

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

Purpose of Report

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

The Council's Hackney Carriage & Private Hire Licensing Policy is framed by virtue of the powers granted to the Council by Town and Police Clauses Act 1847, the Plymouth City Council Act 1975 and the Plymouth City Council Act 1987.

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

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

The results of the online survey are included in the Briefing Report in Appendix A. The comments received within the survey can be found in Appendix B and the table of responses to the letters received by post or email can be found in Appendix C.

The Taxi Policy has been updated to reflect the responses received. A copy of the proposed policy is attached to this report marked Appendix D and a copy of the guidance and conditions documents referred to in the policy attached to this report marked Appendix E.

Recommendations and Reasons

It is recommended that Council resolves to:

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

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

Alternative options considered and rejected

The Department for Transport has requested all Local Authorities to review their Taxi Licensing Policy and update the Policy and associated guidance notes to comply with the 'Statutory Taxi and Private Hire Vehicle Standards' (July 2020). We cannot defer revising and updating our existing policy as this would mean that we will not be in a position to properly regulate hackney carriage and private hire vehicle provision within Plymouth and would be criticised by the Department for Transport.

Relevance to the Corporate Plan and/or the Plymouth Plan

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

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

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

Implications for the Medium Term Financial Plan and Resource Implications:

None

Financial Risks

None. The cost of the consultation will be taken proportionately from the hackney carriage and private hire trade budgets which are funded through the vehicle, driver and operator licence fee income.

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

Carbon Footprint (Environmental) Implications:

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

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

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

None

Appendices

*Add rows as required to box below

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

Background papers:

*Add rows as required to box below

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

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

Sign off:

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Originating Senior Leadership Team member: Rob Nelder											
Please confirm the Strategic Director(s) has agreed the report? Yes											
Date agreed: 07/03/2022											
Cabinet Member approval: <i>Approved by email.</i>											
Date approved: 07/03/2022											

Appendix A: Briefing Note

1.0 Background

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

2.0 Results

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

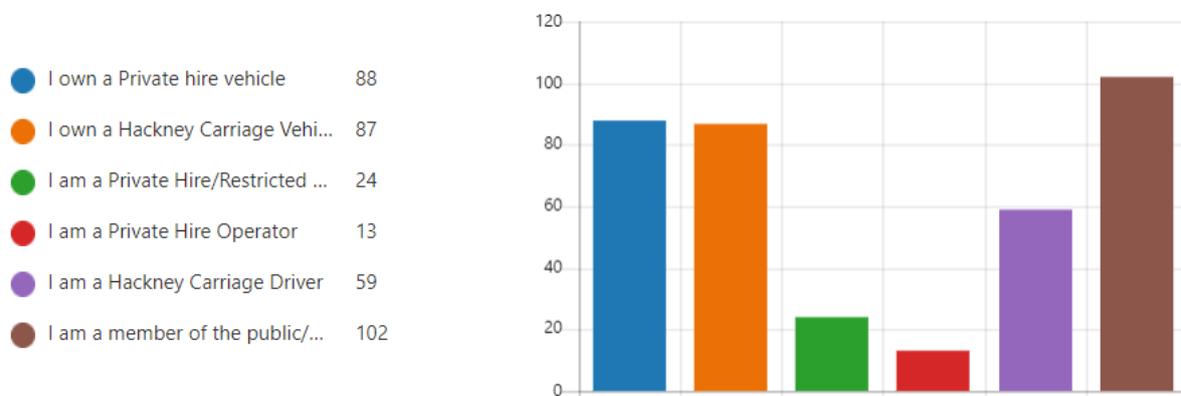
45 letters/emails were received and these can be found in the Table of Responses in Appendix C. 21 of these were copies of the same letter with different driver's signatures and these were labelled as letter 'No.1'. In addition, 11 of the 45 letters were copies of another letter which was labelled as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

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

Figure 1: Breakdown of who responded to the consultation.

1. Which of the following applies to you?

[More Details](#)



3.0 Considerations

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

3.1 Delimitation of Hackney Carriage Vehicles

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

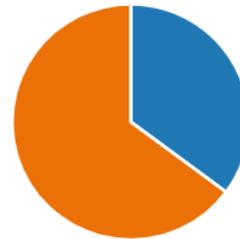
Figure 2 below, shows that 35% of responses said the limit should be removed and 65% said the limit should remain.

Figure 2: Response to Question 2:

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

[More Details](#)

Yes	103
No	190



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

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

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

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

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

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

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

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

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

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

3.1.3 Considerations

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

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

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

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

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

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

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

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

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

- **Congestion on HC stands**

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

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

- **Congestion on roads generally**

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

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

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

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

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

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

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

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

- **The costs of commissioning a survey**

One comment stated:

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

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

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

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

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

- **The effect on HCV quality**

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

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

3.2 New Vehicle Livery Requirements

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

Figure 3:

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

[More Details](#)

[Insights](#)

● Agree	83
● Disagree	210



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

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

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

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

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

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

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

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

Existing Licensing Vehicles

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

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

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

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

3.3 Advertising requirements

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

Figure 4:

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

[More Details](#)

[Insights](#)

● Yes	102
● No	191



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

Advertising will be permitted for Hackney carriages only on:

- the tip up seats and any advertisement displayed conforms to the council's guidance for licensed vehicles.
- on the rear wing of the vehicles and any advertisement displayed conforms to the council's guidance for licensed vehicles. The advertisement must be applied directly to the rear wings of the vehicle. Removable, temporary methods of display such as magnetic or similar applications are not acceptable.

3.4 Emissions and Age Policy

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

Figure 5:

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

[More Details](#)

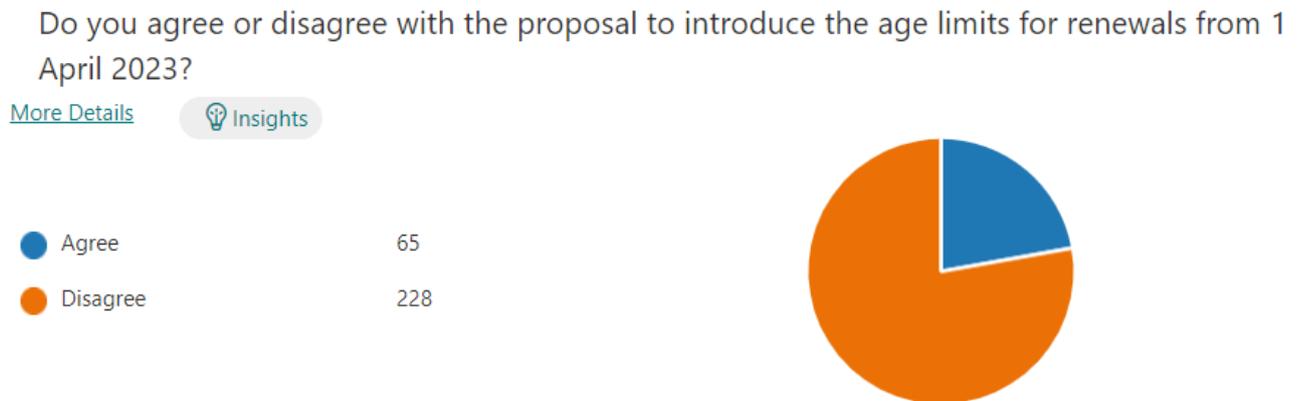
[Insights](#)

● Agree	76
● Disagree	217



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

Figure 6:



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

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

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

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

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

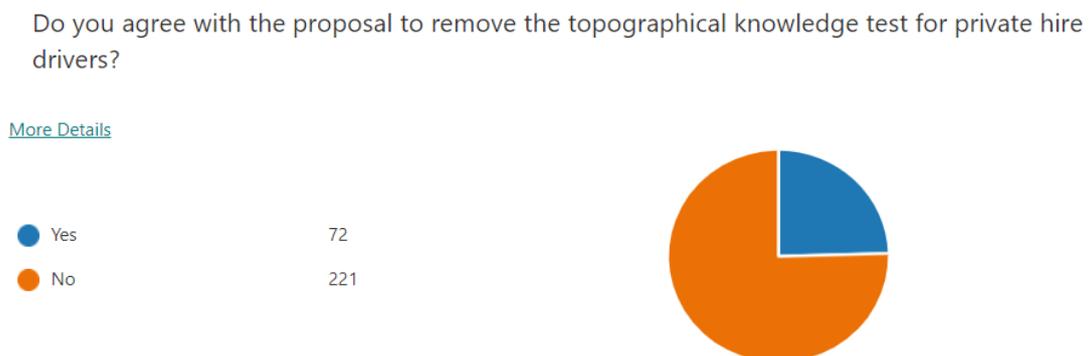
The Emissions policy will be reviewed at regular intervals to ensure we are striving towards the Government's Climate and Emergency Action Plan.

3.5 Pre-requisite requirements for new driver applications

3.5.1 Knowledge of Plymouth Topographical Test

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

Figure 7:



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

3.5.2 Plymouth Ambassador Course

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

Figure 8:

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

Do you agree with this proposed change?

[More Details](#)

● Yes	205
● No	88



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

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

3.5.3 Spoken English Test

The changes to the guidance for the spoken English test will be updated as published. The Spoken English element will now be a pre-requisite requirement for all new drivers from 1 May 2022, to ensure it is applied fairly. This will require all new applicants to provide evidence of having gained a qualification that was taught and assessed in English (Examples are but not limited to, GCSE's, 'O Levels' GCE, NVQ, BTEC, RFQ, City and Guilds or similar, Degree, HND, HNC etc. or a qualification equivalent to any previously listed issued by a recognised examining body in an English speaking country other than the UK). The weight given to the subject and grade achieved will be assessed on a case by case basis. Any applicants who do not have a suitable qualification will be required to undertake the Spoken English assessment.

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

3.5.4 Return to trade within 3 years instead of 12 months

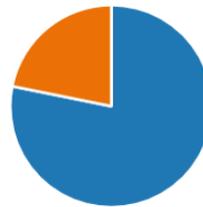
As you can see in Figure 9 below, 78% of responses agreed that drivers should be able to return to the trade within 3 years without completing the knowledge test and driver's standards test.

Figure 9:

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

[More Details](#)

[Insights](#)



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

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

The Council may exercise discretion and renew a licence past its expiry date where a driver returns to the trade within 36 months of the date of their driver's licence expiring. There can be no guarantee of reinstatement where prior notice has not been given or where other circumstances exist that call into question whether that person remains 'fit and proper' to hold a licence, e.g. where a driver has continued to work whilst unlicensed.

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

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

- Any driver can renew their driver's licence within 12 months from the date of expiry of their last licence providing that the licence holder gives a justifiable written explanation and on submission of a new application form, medical certificate and enhanced DBS certificate. The driver will be required to pay the new applicant fee. However, there will be no requirement to complete the Knowledge of Plymouth or Driving Standards Test required of a new applicant, unless there is a specific reason to do so.
- Any driver can renew their driver's licence after 12 months but within 36 months from the date of expiry of their last licence providing that the licence holder gives a justifiable written explanation and on submission of a new application form, medical certificate, enhanced DBS certificate and driving standards test. The driver will be required to pay the new applicant fee. However, there will be no requirement to complete the Knowledge of Plymouth required of a new applicant, unless there is a specific reason to do so.
- The driver will be required to undertake the Safeguarding refresher training prior to renewal if this is outstanding or due within the expiry date of the required licence e.g. one year or three year licence.

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

3.6 Card Payments

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

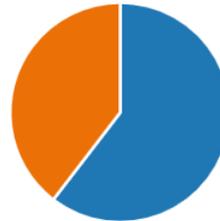
Figure 10:

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

[More Details](#)

[Insights](#)

● Yes	177
● No	116



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

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

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

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

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

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

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

3.7 Refunds

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

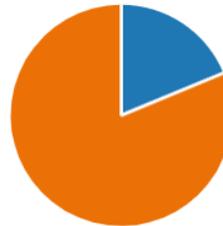
As you can see in Figure 11 below, 19% of responses agreed and 81% disagreed with removing refunds and wanted the current situation to remain where whole months left are refunded minus an administration fee.

Figure 11:

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

[More Details](#)

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

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

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

The policy has been updated to state:

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

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

The Council will offset the unused portion of a driver or vehicle licence fee if they are using it towards another Plymouth City Council taxi licence e.g. moving from private hire to hackney carriage or upgrading their vehicle. The offset amount will be calculated pro-rata based for each full month remaining on the licence, less any administrative fee which is set out in the Fees and Charges schedule.

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

3.8 CCTV

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

Figure 12:

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

Do you think this is a good idea?

[More Details](#)

[Insights](#)

● Yes	183
● No	109



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

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

3.9 DBS Update Service requirement for drivers

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

Figure 13:

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

[More Details](#)

● Yes	139
● No	150



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

Figure 14:

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

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

[More Details](#)

[Insights](#)

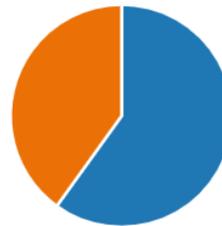


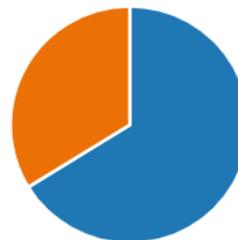
Figure 15 below shows that 66% of responses agreed that the Basic DBS check should be requested annually for private hire operators.

Figure 15:

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

[More Details](#)

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

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

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

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

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

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

Figure 16

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

[More Details](#)

[Insights](#)



3.11 Safeguarding training for operators and booking staff

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

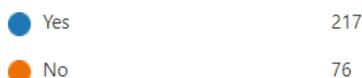
This has therefore been included in the policy and operator conditions.

Figure 17

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

[More Details](#)

[Insights](#)



3.12 Requirement for insurance cover note and public liability insurance

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

Figure 18

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

[More Details](#)

[Insights](#)

● Yes	228
● No	65

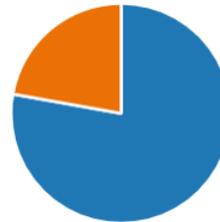


Figure 19 below shows that 63% of the responses agreed with this requirement.

Figure 19:

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

[More Details](#)

[Insights](#)

● Yes	184
● No	109



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

3.13 National Anti-Fraud Network (NR3) Register

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

This has therefore been included in the policy.

Figure 20:

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

[More Details](#)

● Yes	260
● No	33



3.14 Penalty Points Scheme

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

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

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

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

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

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

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

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

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

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

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

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

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

3.15 Wheelchair and Assistance Dogs Exemption Guidelines 2022

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

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

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

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

3.16 Relevance of Convictions and Conduct

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

Scrutiny Considerations

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