



Oversight and Governance

Chief Executive's Department
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CITY COUNCIL

Monday 21 March 2022
2.00 pm
Council House, Plymouth

Members:

Councillor Mrs Beer, Chair

Councillor Mrs Bridgeman, Vice Chair

Councillors Allen, Mrs Aspinall, Bingley, Bowyer, Mrs Bowyer, Dr Buchan, Burden, Carlyle, Churchill, Coker, Collins, Corvid, Dr Cree, Cresswell, Dann, Deacon, Derrick, Downie, Drear, Evans OBE, Goslin, Harrison, Haydon, Hendy, Hulme, James, Mrs Johnson, Jordan, Kelly, Laing, Loveridge, Lowry, Dr Mahony, McDonald, Morris, Murphy, Neil, Nicholson, Partridge, Patel, Penberthy, Mrs Pengelly, Rennie, Riley, Salmon, Shayer, Singh, Smith, Stevens, Stoneman, Tuffin, Vincent, Wakeham, Ms Watkin and Wheeler.

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

For further information on attending Council meetings and how to engage in the democratic process please follow this link - [Get Involved](#)

Tracey Lee
Chief Executive

City Council

Agenda

1. Apologies

To receive apologies for absence submitted by councillors.

2. Minutes

(Pages 1 - 10)

To approve and sign the minutes of the meeting held on 28 February 2022 as a correct record.

3. Declarations of Interest

4. Appointments to Committees, Outside Bodies etc (To follow)

The Assistant Chief Executive will submit a schedule of vacancies on committees, outside bodies etc and of changes notified to us.

5. Announcements

(a) To receive announcements from the Lord Mayor, Chief Executive, Service Director for Finance or Head of Legal Services;

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

6. 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.

7. Public consultation regarding the Council's electoral cycle (to follow)

8. Taxi Licensing Policy

(Pages 11 - 76)

Due to the significant amount of background material in support of this paper, it has not been published as part of the agenda, [the following papers are available at this link](#) –

- Appendix B Online Survey Comments
- Appendix C Table of Responses
- CCTV Guidance
- Code of Good Conduct 2022
- Guidance on relevance of convictions and conduct 2022
- Hackney Carriage Advertising Policy 2022
- Hackney Carriage Vehicle Conditions
- Hackney Carriage Vehicle Specifications
- Private Hire Driver Conditions 2022
- Private Hire Operator Conditions 2022
- Private Hire Special Events Vehicle Conditions 2022
- Private Hire Special Events Vehicle Specifications 2022
- Spoken English Assessment Test Procedure
- Vehicle Emissions Policy
- Wheelchair and Assistance Dogs Exemption Guidelines 2022

Any recommendations resulting from consideration at scrutiny will be published as a “to follow”.

9. Scrutiny Annual Report (to follow)

10. Lord Mayoralty 2022/23 (Pages 77 - 80)

11. Revisions to the Members' Code of Conduct (to follow)

12. Motions on notice

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

13. 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 28 February 2022

PRESENT:

Councillor Mrs Beer, Chair

Councillor Mrs Bridgeman, Vice Chair

Councillors Allen, Mrs Aspinall, Bingley, Bowyer, Mrs Bowyer, Dr Buchan, Burden, Carlyle, Churchill, Coker, Collins, Corvid, Dr Cree, Cresswell, Dann, Deacon, Derrick, Downie, Drear, Evans OBE, Goslin, Harrison, Haydon, Hendy, Hulme, Mrs Johnson, Jordan, Kelly, Laing, Loveridge, Lowry, Dr Mahony, McDonald, Morris, Murphy, Neil, Nicholson, Partridge, Patel, Penberthy, Mrs Pengelly, Rennie, Riley, Salmon, Shayer, Singh, Smith, Stevens, Stoneman, Tuffin, Vincent, Wakeham, Ms Watkin and Wheeler.

Apologies for absence: Councillor James James

The meeting started at 2pm and finished at 8pm.

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.

35. **Minutes**

The minutes of the meeting held on 24 January 2022 were agreed as an accurate record.

36. **Declarations of Interest**

Ross Jago, Head of Governance, Performance and Risk, advised Members that the Monitoring Officer had agreed a dispensation in respect of the agenda item Revenue and Capital Budget and Proposed Council Tax Levels For 2022/23

No declarations of interest were made by Members.

37. **Appointments to Committees, Outside Bodies**

The Lord Mayor proposed that Members approve the new political proportionality as detailed in the report as a result of changes reported to Council. Councillor Mrs Bridgeman, Deputy Lord Mayor, seconded this motion.

Following a vote, Ross Jago, Head of Governance, Performance and Risk, advised Members that the vote was deemed lost as one Member had voted against the motion therefore the previous seat allocation would have to stand until the next time a review could be undertaken in advance of the 21 March 2022.

For (55) Councillors Allen, Mrs Aspinall, Bingley, Bowyer, Mrs Bowyer, Mrs Bridgeman (DLM), Dr Buchan, Burden, Carlyle, Churchill, Coker, Collins, Corvid, Dr Cree, Cresswell, Dann, Deacon, Derrick, Drean, Evans OBE, Goslin, Harrison, Haydon, Hendy, Hulme, Mrs Johnson, Jordan, Kelly, Laing, Loveridge, Lowry, Dr Mahony, McDonald, Morris, Murphy, Neil, Nicholson, Partridge, Patel, Penberthy, Mrs Pengelly, Rennie, Riley, Salmon, Shayer, Singh, Smith, Stevens, Stoneman, Tuffin, Vincent, Wakeham, Ms Watkin, Wheeler and Councillor Mrs Beer (LM).

Against (1) Councillor Downie.

Absent (1) Councillor James

The motion was lost.

Procedural Motion

The Lord Mayor proposed and the Deputy Lord Mayor seconded a motion to suspend standing orders under the Plymouth City Council Constitution Part B, 4.23 to –

1. suspend Part B 4.6 of the constitution to enable agenda item 4 to be considered by Council;
2. suspend Appendix I (rules of debate), 4.2 of the constitution, to remove the limit on length of speeches of the Leader and Leader of the opposition in respect of the substantive motion in relation to item 7 Revenue And Capital Budget And Proposed Council Tax Levels For 2022/23

Following a vote the motion was agreed.

38. Questions by the Public

There was one question from a member of the public:

The following question was submitted by Mr Gregg Roger Black and answered by Councillor Nick Kelly, Leader of the Council:

Question:

HMS Plymouth was not saved for scrapping by the previous Labour administration which could of been used as tribute to our city. Are there any plans to honour the ship with a memorial?

Answer:

Nine ships of the Royal Navy have carried the name HMS Plymouth since 1653, and the ship carries eight battle honours, from Porto Farine in 1655 to the Falkland Islands in 1982. The last ship to bear the name HMS Plymouth was central to the Falkland Islands campaign, engaging the submarine Santa Fe and taking direct damage from Argentine air attacks. The Council has formally requested that the Secretary of State for defence considers honouring the city by ensuring that a tenth ship of the Royal Navy bears the name HMS Plymouth. Although there are no current plans to create a memorial to a specific ship bearing the name HMS Plymouth, the City will be commemorating the 40th anniversary of the Falklands conflict this year, and paying

	tribute to both the veterans of that war, and the heroic efforts both of our dockyard and our wider communities during that difficult time for our country.
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39. **Announcements**

The Lord Mayor made the following announcements:

- with regards to the war in Ukraine it was highlighted that this terrible attack upon a sovereign nation imperilled the peace and security that Europe had enjoyed over the last 77 years, and was leading to a humanitarian crisis the extent of which was yet to fully unfold. Plymouth was no stranger to the attacks of a foreign aggressor and many of the city's citizens may still recall spending nights in air raid shelters. The resilience displayed by the British public then, was clearly on display in Ukraine today as the Ukrainian Army and its Citizens fight on the edge of Western Democracies. Democratic values were to be protected and respected, which was why Plymouth stood in solidarity with Ukraine. Members were asked to join the Lord Mayor for a moment of reflection for the 210 civilians who had so far lost their lives in the conflict;
- it was with great sadness that the Lord Mayor had to report the death of Alderman Bray. Alderman Bray was elected to the City Council for the Eggbuckland Ward in May 1991 until 2000 and again in 2003 to 2007. During this time he served on various committees, including: Client Services Panel, Employment and Economic Development, Licensing, Hospitality and Twinning, Plymouth Citybus Board and the Theatre Royal Board. He was also the Chair of the Planning Committee. Members were asked to join the Lord Mayor for a one minute silence in memory of Alderman Bray.

Councillor Kelly, Leader of the Council, made the following announcements:

- with regards to the Plymouth and South Devon Freeport; the designation of the Freeport by Government had been a significant vote of confidence in the city and the partnership established. Since the Chancellor announced Plymouth as one of 8 successful bids Plymouth had submitted the outline business case and responded to any concerns raised by the Department of Levelling Up, Housing and Communities. The next stage was to work to the deadline of 22 April to submit the full business case whilst simultaneously setting up a Customs Site and progressing official tax site designations. The Freeport will capitalise on the power of our marine, space and defence economies as well as strengthening public and private sector partnerships. The Plymouth and South Devon Freeport would facilitate essential infrastructure works in the city as well as accelerate a regional bounce back from the pandemic and help grow the local economy;
- there was a 12 month engagement plan with lots of exciting activities

lined up for everyone in Plymouth to enjoy and to get involved in shaping the National Marine Park's future. It was starting on the first weekend in April with an open event at the National Marine Aquarium, which was a free event for Plymouth residents. It was so important that everyone in Plymouth had the chance to get involved and have their say about what the park meant to them, we want to ensure that everyone can enjoy the significant benefits that being on, in, under and next to the water provided;

Members were advised that Elaine Hayes the UK's First Interim CEO of the UK's first National Marine Park started this week; well wishes for her in her new role;

- an overview on the latest round of ARG Grants was provided; the demand and uptake had been lower than initially envisioned. The team had done a fantastic job so far in contacting and following up with businesses to offer advice and support, and the Waterfront Partnership ran a roadshow on the Barbican to generate awareness and encourage businesses to apply. Work had been done to make sure that those businesses who were impacted by the Omicron variant received the aid they were entitled to;
- the Leader wanted to add his voice to those standing in solidarity with all Ukrainian people, and in condemnation of the Russian invasion of that sovereign country. The Ukrainian flag continued to fly outside the Guildhall next to the Union flag to demonstrate support for that nation and its people.

Councillor Drear, Cabinet Member for Transport, made the following announcements:

- all hardware been delivered, initial training completed and on-street trials undertaken for the new inspection technology 'Visala'. The project was developed in partnership with Delt, Visala and the Plymouth Highways and was designed to make the inspection process more efficient and provide additional data to drive interventions across the city;
- the development of the new CCTV centre was ongoing and was designed to develop a more future proof system, funded through transforming cities fund;
- engagement with the local community in Keyham had taken place and locations had been identified that would benefit from additional lighting and the installation of CCTV cameras – delivery of the project was due to be completed by the end of March 2022.

40. **Revenue And Capital Budget And Proposed Council Tax Levels For 2022/23**

Councillor Kelly, Leader, advised Members of an alteration to appendix 9 to the report relating to the council tax for the forthcoming year as follows:

“The budget papers published for this meeting of Full Council 28 February 2022 set out estimated revenue resources from Business Rates and assumed modelling of Council Tax to reflect a rise of 1.99% for council tax in 2022/23 and 1.00% for the Adult Social Care precept.

The Leader proposes an amendment to Recommendation 2 of the Revenue and Capital Budget 2022/23 report:

2. To approve an increase to the council tax levels for 2022/23 by one point seven four percent (1.74%)
- 2a. To approve an increase to the Adult Social Care precept for 2022/23 by one percent (1.00%)

The result from this amendment is:

1. An increase in overall revenue resources of £3.345m comprising an increase of £2.124m for Council Tax and £1.221m for the Adult Social Care precept.
2. Final total resources for 2022/23 of £199.874m comprising Council Tax of £125.411m; Business Rates £65.130m; Revenue Support Grant £10.045m.
3. Reduce the 2022/23 general contingency by £0.305m.
4. A total net revenue budget for 2022/23 of £199.874m.

Members agreed to adjourn for 30 minutes to consider the amendment.

Councillor Kelly, Leader, introduced the Revenue and Capital Budget and Proposed Council Tax Levels for 2022/23 report as amended, this was seconded by Councillor Nicholson, Deputy Leader.

Councillor Evans OBE (Leader of the Opposition) spoke to the motion and proposed an amendment, this was seconded by Councillor Lowry, and was as follows:

**Labour Amendment to the Leader’s Recommendation 2:
Revenue Resources and Council Tax 2022/23 and Recommendation 3 to approve
the Capital Budget**

The budget papers published for this meeting of Full Council 28 February 2022 including the Leader’s Alteration set out estimated revenue resources from Business Rates and assumed modelling of Council Tax to reflect a rise of 1.00% for the Adult Social Care precept and 1.74% for council tax in 2022/23.

The Leader of the Labour Group proposes an amendment to Recommendation 2 of the Revenue and Capital Budget 2022/23 report:

2. To approve a Council Tax freeze at the 2021/22 levels for 2022/23 (0% increase)

To note: This is in addition to the 1% Adult Social Care Precept as set out in the Leader’s Alteration

The result from this amendment is:

1. Final total resources for 2022/23 of £197.750m comprising Council Tax of £122.575m; Business Rates £65.130m; Revenue Support Grant £10.045m.
2. A total net revenue budget for 2022/23 of £197.750m.
3. We propose to fund the resultant budget shortfall of £2.124m:

	Item	£m
4.1	Re-phasing the proposed Capital Budget will see re-timing of investments to ensure the interest rate charges will reflect the approval of the subsequent Business Cases by the Leader of the Council	0.544
4.2	Working Balance Top Up to move to a target 5% value – a contribution holiday for 2022/23 only; contributions will continue again in 2023/24	0.350
4.3	Decisions of the Incoming Administration - delete the allocation	0.300
4.4	Cost reduction target This amendment proposes to set up a cross-party working group to investigate the use of the current £16m commercial rental income and drive out a £500k saving against the current expenditure	0.500
4.5	Amend to 50% proposed ICT Inflation from the current £400,000 to £200,000 to include management actions to control the expenditure	0.200
4.6	Invest 2 Save – to include an initial initiative to explore new pothole technology as implemented successfully by another local authority	0.230
	Total	2.124

The budget papers published for this meeting of Full Council 28 February 2022 set out as Recommendation 3. “To approve the Capital Budget of £688.366m for 2021 to 2026”

The proposed amendment to Recommendation 3 of the Revenue and Capital Budget 2022/23 report is:

3. To approve the Capital Budget of £688.366m for 2021 to 2026 but to include the following additional recommendations:
 - a) Setting up a cross-party working group to ensure a better use of the existing capital allocations, ensuring a full value for money review is undertaken;
 - b) The creation of a new Community Improvement Fund, with a fixed allocation per Councillor, to enable them to determine the spend within their Ward

The result from this amendment is:

5. No change to the proposed value of the Capital Budget 2021-2026
6. The setting up of a new Community Improvement Fund, which will comprise the capital resources identified by the Working Group’s review of the current Capital Programme, with a target of £950,000 (0.5% of the 2022/23 programme). This will give an allocation of £50,000 per three (3) Member Ward and £33,300 for a two (2) Member Ward.

7. The creation of a working group which will consist of:
 - a. The Cabinet Member for Finance, as Chair
 - b. The Shadow Finance Lead
 - c. Relevant Scrutiny Leads
 - d. Senior Officers (as required)
8. The Working Group will meet during the first quarter of financial year 2022/23 and report back to Full Council with the resultant amendments and proposals
9. The Working Group will consider:
 - a. Ease of application
 - b. Agreement on carry forward of un-spent allocations
 - c. Prioritisation
10. This new fund will work alongside and compliment:
 - a. The current revenue allocation to the Councillor Community Grants of £350,000, and
 - b. The current capital allocation to the Living Streets Fund of £160,000

S 151 Officer's Budget Robustness Statement

The law requires the Section 151 Officer to formally report to Council as part of the Council tax setting process their view on the robustness of estimates used in the budget setting process. This includes a view on the level of reserves which are held against specific liabilities and risks. In setting the Council Tax it is the collective obligation of all Councillors to ensure that the Council sets a balanced budget, taking account of these views.

The Section 151 Officer advises Council as follows:

This amendment reduces the Council's funding by £2.1m in financial year 2022/23 against the leaders amendment and in each year following. Members need to be aware that services provided to the vulnerable in the City are already under extreme pressure due to rising demand and that in the future. Given that some of the offsetting savings identified in the amendment are "one off" savings i.e. savings only available in one year, from 2023/24 these will need to be replaced with fresh savings. There is a significant risk - given that 68% of the Council's expenditure lies in the area of social care for children and adults - that the decision to opt for a nil increase in Council Tax may lead to service reductions in these areas from 2023/24 which would not otherwise be needed.

Further, for the avoidance of doubt, Council needs to be aware that forgoing a Council Tax increase in 2022/23 entails a loss of funding of £2.1m in each year moving forward. This would mean savings of £10.5m over 5 years. The Section 151 Officer wishes to provide strong and clear advice to Council that adopting such a course is not in the financial interests of the Council and that will add to the need to make savings in service provision from 2023/24 onwards.

Members agreed to adjourn for 30 minutes to consider the amendment.

Following debate, with contributions from Councillors Nicholson, Wheeler, Dr Buchan, Bowyer, Stoneman, Laing, Cresswell, Mrs Bridgeman, Evans OBE, Derrick, Stevens, Deacon, Dann, Singh, Drean, Neil, Salmon, Corvid, Riley, Downie, Kelly, Goslin, Hulme, Mrs Pengelly, Coker, Jordan, Morris, Penberthy, Dr Mahony, Wakeham.

Council voted on the amendment as follows:

For (29) Councillors Allen, Mrs Aspinall, Bowyer, Mrs Bowyer, Dr Buchan, Churchill, Coker, Corvid, Dr Cree, Cresswell, Dann, Derrick, Evans OBE, Goslin, Haydon, Hendy, Hulme, Mrs Johnson, Laing, Lowry, McDonald, Morris, Murphy, Neil, Penberthy, Rennie, Stevens, Tuffin, Vincent.

Against (25) Councillors Bingley, Mrs Bridgeman (DLM), Burden, Carlyle, Collins, Deacon, Downie, Drean, Harrison, Jordan, Kelly, Loveridge, Dr Mahony, Nicholson, Partridge, Patel, Mrs Pengelly, Riley, Salmon, Shayer, Singh, Smith, Stoneman, Wakeham and Councillor Mrs Beer (LM).

Abstain (2) Councillors Ms Watkin and Wheeler.

Absent/ did not vote (1) Councillor James.

The amendment was carried and formed part of the substantive motion.

Councillors Evans OBE proposed to move to the vote (a closure motion vote). This was seconded by Councillor Rennie.

Members voted as follows:

For (52) Councillors Allen, Mrs Aspinall, Bingley, Bowyer, Mrs Bowyer, Mrs Bridgeman (DLM), Dr Buchan, Burden, Carlyle, Churchill, Coker, Collins, Corvid, Dr Cree, Cresswell, Dann, Deacon, Derrick, Drean, Evans OBE, Goslin, Harrison, Haydon, Hendy, Hulme, Mrs Johnson, Kelly, Laing, Loveridge, Lowry, Dr Mahony, McDonald, Morris, Murphy, Neil, Partridge, Patel, Penberthy, Mrs Pengelly, Rennie, Riley, Shayer, Singh, Smith, Stevens, Stoneman, Tuffin, Vincent, Wakeham, Ms Watkin, Wheeler and Councillor Mrs Beer (LM).

Against (1) Councillor Salmon.

Abstain (2) Councillors Jordan and Nicholson.

Absent/ did not vote (1) Councillor James

Members voted on the substantive motion as follows:

For (29) Councillors Allen, Mrs Aspinall, Bowyer, Mrs Bowyer, Dr Buchan, Churchill, Coker, Corvid, Dr Cree, Cresswell, Dann, Derrick, Evans OBE, Goslin, Haydon, Hendy, Hulme, Mrs Johnson, Laing, Lowry, McDonald, Morris, Murphy, Neil, Penberthy, Rennie, Stevens, Tuffin, Vincent.

Against (25) Councillors Bingley, Mrs Bridgeman (DLM), Burden, Carlyle, Collins, Deacon, Downie, Drean, Harrison, Jordan, Kelly, Loveridge, Dr Mahony, Nicholson, Partridge, Patel,

Mrs Pengelly, Riley, Salmon, Shayer, Singh, Smith, Stoneman, Wakeham and Councillor Mrs Beer (LM).

Abstain (2) Councillors Ms Watkin and Wheeler.

Absent/ did no vote (1) Councillor James.

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City Council



Date of meeting:	21 March 2022
Title of Report:	Adoption of the new Hackney Carriage and Private Hire Licensing Policy
Lead Member:	Councillor John Riley (Cabinet Member for Governance, HR, IT & Community Safety)
Lead Strategic Director:	Ruth Harrell (Director of Public Health)
Author:	Rachael Hind
Contact Email:	Rachael.hind@plymouth.gov.uk
Your Reference:	Taxi Policy 2022
Key Decision:	No
Confidentiality:	Part I - Official

Purpose of Report

The Council adopted its second Hackney Carriage and Private Hire Licensing Policy in 2018 which set out a licensing framework required to regulate hackney carriage and private hire (taxi) services within Plymouth. The policy now requires updating to include the recommendations from the Department for Transport 'Statutory Taxi and Private Hire Vehicle Standards' (July 2020) in addition to other changes which are required to ensure the policy follows best practice.

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 Taxi Policy and associated documents were published on our website between 25 November 2021 to 17 February 2022. All drivers, vehicle proprietors and operators were sent an email and letter in the post explaining the consultation and asking for their feedback using the online form or alternatively in writing. Letters and emails were also sent to a variety of agencies and departments including disability groups, resident's associations and businesses.

A total of 338 responses were received following the public consultation.

The results of the online survey are included in the Briefing Report in Appendix A. The comments received within the survey can be found in Appendix B and the table of responses to the letters received by post or email 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 D and a copy of the guidance and conditions documents referred to in the policy attached to this report marked Appendix E.

Recommendations and Reasons

It is recommended that Council resolves to:

1. Adopt the new Hackney Carriage and Private Hire Licensing Policy attached at Appendix D of this report with effect from 1 May 2022.
2. Adopt the updated conditions and guidance documents attached at Appendix E of this report with effect from 1 May 2022.

The reason for recommending that a new policy is adopted is to incorporate the recommendations from the Department for Transport (DfT) 'Statutory Taxi and Private Hire Vehicle Standards' (July 2020) in addition to other changes that have been identified as required to follow best practice.

Alternative options considered and rejected

The Department for Transport has requested all Local Authorities to review their Taxi Licensing Policy and update the Policy and associated guidance notes to comply with the 'Statutory Taxi and Private Hire Vehicle Standards' (July 2020). 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 and would be criticised by the Department for Transport.

Relevance to the Corporate Plan and/or the Plymouth Plan

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

Unlocking the city's potential: By ensuring Plymouth: is a clean and tidy city and a green and sustainable city that cares for its environment; has a vibrant economy offering quality jobs and skills; and has a varied, efficient and sustainable transport network.

Caring for people and communities: By ensuring Plymouth is a friendly, welcoming city, making sure people feel safe in the city, protecting children, young people and adults.

Implications for the Medium Term Financial Plan and Resource Implications:

None

Financial Risks

None. 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 Taxi licensing policy should have no financial impact to the general account.

Carbon Footprint (Environmental) Implications:

The new proposed Emissions Policy will improve the quality of the taxi fleet and is a starting point towards the Governments Climate and Emergency Action Plan. This part of the policy will be kept under regular review.

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

** When considering these proposals members have a responsibility to ensure they give due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not.*

None

Appendices

*Add rows as required to box below

Ref.	Title of Appendix	Exemption Paragraph Number (if applicable) If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.						
		1	2	3	4	5	6	7
A	Briefing report title							
B	Online Survey Comments							
C	Table of Responses							
D	Taxi Licensing Policy							
E	Guidance and Conditions							
F	Equalities Impact Assessment (if applicable)							

Background papers:

*Add rows as required to box below

Please list all unpublished, background papers relevant to the decision in the table below. Background papers are unpublished works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based.

Title of any background paper(s)	Exemption Paragraph Number (if applicable) If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.						
	1	2	3	4	5	6	7

Sign off:

Fin	djn.21 .22.29 4	Leg	3762 3/ag/4 .3.22	Mon Off	Click here to enter text.	HR	Click here to enter text.	Asset s	Click here to enter text.	Strat Proc	Click here to enter text.
Originating Senior Leadership Team member: Rob Nelder											
Please confirm the Strategic Director(s) has agreed the report? Yes											
Date agreed: 07/03/2022											
Cabinet Member approval: <i>Approved by email.</i>											
Date approved: 07/03/2022											

Appendix A: Briefing Note

1.0 Background

- 1.1 The draft Hackney Carriage and Private Hire Licensing Policy (Taxi Policy) and associated documents were published on the Council's website to allow a 12 week consultation period between 22 November and 17 February 2022. All drivers, vehicle proprietors and operators were sent an email and a letter was posted to them, explaining the consultation and asking for their feedback. Letters and emails were also sent to a variety of agencies and departments including disability groups, residents associations and businesses.

2.0 Results

- 2.1 A total of 338 responses were received following the public consultation. 253 responses were received using the online survey form and the comments received can be found in Appendix B. 85 responses were received by post or email, 40 of these postal/email responses used the PCC consultation survey forms and these were entered into the online system to allow the data to be collated. This totalled 293 responses using the online survey form. Some answers were longer than permitted online so these questions have been included in the table of responses in Appendix C.

45 letters/emails were received and these can be found in the Table of Responses in Appendix C. 21 of these were copies of the same letter with different driver's signatures and these were labelled as letter 'No.1'. In addition, 11 of the 45 letters were copies of another letter which was labelled as Letter 'No.2'.

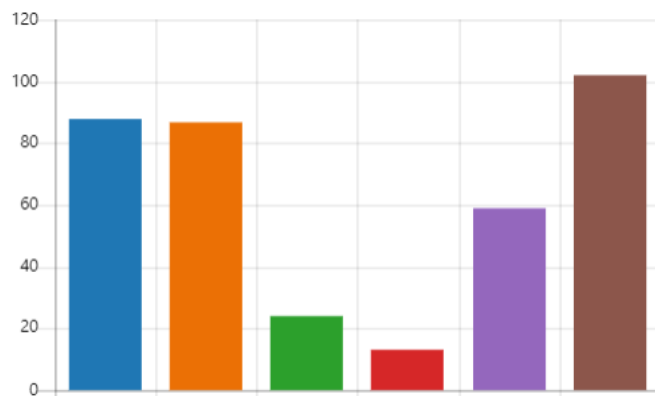
- 2.2 Of the 293 responses that were received online or using the PCC Survey form, the following breakdown of who responded to the consultation can be seen below in Figure 1. Some responders ticked more than one of the options if they were both a driver and vehicle proprietor. 102 responses were received by members of the public but again some drivers ticked this option in addition to their licence category.

Figure 1: Breakdown of who responded to the consultation.

1. Which of the following applies to you?

[More Details](#)

● I own a Private hire vehicle	88
● I own a Hackney Carriage Vehi...	87
● I am a Private Hire/Restricted ...	24
● I am a Private Hire Operator	13
● I am a Hackney Carriage Driver	59
● I am a member of the public/...	102



3.0 Considerations

All of the responses have been reviewed and considered. The following areas of the policy have been updated, taking into consideration the responses received.

3.1 Delimitation of Hackney Carriage Vehicles

The Council currently operate a maximum limit on the number of hackney carriages it will licence. There has been a limit in place for many years. There is no legal means to set a maximum limit to control the number of licenced private hire vehicles.

Figure 2 below, shows that 35% of responses said the limit should be removed and 65% said the limit should remain.

Figure 2: Response to Question 2:

Do you think the Council should remove the limit so that anyone can apply for a hackney carriage vehicle licence?

[More Details](#)

● Yes	103
● No	190



Some comments mentioned that we should just issue the plates that have been returned. Hackney Carriage Vehicle (HCV) licences (plates) cannot be reissued as the Council agreed to the findings of the last unmet demand survey report which required the Council to:

- continue to limit the number of Hackney Carriage Vehicles (HCV), and,
- reduce the limit of HCV licences available to 346 and a moratorium to be applied so that unused plates are extinguished as demand for their services continues to fall.

Therefore once the HCV licence has been returned or lapsed, it cannot be reissued.

3.1.1 Since Covid-19, the number of vehicles have dropped from 346 to 309. There is a lack of taxi's and private hire vehicles across the city since Covid-19 especially during the evenings and this is having an impact on getting people home safely from the Evening and Night Time Economy (ENTE).

3.1.2 Section 16 of the Transport Act 1985 permits limits on the number of HCV's. However, the Department for Transport (DfT), as stated on page 12 of its '[Taxi and Private Hire Vehicle Licensing: Best Practice Guidance](#)', does not consider quantity restrictions on HCV's to be best practice.

DfT advise that where local authorities have opted for a policy restricting HCV licences that '...the Department would urge that the matter should be regularly reconsidered. The Department further urges that the issue to be addressed first in each reconsideration is whether the restrictions should continue at all. It is suggested that the matter should be approached in terms of the interests of the travelling public – that is to say, the people who use taxi services. What benefits or disadvantages would result for the public if the controls were removed? Is there evidence that removal of the controls would result in a deterioration in the amount or quality of taxi service provision?'

It also makes the point that where quantity restrictions are imposed there is a premium on the sale of the licence potentially indicating the restriction of people who wish to enter the hackney carriage market. The DfT also argue that delays for passengers associated only with peaks in demand (such as pub or club closing times) are significant for the purpose of the Transport Act 1985 as this entails delays for passengers and should not be ignored.

The DfT advice is that the presumption should be to delimit unless consumer detriment through delimiting can be shown. The current best practice guidance says that 'most local authorities do not impose quantity restrictions, the Department regards that as best practice'. The three most recent reviews were by the Office of Fair Trading in 2003, through the production of the Best Practice Guidance in 2010, and the Law Commission review which published its results in 2014. The Competition and Markets Authority (CMA) became the UK's lead competition and consumer body. The CMA brought together the competition and consumer protection functions of the Office of Fair Trading and the Competition Commission in April 2014. In April 2017, the CMA advised that their view was that quantity restrictions are not necessary to ensure the safety of passengers, or to ensure that fares are reasonable and that they can harm passengers by reducing availability, increasing waiting times and reducing the scope for downward competitive pressure on fares.

A delimitation would allow free entry to the market and may reduce the rental costs of vehicles, thereby reducing overheads and assist in obtaining a sustainable income for drivers.

CMA and DfT have claimed that increased competition would reduce fares for passengers, improve availability, and reduce waiting times.

3.1.3 Considerations

The Council does not need a reason under the Act to adopt a policy of de-limiting the number of taxi licences that it issues.

A Council is not bound to make further inquiries or have surveys conducted in order to see more clearly where there was or was not unmet demand. The case *R v Great Yarmouth Borough Council, ex p Sawyer (1989)*, and agreed with subsequent cases that no survey was required before a decision to remove a limit could be made.

Whilst it is not unlawful to remove the limit on HCV numbers; we do need to ensure this decision was not unreasonable on 'Wednesbury' grounds and consider the following matters:

- **A full and genuine consultation must take place before the decision to delimit is taken**
A consultation has taken place for a period of 12 weeks. The full responses to 'Question 3' asking for comments on delimitation can be seen in Appendix B. A total of 169 people responded to this question and these were reviewed and taken into consideration.
- **Consideration to the financial impact on existing licence holder who may have invested in their licence, however provided that is done, commercial impact alone is not a ground for challenge.**

Some comments have referred to the plates losing their worth such as 'many people paid a lot of money back in the day, over time the value of the plate has decimated in the hope that one day the price would increase, not with this idea' and 'Keep the limit to protect drivers incomes'.

In the past, there were concerns that existing vehicle proprietors would lose the unofficial premium placed on their vehicle licence if delimitation occurred. For many proprietors this

is seen as an investment to be realised on retirement or when leaving the trade. Those with multiple vehicles will have made a substantial investment. However, there is no evidence of a current premium or monetary value of the plates as a number of vehicles have expired naturally and the plates have not been transferred to new owners. The number of hackney carriage licences has reduced from 360 licences in 2016 to 343 in 2019 and at present 304 in February 2022.

- **The potential reduced custom for existing licence holders**

This has been raised within the responses. However, there is a demand during the night time hours, therefore any new licence holder would need to consider the work available and decide the best hours to work to suit themselves and the customer demand.

- **Congestion on HC stands**

Some comments included 'It will flood the ranks and kill trade as not enough now'.

An increase in HCV's may give a potential for congestion and over ranking, however this is unlikely due to the lack of HCV's available at night and the market would settle out over time.

- **Congestion on roads generally**

There is no limit on Private Hire Vehicles and these vehicles are much cheaper to purchase. There has been a 15% drop in vehicle licences in the past 2 years and a 22% drop in vehicle licences since 2017, therefore any increase is unlikely to affect congestion.

- **Benefits to the travelling public of additional vehicles**

By removing the limit, this will increase the availability of vehicles. If there are more vehicles available, then it is hoped that there would be more drivers willing to work at night and would reduce the length of time that customers have to wait at ranks and would encourage customers to use public transport to get home safely.

The last survey advised that there was an issue with demand at night to service the Evening and Night Time Economy and there are often reports from the taxi marshals and the Police of unmanageable queues when patrons are trying to get home from a night out.

The report also raised concerns that 20% of Hackney Carriage drivers have an exemption from servicing wheelchair demand.

- **The opportunity for others to become involved in the trade as a means of securing a livelihood**

Covid-19 has meant that a number of HC drivers and Vehicle proprietors have left the trade. If they wish to return in the future, then they will be able to without having to find a plated vehicle to purchase, which they would currently due to the quantity restrictions. We also want to encourage new drivers to join the trade and this would give drivers the choice of whether they wish to become a private hire or hackney carriage driver.

Delimitation would allow free entry to the market and may reduce the rental costs of vehicles, thereby reducing overheads and assisting in obtaining a sustainable income for drivers.

- **The costs of commissioning a survey**

One comment stated:

'The council already have plates that have been handed back. Those plates should be reissued to new drivers before the number of plates are delimited. This plan is more to do with paying for the unmet demand survey that PCC are required to do by law' and 'If you didn't revoke plates in the last 12 months we wouldn't have a problem of ppl getting home. its a struggle to earn money out hear and having unlimited cabs will make it even harder. Not that you care what I say'.

Over the last three years, a number of vehicle proprietors did not renew or handed their plates back to Plymouth City Council. This has been happening gradually since before the last unmet demand survey which is why the limit was reduced from 360 to 343 and the moratorium applied so that unused plates are extinguished as demand for their services continues to fall. The Council therefore cannot issue any plates whilst a limit is applied. By removing the limit, proprietors can licence a Hackney Carriage whenever they wish and this will improve the number of cabs available.

There are cost implications if we wish to keep the limits on the number of HCV's then a new unmet demand survey would need to start as soon as possible. This costs approximately £18,000 every three years and is funded through the HCV account, which ultimately is paid for in the vehicle licence fee by vehicle proprietors.

- **The costs of defending appeals against refusals to grant licences either with or without a survey.**

Defending any appeal is a costly process. We would not have to be concerned about this if a limit did not exist.

- **The effect on HCV quality**

The new policy proposals is working towards a cleaner emissions policy and all vehicles must receive an MOT and compliance test annually or every 6 months if they are over 5 years old. The market will find a level for the number of hackney carriages which Plymouth can sustain.

Taking all of the above into consideration, the Council will remove the limit and this will take immediate effect when the Policy is implemented on 1 May 2022.

3.2 New Vehicle Livery Requirements

Figure 3 below shows that 28% of responses agreed with a livery being introduced and 72% disagreed.

Figure 3:

Do you agree with the proposal of distinctive colour scheme for Plymouth's Hackney Carriages (a livery) to be required for all taxis plated for the first time and for existing vehicles to comply within 5 years?

[More Details](#)

[Insights](#)

● Agree	83
● Disagree	210



The full list of comments can be found in Appendix B. Many responses were suggesting a black liveried fleet instead of the proposed white and green colours as this is the traditional 'black cab'. However, to change to 'black' would still require over half of the fleet to be repainted and there are a number of black cabs which also display advertising.

A comment included that a number of private hire vehicles are the same type of vehicle as a hackney carriage e.g. a Mercedes-benz, Peugeot and Ford models and often in the colour black. They inferred that these vehicles are not easily distinguishable from a hackney carriage vehicle, even with the Taxi for Hire light. The white and green design is bright and easily identifiable and it is hoped this would improve customer safety especially in the evening and night time economy. A liveried fleet assists members of the public to identify a hackney carriage that can be flagged anywhere and they know that they have a proper cab and not someone posing as a cab driver. The Council's CCTV department have also advised that at night, a clear defined taxi colour such as the white and green proposed, will help with identification, and will support clearer CCTV images.

The livery will therefore enhance public safety and security as customers can be confident that the taxi is properly licensed and meets the necessary safety standards especially vulnerable clients transported at night. It professionalises the service and other councils have found that it increases trade. The newly liveried taxi's in Exeter were easily recognised by the customer and improved customer confidence and led to other vehicle proprietors getting their livery earlier than required.

The cost to the trade has been considered which is why existing vehicle proprietors have five years until they need to comply. A white vehicle would need the bonnet and boot wrapped in green which would cost around £250. A full respray in white with the bonnet and boot wrapped in green will cost around £1500 - £2000. Over five years this would be £400 per year or £7.69 per week and this cost would be an allowable expense for a self-employed taxi driver.

After taking all comments into consideration, the Council will go ahead with the livery requirement and all vehicles plated for the first time by the Council (including existing proprietors on the change of vehicle), proprietors will be required to comply with the following condition(s):

No vehicle shall be licensed as a Hackney carriage vehicle unless its paintwork/ bodywork are painted in manufacturers 'white' colour except for the bonnet and boot lid (rear door) which must be 'Green' in colour to colour code RAL – 6037 or "wrapped" in 3M Scotchcal Vinyl or equivalent vinyl to the same colour specification.

The paintwork/ bodywork must be professionally finished. Bare metal, primer paint, visible rust and perforations will not be permitted.

Each Hackney Carriage shall display signs on each door in accordance with the design approved and supplied by the Council. The sign shall be constructed of vinyl and be applied directly to the door.

Existing Licensing Vehicles

It is proposed that from 01 May 2027, prospective hackney carriage vehicle proprietors on the transfer of an existing licence, or existing hackney carriage vehicle proprietors upon renewal of a current licence, will as part of that application, be required to comply with the uniform colour scheme:

The paintwork/ bodywork must be painted in manufacturers 'white' colour except for the bonnet and boot lid (rear door) which must be 'Green' in colour to colour code RAL – 6037 or "wrapped" in 3M Scotchcal Vinyl or equivalent vinyl to the same colour specification.

The paintwork/ bodywork must be professionally finished. Bare metal, primer paint, visible rust and perforations will not be permitted.

Each hackney carriage shall display signs on each door in accordance with the design approved and supplied by the Council. The sign shall be constructed of vinyl and be applied direct to the door.

3.3 Advertising requirements

As you can see in Figure 4 below, 35% of responses agreed that advertising should only be permitted on the rear wing of the vehicle if livery was introduced and 65% disagreed.

Figure 4:

6. We currently permit taxi's to display advertisements on any external panel of the vehicle. If a colour scheme is introduced, advertising will only be permitted on the rear wing of the vehicles? Do you agree with this change?

[More Details](#)

[Insights](#)

● Yes	102
● No	191



However, as it has been decided that the livery will be introduced, then the advertising and signage guidelines have been updated as detailed in the consultation.

Advertising will be permitted for Hackney carriages only on:

- the tip up seats and any advertisement displayed conforms to the council's guidance for licensed vehicles.
- on the rear wing of the vehicles 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.

3.4 Emissions and Age Policy

As you can see in Figure 5 below, 26% of responses agreed with the proposal and 74% disagreed.

Figure 5:

Do you agree or disagree with the proposal that all vehicles plated for the first time must meet the Euro 6 emissions standard and be less than 3 years old at the time of application?

[More Details](#)

[Insights](#)

● Agree	76
● Disagree	217



As you can see in Figure 6 below, 22% of responses agreed with the age limit proposals and 78% disagreed.

Figure 6:

Do you agree or disagree with the proposal to introduce the age limits for renewals from 1 April 2023?

[More Details](#)

[Insights](#)

● Agree	65
● Disagree	228



Following the review of all of the responses received, it has been decided to amend the proposed emissions and age policy.

The age limits will not be applied so that vehicle proprietors will have sufficient time to save for an Ultra low emission vehicle (ULEV) by 2030.

The age requirement of 'less than 3 years old' for newly plated or replacement vehicles has been removed and the following has been included within the Emissions Policy:

All vehicles plated for the first time by the Council (including existing proprietors on the change of vehicle), must meet the Euro 6 emissions standard as a minimum.

However from 1 April 2030, all vehicles (renewals and new applications) must be an Ultra-Low Emission Vehicle (ULEV) as defined by the UK's Office for Low Emission Vehicles as emitting less than 50g CO₂/Km and able to travel at least 70 miles without any emissions at all.

The Emissions policy will be reviewed at regular intervals to ensure we are striving towards the Government's Climate and Emergency Action Plan.

3.5 Pre-requisite requirements for new driver applications

3.5.1 Knowledge of Plymouth Topographical Test

Figure 7 below shows that 25% of responses agreed with removing the requirement for private hire drivers to complete the topographical Knowledge of Plymouth test and 75% disagreed.

Figure 7:

Do you agree with the proposal to remove the topographical knowledge test for private hire drivers?

[More Details](#)

● Yes	72
● No	221



After carefully considering the responses, it has been decided that the requirement for all drivers to complete this pre-requisite will remain in the Taxi Policy.

3.5.2 Plymouth Ambassador Course

As you can see from Figure 8 below, 70% of responses agreed with the proposal to require all new drivers to complete the Plymouth Ambassador Course (5 hour course) prior to becoming licensed instead of the current requirement to complete within the first 12 months of being licensed.

Figure 8:

It is therefore proposed that this course is completed prior to becoming a licensed driver.

Do you agree with this proposed change?

[More Details](#)

● Yes	205
● No	88



The information provided on this course is important and would be more beneficial to drivers at the start of their licence so that they are fully prepared in dealing with customers, understanding their legal requirements and having a good knowledge of the history of Plymouth and what Plymouth has to offer to residents and visitors.

This will therefore become a policy requirement on its adoption date of 1 May 2022.

3.5.3 Spoken English Test

The changes to the guidance for the spoken English test will be updated as published. The Spoken English element will now be a pre-requisite requirement for all new drivers from 1 May 2022, to ensure it is applied fairly. This will require all new applicants to provide evidence of having gained a qualification 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. Any applicants who do not have a suitable qualification will be required to undertake the Spoken English assessment.

Some minor updates have also been added to the procedure as the test provider has slightly altered the way the tests are completed and they have recommended we use the Global Scale of English instead of the Versant scoring.

3.5.4 Return to trade within 3 years instead of 12 months

As you can see in Figure 9 below, 78% of responses agreed that drivers should be able to return to the trade within 3 years without completing the knowledge test and driver's standards test.

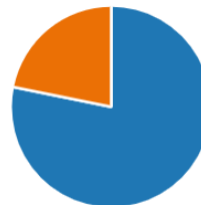
Figure 9:

16. Do you think we should allow drivers to renew their drivers licence within 3 years (currently 12 months) from the date of expiry of their last licence without having to complete the Knowledge Test and Driving Standards Test? An application form, medical certificate and Enhanced DBS certificate will still be required.

[More Details](#)

[Insights](#)

Yes	229
No	64



However, a comment included the concern that the driving standards should not be removed as they felt this was essential for a driver renewing their licence after some time away from the trade. This was to ensure the safety of the public and paying passengers since their driving standards could have deteriorated since the driver last held a taxi licence.

It is therefore proposed that the following will be included within the Policy:

The Council may exercise discretion and renew a licence past its expiry date where a driver returns to the trade within 36 months of the date of their driver's licence expiring. 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 licence, 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.

The following discretion will apply in the period of the lapsed licence:

- 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 enhanced DBS certificate. The driver will be required to pay the new applicant fee. However, 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.
- Any driver can renew their driver's licence after 12 months but within 36 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, enhanced DBS certificate and driving standards test. The driver will be required to pay the new applicant fee. However, there will be no requirement to complete the Knowledge of Plymouth required of a new applicant, unless there is a specific reason to do so.
- The driver will be required to undertake the Safeguarding refresher training prior to renewal if this is outstanding or due within the expiry date of the required licence e.g. one year or three year licence.

- Where a driver has not completed the Level 2 VRQ in 'Transporting Passengers by Taxi or Private Hire (or equivalent qualification), then this must be completed prior to renewal.

3.6 Card Payments

Figure 10 below shows that 60% of responses agreed that all hackney carriages must provide a card payment system in the vehicle by 1 July 2022.

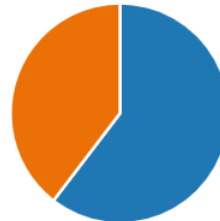
Figure 10:

36. Do you agree with the proposal that from 1 July 2022, all hackney carriages must provide a card payment system in the vehicle?

[More Details](#)

[Insights](#)

● Yes	177
● No	116



115 comments were received, mostly positive. Comments included that it is important to ensure that the card payment readers are able to take contactless payments so that people can also use their phone to make a payment as many people no longer carry their credit or debit card with them.

One comment was concerned that passengers could go home and reject a payment if it was contactless. It is the Council's understanding that you cannot reject a contactless or card payment – please see <https://www.barclaycard.co.uk/personal/help/spending-transactions/cancel-purchase>.

Card readers will incur a cost to the driver and this depends on the company used but it usually a small percentage of the transaction. However, the driver cannot add this cost to the customer as it is illegal to charge an additional fee for paying by credit or debit card or using your mobile phone contactless payment.

It was also raised that this should be applied to private hire as well as hackney carriage vehicles. Originally it was proposed to introduce as a vehicle condition for hackney carriages as private hire vehicles all have the ability to pay in advance over the phone or on the app at the time of booking and the majority of private hire companies require their drivers to provide card payment reader in their vehicles. However after considering the responses, the card payment reader will therefore be included in the vehicle conditions for both private hire and hackney carriage to ensure it is applied fairly to both trades. The following paragraph has been amended and included within the vehicle conditions:

From 1 July 2022, all private hire and hackney carriage vehicles must provide a card payment reader with the ability to take contactless payments in the vehicle. In hackney carriage vehicles the card reader must be placed in a plastic partition between the driver and passenger.

One comment suggested that that an additional condition should be included to ensure the card payment readers are kept in working order. The following has been included in the vehicle conditions:

Card payment readers must be kept in working order and any faults rectified within three working days.

3.7 Refunds

The draft policy proposed that licence fees should be non-refundable unless using it towards another Plymouth City Council Taxi licence. No other Devon Local Authorities offer a refund and this is not required in law. It is also difficult to make future fee predictions when we cannot account for the number of refunds and this has been particularly apparent during Covid-19.

As you can see in Figure 11 below, 19% of responses agreed and 81% disagreed with removing refunds and wanted the current situation to remain where whole months left are refunded minus an administration fee.

Figure 11:

38. Do you agree that licence fees should be non-refundable unless using it towards another Plymouth City Council Taxi licence?

[More Details](#)

[Insights](#)



However, the majority of the fee for a licence is the cost incurred for issuing it i.e. the application process, printing the badge/plate. This costs approx. 50% of the fee. Therefore if anyone leaves in the first 12 months, the trade account loses money as they get more in a refund than the cost of the licence.

For example the Private Hire Drivers one year fee is currently £134. If we removed the cost incurred for issuing the licence then £67 would be the only fee to be returned after the 50% initial cost has been subtracted. So if a driver wanted a refund after 6 months, then based on whole months left, they would be entitled to £33.50, minus a £15 admin fee, whereas they currently receive £67 minus a £15 admin fee.

After taking into consideration the responses, it has been decided that there will be no refunds for one year licences or the first 12 months of a three year driving licence. Refunds will be given for the whole months remaining out of the 24 months minus the administration fee which is currently £15.

The policy has been updated to state:

Licence fees are non-refundable for one year licences and for the first 12 months of a three year licence.

However a refund will be given for the whole months remaining out of the 24 months of a three year licence less any administration fee which is set out in the Fees and Charges schedule.

The Council will offset the unused portion of a driver or vehicle licence fee if they are using it towards another Plymouth City Council taxi licence e.g. moving from private hire to hackney carriage or upgrading their vehicle. The offset amount 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.

Refunds will not be paid where the licence holder has been banned from driving, or had their licence suspended or revoked, or any similar reason by Taxi Licensing Committee or Officers under delegated powers.

3.8 CCTV

As you can see in Figure 12 below, 63% of responses agreed that CCTV should be made mandatory in licensed vehicles. Please note that there are only 292 responses recorded for this question as one response did not answer Yes or No so this was not counted.

Figure 12:

12. The Department for Transport has asked the Council to consult on whether the installation of CCTV in vehicles should be mandatory in licensed vehicles.

Do you think this is a good idea?

[More Details](#)

[Insights](#)

● Yes	183
● No	109



This question was included as the Department for Transport asked all licensing authorities to consult to identify if there are local circumstances which indicate that the mandatory installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults and taking into account potential privacy issues.

As advised in the consultation, this question was included to gauge whether this should be required and the Council will now undertake a further review to consider how this could be implemented. Mandatory CCTV within licensed vehicles will require the Council to be responsible for the data and act as the data controller. This will have an impact on the costs of running the Taxi Licensing Service and further consultation will be required before this can be implemented.

3.9 DBS Update Service requirement for drivers

Figure 13 below shows that 48% of responses agreed and 52% disagreed with this requirement.

Figure 13:

20. The Policy has been updated to require licenced drivers to subscribe to the Disclosure and Barring Service (DBS) update service as recommended by the Department for Transport, so that a DBS check can be completed every 6 months. Do you agree with this?

[More Details](#)

● Yes	139
● No	150



Figure 14 below shows that the 60% of the responses agreed that vehicle proprietors who are not also holders of a valid hackney carriage or private hire driver's licence should be required to obtain a basic DBS annually.

Figure 14:

24. The Policy has been updated to require all vehicle proprietors that are not also holders of a valid hackney carriage or private hire drivers licence granted by Plymouth City Council, to obtain a basic Disclosure and Barring Service (DBS) annually. This was previously required every three years but has been recommended annually by the Department for Transport.

Do you agree that the basic DBS should be requested annually if proprietors do not already hold a drivers licence?

[More Details](#)

[Insights](#)

● Yes	175
● No	117

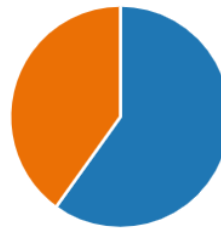


Figure 15 below shows that 66% of responses agreed that the Basic DBS check should be requested annually for private hire operators.

Figure 15:

26. Do you agree that a Basic Disclosure and Barring Service (DBS) check should be requested annually for private hire operators?

[More Details](#)

[Insights](#)

● Yes	194
● No	99



Whilst we have considered the responses for the questions regarding the changes to the DBS requirements for drivers, operators and private hire vehicle proprietors, these will be introduced to ensure the Council complies with the Department for Transport recommendations. Therefore the following will be applied to the Policy:

- Require licensed drivers to subscribe to the DBS update service so that a DBS check can be completed every 6 months, instead of applying for an enhanced DBS every three years.
- Require all vehicle proprietors, that are not also holders of a valid hackney carriage or private hire drivers licence granted by Plymouth City Council, to obtain a Basic DBS annually (this was previously required every 3 years).
- Require all Private Hire Operators to obtain a Basic DBS annually.
- Require all Private Hire Operators to keep a written or electronic register of all staff that take bookings or dispatch vehicles and must have sight of a Basic DBS for each individual listed.

The DBS updates service currently costs £13 per year. Please see <https://www.gov.uk/dbs-update-service>. Drivers will need to register for the Update Service within 30 days of the enhanced DBS certificate being issued. We will therefore request drivers sign up to the update service when their current enhanced DBS certificate is due for renewal. The enhanced DBS currently costs £60.30, therefore once a driver has signed up to this service, it will be cheaper for the driver (£13 per year) and less hassle than having to reapply for the enhanced DBS every three years. The Council will however incur additional charges of approximately £8 per check every 6 months to be able to check each driver and this will be included within the driver's fees. If a driver has any new convictions within the 6 month period, then they will be required to obtain a new enhanced DBS check.

3.10 Operators Register for all staff that take bookings or dispatch vehicles

Figure 16 overleaf shows that 74% of responses agreed that operators must keep a written or electronic register of all staff that take bookings or dispatch vehicles and must have sight of a basic DBS for each individual listed.

This has therefore been included in the policy and operator conditions.

Figure 16

28. Do you agree that the operator must keep a written or electronic register of all staff that take bookings or dispatch vehicles and must have sight of a basic Disclosure and Barring Service (DBS) for each individual listed.

[More Details](#)

[Insights](#)



3.11 Safeguarding training for operators and booking staff

Figure 17 shows that 74% of responses agreed that operators and their booking staff must attend safeguarding training and undertake a refresher every 5 years.

This has therefore been included in the policy and operator conditions.

Figure 17

Do you agree that all operators and their booking staff must attend safeguarding training and a refresher every 5 years?

[More Details](#)

[Insights](#)



3.12 Requirement for insurance cover note and public liability insurance

Figure 18 below shows that the majority of responses (78%) agreed with this proposal.

Figure 18

32. Do you agree with the proposal to require that the insurance certificate/cover note must specify the insurance cover for Public Hire (applicable to Hackney Carriage) or Private Hire/Hire and Reward (applicable to Private Hire)?

[More Details](#)

[Insights](#)

● Yes	228
● No	65



Figure 19 below shows that 63% of the responses agreed with this requirement.

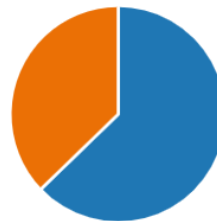
Figure 19:

34. Do you agree with the proposal to require a public liability insurance certificate/cover must be submitted with the application/renewal which clearly indicates insurance cover for a minimum of £5 million?

[More Details](#)

[Insights](#)

● Yes	184
● No	109



This has therefore been included in the policy and vehicle conditions.

3.13 National Anti-Fraud Network (NR3) Register

Figure 20 below, shows that the majority of respondents (89%) agreed that the Council should sign up to the NR3 register.

This has therefore been included in the policy.

Figure 20:

22. The Council intends to sign up to the National Anti-Fraud Network (NR3) Register so that all new applicants can be checked against the register to determine if they have been refused or revoked by another Local Authority.
Do you agree that this register should be used by the Local Authority and to use this database to share information about our drivers with other Local Authorities?

[More Details](#)

● Yes	260
● No	33



3.14 Penalty Points Scheme

128 comments were received for Question 40, regarding the additional penalty points that have been added to the existing scheme. However around 30% of these comments were 'no comment'.

The majority of the comments were disagreeing with the penalty point scheme generally, however this scheme has been in place since May 2018. The penalty points are a good way of improving driver behaviour without the costs involved of taking the matter to committee or court especially for minor breaches of legislation or Policy.

There were some comments regarding penalty point P31 or H36 which allows Taxi Licensing Officers to issue six points where a driver is witnessed using/operating/handling/watching/displaying a mobile phone or other digital device whilst driving. Legally, drivers must use hands-free when using these devices. However, we expect driver's to be exercising full care and attention when driving and they should not be watching films or operating the phone or any other device whilst conveying passengers. The wording has been amended to remove the word 'display' and include permitted exceptions to make this clearer. The new wording is

Driver witnessed using*/operating*/handling/watching**a mobile phone or other digital device whilst driving.

Permitted exceptions: *use or operation by means of a hands free device, provided such use or operation is in connection with their role as a licensed driver, for as short a period as possible and only as permitted by law ** for anything other than navigation purposes.

Some comments were received regarding the points for defective tyres (H34/P29) advising that this could happen at any time. However, a driver should be making checks at the start of the day and regularly throughout the day to ensure their vehicle is fit to drive. Officers find bold tyres that have clearly been in an illegal standard for some time and this is not acceptable.

Some comments refer to us not issuing points to the public. However, the Council is only responsible for the enforcement of taxi licensing and it is important to ensure good standards are maintained at all times for the safety of the travelling public.

One comment referred to H35/P30 which is 'Leaving or waiting with the vehicle in a manner which causes or is likely to cause a nuisance or obstruction to other road users/land owners'. The comment advised that ***'this could lead to taxis being required to wait further away which could be an issue for those with disabilities etc.'*** However this penalty point would only be used where repeated reports are received about driver's parking across resident's driveways, parking on pavements near schools and other obstructions. Points would not be given if a driver was genuinely parked for a short time to help a disabled passenger in their car as the driver would have a reasonable excuse.

One comment was received for H32 or P27 which states 'Failure to report, in writing, within 72 hours, accident or damage to licensed vehicle, which would affect the safety, performance or appearance of the vehicle or comfort or convenience of passengers.'

They advised that ***'this should not be points, it should always be appearance at Taxi Licensing Committee. The 72 Hour time could be problematic in the event of "Bank Holiday Weekends", especially in extended Bank Holiday periods such as the Platinum Jubilee or over Christmas when, if at a weekend holiday days are added Pre or Post the event. The current "Five Working Days" does work well'***.

However, 72 hours (and not five working days), is the current legal requirement under section 8(3) of the Plymouth City Council Act 1975. The reason for including these penalty points is to avoid the expense of taking someone to Committee for a one off offence. However if there are circumstances

to suggest that penalty points are not appropriate then the Officer has the discretion of whether to take more formal action e.g. to send the driver to committee or to prosecute for the offence.

Another comment stated that **'H37 is not an offence in itself'**. H37 states 'Displaying an out of date/invalid medical exemption certificate'. It is a requirement of the Wheelchair and assistance dogs exemption guidelines that drivers must display the exemption badges and it states that 'Drivers must not display their temporary exemption badges after expiry and must return these to the Council within 14 days of expiry'. However the document has been updated to make it clearer that the exemption must be displayed at all times when valid.

3.15 Wheelchair and Assistance Dogs Exemption Guidelines 2022

109 comments were received for Question 41 regarding the Wheelchair and Assistance Dogs Exemption Guidelines. However around 50% of the comments were 'no (comment)'.

Some responses were requesting that health professionals should be able to sign off the exemption certificates in the same way as the Group 11 Medicals.

However, the reason for requesting the persons own GP is that their GP will know the full history of the driver's condition and have details of any consultant's referrals and can include this information when completing the exemption form. Therefore, this has not been changed.

We have updated the guidelines slightly to make it clearer where the exemption certificates should be displayed.

3.16 Relevance of Convictions and Conduct

91 comments were received for Question 42, regarding the changes to the guidance on the relevance of convictions and conduct. However approximately 65% of these were 'no (comment)'. Three detailed responses were received listed as response number 89, 90 and 91 and these have been responded to within the survey comments (in purple text in Appendix B on page 181 - 188). The document has been updated accordingly.

Scrutiny Considerations

Details of any recommendations from Members following the scrutiny committee on 15 March 2022 will be sent separately.

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HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY 2022

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FOREWARD

Hackney Carriages and Private Hire Vehicles are a vital component of the public transport system. They are able to provide safe, secure and comfortable transport, providing an on-request 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 overriding factor in licensing is the safety of the public and the authority seek to make sure that all taxi and private hire vehicles are fit for purpose and that their proprietors, drivers and operators are 'fit and proper' or 'safe and suitable' persons.

This policy and its associated guidance notes and specifications, sets out how Plymouth City Council will apply legislation to maintain public safety, to ensure users of licensed vehicles received a safe and pleasant service and those providing the service are appropriately protected. It provides information and guidance to licence applicants, clarity for licensed vehicle owners, drivers and operators and the public as to the way that the Licensing Authority will undertake its licensing functions. In addition, the policy document looks to help the Licensing Authority in reaching a decision on a particular application or a particular enforcement issue, setting out those matters that will normally be taken into account.

Councillor John Riley

Cabinet Member for Governance, HR, IT and Community Safety and 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 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.
- 1.4 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 Statutory Taxi and Private Hire Vehicle Standards

- 2.1 In preparing this policy, the Council has considered and implemented the Statutory Taxi and Private Hire Vehicle Standards issued by the Department for Transport – July 2020.

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 will review our Hackney Carriage and Private Hire Licensing Policy and associated guidance notes and related documents every five years and will consider interim reviews should any significant issues arise.

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
- Safer Communities
- Office of the Director of Public Health
- Planning Authority
- Network Rail
- Plymouth University
- City Centre Management Company
- Plymouth Waterfront Partnership
- Ward Councillors
- Safer Plymouth Evening and Night Time Economy Group
- Best Bar None, Pubwatch

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. Where there are exceptional, clear and compelling reasons the Taxi Licensing Committee may, having regard to all the available information authorise a departure from its policy documents. Reasons for any deviation from policy will be recorded in decision making.
- 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.

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 require all non-UK drivers to apply for a UK DVLA driving licence in accordance with current DVSA requirements.

- 1.5 In determining whether a person is 'fit and proper' to hold or retain a driver's licence, the Council will consider 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

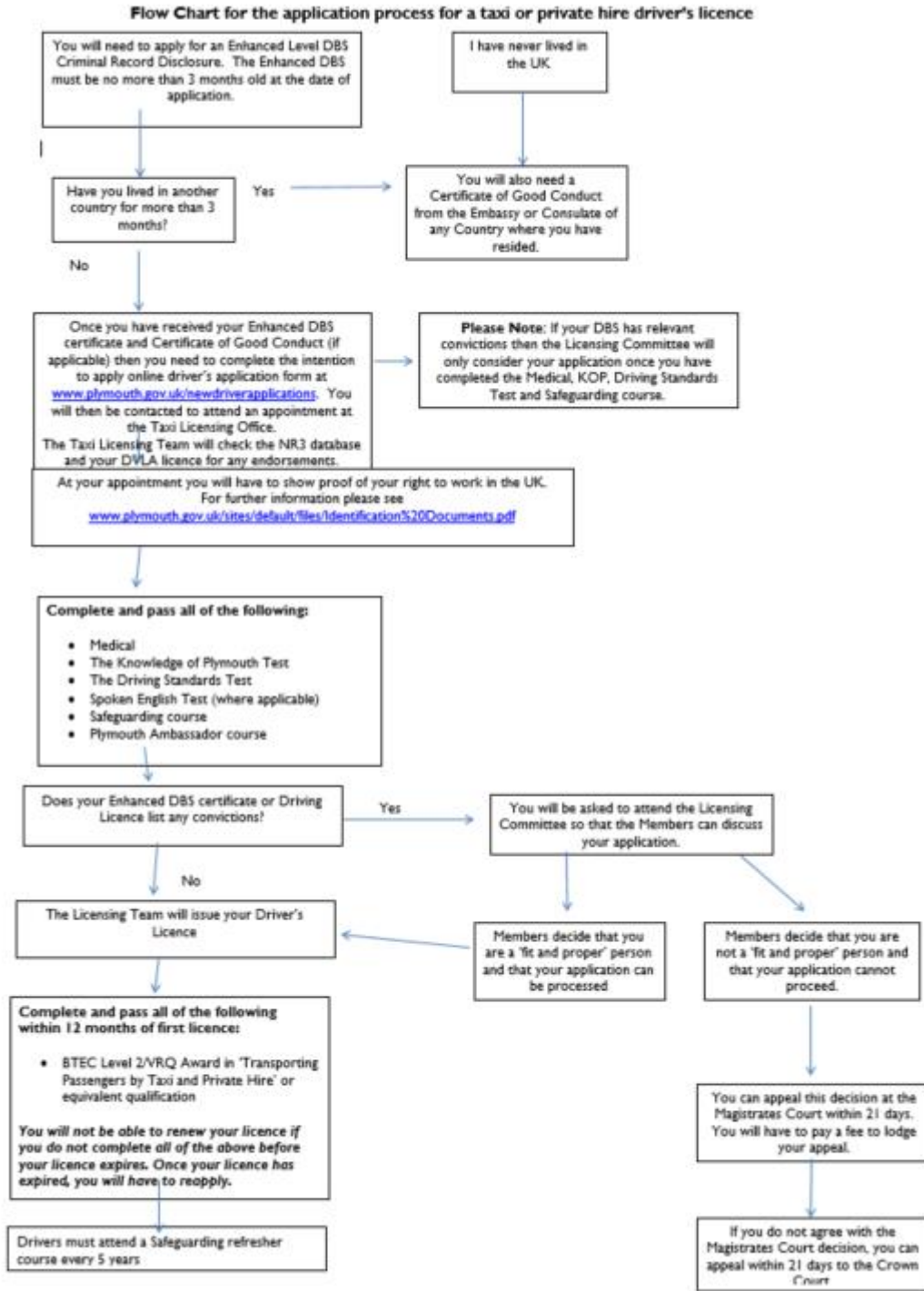
- 3.1 The Council must ensure that all non UK national applicants or existing drivers have the appropriate 'right to reside' and 'right to work' permission and can present the correct papers that demonstrate this. Any costs associated with this requirement will be met by the applicant. Any driver who 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 Pre-requisites**

Before an application for a drivers licence can be approved, the individual must have passed the:

- a) Medical (see 5.0)
- b) Submit an Enhanced DBS and Certificate of Good Conduct (if required) (see 6.0)
- c) Topographical Knowledge of Plymouth (KOP) test (for Hackney Carriage applications only),
- d) Driving Standard's Test (DST),
- e) Spoken English Test (if applicable)
- f) Safeguarding training
- g) Plymouth Ambassador 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. Please refer to the flow chart below:



- 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 **Vocationally Recognised Qualification (VRQ)**

Within **12 months** of receiving their first licence, the driver will be required to successfully complete the VRQ or equivalent qualification in 'Transporting Passengers by Taxi and Private Hire'.

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

4.4 **Compulsory additional training**

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 refresher training every 5 years

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 and the drivers licence will not be renewed.

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

4.5 **Communication Skills**

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

It is a requirement that all new applicants for both hackney carriage and private hire driver licences can demonstrate an adequate and reasonable level of spoken English. All new

applicants will be required to provide evidence of having gained a qualification 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. Applicants who do not have a suitable qualification or cannot provide the required evidence, will be required to undertake the Spoken English assessment. This is a third party assessment that is used to confirm that the applicant has suitable spoken English language skills for working as a taxi driver. For further details, please refer to the Spoken English Test assessment Procedure on the Council's website. The costs of this assessment must be met by the applicant – please refer to the Taxi Licensing Fees table at www.plymouth.gov.uk/licensingandpermits/taxilicensing/taxilicencefees.

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 Cheating

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 Costs

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.

4.8 Reputable Training Providers

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

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. The cost of any additional examination will be met by the applicant.

6.0 Disclosure & Barring Service (DBS) Disclosure Checks

- 6.1 Applicants are required to submit an **enhanced DBS disclosure check (with a check of the barred lists)** prior to their first application. Licensees must then provide either a fresh DBS every six months from the date of the last DBS, or register with the DBS update service and enable the Council to routinely check for new information every six months. 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.
- 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.

- 6.3 Any costs associated with obtaining an enhanced DBS disclosure certificate and the Update Service is the responsibility of the applicant.
- 6.4 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.

Licensees using the DBS Update Service

- 6.5 Licence holders subscribing to this service must provide written authorisation for the Council to access the online service to carry out a 'Status Check' and keep their subscription up to date.
- 6.6 The Council will carry out a 'Status Check' using the online service every six months and where the Council has a reasonable grounds for doing so. For example, where there is a reasonable belief that the licence holder has obtained a criminal conviction which has not been notified to the Council.
- 6.7 Provided the subscription to the 'DBS Update Service' service remains up to date, licence holders will not be required to complete another DBS application unless there are changes to their criminal record status. If this happens, the Licence Holder will be contacted.
- 6.8 If the subscription lapses or there is a change in the driver's criminal record, a new enhanced DBS application must be provided within one month. Failure to do so may result in a committee hearing to review the drivers licence.

Licensees not using the DBS Update Service

- 6.9 Drivers who do not subscribe to the Update Service will be subject to a new DBS check every six months starting with the date of the first DBS and then six monthly from that date.
- 6.10 Failure to provide a DBS on the appointed day may result in a committee hearing to review the driver's licence.

7.0 Certificates of Good Conduct (COGC)

- 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 National Anti-Fraud Network (NR3) Register

- 8.1 All new applicants will be checked against the NR3 register to determine if they have been refused or revoked by another Local Authority. This register is used by licensing authorities to share information about drivers to mitigate the risk of non-disclosure of relevant information by applicants.
- 8.2 If notification of a refused or revoked licence is disclosed, the relevant Council will be contacted to establish when the licence was refused, suspended or revoked and the reasons why. Any information that is disclosed will be taken into account in determining the applicant's fitness to be licensed.
- 8.3 If the Council receive information that a licence holder did not disclose the information referred to by the disclosing Council, this may suggest dishonesty and any dishonesty will be taken into account when determining the applicant's fitness to be licensed.
- 8.4 Any existing drivers that are refused or revoked will be recorded on the NR3 database. Any request from another Council to disclose will be considered based on our data protection requirements and Privacy Statement.

9.0 Grant and Renewal of Driver Licences

- 9.1 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.

Renewal

- 9.2 The Council may exercise discretion and renew a licence past its expiry date where a driver returns to the trade within 36 months of the date of their driver's licence expiring. 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 licence, 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.

- 9.3 The following discretion will apply in the period of the lapsed licence:
- 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 enhanced DBS certificate. The driver will be required to pay the new applicant fee. However, 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.

- Any driver can renew their driver's licence after 12 months but within 36 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, enhanced DBS certificate and driving standards test. The driver will be required to pay the new applicant fee. However, there will be no requirement to complete the Knowledge of Plymouth required of a new applicant, unless there is a specific reason to do so.
- The driver will be required to undertake the Safeguarding refresher training prior to renewal if this is outstanding or due within the expiry date of the required licence e.g. one year or three year licence.
- Where a driver has not completed the Level 2 VRQ in 'Transporting Passengers by Taxi or Private Hire (or equivalent qualification), then this must be completed prior to renewal.

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

9.5 Any driver applying for a driving licence beyond 36 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.

9.6 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.

10.0 Restricted Private Hire Drivers Licence

10.1 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

10.2 As part of the application process, drivers must detail the nature of the work they are intending to carry out and cannot deviate from this without contacting the Taxi Licensing Department in writing.

10.3 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.

11.0 Conditions of Driver Licence

- 11.1 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.
- 11.2 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.

12.0 Medical Exemptions

- 12.1 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 wheelchair users, without reasonable cause, unless the driver holds a medical exemption excusing them from such duties.
- 12.2 The standards and conditions that apply to medical exemptions are contained in the Council's Wheelchair and Assistance Dogs Exemption Guidelines.

13.0 Code of Good Conduct

- 13.1 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.
- 13.2 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.

14.0 Penalty Points Scheme

- 14.1 The Council has adopted a 'penalty point' system of enforcement. The system is set out in full in the Penalty Points Scheme guidance document.
- 14.2 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.
- 14.3 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.

- 14.4 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.
- 14.5 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 The Council will assess all applicants and existing vehicle licence holders to ensure they are safe and suitable to hold or continue to hold a vehicle licence.
- 1.2 As a result, all vehicle proprietors, who are not also holders of a valid hackney carriage or private hire drivers licence granted by Plymouth City Council, must obtain a Basic Disclosure from the Disclosure and Barring Service (DBS) annually.
- 1.3 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)
- 1.4 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 maintain a 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 and 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.

- 3.2 The insurance certificate/cover note must specify the insurance cover for Public Hire (applicable to Hackney Carriage) or Private Hire/Hire and Reward (applicable to Private Hire).
- 3.3 A Public Liability Insurance certificate/cover note must also be submitted with the application/renewal which clearly indicates insurance cover for a minimum of £5 million.

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 Livery Vehicle Markings and Colour

10.1 The Council has a Livery (Colour) Policy. Please refer to this document on the Council's website. Details of the current policy are also contained within the vehicle specifications.

11.0 Advertising

11.1. The Council will permit advertising on hackney carriages and will set standards that apply will be included in the Council's Advertising & Signage Guidelines. 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

12.0 Window Tints

12.1 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.

13.0 Vehicle Emissions policy

13.1 The Council has a current vehicle emissions policy. Please refer to this document on the Council's website. Details of the current policy are also contained within the vehicle specifications.

14.0 Alternative Fuel Strategy

14.1 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.

15.0 Disability Access

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

- 15.2 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).
- 15.3 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.

16.0 Vehicle Compliance Testing

- 16.1 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.
- 16.2 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.
- 16.3 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.
- 16.4 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.
- 16.5 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.
- 16.6 The Council reserve the right to alter or amend the Vehicle Compliance Testing Manual, Vehicle Specifications or Conditions of Licence at any time.

17.0 Appointment of Testing Stations

- 17.1 On application, the Council may appoint a currently registered MOT station as an Appointed Testing Station who will conduct tests on its behalf.
- 17.2 The Council will make an appointment for the period of one year to commence on the 1 April of each calendar year.

17.3 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.

17.4 Every garage granted the status of an “Appointed Testing Station” shall abide by the Council’s terms of appointment.

17.5 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.

17.6 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.

17.7 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.

17.8 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.

17.9 The Council reserve the right not to appoint any further testing stations.

18.0 Hackney Carriage Table of Fares (Tariff)

18.1 The review and setting of fares is a function of the Taxi Licensing Committee.

18.2 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.

18.3 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

18.4 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.

18.5 It is an offence under adopted byelaws for any driver, without reasonable excuse, to charge more than the metered fare.

19.0 Taximeters

19.1 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.

19.2 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.

19.3 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.

20.0 CCTV Guidance

20.1 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.

20.2 A CCTV system installed in a licensed vehicle must comply with the minimum technical CCTV specification, as indicated in our guidance.

20.3 The Council reserves the right to amend the CCTV guidance from time to time.

- 20.4 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.

21.0 Lifting Mechanisms

- 21.1 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.
- 21.2 A valid compliance report conform to LOLER must be kept in the vehicle and be available for inspection.

22.0 Electric Vehicles, Hybrids etc.

- 22.1 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.

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

- 23.1 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 with the Taxi Licensing Department.

24.0 Non-Motorised Transport

- 24.1 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.
- 24.2 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.
- 24.3 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.

25.0 Vehicle Length (Hackney Carriage)

- 25.1 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.

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.
- 1.3 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.
- 1.4 Applications for an operator's licence can be made as an individual, as a partnership of multiple individuals, or as a limited company. All of the individuals/directors etc. involved in the company must be listed on the application form. The 'fit and proper' test will be applied to each of the directors or partners in that company or partnership.
- 1.5 When determining an application or when reviewing a licence, the Council will apply the following test to ensure consistent and informed decisions are made:
'Would I be comfortable allowing this person to have control of a business that knows where any licensed vehicle is travelling, at any time of day or night and be satisfied that he/she would not allow the business to be used for criminal or other unacceptable purposes, and be confident that he/she would maintain their records to an acceptable standard throughout the period of the licence?'
- 1.6 Operators must advise the Council of any change in directors or partners.
- 1.7 The Council will issue a licence for a period of up to 5 years.

2.0 Criminal Records Checks

- 2.1 All private hire operators, who are not also holders of a valid hackney carriage or private hire drivers licence granted by Plymouth City council, must provide a Basic DBS disclosure certificate annually. Any disclosure check must be less than 3 months old at the date of application.
- 2.2 All applicants (including directors of a limited company and all individuals within a partnership) applying for an operator's licence, will be required to submit basic disclosure certificates with the application, which show any unspent convictions. Where there is a change in directors/partners in a business, the new director/partner must provide a basic disclosure certificate to the Council within 3 months of joining the business.
- 2.3 If the applicant has lived outside of the UK for a continuous period of 3 months or more since the age of 18, then they must obtain a certificate of good conduct from the Country or Countries that they have lived in. The certificate must be less than 3 months old at the date of the application.

However, where the applicant is 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 the Home Office guidance) and they have lived in the UK from the age of 18 years and have been resident here for 5 continuous years they will be exempt from the provision of this certificate.

- 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 Register of Booking and Dispatch Staff

- 3.1 The operator must keep a written or electronic register of all staff that will take bookings or dispatch vehicles.
- 3.2 The operator must provide evidence to the Council that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff. Any new booking or dispatch staff must be added to the register.
- 3.3 The Basic DBS check must be no more than 3 months old at the time of receipt by the Operator.
- 3.4 The Operator must ensure they have a policy on employing ex-offenders and ensure this is referred to when employing new members of staff. A copy of this policy must be provided to the Council.
- 3.5 The register must be a 'living document' that maintains records of all those in these roles for the same duration as booking records are required to be kept, so that this will enable cross-referencing between the two records. A record that the operator has had sight of the DBS check certificate (although the certificate itself must not be retained) should be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested and sight of this recorded.
- 3.6 Operators must include in their staff employment contracts that booking and dispatch staff must notify the operator of any convictions whilst they are employed with the Operator.

4.0 Operators Conditions of Licence

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

5.0 Training of Operators and booking/dispatch staff

- 5.1 All existing operators and their booking/dispatch staff must attend the Council's approved safeguarding workshop by 31 December 2022.
- 5.2 All new operators must attend the Council's approved safeguarding workshop before their first application is granted and must receive a refresher every 5 years.
- 5.3 All booking/dispatch staff must attend the Council's approved safeguarding workshop within 3 months of starting their employment and must receive a refresher every 5 years.

6.0 Record Keeping

- 6.1 The Council requires operators to keep records of each booking. Information must include:
- the name of the passenger
 - the date and time of the request
 - the pick-up point
 - the place of commencement of the journey and destination
 - the name of the driver

- the driver's licence number
- the vehicle registration number of the vehicle
- the name of any individual that responded to the booking request
- the name of any individual that dispatched the vehicle

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.

Booking records must be retained for a minimum period of six months.

- 6.2 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.

7.0 Operators Insurance

- 7.1 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.

- 7.2 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.

8.0 Operators Offices Located Outside the Plymouth Licensing Area

- 8.1 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.

9.0 Airport / Seaport Transfer

- 9.1 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.

- 9.2 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, operator or vehicle 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 licensee 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 Practice Guidance/Statutory Standards, the Public Protection Enforcement Policy and the factors listed below 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 Licence fees are non-refundable for one year licences and for the first 12 months of a three year licence. However a refund will be given for the whole months remaining out of the 24 months of a three year licence less any administration fee which is set out in the Fees and Charges schedule.
- 12.2 The Council will offset the unused portion of a driver or vehicle licence fee if they are using it towards another Plymouth City Council taxi licence e.g. moving from private hire to hackney carriage or upgrading their vehicle. The offset amount 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.
- 12.3 Refunds will not be paid where the licence holder has been banned from driving, or had their licence suspended or revoked, or any similar reason by Taxi Licensing Committee or Officers under delegated powers.

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EQUALITY IMPACT ASSESSMENT

Review of the Taxi Licensing Policy



PLYMOUTH
CITY COUNCIL

STAGE 1: What is being assessed and by whom?

What is being assessed - including a brief description of aims and objectives?	<p>The consideration of the review of the Taxi Licensing Policy taking into consideration the recommendations within the Department for Transport's 'Statutory Taxi and Private Hire Vehicle Standards' (July 2020). The document has also been updated to improve other aspects of the policy and to review the Emissions Standards which are currently out of date.</p> <p>The Council also currently operates a 100% wheel chair assessable Taxi fleet, however a number of drivers have medical exemption certificates.</p>
Author	Rachael Hind, Service Manager, Licensing, ODPH
Department and Service	Licensing Office, Office of the Director of Public Health.
Date of Assessment	8 October 2021

STAGE 2: Evidence and Impact

Protected Characteristics (Equality Act)	Evidence and information (e.g. data and feedback)	Any adverse impact? <small>See the guidance on how to make this judgement.</small>	Actions	Timescale and who is responsible?
Age	<p>Passengers accessing taxi services are not age-specific and would include all age groups from 18 years of age onwards.</p> <p><u>Under 18s</u></p>	These proposals are not intended to impact on this client group	None	N/A

STAGE 2: Evidence and Impact				
Protected Characteristics (Equality Act)	Evidence and information (e.g. data and feedback)	Any adverse impact? <small>See the guidance on how to make this judgement.</small>	Actions	Timescale and who is responsible?
	Children and young people access taxi services in particular on an arranged contractual basis to attend educational establishments. Normally these client groups would be accompanied by nominated carers or parents.			
Disability	<p>The hackney carriage fleet is 100% wheel chair assessable, however some vehicles may not be available to wheelchair users, as a result of drivers holding medical exemption certificates and there may be an impact on the client group.</p> <p>Hackney carriage vehicles must also carry assistance dogs.</p> <p>Officer regularly monitor wheel chair access and investigate all complaints where discrimination may arise.</p>	These proposals are not intended to impact on this client group	Any discriminatory complaints received are fully investigated.	Licensing Officers and Police Officers
Faith/Religion or Belief	Currently driver representation covers many nationalities.	<p>These proposals are not intended to impact on this client group.</p> <p>The prevention of crime and disorder aspects of the projects would include hate crime.</p>	Any discriminatory complaints received are fully investigated.	Licensing Officers and Police Officers
Gender - including	There are no differential issues for this protected characteristic.	These proposals	Any	Licensing

STAGE 2: Evidence and Impact				
Protected Characteristics (Equality Act)	Evidence and information (e.g. data and feedback)	Any adverse impact? <small>See the guidance on how to make this judgement.</small>	Actions	Timescale and who is responsible?
marriage, pregnancy and maternity		are not intended to impact on this client group The prevention of crime and disorder aspects of the projects would include hate crime.	discriminatory complaints received are fully investigated.	Officers and Police Officers
Gender Reassignment	There are no differential issues for this protected characteristic.	It is not anticipated that the amendments to the Policy will have a direct adverse impact on this protected characteristic. The prevention of crime and disorder aspects would include hate crime.	Any discriminatory complaints received are fully investigated.	Licensing Officers and Police Officers
Race	Currently driver representation covers many nationalities.	It is not	Any	Licensing

STAGE 2: Evidence and Impact				
Protected Characteristics (Equality Act)	Evidence and information (e.g. data and feedback)	Any adverse impact? <small>See the guidance on how to make this judgement.</small>	Actions	Timescale and who is responsible?
		<p>anticipated that the amendments to the Policy will have a direct adverse impact on this protected characteristic.</p> <p>The prevention of crime and disorder aspects of the licensing policy would include hate crime.</p>	discriminatory complaints received are fully investigated.	Officers and Police Officers
Sexual Orientation - including Civil Partnership	There are no differential issues for this protected characteristic.	<p>It is not anticipated that the amendments to the Policy will have a direct adverse impact on this protected characteristic.</p> <p>The prevention of crime and</p>	Any discriminatory complaints received are fully investigated.	Licensing Officers and Police Officers

STAGE 2: Evidence and Impact				
Protected Characteristics (Equality Act)	Evidence and information (e.g. data and feedback)	Any adverse impact? <small>See the guidance on how to make this judgement.</small>	Actions	Timescale and who is responsible?
		disorder aspects of the licensing policy would include hate crime.		

STAGE 3: Are there any implications for the following? If so, please record 'Actions' to be taken		
Local Priorities	Implications	Timescale and who is responsible?
Reduce the inequality gap, particularly in health between communities.	N/A	N/A
Good relations between different communities (community cohesion).	N/A	N/A
Human Rights <small>Please refer to guidance</small>	N/A	N/A
Principles of Fairness <small>Please refer to guidance</small>	N/A	N/A

STAGE 4: Publication			
Responsible Officer; Director, Assistant Director or Head of Service.	Rachael Hind, Service Manager, ODPH	Date	8 October 2021

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City Council



Date of meeting:	21 March 2022
Title of Report:	Lord Mayoralty 2022/23
Lead Member:	Councillor John Riley (Cabinet Member for Governance, HR, IT & Community Safety)
Lead Strategic Director:	Giles Perritt (Assistant Chief Executive)
Author:	Helen Prendergast
Contact Email:	helen.prendergast@plymouth.gov.uk
Your Reference:	LMSC 2022/23
Key Decision:	No
Confidentiality:	Part I - Official

Purpose of Report

The purpose of this report is to propose the Lord Mayor for 2022/23 on recommendation from the Lord Mayor Selection Committee, as per Article 5 of the Council's Constitution.

The Selection Committee met on 11 February 2022 and unanimously agreed to recommend Councillor Sue Dann for the Office of Lord Mayor for 2022/23.

Recommendations and Reasons

The City Council approves the recommendation from the Lord Mayor Selection Committee to appoint Councillor Sue Dann as Lord Mayor for 2022/23.

Alternative options considered and rejected

None. The Lord Mayor is appointed annually by Council, in accordance with the Council's Constitution.

Relevance to the Corporate Plan and/or the Plymouth Plan

The Office of Lord Mayor provides support across all of the Council's areas of work and in particular with the regard to Plymouth being a welcoming city, given the Lord Mayor's role as First Citizen of Plymouth.

Implications for the Medium Term Financial Plan and Resource Implications:

Remuneration for the roles of Lord Mayor and Deputy Lord Mayor are already built into the budget and form part of the Members' Allowance Scheme, as set out in Appendix One of the Constitution.

Financial Risks

Not applicable. As outlined above.

Carbon Footprint (Environmental) Implications:

Subject to her appointment being agreed Councillor Sue Dann will, as Lord Mayor, commit to reducing the carbon footprint of the Lord Mayoralty during her period of office.

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

* When considering these proposals members have a responsibility to ensure they give due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not.

None.

Appendices

*Add rows as required to box below

Ref.	Title of Appendix	Exemption Paragraph Number (if applicable) <i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i>						
		1	2	3	4	5	6	7
A	Minute of Selection Committee 11 February 2022							

Background papers:

*Add rows as required to box below

Please list all unpublished, background papers relevant to the decision in the table below. Background papers are unpublished works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based.

Title of any background paper(s)	Exemption Paragraph Number (if applicable) <i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i>						
	1	2	3	4	5	6	7

Sign off:

Fin	djn.21 .22.26 9	Leg	LS/38 132/J P/220 222.	Mon Off		HR		Assets		Strat Proc	
Originating Senior Leadership Team member: Giles Perritt (Assistant Chief Executive)											
Please confirm the Strategic Director(s) has agreed the report? Yes											
Date agreed: 03/03/2022											
Cabinet Member approval: Councillor John Riley (Cabinet Member for Governance, HR, IT & Community Safety) via email											
Date approved: 06/03/2022											

Lord Mayoralty 2022/23

City Council: 21 March 2022



Lord Mayor Selection Committee (Minute 5) (11 February 2022)

The Committee sought nominations for the Lord Mayoralty 2022/23. Having been nominated by Councillor Vincent and seconded by Councillor Mrs Bridgeman, it was agreed unanimously to extend a cordial invitation to Councillor Sue Dann to accept the Office of Lord Mayor for the following municipal year.

Councillors waited upon Councillor Sue Dann who, on arrival, expressed her appreciation at the nomination which she was delighted to accept.

Agreed that it is unanimously recommended to City Council that it approves the appointment of Councillor Sue Dann as Lord Mayor for the 2022/23 municipal year.

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