

# Appendix C

## Draft Taxi and Private Hire Licensing Policy Consultation Response Sheet



NAME	Strategic Transport	
ORGANISATION (if applicable)	Plymouth City Council, Local Planning Team.	
<b>Paragraph No/Page number</b>	<b>Comments</b>	<b>Response</b>
Chapter 1, 1.1	'...is framed by virtue of the powers granted to the Council by <b>the</b> Town and Police Clauses Act 1847, the...'	The typing error has been corrected.
Chapter 1, 4.1	In addition to ensuring compliance with various legal duties, the taxi licensing policy should be seeking to ensure that the way taxis operate in Plymouth actively contributes to achieving the objectives and delivering the policies on the Plymouth Plan and the Joint Local Plan.	This would be covered within objective 4 to encourage environmental sustainability. The Taxi Licensing Department work closely with Planning and Transport to ensure the provision for taxi and PHV's link to the Plymouth Plan and Joint Local Plan.
Chapter 1, 4.2	Under ' <i>Comfort, passenger service and access</i> ' (which is called ' <i>vehicle safety, comfort and access</i> ' earlier in the document, for not obvious reason), the fourth bullet point is ' <i>integration of transport systems</i> '. This does not seem to be either referred to or explained anywhere else in the document.	The title in 4.2 has been altered to reflect the same as 4.1.  The integration of transport systems has been included so that we will consider the links to other forms of transport such as rail, road or air to ensure they operate as one for the benefit of the fare paying customer. The Taxi Licensing Department work closely with the bus station and railway station with regards to rank provision and picking up and dropping off points.
Chapter 1, 4.2	Under ' <i>to prevent crime and disorder and to protect drivers and communities</i> ' the fifth bullet point is ' <i>Measures to reduce noise, odour and light pollution</i> '. However, neither odour nor light nuisance are mentioned again in the document, and neither are there any actions or policies to reduce or minimise them.	Drivers are encouraged not to idle on ranks and to be considerate when driving within residential areas such as use of the horn.  Measures may also be taken to reduce any the impact on air quality caused by vehicle emissions from licensed vehicles within air quality management areas.

Paragraph No/Page number	Comments	
Chapter 1, 4.2	<p>Under ‘to encourage environmental sustainability’, the third bullet point is ‘engine off at idle’. This is welcome (though this should also be added as a bullet point under ‘Safety and health of drivers and the public’, as idling at ranks has significant public and driver health implications). However, idling is not mentioned again in the document are there are no actions or policies set out that would drive this change in driver behaviour. For example, in Chapter 2, Drivers, paragraph 13.2 describes how drivers can be penalised under the council’s penalty point system, but it is not apparent that idling is something that can attract points under the penalty system.</p> <p>Pollution caused by idling at rank has been a persistent and significant localised environmental / air quality issue that we have collectively failed to address for many years, and this licensing review in a great opportunity to put in place the policy tools to enable us to effectively tackle it, and thereby actively contribute to achieving <b>Plymouth Plan Strategic Objective 1 Delivering a healthy city,</b> and <b>Plymouth Plan Policy HEA6 Delivering a safe, accessible, sustainable and health-enabling transport system.</b> Air quality in our cities is becoming a big political issue, and we need to take every opportunity to respond to this (and to be seen to respond to it, too).</p>	<p>The Taxi Licensing Department will liaise with Transport on the use of FPNs under Part 4 of the Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002.</p> <p>The Taxi Licensing Department consider the use of FPN’s to be more appropriate than the use of penalty points. This needs to be part of a city wide enforcement policy to include all transportation and targeting sensitive receptors e.g. schools.</p>
Chapter 2, 4.0	<p>The Plymouth Ambassador Training MUST incorporate a section to educate drivers about the environmental and health impacts of diesel engine pollution, and more specifically, the need to avoid idling at ranks. Lack of driver awareness, combined with lack of effective action on the part of PCC to tackle this habit (not helped by the fact that we have not taken any enforcement action and there have</p>	<p>The Plymouth Ambassador Training syllabus does not include this aspect as it is a customer care course. The Licensing department will liaise with Transport Planning to consider a City wide plan to tackle idling and advise drivers of the environmental and health impacts of diesel engine pollution.</p>

	<p>been no consequences (penalties) for rank idling) is a major factor in our failure to make progress on this issue. It is taxi drivers' health that is most impacted by this, we must also remember.</p>	
Chapter 2, Drivers, 4.1 (c)	<p>Is the KOP test something that is being introduced in response to identified shortcomings in the knowledge of the Plymouth taxi driver community and thus their collective ability to provide a good service to the city? Are we getting significant feedback that suggests this is needed? Do a majority of other taxi licencing authorities have a comparable test requirement? Is this something that it is necessary to introduce in the age of satnav?</p>	<p>The Knowledge of Plymouth test has been a requirement by Plymouth City Council in excess of 20 years.</p> <p>Customers should be confident that drivers know where they are going in the city and a quality service for visitors and residents. Satellite Navigation systems should not be relied on as they can break down.</p>
Chapter 2, Drivers, 4.3	<p>States: <i>'The Council reserve the right to require all licensed hackney carriage and/or private hire licensed drivers to successfully pass the VRQ or equivalent qualification in 'Transporting Passengers by Taxi and Private Hire. This is a relevant factor when deciding whether any person remains 'fit and proper' to hold or retain a licence'. However, Chapter 2, 4.1 previously states that: 'Within <b>12 months</b> of receiving their first licence, the driver will be required to undertake all of the following: (a) The VRQ or equivalent qualification in 'Transporting Passengers by Taxi and Private Hire'. (b) Plymouth ambassador training. The licence will not be renewed if these qualifications have not been completed and passed. Given the content of 4.1, which provides for all drivers to have the VRQ qualification t the first issue of the licence or the renewal of their licence, is 4.3 needed?</i></p>	<p>This refers to drivers who have been driving for a number of years and had 'grandfather right's' before the previous policy. All new drivers must complete this qualification. Drivers who wish to return to the trade and their licence has expired may be required to pass the VRQ if they have previously not been required to take this.</p>
Chapter 2, 4.4	<p>Is further information being provided to current and prospective drivers / licence holders in respect of how, when, where and at what cost the safeguarding and Plymouth ambassador training will be undertaken?</p> <p>Is the 1<sup>st</sup> April 2018 deadline for safeguarding training rather soon / ambitious?</p>	<p>Funding has been found for The Plymouth Ambassador Training. However this would not be indefinite and this department would seek to find a low cost alternative.</p> <p>The safeguarding training fees will be included in the next fees review for April 2018. The date will be amended to 1 April 2019.</p>

Chapter 2, 4.5	Are the proposals for the assessment of proficiency in English in response to a body of evidence suggesting that inability to communicate effectively has materially impacted upon the quality of journey experience for taxi passengers. Specifically, have we received and can we evidence a significant number of complaints from the taxi using public on this matter? If not, what is motivating these proposed changes? Is language proficiency applied as a criterion for license holding at many or any other taxi licensing authorities? If so, do we have an understanding of the impact of introducing them?	A number of Local Authorities have introduced this as an independent way of determining whether a driver can effectively communicate with their customers. We currently rely on officers asking set questions and starting a conversation to test ability and this is not independent or formalised. This will formalise the process.
Chapter 2, 4.5	Line 3 says that the Council will ‘ <i>assess communication skills at each stage of the application process</i> ’. Later it says ‘ <i>Where the Licensing Officer deems necessary a third party assessment may be required...</i> ’ How will this be done, by whom and on what basis? Do Licensing Officers have the skills to make this judgment? How will consistency in judgements be assured and inconsistency / arbitrary decision-making be avoided. Have the costs of this proposal been considered in respect of, for example, training Licensing Officers to assess language proficiency in a consistent manner, creating and maintaining a language proficiency assessment system, undertaking third party language proficiency assessments. Has the potential impact upon the number of and demand for taxi driver licenses and the ability to meet taxi demand been assessed?	Please refer to the spoken English assessment test procedure which explains this in more detail. Where applicants cannot demonstrate that they have an adequate or reasonable level of spoken English then they will be required to undertake an independent assessment.
Chapter 2, 6.1	The Council will have regard to a number of factors in assessing the relevance of convictions’. What factors? Can / should these be specified, to provide clarity and to avoid arbitrariness or the potential perception of arbitrariness?	These are outlined in the Relevance of Convictions and Conduct document which also forms part of the consultation.
Chapter 2, 6.3	Do we know that it is achievable and reasonably practicable to provide an enhanced disclosure check within 7 working days? And why has 7 working days been selected as the period? Is this arbitrary or evidence based – e.g. other authorities apply this time period, etc?	This paragraph will be taken out as it is no longer required as the DBS is submitted prior to the licence expiring.
Chapter 2, 6.3	Surely, if a driver fails to provide the EDC	The drivers licence is not renewed if the

	within a (reasonable) defined period, the precautionary principle must be applied and they must not be allowed to drive until the EDC is provided?	DBS has not been submitted prior to renewal.
Chapter 2, 7.1	A 'short period of time' is very vague. Who will decide what constitutes a short period of time, and will this be arbitrarily decided? Also, this provision will not address the limitations of the UK based EDC for (a) drivers who were born abroad and moved to the UK not recently, and (b) drivers who are UK citizens but who have spent periods of time living abroad. For consistency, and to ensure that the risks this policy purports to reduce are reduced for all drivers. All periods of overseas residence by UK born drivers and drivers who came to the UK a long time ago must have the same requirements made of them.	This is explained further on the paragraphs below. If a person has lived outside the UK for a period of 3 months or more in the last 5 years then you must obtain a Certificate of Good Conduct from the country or the countries that you have lived in.  The paragraph in 7.2 has been updated to make this clearer.
Chapter 2, 7.4	Are the costs that obtaining a CGC known? If this is an expensive process, has the potential impact upon the ability of current drivers to continue to hold a license and the impact on the ability of prospective drivers to enter the trade been assessed?	Each countries embassy will have different charges. Some do not charge. Please see the Home Office Guidance: Application processes for obtaining overseas criminality information to provide to employers in the UK or to meet the requirements of the UK Immigration Rules to provide an overseas criminal record certificate in support of a visa application.
Chapter 2, 8.1	Upon what criteria will the council's discretion be applied in respect of the decision whether to issue a 1 or 3 year license. There should be transparency and consistency.	The driver can decide whether they wish to apply for a one year or a three year licence. However, their DBS must be in date.
Chapter 3, 1.1	Reference to Scotland is a typo, presumably?	No, it is not a typing error. It is not possible to obtain an enhanced DBS for vehicle proprietors as the Rehabilitation of Offenders Act 1974 (Exemptions)(Amendment) Order 2002 does not cover hackney carriage or private hire vehicle proprietors.  However, the applicant or licensee on renewal can be asked to obtain a Basic Disclosure which is obtainable from Disclosure Scotland.  However from 31 January 2018, this has changed and you can now obtain a basic disclosure from the

		Disclosure and Barring Service. The Taxi Policy has been updated to reflect this.
Chapter 3, 10.1 & 10.2	Have the likely costs of complying with the proposed vehicle livery requirements been quantified, and has the financial impact of these upon individual license holders and the overall trade in Plymouth been properly assessed.	In light of the comments received, there needs to be further consideration of taxi livery and therefore this is not included within the current recommended taxi licensing policy changes.
Chapter 3, 13.2	This paragraph suggests but does not clearly state that PCC intends to review the current emissions policy and that it will be updated / replaced with an updated emissions policy or a vehicle age policy. Could / should we not be clear / specific about our intentions, including perhaps, a date by which we intend to do this by?  Also, could / should this document say something to the effect that this document may be need to be revised to take account of the content of the revised / new vehicle emissions /age policy?	This part of the policy will be reviewed and a separate consultation will take place. It will be reviewed depending on the outcome of the government's consultation on diesel emissions and air quality and we will take prompt action to update the policy once a clear indication has been provided by government.
Chapter 3, 14.1	(ESO) should be (EST)?	The typing error has been corrected.
Chapter 3, 14.1	Line 4, needs rewording – doesn't read right.	This has been altered slightly.
Chapter 3, 18.0	I appreciate that actual fare tariff changes will not be set out in this policy document. However, does the council have plans to increase the fares that license holders can charge in the immediate future? There are a significant number of licensing policy demands that will have a financial cost for some or all taxi driver and / or vehicle license holders (undertaking the VRG / Transporting Passengers by Taxi and Private Hire qualification, undertaking the Plymouth Ambassador training, undertaking safeguarding training, taking a medical, obtaining a DBS certificate, obtaining a translated, notaried Certificate of Good Conduct, and potentially undertaking English language tuition and examinations). I am concerned about the cumulative impact of these on the ability of drivers and vehicle license holders to make a good living in a city that does not, so far as I have gathered, have a particularly strong market for taxi travel. If	The Fare Tariffs were updated on 16 October 2017. Our taxi licensing fees are one of the lowest in Devon. The only additional costs that have been introduced in the new policy are the Plymouth Ambassador Course and Safeguarding courses. However we are hopeful that the Ambassador course will be funded for as long as possible and the safeguarding course will be low cost (3hr course) and this will be published in the Fees Consultation next year.

	<p>these additional costs are not able to be offset by increased fare tariffs, might Plymouth find itself with a quantitative reduction in taxi provision and consequent unmet demand. Has a financial impact assessment been undertaken to consider the financial impacts (which would, I appreciate, include some assumed cost benefits to drivers / license holders arising from an increase in the overall quality of taxi service provision in Plymouth)? Uber does not yet operate in Plymouth, but the taxi trade in Plymouth is vulnerable to disruption by new entrants to the provision of taxi / personal transport services and related new technologies. Have the changes in this policy document and the cost burdens that come with them considered how they will impact upon the ability of the traditional taxi trade to respond to these market changes and compete with new competitors? I understand also, that the implementation of Universal Credit in pilot areas has had negative consequences for some part time taxi drivers, which should be considered alongside the potential financial impacts of these licensing policy proposals. The social inclusion impacts of any fare increases would also need to be considered, of course.</p>	
Chapter 3, 24.2	<p>This paragraph is not very clear. Specifically, what does 'approved by the transport authority' mean in this instance?</p>	<p>I will change this paragraph so that it makes more sense :</p> <p>The Council will not licence horse-drawn vehicles as hackney carriages given the existing maximum limit that currently applies and on the grounds of road safety. The Council will adopt standards and conditions that apply for non-motorised transport (horse-drawn omnibus) which may be topographically restricted to certain areas of the city (e.g. The Hoe, Barbican). The council recognises that such transport facilities can play an important role in the tourist market.</p>
Chapter 3, 24.3	<p>What is the evidence that rickshaws are not safe to license for operation in Plymouth? They operate in other UK cities, I believe? Why are they safe in those cities, but not safe in Plymouth?</p>	<p>A few years ago, a report was submitted to the Government by the Law Commission, recommending that powers were given to authorities to ban pedicab drivers who fail to meet national safety</p>

		<p>standards.</p> <p>Rickshaws can cause traffic chaos by parking in bus lanes, riding on pavements and going the wrong way on one-way streets.</p> <p>Their owners have also been blamed for causing anti-social behaviour by touting for trade aggressively and playing loud music.</p> <p>Rickshaws in London in particular are not licensed and are often in the press for overcharging tourists.</p> <p>Rickshaws are not licensed anywhere as there is no regulatory framework in existence to allow them to be licensed (private hire has to be a motorised form of transport, and they are not considered to be a Hackney Carriage due to the requirement that they must take passengers anywhere within the district.</p>
Chapter 5, 1.1	It would be extremely helpful if the policy could say more on the matter of taxi idling at rank, which remains a persistent, significant public health issue – particularly at busy ranks in locations with heavy pedestrian footfall (Old Town Street, Raleigh Street and the train station). This might include content on enforcement of taxi idling.	See comments earlier.
Other points	In broad terms, have the policies proposed in this document been informed by best practice, and by active engagement with / reference to what forward thinking taxi licensing authorities elsewhere in the UK are doing?	Yes. We have reviewed best practice from other authorities and have consulted with a taxi licensing solicitor to ensure it is lawful and the most up to date approach.

### All responses must be received by 27 November 2017

Although a register of comments received during the consultation period will be maintained the Licensing Section will not generally send acknowledgements to individuals unless they are recognised representatives of persons or businesses in the area or are a statutory responsible authority and such acknowledgement will only be sent on request.

More information can be accessed at [www.plymouth.gov.uk/feedbackandcomplaints/consultations](http://www.plymouth.gov.uk/feedbackandcomplaints/consultations) and consultation responses may be made via this form or by letter or email to:

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**By Email:** [taxi.licensing@plymouth.gov.uk](mailto:taxi.licensing@plymouth.gov.uk)