The only actions that the LA can take are to “Suspend, Revoke or Refuse to Renew” a licence. Any other action, including points are to exceed the powers granted in Legislation.

Chapter 3, 1.1
It is suggested that the Disclosure Barring Service is not sourced in Scotland.

Chapter 3, 2.2
Livery is not required. Detailed in response to CH3. Para 10.1 below.
Chapter 3, 10.1
Livery is manifestly not required.

The Livery proposed is particularly disruptive because:
i) No vehicle can be purchased brand new with this colour scheme.
ii) There is great expense involved with panels being painted or

The primary objective of the penalty point’s scheme is to improve levels of compliance and help improve the standards, safety and protection of the travelling public. The scheme has been designed so that it works in a similar way to driving points and will encourage drivers to ensure they abide by the law and comply with their licensing conditions and byelaw conditions. We will review the scheme to ensure it works effectively. The aim of a penalty point scheme is to work in conjunction with other enforcement options. It provides a formalised stepped enforcement plan. The purpose of the scheme is to record misdemeanours and to act as a record of drivers, vehicle proprietors and operator’s behaviour and conduct so as to ascertain whether they are a fit and proper person. It does not prejudice the Council’s ability to take other actions.

It is not possible to obtain an enhanced DBS for vehicle proprietors as the Rehabilitation of Offenders Act 1974 (Exemptions)(Amendment) Order 2002 does not cover hackney carriage or private hire vehicle proprietors. However, the applicant or licensee on renewal can be asked to obtain a Basic Disclosure which is obtainable from Disclosure Scotland.

In light of the comments received, there needs to be further consideration of taxi livery and therefore this is not included within the current recommended taxi licensing policy changes.

- covered with Green (or White).
- iii) Vehicles by being “Liveried” will be immediately devalued.
 - iv) The proposed Livery is particularly unattractive, it has the effect of making pristine vehicles look as if, having been in an accident, a temporary repair has been carried out using second hand panels of a different colour.
 - v) Green is traditionally an unlucky colour. Some passengers will not contemplate travel in a Green, or even part Green, vehicle.
 - vi) It will be less attractive for a proprietor to buy brand new vehicles due to points (ii) and (iii) above. The fleet is likely to be of a greater average age as a result.
 - vii) A liveried fleet brings a chilling vision of living in a Police State. Free choice of vehicle colour better denotes a free economy.
 - viii) Loss of “all over” advertising potential will cause a serious loss of revenue to Proprietors.
 - ix) No mention is made in DfT “Best Practice Guidance” of a livery. Indeed the document actively promotes a roof sign for Public Hire Vehicles (Taxis) and no roof signs for Private Hire Vehicles as the ideal differentiation between the trades.
 - x) Passengers will often look for a distinctive vehicle which they have previously used as they can rely on the Driver for whatever reason. *(As an example my own distinctive Blue vehicle is looked for by wheelchair using clients, as I offer a better facility and am generally more amenable to their needs than many other Taxi Drivers).*
 - xi) There is no need for, and no advantage to, the PCC Logo appearing on the sides of Public Hire Vehicles. The rear “Plate”, and the current internal version are enough. Only the Rear plate is legislatively provided for.
 - xii) In a free market, the Name and the Contact Number for a Taxi Office (they are not operators) should be as prominent as the Vehicle Proprietor chooses.
 - xiii) The proposed livery looks disturbingly like a football strip from a lower league club. Taxis may become targets for the disgruntled

fans of other teams.

- xiv) After 6 years of imposed Livery the complaints by Drivers in Bristol have not abated. If nothing else, the costs of that Council in countering the complaints by Officer or Elected Official time are ridiculous and can easily be avoided by simply not having a Livery imposed. (Reported by Bristol Post 04/10/17).
- xv) PCC impose a 100% Wheelchair Accessible Fleet – this in itself provided a perfectly suitable differentiation.
- xvi) Post a non-fault accident, Drivers will find it difficult or impossible to source a liveried vehicle provide by insurance companies, to continue earning.
- xvii) Possibility of “Leasing” a vehicle will be removed.
- xviii) Obtaining finance for vehicle purchase may be impossible due to the immediate devaluation of the vehicle on applying Livery.
- xix) Though the extra premium can’t be quantified, liveried vehicles do cost more to insure.

i) Older, serviceable, pristine vehicles will become “Write Offs” if this comes to fruition.

ii) Due to lack of opportunity to sell outside the Licensing Area, vehicles will be retained for longer time scales.

Being unable to have “All Over” advertising will represent a drop in income of an annual figure in excess of £1000.00 to some Proprietors.

Chapter 3, 12.1 – Window Tints

The Authority need not include this. If a suspicion is that a vehicle is not compliant, pass the information to the Police or DVSA. As the competent authorities, they can take action.

Window Tints – this has been amended to the following:

Vehicles shall comply with the minimum light transmission standards for all glazing as determined by the MOT vehicle testing manual, that being 75% light transmission for windscreens, and 70% for the front side windows.

Darker window glazing tints or window films, may be fitted to the rear glazing of the vehicle. Mirrored window films or glazing is not permitted on any window of the vehicle. Window film tints, if fitted, must be professionally applied to ensure correct adhesion to the window surface without blemish, and to allow correct operation of the window opening mechanism.

Chapter 3, 13.2 – Vehicle Emissions/Age Policy
Adequate consultation and lead in times will need to be provided in advance in any changes contemplated.

Chapter 3, 15.2
Point agreed, rear loading should be allowed to, but never instead of, side loading for wheelchairs.

16.1 Vehicle Compliance Testing
The tests cannot be required in excess of the maximum annual number allowed by primary legislation (PCCA 1975). The maximum is 4 tests per year.

Chapter 3, 16.2
Vehicles converted (to WAV for example) require SVA certification.

Chapter 3, 16.3
Primary legislation allows only a 1 year licence. The PCC would seem to be “Reserving a Right” where no such “Right” exists.

Chapter 3, 16.6
The PCC should consult interested parties before altering or amending the document.

Chapter 3, 18.0
This subject has to go somewhere but it is, apart from the need to display the Tariff, not part of the Chapter “Vehicles”.

Chapter 3, 18.3
Expenses accrued, such as Tolls or similar are not included. Other “Extra” charges are not included either such as Soiling, Booking fees, Railway Station pick up, MoD property etc.

Vehicle Emissions - Full consultation will occur for this in advance of any proposed changes

Vehicle Compliance Testing - It is not envisaged that more than the maximum tests will be required and formal action would be considered if tests are being requested in addition to the standard requirements.

Noted

16.3 - Section 4c of the PCC Act 1975 states that the vehicle licence shall remain in force for such period **not being longer than one year** as the Council may specify in the licence.

The Council normally consult with interested parties but there may be occasions where they may need to alter something in a more timely manner.

18.0 - Noted but do not see it is something that needs to be altered as it fits with the vehicle not the driver.

18.3 - An additional bullet point has been added to encompass all of these types of additional charges. ‘Other reasonable charges’.

Chapter 3, 20.2

Permission of PCC is not a requirement. PCC could, and indeed should, require that they made aware of systems being fitted.

Chapter 3, 20.3

Proprietor owned and operated CCTV systems are not in the remit of the PCC.

Chapter 3, 20.4

PCC may require this of mandated systems, not those a Proprietor owns and operates.

Chapter 3, 20.5

The registration Certificate from the ICO should make up part of the Proprietors file held by the Council. On annual renewal the new certificate should be provided to the Council.

Chapter 3, 25.1

As I personally benefit from an exemption to this provision, I feel that I should not express an opinion to this Paragraph, but I do have a well-known position on it and its ramifications.

Chapter 3, 26.1

It would appear from the wording that the PCC “Hire out” licence plates. The wording should be seriously considered. Also a courtesy that PCC have extended in the past is now given a kind of semi legal status if it remains.

20.2 has been removed from the Taxi Licensing Policy document.

Chapter 3, 20.3 – This has been altered to read ‘ A CCTV system installed in a licensed vehicle must comply with the minimum technical CCTV specification as indicated in our guidance’.

20.4 – this has been altered to read ‘ The Council reserves the right to amend the CCTV guidance from time to time’.

20.5 Plymouth City Council will not require a copy of the registration for the proprietors file.

25.1 - Noted

Chapter 3, 26.1

The licence plates are not hired out. If a vehicle is not in use for example due to a failed engine or major part, then the proprietor is granted three months to rectify the fault and the licence is held dormant on the system. It is not reissued. If the vehicle is not repaired within this time scale then the licence is retained by the council.

Chapter 3, 26.2

This will be considered.

Chapter 4, 1.3 – point noted, however there is no need for a probationary licence as you are either fit to have a licence or you

Chapter 3, 26.2

A procedure for re-allocation should be in place.

Chapter 4, 1.3

Consideration should be given to a 1 year licence at first application. In effect a probationary licence.

Chapter 4, 2.1

Is this for The Operator, all Office Staff or Drivers – it is not clear from the wording.

Chapter 4, 4.1

There should be no reason not to comply allowed.

Chapter 4, 4.2

In line with the primary legislation – written notice etc.

It is the right of Proprietors and Drivers (if different) to have Audio, Visual CCTV.

Audio Recording

Mandated, Local Authority supervised systems are precluded from Audio except when “panic buttons” are used.

Proprietors and Drivers own systems are not constrained in this way. This is covered in the security of date when registered with the ICO.

Notification to the Information Commissioner’s Office

are not.

Chapter 4, 2.1

The wording appears clear as it refers only to Private Hire Operators.

Chapter 4, 4.1

Large to medium sized operators should have no problem in electronic record keeping. Smaller operations i.e. those that have one or two drivers, may find investment in an electronic booking system onerous. In that case we can determine some other form of record, either a ledger, or spreadsheet on a computer for example.

4.2 This has been removed as it is already covered in the legislation.

Agreed. This has been stated in the specification document.

Audio Recording - this is not a mandatory system. You must comply with the ICO and have suitable notices.

Notification - This is guidance and it is not mandatory for this system to be installed. It is therefore important that drivers

Registration must be proved to the PCC. A copy of the Registration Certificate should be filed in the relevant Proprietors or Drivers records.

Signage for Internal Audio and Visual Recording Equipment

Accepted – here audio recording seems to be accepted.

The name and the contact telephone number of the Data Controller must be included on the sign

The contact details can be an email address that does not include a name.

Signage for External Facing Audio and Visual Recording Systems

In the near future a sign should be available as agreed by DfT (for all vehicles, not just Taxi and PH).

Operational guidelines

Overwriting can occur in just a few hours.

CODE OF GOOD CONDUCT FOR LICENSED DRIVERS

Enhanced Training cannot be made mandatory for Public Hire Drivers. Taxi Drivers can only be mandated by utilization of Bye Laws.

Enhanced Training for Private Hire Drivers can be made a “Condition of Licence” but would seem a little unfair.

Whilst I support the aims of the dress code, the same principle of “Bye Law” comes into play.

ensure they comply with the ICO requirements.

Data controller - This is stated in the guidance.

Noted.

Noted.

Code of Good Conduct for licensed drivers - The Taxi Licensing Policy if agreed will make this a requirement.

This will not be applicable as it will be a requirement of the licensing policy and will be a consideration by the Committee members as to whether a person is fit and proper to hold or retain a driver’s licence.

Penalty Points Scheme - This is a good practice scheme and

Penalty Points Scheme

There is no Primary Legislation that allows a Penalty Points System.

Whoever is delegated to award points is de-facto, Judge and Jury.

In other areas that have adopted these schemes, problems have become manifold.

Associations, Unions and similar, should advise all recipients of “points” to refuse them in every instance or accept that they have actually pleaded “Guilty”.

WHEELCHAIR AND ASSISTANCE DOGS EXEMPTION GUIDELINES

Application Restrictions

Every application for exemption must be considered entirely on its own merits with no “Time Served” requirement. A new applicant should be able to secure exemption even prior to gaining first licence. To do other may be breaking at least the spirit of the Equality Act 2010.

Temporary Exemption

A level of privacy may be required. By its very nature it may be “Medical in Confidence”. To this end a Doctor stating the precise reason may be breaking this confidence. It is enough that a Doctor states the restriction (e.g. “No pushing wheelchairs” or “No bending or Lifting”) and confirms remains fit to DVLA Group II requirements.

will form part of the policy. See comments relating to penalty points above.

Application restrictions

The Council has decided that every HC will be a WAV, and therefore there is an expectation that drivers of WAV’s will perform those duties. It is acknowledged under the EA 2010 that there may be occasion where an exemption to those duties under the Act is granted, but should that be extended to new applicants, it would completely negate our policy on having a WAV fleet and driver’s able to perform WAV duties.

Temporary & lifetime exemptions

There is an issue surrounding medical confidentiality, which is why we introduced the medical form we have.

Following the consultation the Wheelchair Guidelines have been amended:

The Wheelchair guidance has been amended following the

	<p>Lifetime Exemption</p> <p>As certification is not covered by the NHS and therefore requires payment to the Professional, form should only require a Doctor and not a Consultant to complete.</p> <p>The Council can only ask if the Doctor stands by the form previously completed, as to ask more is to breach “Medical Confidentiality”.</p> <p>Assistance Dogs</p> <p>A better term is “Service Dogs”. Dogs designated in this way are supposed to have a “Service Dog Passport”. If the “Passport” cannot be produced, carriage should be at the discretion of the Driver.</p>	<p>consultation. There will be Exemption Certificates which will be short term and will be for a maximum period of 12 months. There will be Lifetime exemptions which will only be granted where a driver is suffering from a degenerative injury, illness or medical condition in which recovery is not a reasonable outcome.</p> <p>Assistance Dogs</p> <p>The Act refers to ‘Assistance Dogs’ as they assist the person they are with. This will remain.</p>
45	<p>Guide Dogs provides mobility services to increase the independence of people with sight loss in the UK. Alongside our mobility work we campaign to break down physical and legal barriers to enable people with sight loss to get around on their own terms. Current estimates suggest about 32,140 people with vision impairments are living in Devon of which about 147 are guide dog owners.</p> <p>Taxis and private hire vehicles (PHVs) and the door to door service they provide are essential to the independence of blind and partially sighted people. Who are often unable to drive or use public transport. However, accessing taxis and PHVs can be a major challenge for assistance dog owners. A Guide Dogs survey found that 42% of assistance dog owners were refused by a taxi or PHV driver in a one year period because of their dog – despite this being a criminal offence under the Equality Act 2010. Such access refusals can have a significant impact on assistance dog owners’ lives, leading to feelings of anger and embarrassment and a loss of confidence and independence.</p>	<p>All of the comments are agreed with and this is why our policy has included guidance on Wheelchair and Assistance Dogs Exemptions.</p> <p>All new drivers must complete a VRQ which includes modules on disability awareness.</p>

To help reduce the number of access refusals, it is important that drivers know their legal obligations and how to best offer assistance to their customers with vision impairments, including those travelling with a guide dog. We welcome the reference to disability awareness training in section 4.2. However, we recommend strengthening this and specifying that all drivers must undertake disability equality training when obtaining their licence.

Recognizing the damaging effect an access refusal can have on an assistance dog owners life, the policy should clearly state that any such refusal will be investigated with a view to prosecution and that the driver's licence revoked. Likewise, the "Guidance on relevance of convictions and conduct" should make clear that any such refusal will be viewed very seriously – not only if this happens more than once.

We welcome the specification that lifetime medical exemption certificates for carrying assistance dogs will only be issued when supported by specialist medical evidence. This will help ensure exemptions are only granted where the driver has a genuine medical condition that is aggravated by exposure to dogs. We would further like to change the reference to 'Guide Dogs UK' in the "Wheelchair and assistance dog exemption guidelines" to 'Guide Dogs'

Key recommendations: We recommend that all drivers undertake disability equality training when obtaining their licence and that every access refusal is investigated with a view to prosecution and will lead to the driver's licence being revoked.

Disability equality training

1.1 Drivers who refuse to carry an assistance dog are committing a criminal offence under the Equality Act 2010. The consequences of delayed travel combined with the emotional impact of facing discrimination and confrontation when trying to carry out everyday activities takes a significant toll on assistance dog owners.

1.2 Apart from feelings of anger and embarrassment, refusals can undermine

This has been amended to 'guide dogs'.

This is in place and is covered in the VRQ.

We investigate all complaints regarding refusal of wheelchairs or assistance dogs and will take formal action where sufficient evidence is available. We also undertake regular test purchase operations.

the independence that assistance dogs bring to their owners. Assistance dog owners also reported that the stress of refusals has had a detrimental impact on their mental health and on whether they feel able to leave the house. This also has a negative impact on their ability to access work and other opportunities. As guide dog owners report:

I.3 I.2.1 Each refusal is crushing, confidence shattering, rejecting and traumatic. I always feel that I don't want to go out after – but work dictates I must. Guide dog owner, Stevenage.

I.2.2 I was left on my own at the side of the road in the dark. I am deaf and unable to phone for help and it made me feel very vulnerable. It makes me feel afraid to go out. Assistance dog owner.

I.2.3 I was very upset, it was dark, raining and 10pm at night. I was scared. I avoid evening invites, as I worry about getting home. I lose out on the chance of socializing with friends, which is bad, as I have no family. Guide dog owner, Rochester.

I.2.4 I used to have a very tough two hour commute to work. The taxi part of the journey was the shortest bit travel wise, but it always ended up being the bit that held me up the most because I was having to spend time facing drivers who wouldn't take me with my dog. It's good that my contract was flexi hours otherwise I'm sure I would have been sacked for being late all the time – it happened so often. Guide dog owner, Daventry.

I.4 A Guide Dogs survey found that many taxi drivers are unaware of their legal obligations and the impact refusals have on assistance dog owners. The best way to address this is through disability equality training for all taxi and PHV drivers.

I.5 Disability equality training focuses on the concept of people being disabled by society's barriers and attitudes. It highlights the role an organization and individuals play in the removal of those barriers, while also including awareness elements such as customer care, etiquette and

appropriate communication.

I.6 Many of the positive experiences disabled people report when using taxis and PHVs come about following disability equality training report very positive results with fewer refusals and drivers feeling more confident in assisting passengers with disabilities.

I.7 To enable taxi and PHV drivers to deliver the best and most inclusive service possible, we therefore recommend that all drivers undertake disability equality training. This will ensure they are knowledgeable on disability issues, have discussed barriers in their service and how to overcome them, and are informed about their legal obligations.

2. Enforcement

2.1 We recommend that every refusal of an assistance dog owner will be investigated with a view to prosecution and the drivers licence being revoked. As mentioned, it is a criminal offence for any operator or driver to refuse to carry assistance dogs. On conviction for such an offence, drivers can be fined up to £1000.

2.2 While our survey shows that 42% of assistance dog owners have been refused over a one year period, many of these incidents are not reported. Indeed only 54% of respondents said they would 'definitely' or 'very likely' report an access refusal.

2.3 In part, the underreporting is due to challenges of reporting, especially for people with sight loss. However it is also due to disappointment at the lack of action taken following an access refusal and the low fines issued.

2.4 Considering the significant impact an access refusal can have on assistance dog owners and their communities, it is important that assistance dog owners know that all cases of access refusals are viewed very seriously and are investigated. The 'guidance on relevance of convictions and conduct' should reflect that and specify that every incident will lead to questioning whether that person is 'fit and proper' to hold a licence – rather than only if it occurs more than once, as the guidance currently states.

2.5 We suggest inserting the following paragraphs into the policy:

	<p>2.5.1 The Licensing Authority will investigate all reported access refusals with a view to pursuing a conviction under the Equality Act 2010 and ensuring appropriate penalties are given that are in line with the distressing impact a refusal can have on an assistance dog owner.</p> <p>2.5.2 The Council will undertake periodic test purchasing on licensed vehicles to ensure that licensing requirements are being complied with.</p> <p>3. Medical exemption certificates</p> <p>3.1 We welcome the specifications in the ‘Wheelchair and assistance dogs exemption guidelines’ that lifetime exemptions will only be granted if supported by a specialist consultant and that they might be assessed by an independent Occupational Health advisor. This will help ensure that exemptions are only granted where the driver has a genuine medical condition.</p> <p>3.2 It is often difficult for vision-impaired passengers to identify the validity of exemption certificates. Currently, it is not permissible for licensing authorities to issue exemption certificates which incorporate tactile features, as this would alter the certificate’s prescribed form and render it invalid. We recommend that licensing authorities issue exemption certificates that are accompanied by features distinguishable to vision-impaired passengers, such as an embossed or raised ‘E’.</p> <p>3.3 We would also like to change the reference to ‘Guide Dogs UK’ in the ‘Wheelchair and assistance dogs exemption guidelines’ to ‘Guide Dogs’.</p>	
46	<p>I attended the public consultation held at the Guildhall and have read the proposed changes that Plymouth City Council wishes to implement in our trade.</p> <p>I have a few objections to mention.</p> <p>1. Council Livery – white cabs If PCC wishes to have one colour taxi fleet this matter should have been</p>	<p>1. Livery</p> <p>In light of the comments received, there needs to be further consideration of taxi livery and therefore this is not included within the current recommended taxi licensing policy changes.</p> <p>2. The primary objective of the penalty point’s scheme is to</p>

planned years ahead of 2020 and not now, end of 2017. I bought my cab in October 2014. I only paid 3 years finance and still have 2 more years to go. By the time I have to comply with the new colour (2019) I would need to buy another cab. Wrapping is not an option as I lose my anti perforation warranty valid for 10 years. Also as we have seen with some older cabs, rust starts to appear under any type of wrapping.

Having a one colour taxi fleet will not benefit us or the city in any way. Nor will it attract more customers and the ones that I did inform of your intentions, were appalled by your thinking.

This matter is one mans (Cllr Riley) vision and dream. But it's not the wish of 100's of taxi drivers.

2. Penalty Points System

The idea is not bad; but there is not a balance. 12 points in 3 years? I do not agree with your proposal. 12 points in 1 year would be better. Some of those points are awarded for easy to make mistakes. We are human beings that easily can commit error. I propose a reduction in the points awarded for minor offences and limit the rolling period.

3. Code of good conduct – dress code

I agree that certain drivers, do need to improve their image and the way they present themselves to the public. But imposing which colour to wear means forcing everybody to wear a uniform. We are all self-employed. PCC is not paying us a salary; we have to pay PCC for regulating our trade. Furthermore, employees of PCC are not obligated

improve levels of compliance and help improve the standards, safety and protection of the travelling public. The scheme has been designed so that it works in a similar way to driving points and will encourage drivers to ensure they abide by the law and comply with their licensing conditions and byelaw conditions. We will review the scheme to ensure it works effectively.

3. Dress Code

We have amended the standard in light of the responses to say:

As a minimum standard, males must wear smart trousers (no jeans) and a collared shirt or polo shirt which has a full body and short or long sleeves. Knee length tailored shorts may be worn, for example during periods of warm weather.

As a minimum standard, females must wear smart long legged trouser (no jeans) or knee length skirt or dress and a collared shirt/polo shirt or blouse which has a full body and short or long sleeves.

7. The Plymouth Waterfront Partnership is currently arranging a Taxi Marshall Scheme for the Barbican and if this is successful, it is hoped that it will be extended to other ranks in the City.

8. The Taxi Licensing Team work closely with the Police and we have always found them to be very helpful towards

to wear uniforms; nor should we.

That we shouldn't have people wear flip flops at work or sleeveless t-shirts or beach clothing or torn jeans: that should be addressed.

What should be done to help the trade:-

1. Rank Marshall

We need a better order on the ranks in the bank holiday weekends. Too many times, we (the drivers) have to try to keep order and impose people respect the principal 'first come first served).

2. Relationship with Devon and Cornwall Police

If a bus driver has an issue, Police attends right away. They offer public transport. But, we taxi drivers offer public transport too. Therefore in case of emergency we insist that police treat us fairly as well.

3. Raised Kerbs

I transport a lot of wheelchair customers. None of the ranks in Plymouth City Center have raised kerbs to facilitate easier loading. As you've noticed, a lot of taxi's nowadays have a underfloor ramp. Having raised kerb, will increase the angle therefore easing loading. At Derriford hospital, all drop off and pick up wheelchair passengers is to be done in Car Park F. There's not even a normal kerb in there. And there is a slope as well.

4. Street Lights

Taxi Rank on North Hill is not properly lit. At night, is very difficult to see customers. Street light needed.

drivers. Please see the guidance regarding taxi fare disputes and please contact the taxi licensing team or police to discuss your concerns further.

<https://www.plymouth.gov.uk/sites/default/files/TaxFaresDispute.pdf>

9. The Taxi Licensing Team will review this as part of the rank reviews in the city and where possible introduce improvements. Unfortunately Derriford Hospital is private land so we cannot make any alterations to their ranks.

10. The Taxi Licensing Team will review this and make any necessary improvements.

47

I wish to strongly object to the proposed change of uniform colour coding of the traditional black cab, this is an extra expense to my personal finances that it totally unacceptable. The Licensing Authority made me upgrade my

In light of the comments received, there needs to be further consideration of taxi livery and therefore this is not included within the current recommended taxi licensing policy changes.

	previous cab in 2015 even though it was in perfect working order but was Euro 3 emissions, so I decided to pay £28, 000 for a brand new black cab. Now you expect me to pay approximately another £1200 to have this beautiful black cab wrapped in white/green vinyl, are you out of your mind?	
48	Strategic Transport	Please see separate sheet with comments
49	As a concerned resident group leader, existing in this central urban basin of Stonehouse, Plymouth, are very aware that the dangers to our citizen health while petrol chemicals are being burnt down wind of a populated city (PCT) toxic emissions from the badly sited dock yards incinerator from all the rubbish and plastics East Devon (at sea level) now being burnt up the furnaces chimney. However as a horticulturalist it has not gone unnoticed that most of the private and hackney carriage operatives continue to leave their vehicles running these engines whilst stationery in there taxi ranks adding to the high concentrations of carbon nitrates oxides into our cities atmosphere, the cities air that we breath in this basin (as viewed from kit hill on a hot congested day of a popular event) now adding to the early life expectancies of our residents (cancers and lung complaints) etc. as life time threats to human health, obviously many of these new licences and vetted cabbies are or should be aware of their geological positions when this impounds on our health and safety environmental and switching engines off when stationary.	The Taxi Licensing Department will liaise with Transport on the use of FPNs under Part 4 of the Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002. This needs to be part of a city wide enforcement policy to include all transportation and targeting sensitive receptors e.g. schools.
50	Information referring to website information ADi about the life span of vehicle wraps. This can be found on http://aretedis.com/pros-and-cons-of-vehicle-wraps.html The information advises that although vinyl manufacturers guarantee the material for 5 to 10 years, the life span of the wrap will be less and wraps that stay on vehicles longer than three years tend to bond more strongly to the surface and make wrap removal more time consuming. Page 3, Para 1.5 You have mislead all the people listed in paragraph 5.0 and 5.1 by using the	The vehicle can either be wrapped or resprayed. Page 3, para 1.5 - The general public tend to use the generic term 'taxi' to refer to hackney carriages and private hire and this is the reason that this term is used in the document. 4.2 - This will be reviewed in a separate consultation.

word taxi to include private hire so no paint job required there then! What representation was at these meetings to educate these people from the drivers point of view. As I see it was a one way roller coaster of the Council with their views, only put across.

Page 5, 4.2

Age of vehicles? No age limit required as are tested 6 monthly plus inspected by Licensing Officers on ranks randomly.

Chapter 2

There is nothing here to state under what reasons a driver can refuse to carry persons, drunk, dirty, not doing where there going. As a driver I will decide who rides and who doesn't.

Chapter 3, page 17, 2.2

All forms of advertising on private hire should be removed. They should be allowed a sign on their near side interior sun visor so that can be pulled down on arrival at pick up point for customer recognition nothing else required.

Page 18, 4.3

The livery proposed will take work out of the trade for taxis as people will not hire a common vehicle to get married, go to airports, cruise ships, these people apply for clean comfort, individual forms of transport is classed too many as a luxury.

This will impact on my trade considerably. Only three years ago you imposed extra expense on the taxi proprietors and now you want to do it again. I and other drivers haven't finished paying for our cabs from the last expense you caused us. Promote the difference between taxi and private hire that already exist the word taxi and the light up front. Livery not required on rear of vehicle as nobody hails a taxi from the rear or when it's driving away from them.

Adding a livery would be detrimental to the taxi trade and there would be no

Chapter 2 – It is agreed that there are valid reasonable excuses not to take a passenger. There is no need to list these in the policy as this defence is included in the legislation

Page 17 - Private hire vehicles are permitted to advertise their company on their vehicles.

Page 18 – In light of the comments received, there needs to be further consideration of taxi livery and therefore this is not included within the current recommended taxi licensing policy changes.

advantage to the public as provided in London, Liverpool, Manchester and so on or are you saying the people of Plymouth are thick?
 I have supporting evidence about vehicle wrapping which is used as a short term advertising material. See accompanying paperwork.
 You would need to respray over 3000 vehicles plus cover their paint warranty plus you would have to pay compensation for time off work. A very high figure I would estimate about a million and a half. The police can't identify these vehicles easy. The vehicle would become targets for out of town jobs as it would be seen as advertising Plymouth argyle.

Page 22, 15.0 – 15.2
 My taxi is not able to load wheelchairs on ranks at Derry's, Iceland, Old Town Street, Drake and so on. You are restricting the right of the disabled to travel with your restrictions on vehicles. Talk to the people that know?

Page 22, 15.2 and 15.3
 Rear loading is a must.

Roof signs are against the law. Also the word Taxi on private hire is misleading the public putting them in danger.

Code of Conduct for drivers
 Para 1, 1.4
 Provide assistance to the trade is a joke, taxi ranks. Are an afterthought in planning decisions, wrong side of road, not in places where public needs ranks. Doesn't uphold existing laws against private hire.

Transport of passengers shortest route
 Nowhere in law does a taxi drivers have to go by the shortest route. The shortest route can be the dearest route.

Page 22 – Please contact us to discuss this further as I require further clarification as to why you cannot load wheelchairs.

Rear loading is not practical and would involve pushing people into the road and would require a 3m gap between each vehicle on ranks.

Roof signs are permitted on private hire vehicles if they use the words 'Advance Bookings Only'. There are trading names of private hire companies that contain the name 'taxi'.

The Council ensure that ranks are reviewed in consultation with the trade and that they are maintained. Please report any issues to us so that these can be investigated.

The Plymouth City Council Act 1975 section 27, refers to Prolongation of journeys. No driver can unnecessarily prolong in distance or in time the journey for which the vehicle has been hired.

51

I have read the full consultation in detail, without going into much detail I am

broadly in agreement to most of the documents points.

I have two sections I would like to comment on.

I own three hackney cabs, two are rented, I am an owner driver of the third. I purchased two new Ford Pro Cabs in September, an investment of 70K.

Luckily one is white, so happily no problem now or in the future with that one.

The other is grey!

Proposed vehicle livery

In summary a very positive, good idea.

There is now a huge array of hackney vehicles in the city, many of which are not easily identifiable as a hackney carriage to the majority of the public.

A lot of these are no longer even clearly marked as Taxis.

However, I do not think timing wise it is at all possible to implement this for 2020 for all the many reasons you will be aware of.

If this is going to be passed, in order to offer my small support, to what I feel is the long overdue livery standardisation of the fleet I would be prepared to put my white cab forward as a demo example for PCCs livery proposal. The driver takes huge pride in his vehicle and keeps it very clean at all times.

Although not ideal, in order to start and accelerate the transition process, have you considered allowing or encouraging the newer non- white vehicles to carry the livery for those willing to embrace the change?

The phasing in, however it is structured, will take a considerable time and we will still be in the same position of a huge array of cabs until the non -white cabs have finally worked their way out of the system.

In the case of my new grey cab, I will not be looking to update this until 2022.

In light of the comments received, there needs to be further consideration of taxi livery and therefore this is not included within the current recommended taxi licensing policy changes.

	<p><u>Uniform</u> Excellent idea, however, having briefly attended the drop in session on the 6th November, sadly I just can't see this happening in any shape or form, let alone how would you police & enforce it !</p> <p>Good luck and keep pushing on, I fully support what you are working to achieve.</p>	<p>The dress code has been amended slightly - please see the response in 30 above.</p>
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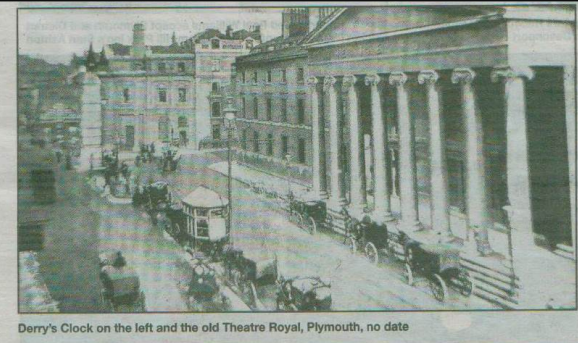
APPENDIX C

Draft Taxi and Private Hire Licensing Policy Consultation Response Sheet

Chapter One – Statement of Policy

Page	Para.	Comments	Response
2		Foreward ...the Lead up to 2020... is irrelevant, this will be a permanent policy and requires to be looked at in the longer term.	It is agreed that this will be the permanent policy in place, however there are a number of changes within the policy that will help contribute to the success of the celebrations and increased economic activity such as the ambassador training.
3	1.1	<i>“The Council’s Hackney Carriage...”</i> In order to differentiate between the two trades that the LA licences the LA should adhere to SI 1994 No. 1519 (Appendix 1)	The maximum agreed licences are 360 which were agreed by the Taxi Licensing Committee. This will be reviewed again to ensure it reflects the latest Unmet Demand Survey.
	1.3	<i>“The Council currently licences 357 hackney carriages (360 maximum),...”</i> 357 should now be the maximum with further reductions when possible.	
	1.3	<i>“...Private hire numbers are subject to a degree of fluctuation...”</i> For several years this Licensing Authority (LA) controlled the numbers of Private Hire Vehicles (PHVs) and should do so again. Plymouth City Council (PCC) Minutes: 02/05/1977 Min. 270 restricted the number of PHVs to 500 reducing to 450. Through efficient enforcement the number decreased until on 22.06.1993 there were 240 PHVs.	The unmet demand survey is only applicable in Plymouth to the Hackney Carriage Vehicles and this will be reviewed again in 2018. Restricting the number of Private Hire Vehicles would not be deemed necessary and the Office of Fair Trading (OFT) and DFT advice is that the presumption should be to delimit unless consumer detriment through delimiting can be shown. OFT and DFT have claimed that increased competition would reduce fares for passengers.
	1.5	<i>“Throughout this policy the word ‘taxi’ is used as a generic term in respect to both hackney carriages and private hire vehicles as the term ‘taxi’ is</i>	

	2.1	<p><i>commonly used by the general public and is used in this document in to reflect this.”</i></p> <p>We totally disagree with this statement. Please refer to Appendix 1. It is the duty of the LA to protect the public, in part, by educating them to the fact that there are two trades. The Department for Transport (DfT) Best Practice Guidance (BPG) always refers to Taxis and PHVs.</p> <p>It is noticeable that PCC as LA picks and chooses parts from the DfT BPG to the detriment of the Taxi trade and in favour of Private Hire.</p>	<p>The general public tend to use the generic term ‘taxi’ to refer to hackney carriages and private hire and this is the reason that this term is used in the document.</p>
4	4.2	<p><i>“Comfort, passenger service and access “</i></p> <ul style="list-style-type: none"> ▪ <i>“Livery”</i> will be addressed later ▪ <i>“Provision of safe and comfortable premises for customers to use “</i> <p>This can only apply to premises that are open to the public</p>	<p>The bullet point ‘Provision of safe and comfortable premises for customers to use’ has been removed.</p>
4	4.2	<ul style="list-style-type: none"> ▪ <i>“Measures to reduce noise...”</i> <p>We support the intention to introduce measure for the above.</p> <p><i>“To prevent crime and disorder and to protect drivers and consumers”</i></p> <p>We support the use of Night Time and Event Taxi Marshals who are properly trained and know their responsibilities</p>	<p>No response necessary.</p>
5	4.2	<p><i>“Provision of safe premises for driver ... use”</i></p>	<p>We appreciate that there are very few facilities for taxi drivers to be able to take a rest break and use the toilet. However unfortunately for a majority of HC drivers that are self-employed, the facilities are restricted.</p>



Derry's Clock on the left and the old Theatre Royal, Plymouth, no date

During WWII The cab shelters in Old Town Street and North Road Station were destroyed by enemy action. PCC promised to replace them after the war. The Taxi trade is still waiting.

4.2

The LA could greatly assist the Taxi trade by informing the Media of the difference between Taxis and Private Hire on each occasion that the Media reports are erroneous.

“To encourage environmental sustainability”

- *“...age requirements...”*

Provided mechanical fitness requirements are met there should be no age policy.

- *“...Conversion systems”*

4.4

TFL in London permit LPG conversions.

“...the Council will have regard to;...”

The Town Police Clauses Act 1847 S66 and The Fraud Act 2006 S11 to assist licensed drivers.

We will continue to educate the public; however the generic term commonly used is the word ‘taxi’.

This will be addressed in future policies when the age and emissions policy is reviewed.

The Town and Police Clauses Act 1847 is already listed and covers its entirety where relevant.

Section 11 of the Fraud Act 2006 is regarding obtaining services dishonestly and would be used by the Police if a criminal offence has been committed by a customer for example failing to pay for their taxi journey. This does not need to be added to this list.

Chapter Two – Drivers

Page	Para.	Comments	Response
6	6.1 7.4	<p><i>“...Para B of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000...”</i></p> <p>We cannot find Para B but do not believe that this applies to Plymouth.</p> <p><i>“...discriminate against disabled users...”</i></p> <p>The policy of the LA to have 100% WAV fleet discriminates against a large number of disabled persons and prevents the Taxi trade from realising its economic potential.</p>	<p>The Council has delegated this function in the Constitution as is set out in the end sentence (i.e. “The method of delegation to Taxi Licensing Committee and to Officers is set out in the Council’s Constitution which may be updated from time to time”).</p> <p>A 100% accessible fleet cannot be seen to discriminate against disabled persons. The law allows for exemption certificates to be applied for by drivers. The Council will consider applications to deviate from the vehicle specifications if the vehicle can take larger electric wheelchairs.</p>
8	1.5 1.6	<p><i>“...spoken and written English...”</i></p> <p>We cannot agree that written English is required apart from writing receipts for passengers. Some drivers suffer from dyslexia. Numeracy should be included.</p> <p><i>“These requirements apply to ... existing licence holders.”</i></p> <p>Taxi Drivers who have completed twelve months should not be subjected to these requirements.</p>	<p>New applicants must be able to undertake knowledge of Plymouth tests and the VRQ examination. Therefore spoken and written English is a requirement. Drivers must be able to have a reasonable conversation with their passengers. Numeracy is included in the driver’s test.</p> <p>If issues are raised as to any aspect of a person’s ‘fit and proper status’ any of the matters included in 1.5 will be reviewed. Drivers who return to the trade within 12 months will not have to complete the pre-requisite tests.</p>
9	4.1 4.3	<p><i>“d) Driving Standard’s Test (DST), “</i></p> <p>The application procedure is a considerable cost, we submit that an applicant should do the Driving Test first to avoid any further expense through failure.</p> <p><i>“The Council reserve the right...”</i></p>	<p>We recommend that the DBS is completed first before any expense is incurred. The Knowledge of Plymouth test is also recommended to be undertaken prior to the Driving Standards Test to ensure the driver has a good understanding of the Plymouth area and the driving standards test includes some of the routes which are included in the KOP test. However applicants can complete the pre-requisites in any order that they wish.</p>

		Does the LA have the right ?	The Committee can require anything that they deem necessary to ensure a person remains 'fit and proper'. Any decision can be appealed to the Magistrates Court.
11	4.4	<p>"• <i>Safeguarding – at time of renewal or by 1st April 2018, whichever comes first</i>"</p> <p>This is too short a time scale.</p>	It is agreed that this is too short a timescale and this will be amended to 1 st April 2019.
12	4.6	<p>"...required to retake any pre-requisite test."</p> <p>Such persons should be barred for 3 years rehabilitation.</p>	The applicant would have to go to Committee so that they can decide whether the person is 'fit and proper' following any serious misconduct.
13	6.1	<p>"...enhanced DBS disclosure check..."</p> <p>This association has repeatedly requested that the last two boxes are ticked and do so again in order to better protect the young and adult vulnerable when journeys are undertaken from the Street or at Taxi Ranks.</p>	<p>The Council cannot require lawfully request this information.</p> <p>Enhanced DBS including barred list checks are for 'regulated roles' identified within the Safeguarding Vulnerable Groups Act (amended by the Protection of Freedoms Act 2012).</p> <p>Under this legislation we are not lawfully allowed to request this information and we can only request the Enhanced DBS Check excluding barred list checks to comply with the Safeguarding Vulnerable Groups Act 2006.</p> <p>Please see further information at http://dbsdirect.co.uk/types-of-checks-and-who-they-are-for.php</p>
15	9.1	<p>"A restricted driver licence may be issued for specific driving situations..."</p> <p>Hospital Car Drivers and any person providing a 1 to 8 seat passenger vehicle for financial gain should hold a restricted PH Operator, PH Vehicle and PH Driver licence.</p>	The law exempts voluntary car schemes such as Hospital cars from licensing provided certain requirements are met.
16	13.4	<p>"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</p>	The penalty points system is designed to improve drivers' standards and ensure that these standards are maintained. It is intended that the scheme works in a similar way to the DVLA points system where points

		<i>Licensing Committee.”</i> This appears onerous and should be reduced to 12 points within 12 rolling months.	will not be spent until after 3 years.
		Missing: There is nothing about the rights of Taxi Drivers to refuse a potential passenger. Taxi Drivers should be able to refuse intending passengers who: <ul style="list-style-type: none"> ▪ cannot give a clear destination. ▪ is excessively inebriated. ▪ has dirty clothing that will affect the seats. ▪ foul odours. ▪ unsecured food and drink. 	It is agreed that all of the reasons that are mentioned in your response are valid reasonable excuses not to take a passenger. There is no need to list these in the policy as this defence is included in the legislation.

Chapter 3 – Vehicles

Page	Para.	Comments	Response
17	1.1	“...Disclosure Scotland...” We are puzzled as to why Disclosure Scotland is involved in Plymouth ??	It is not possible to obtain an enhanced DBS for vehicle proprietors as the Rehabilitation of Offenders Act 1974 (Exemptions) (Amendment) Order 2002 does not cover hackney carriage or private hire vehicle proprietors. However, the applicant or licensee on renewal can be asked to obtain a Basic Disclosure from Disclosure Scotland.
	2.2	“...a distinct and recognisable difference is maintained between licensed hackney carriage and private hire vehicles....” Plymouth Crown Court Case No: A19990007 21.09.1999	This is not relevant to the licensing policy that we are consulting on.

Key Cabs Ltd

Appellant

and

Plymouth City Council

Respondent

Page 2

Para 2

“...in 1976/77 the Council required all hackney carriages to bear a lighted roof sign indicating “Taxi”. Secondly, in 1978 the Council required that with effect from 1 January 1979 all licensed hackney carriages must be of the FX4 type. ...”

Para 2

“...One of the conditions applicable to PHV’s, minuted by resolution 268 of the Public Transport Sub Committee (the sub-committee) dated 8 March 1982, was a prohibition on the display of roof signs.”

Page 3

Para 6

“...the evidence we heard from council officers and councillors ... it was desirable that PHVs be prohibited from displaying any kind of roof sign.”

Page 4

Para 3

“...When cross-examined he {Mr. Shepherd} accepted that the sub-committee had not in fact considered whether the ban on advertising on the roof was “reasonably necessary” and said that aspect had not been considered.”

Page 5

Para 1

“...In the light of some of the evidence adduced before the Magistrates Key Cabs informed PCC on 15 January 1999 that it had changed it’s trading name from “TaxiFast” to “TF Value Cars” and wished to use the legend “Advance Bookings Only” on the side rear panels of its licensed PHVs. ...”



		<p>The above photograph was taken on 03.11.2017. Why is PCC as LA failing to enforce PHV Specifications and Conditions of Licence ?</p> <p>DfT Best Practice Guidance Paragraph 38:</p> <p><i>Another approach, possibly in conjunction with the previous option, is a requirement for a roof-mounted, permanently illuminated sign with words such as 'pre-booked only'. But it can be argued that any roof-mounted sign, however unambiguous its words, is liable to create confusion with a taxi. So roof-mounted signs on PHVs are not seen as best practice.</i></p> <p>For all of the above Roof Signs and the word Taxi should be removed from all Private Hire Vehicles licensed by Plymouth City Council.</p> <p style="text-align: center;"><i>Queens Bench Division - Administrative Court - Thursday, 8th November, 2007</i></p> <p style="text-align: center;"><i>KEY CABS LIMITED T/A TAXIFAST APPELLANT</i> <i>-V-</i> <i>PLYMOUTH CITY COUNCIL RESPONDENT</i></p> <p><i>Criticism was made by Mr. Justice Mitting in the High Court in London on Thursday about the way in which Plymouth City Council had responded to an application by Key Cabs Limited for 30 hackney carriage licences.</i></p> <p><i>He said he had "great sympathy for anyone dealing with the Council", commenting that if the submission being put forward by Counsel on behalf [of the] City Council were put forward on instructions, he considered the approach of the Council, acting as a regulatory authority, left "much to be desired".</i></p> <p>This shows that it is not only this association that has problems with our Licensing Authority.</p>	<p>This is not relevant to the taxi policy consultation.</p>
17	2.2	<p>From 1976 this LA imposed conditions of identity upon PHV's through Minutes 02.05.1977 Minute 283 and 13.06.1977 Minute 24. These were discreet and restrictive so that PHVs were not confused with Hackney Carriages. These conditions have been gradually eroded ever since with acceleration during the Taxifast litigation period.</p>	<p>There is no bias between either trade and we have always worked closely with the two trades.</p>

		It is the opinion of many within the City of Plymouth Taxi trade that the LA is biased towards the PH trade and it is this that has caused the problem of differentiation between the two trades.	
18	4.1	<ul style="list-style-type: none"> ▪ <i>Volunteers</i> <p>it is believed that hospital car drivers receive a greater financial reward than taxi drivers. Should this be so they should be licensed.</p>	There is no requirement for hospital car drivers to be licensed. See previous comments.
	4.3	<p><i>“...Where a licensed vehicle is used in connection with a wedding ceremony...”</i></p> <p>Traditional Colours of wedding “Taxis”, mostly as follow up vehicles since the imposition of the FX4, are white, silver and pale blue. Should the LA impose white and green vehicles upon the Taxi trade this will result in a loss of income for those Proprietors/Drivers who provide the service.</p>	In light of the comments received, there needs to be further consideration of taxi livery and therefore this is not included within the current recommended taxi licensing policy changes.
19	6.4	<p><i>“...Existing licensed private hire vehicles cannot remove the licence plate and door stickers as issued by the Council for the purposes of executive hire.”</i></p> <p>This is not being enforced resulting in cases of abuse.</p>	Please forward details of these cases so that these can be investigated.
20	8.4	<p><i>“...passing compliance test at four monthly intervals.”</i></p> <p>A Test every 4 months is onerous</p>	This is already in the current policy and is required for specialist vehicles such as limousines which require regularly testing.
	9.1	<p><i>“...private hire vehicles to clearly indicate...”</i></p>	
	9.2	<p><i>“...hackney carriage and private hire vehicles must be distinguishable...”</i></p> <p>Where a PHV bears a roof sign that leads the public to believe that it is for hire it contravenes the PCC Act S6(1).</p> <p><i>Department for Transport Best Practice Guidance March 2010</i></p> <p><i>Vehicle Identification</i></p>	<p>Please forward cases to this department so that these can be investigated.</p> <p>Please also refer to the Vehicle Specifications on our website which details the roof signs that are permitted.</p>

	9.3	<p><i>Another approach, possibly in conjunction with the previous option, is a requirement for a roof-mounted, permanently illuminated sign with words such as 'pre-booked only'. But it can be argued that any roof-mounted sign, however unambiguous its words, is liable to create confusion with a taxi. So roof-mounted signs on PHVs are not seen as best practice.</i></p> <ul style="list-style-type: none"> ▪ <i>“Permitted dimensions, location and wording of roof signs used on private hire vehicles.”</i> <p>Remove Roof Signs from PHV’s</p>	
21	10.1	<p><i>“...painted white and the bonnet and boot lid (rear door) is painted Green to colour code RAL – 6037...”</i></p> <p>What is the White colour code ? Brand new vehicles will be immediately devalued.</p> <p>We object to having the proposed livery imposed upon the Taxi trade in Plymouth. Livery does not protect the public, mechanical fitness of the vehicle and the professionalism of the driver protects the public.</p> <p><i>“... “wrapped” in 3M Scotchcal Vinyl or equivalent vinyl...”</i></p> <p>“Wrapping”, we have learned, negates the perforation warranty and fades. It is therefore most likely that vehicles will be sprayed so we are not pursuing this matter.</p> <p><i>“...Council issued door signs and door number showing the vehicle plate number with the PCC logo foremost on the front doors and plate number to the rear doors. ...”</i></p> <p>We object to having the proposed door signs, door number and PCC Logo on our front doors. The rear Plate and Roof Sign are quite sufficient.</p> <p><i>“...A single telephone number or the name of the operator may be shown on the front doors below the Council logo and shall not exceed the logo in length. ...”</i></p> <p>We object to the proposed restriction upon company and Proprietor advertising</p>	<p>In light of the comments received, there needs to be further consideration of taxi livery and therefore this is not included within the current recommended taxi licensing policy changes.</p>

on our privately owned vehicles.



A bus stop in Plymouth so why should Taxis be White and Green

21	<p>10.1</p> <p>and</p> <p>10.2</p>	<p>Livery: a recent survey of 348 LAs by Private Hire and Taxi Monthly shows that only 101 (or 29%) impose livery with only three being the same. We are totally opposed to having livery imposed upon the Taxi trade until such time as there is a national colour preferably linked to another country.</p> <p>Livery does not protect the public; mechanical fitness of the vehicle and the professionalism of the driver protects the public.</p> <p>There are 357 Taxis licensed in Plymouth but according to PCC as LA there are 835 'saloon taxis'; what plans are there for the saloon taxis to be white and green as obviously the greater numbers would have a more visible impact upon visitors to, and citizens of, Plymouth.</p> <p>Respray Cost: Rough Estimate - £4,500.00</p> <p>Time off Work: 10 days</p> <p>Leasing: There may be implications regarding leasing and changing the</p>	<p>In light of the comments received, there needs to be further consideration of taxi livery and therefore this is not included within the current recommended taxi licensing policy changes.</p>
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	<p>colour.</p> <p>Effect on Warranty: We are informed that in order to maintain Perforation Warranty resprays will have to be undertaken by Manufacturers approved Repair centres.</p> <p>Replacement Vehicles: There will be additional cost when purchasing a second hand vehicle as it will have to be completely resprayed. There will be less income when selling a second hand vehicle as it will have to be completely resprayed.</p> <p>Criminal Investigations: all vehicles being identical will make criminal investigations by the Police and LA staff more difficult.</p> <p>Costs: Annual: £4,800; Insurance £1,272; Test and Licence £250 plus fuel, maintenance and depreciation. (this only an outline)</p> <p>Based on a 40 hour week this is £3.00 per hour. It is only through working longer hours that proprietor/drivers reduce the hourly cost. Taxi drivers struggle to meet the new minimum working wage of £8.75 per hour with many Taxi Drivers receiving Working Tax Credit</p> <p>Accident Replacement Vehicles: Taxi Proprietors will be unable to “borrow” a replacement vehicle in the event of a non-fault accident which will cause financial hardship.</p> <p>Retrospective: There should be no retrospective Conditions or Specifications upon Taxi Vehicles, Proprietors or Drivers.</p>	
	<p>Social and Domestic: Taxi Proprietors and Drivers are entitled to use their vehicles for social and domestic purposes. Livered vehicles have the following consequences: when travelling they are liable to be attacked if in their home town Football Colours. They are also more probable to attack by mindless supporters of visiting football teams when parked at home. Due to these scenarios insurance premiums are higher.</p> <p>Unintended Consequencies</p> <p>There are several Minutes during the period from 1977 to 1980 during which</p>	

		<p>London Type Taxis were considered, rejected, then resurrected resulting on 28.04.1980 Minute 403 that all hackney Carriage Proprietors had to apply by 01.01.1982 for an FX4 licence with the last saloon car being removed during August 1982. The imposition of the FX4 by the LA was unlawful as confirmed by the European Commission however the then president of the EC Jacques Delors compounded this illegality when he opted to “let sleeping dogs lie” as the numbers were few which is contrary to European Law.</p> <p>It is believed that a Taxi Proprietor in Plymouth was the first in the country to have a wheelchair conversion carried out on his FX4 which led to LTI producing the FX4W followed by the Fairway.</p> <p>Until recent times the LA has persistently attempted to prevent the Plymouth Taxi trade from introducing new styles of vehicles with the Metrocab and early people carriers being examples.</p>	This is not relevant to this consultation.
21	10.2	<p>The Proposed Policy is not Compatible with the <i>EU Charter of Fundamental Rights of the European Union (2000/C 364/01) Article 17 Right to property.</i></p> <p>We believe that the proposed policy is not in the <i>public interest</i> and that there is no mention of <i>fair compensation being paid in good time for their loss.</i></p> <p>Legislative and Regulatory Reform Act 2006</p> <p>The proposed Conditions of Licence are contrary to the purpose of the above Act which is intended to reduce burdens and promote regulatory principles.</p> <p>Regulators</p> <p>The proposed conditions are contrary to (2)(a) proportionate and transparent</p> <p>Also; (2)(b) regulatory activities should be targeted only at cases in which action is needed. There is no need only a whim.</p>	In light of the comments received, there needs to be further consideration of taxi livery and therefore this is not included within the current recommended taxi licensing policy changes.
21	11.1	<p><i>“Subject to approval from the Director of Public Health advertising is permitted on the tip up seats of wheelchair accessible vehicles and any</i></p>	Reference to minutes from 1979 is not relevant to this consultation.

	<p>11.2</p> <p>11.3</p>	<p><i>advertisement displayed conforms to the council's guidance for licensed vehicles."</i></p> <p>There are several Minutes permitting advertising on Taxis. These started on 30.07.1979 Minute 105 permitting Taxis to advertise on their doors. This was requested and granted to offset some of the cost of using FX4's. Through several years additional advertising rights were granted.</p> <p><i>"Advertising is permitted on the rear wing of the vehicles (as decided by the Director of Public Health) provided the vehicle is not exempt from displaying the council's livery and any advertisement displayed conforms to the council's guidance for licensed vehicles. The advertisement must be applied directly to the rear wings of the vehicle. Removable, temporary methods of display such as magnetic or similar applications are not acceptable."</i></p> <p><i>"The standards to be applied are set out in the Council's Advertising & Signage Guidelines"</i></p> <p>We object to livery and restrictions on advertising as this may cause some Taxi Proprietors to lose £1,000.00 per year. Civic Pride has no place in the commercial marketplace of Taxi businesses.</p>	<p>In light of the comments received, there needs to be further consideration of taxi livery and therefore this is not included within the current recommended taxi licensing policy changes.</p>
<p>21</p> <p>22</p>	<p>12.0</p> <p>13.1</p>	<p>There should be no tinted windows in public carrying vehicles – for public safety</p> <p>1. <i>"...LPG conversions will not be accepted after this date."</i></p> <p>LPG conversions are accepted in London and should be accepted in Plymouth.</p> <p>2. <i>"The Council may approve conversions or adaptation systems for vehicles to comply with the requirements of the Council emissions standards. ..."</i></p> <p>LPG conversions are accepted in London and should be accepted in Plymouth. (LPG conversions were in use in Plymouth in the early 1980's)</p>	<p>12.0 - This has been reviewed during the consultation and will be altered to:</p> <p>The minimum light transmission for glass in front of, and to the side of, the driver is 70%, except windscreens which shall have a minimum light transmission value of 75%. Vehicles may be manufactured with glass that is darker than this fitted to windows only in the rearward windows of the driver. Mirrored tints will not be permitted.</p> <p>13.1 - This is a requirement under the current policy and the vehicle</p>

		<p>4. <i>“These provisions do not apply to Special Event Vehicles.”</i></p> <p>The same specifications should apply to all Taxi and Private Hire Vehicles.</p>	emissions/age policy will be reviewed in a separate consultation.
22	<p>13.2</p> <p><i>“The Council will apply either an emissions policy or vehicle age policy in order to maintain modern standards of vehicle and reduce vehicle emissions.”</i></p> <p>PCC through road humps is increasing emission pollution: lower gears = higher engine revolutions, braking = dust from disc pads, accelerating = more emissions, braking and accelerating increase tyre wear. This increases PM2.5 deposits which are hazardous to young lungs and respiratory affected elderly.</p> <p><i>“...vehicle age policy...”</i></p> <p>There should be no Age limit on Licensed Vehicles. Mechanical Fitness should be the only requirement.</p> <p>14.1</p> <p><i>“...will consider alternative fuels...”</i></p> <p>Contradicts 13.1- 1.</p> <p>Disability Access</p> <p>15.1</p> <p><i>“...must be wheelchair accessible...”</i></p> <p>This requirement contravenes the DfT Best Practice Guidance Paragraph 27.</p> <p>The current LA Policy is preventing the largest Taxi company from fully realising its potential by forcing it to give away profitable journeys to Private Hire Operators.</p> <p>Consideration should be given to exonerating Taxi Drivers who are loading, unloading or assisting Wheel Chair confined passengers to and from premises.</p> <p>15.2</p>	<p>13.2 - As above- this will be subject to a separate consultation.</p> <p>This has been a requirement since the current policy was introduced in 2008.</p>	

23	15.3	<p><i>“...must be able to load and unload wheelchair users...”</i></p> <p>Rear loading should be an additional, not alternative, option.</p> <p><i>“...a distinctive recognisable difference is maintained...”</i></p> <p>Remove roof signs and the word “Taxi” from all PHVs.</p>	<p>Rear loading is not practical and would involve pushing people into the road and would require a 3m gap between each vehicle on ranks.</p>
23	16.1 16.3	<p><i>“...at any location...”</i></p> <p>any location within Plymouth City Boundary to comply with the 1975 Act.</p> <p><i>“...issue a licence of shorter duration...”</i></p> <p>Should this be implemented it will be onerous.</p>	<p>16.1 - The proprietor of the vehicle may wish to take their vehicle somewhere outside of Plymouth e.g. Ivybridge, Saltash. Therefore this does not need to be altered.</p> <p>16.3 - There may be occasions when the Council may wish to issue a licence of a shorter duration.</p>
24	17.4 18.3	<p><i>“...should abide by the Council’s terms...”</i></p> <p>The word used should be “shall”.</p> <p><i>“The Council will review fare scales at regular intervals having regard to:”</i></p> <p>Booking Fee, Soiling, MOD; Station and Tolls should also be reviewed.</p> <p><i>“...goods carried”</i></p> <p>Many persons, especially the socially deprived and students use taxis to move “House”.</p>	<p>17.4 - Agreed – this has been amended to ‘shall’.</p> <p>18.3 – An additional bullet point has been added to encompass all of these types of additional charges. ‘Other reasonable charges’.</p>
26	23.1 24.2	<p><i>“...foldaway child seats located in the boot...”</i></p> <p>Vehicles cannot carry more passengers than is shown on the licence plate. This will also negate the vehicle insurance.</p> <p><i>“The Council will not licence horse-drawn vehicles as hackney carriages...”</i></p> <p>Such vehicles are used for weddings and funerals and if licensed should</p>	<p>23.1 Each application will be considered on its own merits. The vehicle will only be able to carry what is permitted on the licence plate. It is considered that 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. However, there may be grounds to licence these seats for restricted operations, such as seaside and moorland tours, where the</p>

	24.3	<p>be licensed as Private Hire as they are pre-booked.</p> <p><i>“...license rickshaws or similar vehicles...”</i></p> <p>It has been proved in London that such vehicles are dangerous and impossible to enforce.</p>	<p>seating requirements can be discussed in advance.</p> <p>24.2 - Horse drawn carriages are non-motorised transport and falls outside the private hire licensing regime.</p> <p>24.3 Agreed. This is reflected in the policy.</p>
<p>At the time of writing there are Taxis in Plymouth that are only weeks old. The Livery Policy will have an adverse effect upon such vehicles and their proprietors by increasing costs and decreasing their value.</p> <p>The PLTA is totally opposed to the intentions of Plymouth City Council as Licensing Authority to retrospectively introduce specifications and conditions.</p> <p>We submit that no Retrospective Specifications should be introduced upon any currently Licensed Vehicle for the duration of its economic life.</p> <p>It is therefore desirable that any change in vehicle policy should take place over a period of fifteen years.</p>		<p>In light of the comments received, there needs to be further consideration of taxi livery and therefore this is not included within the current recommended taxi licensing policy changes.</p>	

Chapter Four – Private Hire Operators

Page	Para.	Comments	Response
27	<p>1.2</p> <p>1.3</p> <p>2.1</p>	<p><i>“...all companies that operate under the umbrella of the operator’s licence...”</i></p> <p>Each company “under an umbrella” must have its own licence.</p> <p><i>“The Council will issue a licence for a period of up to 5 years.”</i></p> <p>The first licence should be for one year as a probationary period.</p> <p><i>“...Private hire operators are required to provide a Basic DBS disclosure certificate...”</i></p>	<p>There have been situations where larger operators have purchased smaller companies which operate under one operator but have kept their individual company names for advertising purposes. This is what is meant by ‘all companies that operate under the umbrella of the operator’s licence’.</p> <p>1.3 –There is no need for a probationary licence as you are either fit to have a licence or you are not.</p> <p>2.1 – the fit and proper test can only be applied to the Operator. The</p>

28	<p>3.1</p> <p>4.1</p> <p>7.1</p>	<p>Private Hire Operators (PHOs), Dispatchers and Office Staff should all have enhanced DBS checks to protect the public.</p> <p><i>“...The Council will impose such conditions on an operator’s licence as it considers necessary. ...”</i></p> <p>PHOs should not be permitted to use the word taxi on their buildings, stationery, advertising and vehicles unless fifty one per cent of their vehicles are Licenced Taxis.</p> <p><i>“...Name of the driver, ...”</i></p> <p>This is onerous as the office knows the call sign. It may be good customer relations but that is not the concern of the LA.</p> <p><i>“...The records must be in an approved electronic format...”</i></p> <p>This is not necessary for a start-up company and should be taken into consideration.</p> <p><i>“...Any person providing the services of an airport transfer company... must hold a private hire operator’s licence...”</i></p> <p>Several Taxi Proprietors/Drivers provide such services and do not require a PHO Licence.</p>	<p>Council only licence the operator and therefore cannot require their staff to undertake DBS checks. The Operator is not required to have an enhanced DBS check as the Rehabilitation of Offenders Act 1974 (Exemptions) (amendment) Order 2002 does not cover operators.</p> <p>3.1 The word taxi could be part of the name of the business.</p> <p>4.1 - The name of the driver is required by the licensing authority. However, this can be recorded by way of a call sign as long as it can identify the driver.</p> <p>Page 28 - This is clarified in the paragraph in 4.1 which follows the bullet points and states The records must be in an approved electronic format unless otherwise agreed by the Council. Factors to be considered in deciding whether an operator does not have to comply with this requirement are size of business, number of vehicles operated, compliance and cost effectiveness.</p> <p>7.1 – this is referring to Airport/seaport transfers only. Hackney carriages do not require a private hire operator’s licence.</p>
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Chapter Five Administrative & Enforcement Procedures

Page	Para.	Comments	Response
29	1.1	<p><i>“The Council endorses the principles of good enforcement...”</i></p> <p>We support these principles but fail to see action on the ground.</p>	<p>The Council has a robust regime for investigation and enforcement. Please discuss this with us separately.</p>
31	6.1	<p><i>“The Council will have regard to the ...DfT Best Practice Guidance. ...”</i></p>	<p>The Council has regard to the Best Practice Guidance but the Council does not have to adhere to it in its entirety.</p>

	<p>Department for Transport Best Practice Guidance March 2010</p> <p>Specification Of Vehicle Types That May Be Licensed</p> <p><i>27. Normally, the best practice is for local licensing authorities to adopt the principle of specifying as many different types of vehicle as possible. Indeed, local authorities might usefully set down a range of general criteria, leaving it open to the taxi and PHV trades to put forward vehicles of their own choice which can be shown to meet those criteria. In that way there can be flexibility for new vehicle types to be readily taken into account.</i></p> <p>Vehicle Identification</p> <p><i>38. Another approach, possibly in conjunction with the previous option, is a requirement for a roof-mounted, permanently illuminated sign with words such as ‘pre-booked only’. But it can be argued that any roof-mounted sign, however unambiguous its words, is liable to create confusion with a taxi. So roof-mounted signs on PHVs are not seen as best practice.</i></p> <p>Lack of adherence to the above Guidance is having a detrimental effect upon the Taxi trade in Plymouth.</p> <p>It is also noticeable that throughout the DfT Best Practice Guidance there are two separate trades – Taxi and Private Hire. PCC should be adhering to this principle to enhance both trades and educate the media for correct reporting and the public for their safety.</p>	<p>A mixed fleet can be considered for future policies.</p>
33	<p>12.2</p> <p><i>“Refunds will not be paid where the licence holder has been banned from driving, ...”</i></p> <p>While being banned from driving is not condoned the person concerned has not committed an offence against Taxi Law. The Licensing Authority does not have the power to fine which we submit this is.</p>	<p>This is not deemed to be a fine. Refunds do not have to be given at all and the costs of the licence covers the grant and administration of the licence. It is deemed that a refund should only be granted where someone has a genuine reason to leave the trade or transfer between trades.</p>

Code of Good Conduct for Licensed Drivers

Page	Para.	Comments	Response
1	Para 3	<p><i>"...smart in appearance. ..."</i></p> <p>Smart in appearance should be first as the driver and vehicle are the first contact.</p> <p><i>" For the purposes of this code the 'trade' refers to both the hackney carriage and private hire trades."</i></p> <p>Should read "Taxi and Private Hire Trades."</p> <p>Responsibility of the Council</p> <ul style="list-style-type: none"> ▪ <i>"Provide support and assistance to the trade wherever possible; "</i> <p>The Council as the Licensing Authority is failing dismally in its duty to provide support and assistance to the Taxi trade in Plymouth. Priority to the Land Train, failure to provide Taxi Ranks in appropriate places, lack of Intermodal Transport Provision, Bus Lane restrictions. There are two distinct trades and PCC fails to protect the public through education of the Media and ignoring the advice of the DfT.</p> <p>PCC has failed the Taxi trade in favour of Private Hire and is attempting to further penalise the Taxi trade to cover PCCs own incompetence.</p>	<p>The wording has been altered to reflect this point.</p> <p>Taxis are hackney carriages.</p> <p>The Licensing Department work closely with other departments in the Council to raise the issues with the provision of ranks and the bus lane restrictions. This is ongoing.</p> <p>The council does not see how it has failed the taxi trade and a livery would enhance the taxi trade.</p>
2	Para 3	<p><i>"...reliance on Satellite Navigation equipment..."</i></p> <p>GPS is useful at night for getting close to a house when one cannot see the numbers.</p>	<p>Agreed - this is why the words 'sole reliance' are used.</p>

3	<p><i>“Private Hire Drivers”</i></p> <p>PH Drivers should receive points for forming illegal Ranks and illegal parking in Bus Stops, Loading Bays, Single and Double yellow lines.</p> <p>There should be Drop off and Pick Up Points for PHV’s within the City Centre that can also be used by Taxis.</p> <p><i>“Footwear for all drivers shall fit around the heel of the foot.”</i></p> <p>In the interests of safety footwear should cover both the heels and toes.</p> <p><i>“Drivers should not wear...”</i></p> <p>We disagree, provided clothing is not offensive Taxi Drivers should be able to show that they support a team or are proud to be British.</p>	<p>There are penalty points for Private hire vehicles parking or waiting on a Hackney Carriage Stand. Please forward full details of any drivers that are forming illegal ranks or illegal parking and these will be investigated. This has been raised with the Council by Councillors and the Licensing Department.</p> <p>Footwear - There may be instances where drivers may wish to wear sandals.</p> <p>These are not deemed appropriate to be worn by the Council. However there are times when it is reasonable to provide community support e.g. World Cup, Olympics etc. and this is included on page 3 of the Code of Good Conduct.</p>
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Guidance on Relevance of Convictions and Conduct

Page	Para.	Comments	Responses
1	Para 2	<p><i>“...a hackney carriage or private hire drivers licence. ...”</i></p> <p>This should state “Taxi or Private Hire Drivers Licence”</p>	<p>This is as defined in the Plymouth City Council Act and it is important to differentiate between hackney carriages and private hire vehicles.</p>
4		<p><i>“...a 14 day to 3 month suspension...”</i></p> <p>Where a suspension such as three months is imposed consideration should be given to bringing this penalty into operation at the end of a persons’ PCC driving licence in order that the person is still penalised but can continue to support their family and meet financial commitments such as Court fines.</p>	<p>This is a sanction and is for the consideration of the Committee Members.</p>

5	<p>“Fixed Penalty Notices (for non-endorsable matters)”</p> <p>This appears onerous for a one off but more relevant to repeat offenders.</p>	Comments noted.
6	<p>“OFFENCES OF DISHONESTY”</p> <p><i>“...demanding more than the legal fare. ...”</i></p> <p>This an offence under the Town Police Clauses Act 1847 S54</p> <p><i>“...Drivers are expected to hand in lost property to the Police within 24 hours...”</i></p> <p>This needs to be checked as this writer believes that this has been changed.</p>	This is an expectation – not a requirement. However, we will remove this sentence from the document.
7	<p>“VIOLENCE”</p> <ul style="list-style-type: none"> ▪ <i>“Manslaughter”</i> <p>Manslaughter can be one unfortunate push for self-defence.</p> <p>10 years does appear to be an onerous length of time for some offences.</p>	As explained in the policy, each case will be taken on its on merits.
8	<ul style="list-style-type: none"> ▪ <i>“assault of a police officer”</i> <p>While not condoning an assault against any person, there are some dubious instances of assault against police officers.</p>	The Council consider the assault against a police officer to be a serious matter and one that could reflect the ability to act in a fit and proper manner. Each case will be taken on its own merits.
9	<p><i>“...any licensed driver to charge a just monetary fee for a completed journey. ...”</i></p> <p>Taxi Fares are controlled by taximeters.</p>	Agreed. The sentence which follows explains what this means. It states ‘Negotiating an alternative sexual favour as payment is not acceptable and will be grounds for revocation.
10	<p>“Minor Traffic Offences”</p> <p><i>“...within a 12 month period...”</i></p>	This will be a rolling 12 month period so it will account 12 months from the date of the latest traffic offence.

		Will this be a calendar or rolling 12 month period	
11	Para 3	<p><i>“The Council will not consider ‘exceptional hardship’ as a factor...”</i></p> <p>We submit that exceptional hardship should be considered unless a Licence is to be revoked.</p>	<p>Exceptional hardship cannot be a consideration when deciding if someone is a ‘fit and proper’ person. The Council must ensure that the person is safe and suitable and can only consider public safety. The aim of the local authority licensing of the taxi and PHV trades is ‘to protect the public’, para 8 of DfT Best Practice Guide. This is ‘public safety’ in its widest sense.</p> <p>The impact of removing/not granting a licence on the licensee/applicant and their family is not a consideration to take into account (Leeds City Council v Hussain 2003 RTR 13 Admin and Cherwell DC v Anwar 2012 RTR 15 Admin.</p> <p>It is the driver’s responsibility to bring these matters to the attention of the owner. However, vehicle proprietors are also investigated for cases involving vehicle maintenance.</p> <p>Drunkenness – Each case will be taken on its own merit. However driving or being in charge of a vehicle whilst under the influence of alcohol is considered to be an aggravation factor.</p>
	Para 4	<p><i>“...multiple tyre defects...”</i></p> <p>For LA purposes vehicle proprietors should be punished as well as drivers.</p> <p>“Drunkenness With a motor vehicle”</p> <p><i>“...a period of at least 5 years...”</i></p> <p>A period of five years appears excessive and we suggest 2 years.</p>	
12		<p>“Equality Act offences”</p> <p>While not an offence ordinary dogs are being refused.</p> <p>“Safe and Suitable test for vehicle proprietors”</p> <p>“All vehicle proprietors must obtain a Basic Disclosure from the Disclosure Scotland (every three years).”</p> <p>We believe that this is an error. How does Scotland DBS affect Plymouth</p>	<p>Please report these refusals to the council so that they can be investigated.</p> <p>Safe and Suitable Test - This is not an error. It is not possible to obtain an enhanced DBS for vehicle proprietors as the Rehabilitation of Offenders Act 1974 (Exemptions)(Amendment) Order 2002 does not cover hackney carriage or private hire vehicle proprietors.</p>

		??	However, the applicant or licensee on renewal can be asked to obtain a Basic Disclosure from Disclosure Scotland.
13		<p><i>“Drugs Offences (Licensed vehicle proprietors)”</i></p> <p><i>“...drug related offences within the last 5 years...”</i></p> <p>We feel that this should be dependent on the actual crime such as using, dealing, manufacturing and type of drug involved. For a less serious offence to be restrictive for five years appears harsh.</p>	Each case will be on its own merits, however we must ensure that the public are protected and the use of drugs whilst driving is not prohibited.

Wheelchairs and Assistance Dogs Exemption Guidelines

Page	Para.	Comments	Response
1		<p>The Hackney Carriage and Private Hire Licensing Policy states that the hackney carriage fleet will be 100% wheelchair accessible...”</p> <p>This policy is contrary to DfT BPG Paragraph 27.</p> <p><i>“Application Restrictions”</i></p> <p>Following the 1st and 2nd World Wars wounded service personnel were encouraged to become Hackney Carriage Drivers and this should be pursued to provide gainful employment.</p> <p><i>“Lifetime Exemption”</i></p> <p><i>“...already in possession of a lifetime exemption be assessed by an independent Occupational Health advisor. ...”</i></p> <p>Doctors refer their patients to Consultants or Specialists who in turn inform the Doctor. When a Doctor states that a patient is unfit to convey passengers in wheelchairs that is sufficient. There is no need to impose further expense upon drivers who are not in the best of health.</p>	<p>Application restrictions: The Council’s policy is that every Hackney Carriage will be a Wheelchair Accessible Vehicle and therefore there is an expectation that drivers of WAVS will perform those duties. It is acknowledged under the EA 2010 that there may be occasion where an exemption to those duties under the Act is granted, but should that be extended to new applicants, it would completely negate our policy on having a WAV fleet and driver’s able to perform WAV duties. The driver can still apply to become a private hire driver.</p> <p>Lifetime Exemption</p> <p>The council want to ensure the taxi trade support those that need them most. Since April, the Council have received a significant increase in applications for lifetime exemptions and this will greatly affect the</p>

Page 3	<p>Para. 5</p> <p>There should be an upper age limit at which it is compulsory for Taxi Drivers to carry Wheelchair confined passengers. We suggest a person’s 60th birthday.</p> <p>“Decision Making”</p> <p><i>“...The Council reserves the right to review a lifetime exemption every 3 years from the date of issue.”</i></p> <p>Doctors refer patients to Consultants and other Specialists who report back to the Doctor. A patients doctor is therefore fully aware of any patients capabilities and their word should not be questioned.</p> <p>Reviewing a lifetime exemption every three years appears to be onerous and disrespectful. It also increases costs for those less able to meet them. As persons get older they become less capable.</p> <p>“Assistance Dogs”</p> <p>Such dogs should be referred to as Service Dogs as this is the common terminology.</p> <p>As a general rule passengers with sore backs prefer WAV’s; and</p> <p>As a general rule passengers with sore legs prefer saloons.</p>	<p>disabled community.</p> <p>The Wheelchair guidance has been amended following the consultation. There will be Exemption Certificates which will be short term and will be for a maximum period of 12 months. There will be Lifetime exemptions which will only be granted where a driver is suffering from a degenerative injury, illness or medical condition in which recovery is not a reasonable outcome.</p> <p>The Council does not consider an upper age limit to be necessary.</p> <p>Assistance dogs – the Act refers to ‘Assistance Dogs’ as they assist the person they are with. This will remain.</p>
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Spoken English Assessment Test Procedure

Page	Para.	Comments	Response
1	3	<i>“(a) Applicants for whom English is not their first language may be asked to provide evidence of having gained a qualification that was</i>	The test is taken over the phone to make it less costly for the applicant. It is also a good way to determine if someone can have a conversation.

	6	<p><i>taught and assessed in English.”</i></p> <p>This onerous and unjustified.</p> <p><i>“(b) difficulty understanding spoken advice on the telephone”</i></p> <p>Drivers are not required to use phones for business.</p> <p><i>“... (Examples are but not limited to, GCSE’s, ‘O Levels’ GCE, NVQ, BTEC, RFQ, City and Guilds or similar, Degree, HND, HNC etc or a qualification equivalent to any previously listed issued by a recognised examining body in an English speaking country other than the UK). ...”</i></p> <p>We submit that the majority of British Taxi Drivers would fail the proposed standards.</p> <p><i>“ If the applicant has a mobile telephone it must be switched off to avoid any interruptions.”</i></p> <p>All electronic or mechanical devices should be switched off or collected by the invigilator prior to the examination.</p>	<p>Existing drivers would not be required to take this test. If an applicant clearly demonstrates that they can adequately speak English then they will not be required to take this assessment.</p> <p>Mobile telephones - Agreed – this is why it is mentioned in the procedure.</p>
2	11	<p><i>“...a specialist education and testing company...”</i></p> <p>Why not In House</p> <ul style="list-style-type: none"> <i>“o Answering simple questions asked over the phone.</i> <i>o Constructing sentences from fragments read to the applicant over the phone (sentences divided into 3 or 4 parts)</i> <i>o Answering open questions asked over the phone (speaking for up to 30 seconds per question).”</i> 	<p>We currently undertake this in house but we are not qualified to fully assess someone’s ability to speak English. This provides an independent assessment.</p>

	12	<p>Why use a phone when Taxi Drivers are not required to use a phone in their business.</p> <p><i>“The test is entirely automated, and questions will be asked by a variety of voices.”</i></p> <p>Perhaps this writer is too suspicious but something does not appear to be correct.</p> <p>There should be a simple and suitable numeracy test.</p>	<p>Taxi drivers often use the phone to take independent bookings or they may need to contact emergency services etc.</p> <p>The reason that they will ask in a variety of voices is to ensure they understand the travelling public from various parts of the country.</p> <p>Simple numeracy is included in the driver’s test. It can also be included in the Knowledge Test and this will be reviewed.</p>
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Penalty Points Scheme

Page	Para.	Comments	Response
1	Para. 5	<p><i>“...accumulates 12 points or more within a rolling period of 36 months...”</i></p> <p>12 points in a period of rolling 36 months appears onerous. We suggest 12 points in twelve rolling months.</p>	<p>The penalty points system is designed to improve drivers’ standards and ensure that these standards are maintained. It is intended that the scheme works in a similar way to the DVLA points system where points will not be spent until after 3 years.</p> <p>The point system will be used as an alternative to enforcement so points will not be given where formal action such as a prosecution is deemed to be more appropriate.</p>
2	H29	<p><i>“Hackney Carriage Driver Infringements”</i></p> <p>Should read Taxi Driver Infringements</p> <p>All ‘Hs’ should be ‘Ts’</p> <p><i>“HC Proprietor fail to provide info as to driver”</i></p> <p>This is more serious and should have more points.</p>	<p>The reason they are an H as it refers to Hackney Carriages.</p> <p>H29 - this has been amended to 6 points.</p>
3	P2	<p><i>“Fail to display PH plate correctly”</i></p>	<p>This does not affect the insurance.</p>

	<p>This should be increased to six points as the insurance is void.</p> <p>Missing:</p> <p>P25: Vehicle unlawfully parked with driver in or in close proximity. ie. Parked on Bus Stops, Single and Double yellow lines. All PHVs should be legally parked.</p> <p>P26: Vehicles with Drivers illegally forming a rank.</p>	<p>P25: These are parking issues and we can investigate these matters with our colleagues in the Council. Please forward full details of these incidents.</p> <p>P26: Offences are only committed if the vehicles are giving the impression that they are for hire. Sitting waiting in a private hire cab is not regarded as forming an illegal rank. Please provide full details so that we can investigate them.</p>
	<p>Facilities should be provided for PH drop off/pick up points within the City Centre which Taxis can also utilise.</p>	<p>Agreed. The Licensing Team have continued to raise this with Transport and Planning.</p>

CCTV Vehicle Specifications

Page	Para.	Comments	Response
2	<p>Para. 1</p> <p style="text-align: right;">Bottom</p>	<p><i>"...please notify us"</i></p> <p>Either "shall" or nothing. External only, forward facing, cameras should not require registering with the Licensing Authority.</p> <p><i>"Notification to the Information Commissioner's Office"</i></p> <p><i>"...the public register of data controllers."</i></p> <p>Proprietors/Drivers who install internal CCTV shall inform the LA as soon as they receive notification from the ICO.</p> <p><i>"The Council in setting a minimum CCTV technical standard..."</i></p> <p>As it is not "mandatory" the LA should not intervene as the ICO is responsible.</p>	<p>This sentence has been removed.</p> <p>Agreed but the Council want to ensure that the systems are compliant</p>

3		<p><i>“Signage for Internal Audio and Visual Recording Equipment”</i></p> <p>It is understood that there will shortly be signage designed by the Information Commissioners Office (ICO) and approved by the DfT.</p> <p><i>“The name and the contact telephone number of the Data Controller must be included on the sign.”</i></p> <p>In order to protect Proprietors/Drivers we suggest that the signage should be “PCC T987” and “PCC PH1234”. This should force complainants to go through the Licensing Office.</p> <p><i>“Operational Guidelines”</i></p> <p>Depending on the size of the data storage overwriting may occur prior to 48 hours.</p> <p><i>“...system inspected during compliance ...”</i></p>	<p>with the ICO standards and the law.</p> <p>It is not the Licensing Authorities responsibility – this is a requirement set by the ICO and is not the responsibility of the council to deal with complaints.</p>
4	Para. 1	<p>The ICO is responsible. Will the garages understand the methods of inspection for all the various systems.</p>	<p>This has been amended to ‘All vehicles fitted with CCTV will display mandatory signage as detailed in the Vehicles Compliance testing Manual’.</p>

Missing – Taxi Ranks

Page	Para	Comments	Response
		<p>Taxi Ranks are an important part of the Licensed Taxi Trade.</p> <p>Plymouth City Council as Licensing Authority is responsible for Installing; Maintaining; Altering and Removing Taxi Ranks within the City Boundary and yet there is no mention of this important issue within the Consultation Document.</p>	<p>The taxi ranks are not included in the current taxi licensing policy. The Council ensure that ranks are reviewed in consultation with the trade and that they are maintained.</p>

	<p>Taxi Rank enforcement, in our opinion, is virtually non-existent with buses, Private Hire Vehicles and ordinary motorists using Taxi Ranks for free parking.</p>	<p>Please report any issues directly to the Licensing Team so that these can be investigated.</p>
	<p>The Taxi Trade representatives gave permission for the Land Train to utilise the Guildhall Taxi Rank as it is only used on a few occasions when events are being held and is mostly for wheelchair confined passengers.</p>	<p>Noted.</p>
	<p>With redevelopment the Taxi Trade lost two important Taxi Ranks at Eastlake Street and Cornwall Street East. The taxi Trade has for many years requested the installation of a Taxi Rank in Cornwall Street East close to the entrance of the Mall and Marks and Spencer. This has always been refused although this may alter in the future.</p> <p>The Land Train has taken it upon itself to alter its route and utilise the area of Cornwall Street East for picking up and dropping off passengers around the Christmas period.</p> <p>It is abhorrent that a fully licensed Taxi Trade, vetted, inspected and trained is not permitted to utilise the space to afford a 24 hour seven day per week service to the citizens of Plymouth while a much longer, and less manoeuvrable, Land Train is afforded this privilege.</p>	<p>The Licensing Team have worked with the other Council departments to raise all of these issues and will continue to do so.</p>

ROAD TRAFFIC

The Traffic Signs Regulations and General Directions 1994

Made 26th May 1994

Laid before Parliament 22nd July 1994

Coming into force 12th August 1994

1994 No. 1519

Interpretation general

4.

"taxi" means

(a) in England and Wales, a vehicle licensed under

(i) section 37 of the Town Police Clauses Act 1847^[16]; or

(ii) section 6 of the Metropolitan Public Carriage Act 1869^[17];
or under any similar enactment; and

(b) in Scotland, a taxi licensed under section 10 of the Civic Government (Scotland) Act 1982^[18];

"taxi rank" means an area of carriageway reserved for use by taxis waiting to pick up passengers;

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Appendix C

Draft Taxi and Private Hire Licensing Policy

Consultation Response Sheet

NAME	Strategic Transport	
ORGANISATION (if applicable)	Plymouth City Council, Local Planning Team.	
Paragraph No/Page number	Comments	Response
Chapter 1, 1.1	'...is framed by virtue of the powers granted to the Council by the Town and Police Clauses Act 1847, the...'	The typing error has been corrected.
Chapter 1, 4.1	In addition to ensuring compliance with various legal duties, the taxi licensing policy should be seeking to ensure that the way taxis operate in Plymouth actively contributes to achieving the objectives and delivering the policies on the Plymouth Plan and the Joint Local Plan.	This would be covered within objective 4 to encourage environmental sustainability. The Taxi Licensing Department work closely with Planning and Transport to ensure the provision for taxi and PHV's link to the Plymouth Plan and Joint Local Plan.
Chapter 1, 4.2	Under ' <i>Comfort, passenger service and access</i> ' (which is called ' <i>vehicle safety, comfort and access</i> ' earlier in the document, for not obvious reason), the fourth bullet point is ' <i>integration of transport systems</i> '. This does not seem to be either referred to or explained anywhere else in the document.	The title in 4.2 has been altered to reflect the same as 4.1. The integration of transport systems has been included so that we will consider the links to other forms of transport such as rail, road or air to ensure they operate as one for the benefit of the fare paying customer. The Taxi Licensing Department work closely with the bus station and railway station with regards to rank provision and picking up and dropping off points.
Chapter 1, 4.2	Under ' <i>to prevent crime and disorder and to protect drivers and communities</i> ' the fifth bullet point is ' <i>Measures to reduce noise, odour and light pollution</i> '. However, neither odour nor light nuisance are mentioned again in the document, and neither are there any actions or policies to reduce or minimise them.	Drivers are encouraged not to idle on ranks and to be considerate when driving within residential areas such as use of the horn. Measures may also be taken to reduce any the impact on air quality caused by vehicle emissions from licensed vehicles within air quality management areas.

Paragraph No/Page number	Comments	
Chapter 1, 4.2	<p>Under 'to encourage environmental sustainability', the third bullet point is 'engine off at idle'. This is welcome (though this should also be added as a bullet point under 'Safety and health of drivers and the public', as idling at ranks has significant public and driver health implications). However, idling is not mentioned again in the document are there are no actions or policies set out that would drive this change in driver behaviour. For example, in Chapter 2, Drivers, paragraph 13.2 describes how drivers can be penalised under the council's penalty point system, but it is not apparent that idling is something that can attract points under the penalty system.</p> <p>Pollution caused by idling at rank has been a persistent and significant localised environmental / air quality issue that we have collectively failed to address for many years, and this licensing review in a great opportunity to put in place the policy tools to enable us to effectively tackle it, and thereby actively contribute to achieving Plymouth Plan Strategic Objective 1 Delivering a healthy city, and Plymouth Plan Policy HEA6 Delivering a safe, accessible, sustainable and health-enabling transport system. Air quality in our cities is becoming a big political issue, and we need to take every opportunity to respond to this (and to be seen to respond to it, too).</p>	<p>The Taxi Licensing Department will liaise with Transport on the use of FPNs under Part 4 of the Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002.</p> <p>The Taxi Licensing Department consider the use of FPN's to be more appropriate than the use of penalty points. This needs to be part of a city wide enforcement policy to include all transportation and targeting sensitive receptors e.g. schools.</p>
Chapter 2, 4.0	<p>The Plymouth Ambassador Training MUST incorporate a section to educate drivers about the environmental and health impacts of diesel engine pollution, and more specifically, the need to avoid idling at ranks. Lack of driver awareness, combined with lack of effective action on the part of PCC to tackle this habit (not helped by the fact that we have not taken any enforcement action and there have</p>	<p>The Plymouth Ambassador Training syllabus does not include this aspect as it is a customer care course. The Licensing department will liaise with Transport Planning to consider a City wide plan to tackle idling and advise drivers of the environmental and health impacts of diesel engine pollution.</p>

	<p>been no consequences (penalties) for rank idling) is a major factor in our failure to make progress on this issue. It is taxi drivers' health that is most impacted by this, we must also remember.</p>	
Chapter 2, Drivers, 4.1 (c)	<p>Is the KOP test something that is being introduced in response to identified shortcomings in the knowledge of the Plymouth taxi driver community and thus their collective ability to provide a good service to the city? Are we getting significant feedback that suggests this is needed? Do a majority of other taxi licencing authorities have a comparable test requirement? Is this something that it is necessary to introduce in the age of satnav?</p>	<p>The Knowledge of Plymouth test has been a requirement by Plymouth City Council in excess of 20 years.</p> <p>Customers should be confident that drivers know where they are going in the city and a quality service for visitors and residents. Satellite Navigation systems should not be relied on as they can break down.</p>
Chapter 2, Drivers, 4.3	<p>States: <i>'The Council reserve the right to require all licensed hackney carriage and/or private hire licensed drivers to successfully pass the VRQ or equivalent qualification in 'Transporting Passengers by Taxi and Private Hire. This is a relevant factor when deciding whether any person remains 'fit and proper' to hold or retain a licence'. However, Chapter 2, 4.1 previously states that: 'Within 12 months of receiving their first licence, the driver will be required to undertake all of the following: (a) The VRQ or equivalent qualification in 'Transporting Passengers by Taxi and Private Hire'. (b) Plymouth ambassador training. The licence will not be renewed if these qualifications have not been completed and passed. Given the content of 4.1, which provides for all drivers to have the VRQ qualification t the first issue of the licence or the renewal of their licence, is 4.3 needed?</i></p>	<p>This refers to drivers who have been driving for a number of years and had 'grandfather right's' before the previous policy. All new drivers must complete this qualification. Drivers who wish to return to the trade and their licence has expired may be required to pass the VRQ if they have previously not been required to take this.</p>
Chapter 2, 4.4	<p>Is further information being provided to current and prospective drivers / licence holders in respect of how, when, where and at what cost the safeguarding and Plymouth ambassador training will be undertaken?</p> <p>Is the 1st April 2018 deadline for safeguarding training rather soon / ambitious?</p>	<p>Funding has been found for The Plymouth Ambassador Training. However this would not be indefinite and this department would seek to find a low cost alternative.</p> <p>The safeguarding training fees will be included in the next fees review for April 2018. The date will be amended to 1 April 2019.</p>

Chapter 2, 4.5	Are the proposals for the assessment of proficiency in English in response to a body of evidence suggesting that inability to communicate effectively has materially impacted upon the quality of journey experience for taxi passengers. Specifically, have we received and can we evidence a significant number of complaints from the taxi using public on this matter? If not, what is motivating these proposed changes? Is language proficiency applied as a criterion for license holding at many or any other taxi licensing authorities? If so, do we have an understanding of the impact of introducing them?	A number of Local Authorities have introduced this as an independent way of determining whether a driver can effectively communicate with their customers. We currently rely on officers asking set questions and starting a conversation to test ability and this is not independent or formalised. This will formalise the process.
Chapter 2, 4.5	Line 3 says that the Council will ‘ <i>assess communication skills at each stage of the application process</i> ’. Later it says ‘ <i>Where the Licensing Officer deems necessary a third party assessment may be required...</i> ’ How will this be done, by whom and on what basis? Do Licensing Officers have the skills to make this judgment? How will consistency in judgements be assured and inconsistency / arbitrary decision-making be avoided. Have the costs of this proposal been considered in respect of, for example, training Licensing Officers to assess language proficiency in a consistent manner, creating and maintaining a language proficiency assessment system, undertaking third party language proficiency assessments. Has the potential impact upon the number of and demand for taxi driver licenses and the ability to meet taxi demand been assessed?	Please refer to the spoken English assessment test procedure which explains this in more detail. Where applicants cannot demonstrate that they have an adequate or reasonable level of spoken English then they will be required to undertake an independent assessment.
Chapter 2, 6.1	The Council will have regard to a number of factors in assessing the relevance of convictions’. What factors? Can / should these be specified, to provide clarity and to avoid arbitrariness or the potential perception of arbitrariness?	These are outlined in the Relevance of Convictions and Conduct document which also forms part of the consultation.
Chapter 2, 6.3	Do we know that it is achievable and reasonably practicable to provide an enhanced disclosure check within 7 working days? And why has 7 working days been selected as the period? Is this arbitrary or evidence based – e.g. other authorities apply this time period, etc?	This paragraph will be taken out as it is no longer required as the DBS is submitted prior to the licence expiring.
Chapter 2, 6.3	Surely, if a driver fails to provide the EDC	The drivers licence is not renewed if the

	within a (reasonable) defined period, the precautionary principle must be applied and they must not be allowed to drive until the EDC is provided?	DBS has not been submitted prior to renewal.
Chapter 2, 7.1	A 'short period of time' is very vague. Who will decide what constitutes a short period of time, and will this be arbitrarily decided? Also, this provision will not address the limitations of the UK based EDC for (a) drivers who were born abroad and moved to the UK not recently, and (b) drivers who are UK citizens but who have spent periods of time living abroad. For consistency, and to ensure that the risks this policy purports to reduce are reduced for all drivers. All periods of overseas residence by UK born drivers and drivers who came to the UK a long time ago must have the same requirements made of them.	This is explained further on the paragraphs below. If a person has lived outside the UK for a period of 3 months or more in the last 5 years then you must obtain a Certificate of Good Conduct from the country or the countries that you have lived in. The paragraph in 7.2 has been updated to make this clearer.
Chapter 2, 7.4	Are the costs that obtaining a CGC known? If this is an expensive process, has the potential impact upon the ability of current drivers to continue to hold a license and the impact on the ability of prospective drivers to enter the trade been assessed?	Each countries embassy will have different charges. Some do not charge. Please see the Home Office Guidance: Application processes for obtaining overseas criminality information to provide to employers in the UK or to meet the requirements of the UK Immigration Rules to provide an overseas criminal record certificate in support of a visa application.
Chapter 2, 8.1	Upon what criteria will the council's discretion be applied in respect of the decision whether to issue a 1 or 3 year license. There should be transparency and consistency.	The driver can decide whether they wish to apply for a one year or a three year licence. However, their DBS must be in date.
Chapter 3, 1.1	Reference to Scotland is a typo, presumably?	No, it is not a typing error. It is not possible to obtain an enhanced DBS for vehicle proprietors as the Rehabilitation of Offenders Act 1974 (Exemptions)(Amendment) Order 2002 does not cover hackney carriage or private hire vehicle proprietors. However, the applicant or licensee on renewal can be asked to obtain a Basic Disclosure which is obtainable from Disclosure Scotland. However from 31 January 2018, this has changed and you can now obtain a basic disclosure from the

		Disclosure and Barring Service. The Taxi Policy has been updated to reflect this.
Chapter 3, 10.1 & 10.2	Have the likely costs of complying with the proposed vehicle livery requirements been quantified, and has the financial impact of these upon individual license holders and the overall trade in Plymouth been properly assessed.	In light of the comments received, there needs to be further consideration of taxi livery and therefore this is not included within the current recommended taxi licensing policy changes.
Chapter 3, 13.2	This paragraph suggests but does not clearly state that PCC intends to review the current emissions policy and that it will be updated / replaced with an updated emissions policy or a vehicle age policy. Could / should we not be clear / specific about our intentions, including perhaps, a date by which we intend to do this by? Also, could / should this document say something to the effect that this document may be need to be revised to take account of the content of the revised / new vehicle emissions /age policy?	This part of the policy will be reviewed and a separate consultation will take place. It will be reviewed depending on the outcome of the government's consultation on diesel emissions and air quality and we will take prompt action to update the policy once a clear indication has been provided by government.
Chapter 3, 14.1	(ESO) should be (EST)?	The typing error has been corrected.
Chapter 3, 14.1	Line 4, needs rewording – doesn't read right.	This has been altered slightly.
Chapter 3, 18.0	I appreciate that actual fare tariff changes will not be set out in this policy document. However, does the council have plans to increase the fares that license holders can charge in the immediate future? There are a significant number of licensing policy demands that will have a financial cost for some or all taxi driver and / or vehicle license holders (undertaking the VRG / Transporting Passengers by Taxi and Private Hire qualification, undertaking the Plymouth Ambassador training, undertaking safeguarding training, taking a medical, obtaining a DBS certificate, obtaining a translated, notaried Certificate of Good Conduct, and potentially undertaking English language tuition and examinations). I am concerned about the cumulative impact of these on the ability of drivers and vehicle license holders to make a good living in a city that does not, so far as I have gathered, have a particularly strong market for taxi travel. If	The Fare Tariffs were updated on 16 October 2017. Our taxi licensing fees are one of the lowest in Devon. The only additional costs that have been introduced in the new policy are the Plymouth Ambassador Course and Safeguarding courses. However we are hopeful that the Ambassador course will be funded for as long as possible and the safeguarding course will be low cost (3hr course) and this will be published in the Fees Consultation next year.

	<p>these additional costs are not able to be offset by increased fare tariffs, might Plymouth find itself with a quantitative reduction in taxi provision and consequent unmet demand. Has a financial impact assessment been undertaken to consider the financial impacts (which would, I appreciate, include some assumed cost benefits to drivers / license holders arising from an increase in the overall quality of taxi service provision in Plymouth)? Uber does not yet operate in Plymouth, but the taxi trade in Plymouth is vulnerable to disruption by new entrants to the provision of taxi / personal transport services and related new technologies. Have the changes in this policy document and the cost burdens that come with them considered how they will impact upon the ability of the traditional taxi trade to respond to these market changes and compete with new competitors? I understand also, that the implementation of Universal Credit in pilot areas has had negative consequences for some part time taxi drivers, which should be considered alongside the potential financial impacts of these licensing policy proposals. The social inclusion impacts of any fare increases would also need to be considered, of course.</p>	
Chapter 3, 24.2	<p>This paragraph is not very clear. Specifically, what does 'approved by the transport authority' mean in this instance?</p>	<p>I will change this paragraph so that it makes more sense :</p> <p>The Council will not licence horse-drawn vehicles as hackney carriages given the existing maximum limit that currently applies and on the grounds of road safety. The Council will adopt standards and conditions that apply for non-motorised transport (horse-drawn omnibus) which may be topographically restricted to certain areas of the city (e.g. The Hoe, Barbican). The council recognises that such transport facilities can play an important role in the tourist market.</p>
Chapter 3, 24.3	<p>What is the evidence that rickshaws are not safe to license for operation in Plymouth? They operate in other UK cities, I believe? Why are they safe in those cities, but not safe in Plymouth?</p>	<p>A few years ago, a report was submitted to the Government by the Law Commission, recommending that powers were given to authorities to ban pedicab drivers who fail to meet national safety</p>

		<p>standards.</p> <p>Rickshaws can cause traffic chaos by parking in bus lanes, riding on pavements and going the wrong way on one-way streets.</p> <p>Their owners have also been blamed for causing anti-social behaviour by touting for trade aggressively and playing loud music.</p> <p>Rickshaws in London in particular are not licensed and are often in the press for overcharging tourists.</p> <p>Rickshaws are not licensed anywhere as there is no regulatory framework in existence to allow them to be licensed (private hire has to be a motorised form of transport, and they are not considered to be a Hackney Carriage due to the requirement that they must take passengers anywhere within the district.</p>
Chapter 5, 1.1	It would be extremely helpful if the policy could say more on the matter of taxi idling at rank, which remains a persistent, significant public health issue – particularly at busy ranks in locations with heavy pedestrian footfall (Old Town Street, Raleigh Street and the train station). This might include content on enforcement of taxi idling.	See comments earlier.
Other points	In broad terms, have the policies proposed in this document been informed by best practice, and by active engagement with / reference to what forward thinking taxi licensing authorities elsewhere in the UK are doing?	Yes. We have reviewed best practice from other authorities and have consulted with a taxi licensing solicitor to ensure it is lawful and the most up to date approach.

All responses must be received by 27 November 2017

Although a register of comments received during the consultation period will be maintained the Licensing Section will not generally send acknowledgements to individuals unless they are recognised representatives of persons or businesses in the area or are a statutory responsible authority and such acknowledgement will only be sent on request.

More information can be accessed at www.plymouth.gov.uk/feedbackandcomplaints/consultations and consultation responses may be made via this form or by letter or email to:

By Post: Taxi Licensing Department, Windsor House, Plymouth, PL6 5UF

By Email: taxi.licensing@plymouth.gov.uk

PLYMOUTH CITY COUNCIL

Subject: Annual Calendar 2018 - 19
Committee: Full Council
Date: 26 March 2018
Cabinet Member: Councillor Riley, Cabinet Member for HR/Democracy and Governance/Licensing
CMT Member: Giles Perritt, Assistant Chief Executive
Author: Ross Jago, Senior Panel and Partnerships Adviser
Contact details Tel: 01752 304469
email: ross.jago@plymouth.gov.uk
Ref:
Key Decision: No
Part: I

Purpose of the report:

The City Council will be asked to approve the draft Calendar of the Council and Committees for 2017/18 up to the next Annual General Meeting of the Council.

The Corporate Plan 2016 - 19:

No implications.

**Implications for Medium Term Financial Plan and Resource Implications:
Including finance, human, IT and land:**

No implications.

Other Implications: e.g. Child Poverty, Community Safety, Health and Safety and Risk Management:**Equality and Diversity**

Has an Equality Impact Assessment been undertaken? No

Recommendations and Reasons for recommended action:

To approve the Annual Calendar 2018 - 19

Alternative options considered and rejected:

N/A

Published work / information:

Background papers:

Title	Part I	Part II	Exemption Paragraph Number							
			1	2	3	4	5	6	7	

Sign off:

Fin		Leg	LT/3 013 9	Mon Off	LT/ 30 13 9	HR		Assets		IT		Strat Proc	
Originating SMT Member: Giles Perritt													
Has the Cabinet Member(s) agreed the contents of the report? Yes													

DRAFT Programme of Ordinary Committee Meetings of the Council and Committees 2018/19

May 2018		
M 14		
T 15		
W 16		
T 17		
F 18	City Council - Annual General Meeting	10.30am
M 21		
T 22		
W 23		
T 24		
F 25		
M 28	BANK HOLIDAY	
T 29		
W 30		
T 31	Audit Committee	10am
T 31	Planning Committee	2pm
June		
F 1		
M 4		
T 5	Cabinet	tbc
T 5	Licensing Sub Committee (provisional)	10am
W 6	Place and Corporate Overview and Scrutiny	tbc
T 7	Taxi Licensing	10am
F 8		
M 11		
T 12		
W 13	Wellbeing Overview and Scrutiny	tbc
T 14		
F 15	Tamar Bridge and Torpoint Ferry Joint Committee (TBC)	10am
M 18		
T 19	Licensing Committee	10am
T 19	Licensing Sub Committee	11am
W 20		
T 21	Health & Wellbeing Board	10am
F 22		
M 25	City Council	2pm
T 26		
W 27		
T 28	Planning Committee	2pm
F 29	Chief Officer Appointments Panel (Provisional)	10am

July		
M 2		
T 3	Licensing Sub Committee (provisional)	10am
W 4	Place and Corporate Overview and Scrutiny	tbc
T 5	Taxi Licensing	10am
F 6		
M 9	SACRE	1.30pm
T 10	Cabinet	tbc
W 11		
T 12	Health & Wellbeing Board	10am
F 13		
M 16		
T 17	Licensing Sub Committee (provisional)	10am
W 18		
T 19	Planning Committee	2pm
F 20	Mount Edgcumbe Joint Committee (including Annual Inspection)	10am
M 23		
T 24		
W 25	Wellbeing Overview and Scrutiny	tbc
T 26	Audit Committee	2pm
F 27	Chief Officer Appointments Panel (Provisional)	10am
M 30		
T 31	Licensing Sub Committee (provisional)	10am
August		
W 1		
T 2	Taxi Licensing	10am
F 3		
M 6		
T 7		
W 8		
T 9		
F 10		
M 13		
T 14	Licensing Sub Committee (provisional)	10am
T 14	Cabinet	tbc
W 15		
T 16	Planning Committee	10am
F 17		
M 20		
T 21		
W 22		
T 23		
F 24		
M 27	BANK HOLIDAY	
T 28	Licensing Sub Committee (provisional)	10am
W 29		
T 30	Taxi Licensing	10am
F 31	Chief Officer Appointments Panel (Provisional)	10am

September		
M 3		
T 4	Licensing Committee (provisional)	10am
T 4	Licensing Sub Committee (provisional)	11am
W 5	Place and Corporate Overview and Scrutiny	tbc
T 6		
F 7		
M 10		
T 11	Cabinet	tbc
T 11	Licensing Sub Committee (provisional)	10am
W 12		
T 13	Planning Committee	2pm
F 14	Tamar Bridge and Torpoint Ferry Joint Committee (TBC)	10am
M 17	City Council	2pm
T 18		
W 19		
T 20	Audit Committee	2pm
F 21		
M 24		
T 25	Licensing Sub Committee (provisional)	10am
W 26	Wellbeing Overview and Scrutiny	tbc
T 27	Taxi Licensing	10am
F 28	Chief Officer Appointments Panel (Provisional)	10am
October		
M 1		
T 2		
W 3		
T 4	Health & Wellbeing Board	10am
F 5		
M 8		
T 9	Licensing Sub Committee (provisional)	10am
T 9	Cabinet	tbc
W 10		
T 11	Planning Committee	2pm
F 12		
M 15		
T 16		
W 17		
T 18		
F 19		
M 22		
T 23	Licensing Sub Committee (provisional)	10am
W 24		
T 25	Taxi Licensing	10am
F 26	Chief Officer Appointments Panel (Provisional)	10am
M 29		
T 30		
W 31		

November		
T 1		
F 2		
M 5		
T 6	Licensing Sub Committee (provisional)	10am
W 7	Place and Corporate Overview and Scrutiny	tbc
T 8	Planning Committee	2pm
F 9		
M 12	SACRE	1.30pm
T 13	Cabinet	tbc
W 14		
T 15		
F 16		
November		
M 19	City Council	2pm
T 20	Licensing Sub Committee (provisional)	10am
W 21	Wellbeing Overview and Scrutiny	tbc
T 22	Taxi Licensing	10am
F 23	Mount Edgcumbe	10am
M 26		
T 27		
W 28		
T 29		
F 30	Chief Officer Appointments Panel (Provisional)	10am
December		
M 3		
T 4	Licensing Committee	10am
	Licensing Sub Committee	11am
W 5		
T 6	Planning Committee	2pm
F 7	Tamar Bridge and Torpoint Ferry Joint Committee (TBC)	10am
M 10		
T 11	Cabinet	tbc
W 12		
T 13	Audit Committee	2pm
F 14	Chief Officer Appointments Panel (Provisional)	
M 17		
T 18	Licensing Sub Committee (provisional)	10am
W 19		
T 20	Taxi Licensing	10am
F 21		
M 24		
T 25	BANK HOLIDAY	
T 26	BANK HOLIDAY	
T 27	CLOSE DOWN	
F 28	CLOSE DOWN	
M 31	CLOSE DOWN	

January		
T 1	BANK HOLIDAY	
W 2		
T 3		
F 4		
M 7		
T 8	Licensing Sub Committee	10am
T 8	Cabinet	tbc
W 9	Place and Corporate Overview and Scrutiny	tbc
T 10	Health & Wellbeing Board	10am
F 11		
M 14		
T 15		
W 16		
T 17	Planning Committee	2pm
F 18		
M 21		
T 22	Licensing Sub Committee	10am
W 23	Wellbeing Overview and Scrutiny	tbc
T 24	Taxi Licensing	10am
F 25	Chief Officer Appointments Panel (Provisional)	10am
M 28	City Council	2pm
T 29		
W 30		
T 31		

February		
F 1		
M 4		
T 5	Licensing Sub Committee	10am
W 6		
T 7		
F 8		
M 11		
T 12	Cabinet	tbc
W 13		
T 14	Planning Committee	2pm
F 15	Lord Mayor Selection Committee	10am
M 18		
T 19	Licensing Sub Committee	10am
W 20		
T 21	Taxi Licensing	10am
F 22	Chief Officer Appointments Panel (Provisional)	10am
M 25	City Council - EGM - Budget	2pm
T 26		
W 27		
T 28		

March		
F 1		
M 4		
T 5	Licensing Committee (provisional)	10am
T 5	Cabinet	tbc
T 5	Licensing Sub Committee (provisional)	11am
W 6	Place and Corporate Overview and Scrutiny	tbc
T 7	Health & Wellbeing Board	10am
F 8	Tamar Bridge and Torpoint Ferry Joint Committee (TBC)	10am
M 11		
T 12		
W 13		
T 14	Planning Committee	2pm
F 15		
M 18	City Council	2pm
T 19	Licensing Sub Committee (provisional)	10am
W 20		
T 21	Taxi Licensing	10am
F 22		
M 25	SACRE	1.30pm
T 26	Audit Committee	2pm
W 27	Wellbeing Overview and Scrutiny	tbc
T 28		
F 29	Chief Officer Appointments Panel (Provisional)	10am
April		
M 1		
T 2	Licensing Sub Committee (provisional)	10am
W 3		
T 4		
F 5		
M 8		
T 9	Cabinet	tbc
W 10		
T 11	Planning Committee	2pm
F 12		
M 15		
T 16	Licensing Sub Committee (provisional)	10am
W 17		
T 18	Taxi Licensing	10am
F 19	BANK HOLIDAY	
M 22	BANK HOLIDAY	
T 23		
W 24		
T 25		
F 26	Chief Officer Appointments Panel (Provisional)	10am
M 29		
T 30	Licensing Sub Committee (provisional)	10am
May		
F 17	City Council - AGM	

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