

## APPENDIX B

### **Response from City and County of Swansea to Welsh Government Consultation – Taxi and Private Hire Vehicle Licensing in Wales**

#### **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 believes that the preferred model of choice would undoubtedly be a single tier system, based on the fact that both from the Council's perspective and that of the general public, it makes no difference whether a vehicle is booked via telephone, internet, Smart phone 'App', hailed in the street or the vehicle is waiting at a taxi rank, as essentially what we have is a vehicle that conveys passengers from one place to another.

The Council appreciates however that careful consideration will need to be given to this issue because existing legislation already in place provides for a two tier system and has been in place for a considerable period of time.

New primary legislation, designed to replace the existing legislative structure which is no longer fit for purpose, will provide an ideal opportunity to put in place a system which is fit for purpose. If a single tier system was to be introduced there would need to be a number of considerations due to the implications of such a change. One implication of a single tier system would be the issue of rank space, particularly within Swansea's already congested city centre. The Council do appreciate however, that the way in which customers 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 City centre. Alternatively, ideas such as "holding areas" located outside of the city centre may be created for taxis to wait until a booking comes through. These areas could be created specifically for taxis and going forward could include electric charging points to accommodate the inevitable move to electric vehicles. Having such infrastructure in place, could also encourage taxis to embrace electric vehicles.

The benefits of a single tier system are that 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 Fares 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 believes 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 could be easily manipulated and as such may not have much worth.

A better option would be to use the advances in technology to capture the information necessary to ensure as far as possible the safety of the travelling public. 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 believes that anyone taking or holding an individual’s personal information should-be vetted to ensure that that person is safe and suitable (“fit and

proper”) for the role. 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 believes that anyone taking or holding an individual’s personal information should be vetted to ensure that that person is safe and suitable (“fit and proper”) for the role. 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.

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

The Council believes 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 believes 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’s 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 experienced in setting fees locally on a cost recovery basis and believes that the fee setting power included in any new legislation, should allow the Local Authority to recover all costs associated with the 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 are required to consult that information prior to any application for a licence being granted.**

The Council does 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 believes that information should be shared between licensing authorities and legislation setting out a prescribed process for sharing 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 prospective 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 has 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 believes 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 does 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 sufficiently 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.