

## **Appendix 2 – Draft Consultation Response**

### **Welsh Government – Taxi and Private Hire Vehicle Licensing in Wales**

#### **Consultation Document**

#### **Question 1: Should the two tier system be retained in Wales or should a single tier model be developed for the taxi and private hire vehicle sector in Wales?**

The Council believe that the preferred model of choice would undoubtedly be one tier system, where no previous regulation had been in effect.

From the Council and the public's perspective it makes no difference whether a vehicle is booked via telephone, internet, "App" or whether it is simply hailed down in the street or waiting at a taxi rank; essentially what we have is a vehicle that conveys passengers from one place to another.

The Council appreciate that careful consideration will need to be given because existing legislation is already in place that provides for a two tier system. However, a new primary piece of legislation which is designed to replace the existing archaic (and simply no longer fit for purpose) legislative structure that is in place today, will provide an ideal opportunity to put in place a system which is fit for purpose.

One possible implication of a one tier system would be the issue of taxi ranks, particularly within the town centres with their lack of available space. However, the Council appreciate the way in which we book taxis is changing and with the ever increasing move to electronic booking systems, taxis would not necessarily be required to be positioned in the Town centre. Alternatively, ideas such as "holding areas" created on the fringes outside the centre of towns and cities may be created for taxis to simply wait until a booking comes through. These areas could be tailored specifically for taxis and going forward could even include electric charging points for the inevitable move to electric vehicles.

Having such infrastructure in place, could be the catalyst for taxis to embrace electric vehicles.

The benefits of a one tier system are obvious, it would:

- Create a level playing field for the trade.
- Simplify insurance policies as only public hire would be required.
- De-criminalise the act of a private hire vehicles plying for hire.
- Be much easier for the public to understand.
- Do away with inconsistent fares between private hire (agreed at the point of hire) and hackney carriages (Maximum set by the council).
- Allow for fare to be agreed for pre-booked journeys and set by the council if hailed in the street or hired at a taxi rank, regardless of whether the journey ends outside the LA area. (taxi driver will have the right to refuse a fare for distances beyond the LA area anyway)
- Ensure consistent minimum standards for drivers and vehicles
- Do away with the terms hackney carriage and private hire and introduces the term “taxi”, (which the public already recognise).

**Question 2: Should the arrangements in Wales require taxi drivers to maintain accurate records of:**

**a. all journeys undertaken in taxis;**

**b. Only journeys that have been pre booked or started out of the taxis licensing area; or**

**c. Not to require taxi drivers to maintain records**

The Council believe that ideally records should be kept for every journey undertaken, however, there are obvious practical difficulties with taking this approach. Attempting to obtain a passengers name and address at the end of an evening not only would be difficult (refusals, false names etc.), but could put the driver in a confrontational situation.

The purpose of record keeping is primarily for safeguarding reasons. The retention of records would provide evidence of where a vehicle has been and who has been conveyed, assisting enormously with

enforcement. But these records would be easily manipulated and as such wouldn't have much worth.

A better option would be to use technology to better the safeguarding processes. The use of CCTV, trackers and GPS systems would not only provide a more robust system for record keeping, but would also not place an administrative burden on taxi drivers.

Without a technological answer, the only real option would be to require records to be kept for pre-booked work only.

**Question 3: Should the arrangements for licensing taxis in Wales require any persons handling personal information to be licenced or not?**

The Council believe that anyone taking or holding an individual's personal information should have to be vetted to ensure that that person is safe and suitable ("fit and proper"). The most appropriate way to do this would be to introduce a licensing system, which is consistent with the Welsh Government's proposals for licensing the dispatcher and operator.

**Question 4: Should a person taking a booking for a private hire vehicle require to be licenced?**

The Council believe that anyone taking or holding an individual's personal information should have to be vetted to ensure that that person is safe and suitable ("fit and proper"). The most appropriate way to do this would be to introduce a licensing system, which is consistent with the Welsh Governments proposals for licensing the dispatcher.

**Question 5: Should the "fit and proper persons" test for the application and issue of licences be retained in Wales?**

The Council believe that the fit and proper test should be retained for drivers and operators and should be extended to include proprietors and dispatchers.

**Question 6: Do you agree that local authorities should have the discretion, within certain constraints, to impose conditions on individual licence holders to meet additional local requirements and standards where there is a reason to do so?**

The Council believe that Local Authorities should be able to impose additional conditions. Drivers who have certain medical conditions for example may require additional conditions to ensure that they remain safe to drive. Another example would be disciplinary requirements, where the Local Authority as a result of a complaint / conviction, may wish to attach a condition to a driver licence for them to attend a specific local course.

**Question 7: In relation to setting fees for the licensing of taxis and private hire vehicles, do you agree that:**

**a. The fees for the licensing of private hire vehicles should be set by the Welsh Ministers with fees for taxis being set by local licensing authorities at a rate not less than those applied to private hire vehicles – as recommended by the Law Commission; or**

**b. Local licensing authorities be required to set all fees in their areas, exercising their functions having due regard to guidance issued by the Welsh Ministers?**

The Council is already well versed in setting fees locally. We are aware of our own costs and any fees levied should be at a level set to recover the actual cost of providing the service.

The fee setting power included in any new legislation, should allow the Local Authority to recover all costs associated with administration and enforcement of the regime.

**Question 8: Do you agree that:**

**a. Local licensing authorities should be required to publish driver, vehicle and operator licensing data information as prescribed by the Welsh Ministers as recommended by the Law Commission, or**

**b. Local licensing authorities should be required to share information about any enforcement action that has taken place and resulted in the removal or suspension of a licence, and that**

**licensing authorities required to consult that information prior to any application for a licence being granted.**

The Council do not recognise the benefit in publishing information about licence holders. A national database maintained and accessed by Licensing Authorities would be an excellent tool to prevent unsuitable drivers from obtaining or retaining licences,

The Council firmly believe that information should be shared between Licensing Authorities. Legislation and regulations setting out a prescribed manner in which to share this information would be beneficial.

**Question 9: If required, should the Welsh Ministers have the power to make a scheme that:**

**a. Allows taxi licences to be traded between licence and perspective licence holders; or**

**b. Requires licences to be returned to the local licensing authority for reissue but allow for a compensation scheme to be established ensuring that licence holders that have traded plates previously in relation to Wales to be compensated for any potential loss.**

The Council already have procedures in place to allow taxi licences to be transferred from one proprietor to another, in much the same way as alcohol and entertainment licences under the Licensing Act 2003 are transferred between licence holders. However, the existing process set out in the Local Government (Miscellaneous Provisions) Act 1976 requires tightening up, with an application process being prescribed which includes the ability for the Local Authority to charge a fee.

**Question 10: Do you consider that equality requirements proposed by the Law Commission can be met under the requirements imposed by the general public sector equality duty (s149) and the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011?**

The Council believe that including the proposals in primary legislation would strengthen existing provisions and would provide a consistent approach to equality issues throughout Wales.

**Question 11: Do you agree that applicants or existing licence holders must first allow a review of a refusal, suspension or revocation by a person not involved with the initial decision to be undertaken within a reasonable timeframe before an appeal to magistrates' courts can be made?**

The Council do not believe that there would be any benefit in having another Councillor or Officer reviewing a decision that was already determined by a Committee consisting of between 3 and 15 Councillors. This proposal would not in our view, be independent and would be perceived as a decision taken by the Council regardless of who made the decision.

The appeal process should either be retained as it currently stands or another independent body should hear the appeal.