

PLYMOUTH CITY COUNCIL

Subject: Adoption of the new Hackney Carriage and Private Hire Licensing Policy

Committee: Council

Date: 26 March 2018

Cabinet Member: Councillor John Riley

CMT Member: Ruth Harrell, Director of Public Health

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Ref: RH/TP/0118

Key Decision: No

Part: I

Purpose of the report:

The Council adopted its first Hackney Carriage and Private Hire Licensing Policy in 2008 which set out a licensing framework required to regulate hackney carriage and private hire services within Plymouth. The policy now requires updating having regard to current operating practices, best practice guidance and short-comings identified within the current policy.

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 policy and associated documents were published on our website between 3 October and 27 November 2017. All drivers, vehicle proprietors and operators were sent a letter explaining the consultation and asking for their feedback. Letters were also sent to a variety of agencies and departments including disability groups, resident's associations and businesses. 95 responses were received following the public consultation between 3 October and 27 November 2017. A drop in meeting was also arranged at the Lower Guildhall on Monday 6 November 2017 and approximately 60 people attended. The meeting discussed the main changes to the policy and everyone was given the opportunity to ask questions of the Officers and Councillor Riley. The table of responses 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 A** with a copy of the Guidance and Conditions documents referred to in the policy attached to this report marked **Appendix B**.

The Corporate Plan 2016 – 2019

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

In particular:

Growing Plymouth: By economic prosperity through an efficient public transport network.

Confident Plymouth: A safe and vibrant leisure economy will allow Plymouth to be positively marketed as an attractive destination both nationally and internationally.

Caring Plymouth: Providing consumer confidence and a safe and reliable door to door service which is relied upon by a significant number of users.

**Implications for Medium Term Financial Plan and Resource Implications:
Including finance, human, IT and land:**

Not applicable.

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.

The drivers will be responsible for paying for the Safeguarding and Plymouth Ambassador Training.

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

Members should be aware that Section 17 of the Crime and Disorder Act 1998 puts a statutory duty on every Local Authority to exercise its various functions with due regard to the need to do all that it reasonably can do to prevent crime and disorder in its area.

The provisions are designed to protect members of the public and ensure the taxi provision is safe and suitable.

Equality and Diversity

Has an Equality Impact Assessment been undertaken? Yes

Recommendations and Reasons for recommended action:

That council agrees to -

1. adopt the new Hackney Carriage and Private Hire Licensing Policy (attached at Appendix A);
2. adopt the conditions and guidance documents attached at Appendix B to this report;
3. delegates to the Taxi Licensing Committee the authority to review and where necessary amend the said conditions and guidance documents.
4. delegate to the Monitoring Officer any consequential amendments to the Constitution.

The reason for recommending that a new policy is adopted is to update the existing policy which was introduced in 2008.

The policy now requires updating having regard to current operating practices, best practice guidance and short-comings identified within the current policy.

The reason for recommending that Council resolves to delegate to the Taxi Licensing Committee to review conditions and guidance documents is to enable these documents to be updated in response to changes in legislation.

Alternative options considered and rejected:

The legislation and national framework that applies to regulating the taxi trade has not been updated and there is no indication from Government that this will be changed in the near future. 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.

Published work / information:

Existing Policy - [Hackney Carriage & Private Hire Licensing Policy](#)
 Consultation documents - [Consultations | PLYMOUTH.GOV.UK](#)

Background papers:

| Title | Part I | Part II | Exemption Paragraph Number | | | | | | | |
|---|--------|---------|----------------------------|---|---|---|---|---|---|--|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | |
| Taxi Policy and associated documents | x | | | | | | | | | |
| Table of responses for all consultation feedback | x | | | | | | | | | |

Sign off:

| | | | | | | | | | | | | | |
|--|---------------------|-------------|-------------------------|----------------|---------------------|----|--|--------|--|----|--|---------------|--|
| Fin | djn17 18.18 9 | L e g | 29624/ AG/1.2. 18 | Mo n Off | LT/29624/ 1.2.18 | HR | | Assets | | IT | | Strat Proc | |
| Originating SMT Member: Ruth Harrell | | | | | | | | | | | | | |
| Has the Cabinet Member(s) agreed the contents of the report? Yes | | | | | | | | | | | | | |

1.0 Introduction

The draft Taxi Policy and associated documents were published on our website between 3 October 2017 and 27 November 2017. All drivers, vehicle proprietors and operators were sent a letter explaining the consultation and asking for their feedback. Letters were also sent to a variety of agencies and departments including disability groups, residents associations and businesses.

A drop in meeting was also arranged at the Lower Guildhall on Monday 6 November 2017 and approximately 60 people attended. The meeting discussed the main changes to the policy and everyone was given the opportunity to ask questions of the Officers and Councillor Riley.

2.0 Results

51 written responses were received from the trade. Please see the table of responses in Appendix C.

Of the 51 responses; one response was from the Plymouth Licensed Taxi Association (PLTA) which represents 45 members and 30 responses were identical pre-printed objection letters that were signed by individual people. Therefore we have received 95 responses regarding the consultation.

3.0 Main Changes to the Taxi Policy

The Taxi Policy has been updated reflecting the comments raised during the consultation (please see attached table of responses in Appendix C).

This report has been split into two sections. Part 1 will review the feedback from the general issues raised within the Taxi Policy. Part 2 will focus on the feedback regarding the proposed livery.

Part 1: General Issues

The main areas that were reviewed and are recommended to be changed following the consultation are:

a) Dress code

The dress code will be introduced but it will be less restrictive than the one originally proposed. The following standard has been included in the policy and guidance documents:

As a minimum standard:

Tops

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

Trousers/Shorts/Skirts

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

Footwear

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

b) Penalty Points System

The Penalty Points system will be introduced as published, whereby 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. However the scheme will be reviewed after 12 months to ensure it works effectively.

c) Plymouth Ambassador Course (1 day course)

All new drivers will have to complete this within 12 months of first licence and all existing drivers must complete it by 1 April 2019.

d) Safeguarding Course (2 hour workshop)

All new drivers must attend safeguarding training before a driver's licence can be approved and all existing drivers must complete the course by 1 April 2019.

e) Wheelchair Exemption Guidance

The Wheelchair guidance has been updated to advise that Exemption Certificates can be issued for short term exemptions for a maximum period of 12 months. Lifetime exemptions will only be granted where a driver is suffering from a degenerative injury, illness or medical condition in which recovery is not a reasonable outcome. Lifetime exemptions will only be issued where an application form has been completed by their GP and includes a report from a specialist consultant with full access to their medical records.

f) Spoken English Test

The independent Spoken English assessment has been included in the policy and will be required where an applicant cannot demonstrate that they can converse properly.

g) CCTV Guidelines

These guidelines have been included in the new policy.

Part 2: Livery

The Council invited views on whether a Council Livery should be introduced for hackney carriage vehicles. Draft conditions were included in the draft policy and details of the proposed design were published.

The impact a livery will have on the hackney carriage taxi fleet will attract business, give a professional image and identity for the trade and will enhance the public's perception of their safety and security in the knowledge that they can easily identify a licensed hackney carriage taxi.

A number of other local authorities have introduced a livery. The implementation of a livery is an important feature of supporting the public safety and safeguarding standards we require under our licensing policy to protect those at risk and these form the framework by which we undertake our statutory responsibilities in respect of hackney carriage taxi vehicle licensing.

A livery will also create a Plymouth brand, allowing customers to differentiate between hackney carriage taxis licensed in different areas and support the high professionalism of the local trade.

A hackney carriage taxi livery will raise standards in the licensed trade, as well as promote public safety.

The issues raised by the trade and the responses can be found in detail within the table of responses in Appendix C.

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.

4.0 Scrutiny Considerations

A draft of the cabinet report and associated documents were considered by the Place and Corporate Overview and Scrutiny Committee on 31 January 2018. The Committee agreed to the recommendations contained within the report, subject to the inclusion of the following:

1. Amend Chapter 3, Paragraph 2.5 of the Hackney Carriage and Private Hire Licensing Policy to include the following sentence 'In order to maintain a pleasant environment for all passengers, the use of e-cigarettes or similar devices within the vehicle is prohibited at any time'.
2. It was requested that regular training on the lifting and securing of wheelchairs is provided for drivers.

Recommendation 1 –

If this recommendation is included within the Policy document the Council's penalty point scheme guidance document will also need to be updated to reflect this.

There are some concerns about having a complete ban on e-cigarettes within the vehicle at all times. This would mean that a driver waiting at a rank in bad weather would not be able to use an e-cigarette whilst waiting for customers. It would also mean that drivers would not be able to use e-cigarettes in their vehicle when driving without passengers or when using the vehicle for their personal use.

There are a number of drivers who smoke but want to give up smoking with the help of e-cigarettes.

Cabinet agreed to recommend to Council that Chapter 3, paragraph 2.5 of the Hackney Carriage and Private Hire Licensing Policy should be amended to include:

In order to maintain a pleasant environment for all passengers, the use of e cigarettes or similar devices within the vehicle is prohibited whilst driving with a passenger.

Recommendation 2 –

This recommendation was not added to the Taxi Licensing Policy as it was not requested to be mandatory, however the taxi licencing team can arrange this training and offer it to the drivers.