



Oversight and Governance

Chief Executive's Department

Plymouth City Council

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Published 17/11/21

Delegated Decisions

Delegated Executive/Officer Decisions

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

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

Notice of call-in for non-urgent decisions must be given to the Democratic Support Unit by 4.30pm on Wednesday 24 November 2021. Please note – urgent decisions and non-key Council Officer decisions cannot be called in. Copies of the decisions together with background reports are available for viewing as follows:

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

The decisions detailed below may be implemented on Thursday 25 November 2021 if they are not called-in.

Delegated Decisions

1. Councillor Nick Kelly (The Leader)

1.a Domestic Energy Retrofit Programme **(Pages 1 - 18)**

1.b Council Loan Support PATH: Settled Housing **(Pages 19 - 36)**

2. Councillor John Riley (Cabinet Member for Governance, Human Resources, IT and Community Safety)

2.a Hackney Carriage and Private Hire Licensing Policy **(Pages 37 - 252)**

3. Councillor Jonathan Dreaan (Cabinet Member for Transport)

3.a The City of Plymouth (Moving & Speed Traffic Regulation Orders) (Amendment Order No. 2021.2137252 Plymbridge Road Scheme) Order. The City of Plymouth (Traffic Regulation Orders) (Amendment Order No. 2021.2137252 Plymbridge Road Scheme) Order **(Pages 253 - 266)**

EXECUTIVE DECISION

made by a Cabinet Member



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

Executive Decision Reference Number – L21 21/22


Decision	
1	Title of decision: Domestic Energy Retrofit Programme
2	Decision maker (Cabinet member name and portfolio title): Councillor Nick Kelly, Leader of Plymouth City Council
3	Report author and contact details: Kurt.Borth@plymouth.gov.uk
4	Decision to be taken: <ul style="list-style-type: none"> • Approves the Business Case. • Delegate's authority to Section 151 officer and Chief Executive to sign the MoU. • Allocates £1,752,137.22 for the project into the Capital Programme funded by Government. • Delegate authority to the Service Director for Strategic Planning & Infrastructure to spend the allocated funds and enter into further agreements in relation to it.
5	Reasons for decision: <ul style="list-style-type: none"> • To allow for the delivery of the residential energy efficiency programme.
6	Alternative options considered and rejected: Do Nothing option: This would be ignoring an opportunity to help vulnerable households and capitalise on external funds. The project has the capacity to improve the living conditions and health of some of the most vulnerable households in the city. The Council successfully bid for these funds and as such should use them. The funds can only be used for the purposes outlined above.
7	Financial implications and risks: There are no negative financial implications in undertaking this decision.

8	Is the decision a Key Decision? (please contact Democratic Support for further advice)	Yes	No	Per the Constitution, a key decision is one which:
			X	in the case of capital projects and contract awards, results in a new commitment to spend and/or save in excess of £3million in total
			X	in the case of revenue projects when the decision involves entering into new commitments and/or making new savings in excess of £1 million
		X	is significant in terms of its effect on communities living or working in an area comprising two or more wards in the area of the local authority.	
	If yes, date of publication of the notice in the Forward Plan of Key Decisions			
9	Please specify how this decision is linked to the Council's corporate plan/Plymouth Plan and/or the policy framework and/or the revenue/capital budget:	The project is an excellent fit with the strategic objectives of The Council. Social inequalities will be reduced by the provision of efficient heating and efficiency measures to cold homes. This not only provides a much healthier, warmer, and comfortable environment for the householder, it also reduces the annual energy bill ensuring vulnerable households income is maximised. The retrofitted energy efficiency measures will help to reduce the carbon emissions of the city, contributing to the delivery of the Joint Local Plan and Climate Emergency Action Plan.		
10	Please specify any direct environmental implications of the decision (carbon impact)	The project will save 9,500t of carbon over the lifetime of the measures installed.		

Urgent decisions

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

Consultation			
13a	Are any other Cabinet members' portfolios affected by the decision?	Yes	<input checked="" type="checkbox"/>
		No	<input type="checkbox"/>
		(If no go to section 14)	
13b	Which other Cabinet member's portfolio is affected by the decision?	Councillor Mrs Maddi Bridgeman, Cabinet Member for Environment and Street Scene	
13c	Date Cabinet member consulted	09.11.21	
14	Has any Cabinet member declared a conflict of interest in relation to the decision?	Yes	<input type="checkbox"/>
		No	<input checked="" type="checkbox"/>
		If yes, please discuss with the Monitoring Officer	
15	Which Corporate Management Team member has been consulted?	Name	Anthony Payne
		Job title	Director of Place
		Date consulted	07.11.2021
Sign-off			
16	Sign off codes from the relevant departments consulted:	Democratic Support (mandatory)	DS69 21/22
		Finance (mandatory)	PL.21.22.155
		Legal (mandatory)	MS/1/10.11.21
		Human Resources (if applicable)	
		Corporate property (if applicable)	
		Procurement (if applicable)	
Appendices			
17	Ref.	Title of appendix	
	A	Business Case – Part 1	
	B	Business Case - Part 2	
	C	Equalities Impact Assessment	

Confidential/exempt information								
18a	Do you need to include any confidential/exempt information?	Yes	<input checked="" type="checkbox"/>	If yes, prepare a second, confidential ('Part II') briefing report and indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box in 18b below. (Keep as much information as possible in the briefing report that will be in the public domain)				
		No	<input type="checkbox"/>					
		Exemption Paragraph Number						
		1	2	3	4	5	6	7
18b	Confidential/exempt briefing report title: PART II – Business Case			<input checked="" type="checkbox"/>				
Background Papers								
19	Please list all unpublished, background papers relevant to the decision in the table below. Background papers are <u>unpublished</u> works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based. If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.							
Title of background paper(s)		Exemption Paragraph Number						
		1	2	3	4	5	6	7
Cabinet Member Signature								
20	I agree the decision and confirm that it is not contrary to the Council's policy and budget framework, Corporate Plan or Budget. In taking this decision I have given due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not.							
Signature			Date of decision		17.11.2021			
Print Name	Nicholas Kelly							

EXECUTIVE DECISION BRIEFING NOTE

PART I - Domestic Energy Retrofit Programme



This briefing note provides context for the accompanying executive decision and PART II Business Case regarding the Domestic Energy Retrofit Programme.

Scheme Summary

PCC is allocating £1,752,137.22 to the Domestic Energy Retrofit Programme. The scheme will help to tackle the prevalence of fuel poverty across the 13,500 households in the city who are currently suffering this. The project will save 9,500t of carbon over the lifetime of the measures installed.

3.0 REVENUE IMPLICATIONS

The required revenue spend associated with this project (staff time) will come from the awarded funds.

4.0 RISKS

The risk element in receiving the grant is low:

- The demand for the service is high, with a considerable pipeline of households requiring assistance already building up.

5.0 RECOMMENDATION

It is recommended that the Leader:

- Approves the Business Case.
- Delegate's authority to Section 151 officer and Chief Executive to sign the MoU.
- Allocates £1,752,137.22 for the project into the Capital Programme funded by Government.
- Delegate authority to the Service Director for Strategic Planning & Infrastructure to spend the allocated funds and enter into further agreements in relation to it.

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The following relates to exempt or confidential matters (Para(s) 3 of Part 1, Schedule 12A of the Local Govt Act 1972). Any breach of confidentiality could prejudice the Council/person/body concerned & might amount to a breach of the councillors /employees codes of conduct.

Document is Restricted

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EQUALITY IMPACT ASSESSMENT

Domestic Energy Retrofit Programme



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>Domestic Energy Retrofit Programme</p> <p>Aims and Objectives</p> <p>The scheme will help to tackle the prevalence of fuel poverty across the 13,500 households in the city who are currently experiencing this. The project will improve the energy efficiency of 150 owner occupier, fuel poor on-gas households currently rated E, F, or G on the EPC. The project is estimated to save 9,500t of carbon over the lifetime of the measures installed.</p> <p>(data below accessed from SUMMARY EQUALITY PROFILE 2021 Policy and Intelligence Team PCC)</p>			
Responsible Officer	Kurt Borth			
Department and Service	Strategic Planning and Infrastructure			
Date of Assessment	12th November 2021			

STAGE 2: Evidence and Impact

Protected Characteristics (Equality Act)	Evidence and information (e.g. data and feedback)	Any adverse impact?	Actions	Timescale and who is responsible?
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STAGE 2: Evidence and Impact				
Protected Characteristics (Equality Act)	Evidence and information (e.g. data and feedback)	Any adverse impact?	Actions	Timescale and who is responsible?
Age	<p>The average age in Plymouth (38.6 years) is below the England average (40 years), and the South West (44.1 years).</p> <ul style="list-style-type: none"> • 0-15 Plymouth - 17.9% (Nationally – 19.1%) • 15-64 Plymouth –64.9% (Nationally – 63.9%) • 65+ Plymouth – 18.1% (Nationally – 18%) • 75+ Plymouth - 8.2% (Nationally – 8.1%) <p>There is a projected 32.7 per cent increase in the number of people aged 65 or over between 2016 and 2034 (an additional 15,400 individuals) in Plymouth by 2034.</p>	<p>The scheme is not anticipated to have any adverse impact on specific age groups.</p> <p>The project will have a positive impact as the programme will be available to all demographics. Age is not a barrier from benefiting from the programme.</p>	N/A	N/A
Disability	20.4% of people in Plymouth have declared themselves having long	The scheme is not anticipated to have any adverse impact on	N/A	

STAGE 2: Evidence and Impact				
Protected Characteristics (Equality Act)	Evidence and information (e.g. data and feedback)	Any adverse impact?	Actions	Timescale and who is responsible?
	term health problem or disability.	specific disability groups. Though it is important that any communications in relation to this scheme or in the application of the project consider the accessibility of the content (language, reading ease, font size etc).		
Faith, Religion or Belief	<p>Christian 148,917 people (58.1%).</p> <p>Islam 2,078 people (0.8%).</p> <p>Buddhism 881 people (0.3%).</p> <p>Hinduism 567 people (0.2%) described their religion as Hindu.</p> <p>Judaism 168 people (0.1%)</p>	The scheme is not anticipated to have any adverse impact on specific faiths, religions or beliefs.	N/A	

STAGE 2: Evidence and Impact				
Protected Characteristics (Equality Act)	Evidence and information (e.g. data and feedback)	Any adverse impact?	Actions	Timescale and who is responsible?
	<p>Sikhism</p> <p>89 people (<0.1%)</p>			
Gender - including marriage, pregnancy and maternity	<p>50.2% of population are women.</p> <p>Of those aged 16 and over 90,765 (42.9%) people are married. 5,190 (2.5%) are separated and still legally married or legally in a same-sex civil partnership.⁷</p> <p>34 Civil Partnership Formations in Plymouth in 2013</p>	The scheme is not anticipated to have any adverse impact on specific faiths, religions or beliefs.	N/A	
Gender Reassignment	The Gender Identity Research and Education Society (GIREs) estimate that between 300,000 and 500,000 people aged 16 or over in the UK are experiencing some degree of gender variance.	The scheme is not anticipated to have any adverse impact on specific gender reassignment.	N/A	
Race	92.9% of Plymouth's population identify	The scheme is not anticipated to have any	N/A	

STAGE 2: Evidence and Impact				
Protected Characteristics (Equality Act)	Evidence and information (e.g. data and feedback)	Any adverse impact?	Actions	Timescale and who is responsible?
	<p>themselves as White British.</p> <p>7.1% identify themselves as Black and Minority Ethnic (BME) with White Other (2.7%), Chinese (0.5%) and Other Asian (0.5%) the most common ethnic groups.</p>	adverse impact on specific race.		
Sexual Orientation -including Civil Partnership	It estimated that there are 12,500 – 17,500 Lesbian, gay or bi-sexual people aged over 16. Figures from the annual population survey have revealed that the number of people identifying as lesbian, gay or bisexual in the UK has increased from 1.6% in 2014 to 2.2% in 2018, an increase of more than a third.	The scheme is not anticipated to have any adverse impact on specific sexual orientation group.	N/A	

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.	Providing domestic energy upgrades to households in Plymouth will contribute to lower fuel poverty, higher comfort, lower health risks and lower vulnerability in general for at risk households.	January 2022 – March 2023
Good relations between different communities (community cohesion).	It is not anticipated that relations between different communities will be affected by the scheme.	
Human Rights	It is not anticipated that people's human rights will be affected by the scheme.	

STAGE 4: Publication			
Director, Assistant Director/Head of Service approving EIA.	Kathryn Deeney Head of Environmental Planning	Date	17.11.2021

EXECUTIVE DECISION

made by a Cabinet Member



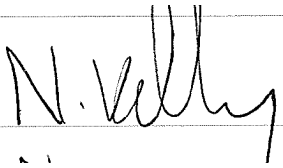
REPORT OF ACTION TAKEN UNDER DELEGATED AUTHORITY BY AN INDIVIDUAL CABINET MEMBER

Executive Decision Reference Number – L20 21/22

Decision	
1	Title of decision: Council Loan support PATH : Settled Housing
2	Decision maker (Cabinet member name and portfolio title): Councillor Nick Kelly, Leader of the Council
3	Report author and contact details: Matt Garrett, Service Director for Community Connections
4	<p>Decision to be taken:</p> <ul style="list-style-type: none"> • Approve the Business Case • Allocate £220,000 for the project into the Capital Programme as a loan to PATH funded by loan repayments from PATH
5	<p>Reasons for decision:</p> <p>Access to good quality and affordable settled accommodation remains challenging in Plymouth. With LHA rates tied to the CPI rather than market rents; means there is a growing gulf between LHA rates and the market.</p> <p>Plymouth has very high numbers of single people in temporary accommodation, in B&B's, hostels, and shared house type temporary accommodation, accessed through the Plymouth Alliance.</p> <p>In order to continue to be able to move people through the system we need to have move-on accommodation that is offered as settled accommodation, with an assured shorthold tenancy for people to move into.</p> <p>In response to this Plymouth City Council is working with PATH to provide financial support in the form of a loan to allow the purchasing of properties to be let as permanent properties for people to move into.</p>
6	<p>Alternative options considered and rejected:</p> <p>Take on more temporary accommodation, causing blockages in the system and preventing move on into permanent accommodation.</p>
7	<p>Financial implications and risks:</p> <p>There are no financial implications for the Council from this decision</p> <p>The loan will be secured by way of legal charge against the properties acquired by PATH and in</p>

	the event of default of the loan repayments the Council would be able to enforce a sale of the properties to recover the loan amount			
8	Is the decision a Key Decision? (please contact Democratic Support for further advice)	Yes	No	Per the Constitution, a key decision is one which:
			x	in the case of capital projects and contract awards, results in a new commitment to spend and/or save in excess of £3million in total
			x	in the case of revenue projects when the decision involves entering into new commitments and/or making new savings in excess of £1 million
		x	is significant in terms of its effect on communities living or working in an area comprising two or more wards in the area of the local authority.	
	If yes, date of publication of the notice in the Forward Plan of Key Decisions			
9	Please specify how this decision is linked to the Council's corporate plan/Plymouth Plan and/or the policy framework and/or the revenue/capital budget:	Caring for people and communities – Reduced Health Inequalities and Focus on Prevention and Early intervention. This Executive Decision will help meet both priorities by supporting the Council to reduce homelessness and the use of Bed and Breakfast which will in turn help to tackle health inequalities.		
10	Please specify any direct environmental implications of the decision (carbon impact)	PATH will ensure that all properties bought as part of this scheme will be brought up to an EPC level C by 2025, if not sooner.		
Urgent decisions				
11	Is the decision urgent and to be implemented immediately in the interests of the Council or the public?	Yes		(If yes, please contact Democratic Support (democraticsupport@plymouth.gov.uk) for advice)
		No	x	(If no, go to section 13a)
12a	Reason for urgency:			
12b	Scrutiny Chair Signature:		Date	
	Scrutiny Committee name:			
	Print Name:			
Consultation				
13a	Are any other Cabinet members'	Yes	x	

	portfolios affected by the decision?	No		(If no go to section 14)
13b	Which other Cabinet member's portfolio is affected by the decision?	Councillor Mrs Vivien Pengelly, Cabinet Member for Homes and Communities		
13c	Date Cabinet member consulted	09/11/2021		
14	Has any Cabinet member declared a conflict of interest in relation to the decision?	Yes		If yes, please discuss with the Monitoring Officer
		No	<input checked="" type="checkbox"/>	
15	Which Corporate Management Team member has been consulted?	Name	Craig McArdle	
		Job title	Strategic Director for People	
		Date consulted	09/11/2021	
Sign-off				
16	Sign off codes from the relevant departments consulted:	Democratic Support (mandatory)	DS68 21/22	
		Finance (mandatory)	ba.21.22.153	
		Legal (mandatory)	LS/37617/AC/11/11/21	
		Human Resources (if applicable)		
		Corporate property (if applicable)		
		Procurement (if applicable)		
Appendices				
17	Ref.	Title of appendix		
	A	Briefing report for publication		
	B	Equalities Impact Assessment		
Confidential/exempt information				
18a	Do you need to include any confidential/exempt information?	Yes		If yes, prepare a second, confidential ('Part II') briefing report and indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box in 18b below. (Keep as much information as possible in the briefing report that will be in the public domain)
		No	<input checked="" type="checkbox"/>	

		Exemption Paragraph Number						
		1	2	3	4	5	6	7
18b	Confidential/exempt briefing report title:							
Background Papers								
19	<p>Please list all unpublished, background papers relevant to the decision in the table below.</p> <p>Background papers are <u>unpublished</u> works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based. If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</p>							
Title of background paper(s)		Exemption Paragraph Number						
		1	2	3	4	5	6	7
Cabinet Member Signature								
20	<p>I agree the decision and confirm that it is not contrary to the Council's policy and budget framework, Corporate Plan or Budget. In taking this decision I have given due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not. For further details please see the EIA attached.</p>							
Signature				Date of decision		16.11.2021		
Print Name	Nicholas Kelly							

CAPITAL INVESTMENT BUSINESS CASE

Council Loan support PATH : Settled Housing

**EXECUTIVE SUMMARY**

The Executive Summary is a short summary of the Business Case and should be the last section you complete, this will enable you to extract or only the key facts from relevant sections i.e. 'project on a page'. The summary is a 'snapshot' of the business case which will need to tell the story and sell the proposal.

Access to good quality and affordable settled accommodation remains challenging in Plymouth. With LHA rates tied to the CPI rather than market rents; means there is a growing gulf between LHA rates and the market.

Plymouth City Council will support Plymouth Access to Housing to purchase 15 units of accommodation for people who are homeless in Plymouth to move into as settled housing, through the provision of a capital loan.

- Path aims to buy 3 properties totalling £625,000
- Path requires £220,000 capital investment
- This will provide 15 units of accommodation for people who are homeless in Plymouth for settled housing
- Loan will be secured by way of legal charge on properties

SECTION I: PROJECT DETAIL

Project Value (indicate capital or revenue)	£220000 Capital Loan	Contingency (show as £ and % of project value)	
Programme	Housing	Directorate	People
Portfolio Holder	Cllr Vivien Pengelly	Service Director	Matt Garrett
Senior Responsible Officer (client)		Project Manager	
Address and Post Code		Ward	Citywide

Current Situation: *(Provide a brief, concise paragraph outlining the current situation and explain the current business need, problem, opportunity or change of circumstances that needs to be resolved)*

Access to good quality and affordable settled accommodation remains challenging in Plymouth. With LHA rates tied to the CPI rather than market rents; means there is a growing gulf between LHA rates and the market.

Plymouth has very high numbers of single people in temporary accommodation, in B&B's, hostels, and shared house type temporary accommodation, accessed through the Plymouth Alliance.

In order to continue to be able to move people through the system we need to have move-on accommodation that is offered as settled accommodation, with an assured shorthold tenancy for people to move into.

Path has funding from Crisis to take for staffing to take on 50 units of accommodation as settled housing, over the next 2 years, through a combination of leasing and buying HMO type

accommodation. PATH have some of its own financing in place for this but require a top-up loan to enable them to buy a third property to offer as settled accommodation for the homeless.

Proposal: *(Provide a brief, concise paragraph outlining your scheme and explain how the business proposal will address the current situation above or take advantage of the business opportunity) and (What would happen if we didn't proceed with this scheme?)*

Plymouth City Council is committed to reducing homelessness in Plymouth and through the Homelessness Prevention Partnership is working on a number of schemes to support additional provision across the City.

This scheme will support Path in its commitment to take on 50 units of accommodation over the next two years, as move-on for people moving on from temporary accommodation.

It is clear that overall affordability of any scheme is better through outright purchase when seen against leasing alone. The income margin for leased houses is much tighter, at a time when it's harder to negotiate lower lease prices due to the property market including in large part due to the stamp duty exemption fuelling a property price boom.

For that reason support from PCC to enable PATH to achieve its aim to purchase properties will support the City to increase the range of affordable housing in the City and make sure that we continue to have accommodation available for vulnerable people to move into.

The loan will be repaid over a period of 180 months and will be secured by way of legal charge over the properties. Interest is payable on the loan repayments at a rate of 3%pa.

In the event of default the Council will be able to enforce the legal charge to force the sale of the properties to recover the charge.

Milestones and Date:

Contract Award Date	Start On Site Date	Completion Date

SECTION 2: PROJECT RISK, OUTCOMES AND BENEFITS

Risk Register: *The Risk Register/Risk Log is a master document created during the early stages of a project. It includes information about each identified risk, level of risk, who owns it and what measures are in place to mitigate the risks (cut and paste more boxes if required).*

Potential Risks Identified		Likelihood	Impact	Overall Rating
Risk	Not being able to find properties at a reasonable price	Medium	Low	Low
Mitigation	We won't go ahead if it's not affordable	Low	Low	Low
Risk	Ability to repay loan	Low	Low	Low
Mitigation	Property could be sold and capital repaid	Low	Low	Low
Risk	If we can't sell the property	Low	High	Medium
Mitigation	Look at arrangement where the property is given to PCC to cover capital loan repayment	Low	Low	Low
Risk	Bad debt exceeds budget (repairs, voids, arrears)	Medium	Low	Low
Mitigation	Costs split over all Path properties, so risk shared over portfolio of properties, plus have contingency in place	Low	Low	Low

Calculated risk value in £ (Extent of financial risk)	£0		
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Outcomes and Benefits

List the outcomes and benefits expected from this project.

(An **outcome** is the result of the change derived from using the project's deliverables. This section should describe the anticipated outcome)

(A **benefit** is the measurable improvement resulting from an outcome that is perceived as an advantage. Benefits are the expected value to be delivered by the project, measurable whenever possible)

Financial outcomes and benefits:	Non-financial outcomes and benefits:
PATH are able to purchase properties with the help of a loan from PCC Reduce spend on temporary accommodation	Vulnerable people supported out of homelessness into long term permanent homes Reduce time spent in temporary accommodation

Low Carbon

What is the anticipated impact of the proposal on carbon emissions	PATH will ensure that all properties bought as part of this scheme will be brought up to an EPC level C by 2025, if not sooner.
How does it contribute to the Council becoming Carbon neutral by 2030	It fits the government plan for all housing to be EPC level C by 2025.
Have you engaged with Procurement Service.	No
Procurement route options considered for goods, services or works	N/A
Procurements Recommended route.	N/A
Who is your Procurement Lead.	N/A
Which Members have you engaged with and how have they been consulted <i>(including the Leader, Portfolio Holders and Ward Members)</i>	None

SECTION 4: FINANCIAL ASSESSMENT

FINANCIAL ASSESSMENT : In this section the robustness of the proposals should be set out in financial terms. The Project Manager will need to work closely with the capital and revenue finance teams to ensure that these sections demonstrate the affordability of the proposals to the Council as a whole.

CAPITAL COSTS AND FINANCING

Breakdown of project costs including fees surveys and contingency	Prev. Yr.	20/21	21/22	22/23	23/24	24/25	Future Yrs.	Total
	£m	£m	£m	£m	£m	£m	£m	£m
Property purchase	0		£110,000					£110,000
Property Purchase	0		£110,000					£110,000

Total capital spend			£220,000					£220,000

Provide details of proposed funding: Funding to match with Project Value

Breakdown of proposed funding	Prev. Yr. £m	20/21 £m	21/22 £m	22/23 £m	23/24 £m	24/25 £m	Future Yrs. £m	Total £m
As above								
Total funding								

Which external funding sources been explored	PATH will be putting in £405,000 of capital funding towards the project. PATH also have funding towards development of the project from a combination of income and a charitable grant.
Are there any bidding constraints and/or any restrictions or conditions attached to your funding	No
VAT implications	The payment to PATH relating to the granting of a loan by the Council, and the subsequent loan repayments, are outside the scope of VAT. Since the project will not generate any VAT-exempt income for the Council, there will be no adverse impact on the Council's partial exemption position
Tax and VAT reviewed by	Sarah Scott

REVENUE COSTS AND IMPLICATIONS

Cost of Developing the Capital Project (To be incurred at risk to Service area)

Total Cost of developing the project	
Revenue cost code for the development costs	
Revenue costs incurred for developing the project are to be included in the capital total, some of the expenditure could be capitalised if it meets the criteria	
Budget Managers Name	

Ongoing Revenue Implications for Service Area

	Prev. Yr.	20/21 £	21/22 £	22/23 £	23/24 £	23/24 £	Future Yrs.
Service area revenue cost							
Other (eg: maintenance, utilities, etc)							
Loan repayment (terms agreed with Treasury Management)							
Total Revenue Cost (A)							

Service area revenue benefits/savings															
Annual revenue income (eg: rents, etc)															
Total Revenue Income (B)															
Service area net (benefit) cost (B-A)															
Has the revenue cost been budgeted for or would this make a revenue pressure															
Which cost centre would the revenue pressure be shown								Has this been reviewed by the budget manager							
Name of budget manager															
Loan value	£220,000	Interest Rate	3%	Term Years	15	Annual Repayment	£18,429								
Revenue code for annual repayments								Monthly payments of £1,520.							
Service area or corporate borrowing								Corporate borrowing							
Revenue implications reviewed by															

Version Control: (The version control table must be updated and signed off each time a change is made to the document to provide an audit trail for the revision and update of draft and final versions)


Author of Business Case	Date	Document Version	Reviewed By	Date
Matt Garrett	01/11/2021	v 1.0		00/00/2021

SECTION 6: RECOMMENDATION AND ENDORSEMENT

Recommended Decision

It is recommended that the Leader of the Council:

- Approves the Business Case
- Allocates £220,000 for the project into the Capital Programme as a loan to PATH funded by loan repayments from PATH subject to due diligence and an loan agreement

[Name, Portfolio] Cllr Pengelly, Cabinet Member Homes and Communities		Service Director	
Either email dated:	Date 09/11/2021	Either email dated:	date
Or signed:		Signed: 	
Date:		Date: 09/11/2021	

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EQUALITY IMPACT ASSESSMENT

Council Loan support PATH: Settled Housing



STAGE 1: WHAT IS BEING ASSESSED AND BY WHOM?

<p>What is being assessed - including a brief description of aims and objectives?</p>	<p>The Council has a statutory duty to support people who are homeless or threatened with homelessness. Working with Plymouth Access to Housing to provide Access to good quality and affordable settled accommodation remains challenging in Plymouth. With LHA rates tied to the CPI rather than market rents; means there is a growing gulf between LHA rates and the market.</p> <p>Plymouth has very high numbers of single people in temporary accommodation, in B&B's, hostels, and shared house type temporary accommodation, accessed through the Plymouth Alliance.</p> <p>In order to continue to be able to move people through the system we need to have move-on accommodation that is offered as settled accommodation, with an assured shorthold tenancy for people to move into.</p> <p>In response to this Plymouth City Council is working with PATH to provide financial support in the form of a loan to allow the purchasing of properties to be let as permanent properties for people to move into.</p>
<p>Author</p>	<p>Matt Garrett, Service Director Community Connections</p>
<p>Department and service</p>	<p>Community Connections</p>
<p>Date of assessment</p>	<p>09/11/2021</p>

STAGE 2: EVIDENCE AND IMPACT

Protected characteristics (Equality Act)	Evidence and information (e.g. data and feedback)	Any adverse impact See guidance on how to make judgement	Actions	Timescale and who is responsible
<p>Age</p>	<p>The average age in Plymouth (39 years) is about the same as the rest of England (39.3 years) but less than the South West (41.6 years).</p>	<p>No adverse impact Accommodation will be available for anybody from 16 upwards</p>	<p>This will be monitored through letting arrangements</p>	<p>Ongoing, Community Connections</p>

	<p>Of the 16 South West authorities we have the third lowest percentage of older people (75yrs), and the fifth highest percentage of children and young people (under 18).</p> <p>It is estimated that 6.8% of young people in our city aged between 16 and 18yrs are not in Education, Employment or Training (NEET), (DfE, 2018).</p>	<p>Older people and younger people are recognised as potentially vulnerable groups.</p>		
<p>Disability</p>	<p>A total of 31,164 people (from 28.5% of households) in Plymouth declared themselves as having a long term health problem or disability (national figure 25.7% of households), compared with number of people with disabilities in UK (11,600,000).</p> <p>National evidence suggests:</p> <p>A substantially higher proportion of individuals who live in families with disabled members live in poverty, compared to individuals who live in families where no one is disabled.</p> <p>19% of individuals in families</p>	<p>No adverse impact</p>	<p>This will be monitored through letting arrangements</p>	<p>Ongoing, Community Connections</p>

	<p>with at least one disabled member live in relative income poverty, on a before housing costs basis, compared to 15% of individuals in families with no disabled member.</p> <p>21% of children in families with at least one disabled member are in poverty, a significantly higher proportion than the 16% of children in families with no disabled member.</p>			
<p>Faith/religion or belief</p>	<p>Christianity is the biggest faith in the city with more than 58% of the population (148,917).</p> <p>Data shows that 32.9% of the Plymouth population stated they had no religion.</p> <p>Hindu, Buddhist, Jewish and Sikh combined totalled less than 1%.</p> <p>0.5% of the population had a current religion that was not Christian, Islam, Buddhism, Hinduism, Judaism, or Sikh such as Paganism or Spiritualism.</p> <p>The Council's Policy is to treat all those that apply for</p>	<p>No adverse Impact.</p>	<p>This will be monitored through letting arrangements</p>	<p>Ongoing, Community Connections</p>

	<p>assistance fairly and on an equitable basis founded on case by case needs assessment regardless of 'protected characteristics'.</p> <p>The Council regularly monitors its application for assistance to ensure that policies and procedures comply with current equal opportunities legislation.</p>			
Gender - including marriage, pregnancy and maternity	<p>Overall 50.2% of our population are women and 49.8% are men; this reflects the national figure of 50.7% women and 49.3% men. Of those in receipt of DFG 2014/15 60% were women.</p> <p>The Council's Policy is to treat all those that apply for assistance fairly and on an equitable basis founded on case by case needs assessment regardless of 'protected characteristics'. The Council regularly monitors its application for assistance to ensure that policies and procedures comply with current equal opportunities legislation.</p>	No adverse impact anticipated.	Not applicable	Not applicable.
Gender reassignment	<p>There are no official estimates for gender reassignment at either national or local level.</p>	No adverse impact anticipated.	Not applicable.	Not applicable.

	<p>However, in a study founded by the Home Office, the Gender Identity Research and Education Society (GIRES) estimate that between 300,000 and 500,000 people aged 16 or over in the UK are experiencing some degree of gender variance.</p> <p>By applying this to Plymouth's 16+ population, it is estimated that there may be somewhere between 1,287 and 2,146 adults in the city that are experiencing some degree of gender variance.</p> <p>National figures (ONS 2013) indicate that up to 10,000 people have gone through this process, with 23 known cases in Plymouth.</p>			
<p>Race</p>	<p>92.9% of Plymouth's population is White British.</p> <p>7.1% are Black and Minority Ethnic (BME) with White Other (2.7%), Chinese (0.5%) and Other Asian (0.5%) the most common ethnic groups.</p> <p>We are a dispersal area for asylum seekers: up to 350 people will be accommodated in the City at any given time.</p>	<p>No adverse impact anticipated.</p>	<p>This will be monitored through letting arrangements</p>	<p>Ongoing, Community Connections Strategic Manager</p>

Sexual orientation - including civil partnership	Over the last 5 years, the proportion of the UK population identifying as lesbian, gay, bisexual, transgender+ (LGBT+) has increased from 1.5% in 2012 to 2.0% in 2017, although the latest figure is unchanged from 2016. In Plymouth this would mean that around 5,260 residents identify as LGBT+.	No adverse impacts anticipated.	Not applicable	Ongoing, Community Connections Strategic Manager

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 gap in average hourly pay between men and women by 2020.	No implications.	Not applicable.
Increase the number of hate crime incidents reported and maintain good satisfaction rates in dealing with racist, disablist, homophobic, transphobic and faith, religion and belief incidents by 2020.	No implications.	Not applicable.
Good relations between different communities (community cohesion)	These houses will be parts of the community. They will be managed by Plymouth Access to Housing (PATH). People will live in them as their permanent homes and will become part of the local community. PATH will ensure they have a management plan for the houses.	Not applicable.

<p>Human rights Please refer to guidance</p>	<p>Plymouth City Council recognises Article 14 of the Human Rights Act – The right to receive Equal Treatment and prohibits discrimination including sex, race, religion and economic and social status in conjunction with the Equalities Act which includes age and disability.</p> <p>All staff and service users will be treated fairly and their human rights will be respected.</p> <p>No adverse impact on human rights has been identified.</p>	<p>Not applicable.</p>
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STAGE 4: PUBLICATION

Responsible Officer 

Date

09/11/2021

Strategic Director, Service Director or Head of Service

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EXECUTIVE DECISION

made by a Cabinet Member



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


Executive Decision Reference Number – GHRITCS03 21/22

Decision	
1	Title of decision: Hackney Carriage and Private Hire Licensing Policy
2	Decision maker (Cabinet member name and portfolio title): Councillor John Riley (Cabinet Member for Governance, Human Resources, IT and Community Safety)
3	Report author and contact details: Rachael Hind, Service Manager 01752 308974 Rachael.hind@plymouth.gov.uk
4	Decision to be taken: To release for consultation the proposed changes to the Hackney Carriage and Private Hire Licensing Policy (Appendix A) and associated guidance documents. Closing date for responses will be Friday 17 February 2022 (12 weeks consultation).
5	Reasons for decision: The Hackney Carriage and Private Hire Licensing Policy is a framework policy and as such Cabinet Member approval is required prior to the commencement of public consultation.
6	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.
7	Financial implications and 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 licensing policy should have no financial impact to the general account.

8	<p>Is the decision a Key Decision? (please contact Democratic Support for further advice)</p>	Yes	No	<p>Per the Constitution, a key decision is one which:</p> <p><input type="checkbox"/> in the case of capital projects and contract awards, results in a new commitment to spend and/or save in excess of £3million in total</p> <p><input checked="" type="checkbox"/> in the case of revenue projects when the decision involves entering into new commitments and/or making new savings in excess of £1 million</p> <p><input checked="" type="checkbox"/> is significant in terms of its effect on communities living or working in an area comprising two or more wards in the area of the local authority.</p>
	<p>If yes, date of publication of the notice in the Forward Plan of Key Decisions</p>			
9	<p>Please specify how this decision is linked to the Council's corporate plan/Plymouth Plan and/or the policy framework and/or the revenue/capital budget:</p>	<p>The DfT recommends that the Taxi Licensing Policy is reviewed every 5 years. This report also links to the delivery of the City and Council priorities. In particular:</p> <p>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.</p> <p>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.</p>		
10	<p>Please specify any direct environmental implications of the decision (carbon impact)</p>	<p>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. It is the Council's aspiration that all Hackney Carriages and Private Hire vehicles will be required to be at least an Ultra-Low Emission Vehicle (ULEV) in the near future and this will be kept under regular review.</p>		
Urgent decisions				
11	<p>Is the decision urgent and to be implemented immediately in the interests of the Council or the public?</p>	Yes		<p>(If yes, please contact Democratic Support (democraticsupport@plymouth.gov.uk) for advice)</p>
		No	x	<p>(If no, go to section 13a)</p>

I2a	Reason for urgency:		
I2b	Scrutiny Chair Signature:		Date
	Scrutiny Committee name:		
	Print Name:		
Consultation			
I3a	Are any other Cabinet members' portfolios affected by the decision?	Yes	<input checked="" type="checkbox"/>
		No	<input type="checkbox"/> (If no go to section 14)
I3b	Which other Cabinet member's portfolio is affected by the decision?	Councillor Mrs Maddi Bridgeman	
I3c	Date Cabinet member consulted	Councillor Riley consulted with Councillor Mrs Bridgeman on 8.11.21	
I4	Has any Cabinet member declared a conflict of interest in relation to the decision?	Yes	<input type="checkbox"/> If yes, please discuss with the Monitoring Officer
		No	<input checked="" type="checkbox"/>
I5	Which Corporate Management Team member has been consulted?	Name	Dr Ruth Harrell
		Job title	Director of Public Health
		Date consulted	8.11.21
Sign-off			
I6	Sign off codes from the relevant departments consulted:	Democratic Support (mandatory)	DS67 21/22
		Finance (mandatory)	djn.21.22.154
		Legal (mandatory)	37623/ag/11.11.21
		Human Resources (if applicable)	
		Corporate property (if applicable)	
		Procurement (if applicable)	

Appendices								
17	Ref.	Title of appendix						
		CCTV Vehicle Guidance						
		Code of Good Conduct for Licensed Drivers						
		Guidance on Relevance of Convictions and Conduct 2018 version						
		Guidance on Relevance of Convictions and Conduct 2022 version						
		Hackney Carriage and Private Hire Licensing Policy 2022						
		Livery Policy						
		Penalty Points Scheme						
		Spoken English Test						
		Vehicle Emissions/Age Policy						
		Wheelchair and Assistance Dogs Exemption Guidelines						
		Code of Good Conduct for Licensed Drivers – track changes document						
		Hackney Carriage and Private Hire Licensing Policy 2022 – track changes document						
		Penalty Points Scheme – track changes document						
		Spoken English Assessment Test Procedure – track changes document						
		Wheelchair and Assistance Dogs Exemption Guidelines – track changes document						
		Equalities Impact Assessment						
Confidential/exempt information								
18a	Do you need to include any confidential/exempt information?	Yes		If yes, prepare a second, confidential ('Part II') briefing report and indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box in 18b below. (Keep as much information as possible in the briefing report that will be in the public domain)				
		No	x					
		Exemption Paragraph Number						
		1	2	3	4	5	6	7
18b	Confidential/exempt briefing report title:							

Background Papers							
19	<p>Please list all unpublished, background papers relevant to the decision in the table below.</p> <p>Background papers are <u>unpublished</u> works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based. If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</p>						
Title of background paper(s)		Exemption Paragraph Number					
		1	2	3	4	5	6
Cabinet Member Signature							
20	<p>I agree the decision and confirm that it is not contrary to the Council's policy and budget framework, Corporate Plan or Budget. In taking this decision I have given due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not. For further details please see the EIA attached.</p>						
Signature				Date of decision	17.11.21		
Print Name	Councillor John Riley						

Briefing Note

Background

- 1.0 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.
- 1.1 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.

2.0 The Main Changes

2.1 Delimitation of Hackney Carriage Vehicles

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

It is proposed to delimit the number of hackney carriage vehicles (HCV's) in Plymouth. There has been a limit in place for many years.

- 2.1.1 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).

- 2.1.2 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.

2.1.3 Considerations

The Council does not need a reason under the Act to adopt a police 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 any decision is not going to be 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 will take place for a period of 12 weeks.

- **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.**

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 309 in November 2021.

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

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**

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 12% drop in licences in the past 5 years, therefore any increase is unlikely to affect congestion.

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

By removing the limit, this would hopefully increase the availability of vehicles. If more vehicles were available, then it is hoped that there would be more drivers willing to work at night. This 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 if the limit is removed, 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**

If we wish to keep the limits on the number of HCV's then a new unmet demand survey would need to start at the end of 2021/beginning of 2022. 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**

We have also proposed the introduction of an age policy and cleaner emissions policy to ensure that any new vehicles will be of a good standard and not impact on the quality of the hackney carriage fleet. It is therefore envisaged that if a decision is made to remove the limit, then the market will find a level for the number of hackney carriages which Plymouth can sustain.

2.2 **New Vehicle Livery Requirements**

2.2.1 It is proposed that for 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.

2.2.2 **Existing Licensing Vehicles**

It is proposed that from 01 January 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.

2.2.3 Temporary Vehicles

It is proposed that where a temporary vehicle licence is issued, an officer of the Council, may grant a temporary exemption from the Livery Policy, in all cases, the exemption will apply for a maximum period of 28 days and will be permitted on no more than on one occasion in any 12 month period.

Exceptional circumstances will only be considered where the vehicle change is unplanned and could not reasonably be foreseen by the applicant. Any fees relating to replacement plates, door signs etc. will be payable by the applicant.

2.2.5 Advertising requirements

If the proposed livery is introduced, the advertising and signage guidelines will need to be updated.

It is proposed that 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.

2.2.6 Private Hire Vehicle requirements

It is proposed that a new vehicle presented for licensing as a Private Hire Vehicle may be of any colour other than white. From the date of implementation of this livery policy, no white private hire vehicle will be accepted for licensing under any circumstances.

Any existing white private hire vehicles must change its colour by 1 January 2027.

2.2.7 Compliance with Livery Policy

Any licensed vehicle that fails to comply with the livery policy, once it applies to that vehicle, will be immediately suspended and subsequently not renewed unless or until the requirements of the livery policy have been complied with.

2.3 Emissions and Age Policy

2.3.1 It is proposed that all vehicles plated for the first time by the Council (including existing proprietors on the change of vehicle), must be less than 3 years old from the date of registration at the time of application and the vehicle must meet the Euro 6 emissions standard as a minimum.

2.3.2 It is proposed for renewals, that the following age limits will apply from 1 April 2023:

Petrol/diesel Private Hire Vehicles	7 years
Petrol/diesel Hackney Carriage Vehicles	7 years
Hybrid vehicles	10 years
ULEV vehicles*	14 years

Note*: An Ultra Low Emission Vehicle (ULEV) is currently defined by the Office for Low Emission Vehicles, as emitting less than 75g/KM CO₂ and able to travel at least 10 miles without any emissions at all.

2.4 Pre-requisite requirements for new driver applications

2.4.1 Knowledge of Plymouth Topographical Test

It is proposed to remove the requirement for Private Hire Drivers to complete a topographical Knowledge of Plymouth Test. Drivers wishing to be a hackney carriage driver will still be required to complete the test. The reason for this is a hackney carriage vehicle is for immediate public hire whereas a private hire must be pre-booked in advance so can determine the route prior to collecting the passenger. The Hackney Carriage vehicle must use their meter and the driver will need to have more knowledge of the area to ensure they use the fastest route.

2.4.2 Plymouth Ambassador Course

It is proposed 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. 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.

2.4.3 Spoken English Test

It is proposed to amend the Spoken English requirement for all new drivers 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.

2.4.4 **Return to trade**

It is proposed to allow drivers to renew their drivers licence within three years from the date of the expiry of their last licence (currently 12 months) without the 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. It is hoped that this will encourage drivers who left during Covid-19 pandemic to return to the trade.

2.5 **DBS requirements**

2.5.1 To comply with the DfT recommendations it is proposed to:

- 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.

2.6 **National Anti-Fraud Network (NR3)**

2.6.1 To comply with the DfT recommendations, it is proposed that the Council 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. The database will also be used to share information with other Local Authorities about any drivers that have been refused or revoked by Plymouth City Council.

2.7 **Safeguarding**

2.7.1 It is proposed that all Private Hire Operators and their booking staff attend safeguarding training and a refresher every 5 years.

2.8 **Other matters**

2.8.1 **Insurance**

It is proposed 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) and 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.

2.8.2 **Card Payments**

It is proposed that from 1 July 2022, all hackney carriages must provide a card payment system in the vehicle. 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 machines in their vehicles.

2.8.3 **Refunds**

It is 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.

2.9 Guidance that accompanies the Policy

2.9.1 Penalty Points Scheme

It is proposed that the following additional penalty point codes are added to the current scheme. Please see the Penalty Points Scheme guidance note in Appendix B for further details.

Point code	Offence/breach of condition or policy	Points	Driver	Vehicle Proprietor	Regulatory Framework
Proposed additional Hackney Carriage codes (H codes)					
H32	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.	4		✓	s.8(3) PCCA 1975
H33	Failure to provide medical within 28 days of the due date	4	✓		Taxi Licensing Policy
H34	A licensed vehicle with a defective tyre	4 - 6 per tyre	✓		s.26 PCCA 1975 s.41A Road Traffic Act 1988 HCV Condition 8 Code of Good Conduct
H35	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	3	✓		Taxi Licensing Policy Code of Good Conduct
H36	Driver witnessed using/operating/handling/watching/displaying a mobile phone or other digital device whilst driving	6	✓		Taxi Licensing Policy Code of Good Conduct s.41D Road Traffic Act 1988
H37	Displaying an out of date/invalid medical exemption certificate	4 – 6			Taxi Licensing Policy Wheelchair and Assistance Dog Exemption Guidelines
Proposed additional Private Hire Codes (P codes)					
P26	Displaying unsuitable or inappropriate sited signs in or on the vehicle	3	✓	✓	Private Hire Vehicle Conditions

					Private Hire Vehicle Specification and Vehicle Compliance Testing Manual
P27	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.	4		✓	s.8(3) PCCA 1975
P28	Failure to provide medical within 28 days of the due date	4	✓		Taxi Licensing Policy
P29	A licensed vehicle with a defective tyre	4 - 6 per tyre	✓		s.26 PCCA 1975 Code of Good Conduct
P30	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	3	✓	✓	Taxi Licensing Policy Code of Good Conduct
P31	Driver witnessed using/operating/handling/watching/displaying a mobile phone or other digital device whilst driving	6	✓		Taxi Licensing Policy Code of Good Conduct s.41D Road Traffic Act 1988

2.9.2 Code of Good Conduct

Minor changes have made to include reference to inappropriate contacts with passengers; the use of mobile phones; consumption of alcohol; reporting of serious illness or injury; and the requirement to provide a receipt if requested. These additions have been included following feedback from the complaints received by Taxi Licensing.

2.9.3 Wheelchair and Assistance Dogs Exemption Guidelines

This guidance has been simplified so that drivers can apply for a 'temporary exemption certificate' up to a period of 6 months or an 'exemption certificate' that will be issued on a case by case basis and for a period determined by the Officer depending on the GP and the specialist consultant's advice.

2.9.4 Guidance on the Relevance of Convictions and Conduct

This guidance has been reformatted into numbered sections so that it can be easily referred to within Committee Reports. The offences listed have been reformatted into a table to make it clearer to read. The time periods for any offences that will be considered by Members have been updated to reflect the recommendations of the Department for Transport. Additional information has been added to the vehicle proprietor and private hire operator section and some text has been altered/expanded on throughout the document.

2.9.5 CCTV

The Department for Transport has 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.

No changes have been made to the existing CCTV Vehicle guidance. However if the consultation responses indicate that there may be a need for mandatory CCTV, then the Council will need to undertake a further review. 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 work will be required before this is fully implemented.

3.0 Consultation Period

3.1 It is intended that a 12 week public consultation will be launched on Thursday 25 November 2021 and be completed by Thursday 17 February 2022. The consultation process will provide all stakeholders, interested parties and the public in general the opportunity to contribute on how taxi services should be regulated within Plymouth. A copy of the draft policy and associated guidance documents (without tracked changes) is attached to this report marked **Appendix A**. A version including the tracked changes so that the changes can be clearly identified is also attached marked **Appendix B**.

3.2 Persons to be consulted will include:

- The Police
- Devon & Somerset Fire and Rescue Service
- Children's Services Child Protection Team
- Plymouth City Council Disability Team
- Transport Planning Policy & Resource Management
- A representative sample of vehicle & driver licence holders
- Hackney Carriage and Private Hire trade representatives
- Local businesses and their representatives
- Local residents and their representatives
- Disabled Groups
- Representatives of the transport industry serving Plymouth
- Transport Authority
- Safer Communities
- Public Protection Service
- Department for Transport
- Planning Authority
- Public Health England
- City Centre Management Company
- Ward Councillors

- Safer Plymouth Evening and Night Time Economy Group
- Best Bar None, Pubwatch

3.3 Following consideration of all responses the final version of the draft Policy will then go before City Council for approval next year.

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CCTV Vehicle Guidance

Taxi Licensing Policy 2018



Audio and Visual Recording Equipment in Licensed Vehicles

Should you wish to fit Audio and Visual Recording Equipment in your licensed vehicle, such a decision will be of your own choice. We have no mandatory scheme in relation to such equipment. The information provided below is simply to assist you should you consider fitting any system to your vehicle.

Audio Recording

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

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

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

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

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

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

Notification to the Information Commissioner's Office

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

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

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

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

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

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

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

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

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

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

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

Signage for Internal Audio and Visual Recording Equipment

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

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

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

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

Signage for External Facing Audio and Visual Recording Systems

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

Operational Guidelines

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

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

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CODE OF GOOD CONDUCT FOR LICENSED DRIVERS

Hackney Carriage and Private Hire



CODE OF GOOD CONDUCT FOR LICENSED DRIVERS

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

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

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

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

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

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

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

Responsibility of the Council

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

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

Responsibility of the Trade

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

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

Responsibility of Vehicle Proprietors

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

Licensed Driver Standards

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

1. To carry out a daily check to ensure that the vehicle is in a roadworthy condition prior to carrying passengers. Where faults of any description are identified which undermine the roadworthy condition of the vehicle the driver should not drive the vehicle and should report them to the proprietor as soon as possible;
2. To be professional and understanding to other road users;
3. To be polite and courteous to passengers;
4. To behave in a manner that is in keeping of that expected of a professional licensed driver;
5. Not to engage in any activities that would undermine professional standards and public confidence in the service;
6. No licensed driver should contact their passenger directly for example by phone or via social media, after any journey and any contact. This would undermine professional standards and public confidence.
7. Not use private data or social media searches to make contact with a customer, with or without consent.
8. Relationships with customers should be no more than professional, avoid:
 - a. Unnecessary physical contact
 - b. Building personal relationships
 - c. Talking about sensitive or intimate subjects
9. To assist passengers, where necessary into and out of the vehicle;
10. To offer assistance to passengers with their luggage;
11. To wear the driver's identification badge at all times when working;
12. Be punctual;
13. Not to smoke or allow passengers to smoke in your vehicle;
14. Drive with due care and consideration for other road users and pedestrians and in particular shall not use a hand held mobile phone or similar device whilst driving;
15. Obey all Traffic Regulation Orders and directions at all times;
16. Not to use a hand held mobile phone or similar devices whilst driving unless permitted by Law;
17. Not consume alcohol at least 8 hours before or at any time whilst driving or being in charge of a Hackney Carriage or Private Hire Vehicle
18. Ensure appropriate breaks from work are taken and never drive when tired. Drivers should have a minimum break of 8 hours continuous hours in a 24 hour period and not exceed 13 hours work in any 24 hour period. For the purpose of this code, work includes time waiting for fares or bookings;
19. Report to the Council in writing/email within 24 hours or as soon as is practicable if you suffer any serious illness or injury such as heart attack, stroke, broken limbs, diabetes or sleep apnoea. This also applies to anything that may affect your driving, or that has to be reported to the DVLA because it would affect your driving licence. The Council may ask you to have an additional medical examination or to produce written confirmation from your own GP or

hospital consultant about your continued fitness to drive. The Council may also seek an independent assessment of any such report or medical. Any costs associated with these medical checks will be met by the licence holder.

20. Be smart and clean in appearance;
21. Be aware of and take reasonable steps to maintain acceptable levels of personal hygiene;
22. Transport passengers by the shortest available route (subject to any unforeseen circumstances such as any road works or congestion where it may be appropriate to take an alternative route by agreement with the passenger);
23. Charge the correct monetary fare;
24. Provide a receipt if requested on an official receipt book or business card;
25. Comply with the requirements of the Highway Code;
26. Continue to develop and improve their knowledge of the main and shortest routes around the City. Not place sole reliance on Satellite Navigation equipment.
27. Undertake 'Enhanced training' where appropriate or a mandatory condition of licence (e.g. Safeguarding training or Plymouth Ambassador training) or where it will improve the good image of Plymouth for the benefit of passengers.
28. Have regard to their surrounding environment and not cause nuisance when picking up or dropping off passengers, in particular;
 - a. Not sound the vehicle horn as a means of notifying a passenger of your arrival;
 - b. Switch off the engine if required to wait;
 - c. Do not play amplified music without passenger consent;
 - d. Take whatever action is necessary to avoid disturbance to local residents;
 - e. Pick up and drop off safely and without risk to pedestrians and other road users
 - f. Not leave or wait with the vehicle in a way which causes or is likely to cause a nuisance or obstruction to
29. To be ambassadors for the City and take personal responsibility for presenting Plymouth in a good light
30. Present themselves in a manner that promotes a good professional image.
31. To comply with the standards of dress detailed below.

Dress Code

Acceptable Standard of Dress

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

As a minimum standard:

Tops

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

Trousers/Shorts/Skirts

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

Footwear

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

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

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

Unacceptable Standards

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

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

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GUIDANCE ON RELEVANCE OF CONVICTIONS AND CONDUCT



INTRODUCTION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CONSIDERATION OF DISCLOSED CRIMINAL HISTORY

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

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

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

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

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

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

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

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

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

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

USE OF POWERS/SANCTIONS

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

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

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

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

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

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

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

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

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

APPEALS

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

TYPES OF OFFENCES

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

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

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

RELEVANCE OF CONVICTIONS

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

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

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

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

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

Cautions and Endorsable Fixed Penalties

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

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

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

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

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

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

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

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

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

Fixed Penalty Notices (for non-endorsable matters)

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

Absolute and Conditional Discharges

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

Suspended Sentences

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

Arrests and/or Charges for serious offences

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

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

Action may also be taken against the licence.

Time periods following offences

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

General Behaviour and Good Conduct

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

OFFENCES OF DISHONESTY

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

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

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

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

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

Repeat offending can be considered as an aggravating factor.

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

VIOLENCE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Offences involving any weapon are considered as an aggravating factor.

Repeat offending can be considered as an aggravating factor.

DRUGS OFFENCES

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

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

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

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

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

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

SEXUAL AND INDECENCY OFFENCES

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

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

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

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

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

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

MOTORING CONVICTIONS

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

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

Major Traffic Offences

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

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

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

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

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

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

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

Minor Traffic Offences

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

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

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

Hybrid Traffic Offences

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

Disqualification

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

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

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

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

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

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

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

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

Drunkenness

With a motor vehicle

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

The offences that apply to this section include:

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

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

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

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

Not in a motor vehicle

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

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

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

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

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

Repeat Offending and Behaviour

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

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

Safe and Suitable test for vehicle proprietors

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

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

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

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

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

Offences of Dishonesty (Licensed vehicle proprietors)

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

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

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

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

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

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

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

Repeat offending can be considered as an aggravating factor.

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

Drugs Offences (Licensed vehicle proprietors)

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

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

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

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

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

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

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

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

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

Aiding, abetting, counselling or procuring

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

Causing or permitting

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

Inciting

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

MINOR TRAFFIC OFFENCES

Miscellaneous Offences

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

Motorway Offences

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

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

Traffic Direction and Signs

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

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

Aiding, abetting, counselling or procuring

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

Causing or permitting

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

Inciting

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

HYBRID TRAFFIC OFFENCES

Construction & Use Offences

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

Speed Limits

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

Aiding, abetting, counselling or procuring

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

Causing or permitting

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

Inciting

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

GUIDANCE ON THE RELEVANCE OF CONVICTIONS AND CONDUCT



1.0 INTRODUCTION

- 1.1 This document should be read in conjunction with the current Taxi Licensing Policy, Vehicle Specifications, Conditions of Licence and other relevant documents. We have updated this guidance in light of the recommendations of the Department for Transport Statutory Taxi and Private Hire Vehicle Standards (July 2020).

2.0 DRIVERS

- 2.1 The Council cannot grant a drivers licence unless they are satisfied that the applicant is a “fit and proper person” to hold a hackney carriage or private hire drivers licence. Once a licence has been granted, there is a continuing requirement that the driver remains a fit and proper person, and if they fall below the required standard, the licence can be suspended or revoked.
- 2.2 To be a “fit and proper” person means that they must be “safe and suitable” to drive a hackney carriage or private hire vehicle.

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

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

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

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

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

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

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

- 2.5 In deciding whether an applicant or existing licensed driver is a 'fit and proper' person the Council will consider the overall character of the person, and in doing so will take the following factors into account (this is not an exhaustive list:
- relevant skills
 - knowledge
 - experience
 - qualifications
 - spoken and written English
 - medical fitness
 - criminal record
 - motoring endorsements
 - good conduct
 - any other relevant information
- 2.6 Refusal, revocation or suspension of a licence is not to be considered lightly. However, the licensing system is designed to protect the public and this is the overriding consideration. The drivers' livelihood and the impact of not being licensed (or any other action) on that livelihood and their family will not be taken into account when deciding if a person is fit and proper to hold or retain a licence. [Cherwell District Council v Anwar (2011)] [Leeds City Council v Hussain (2002)]

3.0 CONSIDERATION OF DISCLOSED CRIMINAL HISTORY

- 3.1 Whilst the Council will have regard to these guidelines, **each case will be considered on its individual merits. Where the circumstances are justified the Council may depart from its guidelines and in doing so will consider any mitigating or aggravating factors.**
- Where an applicant has been convicted of an offence, the Taxi Licensing Committee cannot review the merits of the conviction [Nottingham City Council v Mohammed Farooq (1998)]
- 3.2 If an applicant or driver has any convictions, warnings, cautions, or charges awaiting trial, the Council will consider:
- The relevance of the offence to the licence
 - How serious the offence(s) are/were
 - The circumstances of the offence
 - When the offence(s) were committed
 - The date of conviction
 - Circumstances of the individual concerned
 - Sentence imposed by the court
 - The applicant's age at the time of conviction
 - Whether they form part of a pattern of offending or inappropriate behaviour
 - Whether it was an isolated offence
 - Any other character check considered reasonable (e.g. personal references)
 - Any other factors that might be relevant

Multiple offences or a series of offences over a period of time are likely to give greater cause for concern.

Applications

If a person has only one conviction for a relevant offence, no pattern of offending behaviour is identified and the time scales set out in the conviction tables below are satisfied, then unless the Director for Public Health has any concerns about the conviction or considers the applicant is unsuitable for some other reason, the matter will not be referred to the committee for a decision and will be dealt with under the officers delegated powers.

4.0 USE OF POWERS/SANCTIONS

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

4.2 The actions/sanctions the committee may take are as follows:

- a) **Take no further action / grant the licence**
- b) **Give a written warning**

Where this happens, the warning remains on file and can be referred to at any further disciplinary hearings.

- c) **Apply Conditions (on application for a licence only)**
- d) **Ask an existing licensed driver to successfully undertake/competence assessments or re- training, where the skill-base or health of the licensed driver is not to the required standard, within a defined time period.**

For example, requiring driving lessons, retaking the appropriate hackney carriage or private hire driving test, completing relevant training, further medical examination or assessment, at their own expense. Should the driver fail to successfully complete additional requirements within the prescribed period the Council may consider further action.

- e) **Suspend the licence**

Licences can be suspended as punishment or pending further training or assessments being completed (amongst other things). Where it is used as a punishment the following periods are usually imposed:

- Minor contraventions, a 1 to 14 day suspension
- Serious contraventions, a 14 day to 3 month suspension

- f) **Revoke / refuse the issue of a licence.**

This action is taken where the Council is not satisfied that the applicant or driver is a fit and proper person to hold or retain a licence.

4.3 Each case will be considered on its own merits and in all cases, when deciding whether a licensed driver is a 'fit and proper' person to hold or retain a licence, the Council will consider:

- a) All relevant information even where these matters may already have been considered in a previous hearing
- b) Cumulative impact of a range of relatively minor contraventions
- c) Passenger safety
- d) The maintenance of public confidence in the licensed trade
- e) Whether there are multiple offences/ contraventions/ behaviours
- f) The circumstances of each situation and any patterns

- g) Attitude of the driver

5.0 APPEALS

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

6.0 TYPES OF OFFENCES

- 6.1 The Council considers that the following types of offences are relevant when considering the suitability of a person to hold or retain a licence;
- Dishonesty
 - Violence (including criminal damage)
 - Public order offences
 - Substance abuse (including possession, use and distribution)
 - Sexual offences (including obscene materials, indecency)
 - Motoring Offences and disqualifications
 - Alcohol related offences
 - Contravention of licensing laws or conditions
 - Discrimination

The Table of Offences below, sets out how the Council view convictions of the type listed.

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

7.0 RELEVANCE OF CONVICTIONS

- 7.1 The Council will have regard to the **Rehabilitation of Offenders Act 1974 as amended**. This legislation allows most criminal convictions to become "spent" after a specified period of time. Once a conviction is spent for most purposes it does not have to be revealed and cannot be taken into consideration.
- 7.2 However, ALL criminal convictions, irrespective of their age can be considered when determining if a person is fit and proper to hold or retain a licence. This is because hackney carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974 (by virtue of Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, Sch 2 para 4.)
- 7.3 Only relevant spent convictions should be considered. The nature of the offence is the first consideration (for example it may not be connected to the activities of a driver) but the quantity of offences, even if they are not in themselves relevant, will also be taken into account (Adamson v Waveney DC QBD [1997] 2 All E.R. 898).

7.4 **Cautions and Endorsable Fixed Penalties**

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

Endorsable fixed penalties will be considered in accordance with the Motoring convictions section of the table of offences below.

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

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

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

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

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

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

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

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

7.6 **Fixed Penalty Notices (for non-endorsable matters)**

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

7.7 **Absolute and Conditional Discharges**

A court can dispose of a case by issuing an Absolute or Conditional Discharge which although results from a finding of guilt is not a conviction however the Council will take these into consideration, in so far as it is relevant, in the determination of good character. In considering an absolute or conditional discharge, the following factors will be taken into account:

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

7.8 Suspended Sentences

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

7.9 Arrests and/or Charges for serious offences

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

Action may also be taken against the licence.

7.8 General Behaviour and Conduct

A pattern of offending may occur where a licensed driver accumulates a variety of offences/contraventions/warning notices that when considered individually are relatively minor, but when considered as a whole will call into question their right to hold a licence.

In these circumstances it is reasonable to consider all factors when deciding whether a driver is 'fit and proper' to hold a licence on the grounds of persistent offending and that public confidence in the licensed trade is repeatedly being undermined.

Factors that will be considered include:

- general behaviour;
- failure to comply with the rules of the road;
- repeated lack of compliance with lawful directions from authorised officers;
- a lack of good conduct, that could be reasonably expected of a licensed driver;
- failure to comply with conditions/byelaws.

7.9 Time periods following offences

The Table of Offences below details the minimum time periods before which the Council will not generally grant a licence to an applicant.

Where a time period is specified for an offence below, this will not normally commence until the completion of the sentence imposed as set out below. In the case of the sentences listed below the completion of the sentence will be taken as follows:

- Imprisonment (including suspended sentences) – end of the period of imprisonment imposed by the court
- Community orders – end of the period specified in the order
- Conditional discharge - end of the period specified in the order
- Fine - one year from the date of conviction
- Caution – date caution given
- Disqualification from driving – restoration of the DVSA driving licence or completion of sentence – whichever is later

An application that complies with the minimum times for offences will be considered but it should not be assumed that the application will be granted. The Council will always

consider each application or case on its merits and will have regard to all relevant information to hand when making its decision

8.0 Table of Offences

Table of offences		
Dishonesty		
<p>The Council considers any form of dishonesty as a serious offence. A licensed driver holds a position of trust. They deal with cash transactions and drivers can easily defraud the travelling public by demanding more than the legal fare. They are also frequently transporting lone and vulnerable passengers. Passengers are entitled to expect a high level of honesty from a licensed driver.</p> <p>Repeat offending will be considered as an aggravating factor.</p>		
Example of offences	Applicants with convictions	
	Conditions	Time period
<ul style="list-style-type: none"> ▪ Theft ▪ Burglary ▪ Fraud ▪ Benefit fraud (includes offences under ss.111A and 112 of the Social Security Administration Act 1992) ▪ Handling or receiving stolen goods ▪ Forgery ▪ Conspiracy to defraud ▪ Obtaining money or property by deception ▪ Other deception ▪ Identity Theft 	Sentences of 4 years or more, or persistent repeat offending	Never accepted as fit and proper person on ground of public safety
	Sentences of less than 4 years	Seven years from completion of any sentence
	Existing drivers convicted of dishonest offences	
	Revocation	

Violence

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

The Council consider any of the following as aggravating factors:

- Offences committed in the course of licensed employment
- Racially aggravated offences
- Offences involving weapons
- Offences against children or vulnerable adults
- Repeat offending

Offences	Applicants with convictions	
<ul style="list-style-type: none"> ▪ Murder ▪ Manslaughter ▪ Manslaughter or culpable homicide while driving ▪ Terrorism offences 	Conditions	Time period
	N/A	Never accepted as fit and proper person on ground of public safety
Other violent offences include (but are not limited to):	Conditions	Time period
<ul style="list-style-type: none"> ▪ Arson ▪ Battery/Common Assault/Assault occasioning actual bodily harm/Racially or religiously aggravated grievous bodily harm /unlawful wounding / actual bodily harm ▪ Grievous bodily harm with intent/Grievous bodily harm/unlawful wounding ▪ Robbery ▪ Possession of a firearm ▪ Riot ▪ Assault of a police officer ▪ Affray ▪ Offences under Public Order Act 1986 involving harassment, alarm or distress or violence ▪ Obstruction ▪ Criminal damage ▪ Violent disorder ▪ Resisting arrest 	Sentences of four years or more Or Persistent repeat offending	Never accepted as fit and proper person on ground of public safety
	Sentences of less than four years	Ten years from completion of any sentence
	Action against drivers convicted of a violent offence	
Revocation		

Possession of a weapon

The Council considers any convictions for possession of a weapon or any other weapon related offence as serious offences. Licensed drivers maintain close contact with passengers who are often alone in the vehicle and may be vulnerable. Passengers are entitled to feel safe and free from fear and to expect a high standard of safety from a licensed driver.

The Council consider any of the following as aggravating factors:

- Offences committed in the course of licensed employment
- Racially aggravated offences
- Repeat offending

Offences	Applicants with convictions	
<ul style="list-style-type: none"> ▪ Possession of a weapon or any other weapon related offence 	Conditions	Time period
	Any sentence	Seven years from completion of any sentence.
	Action against drivers convicted of a violent offence	
	Revocation	

Discrimination

The Council consider any of the following as aggravating factors:

- a) Offences committed in the course of licensed employment
- b) Offences involving weapons
- c) Repeat offending

Offences include (but are not limited to):	Applicants with convictions	
<ul style="list-style-type: none"> ▪ Racially-aggravated criminal damage ▪ Racially-aggravated (fear or provocation of violence) ▪ Racially-aggravated public order (intentional harassment, alarm or distress) ▪ Racially-aggravated harassment (putting people in fear of violence) ▪ Any other discrimination offences including attempted or conspiracy to commit offences that replace the above 	Conditions	Time period
	Any sentence	Seven years from completion of sentence
	Action against drivers convicted of a Discrimination offence	
	Revocation	

Drugs

Licensed drivers are required to carry the passengers on the public highway so the personal use of illegal substances will have significant public safety implications.

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

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

Any applicant with convictions for, or related to the possession of drugs or driving under the influence of drugs may have to undergo drugs testing (either one off or for a period of time) at their own expense to demonstrate that they are not using controlled drugs

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

Offences include (but are not limited to):	Applicants with convictions	
	Conditions	Time period
<ul style="list-style-type: none"> Any offence for the supply (or intent to supply) drugs Any offence connected with possession with intent to supply Any offence related to or connected to any of the above 	Sentence of imprisonment in excess of five years or persistent repeat offending	Never accepted as fit and proper person on ground of public safety
	Any other sentence	Ten years
<ul style="list-style-type: none"> Driving under the influence of drugs 	Sentence of imprisonment in excess of five years or persistent repeat offending	Never accepted as fit and proper person on ground of public safety
	Any other sentence	Seven years
<ul style="list-style-type: none"> Possession of drugs, or related to the possession of drugs 	Sentence of imprisonment in excess of five years or persistent repeat offending	Never accepted as fit and proper person on ground of public safety
	Any other sentence	Five years
	Existing driver convicted of any of the listed drug offences	
	Revocation	

Exploitation

These offences relate to crimes involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children.

The Council will not grant a licence to any applicant who is currently on the sexual offences register or on any barred list.

Offences include (but are not limited to):	Applicant with conviction/s	
	Conditions	Time period
<ul style="list-style-type: none"> Slavery Sexual abuse 	Any sentence	Never accepted as fit and proper person on ground of public safety

<ul style="list-style-type: none">▪ Exploitation▪ Grooming▪ Psychological, emotional or financial abuse	Existing Driver convicted of an Exploitation offence
	Revocation

Sexual and Indecency Offences

Passengers are entitled to expect a high standard of safety from a licensed driver and for this reason the Council consider any convictions for an offence involving or connected with illegal sexual activity or indecency offences as serious offences.

Licensed drivers maintain close contact with their passengers, many of whom will be lone and vulnerable, and all passengers should feel safe and free from the likelihood of any sexual advance

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

The Council will not grant a licence to any applicant who is currently on the sexual offences register or on any barred list.

Offences include (but are not limited to):	Applicants with convictions	
<ul style="list-style-type: none"> ▪ Rape ▪ Assault by penetration ▪ Offences involving children or vulnerable adults ▪ Sexual assault ▪ Indecent assault ▪ Exploitation or prostitution ▪ Trafficking for sexual exploitation ▪ Possession of indecent photographs, child pornography, etc. ▪ Any sex or indecency offence that was committed in the course of employment as a licensed driver, consensual or otherwise. ▪ Gross indecency with a female ▪ Gross indecency with a male ▪ Buggery ▪ Any similar offences (including attempted or conspiracy to commit) offences which replace the above 	Conditions	Time period
	Offences involving or connected with illegal sexual activity	Never accepted as fit and proper person on ground of public safety
	Existing Driver convicted of sexual or indecency offence	Revocation

Motoring convictions

Hackney carriage and private hire drivers are professional drivers responsible for carrying the public. Those passengers are entitled to expect a high standard of road safety and driving skills from a licensed driver and for this reason the Council consider any convictions for motoring offences to be serious matters.

The Council expects any drivers it licences to demonstrate the behaviours of a safe road user who has regard for the rules of the road to show they are therefore suitable to drive professionally.

The Council classifies motoring convictions as major, minor and hybrid offences. The categories are set out in Table 1 of this document. Hybrid offences are considered to be minor traffic offences if the penalty was 3 points or less, and major traffic offences for penalties of four points or more.

The Council acknowledge that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence.

The Council view the following as being aggravating features when considering an application or reviewing a licence:

- Driving or being in charge of a vehicle whilst under the influence of alcohol or drugs
- Where an existing licensed driver has previously appeared in front of Taxi Licensing Committee for repeat offences such as multiple vehicle maintenance issues
- Multiple motoring convictions for any combination of major, minor and hybrid offences

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

Offences include (but are not limited to):	Applicant with conviction/s	
	Conditions	Time period
<ul style="list-style-type: none"> • Causing death by dangerous driving • Dangerous driving • Causing death by careless driving • Causing death by careless driving whilst under the influence of drink or drugs 	Any sentence regardless of when offence committed	Never accepted as fit and proper person on ground of public safety
<ul style="list-style-type: none"> • Driving whilst uninsured • Driving without due care and attention/without reasonable consideration • Similar offences 	Any sentence	Seven years from completion of the sanction
<ul style="list-style-type: none"> • Disqualification due to being unfit to drive through drink or drugs • Driving or attempting to drive with alcohol levels above the prescribed limit • In charge of a vehicle, driving or attempting to drive when unfit through drink • Refusal to provide a specimen of breath or blood for analysis • Aiding and abetting another in the commission of such an offence 	Two or more disqualifications or convictions on different occasions	Never accepted as fit and proper person on ground of public safety
	Isolated incident	Seven years from completion of disqualification (time to run from end restoration of DVLA licence) Where no disqualification, the time runs from the completion of the sentence.

<ul style="list-style-type: none"> Use of a handheld device whilst driving 	Any sentence	Five years since conviction or completion of any sentence or driving ban imposed, whichever is the latter
<ul style="list-style-type: none"> Conviction for a single offence resulting in five or more penalty points Convictions for offences resulting in a total of six penalty points or more in the two years prior to applying for a licence 	Any sentence	Two years from date of the last offence.
Penalty points on a licence		
More than three penalty points acquired in the 12 month period prior to applying for a licence (taken from date of application)	Any sentence	12 months from date of last offence
Disqualification		
Disqualification resulting from 'totting' (i.e. the accumulation of penalty points from several minor offences)	Any sentence	Two years without further conviction (time runs from restoration of DVLA licence)
Existing Drivers receiving points or convictions		
Offences	Condition	Action
Conviction for an offence classified as a Major traffic offence in table one	Any sentence	Revocation
Conviction for an alcohol or drug related offence linked with a motor vehicle	Any sentence	Revocation
Disqualification from driving	Any sentence	Revocation – unless licence expires prior to decision being made
Isolated conviction or endorsement for minor traffic offence	Pattern of offending demonstrated from history	Licence may be reviewed by Taxi Licensing Committee
	No pattern of offending behaviour	Warning letter from Taxi Licensing
Two minor traffic offences within a 12 month period (conviction or endorsements)	Pattern of offending demonstrated from history	Licence may be reviewed by Taxi Licensing Committee
	No pattern of offending demonstrated from history	Warning letter from Taxi Licensing
Third traffic offence within 24 month period (conviction or endorsements)	N/A	Licence may be reviewed by Taxi Licensing Committee

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

The hackney carriage and private hire licensing regime is designed and intended to protect the travelling public. For this reason offences under these Acts are considered as serious offences when deciding whether a licensed driver is 'fit and proper' to hold a licence.

These standards also apply to failure to comply with any condition of licence/byelaws. In these circumstances, these standards will be applied even where the breach does not result in prosecution.

Offences include (but are not limited to):	Existing Drivers receiving convictions	
<ul style="list-style-type: none"> • Illegal plying for hire • Failing to proceed • Failing to comply with conditions of licence/failing to comply with byelaws (notification of convictions, change of address, etc.) 	Condition	Action
	Isolated conviction	Points awarded under the Council's Penalty Points Scheme (where applicable) Warning letter
	Further conviction	Points awarded under the Council's Penalty Points Scheme Prosecution/Simple Caution and/or the licence may be reviewed by Taxi Licensing Committee

Drunkness (not in a motor vehicle)

A number of convictions for drunkness could indicate a medical problem that requires critical examination in deciding whether to grant, suspend or revoke a licence. In these cases the applicant must be able to demonstrate no dependence on alcohol and comply with the timeframes detailed in the table below.

Applicant with conviction/s

Condition	Time period
Isolated conviction	Need not prevent an applicant from gaining a licence
A number of convictions	Applicant must be able to demonstrate no dependence on alcohol and show a period of at least three years from completion of any medical or other treatment (if received) with no further alcohol related convictions.

Existing drivers

Conviction/s	May result in referral to Taxi Licensing Committee
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Equality Act offences

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

Sections 168 and 171 of the Equality Act 2010 require taxi and PHV drivers to carry guide, hearing and other assistance dogs accompanying disabled people and to do so without any additional charge.

An offence under the Equality Act may call into question whether or not that person was 'fit and proper' to hold or retain a licence.

Any other convictions for any form of discrimination will be viewed very seriously and are dealt with in the sections above.

Repeat Offending and General Behaviour

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

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

9.0 VEHICLE PROPRIETORS

Safe and Suitable test

- 9.1 The objective of vehicle licensing is to ensure public protection. This is done by ensuring all vehicles are safe, and that anyone granted a vehicle licence pose no threat to the public and have no links to serious criminal activity.
- 9.2 All applicants must provide a Basic Disclosure from the Disclosure and Barring Service (DBS) and list all unspent convictions on their application.
- 9.3 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) every year.
- 9.4 The results of the DBS disclosure will be reviewed and any previous history of vehicle inspection and maintenance will be taken into account when considering an application or whether to review a licence.
- 9.5 To enable consistent and informed decision to be made, the Council will apply the following test:
- ‘Would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of day or night without arousing suspicion and be satisfied that he/she would not allow it to be used for criminal or other unacceptable purposes, and be confident that he/she would maintain it to an acceptable standard throughout the period of the licence?’** (Paragraph 8.98, Button on Taxis - Licensing Law and Practice; Fourth Edition; Bloomsbury Professional).
- 9.6 Subject to the requirements of Section 5 of the Plymouth City Council Act 1975, where you already hold a private hire driver or hackney carriage driver licence, you will be considered safe and suitable to hold a vehicle licence unless there are concerns over your ability to maintain and insure your vehicle, in which case your suitability will be considered by the Taxi Licensing Committee.
- 9.7 The Table of Offences for Vehicle Proprietors and Private Hire Operators below lists types of offences the Council consider relevant to the vehicle licensing regime. The table sets out the type of action an applicant or licensee can expect if they have a conviction which is not spent within the meaning of the Rehabilitation of Offenders Act 1974 (as amended) for the type of offence listed. However, each case will always be considered on its own merits and depending on the individual circumstances of a case, the Council can depart from its policy.
- 9.8 At the end of this document is a table setting out examples of the rehabilitation periods for convictions. This is the period after which a conviction is considered spent and cannot be considered by the Council. It is not comprehensive and you should refer to the Rehabilitation of Offenders Act 1974 as amended, for full details

10.0 Private Hire Operators (PHO)

Fit and Proper Test

- 10.1 The aim of the licensing regime is to protect the public. It is therefore important to ensure that anyone granted a licence poses no threat to the public and has no links to serious criminal activity.
- 10.2 Under S.13 of the Plymouth City Council Act 1975, the Council cannot grant a PHO licence unless they are satisfied that the applicant is a fit and proper person to hold such a licence.

- 10.3 PHOs are not an exempt profession under the provisions of the Rehabilitation of Offenders Act 1974 and therefore, the Council can only take account of convictions which are not spent under the provisions of that Act, when deciding if they are fit and proper (or safe and suitable) to hold a licence.
- 10.4 All applicants (including for renewal of a licence) must produce a Basic DBS disclosure certificate.
- 10.5 All existing Private Hire Operators must produce a Basic DBS disclosure certificate annually.
- 10.6 If the Operator/applicant) has lived outside of the UK for a continuous period of 3 months or more since the age of 18, then they must also obtain a certificate of good conduct from the country or countries that they have lived in.
- 10.7 The results of the DBS disclosure and any previous history of as a PHO will be taken into account when considering an application or whether to review a licence.
- 10.8 If you are already a licensed hackney carriage or private hire driver, the Council will rely on this fact when considering if you are a suitable to hold a PHO licence.
- 10.9 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?’.**
- 10.10 The Table of Offences for Vehicle Proprietors and Private Hire Operators in 11.0 below lists types of offences the Council consider relevant to the PHO licencing regime. The table sets out the type of action an applicant or operator can expect if they have an unspent conviction (within the meaning of the Rehabilitation of Offenders Act 1974 (as amended)) for the type of offence listed. However, each case will always be considered on its own merits and depending on the individual circumstances of a case, the Council can depart from its policy.
- 10.11 At the end of this document is a table setting out examples of the rehabilitation periods for convictions. This is the period after which a conviction is considered spent and cannot be considered by the Council. It is not comprehensive and you should refer to the Rehabilitation of Offenders Act 1974 as amended, for full details.

11.0 Table of offences relevant to Vehicle Proprietors and Private Hire Operators		
<p>Dishonesty</p> <p>The Council consider any form of dishonesty as a serious offence and there is potential for dishonesty to occur within the vehicle licensing regime. For example, a licensed vehicle proprietor could purchase vehicles using criminal proceeds and then rent the vehicles out to gain 'genuine' earnings.</p> <p>Repeat offending is considered an aggravating feature.</p>		
Offences include(but are not limited to):	Applicant	Existing Licensee
<ul style="list-style-type: none"> ▪ Theft ▪ Burglary ▪ Fraud ▪ Benefit fraud (includes offences under ss.111A and 112 of the Social Security Administration Act 1992) ▪ Handling or receiving stolen goods ▪ Forgery ▪ Conspiracy to defraud ▪ Obtaining money or property by deception ▪ Other deception ▪ Identity Theft 	Refusal of licence or renewal	Revocation of licence
<p>Violence</p> <p>The Council considers any convictions for, or connected with, violence as serious offences.</p> <p>Taxis are used to transport people in many circumstances and are seen everywhere across the UK, at all times of the day and night, in any location. Therefore taxis could provide a transportation system for violent crime if the vehicle proprietor was not 'fit and proper'.</p> <p>The Council consider any of the following as aggravating factors:</p> <ul style="list-style-type: none"> • Offences committed in the course of licensed employment • Racially aggravated offences • Offences involving weapons • Offences against children or vulnerable adults • Repeat offending 		
Offences include (but are not limited to):	Applicant	Existing Licensee
<ul style="list-style-type: none"> ▪ Murder ▪ Manslaughter ▪ Manslaughter or culpable homicide while driving ▪ Terrorism offences 	Refusal of licence or renewal	Licence revoked

<ul style="list-style-type: none"> ▪ Arson ▪ Battery/Common Assault/Assault occasioning actual bodily harm/Racially or religiously aggravated grievous bodily harm /unlawful wounding / actual bodily harm ▪ Grievous bodily harm with intent/Grievous bodily harm/unlawful wounding ▪ Robbery ▪ Possession of a firearm ▪ Riot ▪ Assault of a police officer ▪ Common assault ▪ Affray ▪ Offences under Public Order Act 1986 involving harassment, alarm or distress or violence ▪ Obstruction ▪ Criminal damage ▪ Violent disorder ▪ Resisting arrest 	<p>Refusal of licence or renewal</p>	<p>Licence revoked</p>
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Possession of a weapon

The Council considers any convictions for possession of a weapon or any other weapon related offence as serious offences.

The Council consider any of the following as aggravating factors:

- Offences committed in the course of licensed employment
- Racially aggravated offences
- Repeat offending

Offences	Applicants with convictions
<ul style="list-style-type: none"> ▪ Possession of a weapon or any other weapon related offence 	<p>Refusal of licence or renewal</p> <hr/> <p style="text-align: center;">Action against drivers convicted of a violent offence</p> <hr/> <p style="text-align: center;">Revocation</p>

Discrimination

The Council consider any of the following as aggravating factors:

- Offences committed in the course of licensed employment
- Offences involving weapons
- Repeat offending

Offences include(but are not limited to):	Applicant	Existing Licensee
<ul style="list-style-type: none"> ▪ Racially-aggravated criminal damage ▪ Racially-aggravated (fear or provocation of violence) 	<p>Refusal of licence or renewal</p>	<p>Licence revoked</p>

<ul style="list-style-type: none">▪ Racially-aggravated public order (intentional harassment, alarm or distress)▪ Racially-aggravated harassment (putting people in fear of violence)▪ Any other discrimination offences including attempted or conspiracy to commit offences that replace the above		
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Drugs

Licensed vehicles have the potential to be used to transport drugs or to potentially sell to passengers.

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

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

Offences include(but are not limited to):

- Any offence for the supply (or intent to supply) drugs
- Any offence connected with possession with intent to supply
- Possession of drugs, or related to the possession of drugs
- Any offence related to or connected to any of the above

Applicant

Application refused

Existing Driver

Licence revoked

Exploitation

These offences relate to crimes involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children.

The Council will not grant a licence to any applicant who is currently on the sexual offences register or on any barred list.

Offences include (but are not limited to):

- Slavery
- Sexual abuse
- Exploitation
- Grooming
- Psychological, emotional or financial abuse

Applicant with conviction/s**Conditions**

Any sentence

Time period

Never accepted as fit and proper person on ground of public safety

Existing Driver convicted of an Exploitation offence

Revocation

Sexual and Indecency Offences

Passengers are entitled to expect a high standard of safety from a licensed vehicle and for this reason the Council consider any convictions for any offence involving or connected with illegal sexual activity or indecency offences as serious offences.

Vehicle proprietors must ensure that the vehicle is not used for illegal or illicit purposes including sexual and indecency offences such as trafficking or exploitation.

The Council will not grant a vehicle licence to any applicant who has any current convictions or is currently on the sexual offences register or on any barred list.

Offences include(but are not limited to):

- Rape
- Assault by penetration

Applicant

Application refused

Existing Driver

Licence revoked

<ul style="list-style-type: none"> ▪ Offences involving children or vulnerable adults ▪ Sexual assault ▪ Indecent assault ▪ Exploitation or prostitution ▪ Trafficking for sexual exploitation ▪ Possession of indecent photographs, child pornography, etc. ▪ Any sex or indecency offence that was committed in the course of employment as a licensed driver, consensual or otherwise. ▪ Gross indecency with a female ▪ Gross indecency with a male ▪ Buggery ▪ Any similar offences (including attempted or conspiracy to commit) offences which replace the above 		
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Equality Act 2010 Offences

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

Sections 168 and 171 of the Equality Act 2010 require taxi and private hire vehicle drivers to carry guide, hearing and other assistance dogs accompanying disabled people and to do so without any additional charge.

An offence under the Equality Act may call into question whether or not that person was 'fit and proper' to hold or retain a licence.

Any other convictions for any form of discrimination will be viewed very seriously and are dealt with in the sections above.

The Private Hire Operator responsible for the booking must ensure that no additional charge is added for carrying an assistance dog and must comply with the requirements of the Equality Act 2010.

Rehabilitation Periods for adult convictions

Sentence	Rehabilitation Period
Imprisonment – 4 years or more	Never spent
Imprisonment – 2 ½ years to <4 years	Sentence + 7 years
Imprisonment – 6 months to less <2 ½ years	Sentence + 4 years
Imprisonment – less than 6 months	Sentence + 2 years
Fine	1 year
Community Order	Period specified in order + 1 year
Disqualification, Conditional Discharge, Bind –over	End of period specified in the Order
Absolute Discharge, Simple Caution	Spent immediately

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

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

Licence Offences

LC20	Driving otherwise than in accordance with a licence	3-6
LC30	Driving after making a false declaration about fitness when applying for a licence	3-6
LC40	Driving a vehicle having failed to notify a disability	3-6
LC50	Driving after a licence has been revoked or refused on medical grounds	3-6

Miscellaneous Offences

MS50	Motor racing on the highway	3-11
MS60	Offences not covered by other codes	as appropriate

Theft or Unauthorised Taking

UT50	Aggravated taking of a vehicle	3-11
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Aiding, abetting, counselling or procuring

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

Causing or permitting

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

Inciting

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

MINOR TRAFFIC OFFENCES

Miscellaneous Offences

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

Motorway Offences

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

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

Traffic Direction and Signs

TS10	Failing to comply with traffic light signals	3
TS20	Failing to comply with double white lines	3
TS30	Failing to comply with a "Stop" sign	3

TS40	Failing to comply with direction of a constable or traffic warden	3
TS50	Failing to comply with traffic sign (excluding "Stop" sign, traffic lights or double white lines)	3
TS60	Failing to comply with school crossing patrol sign	3
TS70	Undefined failure to comply with a traffic direction sign	3

Aiding, abetting, counselling or procuring

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

Causing or permitting

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

Inciting

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

HYBRID TRAFFIC OFFENCES

Construction & Use Offences

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

Speed Limits

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

Aiding, abetting, counselling or procuring

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

Causing or permitting

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

Inciting

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

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

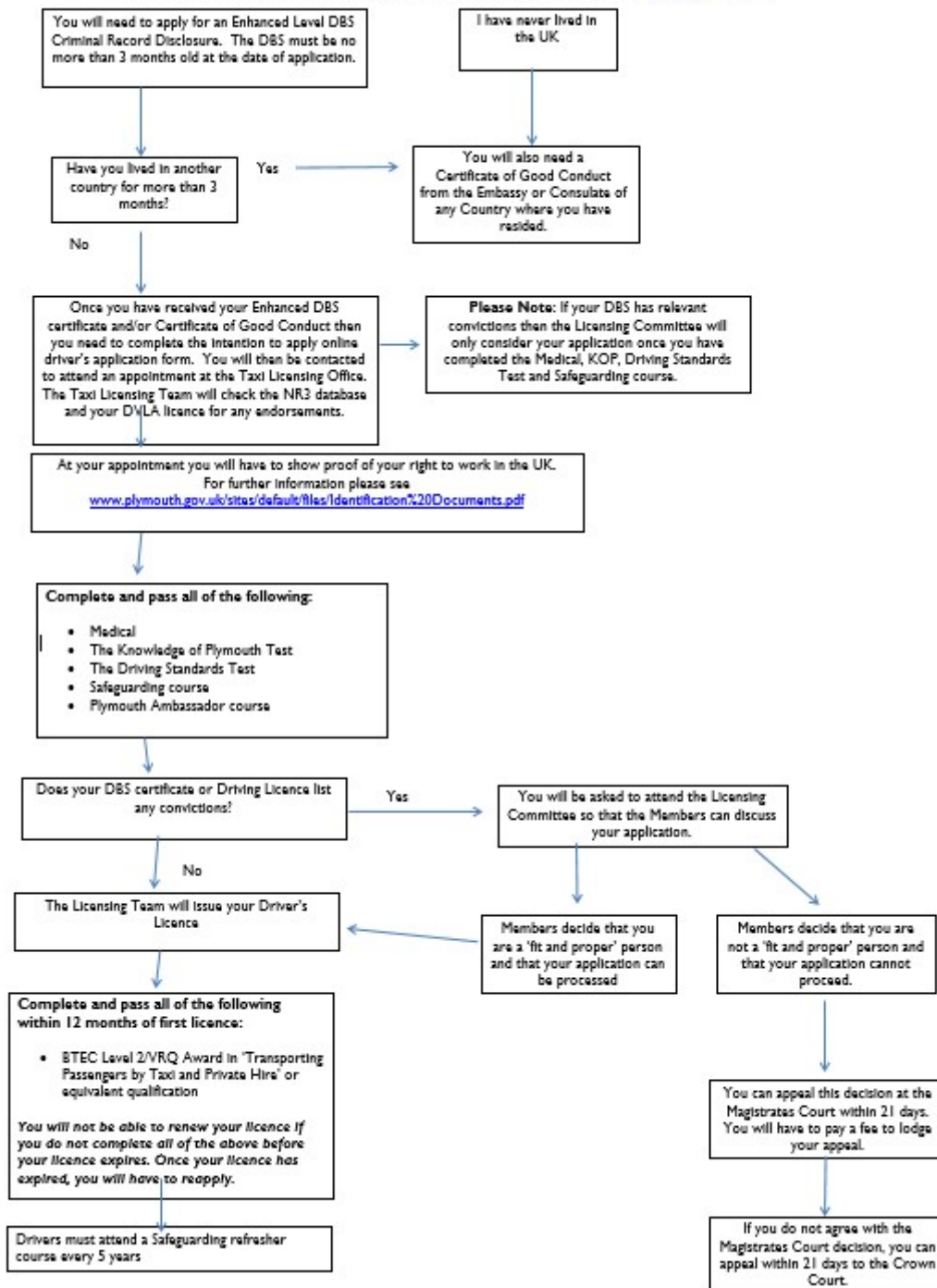
4.1 Pre-requisites

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

- a) Medical (see 5.0)
- b) Submit a 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) Safeguarding training
- f) 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:

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



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

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

4.3 **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

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

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

4.5 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.

4.6 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.

4.7 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 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 and 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.
 - 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 wheel chair 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 /age 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 Mandatory Card Payment System in Hackney Carriage Vehicles

20.1 From 1 July 2022, all hackney carriage vehicles must provide a card payment system in the vehicle. The card reader must be placed in a plastic partition between the driver and passenger.

21.0 CCTV Guidance

21.1 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.

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

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

21.4 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.

22.0 Lifting Mechanisms

22.1 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.

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

23.0 Electric Vehicles, Hybrids etc.

23.1 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.

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

24.1 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.

25.0 Non-Motorised Transport

25.1 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.

25.2 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.

25.3 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.

26.0 Vehicle Length (Hackney Carriage)

- 26.1 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.

27.0 Hackney Carriage Vehicle Plates

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

CHAPTER 4 PRIVATE HIRE OPERATORS

1.0 Requirements for an Operator Licence

- 1.1 Any person who operates a private hire service must apply to the Council for a private hire operator's licence and comply with the Council's conditions of licence.
- 1.2 All applications for a grant or renewal of a private hire operator's licence will be determined to ensure the applicant is 'fit and proper' to hold a licence and also having regard to any previous business activities performed by the applicant.
- 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.

- 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. However 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. No refunds will be issued for any other circumstance e.g. due to retirement leaving the trade or similar reason. 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.

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LIVERY POLICY

Hackney Carriage and Private Hire Vehicles



1.0 LIVERY REQUIREMENTS FOR HACKNEY CARRIAGE VEHICLES

1.1 New Vehicle Livery Requirements

For 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.

- 1.2 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.

2.0 Existing Licensing Vehicles

- 2.1 With effect from 01 January 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.

- 2.2 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.

3.0 Temporary Vehicles

- 3.1 Where a temporary vehicle licence is issued, an officer of the Council, may grant a temporary exemption from the Livery Policy, in all cases, the exemption will apply for a maximum period of 28 days and will be permitted on no more than on one occasion in any 12 month period.

- 3.2 Exceptional circumstances will only be considered where the vehicle change is unplanned and could not reasonably be foreseen by the applicant. Any fees relating to replacement plates, door signs etc. will be payable by the applicant.

4.0 Private Hire Vehicle requirements

- 4.1 A new vehicle presented for licensing as a Private Hire Vehicle may be of any colour other than white. From the date of implementation of this livery policy, no white private hire vehicle will be accepted for licensing under any circumstances.
- 4.2 Any existing white private hire vehicles must change its colour by 1 January 2027.

5.0 Compliance with Livery Policy

- 5.1 Any licensed vehicle that fails to comply with the livery policy, once it applies to that vehicle, will be immediately suspended and subsequently not renewed unless or until the requirements of the livery policy have been complied with.

PENALTY POINTS SCHEME



Penalty Points Scheme Purpose

The Council has a 'penalty point' system of enforcement. The purpose of the scheme is to provide a more balanced, consistent and transparent approach of enforcement against licence holders who commit minor offences. It can be considered to be a more structured and formalised method of issuing warnings. The scheme does not prevent the Council from taking any other enforcement actions it is entitled to take under legislation or byelaws. Penalty Points will not be added to the person's record where they are dealt with by alternative sanctions.

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

Method of operation

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

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

If a licence holder accumulates 12 points or more within a rolling period of 36 months then their licence will be subject to a review by the Taxi Licensing Committee.

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

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

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

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

T: 01752 304141

E: taxi.licensing@plymouth.gov.uk

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

H32	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.	4		✓	s.8(3) PCCA 1975
H33	Failure to provide medical within 28 days of the due date	4	✓		Taxi Licensing Policy
H34	A licensed vehicle with a defective tyre	4 - 6 per tyre	✓		s.26 PCCA 1975 s.41A Road Traffic Act 1988 HCV Condition 8 Code of Good Conduct
H35	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	3	✓		Taxi Licensing Policy Code of Good Conduct
H36	Driver witnessed using/operating/handling/watching/ displaying a mobile phone or other digital device whilst driving	6	✓		Taxi Licensing Policy Code of Good Conduct s.41D Road Traffic Act 1988
H37	Displaying an out of date/invalid medical exemption certificate	4 - 6			Taxi Licensing Policy Wheelchair and Assistance Dog Exemption Guidelines
Point Code	Offence / breach of condition or policy	Points	Driver	Vehicle proprietor or PH Operator	Regulatory framework
Private Hire Infringements					
P1	Fail to wear driver badge	4	✓		s.12 PCCA 1975
P2	Fail to display PH plate correctly	3	✓	✓	s.5(2) PCCA 1975, PHV condition 2
P3	Evidence of using e-cigarettes or similar vapour devices in the vehicle whilst driving with a fare paying passenger.	3	✓		Taxi Licensing Policy
P4	Driver unacceptable appearance/hygiene	3	✓		Taxi licensing policy
P5	PHV not well maintained or kept clean	4	✓	✓	PHVL condition 17
P6	Fail to behave in civil and orderly manner	8	✓		PHD condition 7a
P7	PHV parking or waiting on HC stand	6	✓		s.22 PCCA 1975
P8	Carrying animal other than hirers	4	✓		PHVL condition 11
P9	Play sound equipment without consent of hirer	6	✓	✓	PHD condition 7c
P10	Cause or permit noise from PHV to annoy others	6	✓	✓	PHD condition 7d
P11	Fail to notify change of PH Operator	3	✓		PHD condition 1b
P12	PHO fail to keep proper records	6		✓	s.14(2) PCCA 1975. PHO condition 2
P13	PHO fail to keep vehicle records	6		✓	s.14(3) PCCA 1975, PHO condition 1
P14	Fail to produce licence upon request	3	✓	✓	s.11 PCCA 1975
P15	Use PHV horn to signal hirer	6	✓		PHD condition 7e
P16	Fail to notify injury/illness affecting driving ability	8	✓		PHD condition 1d

P17	Fail to notify conviction	3	✓		PHD condition 1c
P18	Fail to notify of endorsement	3	✓		PHD condition 1e
P19	Fail to assist loading/unloading luggage	4	✓		PHD condition 6a
P20	Fail to take luggage to/from building/station etc.	4	✓		PHD condition 6b
P21	Prolonging journey unnecessarily	6	✓		s.27 PCCA 1975
P22	Fail to notify change of address	3	✓		PHD condition 1a
P23	Fail to submit PHV over 5 yrs old to 6 month test when required	6	✓		PHVL condition 7
P24	Fail to transfer PHV licence to other within permitted time	4		✓	s.7 PCCA 1975
P25	PHV Proprietor fail to provide info as to driver	6		✓	PHVL conditions 12 or 13
P26	Displaying unsuitable or inappropriate sited signs in or on the vehicle	3	✓	✓	Private Hire Vehicle Conditions Private Hire Vehicle Specification and Vehicle Compliance Testing Manual
P27	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.	4		✓	s.8(3) PCCA 1975
P28	Failure to provide medical within 28 days of the due date	4	✓		Taxi Licensing Policy
P29	A licensed vehicle with a defective tyre	4 - 6 per tyre	✓		s.26 PCCA 1975 Code of Good Conduct
P30	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	3	✓	✓	Taxi Licensing Policy Code of Good Conduct
P31	Driver witnessed using/operating/handling/watching/ displaying a mobile phone or other digital device whilst driving	6	✓		Taxi Licensing Policy Code of Good Conduct s.41D Road Traffic Act 1988

SPOKEN ENGLISH TEST

Assessment Test Procedure



1. It is a requirement that ALL new applicants for both Hackney Carriage and Private Hire Driver licenses can demonstrate an adequate and reasonable level of spoken English.
2. The purposes of this requirement are to:
 - Ensure that members of the public are safeguarded by ensuring licensed drivers can competently communicate and give and understand most instructions.
 - Ensure that applicants are safeguarded by ensuring licensed drivers can competently communicate and give and understand most instructions.
 - Ensure impartiality and fairness in determining applications.
 - Accommodate all eligible applications.
3. All new applicants for Hackney Carriage and Private Hire Driver licences 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). The weight given to the subject and grade achieved will be assessed on a case by case basis.

Applicants who do not have a suitable qualification or cannot provide the required evidence, will be required to undertake the Spoken English assessment.

TAKING THE TEST

4. The spoken English assessment test is a pre-application requirement undertaken at the applicant's own expense. Please refer to the fees table at <https://www.plymouth.gov.uk/licensingandpermits/taxilicensing/taxilicencefees>. The fee is payable before the test is taken and must be successfully completed before proceeding with the full application procedure.
5. Tests will be undertaken at a Council Office and will be confirmed at the time of booking.
6. If the applicant has a mobile telephone it must be switched off to avoid any interruptions.
7. Applicants will be informed that the tests are recorded by the test provider. One of the Council's Taxi Licensing Technical Support Officers will be present in the same room as the test and if there is any attempt to cheat, for example by using their mobile telephone to attempt to get a fluent English speaker to complete the test, then the applicant will be automatically failed and will not be permitted to undertake another test or proceed with their application.
8. Test dates will depend on demand and room booking availability.
9. On the day of the test, the applicant will be escorted to the designated room by a Technical Support officer who will set up the computer so that the test can be completed. The Technical Support Officer will remain in the room during the test.

10. The English test assessment consists of a 15 minute exercise, during which applicants will be tested on various aspects of their speaking and listening ability.
11. The assessment is provided by a specialist education and testing company and consists of:
 - 60 Questions
 - 5 Question types:
 - **Reading** – Read aloud a series of printed, numbered sentences, one at a time, in the order requested
 - **Repeats** - Repeating back sentences verbatim on request,
 - **Short Questions** – Listen to spoken questions and answer each questions with a single word or short phrase
 - **Sentence Builds** – Listen to a group of three short phrases presented in random order and then rearrange the phrases into a sentence
 - **Open Questions** – Listen to a spoken question, asking for an opinion and provide an answer with an explanation in your own words.
12. The test is entirely automated, and questions taken from an item bank.
13. The questions won't related specifically to taxi driving but will relate to normal life. There are no trick questions.
14. The applicant will be provided with an overall score along with sub categories; sentence mastery, vocabulary, fluency and pronunciation, all of which contribute to the overall score.
15. At the end of the test the Technical Support Officer will provide the applicant with their result, including a report with a score indicating their overall ability in the given spoken and listening English Language test.
16. The test scoring will be set at CEFR Level B2 (CEFR= Common European Framework of Reference for Languages).
17. For licensing purposes, the Council will require applicants to score at least **58** out of **90 on the Global Scale of English**. This indicates a good overall ability in use of the English language, where applicants will be able to speak fluently on a range of everyday topics and be able to give and understand most instructions.
18. When passed, the pass score sheet will be downloaded direct from the test provider's website the same day and provided to the applicant.
19. Failure to pass the minimum CEFR level B2 (58 out of 90) will require a further test to be taken.
20. There is no right of appeal where the applicant has failed to attain the minimum pass level of 58.
21. Unsuccessful applicants should be given an information sheet with the contacts of local colleges and courses where they may undertake further study to improve their spoken English. All training will be done at the applicant's own expense.
22. No person may re-sit the test within 28 days of taking a previous test.
23. Returning applicants may demonstrate a reasonable standard of spoken English either through the production of a certificate demonstrating the successful completion of an accredited spoken English qualification at point 3 above, or by successfully completing the spoken English assessment test detailed above.
24. Applicants choosing to re-take the spoken English assessment test will have to pay the required fee.

VEHICLE EMISSIONS/AGE POLICY

Hackney Carriage and Private Hire Vehicles



1.0 VEHICLE EMISSIONS

1.1 All vehicles plated for the first time by the Council (including existing proprietors on the change of vehicle), must be less than 3 years old from the date of registration at the time of application and the vehicle must meet the Euro 6 emissions standard as a minimum.

1.2 **For renewals**, the following age limits will apply from **1 April 2023**:

Petrol/diesel Private Hire Vehicles	7 years
Petrol/diesel Hackney Carriage Vehicles	7 years
Hybrid vehicles	10 years
ULEV vehicles*	14 years

Note*: An Ultra Low Emission Vehicle (ULEV) is currently defined by the Office for Low Emission Vehicles, as emitting less than 75g/KM CO₂ and able to travel at least 10 miles without any emissions at all.

1.3 This policy will be reviewed as recommended by the Department for Transport at least every 5 years. Interim reviews will take place to ensure we are striving towards the Government's Climate and Emergency Action Plan. It is the Council's aspiration that all Hackney Carriages and Private Hire vehicles will be required to be at least an Ultra-Low Emission Vehicle (ULEV) in the near future and this will be kept under regular review.

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WHEELCHAIR AND ASSISTANCE DOGS EXEMPTION GUIDELINES



WHEELCHAIR AND ASSISTANCE DOGS EXEMPTION GUIDELINES

Introduction

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

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

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

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

The applicant can obtain a medical exemption application form from the Taxi Licensing website www.plymouth.gov.uk/tellusanychanges. All costs associated with obtaining a medical exemption certificate are to be met by the driver. The Council will not accept any signed medical exemption form that is more than one month old.

Temporary Exemption Certificates

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

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

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

A temporary exemption certificate will be short term and will be issued for a period up to 6 months.

Prior to expiry of the temporary exemption certificate, the driver will contact the Council to either:

- (i) Declare themselves fit, return to normal duties and return the temporary exemption certificate; OR
- (ii) Arrange a further medical assessment to be submitted for the Licensing Manager to consider extending the exemption certificate.

Any costs will need to be met by the applicant.

Drivers must not display their temporary exemption badges after expiry and must return these to the Council within 14 days of expiry.

Exemption Certificates

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

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

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

Any costs will need to be met by the applicant.

The Council reserve the right to contact the applicants GP to discuss any part of the evidence supplied and will expect the applicant to sign a mandate for this purpose.

The length of an Exemption Certificate will be issued on a case by case basis and for a period determined by the Officer depending on the GP and consultant's advice.

The Council reserves the right to request a review of the medical exemption at any time from the date of issue.

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

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

Assistance Dogs

The same exemption guidance will also apply to assistance dogs.

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

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CODE OF GOOD CONDUCT FOR LICENSED DRIVERS

Hackney Carriage and Private Hire



CODE OF GOOD CONDUCT FOR LICENSED DRIVERS

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

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

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

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

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

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

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

Responsibility of the Council

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

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

Responsibility of the Trade

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

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

Responsibility of Vehicle Proprietors

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

~~Responsibility of all~~ Licensed Driver Standards

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

1. To carry out a daily check to ensure that the vehicle is in a roadworthy condition prior to carrying passengers. Where faults of any description are identified which undermine the roadworthy condition of the vehicle the driver should not drive the vehicle and should report them to the proprietor as soon as possible;
2. To be professional and understanding to other road users;
3. To be polite and courteous to passengers;
4. To behave in a manner that is in keeping of that expected of a professional licensed driver;
5. Not to engage in any activities that would undermine professional standards and public confidence in the service;
6. No licensed driver should contact their passenger directly for example by phone or via social media, after any journey and any contact. This would undermine professional standards and public confidence.
7. Not use private data or social media searches to make contact with a customer, with or without consent.
8. Relationships with customers should be no more than professional, avoid:
 - a. Unnecessary physical contact
 - b. Building personal relationships
 - c. Talking about sensitive or intimate subjects
- 5.9. To assist passengers, where necessary into and out of the vehicle;
10. To offer assistance to passengers with their luggage;
- 6.11. To wear the driver's identification badge at all times when working;
- 7.12. Be punctual;
- 8.13. Not to smoke or allow passengers to smoke in your vehicle;
14. Drive with due care and consideration for other road users and pedestrians and in particular shall not use a hand held mobile phone or similar device whilst driving;
15. Obey all Traffic Regulation Orders and directions at all times;
16. Not to use a hand held mobile phone ~~are or~~ similar devices whilst driving unless permitted by Law; ;
17. Not consume alcohol at least 8 hours before or at any time whilst driving or being in charge of a Hackney Carriage or Private Hire Vehicle
18. Ensure appropriate breaks from work are taken and never drive when tired. Drivers should have a minimum break of 8 hours continuous hours in a 24 hour period and not exceed 13 hours work in any 24 hour period. For the purpose of this code, work includes time waiting for fares or bookings;
- 9.19. Report to the Council in writing/email within 24 hours or as soon as is practicable if you suffer any serious illness or injury such as heart attack, stroke, broken limbs, diabetes or sleep apnoea. This also applies to anything that may affect your driving, or that has to be reported to the DVLA because it would affect your driving licence. The Council may ask you to have an additional medical examination or to produce written confirmation from your own

GP or hospital consultant about your continued fitness to drive. The Council may also seek an independent assessment of any such report or medical. Any costs associated with these medical checks will be met by the licence holder.

~~10.20.~~ Be smart and clean in appearance;

~~11.21.~~ Bbe aware of and take reasonable steps to maintain acceptable levels of personal hygiene;

~~12.22.~~ Transport passengers by the shortest available route (subject to any unforeseen circumstances such as any road works or congestion where it may be appropriate to take an alternative route by agreement with the passenger);

23. Charge the correct monetary fare;

~~13.24.~~ Provide a receipt if requested on an official receipt book or business card;

25. Comply with the requirements of the Highway Code;

26. Continue to develop and improve their knowledge of the main and shortest routes around the City. Not place sole reliance on Satellite Navigation equipment.

27. Undertake 'Enhanced training' where appropriate or a mandatory condition of licence (e.g. Safeguarding training or Plymouth Ambassador training) or where it will improve the good image of Plymouth for the benefit of passengers.

28. Have regard to their surrounding environment and not cause nuisance when picking up or dropping off passengers, in particular;

a. Not sound the vehicle horn as a means of notifying a passenger of your arrival;

b. Switch off the engine if required to wait;

c. Do not play amplified music without passenger consent;

d. Take whatever action is necessary to avoid disturbance to local residents;

e. Pick up and drop off safely and without risk to pedestrians and other road users

f. Not leave or wait with the vehicle in a way which causes or is likely to cause a nuisance or obstruction to

29. To be ambassadors for the City and take personal responsibility for presenting Plymouth in a good light

30. Present themselves in a manner that promotes a good professional image.

31. To comply with the standards of dress detailed below.

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

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

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

~~*—Not sound the vehicle horn as a means of notifying a passenger of your arrival;~~

~~*—Switch off the engine if required to wait;~~

~~*—Do not play amplified music without passenger consent;~~

~~*—Take whatever action is necessary to avoid disturbance to local residents;~~

~~*—Pick up and drop off safely and without risk to pedestrians and other road users.~~

Hackney Carriages Drivers

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

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

Private Hire Drivers

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

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

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

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

Professional Standards

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

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

Dress Code

Acceptable Standard of Dress

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

As a minimum standard:

Tops

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

Trousers/Shorts/Skirts

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

Footwear

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

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

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

Unacceptable Standards

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

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

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

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HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY 2022+8

FOREWARD

CHAPTER ONE - STATEMENT OF POLICY

CHAPTER 2 - DRIVERS

CHAPTER 3 - VEHICLES

CHAPTER 4 - PRIVATE HIRE OPERATORS

CHAPTER 5 - ADMINISTRATIVE & ENFORCEMENT PROCEDURES

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'/'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 The Council currently licences 357 hackney carriages (360 maximum), 835 private hire vehicles, 392 hackney carriage drivers, 838 private hire drivers, and 30 private hire operators. Private hire numbers are subject to a degree of fluctuation depending on economic factors and the time of year.~~

~~4.1.3~~ 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.

~~5.1.4~~ 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 Best Practice Guidance

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. The Department for Transport (DfT) has national responsibility for taxi and private hire legislation in England and Wales and supplies local authorities with Best Practice Guidance for those trades. The latest guidance has been considered when formulating this policy document. The Department for Transport itself recognises that individual Councils are best placed to “decide for themselves the extent to which they wish to make use of it or adapt it to suit their own purposes”.~~

3.0 Purpose of this Policy

3.1 The policy will provide a framework that will assist in delivering a safe, regulated hackney carriage and private hire licensed trade. The Council, in adopting this policy recognises both the needs of residents and visitors to expect a safe, healthy, convenient and effective hackney carriage and private hire transport service.

3.2 The Council has adopted byelaws, conditions of licence and vehicle specifications and any other standards considered appropriate to regulate the hackney carriage and private hire trades for the benefit of all concerned within the City of Plymouth.

3.3 The Council in its decision making will consider each case on its own merits, having regard to the requirements of this policy, any relevant specific policy documents, national best practice guidance and any other information considered relevant.

- ~~3.4 The Council reserve the right to update, amend or otherwise change any policy, specification, condition of licence or guideline as the need arises, having regard to changes in legislation, statutory guidance or local standards.~~
- 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
- ~~Social Inclusion Unit~~ 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, but 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.
- ~~8.3 The Council reserves the right to carry out amendments to this policy, or any condition, specification or guideline where it is appropriate to do so to further clarify the original intention of any particular point, in terms of grammar, punctuation, diction or error. In addition, any changes in technical standards, case law, national policy or any other circumstances that make it reasonable to amend any relevant document.~~

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

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

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

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

- 1.5 In determining whether a person is 'fit and proper' to hold or retain a driver's licence, the Council will consider ~~amongst other things,~~ relevant skills, knowledge, experience, qualifications, spoken and written English, medical fitness, criminal record, motoring endorsements, an understanding of local byelaws and conditions of licence, enhanced training requirements, the Code of Good Conduct and any other information thought to be relevant.
- 1.6 These requirements apply to new applicants and existing licence holders.
- 1.7 The Council reserve the right to introduce changes to the way it administers the licensing process from time to time, on the grounds of improving efficiency and operational practice. For example the way it processes DBS disclosure checks, DVSA driving licence checks, on-line applications, cashless transactions, changing equipment suppliers and any other systems or processes that would improve service provision.

2.0 Qualification by Age

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

3.0 Immigration Status

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

4.0 Driver Qualifications, Skills and Knowledge

4.1 **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 a 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) Safeguarding training
- e)f) 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:

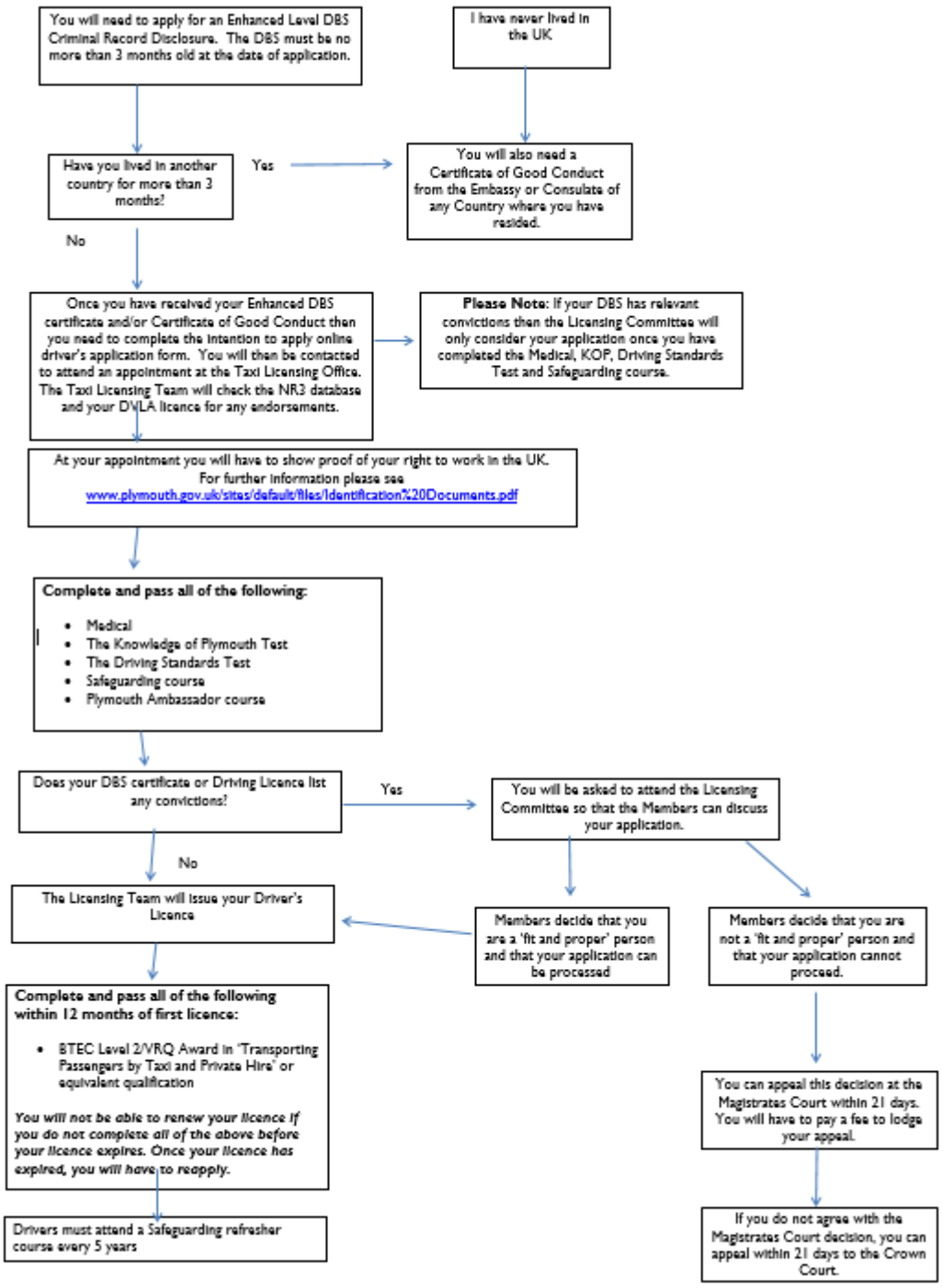
~~Within 12 months of receiving their first licence, the driver will be required to undertake all of the following:~~

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

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

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

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



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

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

4.3 **Vocationally Recognised Qualification (VRQ)**

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

Plymouth ambassador training

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

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

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

4.44 **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 ~~at time of renewal or by 1st April 2019, whichever comes first and~~ refresher training every 5 years

~~Plymouth Ambassador By 1st April 2019~~

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

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

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

4.56 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.

4.67 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.

4.7 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 ~~and licence holders~~ 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 ~~and update service and enable the Council to routinely check for new information every six months. ~~then every 3 years.~~~~ The results of this disclosure will be used to assist the Council in deciding whether or not that person is 'fit and proper' to be granted or retain a

driver's licence, in accordance with the Council's Guidelines Relating to the Relevance of Convictions and Conduct. ~~The Council will have regard to a number of factors in assessing the relevance of convictions.~~

6.2 The Council will only accept an enhanced DBS disclosure certificate where it has been applied for using a provider nominated by the Council, or is provided by another acceptable regulated body. The Council will only accept certification that is consistent with that required to be a licensed driver. Any disclosure check must be less than 3 months old at the date of application.

~~6.34 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.~~

~~6.5 The Council reserves the right to make changes to the way in which it administers the DBS disclosure checking procedures and will review changes from time to time on the grounds of efficiency and improving administration of the service.~~

7.0 Certificates of Good Conduct (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.

7.58.4 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.

98.0 Grant and Renewal of Driver Licences

98.1 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

98.2 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. ~~although there can be no guarantee of reinstatement where prior notice has not been given or where other circumstances exist that call into question whether that person remains 'fit and proper' to hold a 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.

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

- Any driver can renew their driver's licence within 36+2 months from the date of expiry of their last licence providing that the licence holder gives a justifiable written explanation and on submission of a new application form, medical certificate and DBS certificate. 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.
- 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.
- ~~The driver will be required to undertake a Level 2 VRQ in 'Transporting Passengers by Taxi or Private Hire (or equivalent qualification) and the Plymouth Ambassador and Safeguarding course if not already held within 12 months.~~

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+2 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.

98.64 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.

109.0 Restricted Private Hire Drivers Licence

109.1 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

109.2 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.

~~I10.3~~ 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.

I10.0 Conditions of Driver Licence

~~I10.1~~ 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.

~~I10.2~~ 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.

I21.0 Medical Exemptions

~~I21.1~~ The Council operate a 100% wheelchair accessible hackney carriage fleet driven by drivers who are experienced and able to transport wheelchair passengers in a safe and confident manner. Licensed drivers are not permitted to refuse any passenger, including wheel chair users, without reasonable cause, unless the driver holds a medical exemption excusing them from such duties.

~~I21.2~~ The standards and conditions that apply to medical exemptions are contained in the Council's Wheelchair and Assistance Dogs Exemption Guidelines.

~~I1.3~~ ~~The Council reserves the right to review the necessity of a driver to continue to hold a medical exemption and where appropriate that driver will be required to submit to an independent medical assessment as a condition of retaining their medical exemption.~~

I32.0 Code of Good Conduct

~~I32.1~~ 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.

~~I32.2~~ 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.

I43.0 Penalty Points Schemeystem

~~I43.1~~ 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.
- 143.32 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.
- 143.43 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.
- 143.54 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, aAll 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) every three years~~annually~~.
- 1.32 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
- 1.43 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 draft~~ licensing policy and vehicle specifications where a distinct and recognisable difference is maintained between licensed hackney carriage and private hire vehicles. This may be achieved by way of livery, vehicle licensing restrictions, signage or other relevant methods.
- 2.3 When granting a hackney carriage or private hire vehicle licence, the Council will attach conditions to those vehicle licences that it considers reasonably necessary
- 2.4 Vehicles, once licenced, must be maintained in a mechanically safe and roadworthy condition, compliant with Council requirements 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

~~10.0 Advertising Conditions~~

~~11.10.1~~ 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

~~10.2 Hackney carriage owners and private hire operators are permitted to advertise the company name or trade name or mark and telephone number on the vehicle providing it complies with the Council's requirements.~~

~~10.3 Advertisements on vehicles must not, in the opinion of the Council, obscure or detract from the clarity of signage required by the Council to be displayed on licensed vehicles. This is particularly relevant in respect to the front passenger doors of a private hire vehicle, which should be kept clear other than for the display of vehicle door stickers issued by the Council.~~

~~10.4 The standards to be applied are set out in the Council's Advertising & Signage Guidelines~~

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.

132.0 Vehicle Emissions /-age policy

~~132.1 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.~~

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

~~Hackney Carriage and Private Hire Vehicle Emissions Policy~~

- ~~1. With effect from the 1 April 2015 no hackney carriage or private hire vehicle licence will be issued or renewed unless the vehicle has been manufactured to Euro 4 or a higher specification. The use of Bio-diesel, bio-fuel or LPG conversions will not be accepted after this date.~~
 - ~~2. The Council may approve conversions or adaptation systems for vehicles to comply with the requirements of the Council emissions standards. The Council must be provided with satisfactory evidence that the conversion or adaptation system achieves the required emission standard and that test data complies with the European test standards for vehicle emissions. Such approval may be engine/vehicle specific. The cost of obtaining approval of new conversion or adaptation systems will not be met by the Council.~~
 - ~~3. It is for the vehicle proprietor to provide satisfactory evidence to the Council or the approved testing station that any vehicle presented for licence or inspection complies with the requirements of this policy.~~
 - ~~4. These provisions do not apply to Special Event Vehicles.~~
- ~~12.2 The Council will apply either an emissions policy or vehicle age policy in order to maintain modern standards of vehicle and reduce vehicle emissions.~~

143.0 Alternative Fuel Strategy

143.1 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.

154.0 Disability Access

- 154.1 All hackney carriage vehicles licensed by the Council must be wheelchair accessible and capable of carrying wheelchair passengers safely.
- 154.2 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).

154.3 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.

165.0 Vehicle Compliance Testing

165.1 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.

165.2 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.

165.3 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.

165.4 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.

165.5 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.

165.6 The Council reserve the right to alter or amend the Vehicle Compliance Testing Manual, Vehicle Specifications or Conditions of Licence at any time.

176.0 Appointment of Testing Stations

176.1 On application, the Council may appoint a currently registered MOT station as an Appointed Testing Station who will conduct tests on its behalf.

176.2 The Council will make an appointment for the period of one year to commence on the 1 April of each calendar year.

176.3 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.

- 176.4** Every garage granted the status of an “Appointed Testing Station” shall abide by the Council’s terms of appointment.
- 176.5** 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.
- 176.6** 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.
- 176.7** 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.
- 176.8** 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.
- 176.9** The Council reserve the right not to appoint any further testing stations.

187.0 Hackney Carriage Table of Fares (Tariff)

- 187.1** The review and setting of fares is a function of the Taxi Licensing Committee.
- 187.2** 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.
- 187.3** 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

187.4 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.

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

198.0 Taximeters

198.1 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.

198.2 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.

198.3 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 Mandatory Card Payment System in Hackney Carriage Vehicles

From 1 July 2022, all hackney carriage vehicles must provide a card payment system in the vehicle. The card reader must be placed in a plastic partition between the driver and passenger.

~~21.9.0~~ CCTV Guidance

~~21.9.1~~ 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.

~~21.9.2~~ A CCTV system installed in a licensed vehicle must comply with the minimum technical CCTV specification, as indicated in our guidance.

~~21.9.3~~ The Council reserves the right to amend the CCTV guidance from time to time.

~~21.9.4~~ 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.

210.0 Lifting Mechanisms

210.1 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.

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

221.0 Electric Vehicles, Hybrids etc.

221.1 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.

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

232.1 ~~It is the Council's view that~~ foldaway child seats located in the boot compartment should not generally be licensed as passenger seating for private hire services, on the grounds of suitability, passenger safety, comfort and reasonable leg room. There may be grounds to licence these seats for restricted operations, such as seaside and moorland tours, where the seating requirements can be discussed in advance with the Taxi Licensing Department.

243.0 Non-Motorised Transport

243.1 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.

243.2 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.

243.3 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.

254.0 Vehicle Length (Hackney Carriage)

254.1 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.

265.0 Hackney Carriage Vehicle Plates

265.1 The Council operates a quantity limit regarding vehicle licence plates. Where a license plate is for whatever reason not linked to a roadworthy vehicle and so is not available for hire, the proprietor will receive 3 months written notice to take steps to rectify the situation so that it is made available for hire.

265.2 If the proprietor has failed to comply with these requirements within the 3 month written notice period, the plate must be returned to the Council. The Council will determine whether to re-issue the plate and how this will be allocated.

CHAPTER 4 PRIVATE HIRE OPERATORS

1.0 Requirements for an Operator Licence

- 1.1 Any person who operates a private hire service must apply to the Council for a private hire operator's licence and comply with the Council's conditions of licence.
- 1.2 All applications for a grant or renewal of a private hire operator's licence will be determined to ensure the applicant is 'fit and proper' to hold a licence and also having regard to any previous business activities performed by the applicant.
- ~~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. Where the applicant is a limited company, a named individual(s) must be stated for inclusion in 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?'**~~
- ~~1.5~~ Operators must advise the Council of any change in directors or partners.

- ~~1.73~~ 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 ~~are required to~~ 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.~~
- ~~2.2 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.

or a Certificate of Good Conduct from a relevant embassy for foreign national applicants. The disclosure cannot be more than three months old from the date of application.

2.2 Where an applicant is required to obtain a Certificate of Good Conduct, they are also required to apply for a Basic DBS disclosure certificate if they have resided in this country for a period in excess of three months at the time of application.

2.3 The Council recognise that in many instances the applicant will already have a valid driver's license and therefore would have been the subject to 3 year DBS enhanced disclosure checks. In these circumstances the Council will accept a statutory declaration signed by a Solicitor or Commissioner of Oaths to cover the time lapse between that certificate and the date of the application.

2.54 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.

34 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.

43.0 Operators Conditions of Licence

43.1 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.

5.25.3 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.

64.0 Record Keeping

64.1 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
- ~~Date and time when the booking was made,~~
- ~~Name of the lead passenger,~~
- ~~Pick up point and the time of the pick-up,~~
- ~~Destination,~~
- ~~Name of the driver, the licence number of the vehicle and route.~~

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

64.2 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.

75.0 Operators Insurance

75.1 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.

75.2 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.

86.0 Operators Offices Located Outside the Plymouth Licensing Area

86.1 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.

97.0 Airport / Seaport Transfer

97.1 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.

97.2 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's licence will not be considered lightly. Nevertheless the licensing system is designed to protect the public and it would be wrong to avoid any course of action where it is clearly appropriate.

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

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

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

5.0 Operators Licences

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

6.0 Prosecution of Licence Holders

- 6.1 The Council will have regard to the Regulators Compliance Code, Code for Prosecutors, DfT Best Practice Guidance/Statutory Standards, ~~and~~ 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. However the 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. No refunds will be issued for any other circumstance e.g. due to retirement, ~~transfer~~, leaving the trade or similar reason. The offset amount refund will be calculated pro-rata based for each full month remaining on the licence, less any administrative fee which is set out in the Fees and Charges schedule.

- ~~12.2 Refunds will not be paid where the licence holder has been banned from driving, or had their licence suspended or revoked, or any other similar reason by Taxi Licensing Committee or officers under delegated powers.~~

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY 2022+8

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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'/'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 The Council currently licences 357 hackney carriages (360 maximum), 835 private hire vehicles, 392 hackney carriage drivers, 838 private hire drivers, and 30 private hire operators. Private hire numbers are subject to a degree of fluctuation depending on economic factors and the time of year.~~

~~4.1.3~~ 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.

~~5.1.4~~ 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 Best Practice Guidance

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. The Department for Transport (DfT) has national responsibility for taxi and private hire legislation in England and Wales and supplies local authorities with Best Practice Guidance for those trades. The latest guidance has been considered when formulating this policy document. The Department for Transport itself recognises that individual Councils are best placed to “decide for themselves the extent to which they wish to make use of it or adapt it to suit their own purposes”.~~

3.0 Purpose of this Policy

3.1 The policy will provide a framework that will assist in delivering a safe, regulated hackney carriage and private hire licensed trade. The Council, in adopting this policy recognises both the needs of residents and visitors to expect a safe, healthy, convenient and effective hackney carriage and private hire transport service.

3.2 The Council has adopted byelaws, conditions of licence and vehicle specifications and any other standards considered appropriate to regulate the hackney carriage and private hire trades for the benefit of all concerned within the City of Plymouth.

3.3 The Council in its decision making will consider each case on its own merits, having regard to the requirements of this policy, any relevant specific policy documents, national best practice guidance and any other information considered relevant.

- ~~3.4 The Council reserve the right to update, amend or otherwise change any policy, specification, condition of licence or guideline as the need arises, having regard to changes in legislation, statutory guidance or local standards.~~
- 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
- ~~Social Inclusion Unit~~ 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, but 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.
- ~~8.3 The Council reserves the right to carry out amendments to this policy, or any condition, specification or guideline where it is appropriate to do so to further clarify the original intention of any particular point, in terms of grammar, punctuation, diction or error. In addition, any changes in technical standards, case law, national policy or any other circumstances that make it reasonable to amend any relevant document.~~

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

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

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

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

- 1.5 In determining whether a person is 'fit and proper' to hold or retain a driver's licence, the Council will consider ~~amongst other things,~~ relevant skills, knowledge, experience, qualifications, spoken and written English, medical fitness, criminal record, motoring endorsements, an understanding of local byelaws and conditions of licence, enhanced training requirements, the Code of Good Conduct and any other information thought to be relevant.
- 1.6 These requirements apply to new applicants and existing licence holders.
- 1.7 The Council reserve the right to introduce changes to the way it administers the licensing process from time to time, on the grounds of improving efficiency and operational practice. For example the way it processes DBS disclosure checks, DVSA driving licence checks, on-line applications, cashless transactions, changing equipment suppliers and any other systems or processes that would improve service provision.

2.0 Qualification by Age

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

3.0 Immigration Status

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

4.0 Driver Qualifications, Skills and Knowledge

4.1 **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 a 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) Safeguarding training
- e)f) 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:

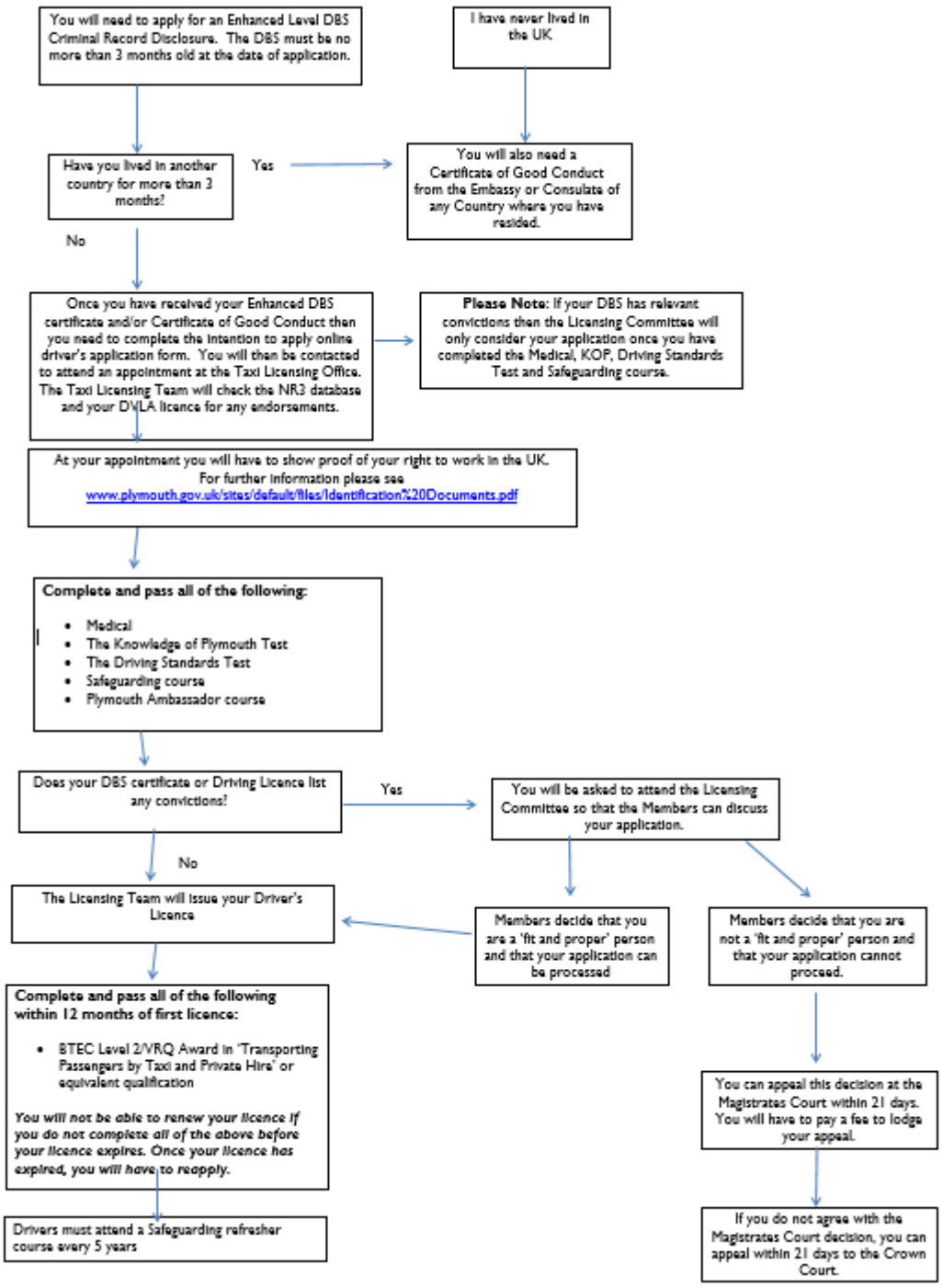
~~Within 12 months of receiving their first licence, the driver will be required to undertake all of the following:~~

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

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

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

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



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

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

4.3 **Vocationally Recognised Qualification (VRQ)**

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

Plymouth ambassador training

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

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

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

4.44 **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 ~~at time of renewal or by 1st April 2019, whichever comes first and~~ refresher training every 5 years

~~Plymouth Ambassador By 1st April 2019~~

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

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

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

4.56 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.

4.67 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.

4.7 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 ~~and licence holders~~ 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 ~~and update service and enable the Council to routinely check for new information every six months. ~~then every 3 years.~~~~ The results of this disclosure will be used to assist the Council in deciding whether or not that person is 'fit and proper' to be granted or retain a

driver's licence, in accordance with the Council's Guidelines Relating to the Relevance of Convictions and Conduct. ~~The Council will have regard to a number of factors in assessing the relevance of convictions.~~

6.2 The Council will only accept an enhanced DBS disclosure certificate where it has been applied for using a provider nominated by the Council, or is provided by another acceptable regulated body. The Council will only accept certification that is consistent with that required to be a licensed driver. Any disclosure check must be less than 3 months old at the date of application.

~~6.34 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.~~

~~6.5 The Council reserves the right to make changes to the way in which it administers the DBS disclosure checking procedures and will review changes from time to time on the grounds of efficiency and improving administration of the service.~~

7.0 Certificates of Good Conduct (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.
- 7.58.4 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.

98.0 Grant and Renewal of Driver Licences

- 98.1 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

- 98.2 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. ~~although there can be no guarantee of reinstatement where prior notice has not been given or where other circumstances exist that call into question whether that person remains 'fit and proper' to hold a 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.

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

- Any driver can renew their driver's licence within 36+2 months from the date of expiry of their last licence providing that the licence holder gives a justifiable written explanation and on submission of a new application form, medical certificate and DBS certificate. 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.
- 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.
- ~~The driver will be required to undertake a Level 2 VRQ in 'Transporting Passengers by Taxi or Private Hire (or equivalent qualification) and the Plymouth Ambassador and Safeguarding course if not already held within 12 months.~~

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+2 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.

98.64 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.

109.0 Restricted Private Hire Drivers Licence

109.1 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

109.2 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.

110.0 Conditions of Driver Licence

110.1 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.

110.2 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.

121.0 Medical Exemptions

121.1 The Council operate a 100% wheelchair accessible hackney carriage fleet driven by drivers who are experienced and able to transport wheelchair passengers in a safe and confident manner. Licensed drivers are not permitted to refuse any passenger, including wheel chair users, without reasonable cause, unless the driver holds a medical exemption excusing them from such duties.

121.2 The standards and conditions that apply to medical exemptions are contained in the Council's Wheelchair and Assistance Dogs Exemption Guidelines.

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

132.0 Code of Good Conduct

132.1 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.

132.2 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.

143.0 Penalty Points Schemeystem

143.1 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.
- 143.32 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.
- 143.43 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.
- 143.54 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, aAll 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) ~~every three years~~annually.
- 1.32 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
- 1.43 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 draft~~ licensing policy and vehicle specifications where a distinct and recognisable difference is maintained between licensed hackney carriage and private hire vehicles. This may be achieved by way of livery, vehicle licensing restrictions, signage or other relevant methods.
- 2.3 When granting a hackney carriage or private hire vehicle licence, the Council will attach conditions to those vehicle licences that it considers reasonably necessary
- 2.4 Vehicles, once licenced, must be maintained in a mechanically safe and roadworthy condition, compliant with Council requirements 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

~~10.0 Advertising Conditions~~

~~11.10.1~~ 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

~~10.2 Hackney carriage owners and private hire operators are permitted to advertise the company name or trade name or mark and telephone number on the vehicle providing it complies with the Council's requirements.~~

~~10.3 Advertisements on vehicles must not, in the opinion of the Council, obscure or detract from the clarity of signage required by the Council to be displayed on licensed vehicles. This is particularly relevant in respect to the front passenger doors of a private hire vehicle, which should be kept clear other than for the display of vehicle door stickers issued by the Council.~~

~~10.4 The standards to be applied are set out in the Council's Advertising & Signage Guidelines~~

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.

132.0 Vehicle Emissions /age policy

132.1 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.

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

~~Hackney Carriage and Private Hire Vehicle Emissions Policy~~

- ~~1. With effect from the 1 April 2015 no hackney carriage or private hire vehicle licence will be issued or renewed unless the vehicle has been manufactured to Euro 4 or a higher specification. The use of Bio-diesel, bio-fuel or LPG conversions will not be accepted after this date.~~
 - ~~2. The Council may approve conversions or adaptation systems for vehicles to comply with the requirements of the Council emissions standards. The Council must be provided with satisfactory evidence that the conversion or adaptation system achieves the required emission standard and that test data complies with the European test standards for vehicle emissions. Such approval may be engine/vehicle specific. The cost of obtaining approval of new conversion or adaptation systems will not be met by the Council.~~
 - ~~3. It is for the vehicle proprietor to provide satisfactory evidence to the Council or the approved testing station that any vehicle presented for licence or inspection complies with the requirements of this policy.~~
 - ~~4. These provisions do not apply to Special Event Vehicles.~~
- ~~12.2 The Council will apply either an emissions policy or vehicle age policy in order to maintain modern standards of vehicle and reduce vehicle emissions.~~

143.0 Alternative Fuel Strategy

143.1 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.

154.0 Disability Access

- 154.1 All hackney carriage vehicles licensed by the Council must be wheelchair accessible and capable of carrying wheelchair passengers safely.
- 154.2 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).

154.3 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.

165.0 Vehicle Compliance Testing

165.1 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.

165.2 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.

165.3 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.

165.4 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.

165.5 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.

165.6 The Council reserve the right to alter or amend the Vehicle Compliance Testing Manual, Vehicle Specifications or Conditions of Licence at any time.

176.0 Appointment of Testing Stations

176.1 On application, the Council may appoint a currently registered MOT station as an Appointed Testing Station who will conduct tests on its behalf.

176.2 The Council will make an appointment for the period of one year to commence on the 1 April of each calendar year.

176.3 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.

- 176.4** Every garage granted the status of an “Appointed Testing Station” shall abide by the Council’s terms of appointment.
- 176.5** 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.
- 176.6** 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.
- 176.7** 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.
- 176.8** 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.
- 176.9** The Council reserve the right not to appoint any further testing stations.

187.0 Hackney Carriage Table of Fares (Tariff)

- 187.1** The review and setting of fares is a function of the Taxi Licensing Committee.
- 187.2** 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.
- 187.3** 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

187.4 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.

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

198.0 Taximeters

198.1 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.

198.2 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.

198.3 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 Mandatory Card Payment System in Hackney Carriage Vehicles

From 1 July 2022, all hackney carriage vehicles must provide a card payment system in the vehicle. The card reader must be placed in a plastic partition between the driver and passenger.

~~219.0~~ CCTV Guidance

~~219.1~~ 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.

~~219.2~~ A CCTV system installed in a licensed vehicle must comply with the minimum technical CCTV specification, as indicated in our guidance.

~~219.3~~ The Council reserves the right to amend the CCTV guidance from time to time.

~~219.4~~ 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.

210.0 Lifting Mechanisms

210.1 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.

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

221.0 Electric Vehicles, Hybrids etc.

221.1 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.

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

232.1 ~~It is the Council's view that~~ foldaway child seats located in the boot compartment should not generally be licensed as passenger seating for private hire services, on the grounds of suitability, passenger safety, comfort and reasonable leg room. There may be grounds to licence these seats for restricted operations, such as seaside and moorland tours, where the seating requirements can be discussed in advance with the Taxi Licensing Department.

243.0 Non-Motorised Transport

243.1 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.

243.2 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.

243.3 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.

254.0 Vehicle Length (Hackney Carriage)

254.1 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.

265.0 Hackney Carriage Vehicle Plates

265.1 The Council operates a quantity limit regarding vehicle licence plates. Where a license plate is for whatever reason not linked to a roadworthy vehicle and so is not available for hire, the proprietor will receive 3 months written notice to take steps to rectify the situation so that it is made available for hire.

265.2 If the proprietor has failed to comply with these requirements within the 3 month written notice period, the plate must be returned to the Council. The Council will determine whether to re-issue the plate and how this will be allocated.

CHAPTER 4 PRIVATE HIRE OPERATORS

1.0 Requirements for an Operator Licence

- 1.1 Any person who operates a private hire service must apply to the Council for a private hire operator's licence and comply with the Council's conditions of licence.
- 1.2 All applications for a grant or renewal of a private hire operator's licence will be determined to ensure the applicant is 'fit and proper' to hold a licence and also having regard to any previous business activities performed by the applicant.

~~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. Where the applicant is a limited company, a named individual(s) must be stated for inclusion in 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?'**~~

~~1.5~~ 1.5 Operators must advise the Council of any change in directors or partners.

~~1.73~~ 1.73 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 be required to 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.~~

~~2.2 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.

or a Certificate of Good Conduct from a relevant embassy for foreign national applicants. The disclosure cannot be more than three months old from the date of application.

2.2 Where an applicant is required to obtain a Certificate of Good Conduct, they are also required to apply for a Basic DBS disclosure certificate if they have resided in this country for a period in excess of three months at the time of application.

2.3 The Council recognise that in many instances the applicant will already have a valid driver's license and therefore would have been the subject to 3 year DBS enhanced disclosure checks. In these circumstances the Council will accept a statutory declaration signed by a Solicitor or Commissioner of Oaths to cover the time lapse between that certificate and the date of the application.

2.54 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.

34 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.

43.0 Operators Conditions of Licence

43.1 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.

5.25.3 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.

64.0 Record Keeping

64.1 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
- ~~Date and time when the booking was made,~~
- ~~Name of the lead passenger,~~
- ~~Pick up point and the time of the pick-up,~~
- ~~Destination,~~
- ~~Name of the driver, the licence number of the vehicle and route.~~

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

64.2 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.

75.0 Operators Insurance

75.1 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.

75.2 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.

86.0 Operators Offices Located Outside the Plymouth Licensing Area

86.1 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.

97.0 Airport / Seaport Transfer

97.1 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.

97.2 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's licence will not be considered lightly. Nevertheless the licensing system is designed to protect the public and it would be wrong to avoid any course of action where it is clearly appropriate.

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

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

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

5.0 Operators Licences

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

6.0 Prosecution of Licence Holders

- 6.1 The Council will have regard to the Regulators Compliance Code, Code for Prosecutors, DfT Best Practice Guidance/Statutory Standards, ~~and~~ 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. However the 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. No refunds will be issued for any other circumstance e.g. due to retirement, ~~transfer~~, leaving the trade or similar reason. The offset amount refund will be calculated pro-rata based for each full month remaining on the licence, less any administrative fee which is set out in the Fees and Charges schedule.

- ~~12.2 Refunds will not be paid where the licence holder has been banned from driving, or had their licence suspended or revoked, or any other similar reason by Taxi Licensing Committee or officers under delegated powers.~~

PENALTY POINTS SCHEME



Penalty Points Scheme Purpose

The Council has a 'penalty point' system of enforcement. The purpose of the scheme is to provide a more balanced, consistent and transparent approach of enforcement against licence holders who commit minor offences. It can be considered to be a more structured and formalised method of issuing warnings. The scheme does not prevent the Council from taking any other enforcement actions it is entitled to take under legislation or byelaws. Penalty Points will not be added to the person's record where they are dealt with by alternative sanctions.

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

Method of operation

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

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

If a licence holder accumulates 12 points or more within a rolling period of 36 months then their licence will be subject to a review by the Taxi Licensing Committee.

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

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

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

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

T: 01752 304141

E: taxi.licensing@plymouth.gov.uk

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

H32	<u>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.</u>	4		✓	s.8(3) PCCA 1975
H33	<u>Failure to provide medical within 28 days of the due date</u>	4		✓	Taxi Licensing Policy
H34	<u>A licensed vehicle with a defective tyre</u>	4 - 6 per tyre		✓	s.26 PCCA 1975 s.41A Road Traffic Act 1988 HCV Condition 8 Code of Good Conduct
H35	<u>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</u>	3		✓	Taxi Licensing Policy Code of Good Conduct
H36	<u>Driver witnessed using/operating/handling/watching/displaying a mobile phone or other digital device whilst driving</u>	6		✓	Taxi Licensing Policy Code of Good Conduct s.41D Road Traffic Act 1988
H37	<u>Displaying an out of date/invalid medical exemption certificate</u>	4 - 6			Taxi Licensing Policy Wheelchair and Assistance Dog Exemption Guidelines
Point Code	Offence / breach of condition or policy	Points	Driver	Vehicle proprietor or PH Operator	Regulatory framework
Private Hire Infringements					
P1	Fail to wear driver badge	4		✓	s.12 PCCA 1975
P2	Fail to display PH plate correctly	3		✓	s.5(2) PCCA 1975, PHV condition 2
P3	Evidence of using e-cigarettes or similar vapour devices in the vehicle whilst driving with a fare paying passenger.	3		✓	Taxi Licensing Policy
P4	Driver unacceptable appearance/hygiene	3		✓	Taxi licensing policy
P5	PHV not well maintained or kept clean	4		✓	PHVL condition 17
P6	Fail to behave in civil and orderly manner	8		✓	PHD condition 7a
P7	PHV parking or waiting on HC stand	6		✓	s.22 PCCA 1975
P8	Carrying animal other than hirers	4		✓	PHVL condition 11
P9	Play sound equipment without consent of hirer	6		✓	PHD condition 7c
P10	Cause or permit noise from PHV to annoy others	6		✓	PHD condition 7d
P11	Fail to notify change of PH Operator	3		✓	PHD condition 1b
P12	PHO fail to keep proper records	6		✓	s.14(2) PCCA 1975. PHO condition 2
P13	PHO fail to keep vehicle records	6		✓	s.14(3) PCCA 1975, PHO condition 1
P14	Fail to produce licence upon request	3		✓	s.11 PCCA 1975
P15	Use PHV horn to signal hirer	6		✓	PHD condition 7e
P16	Fail to notify injury/illness affecting driving ability	8		✓	PHD condition 1d

P17	Fail to notify conviction	3	✓		PHD condition 1c
P18	Fail to notify of endorsement	3	✓		PHD condition 1e
P19	Fail to assist loading/unloading luggage	4	✓		PHD condition 6a
P20	Fail to take luggage to/from building/station etc.	4	✓		PHD condition 6b
P21	Prolonging journey unnecessarily	6	✓		s.27 PCCA 1975
P22	Fail to notify change of address	3	✓		PHD condition 1a
P23	Fail to submit PHV over 5 yrs old to 6 month test when required	6	✓		PHVL condition 7
P24	Fail to transfer PHV licence to other within permitted time	4		✓	s.7 PCCA 1975
P25	PHV Proprietor fail to provide info as to driver	6		✓	PHVL conditions 12 or 13
P26	Displaying unsuitable or inappropriate sited signs in or on the vehicle	3	✓	✓	Private Hire Vehicle Conditions Private Hire Vehicle Specification and Vehicle Compliance Testing Manual
P27	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.	4		✓	s.8(3) PCCA 1975
P28	Failure to provide medical within 28 days of the due date	4	✓		Taxi Licensing Policy
P29	A licensed vehicle with a defective tyre	4 - 6 per tyre	✓		s.26 PCCA 1975 Code of Good Conduct
P30	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	3	✓	✓	Taxi Licensing Policy Code of Good Conduct
P31	Driver witnessed using/operating/handling/watching/displaying a mobile phone or other digital device whilst driving	6	✓		Taxi Licensing Policy Code of Good Conduct s.41D Road Traffic Act 1988

Spoken English Assessment Test Procedure

1. It is a requirement that ALL new applicants for both Hackney Carriage and Private Hire Driver licenses can demonstrate an adequate and reasonable level of spoken English.
2. The purposes of this requirement are:
 - Ensure that members of the public are safeguarded by ensuring licensed drivers can competently communicate and give and understand most instructions.
 - Ensure that applicants are safeguarded by ensuring licensed drivers can competently communicate and give and understand most instructions.
 - Ensure impartiality and fairness in determining applications.
 - Accommodate all eligible applications.

3. ~~The criteria for all~~ All new applicants for Hackney Carriage and Private Hire Driver licences 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). The weight given to the subject and grade achieved will be assessed on a case by case basis.
are:

- ~~(a) Applicants for whom English is not their first language may be asked to provide evidence of having gained a qualification that was taught and assessed in English.~~
- ~~(b) Applicants who have some difficulty understanding spoken advice on the telephone or face to face and who have similar issues expressing themselves in English will be asked to provide a certificate showing the successful completion of a course of study or qualification in any subject or skill that was taught and assessed in English. (Examples are but not limited to, GCSE's, 'O Levels' GCE, NVQ, BTEC, RFQ, City and Guilds or similar, Degree, HND, HNC etc or a qualification equivalent to any previously listed issued by a recognised examining body in an English speaking country other than the UK). The weight given to the subject and grade achieved will be assessed on a case by case basis.~~
- ~~(c) Applicants who cannot demonstrate an adequate or reasonable level of spoken English and/or a suitable qualification will be required to undertake an independent assessment of their spoken English.~~
- ~~(d) Applicants who are clearly fluent English speakers will require no further assessment and may proceed with their application in full.~~

Applicants who do not have a suitable qualification or ~~can not~~ cannot provide the required evidence, will be required to undertake the Spoken English assessment.

TAKING THE TEST

4. The spoken English assessment test is a pre-application requirement undertaken at the applicant's own expense. Please refer to the fees table at <https://www.plymouth.gov.uk/licensingandpermits/taxilicensing/taxilicencefees>. The fee is payable before the test is taken and must be successfully completed before proceeding with the full application procedure.

5. Tests will be undertaken at a Council Office and will be confirmed at the time of booking.
6. If the applicant has a mobile telephone it must be switched off to avoid any interruptions.
7. Applicants will be informed that the tests are recorded by the test provider. One of the Council's Taxi Licensing Technical Support Officers will be present in the same room as the test and if there is ~~and~~ any attempt to cheat, for example by using their mobile telephone to attempt to get a fluent English speaker to complete the test, ~~will be detected by the system and the applicant then the will applicant will be~~ automatically failed and will not be permitted to undertake another test or proceed with their application.
8. Test dates will depend on demand and room booking availability.
9. On the day of the test, the applicant will be escorted to the designated room by a Technical Support officer who will set up the computer so that the test can be completed. The Technical Support Officer will remain in the room during the test. Licensing officer. The Licensing Officer will dial the number to the test provider and pass the telephone to the applicant and leave the room.
10. The English test assessment consists of a 15 minute exercise, during which applicants will be tested on various aspects of their speaking and listening ability.
11. The assessment is provided by a specialist education and testing company and consists of:
 - 60 Questions
 - 5 Question types
 - •Reading – Read aloud a series of printed, numbered sentences, one at a time, in the order requested
 - •Repeats - Repeating back sentences verbatim on request,
 - •Short Questions – Listen to spoken questions and answer each questions with a single word or short phrase
 - •Sentence Builds – Listen to a group of three short phrases presented in random order and then rearrange the phrases into a sentence
 - •Open Questions – Listen to a spoken question, asking for an opinion and provide an answer with an explanation in your own words.
 - Repeating back sentences that are read to the applicant over the phone.
 - Answering simple questions asked over the phone.
 - Constructing sentences from fragments read to the applicant over the phone (sentences divided into 3 or 4 parts)
 - Answering open questions asked over the phone (speaking for up to 30 seconds per question).
12. The test is entirely automated, and questions will be asked by a variety of voices taken from an item bank.
13. All of the questions will relate to normal life and the applicant's day-to-day activities; there are no trick questions. The questions won't related specifically to taxi driving but will relate to normal life. There are no trick questions.

14. The applicant will ~~be provided with an overall score along with sub categories; also be graded separately on~~ sentence mastery, usage, vocabulary, fluency and pronunciation, all of which contribute to the overall score.
15. At the end of the test the ~~Licensing Officer~~ Technical Support Officer ~~will contact the test provider via the website, access will provide the~~ the applicant ~~with their's~~ result, ~~including a~~, a report ~~will be produced (a copy of which will be provided to the applicant)~~ with a score ~~indicating their overall ability.~~ indicating their overall ability in the given spoken and listening English Language test.
16. The test scoring will be set at CEFR Level B2 (CEFR= Common European Framework of Reference for Languages).
17. For licensing purposes, the Council will require applicants to score at least **586** out of **980 on the Global Scale of English. Versant score**. This indicates a good overall ability in use of the English language, where applicants will be able to speak fluently on a range of everyday topics and be able to give and understand most instructions.
18. When passed, the pass ~~score sheet certificate~~ will be downloaded direct from the test provider's website the same day and provided to the applicant.
19. Failure to pass the minimum CEFR level B2 (**586** out of **980**) will require a further test to be taken.
20. There is no right of appeal where the applicant has failed to attain the minimum pass level of **586**.
21. Unsuccessful applicants should be given an information sheet with the contacts of local colleges and courses where they may undertake further study to improve their spoken English. All training will be done at the applicant's own expense.
22. No person may re-sit the test within 28 days of taking a previous test.
23. Returning applicants may demonstrate a reasonable standard of spoken English either through the production of a certificate demonstrating the successful completion of an accredited spoken English qualification at point 3 above, or by successfully completing the spoken English assessment test detailed above.
24. Applicants choosing to re-take the spoken English assessment test will have to pay the required fee.

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WHEELCHAIR AND ASSISTANCE DOGS EXEMPTION GUIDELINES



WHEELCHAIR AND ASSISTANCE DOGS EXEMPTION GUIDELINES

Introduction

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

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

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

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

The applicant can obtain a medical exemption application form from the Taxi Licensing website www.plymouth.gov.uk/tellusanychanges. All costs associated with obtaining a medical exemption certificate are to be met by the driver. The Council will not accept any signed medical exemption form that is more than ~~one~~ 3 months old.

~~Application Restrictions~~

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

Temporary Exemption Certificates

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

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

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

A ~~temporary~~ exemption certificate will be short term and will be issued for a period up to ~~6+2~~ months.

Prior to expiry of the temporary exemption certificate, the driver will contact the Council to either:

- (i) Declare themselves fit, return to normal duties and return the temporary exemption certificate; OR
- (ii) Arrange a further medical assessment to be submitted for the Licensing Manager to consider extending the exemption certificate.

Any costs will need to be met by the applicant.

Drivers must not display their temporary exemption badges after expiry and must return these to the Council within 14 days of expiry.

Lifetime Exemption Certificates

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

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

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

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

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

The length of an Exemption Certificate will be issued on a case by case basis and for a period determined by the Officer depending on the GP and consultant's advice.

Occupational Health Advisor

~~An Occupational Health assessor will consider the following outcomes;~~

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

Decision Making

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

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

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

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

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

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

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

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

Assistance Dogs

The same exemption guidance will also apply to assistance dogs.

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

Licensing Office
Plymouth City Council
Windsor House
Plymouth
PL6 5UF

T: 01752 304141

E: taxi.licensing@plymouth.gov.uk

www.plymouth.gov.uk

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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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EXECUTIVE DECISION

made by a Cabinet Member



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


Executive Decision Reference Number – T1 21/22

Decision	
1	<p>Title of decision:</p> <p>THE CITY OF PLYMOUTH (MOVING & SPEED TRAFFIC REGULATION ORDERS) (AMENDMENT ORDER No. 2021.2137252 PLYMBRIDGE ROAD SCHEME) ORDER</p> <p>THE CITY OF PLYMOUTH (TRAFFIC REGULATION ORDERS) (AMENDMENT ORDER NO. 2021.2137252 PLYMBRIDGE ROAD SCHEME) ORDER</p>
2	<p>Decision maker (Cabinet member name and portfolio title): Councillor Jonathan Drear, Cabinet Member for Transport</p>
3	<p>Report author and contact details: Holly Curtis, Traffic Management Technician, email: holly.curtis@plymouth.gov.uk</p>
4	<p>Decision to be taken:</p> <p>To implement amendments to The City of Plymouth (Traffic Regulation and Street Parking Places) (Consolidation) Order 2004 & The City of Plymouth (Speed Orders) (Consolidation) Order 2016. (As amended).</p> <p>The effect of the order shall be to;</p> <ol style="list-style-type: none"> 1. Introduce a 30mph speed limit on lengths of the following road: Plymbridge Road 2. Add No Waiting At Any Time on the following lengths of roads: Plymbridge Road & Thornbury Road <p>As set out in the briefing report.</p> <p>Within the notice advertised it is also proposed to add x3 sets of road humps along Thornbury Road & Bush Park Road, and also install x3 controlled pedestrian crossings on Plymbridge Road.</p> <p>After discussions with the Portfolio Holder and Ward Councillors is has been decided to reduce the length of the 30mph speed limit to:</p> <p style="padding-left: 40px;">(i) Plymbridge Road – from its junction with Westwood Avenue to a point 151 metres east of the centre line of Darklake View</p>
5	<p>Reasons for decision:</p> <p>Plymouth's population is forecast to reach 300,000 by 2034, an increase of 17%, with an accompanying increase in economic opportunity. Modelling forecasts show that by 2034, even with currently committed transport schemes and modal shift away from private car to</p>

	<p>sustainable transport of between 5 and 10%, congestion will worsen. Specifically, congestion is impacting on public transport reliability on the Northern corridor.</p> <p>28% of Plymouth households do not have access to a vehicle. An expanding and improving walking and cycling network, will help create inclusive, low carbon growth, improve productivity and address unemployment which is currently 4.7% – 1.4% higher than the regional average, and 0.3% higher than the national average.</p> <p>To address this sustainably, and help make Plymouth an attractive place in which to live, work and invest, the Joint Local Plan identifies that major infrastructure investments are needed, which will improve journey reliability. With 67% of Plymouth commuters working in the city, and with 38% of car journeys less than 2km, walking and cycling have a key role to play, in their own right and also by improving access to public transport. The combination of the new facilities and the reduced speed limit can be expected to help improve safety for all users. In the five years, 2015 – 2019, there have been 24 casualties reported on this length of road. Royal Society for the Prevention of Accidents data shows that just a one mile-per-hour reduction in average speeds on faster urban roads can be expected to reduce collisions by 3 percent.</p> <p>This scheme will also help address physical inactivity which is a major problem in Plymouth with just 18.6% of the adult population exercising for 30 minutes three times a week. Physical inactivity is estimated to cost the NHS £4.1 million pa with far greater costs to the wider economy.</p> <p>The TRO proposals will help ensure that pedestrians, cyclists and public transport users including those with disabilities can access the area and also travel to work by more sustainable modes.</p>								
6	<p>Alternative options considered and rejected:</p> <p>1) To not implement the scheme for which the funding has been secured, which may require the funding be returned to the DfT, and would have an impact on the reputation of the city in the eyes of the DfT, regarding the city’s ability to successfully deliver sustainable transport schemes.</p> <p>2) To implement the scheme but without the proposed TROs. However, this would have the effect of substantially reducing the benefits of the scheme.</p>								
7	<p>Financial implications:</p> <p>The Traffic Regulation Orders and the wider scheme are entirely funded from the following sources:</p> <ul style="list-style-type: none"> – Department for Transport’s Transforming Cities Fund; – Department for Transport’s Growth Deal; and – Plymouth City Council funding that is part of the approved capital programme. <p>The intention is that this scheme will be delivered by South West Highways under the existing Plymouth Highways Term Maintenance Contract. This approach was identified in the successful funding bid to tranche I of the Transforming Cities Fund.</p>								
8	<table border="1"> <tr> <td data-bbox="225 1821 759 1921"> <p>Is the decision a Key Decision? (please contact Democratic Support for further advice)</p> </td> <td data-bbox="759 1821 852 1921">Yes</td> <td data-bbox="852 1821 967 1921">No</td> <td data-bbox="967 1821 1487 1921"> <p>Per the Constitution, a key decision is one which:</p> </td> </tr> <tr> <td data-bbox="225 1921 759 2042"></td> <td data-bbox="759 1921 852 2042"></td> <td data-bbox="852 1921 967 2042">x</td> <td data-bbox="967 1921 1487 2042"> <p>in the case of capital projects and contract awards, results in a new commitment to spend and/or save in</p> </td> </tr> </table>	<p>Is the decision a Key Decision? (please contact Democratic Support for further advice)</p>	Yes	No	<p>Per the Constitution, a key decision is one which:</p>			x	<p>in the case of capital projects and contract awards, results in a new commitment to spend and/or save in</p>
<p>Is the decision a Key Decision? (please contact Democratic Support for further advice)</p>	Yes	No	<p>Per the Constitution, a key decision is one which:</p>						
		x	<p>in the case of capital projects and contract awards, results in a new commitment to spend and/or save in</p>						

				excess of £3million in total
			x	in the case of revenue projects when the decision involves entering into new commitments and/or making new savings in excess of £1million
			x	is significant in terms of its effect on communities living or working in an area comprising two or more wards in the area of the local authority.
	If yes, date of publication of the notice in the Forward Plan of Key Decisions			
9	Please specify how this decision is linked to the Council's corporate plan/Plymouth Plan and/or the policy framework and/or the revenue/capital budget:		The Local Transport Plan (LTP) details the transport strategies and policies that the City Council has adopted and will be key in helping the city meet its Corporate Plan priorities, and growth agenda.	
10	Please specify any direct environmental implications of the decision (carbon impact)		The decision will enable safe and convenient access for pedestrians and cyclists, therefore providing an alternative to the private car. More than 28% of the city's carbon emissions are associated with transport, a proportion that is rising. Therefore, it is expected that this decision, and the associated scheme, will be beneficial in reducing the city's carbon impact.	
Urgent decisions				
11	Is the decision urgent and to be implemented immediately in the interests of the Council or the public?		Yes	(If yes, please contact Democratic Support democraticsupport@plymouth.gov.uk for advice)
			No	(If no, go to section 13a)
12a	Reason for urgency:			
12b	Scrutiny Chair Signature:		Date	
	Scrutiny Committee name:			
	Print Name:			
Consultation				

I3a	Are any other Cabinet members' portfolios affected by the decision?	Yes		
		No	x	(If no go to section I4)
I3b	Which other Cabinet member's portfolio is affected by the decision?			
I3c	Date Cabinet member consulted	Councillor Coker 25/02/2021. Councillor Dreaan 06/07/2021 (on changes)		
I4	Has any Cabinet member declared a conflict of interest in relation to the decision?	Yes		If yes, please discuss with the Monitoring Officer
		No	x	
I5	Which Corporate Management Team member has been consulted?	Name	Anthony Payne	
		Job title	Strategic Director for Place	
		Date consulted	05/05/2021. Re-consulted on changes 03/11/2021	
Sign-off				
I6	Sign off codes from the relevant departments consulted:	Democratic Support (mandatory)	DS03 21/22	
		Finance (mandatory)	pl.21.22.159	
		Legal (mandatory)	LS/36653A/JP/1105 21.	
		Human Resources (if applicable)		
		Corporate property (if applicable)		
		Procurement (if applicable)		
Appendices				
I7	Ref.	Title of appendix		
	A	Briefing report		
	B	Equalities Impact Assessment		
Confidential/exempt information				
I8a	Do you need to include any	Yes		If yes, prepare a second, confidential ('Part

	confidential/exempt information?	No	<input checked="" type="checkbox"/>	II') briefing report and indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box in I8b below. (Keep as much information as possible in the briefing report that will be in the public domain)				
		Exemption Paragraph Number						
		1	2	3	4	5	6	7
I8b	Confidential/exempt briefing report title:							
Background Papers								
I9	Please list all unpublished, background papers relevant to the decision in the table below. Background papers are <u>unpublished</u> works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based. If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.							
Title of background paper(s)		Exemption Paragraph Number						
		1	2	3	4	5	6	7
Cabinet Member Signature								
20	I agree the decision and confirm that it is not contrary to the Council's policy and budget framework, Corporate Plan or Budget. In taking this decision I have given due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not. For further details please see the EIA attached.							
Signature				Date of decision	17/11/2021			
Print Name	Councillor Jonathan Drear							

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PLYMBRIDGE ROAD

SOUTHWAY TO PLYMBRIDGE ROAD - PHASE 2

1. INTRODUCTION

This report seeks delegated authority to implement amendments to The City of Plymouth (Traffic Regulation and Street Parking Places) (Consolidation) Order 2004 (as amended) and The City of Plymouth (Speed Orders) (Consolidation) Order 2016 (as amended) in association with the TRO on Plymbridge Road.

TRAFFIC REGULATION ORDERS REQUIRED

2.1 The elements that need a Traffic Regulation Order are as follows:

To Add;

30mph Maximum Speed Limit

- (i) Plymbridge Road – from its junction with Westwood Avenue to its junction with Novorossiysk Road (including Wrigleys roundabout)

After discussions with the Portfolio Holder and Ward Councillors it has been decided to reduce the length of the 30mph speed limit to:

- (i) Plymbridge Road – from its junction with Westwood Avenue to a point 151 metres east of the centre line of Darklake View

No Waiting At Any Time on the following lengths of roads:

- (i) Plymbridge Road, the south-west side from its junction with Bush Park for a distance of 27 metres in a north westerly direction and 46 metres in a south easterly direction
- (ii) Plymbridge Road, the south-west side from a point 63 metres north west of its junction with Bush Park for a distance of 20 metres in a north westerly direction
- (iii) Thornbury Road, the south-east side from a point 7.5m north east of its junction with Vospers for a distance of 41 metres in a north easterly direction

Revocations

40 MPH Maximum Speed Limit

- (i) Plymbridge Road – from its junction with Westwood Avenue to a point 151 metres east of the centre line of Darklake View

2. NONSTATUTORY PRELIMINARY CONSULTATION

Public consultation on the Southway to Plymbridge Road scheme formally started on 14 December, 2018 and ran for five weeks, ending on 18 January, 2019.

The nonstatutory consultation included:-

- Further consultation with ward members
- 4,700 local businesses and residents in the areas in the vicinity of the scheme in Southway and Moor View being sent a letter that included:

- a summary of the scheme;
 - a link to the online consultation information and questionnaire on the [dedicated scheme webpage](#); and
 - an invitation to the two public consultation events on 8 January (4 PM until 7 PM) and 12 January (10 AM until 1 PM).
- In addition there was a press release and social media publicity to broaden awareness of the consultation.

The consultation summary report is available here:

<https://www.plymouth.gov.uk/sites/default/files/Southway%20to%20Plymbridge%20Consultation%20Report%20-%20final.pdf>

During the preliminary nonstatutory consultation, all key elements of the Plymbridge Road proposals being taken forward, including the elements in this report, were supported by the majority of respondents.

Phase 1, Southway Drive improvements, and also improvements to the two paths connecting Plymbridge Road with Durris Gardens and Yardley Gardens have now been constructed.

3. STATUTORY CONSULTATION

Proposals

The proposals for the Plymbridge Road Scheme were advertised on street, in the Herald and on the Plymouth City Council website on 03rd March 2021. Details were sent to the Councillors representing the affected ward and statutory consultees on 26th February 2021.

There have not been any representations received relating to the Traffic Regulation Order proposals.

4. RECOMMENDATION

Following discussions with Councillor Drean (Cabinet Member for Transport) and Councillor Bridgeman (Cabinet Member for Environment and Street Scene), the recommendation is that the reduced speed limit is applied to the section of Plymbridge Road from Westwood Avenue to a point 151 metres east of the centre line of Darklake View.

In all other regards, it is recommended to proceed with original proposals as advertised, and make the Traffic Regulation Order.

5. LEGAL CONSIDERATIONS

The lawful implications and consequences of the proposal have been considered and taken into account in the preparation of this report.

When considering whether to make a traffic order it is the Council's responsibility to ensure that all relevant legislation is complied with. This includes Section 122 of the Road Traffic Regulation Act 1984 (as amended) that sets out that it is the duty of a local authority, so far as practicable subject to certain matters, to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway. It is considered that the proposals comply with Section 122 of the Act as they practically secure the safe and expeditious movement of traffic in and around Plymouth and provide for suitable and adequate associated parking facilities.

EQUALITY IMPACT ASSESSMENT

Strategic Planning and Infrastructure



STAGE 1: WHAT IS BEING ASSESSED AND BY WHOM?

<p>What is being assessed - including a brief description of aims and objectives?</p>	<p>This assessment is for the Strategic Cycle Network (SCN).</p> <p>Plymouth City Council plans to create on the ground a strategic cycle network linking each of the neighbourhoods in Plymouth. This network will allow cyclists to travel conveniently and more safely across the city. The works on the ground will also seek to make improvements for pedestrians and people with mobility impairments.</p> <p>Plymouth adopted the SCN in December 2009. It was developed by Council officers working closely with the Cycle Touring Club, the University of Plymouth, Plymouth Cycle Forum and Velo Club Plymouth. The SCN was then incorporated into the Local Transport Plan, adopted unanimously by Full Council in April 2011. The SCN has since been updated, in consultation with Plymouth Cycling Campaign, to form part of the evidence base for the adopted Plymouth and South-West Devon JLP</p> <p>It is a city plan detailing the network of key routes that we aim to create within the city. This will enable us to focus investment to have the most impact. The network is designed for both experienced and non-experienced cyclists. It does this through colour coded routes as follows:</p> <p>Purple network: The purple network is the suggested route for experienced cyclists. Experienced cyclists are generally more able and confident when dealing with traffic. The purple route is faster and more direct, however in places it will require a higher level of skill to ride safely. The route will be developed using mostly on-road cycle provision (e.g. cycle lanes, advanced stop lines), although off-road provision may be considered where the time delay is small.</p> <p>Green network: The green network is for less experienced and leisure cyclists as well as children. The main focus is on safety, allowing for a more leisurely ride and where possible away from traffic, apart from on lower speed and quieter roads.</p> <p>Combined network: Where the purple and green networks meet the route will be developed so that it is suitable for all cyclists.</p> <p>The strategic cycle network is available at:- www.plymouth.gov.uk/strategiccyclenetwork</p>
<p>Author</p>	<p>Jim Woffenden, Transport Planning Officer</p>
<p>Department and service</p>	<p>Strategic Planning and Infrastructure – Place</p>
<p>Date of assessment</p>	<p>26 September 2021</p>

STAGE 2: EVIDENCE AND IMPACT

Protected characteristics (Equality Act)	Evidence and information (e.g. data and feedback)	Any adverse impact See guidance on how to make judgement	Actions	Timescale and who is responsible
Age	<p>50+ Plymouth - 34.1% (nationally - 33.3%)</p> <p>75+ Plymouth - 7.6% (nationally - 7.5%)</p> <p>0-15 Plymouth - 17.5% (nationally - 20.2%)</p> <p>Over 75's predicted to rise faster than any other group (19k in 2011 to 24k k in 2021).</p> <p>Plymouth's SCN and wider cycling programme is designed to encourage greater levels of cycling amongst both experienced and less experienced cyclists, regardless of age.</p>	<p>There is a potential conflict between pedestrians and cyclists, especially those that are elderly or have a physical disability, on shared use paths that have been converted from existing footways due to the difference in speed between cyclists and pedestrians.</p>	<p>Cycle training which teaches appropriate behaviour towards other users is now delivered to ~80% of Plymouth schoolchildren through Bikeability which in some schools is complemented by Bike It Plus. Adult cycle training is also available.</p>	<p>Plymouth School Sports Partnership, with funding from the DfT ongoing</p>
Disability	<p>The 2011 census reports that 10,042 people are listed as disabled or long-term sick.</p> <p>People with disabilities experience many transport barriers. For example, some streetscapes present obstacles for wheelchairs, and indirect pedestrian routes can make journeys on foot longer than they might otherwise be.</p> <p>Through the delivery of the SCN opportunities are taken to enhance the facilities for pedestrians, cyclists and people with mobility impairments.</p> <p>Delivery of the SCN also supports several JLP principles including:-</p> <p>Sustainable growth as a key driver behind the transport strategy, whilst making sure that transport is delivered in the most health promoting and environmentally responsible manner.</p> <p>Seeking to reduce the impact of severance caused by transport networks, enabling more journeys by walking,</p>		<p>Our adult cycle training is available to members of the public including those with disabilities, with adaptive bikes being available for use within Plymouth thus allowing cycling to be an inclusive activity.</p> <p>The Council has developed a cycling code of conduct which is included in the council's walking and cycling map.</p> <p>The design of each scheme on the ground includes consideration of</p>	<p>Continuation of programme confirmed until March 2022, and funding being sought for its extension (Sustainable Transport Team)</p> <p>Complete</p>

	<p>cycling and public transport and providing genuine alternative ways to travel from home to work and other facilities.</p> <p>Providing realistic sustainable transport choices and increasing the integration of transport modes so that people have genuine alternative ways to travel.</p> <p>Delivering transport projects which provide a safe and effective transport system, as well as supporting place shaping and healthy community objectives, as guided by the hierarchy.</p>		<p>these conflicts as part of the design process including a Road Safety Audit. Public consultation on individual schemes will also be undertaken to help identify issues.</p> <p>Seek to deliver routes that separate pedestrians and cyclists where it is practical to do so.</p>	<p>Responsibility of individual scheme designer</p> <p>Responsibility of individual scheme designer</p>
Religion or belief	<p>The 2011 census reports that:-</p> <p>148,917 people in Plymouth are Christian, 881 are Buddhist, 567 are Hindu, 168 are Jewish, 2,078 are Muslim, 89 are Sikh, 1,198 are listed as 'other religion', 84,295 have no religion and 18,191 did not state a religion. (Plymouth's population is 256,384).</p>	No negative impact	None	
Sex - including marriage, pregnancy and maternity	<p>The delivery of the SCN is in accordance with PCC's values i.e. that we are democratic, responsible, fair and work in partnership and in accordance with our equality and diversity commitment. The network is designed to be accessible to everyone regardless of gender.</p>	No negative impact	None	
Gender reassignment	<p>The delivery of the SCN will provide routes which are accessible to everyone, regardless of gender.</p>	No negative impact	None	
Race	<p>The 2011 census reports that:-238,263 people in Plymouth are white British, 153 are Gypsies or Travellers, 875 are British Indian, 202 British Pakistani, 359 British Bangladeshi, 1,251 British Chinese and 1,219 British Other Asian. 1,106 people are defined as Black British African, 343 Caribbean, 229 as other Black. The census lists 399 people in Plymouth as Arab and 605 as 'other'.</p> <p>The delivery of the SCN will provide routes which are accessible to everyone, regardless of race.</p>	No negative impact	None	

Sexual orientation - including civil partnership	The delivery of the SCN will provide routes which are accessible to everyone, regardless of sexual orientation.	No negative impact	None	
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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
Celebrate diversity and ensure that Plymouth is a welcoming city.	No negative impact	
Pay equality for women, and staff with disabilities in our workforce.	No negative impact	
Supporting our workforce through the implementation of Our People Strategy 2020 – 2024	No negative impact	
Supporting victims of hate crime so they feel confident to report incidents, and working with, and through our partner organisations to achieve positive outcomes.	No negative impact	
Plymouth is a city where people from different backgrounds get along well.	Delivery of the SCN routes will physically improve the connections between communities. In addition, as part of the delivery of the SCN consultation will be undertaken on the routes proposed thus actively engaging the community.	Ongoing during the delivery of the Strategic Cycle Network. This action is the responsibility of the Smarter Choices Team and the schemes' designers.
Human rights Please refer to guidance	No negative impact	

STAGE 4: PUBLICATION

Date: 22nd October 2021



Responsible Officer

Strategic Director, Service Director or Head of Service

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