

---

**TITLE: TAXI LICENSING POLICY - CONSIDERATION OF COMMENTS**

**COMMITTEE: LICENSING COMMITTEE**

**DATE: 8 NOVEMBER 2017**

**AUTHOR: SENIOR LICENSING OFFICER**

[S169]

---

1.0 ISSUE

1.1 To consider comments submitted during the Taxi Licensing Policy consultation period.

2.0 RECOMMENDATION(S)

2.1 That Members consider the report, the comments received in appendix 2 and 3, and

(i) approve the new taxi licensing policy to take effect from 1<sup>st</sup> January 2018, to include such proposals that they feel appropriate from sections 4.1.1 to 4.1.13.

3.0 BACKGROUND

3.1 On 19 April 2017 Members were presented a report outlining draft proposals to update the Council's taxi licensing policy. Members resolved to allow Officers to take these draft proposals to consultation with key stakeholders and the general public. **Appendices 1 and 4** detail the proposal document and the proposed policy.

3.2 This consultation took place between 2 August 2017 and 27 September 2017 and included the following consultees:

- All licence holders
- Those registered on the Council's consultee mailing lists
- All Parish, Town and City Councils
- All Ward Councillors
- Cambs County Council
- National Private Hire Association
- Cambs Police
- Local and national disability and access groups
- Key council officers
- Cambridgeshire and Peterborough Combined Authority
- Members of the general public via the council's website

3.3 Consultation responses were welcomed in writing, email and via a consultation response form which was placed on the Council's website. We received a total of ten responses to the consultation. These are set out in full in **Appendix 2**. The table below illustrates where these consultations were received from:

Type	Number
Licence holder	6
Council	1
Disability group	1
Public	2

3.4 The consultation focused on the following key areas, which were set out in the report of 19 April 2017:

#### Driver

- Safeguarding training
- Conduct and attire
- Medical frequency
- DBS requirements

#### Vehicle

- Testing frequency
- Single colour scheme for hackney carriages
- Removal of door sticker requirement on hackney carriages
- Conditions for novelty / non-standard vehicles
- Framework for executive exemption
- Conditions for standards of appearance

#### General

- Enforcement penalty point scheme
- Separation of relevance of convictions sections

### 4.0 SUMMARY OF RESPONSES

4.1 The following sections 4.1.1 to 4.1.13 detail each of the proposals, the feedback received, and Officers recommendations to each proposal following the feedback.

#### 4.1.1 Safeguarding training

The question was asked, should safeguarding training be introduced for new and existing drivers.

Responses	Support proposal for new drivers	Support proposal for existing drivers
8	7	5

The one objection to new drivers receiving the training was based on red tape and cost implications. Of the three objections to existing drivers receiving the training, one stated that the policy was wrong in that section 1.5.4 failed to address mandatory refresher training, and that this should be included, the other two objections cited the cost of the training and the restricting of where training can be undertaken were as their reasons.

Officers can confirm that all existing licence holders will be given opportunities to attend the training free of charge. Officers are working with counterparts in neighbouring Councils in an attempt to provide one standard course which will enable drivers to use the training certificate obtained at any participating Council to support an application. The comment regarding mandatory refresher training is a valid one, with a number of other local authorities requiring this. The most common refresher training frequency appears to be every three years. Any requirement for refresher training would require funding. It is anticipated that the cost would be in the region of £1,000 to £1,500 per year which would need to be covered by the licensing fees. It should be noted that although the current wording of section 1.5.4 does not contain the words mandatory or will undertake, it does provide an ability to impose refresher training, where it is considered necessary. Existing drivers are not routinely refreshed on any other aspects of being a licence holder.

Officer recommendation is that the proposal should be adopted, subject to the following amendments to the proposed policy document:

1.5.3 All existing licence holders will be required to attend safeguarding training sessions run by the Licensing Authority by 31 December 2018, and all new licence holders will be required to complete safeguarding training within the first six months of holding a licence, or provide proof that safeguarding training has been undertaken in the past twelve months with a provider appearing on the Council's approved list. Failure to comply with these requirements will be grounds for the suspension of the licence until such time as the licence holder completes the training.

1.5.4 The Council reserves the right to send licence holders on refresher training, should they consider it necessary.

3.17.1 Existing wording replaced with the same wording as 1.5.3 above.

Section 3.17.2 added to the policy with the same wording as 1.5.4 above.

4.11.1 Existing wording replaced with the same wording as 1.5.3 above.

Section 4.11.2 added to the policy with the same wording as 1.5.4 above.

#### 4.1.2 Code of Conduct

The question was asked, should the driver's code of conduct provisions be updated.

Responses	Support proposal to update the code of conduct provisions
8	8

Officer recommendation is that the proposal should be adopted without amendment.

#### 4.1.3 Dress Code

The question was asked, should the driver's dress code provisions be updated.

Responses	Support proposal to update the dress code provisions
8	7

One comment was received opposing the proposal. This related to the Private Hire executive exemption dress code element of the proposal. Stating that they felt the requirement for only black and white should be reconsidered, as they felt it was overly restrictive. They state that they agreed with the need for business person type attire to be worn to reflect the executive nature of the work, but did not agree for this to be so prescribed.

Officer recommendation is that the proposal should be adopted, subject to the following amendment to Appendix I of the policy:

##### Private Hire Executive Exempted Vehicle Drivers Only

- Male drivers shall wear tailored trousers, formal shoes, and a tailored shirt at all times. Ties are optional but when worn they should be plain in colour, and not contain any logos, or images.
- Female drivers shall wear a tailored skirt or trousers, formal shoes, and a tailored blouse at all times. Cravats are optional but when worn they should be plain in colour and not contain any logos, or images.

#### 4.1.4 Driver Medicals

The question was asked, should the driver's medical frequency be amended.

Responses	Support proposal to update the medical frequency provisions
7	5

There were two comments opposing the proposal to amend the driver medical requirements. One stated that they were not stringent enough and they requested more frequent testing. The other stated that other jobs do not

require three yearly testing and that there is no clear justification for making this change.

It is true that amending our policy to every three years is above and beyond the frequency required by other types of road users, however, Officers would not agree that there is no clear justification for making this change. Studies have shown that drivers of hackney carriages and private hire vehicles spend large amounts of time in a sedentary position, and they have shown that taxi drivers as a group suffer from high levels of chronic disease linked to sedentary lifestyles, poor diet and stress. Controls which limit some of these factors in other road users such as tachographs are not available in taxis, and therefore Officers consider that the proposal can be justified.

Officer recommendation is that the proposal should be adopted without amendment.

#### 4.1.5 DBS Update Service

The question was asked, should DBS update service membership be made mandatory.

Responses	Support proposal to make DBS update service subscription compulsory
7	6

One comment opposed this proposal but did not provide any reasons for their opposition.

The benefits of maintaining membership of the update service to licence holders and Officers are clear. It is cheaper than paying for new applications, it removes the hassle factor of completing new applications, and they are portable thus removing the need to complete multiple applications when licences are held with different Council's. From the Council point of view it will reduce the administration time required, as reminders will no longer need to be sent out.

It is imperative that licence holders do not change any of their details without advising the DBS update service administrators otherwise there is a risk that their membership will lapse. If this was to happen they would need to complete a normal application with us to re-apply for the update service, as there is no automatic re-instating of membership. In such cases, licence holders would be given time to re-subscribe, subject to ability for Officers to suspend where it was considered appropriate, based on the facts of the case.

Officer recommendation is that the proposal should be adopted without amendment.

#### 4.1.6 Vehicle Testing Frequency

The question was asked, should the testing frequency of licensed vehicles be amended.

Responses	Support proposal to update the vehicle testing frequency provisions
7	5

There were two comments opposing this proposal, but no reasons for the opposition were provided.

Officer recommendation is that the proposal should be adopted without amendment.

#### 4.1.7 Hackney Livery (Single Colour Scheme)

The question was asked, should a one colour scheme be introduced for hackney carriages.

Responses	Support proposal to introduce a single colour scheme for hackney carriages
9	6

There were three comments not supporting this proposal. It is important to state that two of these individuals were from licence holders. One licence holder did not provide reasons for their opposition, the remaining two objections had concerns for visually impaired members of the public using the service, and that the one colour scheme would be pointless in the evening stating:

*“A taxi needs to be easily identifiable by the visually impaired. Any reduction in this feature could make access to this service more difficult or even place them in danger if they boarded a hire car of the same colour unaware that it was not a registered hire car. A colour would have to be selected that was unique and distinctive if no other easily visible identification stickers were exhibited.”*

*“The ONE COLOUR SCHEME is a terrible idea. The TAXI sign (The word TAXI) is recognised the world over. Tourists will NOT come to Ely and think,, 'ah, there's a yellow, green, red car - THAT must be a taxi'. At Night ,, the one colour scheme will become pointless! ... Unless the Licensing Department want us to change the colour to Day Glo Yellow! What SHOULD be amended is the size of the taxi sign ... at the moment there are some really small signs,, and in the day, they are not obvious from a distance. Hackneys should have signs that are a minimum of 50cms long - with door stickers - and fare charts visible from the street. No One colour scheme please!” – Licence holder's comment.*

Officers understand the concerns of the comments made above, and totally agree that hackney carriages should be easily identifiable by all. This is part of the reason for the proposal. The other perceived benefits of the proposal are that a single colour scheme can help to increase trade through increased customer confidence in the service, it can help to professionalise the service in the eyes of the public and tourists, and it can enable easier enforcement on the ranks.

Analysis of responses

Of the six comments supporting the proposal four were from licence holders, and three of these individuals suggested that silver was their preferred colour; the fourth did not state a colour preference. Silver is currently the most prolific colour in the hackney carriage fleet. These four comments represent 35 vehicles out of the current 121 vehicle fleet.

Due to the number of comments supporting this proposal, Officers sent a further email to the hackney carriage fleet asking the following two questions:

- 1) If the proposal to introduce a single colour scheme is implemented, what colour would you want to see used?
  - White
  - Black
  - Silver
  - Red
  - Blue (considered helpful to dementia sufferers)
  - Other (please state).....
- 2) Would your support of the proposal change if the Council was to implement a colour other than your preferred colour? Yes  No

If you have answered yes to question 2, please give a reason as to why your opinion would change:

A total of eleven responses were received, eight of which were from individuals who had not responded during the main consultation period. The full content of the responses can be seen in **Appendix 3**, but a summary is contained in the following table:

Responses	Colour preference		Support regardless of colour	Opposed to other colour being used
11	White	1	5	6
	Black	3		
	Silver	8		
	Red	0		
	Blue	0		
	Other	0		

The overall responses to this proposal represent a total of 17 of 52 proprietors, and a total of 75 of the 121 licensed hackney carriages in the district.

The overall responses in support of the proposal represent 12 proprietors and a total of 69 of these vehicles.

Of the responses received supporting the idea of a single colour scheme, the preference was for silver to be used, although it has been pointed out in the comments that it would be advisable to stipulate a range of acceptable “silvers” to avoid potential issues occurring in the future if Members were to introduce the scheme.

Whilst it is clear that there is a large degree of support it is also worth noting that approximately two thirds of the hackney proprietors consulted did not voice their opinion on the proposal despite being given two opportunities to do so, and of those who did respond a third of them did not support the proposal.

Due to the responses received regarding this proposal, no Officer recommendation is offered. Members are asked to determine whether:

- A single colour scheme should be implemented for hackney carriages, and what colour should be used.

#### 4.1.8 Hackney Carriage Door Stickers

The question was asked, should the requirement to display hackney carriage door stickers be removed if a one colour scheme is introduced.

Responses	Support proposal to remove the door sticker requirement if a single colour scheme for hackney’s is introduced
8	4

There were four comments opposing this proposal. Two comments offered no reasons for their objection. One comment suggested that the lack of door stickers could affect persons who are colour blind. One comment suggested that visually impaired members of the public may be affected if visual clues were removed.

One of the supporting comments stated that if the proposal was introduced there should be a requirement to display the company name.

As with the proposal in section 4.1.7 of this report, Officers understand the concerns of the opposing comments, as it is imperative for public safety that licensed vehicles are clearly identifiable. It is also a requirement of the law that hackney carriages and private hire vehicles are clearly distinguishable.

Of the four comments supporting the proposal three were from licence holders. Of the four opposing the proposal two were licence holders.



This proposal has divided the respondents 50/50. The concerns all relate to identification. If the stickers requirement is removed a licensed hackney carriage will be required to be a specific colour (as this proposal is linked to the introduction of the single colour scheme detailed in section 4.1.7), they will be required to display a roof light, an internal two sided (white) vehicle plate in the front windscreen, and an external (white) plate on the rear of the vehicle. They will be the only vehicles permitted to sit on the ranks in Market Street, Market Place and Ely Train Station.

Officers consider that the nature of the work conducted by hackney carriages, and the specific items they are required to display combined with a standard colour requirement for the fleet would be sufficient to identify them, and not lead them to be confused with being private hire vehicles or unlicensed vehicles. However, Officers can also see that the door stickers clearly identify the vehicle as being a licensed ECDC hackney carriage; although it is likely that this is of more benefit to non-users who may have cause to complain about a vehicle already engaged in a journey than those approaching a stationary vehicle to hire it, due to where the stickers are located. An alternative solution could be a requirement to display a smaller version of the sticker in the front and rear windscreen. The removal of the requirement to have door stickers would save an average licence holder £12 to £24 a year. The alternative option of windscreen stickers is likely to produce a saving of £6 to £12.

Due to the responses received regarding this proposal, no Officer recommendation is offered. Members are asked to determine whether:

- the proposal is adopted, as consulted, or
- the alternative sticker option is adopted, or
- whether the proposal is not pursued at this point in time.

#### 4.1.9 Non-standard and Novelty Vehicles

The question was asked, should specific conditions covering non-standard and novelty vehicles be introduced.

Responses	Support proposal to introduce specific conditions to cover non-standard and novelty vehicles
7	6

The one opposing comment did not provide reasons for their objection.

Officer recommendation is that the proposal should be adopted without amendment.

#### 4.1.10 Executive Vehicles

The question was asked, should an objective framework be introduced to aid decisions where a licence holder requests a section 75(3) exemption.

Responses	Support proposal to introduce a framework to aid section 75(3) exemption request decisions
7	6

The one opposing comment which was submitted by a licence holder suggests that the proposed framework will require constant monitoring and will increase the fees payable as a result.

Officers do not consider this to be a likely outcome of this proposal coming into effect. The objective nature of the framework makes the administering of exemption requests easier and quicker, and less open to challenge.

Of the 34 private hire vehicles currently issued there are only two operating under an executive exemption, and both of these vehicles satisfy the proposed framework.

Officer recommendation is that the proposal should be adopted without amendment.

#### 4.1.11 Vehicle Standards of Appearance

The question was asked, should the current standards of appearance of a licensed vehicle be updated.

Responses	Support proposal to update the current standards of appearance of licensed vehicles
7	7

Officer recommendation is that the proposal should be adopted without amendment.

#### 4.1.12 Relevance of Convictions

The question was asked, should the relevance of convictions section be separated and updated.

Responses	Support proposal to separate and update the current relevance of convictions section
7	7

Officer recommendation is that the proposal should be adopted without amendment.

#### 4.1.13 Penalty Point Scheme

The question was asked, should a penalty point scheme be introduced to provide an objective framework to dealing with non-compliance.

Responses	Support proposal to introduce a penalty point scheme to aid dealing with non-compliance
7	7

Officer recommendation is that the proposal should be adopted without amendment.

## 5.0 CONCLUSION

- 5.1 The adoption of the amendments contained in subsections 4.1.1 to 4.1.13 will support the statutory position, help to protect public safety, and will help to further enhance the professionalism of the taxi trade within the District.
- 5.2 Although a low number of comments were received, Officers do not believe that this should be a cause for concern. All stakeholders were given eight weeks to respond, and key stakeholders were reminded of the expiry date. No one has contacted Officers complaining that they were not provided with enough time to submit a comment.

## 6.0 FINANCIAL IMPLICATIONS

- 6.1 If the proposals in this report are adopted it will have a small financial impact on existing drivers. The requirement to have more frequent medicals will result in approximately eight additional medicals being required between the age of 21 and 45, and an additional three between 45 and 65. However, being able to use any GP means the cost of each medical will be considerably lower than the cost most drivers currently have to pay. Records show that nine drivers are aged up to 30, 58 drivers are aged between 30 and 45, and 96 are aged 46 to 65. As the vast majority of existing drivers are nearer to or above the 45 age limit than the 21 age limit, the impact of this policy change will be further reduced.
- 6.2 The impact of increasing the age limit on six monthly vehicle testing will reduce the financial outlay for vehicle licence holders.
- 6.3 The impact of introducing a livery for hackney carriages would not cause a financial burden to the trade as the proposal does not include an arbitrary date by which time the vehicles must all conform, and if a single colour scheme is used there would be no additional cost for carrying out modifications, such as spraying or vinyl wrapping the vehicle in order to comply with the scheme. It is worth noting that the introduction of a single colour scheme would restrict the ability of the trade to purchase a comparable lower priced new or replacement vehicle if the colour of the vehicle was not compliant with the policy.

- 6.4 Depending upon the decision Members reach regarding the livery proposal, and the linked door sticker proposal, licence holders may benefit from a small reduction in overall vehicle licensing costs.
- 6.5 A small cost will be incurred to run the safeguarding training for existing licence holders. This will be covered by the existing licence fees. New applicant's fees will be adjusted to cover the cost of running the ongoing training, but this will not affect existing drivers. If Members consider refresher safeguarding training is required this would incur additional charges which would need to be covered by the driver licensing fees. It is estimated that this cost would be in the region of £7.50 per driver, per licensable year.
- 6.6 Officer time has been required to deal with the consultation exercise, and Member time has been required to consider the comments received. These costs will come out of the Licensing Department's budget.
- 6.7 An Equality Impact Assessment (EIA) has been completed showing there is no adverse impact on the community if Members follow the Officer recommendations.

## 7.0 APPENDICES

- 7.1 Appendix 1 Consultation proposal document  
 Appendix 2 Responses to consultation exercise  
 Appendix 3 Responses to further livery questions  
 Appendix 4 Proposed policy document (to be emailed and shown via projector due to size)  
 Appendix 5 Equality Impact Assessment (EIA)

---

<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer</u></b>
The Local Government (Miscellaneous Provisions) Act 1976	Room SF208 The Grange, Ely	Stewart Broome Senior Licensing Officer (01353) 616477
Town Police Clauses Act 1847		
Existing Hackney Carriage and Private Hire Guide.		
Dept. for Transport – Taxi and Private Hire Best Practice Guidance 2010.		