



Appendix A

Swansea Council submission:

Welsh Government White Paper Taxi and Private Hire Vehicle (PHV) (Wales) Bill

Consultation response

Swansea Council largely supports the submission made by The Directors of Public Protection Wales (DPPW), who represent Local Authority regulatory services that directly affect the health, safety and well-being of local communities in Wales. Under DPPW there are several specialist/expert panels; one of which is the Wales Licensing Expert Panel.

Swansea Council have made additional comments to those made in the DPPW submission and request that this response is also considered.

Swansea Council are supportive of WG's vision to ensure that taxi and PHV services in Wales are safer, fairer and greener and would strongly support reforming the current legislative framework around licensing the taxi and PHV sector, which will introduce a level playing field across the sector by introducing consistent enforceable public safety standards.

Swansea Council considers that the proposed legislation is not ambitious enough and will only alter archaic legislation (Town Police Clauses Act 1847, Local Government Miscellaneous Provisions Act 1976), rather than introduce a new primary piece of legislation which is fit for the modern day. Whilst it is acknowledged that the proposals contained within the White Paper will move hackney carriage ("Taxi") and private hire services in the right direction, many of the issues and confusion with the existing legislation, stems from having a two-tier licensing system of both taxis and private hire services.

We have always advocated moving to an amalgamated regime for taxis and private hire services, with a second category to capture the other services such as home to school transport, airport transport and executive hire. This is something that Swansea Council has had in place since 2008 following the contract exemption

repeal and is now being considered and introduced across authorities in England and Wales.

Moving to this simplified “one tier” system would be much easier for the public to understand and is supported by the Regulatory Impact Assessment (“RIA”) which states “...*this indicates that the way taxis and PHV operate in large urban conurbations is so similar from the customers perspective, that a legal difference may or may not be needed*”. Swansea Council fully supports this position and would suggest that the whole concept of a single tier approach be revisited.

Consultation Questions

Question 1: Are the proposed definitions of taxis, PHVs, there and then hire and pre-booking appropriate? Please provide comments, including anything you think is missing from the definitions.

There has undoubtedly been a “blurring of the distinction” between taxis and PHVs. This is mainly due to the fact the majority of journeys undertaken by PHVs are identical to those that are undertaken by taxis. There has been a noticeable shift in the way that the public request a vehicle, preferring to use modern methods of communication such as booking via phone or an App. The traditional method of hailing in a taxi in the street or waiting at a taxi rank has been in decline for many years and it is likely that this trend will continue, particularly as populations become more tech savvy and the take up of App based bookings systems by taxi and PHV operators stretches beyond the urban areas.

The definitions in the consultation document of “there and then hire” and “pre-booking” are clear and enforceable. However, the fact that taxis and private hire vehicles are for the most part undertaking the same role, it seems illogical that a customer can access a taxi immediately but must pre-book the private hire vehicle; this creates an unnecessary barrier to travel. With a one tier system, the whole concept of having to pre-book a vehicle is not required.

The proposed definition for pre-booking essentially maintains the status quo. Currently customers can approach a PHV and generate a booking for “future” travel which takes place in only a couple of minutes (albeit with a few administrative steps added compared to using a taxi). In situations where the driver of the vehicle is also the private hire operator, then the customer will be able to book the vehicle with the driver for what will be essentially immediate hire.

Question 2: Do you agree with our proposal to introduce national minimum standards which will apply to all taxis and PHVs in Wales? Please provide comments.

We would agree with this proposal. This is consistent with the previous consultation work undertaken between the All Wales Licensing Expert Panel (of which Swansea is part) and Welsh Government lead on taxi reform in Wales. It is also consistent with recommendation 2 made by the “*Ministerial Working Party into Hackney Carriage*

and Private Hire Licensing in England [2018]” and the Law Commission review “*Reforming the Law of Taxi and Private Hire Services*” [2012]”.

National standards would ensure that taxi services are delivered consistently across Wales to ensure public safety and would deal with any perceptions of any unnecessary inconsistency across local authorities.

Question 3: Do you agree that local authorities should be mandated to offer separate taxi and PHV driver’s licences as well as to offer the option of a dual licence? Please provide comments.

We disagree with this proposal. We feel there is limited benefit in mandating local authorities to offer separate licences. A taxi driver or a PHV driver will already have had to attain the necessary level of testing and training, so there would be no cost saving to the driver to obtain a single taxi driver licence as opposed to the dual licence. Additionally, a PHV driver would only benefit from not having to undertake the knowledge test – a saving of only £20 - £30. We do however feel that a PHV driver would benefit from continuing to undertake the knowledge test and not be reliant on satellite navigation systems. It is our experience that the expense of a knowledge test is not the main concern. Local experience tells us that drivers would benefit from a local knowledge test regardless of whether they drive taxis or PHVs for their own safety and to aid the customer experience. In Swansea, the lead in time for knowledge tests is on average between one and three weeks. We therefore feel the benefits outweigh any disadvantages provided.

As many local authorities already only issue dual licences, the creation of additional single licence categories would cost local authorities more to administer, with additional costs associated with procuring colour coded id cards and alterations to existing computer databases.

We therefore consider that only dual licences should be offered. The RIA states “*as if the picture was not already very complex, the issuing of dual licences by some authorities is effectively allowing some drivers to switch between the business model that fits best with their goals*”. There are clearly benefits here for the operators and drivers which is acknowledged in the RIA by WG. The operators can operate a mixed fleet of taxis and PHVs with drivers being able to drive any vehicle without any enforcement implications for any party, including the local authority. In Swansea, most operators provide a mixed fleet of vehicles and would be severely affected by the restriction of PH only driver badges/taxi driver only badges.

If WG proceed with the proposal to offer a single taxi driver licence, then it is important that legislation includes a provision for conditions to be attached to the licence. Under the existing legislation, local authorities cannot attach conditions to hackney carriage drivers. By issuing dual licences, private hire driver conditions automatically apply to all drivers.

Question 4: Do you agree with the national minimum standards proposed for a driver's licence? Please identify any standards you think should be removed, changed or added.

We would agree with the national minimum standards being proposed for a driver's licence, although it should be noted that proposals to introduce driver checks more frequently than at renewal will inevitably require additional resources to administer, this of course translates into additional costs to the Local Authority and consequently to the driver. Additional comments on each of the minimum standards are outlined below:

An enhanced DBS check, including barred lists (check conducted every 6 months once licensed using the DBS update service)

We agree with this proposal. Frequent DBS checks are essential to ensure that licensed drivers remain fit and proper. We are therefore supportive of checks being undertaken every 6 months, despite the additional resources that will be required to undertake the task.

Consideration should be given to the sanctions available to Local authorities where the authority is unable to process a check on a driver. This could be for various reasons such as the driver not signing up to the update service or for not continuing the subscription once signed up. Local authorities should be empowered in these situations to suspend the driver's licence until such time as the check can be carried out. Section 61 LG(MP)Act 1976 currently permits suspension of driver licences but it should be made clear that a suspension is permissible for these reasons.

An overseas criminal record check (where applicable)

We agree with this proposal.

Evidence of right to work in the UK

We agree with this proposal.

A group 2 medical check (required on first application and then at intervals dependent on age of driver)

We agree with this proposal and suggest that a medical is required on initial application and then subsequently upon each renewal (3 years) until the age of 65 at which point both medical and licence should be annual.

Additionally, we suggest that WG utilises the standards issued in March 2021 within the "*Taxi and Private Hire Vehicles: Licensing Guidance*" under the header 'Medical checks' however we suggest an amendment to who may carry out the assessment to widen the availability for drivers and level of history of the driver's medical status required to be considered. We would welcome further discussion regarding the amendments in more detail with WG.

Successful achievement of a regulated qualification (required every 6 years i.e. every other renewal), the syllabus for which will include: children and adult safeguarding awareness, Equality Act 2010 and disability awareness, mental health awareness, dementia awareness, Violence Against Women Domestic Abuse And Sexual Violence (VAWDASV) awareness, county lines awareness, trafficking awareness, customer service, taxi licensing legislation, conflict management, basic Welsh (how to greet passengers), data protection requirements, basic vehicle maintenance. Assessment will also cover basic literacy and numeracy skills.

We agree that a comprehensive training requirement which is consistently applied throughout Wales, will add professionalism to the industry and should be introduced for all new drivers.

The cost and time involved with any professional training needs to be relevant and appropriate. There needs to be wide availability of training providers to ensure that both urban and rural authorities are adequately catered for.

Existing drivers should be given a sufficient transitional period to obtain the qualification, with the qualification requirement date aligned with the expiry of the licence to prevent the need for requiring a power to suspend a driver licence for non-compliance under S61 of LGMP Act 1976.

Ongoing refresher training should be implemented at 6 yearly periods to coincide with the expiry of the licence. Refresher training should be shorter in duration and delivered at a lower cost to the driver.

Consideration should be given, other than under '*any other reasonable cause*' under S61 of LGMP Act 1976 should drivers not choose or refuse to undertake the required training.

For a taxi driver/dual licence, the theory test will also include basic information on running a business e.g. registering with HMRC, keeping accounts etc. This will not apply to applicants for PHV driver's licences only as they are likely to be employees of a PHV operator

We disagree with the statement that private hire drivers are likely to be employees of the operator, in our experience this is generally not the case. Private hire drivers are more often self-employed, particularly in urban areas. We would suggest that basic information in running a business should be incorporated as a module into the main driver qualification.

All applicants for a taxi driver/dual licence will be required to undertake a local knowledge test of the area. This will not apply to applicants for PHV driver's licences only as we feel that the pre-booking element and widespread use of digital navigation systems allows for effective route planning.

We disagree with this proposal. Please see the response in Q3 above.

Question 5: Do you agree with the national minimum standards proposed for a vehicle licence? Please identify any standards you think should be removed, changed or added.

We agree that national minimum standards should apply to vehicle licences and make the following comments:

All proprietors to submit a basic criminal record check prior to their application (repeated each renewal) and where necessary an overseas criminal record check.

We agree with this proposal as this reflects existing practices, albeit where the proprietor is also a licensed driver, then the need for an additional basic DBS check is not required. Basic DBS checks should have been issued within the last 3 months.

All taxis to display a roof light displaying only the words 'Taxi' and/or 'Taksi'

We agree that roof signs/lights should display the word 'Taxi' or 'Taksi', however a number of Swansea taxis display existing roof signs with our local authority name displayed. We consider that to compel existing taxi operators to replace existing roof signs/lights would be an unnecessary cost to the trade. We would therefore suggest that the word "only" be removed from this standard.

Roof lights not allowed on PHV

We agree with this proposal.

All PHVs to display 'pre-booking only' signage

We agree with this proposal as this is a current standard on door stickers in Swansea.

Vehicles to be tested to an agreed testing specification

We agree and would recommend that these are in accordance with the "*Best Practice Guide for the Inspection of Hackney Carriage and Private Hire Vehicles*".

Vehicle testing to be carried out at agreed intervals.

We agree and would recommend that this be every 6 months for all vehicles.

Vehicle age limits / emission requirements (with the possibility of exemptions for zero emission vehicles and/or wheelchair accessible vehicles)

We strongly disagree with mandatory age limits for vehicles. The age and mileage of a vehicle are often not directly correlated to the safety and condition of a vehicle. The better approach is to allow vehicles to continue to be licensed on merit. The "*Best Practice Guide for the Inspection of Hackney Carriage and Private Hire Vehicles*" offers a robust standard of testing for vehicle safety, comfort and appearance and we feel that where a vehicle can attain this standard every 6 months, then it should continue to be licensed. It is inevitable that as vehicles age, it will become more

difficult (and costly) to continue to meet this standard, at which point vehicles will naturally be replaced by newer models.

We would support further consultation on emission standards and the possible introduction of Euro emission ratings.

Taxi maximum rate of fares tariff to be displayed inside the vehicle with the licensing authority contact details.

We agree with this proposal.

All taxis to be fitted with a taximeter.

We agree but would suggest that only one fare should be displayed to the customer. Some Local authorities report that it is common practice for drivers to display the taximeter fare and the company's fare which may be different. This could cause confusion and potential conflict with the customer. Taximeter standards including the criteria for Pulse and GPS meters should be specified in the National Minimum Standards.

Vehicles driven by drivers that have medical exemption certificates issued under the Equality Act 2010 must display the exemption certificate, which will be available in English and Welsh as well as a tactile 'E'.

We agree and suggest that the tactile 'E' is issued to the driver to carry in the vehicle, which can then be given to visually impaired persons on request, rather than placed on the vehicle that could have benefit from multiple drivers.

A standard vehicle criteria to be set detailing requirements such as minimum leg room, head height, seating width, luggage capacity etc. This will ensure that there is a range of suitable vehicles and new vehicles coming onto the market that will not require additional approval, as long as they meet the criteria.

We agree, however would expect to be consulted on the detail of this criteria and reviewed regularly. This criteria has always been fast moving due to the changes in the market of makes and models of vehicles and therefore have been subject to costly appeals in Magistrate Court.

Methods of payment that should be available.

We agree and would suggest that credit/debit card payment, app-based payment (pre-paid) and cash should be available as payment options. We would suggest that this standard goes further to mandate that all Taxis should accept a card payment.

Vehicles must carry a first aid kit

We agree with this proposal however question whether this needs to be duplicated in taxi legislation. There is already an obligation under the Health and Safety (First Aid) Regulations 1981, for any person who is self-employed to have first aid equipment available to provide first aid to oneself. The first aid provision needs to be adequate and appropriate in the circumstances.

Question 6: Do you agree with the national minimum standards proposed for an operator's licence? Please identify any standards you think should be removed, changed or added.

We agree that national minimum standards should apply to operator licences and make the following comments:

A basic DBS check (repeated each renewal).

We agree with this proposal. This reflects existing practices, albeit where the operator is also a licensed driver, then the need for an additional basic DBS check is not required. An operator's licence can last a maximum of 5 years, we feel that this period is too long between DBS checks and that an annual check is preferable.

An overseas criminal record check (where applicable).

We agree with this proposal as this reflects existing practices.

Successful achievement of a regulated qualification, similar to that for drivers (above) but also including basic information on running a business e.g. registering with HMRC, keeping accounts etc. This could also be extended to a requirement that at least one designated operational member of staff has achieved the qualification. Consideration could be given to sole operator-drivers undertaking less onerous training.

We agree with this proposal, however, would suggest that there is only one qualification required. Different levels of qualification or training requirements for sole traders / partnerships, etc will introduce confusion and should be avoided.

Operators to ensure that all staff that have responsibility for taking bookings and dispatching vehicles have a basic criminal record check and must maintain records of such checks. Operators must have a policy in place for determining the suitability of their staff i.e., what criminal offences they would consider as 'relevant' and how they would assess applicants with criminal records.

We agree with the proposal that anyone taking bookings, dispatching vehicles or

holding an individual's personal information should be vetted. We suggest that all such individuals should be subject to a fit and proper test via a basic DBS check.

We question the effectiveness of an unregulated policy whereby the operator determines the suitability of their own staff. Even with Local Authority overview of operator policies or barring criteria set out by WG, local authorities would not have access to individual basic disclosures and enforcement / monitoring of such a scheme would be close to impossible.

We feel that the only viable and meaningful option for vetting "dispatchers" would be to have a separate licensing scheme for such individuals or must we accept that Operators that are deemed as fit and proper persons are trusted to employ the correct personal for the role.

Operators to maintain a register of complaints and should publish details on how customers can make a complaint on any website, booking app or in any booking office.

We agree with this proposal.

Operators must notify the licensing authority within 48 working hours of any dismissal of a driver in connection with unsatisfactory conduct with driving a taxi/PHV.

We agree with this proposal.

Operators to provide a documented policy to the satisfaction of the licensing authority on how they will have regard for passengers with additional needs such as disabled passengers and unaccompanied children. Operators should also nominate at least one suitably trained member of staff responsible for overseeing continued compliance with this policy.

We agree that Operators should have to meet standards for dealing with passengers with additional needs, however, we feel that this should not be left to the Operators to regulate. WG should introduce such standards through conditions, where Operators must comply. Where an Operator falls short of the conditions and complaints are received by the local authority, the local authority should investigate and where appropriate take action against the Operator's licence.

Question 7: Beyond the national minimum standards do you think local authorities should have discretion to have additional local standards/requirements for drivers, vehicles and operators in their area? If yes, what do you think these should cover?

We feel that standards should be consistent across the whole of Wales to ensure a level playing field within the sector. We therefore feel that Local authorities should not be permitted to set additional local conditions above the national standards with

the exception of local livery on vehicles on the basis of safeguarding. Being a university City, Swansea benefits from a vibrant night-time economy that needs to be safe for all. Vehicles that are licensed are clearly marked and identified to be traceable by all and not to be distracted by full livery. Members of the public are actively encouraged to check the unique vehicle signage before taking a journey.

Question 8: Do you agree with our proposals for local licensing administration? Please provide comments.

We agree that the administrative, decision making and issuing licence functions for taxi and PHVs continue to be performed by local authorities and applicants will continue to apply to the local authority where they mainly intend to work.

However, we are unclear how the proposals would work in practice where an additional licence is required outside the issuing authority area.

We feel that there is insufficient detail contained in the proposal in respect of the intention of Welsh Government here.

We are unclear on whether the subsequent issuing authorities would merely issue a licence based upon the fact that the issuing authority had completed all necessary checks to ensure the applicant was fit and proper or carry out checks on the same information supplied by the issuing authority.

Should the proposal mean that the subsequent issuing authority would merely issue a licence based upon the fact that the issuing authority had completed all checks, then we have several practical concerns. This requires further consultation and engagement on the detail to enable additional comments to be made. Some comments can be found in the RIA appendix attached.

We would not support any proposal that would overcomplicate the fee structure for additional licences and cause administrative issues and demands on the issuing local authority.

Under WG proposals for Local Licensing Administration, it is noted that taxis will remain able to accept there and then fares in the local authority area in which they are licensed and to undertake pre-booked work anywhere. PHVs will continue to undertake pre-booked work "across Wales". We question whether the restrictions imposed on PHV's are intended to only work across Wales? If this is the case, then there are obvious concerns in relation to those operators who currently legitimately operate across the border in England.

Question 9: Do you agree with our proposal to enable local authority enforcement officers to propose a sanction against a taxi or PHV driver found to be in breach of a national minimum standard while operating in their administrative area but not licenced in their area? Please provide comments.

To be clear, we answer this question on the basis that there is a breach of a vehicle national minimum standard, which has been committed by the driver of that vehicle.

We do not feel that this power is necessary. Local Authority enforcement officers already routinely refer concerns about vehicles to the home licensing authority for follow up action to be taken. This proposal is considered onerous and over complicates informal procedures that are already in place and used between Local Authorities.

Question 10: Do you agree with our proposal to enable local authority enforcement officers to suspend a licence issued by another authority where there is an immediate risk to public safety? Please provide comments.

To be clear, we answer this question on the basis that there is an immediate risk to public safety due to the condition of a vehicle.

We understand this to mean – every local authority enforcement officer will be authorised to issue an immediate notice (S68 LG(MP)Act 1976) against vehicles.

We would fully support the proposal to enable local authority enforcement officers to suspend a licence issued by another authority where there is an immediate risk to public safety.

We would suggest that action taken should be notified to the home licensing authority within 7 days instead of 14 days.

Additionally, we would suggest having powers to lift the suspension notice by either the home local authority or the local authority that issued the notice. This would be beneficial in situations where a fault can be remedied relatively quickly, which would allow the suspension to be lifted that same day by the issuing officer. Benefiting the trade also.

We however do not agree with the home local authority having the power to reverse the decision to suspend a vehicle nor the need for a confirmation process. This surely would give rise to the possibility of unnecessary challenges and court appeals leading to increased burdens and costs to local authorities.

Question 11: Do you agree that fixed penalty notices (FPNs) should be introduced for certain taxi and PHV offences? Please provide comments.

We consider that the types of infringements set out in the White Paper at Questions 11 (FPN's) and 12 (penalty points scheme) are of a similar minor level (leaving a taxi unattended at a taxi rank) when considering public safety. The more serious infringements such as refusing a passenger with an assistance dog, inappropriate behaviour etc. would rightfully be dealt with by way of a hearing or legal action. The introduction then of both a FPN scheme and penalty point scheme introduces 3

levels of enforcement action; this is an over complicated and unnecessary enforcement protocol.

We consider that it would be more appropriate to introduce either a penalty points scheme or a FPN scheme for the minor infringements and the option to go straight to a hearing or legal action for the more serious infringements.

We feel that the preferred choice would be to introduce a penalty points scheme. We have concerns about the cost of administering a FPN system to include taking payments, chasing payments, offering reduced payments and options for cases to be tried at court. This cannot be absorbed into the current resources of local authorities. Additionally, concerns were raised that income generated from FPN's would need to be considered alongside fee setting arrangements i.e. no profit can be made from fees, this would potentially lead to a reduction in the fees that can be charged for licences.

The penalty points scheme is essentially an internal mechanism to determine when a licence holder is required to be referred to a hearing, it is therefore less open to challenge as any appeal would be against a decision taken at the hearing rather than the points issued by an enforcement officer.

Question 12: Do you agree that a national penalty points scheme should be introduced for certain taxi and PHV infringements? Please provide comments.

This question has mostly been answered in Question 11 above.

We would add additional comments that any penalty points scheme introduced must be consistently applied across Wales. The infringements and the number of penalty points given should be clearly set out in a national policy and should be for criteria which is not subjective e.g., not having a driver badge or door stickers displayed will incur a set number of points.

We also suggest that this proposal be introduced for any infringements carried out by those licensed in 'other authorities', however the consideration of the issuing of penalty points should be referred to the home authority.

Question 13: Do you think that there is a need to address the negative consequences of 'multi-apping'? If yes, which option, including any suggestions of your own, do you think would be most effective. Please provide comments.

We agree that there is a need to address the negative consequences of 'multi-apping' based upon the limited effect this has in Wales, which is restricted to a small number of authorities. This currently is not apparent in Swansea and we have not experienced these issues, as our licensed drivers tend to work wholly for one operator.

As a result, Swansea Council support the Panel's view that a driver should be restricted to work for one operator at a time and to display the name of that company

on the vehicle to enhance public safety and traceability of the driver, if required. It is felt that this will decrease the possibility of cancellations being made by drivers.

We would support the practices of some operators where customers cancel a booking that is already dispatched and on way to levy a maximum penalty charge to that customer.

Similarly, we would support any action taken by the Operator to disengage with the driver where the driver is found to be working for more than one Operator.

Question 14: Do you agree that option A is the best means to address concerns about cross-border hire between Wales and England? Please provide comments, including practical considerations and/or other options which you believe to be better.

We disagree with Option A and in part, Option B. We therefore suggest Option C as set out below.

We feel that Option A is unworkable in practice and more importantly unenforceable. Using terms like 'mainly' are not clearly defined or understood for example, if the Chester PHV works every weekend in Wales but works in Chester throughout the week, they will mostly be working in England.

Option A would not adequately prevent vehicles licensed in an English Authority working 'mainly' in Wales and what sanctions would be available to Welsh Authority enforcement staff to adequately prevent this from continuing. To obtain enough evidence to achieve a positive prosecution would be extremely unlikely. We feel that implementing Option A would potentially result in a significant increase in the number of English licensed vehicles operating in Wales.

Option B is the preferred option, however it is considered too restrictive for those operators located on the England/Wales border.

Therefore, we would suggest utilising part of Option B with the following additions referred to as Option C, that:

1. Any taxi or PHV Journey that starts and ends in Wales, must
 - a. be undertaken by a taxi where the vehicle and driver are licensed in Wales; or
 - b. be undertaken by a PHV where the vehicle, driver and operator are licensed in Wales.
2. Except where
 - a. A taxi or PHV licensed in England undertakes a booking that is under a contract for the hire of the vehicle for a period of not less than 24 hours; or
 - b. A taxi or PHV licensed in England undertakes a booking where only one booking is conducted in any given 24-hour period; or
 - c. A local authority in Wales has deemed it in the public interest for a taxi or PHV licensed in England to operate wholly or partly in their district for

the purposes of servicing a community due to a lack of alternative providers in the local area.

Option C outlined above would allow effective enforcement against cross border operations whilst ensuring that contract work on the England/Wales border is not affected, and that operators licensed in England can still undertake infrequent journeys wholly within Wales. The inclusion of a discretionary power for local authorities to permit specific taxi and PHV operators which are licensed in England to operate within Wales is designed to cater for border authorities where a village or town may rely on services from England.

We would suggest that once England have comparable standards to those in Wales, that this policy be reviewed.

Question 15: Do you agree that use of the NR3 register in the driver licensing process should be mandatory in Wales? Please provide comments.

We agree with this proposal.

Question 16: Do you think that Welsh Ministers should take action to accelerate the transition to ZEV taxis/PHVs? If yes, which of the following options would you prefer? Please provide comments.

- a. set a deadline for all taxis and PHVs to be zero emission at the tailpipe
- b. set an age limit for vehicles which are not ZEV
- c. do something else

We believe that the question about when the transition to all ZEV taxis/PHV's is not one for licensing. In respect of vehicles, Licensing is primarily concerned with safety, comfort, and appearance. We recognise the environmental need to accelerate such transition away from harmful emissions and are willing to play our part in aiding that transition, but this really is a matter for Welsh Government to determine the appropriate timescales and mechanisms.

We are clear however, that any proposals made by Welsh Government must consider the financial implications to the taxi and PHV trades as well as Local Authorities.

Question 17: Do you agree with our proposals for Class B vehicles? Please provide comments.

We would agree in part with the proposal for Class B vehicles however the terminology referring to such vehicles be revisited. We would suggest calling them “specialist vehicles” rather than “Class B”.

We strongly suggest that all vehicles listed, with the exception of Horse and carriages, motorised tuk-tuks/rickshaws and non-motorised pedi-cabs are subject to pre-booking only. We feel that this type of vehicle in the exception list above lends themselves to being hired on a there and then basis and are largely used by tourists and on special occasions. We understand they currently do not fit into the existing taxi legislation and we would welcome more detail on how they may be licensed in the future.

Novelty vehicles, Classic and speciality cars, limousines that have fewer than 9 seats, vehicles used solely for VIP/executive hire and specialist vehicles solely used for community/school transport should be subject of pre-booking as they are currently used more frequently by a wider audience than those indicated on the above exception list and on a more frequent basis, including by way of contract hire.

We would also suggest that school and community transport vehicles listed are not referred to as ‘specialist vehicles’ and that point h. of the definition states **“Vehicles used solely for community/school transport”**. We consider that they would not need to meet the full requirements set out under the national vehicle standards due to the infrequent use compared to a full taxi or private hire vehicle.

Swansea has operated ‘restricted private hire vehicle’ licences since 2008 due to the repeal of the contract exemption provisions from the 1976 Act. We currently have 161 vehicles licensed for the purposes of home to school transport, Airport Travel and executive hire only. These are vehicles that do not, or cannot, meet our current standard conditions of licence for private hire vehicles in some way e.g. colour requirements. The restricted licences ensure that such services are able to continue without impacting on the normal private hire and taxi trades and the areas in which they are relied on, albeit normal private hire and taxis are also used for home to school transport provision due to the high demand in the City.

Restricted licences have allowed the trade to continue to provide a service greatly relied upon without the unnecessary cost of purchasing a vehicle merely to meet standard conditions. Restricted vehicle licences are used for considerably less time per day for a specific purpose but are still required to be tested to the same safety standards, as and when required.

Swansea would welcome a similar proposal by WG to be considered for the provisions to continue and without unnecessary cost to the trade.

Question 18: Do you have any comments on the draft Regulatory Impact Assessment published alongside this paper?

We have provided comments in respect of the regulatory impact assessment in an appendix to this response. In addition, we make the following comments:

There are inconsistencies in taxi and PHV licensing processes and standards between the 22 Local Authorities (LAs) in Wales.

The Welsh Government worked closely with a taxi working group using the best practice Welsh policies in existence to create a harmonisation document issued in March 2021²⁸. Welsh Government recommended all Welsh Authorities adopt the template document for all 22 authorities to follow, alongside recommended application forms. Many of the local authorities have decided not to implement the policy voluntarily and currently retain localised policies. This supports the theory that national standards will not be achieved without legislative support.

Officers in Swansea and as part of the wider Panel have worked extensively with WG officers over many years to assist with the development of both this White Paper and the WG Harmonisation Document. We like many other LA's have made good progress in voluntarily adopting consistent standards and policies across Wales and have met agreed WG / WLGA timescales to implement specific areas of the harmonisation document. Further progress was only halted to enable LA's to consider the proposals in the White paper to ensure that any policies were in line with WG plans.

Changing policies within Local Authorities can be a long and complex process with the need for consultation and political input. It was therefore agreed that we would wait for the White Paper to be published before any further work on the suggested policy would be undertaken. We feel therefore that the statement "*Many of the local authorities have decided not to implement the policy voluntarily and currently retain localised policies*" is fundamentally incorrect.

Page 45 3.13.2 – "National standards and a requirement for all Authorities including Cardiff to offer Private Hire Drivers licences are likely to reduce these numbers".

We agree with the Panel that national standards would assist in reducing cross border operations, however we are aware that cross border operations between Newport and Cardiff are primarily caused by the differences in qualification requirements, not only the knowledge test. We therefore feel that offering only PHV driver licences would have a limited effect.

Question 19: Is there any data that you would be willing to provide to help in the development of this RIA?

Please see attached appendix.

Question 20: We would like to know your views on the effects that the proposals would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Welsh Government must have regard to the Welsh language Standards as set out by the Welsh Language Commissioner. It is important that applicants can apply in their language of choice, which is already established on each application in Swansea.

Question 21: Please also explain how you believe the proposals could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

We feel that positive effects could be increased by ensuring that signage, etc. is provided in bilingual format on all taxis and taxi ranks. We would also suggest offering Welsh speaking drivers the opportunity to display a 'Siaradwr Cymraeg' sticker on their vehicle and on their badge.

Question 22: Are there any other issues you would like to raise about taxi and PHV licensing?

Use of Taxi Meters

We believe it should be mandatory for taxis to use their meter to calculate the fare for all journeys in Wales, not just for journeys that start and end within the district. This is a particular issue of concern in Swansea as it is geographically small but has a high number of visitors from neighbouring areas who require taxis to get home.

We feel that it is unfair that a passenger that lives within the district is subject to legally regulated fares, but a passenger wishing to go outside the district is subject to fares significantly higher as taxi drivers are not obliged to use the meter and can negotiate any fare for the journey.

There is an inherent imbalance of power to this situation as the normal rules of supply and demand do not apply to a person wanting to get home with no other alternative. This imbalance of power is even more acute when demand is high, such as major event days or when trains are cancelled. This can leave people financially vulnerable, especially if they are intoxicated, as they have no alternative but to pay an exorbitant price to get home.

Passengers wishing to go out of district at the end of the night in Swansea are required to haggle with drivers or try and find a taxi willing to offer them a lower fare. This causes confusion, frustration and can lead to long queues for taxis, as people must wait for those in front of them to negotiate with the driver.

Taxi marshals on the rank put people into taxis in queue order – for those that live out of district, they are marshalled into a taxi and then the driver negotiates the fare with them. This is an imbalance of power as the passenger does not really have any choice once in the vehicle.

It also encourages drivers to ‘cherry pick’ out of district fares, resulting in shorter fares being refused in favour of the more lucrative out of town fares, especially during busy periods.

In the white paper on page 8, it states:

*“A passenger that is picking up a taxi by hailing it in the street or by going to a taxi rank **has no choice in terms of the specification of vehicle or price.** For this reason, the service provided to them needs to be of a consistent standard and they should expect consistency in terms of what they pay for the service which is what fares on a meter provide”.*

We strongly believe that it is an omission not to require taxis to use the meter for all journeys. This is a relatively simple change with no foreseen unintended consequences. It is acknowledged that a customer going to a taxi rank has no choice in terms of the price, so it is important that people are not taken advantage of for living outside of the district.

Drivers would still be permitted to charge the customer a lower fare than the meter price, just as they can within the district. This would ensure fares for longer journeys could still be negotiated but would provide safeguards to the customer that the price will never be more than the meter.

Drivers would not be compelled to take bookings outside of the district, but if they did, meter rules apply. This would not have the unintended consequence of drivers being unwilling to take these fares as the meter rate is still significant and drivers prefer longer journeys regardless of whether the meter is used.

Standardised fees

We acknowledge that prescribed fees would provide greater consistency and fairness across Wales but Local authorities are required to ensure full cost recovery, where permissible, for the private hire and taxi licensing services provided, ensuring no profit is made. A recent comparison of fees across the Local authorities does reveal that where Local authorities set fees locally, there is a wide disparity between them, creating a feeling of unfairness and confusion amongst the trade. This is not to say that Local Authorities have set their fees incorrectly, on the contrary, properly calculated fees should always result in differences. Each Local Authority will have different costs included in the fees levied, which include, but are not limited to; officer salaries; internal recharges, procedures and procurement contracts. A standardised

methodology for recovering fees, set by WG and reviewed in consultation with the Expert Panel, would achieve a consistent approach across Wales but still allow Local Authorities to fully recover the costs of administering the service.

Methodology for setting taxi meter fares.

We recognise that taxi meter fares will need to continue to be set locally. Journeys undertaken within the urban areas of Wales will differ greatly from those undertaken in the rural areas. For example, most journeys undertaken in Swansea are likely to be of a shorter distance than journeys in Mid-Wales, however potentially of longer duration due to heavier volumes of traffic. The metered rate needs to account for these geographical variations to enable an appropriate fee level to be set.

We feel however, that greater consistency can be applied to the fare setting process and would suggest that WG introduce standardised methodology for Local authorities to use when calculating the fare levels.

Mandatory CCTV

We believe that CCTV systems in Taxis and PHV's are an excellent tool to protect both the public and the driver.

The mere presence of CCTV in a licensed vehicle would be an immediate deterrent to crime and disorder including CSE; Violence against Women; drugs; domestic violence etc.

We recognise the potential financial implications to the trade of introducing mandatory CCTV systems for all taxis and PHV's but feel that the benefits of such an introduction are far too great for this not to be revisited and seriously considered by WG.

Prescribed application forms

We have already worked extensively with WG Officers to introduce consistency in the forms used for applications and for medicals. Whilst Local authorities can continue to work closely on a voluntary basis to develop template application forms, we would support WG to prescribe the application forms to ensure consistency across Wales.

Restricted Drivers

In addition to the Panel's submission in relation to Q3 regarding types of licences offered by local authorities. We would suggest that consideration be given to the introduction of a restricted dual licence for the purpose of home to school transport, airport travel and executive hire **only**. Restricted driver licences would benefit from lesser training requirement with only relevant modules included but would be conditioned so that the driver could only undertake this specific work. Swansea Council already offer this scheme and report positive effects in supporting the trade

especially those conducting home to school contracts and without increased enforcement requirements.

Respectfully submitted by
Swansea Council
30/05/2023