

# TAXI LICENSING POLICY OCTOBER 2023

## Consultation Questions



The Council is consulting on proposed amendments to the Hackney Carriage and Private Hire Licensing Policy 2022 and associated guidance documents between 24 October to 23 November 2023.

The Executive Decision report can be found at:

[Decision - Authorisation to consult on a review of the Hackney Carriage and Private Hire Licensing Policy 2022 and Associated Policies and Conditions - Modern Council \(plymouth.gov.uk\)](#)

The location of the current Hackney Carriage and Private Hire Policy and Associated Policies/Conditions of Licence can be found at: [Taxi licensing | PLYMOUTH.GOV.UK](#)

### 1. Which of the following applies to you?

- I own a private hire vehicle*
- I own a hackney carriage vehicle*
- I am a private hire/restricted driver*
- I am a private hire operator*
- I am a hackney carriage driver*
- I am a member of the public/stakeholder*
- None of the above*

### 2. Livery Policy

Plymouth City Council (PCC) introduced a Livery Policy in May 2022. The Livery Policy requires new hackney carriage vehicles entering the fleet from 1 May 22 and existing hackney carriage vehicles to comply with the livery (colour scheme) requirements by 1 May 2027. It is also a requirement that new private hire vehicles entering the fleet cannot be white in colour.

It is proposed that the livery requirement is removed for both hackney carriage and private hire vehicles and that hackney carriage vehicles retain the requirement to have front door signage.

**Do you agree that the livery for licensed vehicles should be removed from taxi policy and hackney carriage front door signage be retained.**

- **Yes**, Livery requirement should be removed:
- **No**, Livery requirement should be retained:

**Comments:**

### 3. Topographical/Knowledge of Plymouth Test

It is a requirement for all new applicants wishing to become a private hire or hackney carriage driver to pass a topographical/knowledge of Plymouth test (K.O.P)

It is proposed to remove this requirement for applicants who wish to obtain a private hire drivers' licence and retain this requirement for those who wish to apply to be a hackney carriage driver.

If this proposal is approved, it is further proposed that if a private hire driver has held a licence for 3 or more years, ~~that~~ they will not need to then undertake a K.O.P test to obtain a hackney carriage drivers' licence.

Do you agree to remove the requirement for a K.O.P test for new private hire drivers?

- **Yes**
- **No**

Do you agree that a private hire driver who has held a licence for 3 years or more who wishes to become a hackney carriage driver will not need to take the K.O.P test?

- **Yes**
- **No**

**Comments:**

### 4. Certificate of Good Conduct (COGC)

The Taxi Policy requires all applicants who are a foreign national or a UK National but have lived for a period of three months or more in another Country, to obtain a Certificate of Good Conduct (COGC) from the relevant UK Embassy or Consulate of the relevant country(s) where they have resided. This is in addition to any requirement to obtain a DBS certificate.

Some applicants can demonstrate that there are clear and compelling reasons for them to be granted 'Exceptional Circumstances' to allow that applicant to be exempt from providing a COGC. These are:

- They have spent the majority of their adult life in this country (including five continuous years immediately prior to applying for the licence).
- They cannot obtain a COGC from the relevant country (for example, they are an asylum seeker or a refugee, or no known process)
- That an enhanced DBS will provide information covering a sufficient period of their adult life to allow a determination on the applicant's fitness and propriety to be made.

The basis for suggesting that the exemption only applies to those who have resided in the UK for the majority of their adult life is that this would mean that the enhanced DBS is likely to provide sufficient information for a decision to be made on their fitness to be a licensed driver in that it will cover the largest part of their adult life.

After further legal consideration and clarification from the Home Office it is proposed that the requirement for an applicant to have spent the majority of their adult life in the UK is amended to having to have lived in the UK for 10 years or more.

It is the Officers view that 10 years or more residency in the UK will provide sufficient DBS records to establish whether the applicant is a fit and proper person to hold a licence. Therefore, it is proposed that the wording in section 7.2 of the Taxi Policy is amended to state:

7.2 If within 10 years of the date of application or renewal 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.

Do you agree that the policy should be amended?

- **Yes**
- **No**

**Comments:**

It is also proposed to add new wording into the policy for existing drivers who have been licensed for more than 5 years and who have spent 3 months or more outside of the UK to renew without a COGC or for Taxi Licensing Committee to decide dependent on the reason and justification for the absence.

Therefore, it is proposed that the following wording is inserted to state:

Where an existing driver (who has held a licence for 5 years or more), has lived outside the UK for a continuous period of 3 months or more and cannot provide a COGC the Council reserves the right to allow the licensed driver to continue without the COGC or to review the current licence at Taxi Licensing Committee.

**Do you agree that the proposed changes to the requirements to obtain a COGC:**

- **Yes**
- **No**

**Comments:**

## 5. Acceptable Standard of Dress (Dress Code)

Plymouth City Council proposes to permit the wearing of black denim jeans in the dress code.

**Do you agree to the proposed amendment to the dress code:**

- Yes
- No

**Comments:**

**6. Private Hire Driver and Hackney Carriage Driver New Driver Applicants Driver Endorsements**

It is a requirement for new and existing drivers under the Taxi Policy to meet the criteria set out in the Guidance on the Relevance of Convictions and Conduct. (GRCC)

Where an existing driver receives points or convictions on their driver's licence (DVLA) there are provisions in the GRCC to deal with them either by warning from taxi licensing or through review of their hackney carriage or private hire driver's licence at taxi licensing committee. Where a new applicant has accumulated points on their DVLA licence prior to application there have been occasions where they do not fall under the GRCC requirements as the policy requires an applicant to go to committee if they either have six or more points arising from convictions in the last two years or they have received more than three penalty points in the twelve months prior to applying for a licence.

In addition, the existing GRCC does not allow the Council to consider an applicant's pattern of offending through historic convictions or endorsements as it can with existing licensed drivers.

Therefore, there is disparity between the requirements for new and existing drivers and Officers propose to amend the motoring convictions wording of the GRCC for new applicants to resolve this.

It is proposed to remove the disparity in the Guidance on the Relevance of Convictions and Conduct (GRCC) between the requirements for new and existing drivers with regards to motoring convictions.

**Do you agree with the proposal to amend the GRCC with regards to motoring convictions.**

- Yes
- No

**Comments:**

## 7. Card Payments

It is proposed to amend the hackney carriage and private hire vehicle conditions to ensure that working card readers are always used and remove the requirement for locating the card readers in fixed positions.

**Do you agree to the proposed amendments to the card reader requirements:**

- **Yes**
- **No**

**Comments:**

## 8. Private Hire and Hackney Carriage Penalty Points Scheme

Under the current scheme where a licence holder accumulates 12 points or more within a rolling period of 36 months their licence will be subject to a review by the Taxi Licensing Committee. After being in operation for more than a year it is proposed that the wording is amended to reflect that if a licence holder has accumulated 12 points or more within a 36-month period and they have had their licence reviewed by Committee that their points have been 'discharged' and they start from zero again.

**It is proposed to amend the penalty system to state**

**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. Once the Committee have considered the matter, the points will be considered as spent and therefore excluded from the running total recorded against any individual licensee. The Council reserves the right to take into consideration previous points accumulation and pattern of history should the 12- point threshold be reached again.**

**Do you agree to the proposed amendments to the Penalty Points Scheme**

- **Yes**
- **No**

**Comments:**

It is also proposed to introduce the addition of **penalty** points for failure to display required signage and/or displaying unsuitable or inappropriate sited signs in or on the vehicle and for failure to provide working card machine for customer use.

Do you agree to the proposed amendments to include these penalty points?

- **Yes**
- **No**

**Comments:**

## 9. Private Hire Vehicle Specifications

Taxi Policy prescribes the minimum standards a vehicle must satisfy to be licensed as a hackney carriage or private hire vehicle by Plymouth City Council. All hackney carriages must be wheelchair accessible whereas private hire vehicles can be wheelchair accessible, but it is not a formal requirement for a vehicle licence.

It is proposed that removing the requirement for wheelchair accessible private hire vehicles to have passenger doors on both sides of the vehicle will encourage investment in newer wheelchair accessible vehicles by not making this investment cost prohibitive. It is hoped that this amendment will facilitate an increase in more licensed vehicles of this type to be able to provide a service for disabled customers without compromising on passenger safety.

It is proposed to amend the PHV vehicle specifications to wheelchair accessible/tail lift vehicles to not be required to have loading doors on **both** sides of the vehicle.

**Do you agree to the proposed amendments to the Private Hire Vehicle Specifications:**

- **Yes**
- **No**

**Comments:**

The current vehicle specifications policy for private hire vehicles does not state that vehicles must be able to carry 4 adults in comfort. This is an omission, and the wording needs to be amended to reflect this requirement.

**Do you agree to the proposed amendments to the Private Hire Vehicle Specifications:**

- **Yes**
- **No**

**Comments:**

As with vehicle design and safety standards vehicle engines have advanced considerably in the last years. Smaller more efficient and environmentally friendly engines can now deliver as much power as older and larger capacity engines. To reflect this advancement, it is proposed that the private hire vehicles engine must not be less than 1290cc is removed from the vehicle specifications.

**Do you agree to the proposed amendments to the Private Hire Vehicle Specifications:**

- **Yes**
- **No**

**Comments:**