

# 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	<b>Title of decision:</b> Hackney Carriage and Private Hire Licensing Policy
2	<b>Decision maker (Cabinet member name and portfolio title):</b> Councillor John Riley (Cabinet Member for Governance, Human Resources, IT and Community Safety)
3	<b>Report author and contact details:</b> Rachael Hind, Service Manager 01752 308974 Rachael.hind@plymouth.gov.uk
4	<b>Decision to be taken:</b> 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	<b>Reasons for decision:</b> 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	<b>Alternative options considered and rejected:</b> 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	<b>Financial implications and risks:</b> <b>None.</b> 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	Is the decision a Key Decision? (please contact <a href="#">Democratic Support</a> for further advice)	Yes	No	Per the Constitution, a key decision is one which:
			x	in the case of <b>capital</b> projects and contract awards, results in a new commitment to spend and/or save in excess of <b>£3million</b> in total
			x	in the case of <b>revenue</b> projects when the decision involves entering into new commitments and/or making new savings in excess of <b>£1 million</b>
		x	is <b>significant</b> in terms of its effect on communities living or working in an area comprising <b>two or more</b> wards in the area of the local authority.	
	If yes, date of publication of the notice in the <a href="#">Forward Plan of Key Decisions</a>			
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:	<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><b>Unlocking the city's potential:</b> By ensuring Plymouth: is a clean and tidy city and a green and sustainable city that cares for its environment; has a vibrant economy offering quality jobs and skills; and has a varied, efficient and sustainable transport network.</p> <p><b>Caring for people and communities:</b> By ensuring Plymouth is a friendly, welcoming city, making sure people feel safe in the city, protecting children, young people and adults.</p>		
10	Please specify any direct environmental implications of the decision (carbon impact)	<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>		
<b>Urgent decisions</b>				
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 ( <a href="mailto:democraticsupport@plymouth.gov.uk">democraticsupport@plymouth.gov.uk</a> ) for advice)
		No	x	(If no, go to section 13a)

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

Appendices								
17	<b>Ref.</b>	<b>Title of appendix</b>						
		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	<b>Do you need to include any confidential/exempt information?</b>	<b>Yes</b>		If yes, prepare a second, confidential ('Part II') briefing report and indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box in <b>18b</b> below.  (Keep as much information as possible in the briefing report that will be in the public domain)				
		<b>No</b>	x					
		Exemption Paragraph Number						
		1	2	3	4	5	6	7
18b	<b>Confidential/exempt briefing report title:</b>							

**Background Papers**

**19** Please list all unpublished, background papers relevant to the decision in the table below.

Background papers are unpublished works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based. 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.

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.

<b>Signature</b>		<b>Date of decision</b>	17.11.21
<b>Print Name</b>	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 CO<sub>2</sub> 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
<b>Proposed additional Hackney Carriage codes (H codes)</b>					
<b>H32</b>	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.	<b>4</b>		✓	s.8(3) PCCA 1975
<b>H33</b>	Failure to provide medical within 28 days of the due date	<b>4</b>	✓		Taxi Licensing Policy
<b>H34</b>	A licensed vehicle with a defective tyre	<b>4 - 6 per tyre</b>	✓		s.26 PCCA 1975 s.41A Road Traffic Act 1988 HCV Condition 8 Code of Good Conduct
<b>H35</b>	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	<b>3</b>	✓		Taxi Licensing Policy Code of Good Conduct
<b>H36</b>	Driver witnessed using/operating/handling/watching/displaying a mobile phone or other digital device whilst driving	<b>6</b>	✓		Taxi Licensing Policy Code of Good Conduct s.41D Road Traffic Act 1988
<b>H37</b>	Displaying an out of date/invalid medical exemption certificate	<b>4 – 6</b>			Taxi Licensing Policy Wheelchair and Assistance Dog Exemption Guidelines
<b>Proposed additional Private Hire Codes (P codes)</b>					
<b>P26</b>	Displaying unsuitable or inappropriate sited signs in or on the vehicle	<b>3</b>	✓	✓	Private Hire Vehicle Conditions

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