

Welsh Government

# Annex B: Compilation of consultation responses

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## Age Cymru

Age Cymru is the leading charity working to improve the lives of all older people in Wales. We believe older people should be able to lead healthy and fulfilled lives, have adequate income, access to high quality services and the opportunity to shape their own future. We seek to provide a strong voice for all older people in Wales and to raise awareness of the issues of importance to them.

We are pleased to respond to Welsh Government's consultation on the Taxi and Private Hire Vehicle (Wales) Bill: white paper. Taxis and private hire vehicles have an important role in helping older people to access essential services by providing travel where public transport cannot or does not, and on a door-to-door basis for people with specific mobility needs. They can provide transport for people who do not have access to alternatives such as their own vehicle, and may be the only way in which some people can access a range of essential services and communities.

We welcome Welsh Government's vision 'We want a taxi and PHV licensing system that is fit for a modern Wales, promotes safety for passengers and drivers, contributes to a cleaner environment, improves the customer experience and is accessible by all'.

With reference to a system that is 'accessible by all', an attendee at one of our engagement events told us that none of the taxi companies in Cardiff can guarantee an accessible taxi, even when customers try to book over a week ahead – they say they don't know if any of their drivers with appropriate vehicles will report for work on any given day.

It's vitally important that people are able to book and pre-book wheelchair accessible taxis and PHVs in all local authorities in Wales, and have the confidence that a reliable and accessible service will be provided.

It's also important that taxi and PHV booking systems are fully accessible both online and offline, and available via a telephone service, as not all older people are online or have smartphones.

Age Cymru is currently analysing the results of their pan-Wales 'Tell us what matters to you – a national survey of the current experiences of people aged 50 or over in Wales'. Preliminary analysis of survey results indicates that some older people who have to rely on taxis to access communities, especially where no public transport is available, are finding taxi fares too expensive.

We've included below answers from respondents to two of our survey questions regarding what is preventing people from accessing communities:

Age Cymru survey question: 'Is there anything that might prevent you from accessing the activities you enjoy?'

*Lack of public transport. Minimum taxi fare is now £5 which makes visiting lectures too expensive.*

Age Cymru survey question: 'What is preventing you from getting out and about?'

*I find taxis very expensive and unaffordable. The public buses cover very limited places and it is not easy to get everywhere with the bus service. My disability and finances restricts my ability to get out and about and visit all places that I would like to.*

*I need to have lifts or take taxis.*

It's essential that taxis and PHVs are affordable and therefore accessible to all, especially for those people that have to rely on taxi or PHV services in areas where no public transport is available, and who don't have their own transport.

With reference to a system that '[...] promotes safety for passengers and drivers, [...] improves the customer experience [...]' we would support proposals in the White paper that would enable Welsh Ministers to set national minimum standards to

promote customer safety, customer service and enforcement.

We support the national minimum standards proposed for a driver's licence and the achievement by drivers of a regulated qualification in line with the details and training syllabus set out in 'Driver's licence standards'. We would wish to see the inclusion of veteran awareness in the syllabus, and would add that it's important that all areas of the syllabus are included in the training.

We note in the Regulatory Impact Assessment that 'In general, all categories of vulnerable trip-makers, which are younger people, older people, disabled persons or individuals traveling alone, will benefit from improved pre-licensing driver training [...]'. To complement Welsh Government's Regulatory Impact Assessment on these proposals, we believe that there should also be an Equality Impact Assessment.

## Allan Cureton

Name

allan cureton

Are you responding for yourself or for an organisation? If an organisation, which?

Self

An organisation

Which of the following best describes you?

I work in the taxi / PHV trade

**Local Authority**  
conwy

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.

Yes

**Comments:**

would have preferred abolition of private hire/taxi and just have "taxi" public do not know difference between two systems. Also having just "taxi" the same conditions of licence and access would be able to us all. Such as wheel chair accessible vehicles. Currently private hire vehicles cannot be forced to have wheel chair accessible vehicles whilst taxis can be forced.

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.

Yes

**Comments:**

will the new standards be applied to current operators/drivers?

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.

No

**Comments:**

one licence to fit all.dual licence only

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.

Yes

**Comments:**

3 years residency for newly arrived foreign nationals and 3 years free of crime before a taxi/private hire licence be granted

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.

Yes

**Comments:**

minimum age requirement be dropped.just because a vehicle is say 5 years old or more does not mean the vehicle is substandard.maximum fare rate displayed OUTSIDE the vehicle so the customer can see the fare rate BEFORE entering the taxi.The fare card can be attached to a window(Stockholm) does this.

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.

Yes

**Comments:**

no further comment

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

No

**Comments:**

we will end up with differnt standards between council areas.In Gwyned single taxi owners are NOT required to provide wheelchair accessible taxis.In Conwy county single vehicle operators ARE required to provide a wheelchair accessible vehicle.This requirement is a restriction on trade

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

Yes

**Comments:**

no further comment

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.

Yes

**Comments:**

We have a cross border taxi/private hire firm from 20 miles away from Conwy working in Conwy doing "bookings"Conwy Council are almost helpless in stopping its activities.We would welcome the proposals to allow local licensing officers to be able to sanction cross border taxis.We do NOT agree that a taxi operator should be able to hold licences in two different council areas.It would mean taxis from surrounding council areas would operate in the council area that they see as most rewarding and their own areas devoid of taxis.There would be no cross border hirings issues as they would be licenced in more than one council area

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.

Yes

**Comments:**

no further comments

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

Yes

**Comments:**

no further comments

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

Yes

**Comments:**

preferable to having licence taken away and having to appeal to a magistrates court.

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.

Yes

**Comments:**

not enforceable

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.

No

**Comments:**

we have County cross border hirings in Conwy. According to the cross county taxi firm from a council area 20miles away it has customers telephoning them to undertake a 1 mile journey in Conwy county. option A or B WILL NOT SOLVE THIS ISSUE.

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

Yes

**Comments:**

If a large problem

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.

c. do something else

**Comments:**

The whole of the uk produces approx 1% of world wide emissions. What is Wales's share of that 1%? I pay no road tax because my diesel vehicle produces low emissions. Not all diesels pollute. Will Welsh government be stopping diesel buses throughout Wales unless they are ZEV. Or just taxis? Also cost of EVS horrendous, hardly any recharging places. AND range of EVS poor. Batteries have to be changed after 7 years or less and will end up in land fill polluting water courses

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

Yes

**Comments:**  
no further comments

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

no further comments

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

yes

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?

Why would updated taxi legislation have an impact on the Welsh language?

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.

why would a change in taxi legislation have any affect good or bad on the Welsh language?I did not know that the Welsh language was treated less favourably in taxis

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

none

## Allen Williams

Name

Allen Williams

Are you responding for yourself or for an organisation? If an organisation, which?

Self

**Comments:**

Standardised rules is great. Knowledge test is thing of the past.  
Every council licence officer should have the power to stop . And taxi or private hire. Only way that will work is if we all have same rules. Same signs. Same badge. Same training. Same courses. Same education. Etc etc.  
Same fees in every town. Same list of usable cars.  
Badges magnets signage etc all the same.

Which of the following best describes you?

I work in the taxi / PHV trade

**Local Authority**

Newport City Council

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.

Yes

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.

Yes

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.

Yes

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.

Yes

**Comments:**

Same licence training. Same tests.  
Knowledge test is pointless. No longer needed these days. Common sense a lot more useful.

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.

Yes

**Comments:**

Same signage on all cars.

If that's magnets. Or cards in window like in cardiff. Same colour plates back and front.

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.

Yes

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

No

**Comments:**

Same rules and tests for every authority. If that's disable access or colour or model

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

No

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.

Yes

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.

Yes

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

No

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

**Comments:**

A licence endorsed to 12 points. Regardless of if your a taxi . Private hire or private person. Lorry drivers don't lose there lorry licence if they get 6 points. So why should taxis

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

No

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.

No

**Comments:**

Drivers are self employed. Lots of workers do 2 or 3 jobs to make up there wages. Why should Taxis and private hires not be allowed the same.

I myself work for a local office. But the have insufficient work so I work multiple offices to make up my money and hours

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.

No

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

Yes

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.

c. do something else

**Comments:**

No enough charging points not good enough cars to last the day.

Hybrids the way forward

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

No

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

*No Response*

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

*No Response*

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?

*No Response*

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.

*No Response*

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

Cardiff drivers talk of Cross bordering. They want to stop other towns working in cardiff. But they themselves spend large amounts of time in cardiff airport. Which is Vale of Glamorgan. They want the penny and the bun.

**Andrew Currie**

Name

Andrew Currie

Are you responding for yourself or for an organisation? If an organisation, which?

Self

**Comments:**

I'm an award winning driver, trained to police advanced standard and have been a volunteer driver for the Welsh Ambulance Service and local community car and minibus driver over 20 years.

Which of the following best describes you?

Other

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.

Yes

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.

No

**Comments:**

There is a glaring omission in this consultation in that there is no mention of driving standards. All the other regulations about licensing are insignificant compared to the need for drivers who are being paid to transport people, to demonstrate a high standard of driving.

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.

Yes

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.

No

**Comments:**

The standard of driving in the UK is very poor; most drivers can't operate basic controls, don't know the law, don't look where they are going and routinely take risks. And taxi drivers, particularly PHV drivers are some of the worst drivers on the road. To be licensed, drivers should have a thorough driving test done by suitably qualified examiners (NOT whether they can pass a UK driving test which they obviously have, or even an Institute of Advanced Drivers test - which largely tests the following of rules - but a more advanced test that examines their driving knowledge and abilities).

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.

Yes

**Comments:**

There used to be a rule that to get a licence, a vehicle had to be less than 3 years old. I hope this is no longer the case as the age of the vehicle is largely irrelevant. A one year old vehicle can be in a dangerous condition.

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.

No

**Comments:**

Operators should be made responsible for ensuring drivers are driving to a high standard although operators themselves are unlikely to be qualified to do this.

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

Yes

**Comments:**

Local authorities should employ personnel suitably qualified to assess the driving of taxi and PHV drivers.

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

Yes

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.

Yes

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.

Yes

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

*No Response*

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

*No Response*

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.

**Comments:**

maybe - I don't know enough about it

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.

*No Response*

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

*No Response*

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.

**Comments:**

Neither a or b is practical. There is no logical reason to limit the age of non ZEV vehicles; it is better for the environment to keep a car running with small repairs than build a new car.

I'm not convinced by the 'less moving parts' message the promoters of EV's keep stating. The ICE is the most durable part of such a car and an oil change is not a major expense. EV's otherwise have the same moving parts that ICE cars have, that all wear and need maintenance and repairs as the vehicle ages - brakes, suspension, wheel bearings, steering components, door mechanisms, wipers, switches, et cetera.

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

*No Response*

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

*No Response*

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

*No Response*

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?

*No Response*

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.

*No Response*

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

*No Response*

## **B&M Cars**

Name

Are you responding for yourself or for an organisation? If an organisation, which?

An organisation

Which of the following best describes you?

I work in the taxi / PHV trade

**Local Authority**  
FLINTSHIRE

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.

Yes

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.

Yes

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.

Yes

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.

Yes

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.

Yes

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.

Yes

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

No

**Comments:**

IF THE WELSH GOVERNMENT IS TO UPDATE THE TAXI / PRIVATE HIRE REQUIREMENTS THEN I THINK ALL STANDARDS AND REQUIREMENTS SHOULD BE EXACTLY THE SAME ACROSS EVERY COUNTY WITHIN WALES AS TO NOT CONFUSE DRIVERS OF DIFFERENT REQUIREMENTS FROM EACH AUTHORITY WHEN TRAVELLING ACROSS AUTHORITY BOUNDARIES.

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

Yes

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.

Yes

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.

Yes

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

No

**Comments:**

I THINK A WARNING SHOULD BE GIVEN FIRSTLY AND ALSO DRIVERS NEED TO KNOW EXACTLY WHAT PENALTIES ARE GIVEN TO WHAT OFFENCES.  
BAD DRIVING OR BAD CUSTOMER SERVICE WARRANTS A STERN WARNING OR PENALTY BUT A REAR BRAKE LIGHT I DO NOT THINK SHOULD WARRANT A PENALTY AS IT MAY HAVE BEEN WORKING WHEN DRIVER FIRST GOT IN CAR BUT HAS BLOWN WHILST OUT ON A JOURNEY.  
A FIXED FINE SHOULD BE GIVEN FOR BAD DEFECT ON VEHICLE OR BAD DRIVING BUT NOT FOR PETTY THINGS THAT CAN OCCUR AT ANY TIME A VEHICLE IS IN MOTION

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

Yes

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

**Comments:**

ONLY IF INFRINGEMENT WARRANTS POINTS AND AGAIN NOT FOR PETTY EXCUSES

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.

Yes

**Comments:**

I DO NOT USE IF PERSONALLY BUT A DRIVER SHOULD BE WORKING FOR ONE OPERATOR AT ONE TIME AND NOT MULTIPLE OPERATORS

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.

No

**Comments:**

I THINK IT SHOULD BE DOWN TO THE CUSTOMER WHICH COMPANY THEY WOULD LIKE TO TRAVEL WITH.  
THE CUSTOMER IS PAYING FOR A SERVICE AND HE/SHE SHOULD HAVE 100% CHOICE OF WHICH COMPANY HE/SHE WOULD LIKE TO USE AND NOT GOVERNMENT WHETHER WELSH ,ENGLISH OR SCOTTISH SHOULD INTRODUCE A LAW THAT SAYS THAT THEY CAN ONLY TRAVEL WITH A COMPANY FROM A CERTAIN COUNTRY IF THEY WOULD LIKE TO GET HOME

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

*No Response*

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.

c. do something else

**Comments:**

I THINK THE WHOLE OF UK IS RUSHING INTO ZERO EMISSIONS TOO QUICKLY AND BRINGING DATES FORWARD TO 2025 IS MADNESS.  
WE DO NOT HAVE THE INFRASTRUCTURE FOR 20 MILLION PLUS VEHICLES TO BE PLUGGED INTO OUR ELECTRIC GRID AT TEATIME TO RECHARGE THESE ELECTRIC VEHICLES.  
MANY BUSINESSES CANNOT AFFORD TO BUY NEW FLEETS OF CARS NOR SECOND HAND.  
MANY PRIVATE HIRE COMPANIES WILL TELL YOU THAT THERE IS A HUGE SHORTFALL OF NEW DRIVERS ENTERING THE TAXI WORLD AND MANY ARE LEAVING.  
COST OF LIVING ,FUEL AND FOOD ARE GETTING MORE EXPENSIVE EACH DAY AND NO SIGN OF IT STOPPING.  
DIESEL AND PETROL ENGINES WILL NO LONGER BE GETTING PRODUCES SO MY PERSONAL

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.

THOUGHT IS DO NOT BRING FORWARD NET ZERO VEHICLES AT 2025 BECAUSE A LOT OF PRIVATE HIRE TAXI COMPANIES WILL CEASE TO EXIST AND GIVE THE COMPANIES TIME TO GET THROUGH THIS PERIOD OF HARD TIMES AND THEN SET A REALISTIC AGE LIMIT OF SAY 10 YEARS FOR ALL VEHICLES TO BE ELECTRIC OR HYDROGEN AND THEN THE REAL TARGET OF NET ZERO BY 2050 WILL STILL BE MET AND IT ALSO GIVES TIME FOR THE INFRASTRUCTURE TO BE CREATED.

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

No

**Comments:**

IF YOU ARE GOING TO INSIST ON ALL VEHICLES BEING NET ZERO EMISSIONS THEN ALL VEHICLES SHOULD BE NET ZERO.  
LIMOUSINES AND CLASSIC CARS ARE NOT PLATED AS TAXI/PRIVATE HIRE, JUST WEDDING CARS

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

*No Response*

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

*No Response*

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?

I LIVE ON NORTH WALES BORDER WITH ENGLAND AND WELSH IS NOT SPOKEN VERY MUCH HERE.

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.

*No Response*

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

THERE IS SHORTAGE OF TAXI/PRIVATE HIRE DRIVERS AND TO GET A TAXI/ PRIVATE HIRE BADGE FOR FIRST TIME CAN BE VERY EXPENSIVE WITH COSTS OF APPLICATION,MEDICAL,CHECKS AND GLASSES IF NEEDED.  
MANY PEOPLE ARE UNEMPLOYED AND ARE PUT OFF BECOMING DRIVERS BECAUSE OF THESE COSTS.

IF THE WELSH GOVERNMENT WERE TO HELP PAY FOR APPLICATION OF BADGE TO ENTICE PEOPLE TO ENTER THIS TRADE NOT ONLY WOULD IT HELP TAXI/PRIVATE HIRE TRADE WITH NEW RECRUITMENT BUT WOULD ALSO TAKE SOME PEOPLE OF THE UNEMPLOYMENT REGISTER AND QUICKLY RETURN THEIR APPLICATION FEE THROUGH THEIR PAYMENT OF TAXES.

SERIOUS THOUGHT SHOULD BE GIVEN TO THE 2025 NET ZERO EMISSIONS BECAUSE IT IS A HOPEFUL DREAM BUT VERY UNREALISTIC IF YOU ARE WANTING TAXI/PRIVATE HIRE TRADE TO REMAIN.

IF 2025 IS A TARGET YOU PUSH FOR AND INSIST IT HAPPENS WITHIN ALL TRANSPORT AREAS THEN YOU WILL LOSE A VERY LARGE SECTION OF HAULAGE,BUS SERVICES,TRAIN NETWORKS,FLIGHTS AND ALSO FERRY INDUSTRY.

IT IS NOT RIGHT TO TARGET TAXI/PRIVATE HIRE SECTOR TO HAVE NET ZERO VEHICLES IN 18 MONTHS TIME WITHOUT SETTING THE SAME REQUIREMENTS TO OTHER TRANSPORT AREAS.

## Barry Greig, SQA Consultant (taxi and private hire)

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.

Taxis:

Comment: I agree with the 2 tier definitions as proposed. However I would suggest one or two changes you may want to consider.

Current definition: Motorised vehicles that are constructed

Suggested definition: Licensed motor cars that are constructed

2nd bullet point. This sentence is not quite right, it needs more detail.

Current sentence: pre booking in advance within England and Wales

Suggested change: Nothing prevents a taxi driver taking a pre-booked hire to deposit or collect passengers from another licensed area in Wales or England, as long as either the pick up or drop off is in their licensed area

Additionally: A taxi travelling outside of their licensed area will be operating as a private hire vehicle with the passenger having the option to use the taximeter to calculate the fare or alternatively negotiate a private hire fare with the driver.

Private Hire:

Comment: I agree with the 2 tier definitions as proposed. However I would suggest one or two changes you may want to consider.

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.

Current definitions: Motorised vehicles that are constructed

Suggested definition: Licensed motor cars that are constructed

Current definition: As now, PHVs will only be able to undertake pre-booked hires

Suggested change: Nothing prevents a private hire driver taking a pre-booked hire to deposit or collect passengers from another licensed area in Wales or England, as long as either the pick up or drop off is in their licensed area. Local zonal agreements in adjoining licensing areas may expand the pre-booking areas.

Additionally: The licence triple lock must be in place prior to the start of the hire. The Operator Licence, the Vehicle Licence and the Driver Licence must all be licensed by the same Licensing Authority.

There and then definitions are Ok, you may want to consider my remarks above

Paragraph beginning: When bookings are made digitally.... all Ok

See Question 9 for offences relating to out of area working

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.

Comment: I do agree. Customers expects the same level of service across all of Wales, there should be no boundaries to good customer service. Properly drafted legislation and training/qualifications can deal with many of the shortcoming of the LGMP ACT 1976 and the Act of 1847.

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.

Comment 1: I agree, also the option of a dual licence, it is useful if your taxi is off the road and you can link up with a local private hire operator to keep your income maintained.

Comment 2: Second from last bullet point: Your Comment "This will not apply to applicants for PHV driver's licences only as they are likely to be employees of a PHV operator"

This is an incorrect statement as the vast majority of Private Hire drivers are self employed and registered as such with HMRC.

For taxi and NI purposes taxi and private hire drivers are classed as "workers" and have certain benefits e.g. holiday pay, however their employment status is still Self Employed

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.

At Bullet point 6: Successful Achievement of a Regulated Qualification

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.

Comment: Many of topics you mention are important and are currently contained with the current learning tools/qualification. However, it must be emphasised that what is contained within Point 6 represents a very small snapshot of a qualification unit for example -

Conflict management is part of the Health and Safety unit, The Equality Act and disability awareness etc are part of the Passenger Assistance unit.

The term 'basic vehicle maintenance' is a term usually used by colleges promoting a night class. A preferred term would be Maintenance and Inspection this is a unit title that was agreed with VOSA, now the DVSA. It includes standards of cleanliness, exterior and interior, COSHH, walk round inspections, statutory inspections, the role of the DVSA, DVSA action codes e.g. prohibitions, critical systems and certificates of compliance, emission regulations, wheel and tyre regulations.

Obviously I appreciate it's not possible to detail the full contents of units or outcomes, but the word 'basic' is not a true picture of the Level 2 Unit content.

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.

Comment 1: I note you have omitted Fire Extinguishers, be careful with this one as most councils would require a fire extinguisher for vehicles undertaking school contract work. The driver should also be given info/trained in its use.

Comment 2: In the first paragraph after 'national minimum standards' (category M for the carriage of passengers comprising no more than eight seats in addition to the driver's seat)

Suggested additional comment: Stretch Limousines or conversions that do not meet

EU or GB Whole Vehicle Type Approval will require Individual Type Approval (IVA) Noteworthy: see answer to question 5 on Maintenance and Inspection

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.

Comment 1: The term 'operator' was inserted into the LGMP Act 1976 as a carryover from the "O" licence for Bus and HGV operators. Scotland never used the term Operator but used 'Booking Office Licensee' which is probably more accurate.

Comment 2: Wherever there is a booking office (suggestion 4 or more vehicles) an appointed 'fit and proper' person will be the licence holder responsible for the business operation. It can include an individual person, a partnership, limited partnership or limited company. There must also be a named person responsible for the day to day management of the office

Comment 3: Nothing about returning Lost Property? The usual practice is that lost property left in a PHV is given over to the operator for safe keeping. Taxi drivers hand over lost property to the local Police.

Comment 4: 5th bullet point- Your comment -Operators must notify the licensing authority within 48 working hours of any dismissal of a driver for any unsatisfactory conduct.

My Comment 1: This really depends on the seriousness of the complaint If it's a very serious complaint e.g. sexual nature, the complainant may already have contacted the Police. Also if the complaint is so

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.

serious it warrants a sacking, the licensing authority must be immediately informed so that a suspension or revocation of the licence can be raised, currently Section 52 of the LGMP Act 1976

An operator can dismiss a licensed driver, but an aggrieved driver should always have recourse to protect his or licence/livelihood through 'hearings' and appeals, unless it in the public interest to raise a Section 52 (2b) Order

Note: A suspension can remain in place until the unused portion is completed. The licence is unlikely to be renewed. All three licenses will follow the same route.

Comment 2: last bullet point; Perhaps a better term than 'documented policy' would be a Code of Conduct for passengers with additional needs.

Everything else looks OK

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

Comment: Routine vehicle safety checks, carrying evidence of insurance, knowledge test, cleanliness of vehicle, reasons to refuse a hire, accident/damage reporting, return of lost property, badge (return of), conduct on the ranks, soliciting for hires, hearings and appeals procedures, use of signs and notices, seating restrictions, permitted advertising, frequency of vehicle inspections, age of vehicle, livery, notification of wheelchair accessibility, Local LEZ/Congestion charges, ownership transfer, temporary licence, changes of address, local hospital and school contracts, personal grooming (smart appearance) prompt attendance, use of the meter, etc

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

Comment: Your 2nd paragraph last sentence where they mainly intend to work ( predominate use)

Comment 1 : 4th Paragraph where it states the proposal that drivers would be permitted to obtain a licence in more than one local authority area.

I presume this is a typing error and in fact should read that drivers would not be permitted to obtain a licence in more than one local authority area.

Perhaps what you meant to say is..... Taxi and PHV drivers would be permitted to obtain a licence to work in more than one local authority zonal area. The licence would cover particular zones identified within the boundaries of the Local Authority, for example West Dunbartonshire has two zones, Clydebank and Dumbarton and Vale of Leven

Dorset Council has/had two taxi zones, Weymouth and Portland (yellow plates) and Dorset Council (green plates). For Dorset Council the vehicle owner would need to purchase two separate vehicle licenses to work within each zone. Likewise a taxi driver would also require the purchase of two licenses to operate in the two zones

All the above would require a knowledge test of the zone of which they are operating in.

Comment 2: If adjoining local authorities see a need to collaborate to reduce crossborder issues or simply to provide a better service to their constituents they can negotiate local zonal agreements on sharing

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

licensing conditions. This provides legal routes for drivers to operate outside of their licensing area. There is no need for drivers to purchase a further licence as they are now working in a larger controlled area overseen by enforcement teams that have a shared agenda.

In the last paragraph you still request that a licence fee would still be payable to each local authority. Not sure whether you are talking of Vehicle Licenses or Driver Licenses.

Comment 3: Regards Taxi and PH drivers being allowed to apply in another local authority area. Are you suggesting a driver licensed in one Authority can now apply to another licensing authority for a second driver licence. The suggestion being that taxi and PI-IV drivers are peripatetic travellers with a number of home bases. How can licensing authorities plan the size of their fleet to meet local demand when their licensed drivers and vehicles are working elsewhere? This upsets the balance of the fleet size available in their own licensing area to the detriment of the local populace.

As for a second vehicle licence I can quote from the York Council licensing conditions

No hackney carriage vehicle will be granted a licence if it is licensed in another district due to the problems of meeting the variance in conditions applied in different districts and the enforcement of those conditions in cases of non-compliance, such as signs, suspensions or revocations".

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.

Comment 1: I agree with all the points proposed including procedures 1 and 2 and the resultant sanctions which could include taxi and private drivers, licensed vehicles and booking office operators.

To close current loopholes in the LGMP 76 Act and the TPC Act 1847 you should seriously consider legislating something very similar or adopt to the following paragraph from the Civic Government (Scotland) Act 1982 Part 1 1 Section 21

Offences.

(1 any person

(a)operates, or pernnits the operation of, a taxi within an area in respect of which its operation requires to be but is not licensed or the driver requires to be but is not licensed, or

(b)picks up passengers in, or permits passengers to be picked up by, a private hire car within an area in respect of which its operation requires to be but is not licensed or the driver requires to be but is not licensed, that person shall be guilty of an offence and liable, on summmary conviction, to a fine not exceeding IElevel 4 on the standard scale].

(2)Subsection (1 ) above does not apply to the operation of a taxi or private hire car within an area in respect of which its operation or its driver is not licensed if the request for its hiring was received by its driver [F2(otherwise than in a public place from the person to be conveyed in it, or a person acting on his behalf, for a journey beginning there and then)] whilst

(a)in the area or in that part thereof in respect of which its operation and its driver are licensed;

(b)engaged on hire on a journey which began in that area or part or will end there; or (c)returning to that area or part immediately following completion of a journey on hire. I refer back to my comments in

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.

question 1 which sets out the duties of taxi and private drivers during out of area hires as in 2 Subsection (b) and (c). No problem with (a) as they pick up and drop off in their own licensed area.

Offence would normally be Level 3. Scotland has always had one level above.

Comment 2: Before COVID and the HMRC ruling there were probably too many PH drivers. Uber and other Cloud based booking offices took advantage of 'no quantity restrictions on private hire vehicles' though some LAS kept quantity restrictions on taxi numbers.

Licensing authorities have to be mindful of 'unmet demand' at certain times and the paucity of work/income for drivers during quiet intervals. I would suggest Wales follows Scotland in trying to strike fair balance between these competing claims and provide Welsh licensing authorities with the discretion to apply-guan!.ty-r.es.trjctj.cn.s on Private Hire Vehicles. It also provides a better balance of income generation between Taxi and PH as metered fares are fixed while PH fares have the option of surge pricing at busy times. I stress discretion, as most licensing authorities currently have a shortage of drivers.

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.

Comment: When you write your legislation you will need to transfer powers granted in Section 52 of the Road Safety Act 2006.

Suspension and revocation should be done immediately, as an example, drink or drugs driving related offences will void the vehicle insurance and trigger a immediate driving ban.

I have also referred to Section 52 in question 6 bullet point 5

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

Comment: I do agree with fixed penalty notices for drivers and vehicle owners, you could also add failure to produce on demand a Certificate of Insurance, an out of date fire extinguisher, if applicable, failure to carry wheelchair ramps.

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

Comment: I do agree

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.

Comment 1: Both drivers and members of the public can be sanctioned by a booking office licensee (operator) for 'no shows'. Taxi drivers can face a further penalty under Section 53 of the T PC Act of 'refusing to drive' Level 2 (E500)

Purely as a suggestion you may want to consider an extension to the Section 53 of the 47 Act and adopt it into your new legislation, whatever that may be called.

Note the following: The following italicised paragraph is from Section 53 of the 1847 Act. I have made some changes to the wording 1. hackney carriage is now taxi 2. commissioners is now Licensing Authority 3. byelaw is replaced by condition.

Taxi

A driver of a taxi standing at any of the stands for taxis appointed by the licensing authority, or in any street, (or been booked by a phone call or digital device using a downloaded medium such as an app or QR code), who refuses or neglects, without reasonable excuse, to drive such taxi to any place within the prescribed distance, or the distance to be appointed by any condition of the licensing authority, not exceeding the prescribed distance to which the driver is directed to drive by the person hiring or wishing to hire such taxi, shall for every such offence be liable to a penalty not exceeding level 2 on the standard scale or level 3 under the Equality Act.

Comment 2: you could level up private hire drivers or ensure it becomes a condition of licence

A driver of a private hire vehicle who has accepted an operator booking through a phone call or digital device using a downloaded medium such as an app or QR code who subsequently cancels the booking, or neglects to arrive within the appointed time, without reasonable excuse shall incur a penalty not exceeding level 2 on the standard scale or level 3 under the Equality Act.

Comment 3: A licensed operator or nominated controller of a booking office shall maintain a record of complaints from customers whose drivers disregarded or neglected to arrive at an appointed time and place without good cause.

Suggestion: Licensing authority web sites must have a complaints in-box that is promoted on Operator Web Sites. Feedback is important to track and trace errant drivers

Suggestion: Private hire and taxis carry 'how did we do' telephone and e-mail address to the licensing authority.

Comment 3: Maximum of three apps would be fair and drivers would still be traceable. Limiting it to one app could be deemed anti-competitive and open to challenge through the offices of the Competition and Markets Authority (CMA).

Comment 4: Customers using a QR Code at a venue such as a hotel do not need to download an app, they can simply scan the code to alert a booking office. WG should be aware that QR Codes could become nuisance graffiti/scamming and therefore should only be confined to nominated licenced venues.

Comment 5: In the LGMP Act 1976, only licensed drivers can drive licensed vehicles, that is not the case in Scotland. That particular clause or similar is not repeated in the Civic Government (Scotland) Act 1982. This gives Scottish licensed drivers more freedom to use their vehicle for social and domestic pleasure. A Scottish unlicensed driver using a licensed or unlicensed vehicle for the purpose of attracting fares will attract a level 4 penalty on the standard scale.

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.

Comment 5: And finally, both drivers and hirers can cancel a hire if any one of them feels unsafe with the hire. However, hirer who misses a flight or a hospital appointment has every reason to feel aggrieved and justifiably must have the opportunity to make a complaint to the operator and licensing authority.

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.

This part sentence is unclear. In option A You state 'that ""operators in England could undertake bookings that take place wholly in Wales or that start or end in Wales without needing to be licensed in bookin s in En land.

Comment 1. 'Operators in England could undertake bookings that take place mainly in Wales' you need to qualify that remark by indicating what licensed vehicles are being used and what licensed drivers are being used. Licensed drivers and vehicles that are licensed in Flintshire can pick up and drop off in Flintshire or pick up or drop off in Cheshire. For Cheshire drivers the same rule applies in reverse, reinforcing the point that Cheshire drivers cannot pick up and drop off in Flintshire or any other County in Wales. That would take work from Flintshire drivers and decrease the availability of hire vehicles in Cheshire. Note, a taxi driver is not bound to accept a hire outside of his/her licensing district.

Comment 2: For future WG legislation -Drivers, vehicles and operators have to be licensed within the same postal district. Flexibility (your word) for Chester/Cheshire drivers would only extend to drop off or pick up in any WG licensed area. I come back to my point in Question 9 comment 2, if fleet sizes are maintained at an optimum level so drivers have a good income and passengers have hire vehicles readily available at short notice they have no need to 'roam' or loiter in other licensed areas.

Comment 3: Drivers have to immediately return from a drop off in another licensed area Question 9 subsection 1 (b) and (c), however they may be lucky to arrange a return fare, but important to state there is no 'loitering' Private and metered fares take into account return journey costs.

Comment 4:Currently a prospective operator in Wales would use Section 55 of the

LGMP Act 1976 to apply for an Operator's Licence. When the WGs new Taxi and Private Hire Legislation is finally enacted the current Section 55 is no longer used for licensing Operators. Your new legislation will be written to accommodate WG operator licensing and when in force will have to accept Section 55a as in London and Scotland for sub-contracted bookings.

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

Comment: Yes

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.

Comment: I don't think you can set a deadline for the trade to purchase very expensive Battery Electric Vehicles which can cost up to E60,000 without extensive Government help for the transition. It might be better to rephrase 1. that includes near zero emission vehicles such as hybrids and hydrogen.

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.

The infrastructure that is required for BEV charging needs to be extensive, ZEZ deadlines might carry more weight if the infrastructure is in place.

Your last paragraph on 'what we propose' — I agree with the following section: set a legal age limit for taxis and PHVs which are not ZEV. Together with the UK

Government's commitment to end the sale of new petrol and diesel cars by 2030, this would lead to a gradual transition to ZEV taxis/PHVs. Consequently, the cost of the transition may be spread over a longer period. Older vehicles which had been converted to be zero emissions at the tailpipe could be exempt.

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

Comment: I agree, funeral cortege vehicles are of course exempt

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

Comment: Page 2nd bullet point. Yes the legislation is outdated and parts of it need re-written, entirely due to operators taking advantage of poorly drafted legislation coupled with the vagaries of the LGMP Act 55a. In consequence localism has been lost, with weak enforcement and of little benefit to the local populace.

Legislation sets the rules, local licensing conditions enforce the rules plus any further discretionary powers such as bylaws. The parameters of what conditions licensing authorities can set locally (localism) should be for the benefit of the local populace, metered fare charges, number and placement of stands, conduct, vehicle compliance, reporting accident damage etc. However it must be added I totally agree that Option 3 -Do something. The current LGMP Act 1976 and the 87 Act are not fit for purpose,

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

Comment: I am not an operator so unfortunately I cannot provide data. May be able to offer general advice.

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?

*No Response*

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.

I can only comment as somebody retired from Further Education. It is expensive to translate learning materials from English to Welsh, however it is not impossible and with goodwill and assistance from linguistics experts it would be a step towards your 50 million Welsh speakers by 2050.

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

*No Response*

## **Blaenau Gwent CBC- Public Protection Service**

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

#### **Consultation response**

The Directors of Public Protection Wales (DPPW) represents 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 (LEP).

Blaenau Gwent CBC- Public Protection Service (BGCBC-PP) in general, endorses the response made by the LEP on behalf of Authorities in Wales with the only variance in response made with regards to standardisation of fees in Qu 22.

#### **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 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.**

BGCBC-PP agree with this proposal. This is consistent with the previous consultation work undertaken between the Panel 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.**

BGCBC-PP 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 then have 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. The Panel however feel that a PHV driver would benefit from undertaking the knowledge test and not be reliant on satellite navigation systems.

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.

BGCBC-PP 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 are able to operate a mix fleet of taxis and PHV’s with drivers being able to drive any vehicle with no enforcement implications for any party, including the local authority.

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, but issuing dual licences means that the private hire driver conditions 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.**

BGCBC-PP 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)

BGCBC-PP agree with this proposal. Frequent DBS checks are essential to ensure that licensed drivers remain fit and proper. The Panel 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)

BGCBC-PP agree with this proposal.

## Evidence of right to work in the UK

BGCBC-PP agree with this proposal.

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

BGCBC-PP agree with this proposal and suggests 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, the Panel suggest that WG utilise the standards contained within the "Taxi and Private Hire Vehicles: Licensing Guidance" for medicals, but with an amendment to the person carrying out the assessment and level of history required.

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.

BGCBC-PP 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, but 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-

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

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

BGCBC-PP 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. The Panel 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.

BGCBC-PP 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.**

BGCBC-PP 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.

BGCBC-PP 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'

BGCBC-PP agree that roof lights should display the word 'Taxi' or 'Taksi', however a number of local authorities report that existing roof lights often have the local authority name also displayed. The Panel consider that to compel existing taxi operators to replace existing roof lights would be an unnecessary cost to the trade. The Panel would therefore suggest that the word "only" be removed from this standard.

Roof lights not allowed on PHV

BGCBC-PP agree with this proposal.

All PHVs to display 'pre-booking only' signage

The Panel agree with this proposal

Vehicles to be tested to an agreed testing specification

BGCBC-PP agree and would recommend that these are in accordance with the "Best Practice Guide for the Inspection of Hackney Carriage and Private Hire Vehicles"

BGCBC-PP would also suggest that where Local authorities utilise external garages for their testing requirements, that the garages must be approved by the local authority.

Vehicle testing to be carried out at agreed intervals.

BGCBC-PP 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)

BGCBC-PP are aware that the majority of the Wales LEP 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 the Panel feels 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.

BGCBC-PP 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.

BGCBC-PP agree with this proposal.

All taxis to be fitted with a taximeter.

BGCBC-PP agree, but would suggest that only one fare can be displayed to the customer. Some Local authorities report that it's 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'.

BGCBC-PP agree and suggests 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 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.

BGCBC-PP agree, however would expect to be consulted on the detail of this criteria. Careful consideration would have to be given to any standardised vehicle criteria to ensure that the requirements for both urban and rural areas are satisfied.

Methods of payment that should be available.

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

Vehicles must carry a first aid kit.

BGCBC-PP agree with this proposal. 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.**

BGCBC-PP agree that national minimum standards should apply to operator's licences and make the following comments:

A basic DBS check (repeated each renewal).

BGCBC-PP 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, the Panel feel that this period is too long between DBS checks and that an annual check is preferable.

An overseas criminal record check (where applicable).

BGCBC-PP 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.

BGCBC-PP 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.

BGCBC-PP agree with the proposal that anyone taking bookings, dispatching vehicles or holding an individual's personal information should be vetted. The Panel suggest that all such individuals should be subject to a fit and proper test via a basic DBS check.

BGCBC-PP however question the effectiveness of an unregulated policy whereby the operator determines the suitability of their own staff. Even with Local Authority oversight 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.

BGCBC-PP feel that the only viable and meaningful option for vetting "dispatchers" would be to have a separate licensing scheme for such individuals.

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.

BGCBC-PP 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.

BGCBC-PP 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.

BGCBC-PP agree that operators should have to meet standards for dealing with passengers with additional needs, however, the Panel feels that this should not be left to the operators to regulate. WG should be introducing such standards through statutory guidance, where operators must comply. Where an operator falls short of the standards and complaints are received by the local authority, the local authority will 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?**

BGCBC-PP feel that as far as possible, standards should be consistent across the whole of Wales to ensure a level playing field within the sector. The Panel therefore feel that Local authorities should not be permitted to set additional local conditions above the national minimum standard for driver and operators.

BGCBC-PP would however suggest that local discretion is retained for livery of vehicles, e.g., Colour policies, back plate and door sign designs. It is considered that attempting to be consistent in this aspect would be an unnecessary cost to the trade.

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

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

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

BGCBC-PP 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 the Panel has several practical concerns. This requires further consultation and engagement on the detail to enable additional comments to be made.

BGCBC-PP 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”. The Panel 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, BGCBC-PP 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.

BGCBC-PP does 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 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, BGCBC-PP answer this question on the basis that there is an immediate risk to public safety due to the condition of a vehicle.

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

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

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

Additionally, BGCBC-PP 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 evening by the issuing officer.

BGCBC-PP however does 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.**

BGCBC-PP 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 level – minor 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.

BGCBC-PP 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.

BGCBC-PP are aware that the majority of the Wales LEP feel that the preferred choice would be to introduce penalty points scheme. There were concerns raised 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, this would potentially lead to a reduction in the fees that can be charged for licenses. It was also felt that enforcement officers would be much less likely to issue a fixed penalty notice for minor infringements than issue penalty points.

The majority of the Wales LEP preferred the penalty points scheme as it was felt less resources were needed to administer this process. Some local authorities already have similar schemes in place, so no additional resource is needed. Those local authorities that do not have such a scheme in place, will have a system (albeit undocumented) for determining when a driver needs to go to a hearing. In these authorities it will just be case of formalising the procedures.

The penalty points scheme is essentially an internal mechanism to determine when a driver is required to go to a hearing, it is therefore less open to challenge as any appeal would be against a decision taken at the hearing rather than 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.

BGCBC-PP 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 points, but a dirty vehicle would not.

BGCBC-PP 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.**

BGCBC-PP agree that there is a need to address the negative consequences of 'multi-apping' based upon the limited affect this has in Wales which is restricted to a small number of authorities.

BGCBC-PP are aware that most of the Wales LEP had not had any experience of this happening as licensed drivers tend to work wholly for one operator.

As a result, BGCBC-PP view is that a driver should be restricted to work for one operator at a time and to display the name of that company 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.

BGCBC-PP 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, BGCBC-PP 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.**

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

BGCBC-PP 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. The Panel 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 of BGCBC-PP however it is considered too restrictive for those operators located on the England/Wales border.

Therefore, BGCBC-PP 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 journey’s 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.

BGCBC-PP would suggest that once all LA’s in 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.

BGCBC-PP agree with this proposal. All 22 Local Authorities in Wales are already signed up to use the NR3 database and the vast majority have uploaded historic data.

**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

BGCBC-PP 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. BGCBC-PP recognise the environmental need to accelerate such transition away from harmful emissions and are willing to play out part in aiding that transition, but this really is a matter for Welsh Government to determine the appropriate timescales and mechanisms.

BGCBC-PP are clear however, that any proposals made by Welsh Government must consider the financial implications to the taxi and PHV trades.

Comment on financial incentives for areas to put on ZEV's cross border

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

BGCBC-PP agree with the proposals for Class B vehicles, however the terminology referring to such vehicles be revisited. The panel would suggest calling them "specialist vehicles" rather than "Class B".

BGCBC-PP would suggest the inclusion of Omnibuses in the list proposed.

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

BGCBC-PP have provided comments in respect of the regulatory impact assessment in an addendum to this response. In addition, the Panel 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 2021<sup>28</sup>. 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.

Wales LEP has worked extensively with WG officers over many years to assist with the development of both this White Paper and the WG Harmonisation Document. The LEP 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 the Panel would need to wait for the White Paper to be published before any further work on voluntarily pursuing consistent policies would be undertaken. The panel 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”.

BGCBC-PP agree that national standards would assist in reducing cross border operations, however cross border operations between Newport and Cardiff are primarily caused by the differences in qualification requirements, not only the knowledge test. BGCBC-PP 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 addendum.

**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.

**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.**

BGCBC-PP feel that positive effects could be increased by ensuring that signage, etc. is provided in bilingual format on all taxis and taxi ranks. The Panel 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

BGCBC-PP 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 Cardiff as it is geographically small but has a high number of visitors from neighbouring areas who require taxis to get home.

BGCBC-PP 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.

For example, The Senedd in Cardiff Bay to Penarth is a journey of 3.5 miles, but as the journey crosses over from the Cardiff district into the Vale of Glamorgan district, drivers are not required to use the meter. There have been numerous examples of the public having to pay £40+ for this journey.

There is an inherent imbalance of power to this situation as the normal rules of supply and demand don't 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 in the Principality Stadium, 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. Cardiff receives many complaints from customers being charged significant amounts to travel back to RCT, Merthyr etc. but there is nothing officers can do despite acknowledging the unfairness.

Passengers wishing to go out of district at the end of the night in Cardiff 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 ranks 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 doesn't 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. This situation has resulted in many lone female students having to walk home back to inner areas such as Cathays.

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”.

BGCBC-PP 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 aren't taken advantage of for living outside of the district - even if it is just Penarth.

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

BGCBC-PP feel that prescribed fees would provide greater consistency and fairness across Wales. Local authorities are currently required to ensure that only the costs associated with providing the taxi licensing service are recovered; no profit can be made. A recent comparison of fees across the Local authorities reveals that where Local authorities set fees locally, there is a wide disparity between Local authorities which creates 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. Every 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. Standardised fees which are set by WG and reviewed annually are considered the only way to have consistency across Wales.

## Methodology for setting taxi meter fares.

BGCBC-PP 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 Cardiff 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.

BGCBC-PP 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

BGCBC-PP believe that CCTV system 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 have an immediate deterrent against crime and disorder including CSE; Violence against Women; drugs; domestic violence etc.

BGCBC-PP would be able to provide extensive examples of where CCTV footage would have been invaluable evidence for corroborating or contradicting complaints received.

The Panel recognise the potentially 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

BGCBC-PP 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, it would be an easy task for WG to prescribe the application forms to ensure consistency across Wales.

### Restricted Drivers

In addition to the LEP's submission in relation to Q3 regarding types of licences offered by local authorities. BGCBC-PP is aware that the majority of the Wales LEP would suggest that consideration be given to the introduction of a restricted dual licence for the purpose of home to school transport **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 home to school contract work. A number of local authorities in England and Swansea Council in Wales already offer this scheme and report positive effects in supporting home to school contracts.

### **Blaenau Gwent CBC- Public Protection Service**

# Bridgend County Borough Council



## Bridgend County Borough Council submission:

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

#### Consultation response

This response is submitted on behalf of the Bridgend County Borough Council (the Council) and is made in accordance with the response submitted on behalf of the Wales Licensing Expert Panel (the Panel). However, where there are variations to this response, these will be highlighted.

The Council is supportive of WG's vision to ensure that Wales' taxi and PHV services are safer, fairer and greener. The Council 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.

The Council, however, feels that the proposed legislation is not ambitious enough and will only tinker around the edges with 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.

The Council advocates moving to an amalgamated regime for taxis and private hire services, with a second category to capture the other services such as novelty / executive hire. Moving to this simplified "one tier" system is not only easier for the public to understand but would also alleviate many of the problems around cross border operations, definitions of pre-booking and whether PHVs are plying for hire.

The Council notes that the Regulatory Impact Assessment ("RIA") 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". To be clear, the Council would fully support 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 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.**

The Council agrees with this proposal. This is consistent with the previous consultation work undertaken between the Licensing Expert Panel 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.**

The Council disagrees with this proposal. The Council feels 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 then have 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. The Council however feels that a PHV driver would benefit from undertaking the knowledge test and not be reliant on satellite navigation systems.

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.

The Council therefore considers 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 are able to operate a mix fleet of taxis and PHV's with drivers being able to drive any vehicle with no enforcement implications for any party, including the local authority.

If WG proceeds 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, but issuing dual licences means that the private hire driver conditions 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.**

The Council 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)**

The Council agrees with this proposal. Frequent DBS checks are essential to ensure that licensed drivers remain fit and proper. The Council is 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)

The Council agrees with this proposal.

Evidence of right to work in the UK

The Council agrees with this proposal.

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

The Council agrees with this proposal and suggests 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, the Council suggest that WG utilise the standards contained within the "Taxi and Private Hire Vehicles: Licensing Guidance" for medicals, but with an amendment to the person carrying out the assessment and level of history required.

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.

The Council agrees 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, but 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.

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

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

The Council disagrees 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. The Council 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.

The Council disagrees 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.**

The Council agrees 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.

The Council agrees 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'

The Council agrees that roof lights should display the word 'Taxi' or 'Taksi', however a number of local authorities report that existing roof lights often have the local authority name also displayed. The Council consider that to compel existing taxi operators to replace existing roof lights would be an unnecessary cost to the trade. The Council would therefore suggest that the word "only" be removed from this standard.

Roof lights not allowed on PHV

The Council agrees with this proposal.

### All PHVs to display 'pre-booking only' signage

The Council agrees with this proposal

### Vehicles to be tested to an agreed testing specification

The Council agrees and would recommend that these are in accordance with the "Best Practice Guide for the Inspection of Hackney Carriage and Private Hire Vehicles"

The Council would also suggest that where local authorities utilise external garages for their testing requirements, that the garages must be approved by the local authority.

### Vehicle testing to be carried out at agreed intervals.

The Council 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)

The Council disagrees 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 the Council feels 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.

The Council 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.

The Council agrees with this proposal.

### All taxis to be fitted with a taximeter.

The Council agrees, but would suggest that only one fare can be displayed to the customer. Some Local authorities report that it's 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'.

The Council agrees and suggests 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 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.

The Council agrees, however would expect to be consulted on the detail of this criteria. Careful consideration would have to be given to any standardised vehicle criteria to ensure that the requirements for both urban and rural areas are satisfied.

Methods of payment that should be available.

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

Vehicles must carry a first aid kit.

The Council agrees with this proposal. 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.**

The Council agrees that national minimum standards should apply to operator's licences and make the following comments:

A basic DBS check (repeated each renewal).

The Council agrees 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, the Council feel that this period is too long between DBS checks and that an annual check is preferable.

An overseas criminal record check (where applicable).

The Council agrees 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.

The Council agrees 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.

The Council agrees with the proposal that anyone taking bookings, dispatching vehicles or holding an individual's personal information should be vetted. The Council suggest that all such individuals should be subject to a fit and proper test via a basic DBS check.

The Council however question the effectiveness of an unregulated policy whereby the operator determines the suitability of their own staff. Even with Local Authority oversight 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.

The Council feels that the only viable and meaningful option for vetting "dispatchers" would be to have a separate licensing scheme for such individuals.

However, it is acknowledged that this policy would favour larger operators who are more likely to have a pool of licensed dispatchers available to cover sickness/absence at short notice. This could have the unintended consequence of smaller operators being unable to find staff at short notice if somebody is required leave work at short notice, leaving them unable to dispatch bookings. This could result in customers' pre-booked fares not being completed. Therefore, it is the Council's view that such a policy should be subject to further consultation if it were introduced.

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.

The Council agrees 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.

The Council agrees 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.

The Council agrees that operators should have to meet standards for dealing with passengers with additional needs, however, the Council feels that this should not be left to the operators to regulate. WG should be introducing such standards through statutory guidance, where operators must comply. Where an operator falls short of the standards and complaints are received by the local authority, the local authority will 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?**

The Council feels that as far as possible, standards should be consistent across the whole of Wales to ensure a level playing field within the sector. The Council therefore feels that Local authorities should not be permitted to set additional local conditions above the national minimum standard for driver and operators.

The Council would however suggest that local discretion is retained for livery of vehicles, e.g., Colour policies, back plate and door sign designs. It is considered that attempting to be consistent in this aspect would be an unnecessary cost to the trade.

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

Council agrees 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, it is unclear how the proposals would work in practice where an additional licence is required outside the issuing authority area.

The Council feels that there is insufficient detail contained in the proposal in respect of the intention of Welsh Government here.

The Council is 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 the Council has several practical concerns. This requires further consultation and engagement on the detail to enable additional comments to be made.

The Council 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". The Council 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, the Council answers 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.

The Council does 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 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 the Council answers this question on the basis that there is an immediate risk to public safety due to the condition of a vehicle.

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

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

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

Additionally, the Council 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 evening by the issuing officer.

The Council however does 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.**

The Council considers 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 level – minor 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.

The Council 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.

The Council feel that the preferred choice would be to introduce penalty points scheme. There were concerns raised 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, this would potentially lead to a reduction in the fees that can be charged for licenses. It was also felt that enforcement officers would be much less likely to issue a fixed penalty notice for minor infringements than issue penalty points.

The Council's preferred position is the penalty points scheme as it is felt less resources are needed to administer this process. Some local authorities already have similar schemes in place, so no additional resource is needed. Those local authorities that do not have such a scheme in place, will have a system (albeit undocumented) for determining when a driver needs to go to a hearing. In these authorities it will just be case of formalising the procedures.

The penalty points scheme is essentially an internal mechanism to determine when a driver is required to go to a hearing, it is therefore less open to challenge as any appeal would be against a decision taken at the hearing rather than 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.

The Council 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 points, but a dirty vehicle would not.

The Council 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.

There is some anecdotal evidence of the direct negative consequences of drivers 'multi-apping' and as such the Council would welcome further research / consultation on this issue.

It is acknowledged that drivers using multiple apps simultaneously could cause confusion to the public, especially if a vehicle has the livery of another operator when collecting passengers for a booking. However, the issue of drivers cancelling bookings that were previously accepted as the sole consequence of multi-apping is unclear and we would welcome further consultation as to the reasons why bookings may be cancelled. Such consultation would also allow further consideration of any unintended consequences of restricting access on competition in local markets.

The Council would support an operator levying a charge against a driver for cancelling a booking that was previously accepted without a reasonable excuse, and for disengaging with drivers where there is a pattern of bookings being cancelled.

**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.

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

The Council 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. The Council 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 of the Council however it is considered too restrictive for those operators located on the England/Wales border.

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

3. 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.
4. 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 journey's 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.

The Council would suggest that once all LA's in 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.

The Council agrees with this proposal. All 22 Local Authorities in Wales are already signed up to use the NR3 database and the vast majority have uploaded historic data.

**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.

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

The Council is supportive of Welsh Government's plans to transition away from internal combustion engines. The Council recognises the environmental need to accelerate the transition away from harmful emissions and is willing to play a part in aiding that transition, but feels it is primarily a matter for Welsh Government to determine the appropriate timescales and mechanisms across Wales.

The Council feels that any proposals made by Welsh Government must also consider the financial implications, and give sufficient notice, to the taxi and PHV trades.

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

The Council agree with the proposals for Class B vehicles, however the terminology referring to such vehicles be revisited. The Council would suggest calling them “specialist vehicles” rather than “Class B”.

The Council would suggest the inclusion of Omnibuses in the list proposed.

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

The Panel has provided comments in respect of the regulatory impact assessment in an addendum to their response. The Council supports this response and the additional comments provided in the Expert Panel submission as follows:

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 2021<sup>28</sup>. 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.

The Panel has worked extensively with WG officers over many years to assist with the development of both this White Paper and the WG Harmonisation Document. The Panel has 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 the Panel would need to wait for the White Paper to be published before any further work on voluntarily pursuing consistent policies would be undertaken. The Panel feels 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”.

The Panel agrees that national standards would assist in reducing cross border operations, however cross border operations between Newport and Cardiff are primarily caused by the differences in qualification requirements, not only the knowledge test. The Panel 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 addendum.

**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.

**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.**

The Council feels that positive effects could be increased by ensuring that signage, etc. is provided in bilingual format on all taxis and taxi ranks. The Council 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

The Council believes 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.

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 don't 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 in the Principality Stadium, 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.

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”.

The Council strongly believes 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 aren't 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

The Council acknowledges that prescribed fees would provide greater consistency and fairness across Wales, however local authorities are required to ensure full cost recovery (where permissible) for the taxi and private hire 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.

The Council feels that 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.

The Council recognises 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 Cardiff 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.

The Council feels 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

The Council believes that CCTV system 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 have an immediate deterrent against crime and disorder including CSE; Violence against Women; drugs; domestic violence etc.

The Council would be able to provide extensive examples of where CCTV footage would have been invaluable evidence for corroborating or contradicting complaints received.

The Council recognises the potentially 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

The Council has 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, it would be an easy task for WG to prescribe the application forms to ensure consistency across Wales.

### Restricted Drivers

In addition to the Council's submission in relation to Q3 regarding types of licences offered by local authorities, consideration should be given to the introduction of a restricted dual licence for the purpose of home to school transport **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 home to school contract work. A number of local authorities in England and Swansea Council in Wales already offer this scheme and report positive effects in supporting home to school contracts.

### Wheelchair accessible vehicles

Many wheelchair users rely on taxi and private hire services as their main form of transport, so it is important that a modern licensing regime ensures that there is sufficient availability of wheelchair accessible vehicles for those that need them.

National minimum standards for wheelchair accessible vehicles have not been detailed but are suggested as a matter for local discretion. In Q7, the Council has responded in favour of limiting local discretion as this can lead to prospective licence holders seeking a licence in a less restrictive area, which they will still be able to use throughout Wales (known as cross-bordering). Accessibility affects all of Wales and the Council feels that further research and consultation should be commissioned to look at national minimum standards, the customer experience of booking accessible taxis and private hire vehicles, and ways in which to improve the provision of accessible vehicles in the market.

In relation to local standards, the White Paper states “given one of the main reasons for introducing national minimum standards is to create a level playing field and to avoid differences in standards which can lead to cross-bordering, any scope for local authorities to go beyond the minimum should be limited.”

If wheelchair accessible vehicles are not included in national standards, and remain a matter for local discretion, this could encourage prospective licence holders to licence in areas without local accessibility standards. This could then limit the effectiveness of standards which are introduced locally to improve the provision of wheelchair accessible vehicles.

## Caerphilly County Borough Council

Name
Are you responding for yourself or for an organisation? If an organisation, which?
An organisation
Which of the following best describes you?
I have a role in licensing and/or enforcement of the taxi / PHV trade
<b>Local Authority</b> Caerphilly County Borough Council

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.

No

**Comments:**

Caerphilly CBC would support the following comments by the All Wales Expert Panel namely - 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 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.

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.

Yes

**Comments:**

Caerphilly CBC would support the following comments by the All Wales Expert Panel namely. This is consistent with the previous consultation work undertaken between the Panel 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.

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.

No

**Comments:**

Caerphilly CBC would support the following comments by the All Wales Expert Panel and 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 then have 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. The Panel however feel that a PHV driver would benefit from undertaking the knowledge test and not be reliant on satellite navigation systems.

As many local authorities already only issue dual licences, the creation of additional single licence

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.

categories would cost local authorities more to administer, with additional costs associated with procuring colour coded id cards and alterations to existing computer databases.

The Panel 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 are able to operate a mix fleet of taxis and PHV's with drivers being able to drive any vehicle with no enforcement implications for any party, including the local authority.

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, but issuing dual licences means that the private hire driver conditions apply to all drivers.

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.

**Comments:**

Caerphilly CBC would support the comments of the All Wales Expert Panel and 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)

CCBC agree with this proposal. Frequent DBS checks are essential to ensure that licensed drivers remain fit and proper. The Panel 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)

CCBC agree with this proposal.

Evidence of right to work in the UK

CCBC agree with this proposal.

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

CCBC agree with this proposal and suggests 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, the Panel suggest that WG utilise the standards contained within the "Taxi and Private Hire Vehicles: Licensing Guidance" for medicals, but with an amendment to the person carrying out the assessment and level of history required.

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.

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.

CCBC 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, but 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.

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

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  
CCBC 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. CCBC 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.

CCBC Disagree with this proposal. Please see the response in Q3 above.

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.

Yes

**Comments:**

Caerphilly CBC would support the comments of the All Wales Expert Panel CCBC 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.

CCBC 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 'Tacsi

CCBC agree that roof lights should display the word 'Taxi' or 'Tacsi', however a number of local authorities report that existing roof lights often have the local authority name also displayed. CCBC consider that to compel existing taxi operators to replace existing roof lights would be an unnecessary cost to the trade. The Panel would therefore suggest that the word "only" be removed from this standard.

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.

Roof lights not allowed on PHV

CCBC agree with this proposal.

All PHVs to display 'pre-booking only' signage

CCBC agree with this proposal

Vehicles to be tested to an agreed testing specification

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

CCBC would also suggest that where Local authorities utilise external garages for their testing requirements, that the garages must be approved by the local authority.

Vehicle testing to be carried out at agreed intervals.

CCBC 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)

CCBC 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 the Panel feels 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.

CCBC 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.

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.

Yes

**Comments:**

Caerphilly CBC would support the comments of the All Wales Expert Panel and agree that national minimum standards should apply to operator's licences and make the following comments:

A basic DBS check (repeated each renewal).

CCBC 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, the Panel feel that this period is too long between DBS checks and that an annual check is preferable.

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.

An overseas criminal record check (where applicable).

CCBC 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.

CCBC 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.

CCBC agree with the proposal that anyone taking bookings, dispatching vehicles or holding an individual's personal information should be vetted. The Panel suggest that all such individuals should be subject to a fit and proper test via a basic DBS check.

CCBC however question the effectiveness of an unregulated policy whereby the operator determines the suitability of their own staff. Even with Local Authority oversight 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.

CCBC feel that the only viable and meaningful option for vetting "dispatchers" would be to have a separate licensing scheme for such individuals.

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.  
CCBC 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.

CCBC 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.

CCBC agree that operators should have to meet standards for dealing with passengers with additional needs, however, the Panel feels that this should not be left to the operators to regulate. WG should be introducing such standards through statutory guidance, where operators must comply. Where an operator falls short of the standards and complaints are received by the local authority, the local authority will investigate and where appropriate take action against the operator's licence.

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

No

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

**Comments:**

Caerphilly CBC would support the comments of the All Wales Expert Panel and feel that as far as possible, standards should be consistent across the whole of Wales to ensure a level playing field within the sector. The Panel therefore feel that Local authorities should not be permitted to set additional local conditions above the national minimum standard for driver and operators.

CCBC would however suggest that local discretion is retained for livery of vehicles, e.g., Colour policies, back plate and door sign designs. It is considered that attempting to be consistent in this aspect would be an unnecessary cost to the trade.

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

Yes

**Comments:**

Caerphilly CBC would support the comments of the All Wales Expert Panel and 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, CCBC are unclear how the proposals would work in practice where an additional licence is required outside the issuing authority area.

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

CCBC 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 CCBC has several practical concerns. This requires further consultation and engagement on the detail to enable additional comments to be made.

CCBC 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". CCBC 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.

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.

No

**Comments:**

Caerphilly CBC would support the comments of the All Wales Expert Panel and answer this question on the basis that there is a breach of a vehicle national minimum standard, which has been committed by the

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.

driver of that vehicle.

CCBC does 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 between Local Authorities.

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.

**Comments:**

Caerphilly CBC would support the comments of the All Wales Expert Panel and answer this question on the basis that there is an immediate risk to public safety due to the condition of a vehicle.

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

CCBC would fully support the proposal to enable competent local authority enforcement officers to suspend a licence issued by another authority where there is an immediate risk to public safety. CCBC would suggest that action taken should be notified to the home licensing authority within 7 days instead of 14 days.

Additionally, CCBC 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 evening by the issuing officer.

CCBC however does 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.

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

Yes

**Comments:**

Caerphilly CBC would support the comments of the All Wales Expert Panel and 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 level – minor 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.

CCBC 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.

CCBC would support the majority of the panel and feel that the preferred choice would be to introduce penalty points scheme. There were concerns raised 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, this would potentially lead to a reduction in the fees that can be charged for licenses. It was also felt that enforcement officers would be much less likely to issue a fixed penalty notice for minor infringements than issue penalty points.

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

CCBC would agree with the majority of the Panel and would give preference to a penalty points scheme as it was felt less resources were needed to administer this process. Some local authorities already have similar schemes in place, so no additional resource is needed. Those local authorities that do not have such a scheme in place, will have a system (albeit undocumented) for determining when a driver needs to go to a hearing. In these authorities it will just be case of formalising the procedures.

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

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

Yes

**Comments:**

Caerphilly CBC would support the comments of the All Wales Expert Panel and would suggest that this question has mostly been answered in Question 11 above.

CCBC 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 points, but a dirty vehicle would not.

CCBC 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.

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.

Yes

**Comments:**

Caerphilly CBC would support the comments of the All Wales Expert Panel and agree that there is a need to address the negative consequences of 'multi-apping' based upon the limited affect this has in Wales which is restricted to a small number of authorities.

To date CCBC does not tend to receive complaints of this nature, as licensed drivers tend to work wholly for one operator.

As a result, CCBC view is that a driver should be restricted to work for one operator at a time and to display the name of that company 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.

CCBC 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, CCBC 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.

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.

No

**Comments:**

Caerphilly CBC would support the comments of the All Wales Expert Panel and would disagree with Option A and in part, Option B and therefore suggest Option C as set out below. CCBC 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. CCBC 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 of the Panel however it is considered too restrictive for those operators located on the England/Wales border.

Therefore, CCBC 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 journey's 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.

CCBC would suggest that once all LA's in England have comparable standards to those in Wales, that this policy be reviewed.

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

Yes

**Comments:**

CCBC agree with this proposal.

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.

c. do something else

**Comments:**

Caerphilly CBC would support the comments of the All Wales Expert Panel and 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. CCBC recognise the environmental need to accelerate such transition away from harmful emissions and are willing to play out part in aiding that transition, but this really is a matter for Welsh Government to determine the appropriate timescales and mechanisms.

CCBC are clear however, that any proposals made by Welsh Government must consider the financial implications to the taxi and PHV trades.

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

Yes

**Comments:**

CCBC agree with the proposals for Class B vehicles, however the terminology referring to such vehicles be revisited. CCBC would suggest calling them "specialist vehicles" rather than "Class B".

CCBC would suggest the inclusion of Omnibuses in the list proposed.

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

Caerphilly CBC would support the comments of the All Wales Expert Panel in relation to the regulatory impact assessment in an addendum to this response. In addition, CCBC 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 2021. 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.

CCBC acknowledge the work of the the Panel and their work extensively with WG officers over many years to assist with the development of both this White Paper and the WG Harmonisation Document. CCBCI 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. CCBC awaited the White Paper to be published before any further work on voluntarily pursuing consistent policies would be undertaken. CCB would agree with the comments of the panel 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".

CCBC acknowledge the comments of the Panel and agree that national standards would assist in reducing cross border operations, however cross border operations between Newport and Cardiff are

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

primarily caused by the differences in qualification requirements, not only the knowledge test. The Panel therefore feel that offering only PHV driver licences would have a limited effect.

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

CCBC acknowledge the comments submitted by the All Wales Expert Panel in this regard.

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.

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.

Caerphilly CBC would support the comments of the All Wales Expert Panel in respect of positive effects could be increased by ensuring that signage, etc. is provided in bilingual format on all taxis and taxi ranks. CCBC Panel would also suggest offering Welsh speaking drivers the opportunity to display a 'Siaradwr Cymraeg' sticker on their vehicle and on their badge.

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

Caerphilly CBC would support the comments of the All Wales Expert Panel in respect of the Use of Taxi Meters

CCBC 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 Cardiff as it is geographically small but has a high number of visitors from neighbouring areas who require taxis to get home.

CCBC 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.

CCBC would highlight the example provided by the Panel -

For example, The Senedd in Cardiff Bay to Penarth is a journey of 3.5 miles, but as the journey crosses over from the Cardiff district into the Vale of Glamorgan district, drivers are not required to use the meter. There have been numerous examples of the public having to pay £40+ for this journey.

There is an inherent imbalance of power to this situation as the normal rules of supply and demand don't 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 in the Principality Stadium, 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. Cardiff receives many complaints from customers being charged significant amounts to travel back to RCT, Merthyr etc. but there is nothing officers can do

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

despite acknowledging the unfairness.

Passengers wishing to go out of district at the end of the night in Cardiff 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 ranks 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 doesn't 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. This situation has resulted in many lone female students having to walk home back to inner areas such as Cathays.

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".

CCBC 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 aren't taken advantage of for living outside of the district - even if it is just Penarth or into Caerphilly CBC area.

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

CCBC acknowledge that prescribed fees would provide greater consistency and fairness across Wales, however Local authorities are required to ensure full cost recovery (where permissible) for the taxi and private hire 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.

CCBC would agree with the majority of the Panel and feel that 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.

CCBC 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 Caerphilly 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.

CCBC would agree that greater consistency can be applied to the fare setting process and would suggest

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

that WG introduce standardised methodology for Local authorities to use when calculating the fare levels.

**Mandatory CCTV**

CCBC believe that CCTV system 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 have an immediate deterrent against crime and disorder including CSE; Violence against Women; drugs; domestic violence etc.

CCBC acknowledge the panels comments concerning extensive examples of where CCTV footage would have been invaluable evidence for corroborating or contradicting complaints received.

CCBCI recognise the potentially 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**

CCBC acknowledge the comments of the Panel in relation to working 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, it would be an easy task for 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. CCBC would support the majority of the Panel and would suggest that consideration be given to the introduction of a restricted dual licence for the purpose of home to school transport 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 home to school contract work. A number of local authorities in England and Swansea Council in Wales already offer this scheme and report positive effects in supporting home to school contracts.

# Cardiff Council



## Cardiff Council submission:

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

#### Consultation response

This response is submitted on behalf of Cardiff Council and is made in accordance with the response submitted on behalf of the Wales Licensing Expert Panel (the Panel). Licensing Officers from the Licensing Department of Cardiff Council contributed significantly to the work in drafting the Panel's response. However, where there are variations in this response, these are highlighted.

Cardiff Council (the Council) are supportive of WG's vision to ensure that Wales' taxi and PHV services are safer, fairer and greener. The Council 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.

The Council; however, feel that the proposed legislation is not ambitious enough and will only tinker around the edges with archaic legislation (Town Police Clauses Act 1847 and the 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.

The Council advocate moving to an amalgamated regime for taxis and private hire services, with a second category to capture the other services such as novelty / executive hire. Moving to this simplified "one tier" system is not only easier for the public to understand but would also alleviate many of the problems around cross border operations, definitions of pre-booking and whether PHVs are plying for hire.

The Council note that the Regulatory Impact Assessment ("RIA") 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". To be clear, the Council would support this position and 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 urban areas. **Many young people in Cardiff now solely use app based services.**

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 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.**

The Council agrees with this proposal. This is consistent with the previous consultation work undertaken between the Panel 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.**

The Council disagrees with this proposal. The Council 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 then have 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 £55 in Cardiff. The Council however feel that a PHV driver would benefit from undertaking the knowledge test and not be reliant on satellite navigation systems.

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

The Council 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 are able to operate a mix fleet of taxis and PHV's with drivers being able to drive any vehicle with no enforcement implications for any party, including the local authority.

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, but issuing dual licences means that the private hire driver conditions 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.**

The Council 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, as this would result in additional costs to the Local Authority and consequently to the driver.

The additional resources required would be significant for Cardiff. The Council currently licenses 2,283 dual hackney carriage/private hire drivers, this translates to an average of 44 additional driver checks per week that officers would be required to carry out for each new driver check required mid-licence. Unlike the checks made at renewal, mid-licence checks also require additional resources such as sending reminder letters and enforcing non-compliance.

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)

The Council agrees with this proposal. Frequent DBS checks are essential to ensure that licensed drivers remain fit and proper. The Council 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.

Whilst the Council is supportive of the proposal to introduce 6 monthly checks in principle, it should be noted that Cardiff licenses a significant number of drivers who were born overseas, and many where English is not their first language. This presents additional challenges for the department as licence holders often require additional assistance when completing forms etc.

A significant number of drivers licensed in Cardiff are also unable to use the automated DBS e-Bulk system or the DBS update service. The DBS do not provide reasons when applicants are unable to use the automated systems. However, anecdotally, officers find this tends to occur when applicants have a common name and date of birth. Cardiff licenses many individuals with similar names, and many that have a date of birth that has been assigned by the Home Office (1 January).

An overseas criminal record check (where applicable)

The Council agrees with this proposal.

Evidence of right to work in the UK

The Council agrees with this proposal.

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

The Council agree with this proposal and suggests 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, the Council suggest that WG utilise the standards contained within the “Taxi and Private Hire Vehicles: Licensing Guidance” for medicals, but with an amendment to the person carrying out the assessment and level of history required.

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.

The Council 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, but 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-

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

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

The Council 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. The Council 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.

The Council 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.**

The Council 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.

The Council 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'

The Council agree that roof lights should display the word 'Taxi' or 'Taksi', however a number of local authorities report that existing roof lights often have the local authority's name also displayed. The Council consider that to compel existing taxi operators to replace existing roof lights would be an unnecessary cost to the trade. The Council would therefore suggest that the word "only" be removed from this standard.

Roof lights not allowed on PHV

The Council agree with this proposal.

All PHVs to display 'pre-booking only' signage

The Council agree with this proposal

Vehicles to be tested to an agreed testing specification

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

The Council would also suggest that where Local authorities utilise external garages for their testing requirements, that the garages must be approved by the local authority.

Vehicle testing to be carried out at agreed intervals.

The Council 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)

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 the Council feels 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.

The Council would support further consultation on emission standards and the possible introduction of **minimum emission standards for vehicles**.

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

The Council agree with this proposal.

All taxis to be fitted with a taximeter.

The Council agree but would suggest that only one fare can be displayed to the customer. Some local authorities report that it's common 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'.

The Council agree and suggests 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 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.

The Council agree, however would expect to be consulted on the detail of this criteria.

Methods of payment that should be available.

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

Vehicles must carry a first aid kit.

The Council agree with this proposal. 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.**

The Council agree that national minimum standards should apply to operator's licences and make the following comments:

A basic DBS check (repeated each renewal).

The Council agrees 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, the Council feel that this period is too long between DBS checks and that an annual check is preferable.

An overseas criminal record check (where applicable).

The Council 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.

The Council 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.

The Council agree with the principle that anyone taking bookings, dispatching vehicles or holding an individual's personal information should be vetted.

The Council however question the effectiveness of an unregulated policy whereby the operator determines the suitability of their own staff. Even with Local Authority oversight 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.

The Council feel that the only viable and meaningful option for vetting "dispatchers" would be to have a separate licensing scheme for such individuals.

However, it is acknowledged that this policy could favour larger operators who are more likely to have a pool of licensed dispatchers available to cover sickness/absence at short notice. This could have the unintended consequence of smaller operators being unable to find staff at short notice if somebody is required leave work at short notice, leaving them unable to dispatch bookings. This could result in customers' pre-booked fares not being completed. Therefore, it is the Council's view that such a policy should be subject to further consultation if it were introduced.

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.

The Council 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.

The Council 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.

The Council agree that operators should have to meet standards for dealing with passengers with additional needs, however, the Council feels that this should not be left to the operators to regulate. WG should be introducing such standards through statutory guidance, where operators must comply. Where an operator falls short of the standards and complaints are received by the local authority, the local authority will 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?**

The Council feel that as far as possible, standards should be consistent across the whole of Wales to ensure a level playing field within the sector. The Council therefore feel that local authorities should not be permitted to set additional local conditions above the national minimum standard for driver and operators.

The Council would however suggest that local discretion is retained for livery of vehicles, e.g., Colour policies, back plate and door sign designs. It is considered that attempting to be consistent in this aspect would be an unnecessary cost to the trade.

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

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

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

The Council 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 the Council has several practical concerns. This requires further consultation and engagement on the detail to enable additional comments to be made.

The Council 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”. The Council 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, the Council 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.

The Council does 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 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 the Council answer this question on the basis that there is an immediate risk to public safety due to the condition of a vehicle.

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

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

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

Additionally, the Council 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 evening by the issuing officer.

The Council however does 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.**

The Council 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 level – minor 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 an FPN scheme and penalty point scheme introduces 3 levels of enforcement action; this is an over complicated and unnecessary enforcement protocol.

The Council 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.

The Council feel that the preferred choice would be to introduce a penalty points scheme. There are concerns that 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, the income generated from FPN's would need to be considered alongside fee setting arrangements i.e. no profit can be made from, this would potentially lead to a reduction in the fees that can be charged for licenses. It was also felt that enforcement officers would be much less likely to issue a fixed penalty notice for minor infringements than issue penalty points.

Some local authorities already have similar schemes in place, so no additional resource is needed. Those local authorities that do not have such a scheme in place, will have a system (albeit undocumented) for determining when a driver needs to go to a hearing. In these authorities it will just be case of formalising the procedures.

The penalty points scheme is essentially an internal mechanism to determine when a driver is required to go to a hearing, it is therefore less open to challenge as any appeal would be against a decision taken at the hearing rather than 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.

The Council 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 points, but a dirty vehicle would not.

The Council 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.

There is some anecdotal evidence of the direct negative consequences of drivers 'multi-apping' and as such the Council would welcome further research / consultation on this issue.

It is acknowledged that drivers using multiple apps simultaneously could cause confusion to the public, especially if a vehicle has the livery of another operator when collecting passengers for a booking. However, the issue of drivers cancelling bookings that were previously accepted as the sole consequence of multi-apping is unclear and we would welcome further consultation as to the reasons why bookings may be cancelled. Such consultation would also allow further consideration of any unintended consequences of restricting competition in local markets.

The Council would support the practices of some operators where customers cancel a booking that is already dispatched and on way to levy a penalty charge to that customer. Similarly, the Council would support an operator levying a charge against a driver for cancelling a booking that was previously accepted without a reasonable excuse, and for disengaging with drivers where there is a pattern of bookings being cancelled.

**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.

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

The Council 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. The Council 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 of the Council however it is considered too restrictive for those operators located on the England/Wales border.

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

5. 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.
6. 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 journey's 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.

The Council would suggest that once all LA's in 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.

The Council agree with this proposal. All 22 Local Authorities in Wales are already signed up to use the NR3 database and the vast majority have uploaded historic data.

**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.**

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

The Council are supportive of Welsh Government's plans to transition away from internal combustion engines. The Council recognise the environmental need to accelerate the transition away from harmful emissions and are willing to play a part in aiding that transition, but feel it is primarily a matter for Welsh Government to determine the appropriate timescales and mechanisms across Wales.

Cardiff Council are currently considering introducing a policy of road user charging to improve air quality in the city. We would expect Welsh Government to ensure that any proposals to accelerate the transition to ZEV taxis/PHVs also take local air quality plans into consideration.

The Council feel that any proposals made by Welsh Government must also consider the financial implications, and give sufficient notice, to the taxi and PHV trades.

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

The Council agree with the proposals for Class B vehicles, however the terminology referring to such vehicles be revisited. The Council would suggest calling them "specialist vehicles" rather than "Class B".

The Council would suggest the inclusion of Omnibuses in the list proposed.

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

The Panel has provided comments in respect of the regulatory impact assessment in an addendum to their response. The Council supports this response and the additional comments provided in the Expert Panel submission as follows:

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 2021<sup>28</sup>. 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.

The Council have worked extensively with WG officers over many years to assist with the development of both this White Paper and the WG Harmonisation Document.

The Council 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 the Council 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 the Council would need to wait for the White Paper to be published before any further work on voluntarily pursuing consistent policies would be undertaken. The Council 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”.

The Council agree that national standards would assist in reducing cross border operations, however cross border operations between Newport and Cardiff are primarily caused by the differences in qualification requirements, not only the knowledge test. The Council 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 addendum.

**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.

**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.**

The Council feel that positive effects could be increased by ensuring that signage, etc. is provided in bilingual format on all taxis and taxi ranks. The Council 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

The Council 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 Cardiff as it is geographically small but has a high number of visitors from neighbouring areas who require taxis to get home.

The Council 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.

For example, The Senedd in Cardiff Bay to Penarth is a journey of 3.5 miles, but as the journey crosses over from the Cardiff district into the Vale of Glamorgan district, drivers are not required to use the meter. There have been numerous examples of the public having to pay £40+ for this journey.

There is an inherent imbalance of power to this situation as the normal rules of supply and demand don't 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 in the Principality Stadium, 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. Cardiff receives many complaints from customers being charged significant amounts to travel back to RCT, Merthyr etc. but there is nothing officers can do despite acknowledging the unfairness.

Passengers wishing to go out of district at the end of the night in Cardiff 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 ranks 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 doesn't 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. This situation has resulted in many lone female students having to walk home back to inner areas such as Cathays.

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".

The Council 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 aren't 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

The Council acknowledge that prescribed fees would provide greater consistency and fairness across Wales, however Local authorities are required to ensure full cost recovery (where permissible) for the taxi and private hire 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.

We that feel that 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.

The Council 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 Cardiff 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.

The Council 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

The Council believe that CCTV system 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 have an immediate deterrent against crime and disorder including CSE; Violence against Women; drugs; domestic violence etc.

The Council would be able to provide extensive examples of where CCTV footage would have been invaluable evidence for corroborating or contradicting complaints received.

The Council recognise the potentially 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

Through the work of the Panel, the Council's Licensing Officers 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, it would be an easy task for WG to prescribe the application forms to ensure consistency across Wales.

#### Restricted Drivers

In addition to the Council'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 **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 home to school contract work. A number of local authorities in England and Swansea Council in Wales already offer this scheme and report positive effects in supporting home to school contracts.

### Wheelchair accessible vehicles

Many wheelchair users rely on taxi and private hire services as their main form of transport, so it is important that a modern licensing regime ensures that there is sufficient availability of wheelchair accessible vehicles for those that need them.

National minimum standards for wheelchair accessible vehicles have not been detailed but are suggested as a matter for local discretion. In Q7, the Council has responded in favour of limiting local discretion as this can lead to prospective licence holders seeking a licence in a less restrictive area, which they will still be able to use throughout Wales (known as cross-bordering). Accessibility affects all of Wales and the Council feels that further research and consultation should be commissioned to look at national minimum standards, the customer experience of booking accessible taxis and private hire vehicles, and ways in which to improve the provision of accessible vehicles in the market.

In relation to local standards, the white paper states “given one of the main reasons for introducing national minimum standards is to create a level playing field and to avoid differences in standards which can lead to cross-bordering, any scope for local authorities to go beyond the minimum should be limited.”

If wheelchair accessible vehicles are not included in national standards, and remain a matter for local discretion, this could encourage prospective licence holders to license in areas without local accessibility standards. This could then limit the effectiveness of standards which are introduced locally to improve the provision of wheelchair accessible vehicles.

## Addendum: Regulatory Impact Assessment Comments

Table 6: Detailed potential costs break (see summary below for details)

Item	Frequency	Cost on initial application	Cost on renewal/ (existing drivers)	Incurred by	Notes
National training provider for literacy, numeracy, knowledge and safeguarding	Initial application only / potential safeguarding refresher every other renewal (6 years)	£40:00 /£60:00 (estimate excludes opportunity and time costs of attending training)	£30 (estimate) every other renewal (6 years)	Drivers  LA, who will recover cost from drivers.	Existing training costs already exist (not new costs)  Additional admin costs for checking / chasing compliance with this training requirement.
Enhanced DBS check with Barred List and Update Service	Initial application enhanced DBS required	£46:00 DBS + £13:00 update service fee = £59:00  (basic DBS £18)  £38 Enhanced DBS check	£13:00 a year update service	Drivers  (operators/ vehicle proprietors only if not a driver)	All Welsh LA currently require enhanced DBS checks on initial application, some have started moving towards 6 monthly DBS checks (not new costs) potential cost saving £7 per driver for update service use  Actual £1 increase to use Update Service (in addition to the £38 initial cost of the first DBS)

Vehicle testing	Proposal for annual testing	£50:00 (estimate)	£50:00 (estimate)	Vehicle proprietors	<p>All LA currently have testing requirements for vehicles requiring an annual, six monthly or four monthly test. Annual testing throughout Wales will result in a cost saving for many vehicle proprietors/ businesses</p> <p>A taxi/PHV can travel significantly more miles than a standard passenger car, and it is common for vehicles to travel 40,000+ miles per year, driven by multiple drivers. Many vehicle components will wear significantly during this period (tyres, brakes, suspension components etc.) and we do not feel annual testing is sufficient.</p>
Improved information sharing (Database / register/ other)	Setup fee likely with WG. Potential renewal fees that could be paid by the LA and recovered	£0 see text below	£Unknown WG research on database and/or register required	LA who will seek to recover costs from drivers/ operators	<p>LA are currently required to maintain a register for some taxi licences and all use 8 different versions of database throughout Wales. Setup fees will be provided by WG. Renewal maintenance fees may be required from LA on a cost recovery basis from licence holders</p> <p>It is not clear whether this relates to a register, or a database that would include current suspension notices issued.</p>

Item	Frequency	Cost on initial application	Cost on renewal/ (existing drivers)	Incurred by	Notes
	in the licensing fees				
Vehicle Age/Emissions Standards	When a replacement is required/ desired by the vehicle proprietor / company	Variation in vehicle manufacturer costs. A second hand Euro 6 emission vehicle can be purchased for under £10,000:00	£0	Vehicle proprietors	<p>Many LA already have age limits for new vehicles and/or a maximum age limit for existing vehicles. There is only a potential cost for LA without any current age limits. Existing licence holders may be permitted to retain currently licensed vehicles only to be replaced with a newer vehicle when a replacement is required or have a phased approach to updating the current fleet</p> <p><b>“There is only a potential cost for LA without any current age limits” - not clear how there could be additional costs.</b></p>
Changes to Taxi roof light wording	Once	£30:00 / £40:00 (estimate)	£0:00	<p>Vehicle proprietors</p> <p><b>LA, who will recover cost from drivers.</b></p>	<p>Most Taxis already have a rooflight with the wording “Taxi” and/ or “Taksi” therefore no costs to most vehicle proprietors. Signage firms may be able to amend existing rooflights for a lower fee rather than purchase a new rooflight.</p> <p><b>Unintended consequence – additional enforcement costs of checking compliance</b></p>

					with new standard (checking and chasing non-compliant proprietors).
Allowing multiple driver licence with more than one Authority	Initial Application with each Authority	<p>Reduced costs when applying for the second licence. -£200:00 / -£300:00 (estimate)</p> <p>We dispute the £200 - £300 saving for a 2<sup>nd</sup> licence, as this cost appears to relate the training. Once the training is completed, there are no additional cost to the driver as the national qualification is transferrable between authorities.</p> <p>.</p>	£0	<p>Drivers</p> <p>LA, who will recover cost from drivers.</p>	<p>When applying for the second licence. The driver will not require a duplicate medical / DBS / All training requirements. *Price per medical GP will vary</p> <p>When applying for the second licence the driver will not be required to do the training, nor a new DBS (as they will be on the Update Service). However, the driver will still have to the knowledge test, the local authority will need to verify documentation with the home authority. And will need to process, determine, and issue the licence which is the cost to the LA and passed on to the driver.</p> <p>This could also necessitate a committee hearing and cause issues by accepting old medicals</p> <p>The cost of the administration and enforcement of the licence would be comparable for both the home and second</p>

					licensing authority and there is no cost saving to the driver.
Requiring all Local Authorities to issue a	Initial Application	-£20:00 / -£30:00	£0	Drivers	Allowing PHV drivers to apply for a PHV drivers licence only will reduce

Item	Frequency	Cost on initial application	Cost on renewal/ (existing drivers)	Incurred by	Notes
PHV drivers licence only		(estimate)		LA, who will recover cost from drivers.	<p>the need to have a local area knowledge test and should reduce training costs to the driver</p> <p>Unintended consequences to this proposal - additional enforcement costs as LA officers will be required to monitor compliance with PH only licences driving taxis.</p> <p>Potential setup administration costs to amend the issue of dual licence only – so PHV only drivers licence.</p>



## Ceredigion County Council

Mae Cyngor Sir Ceredigion yn croesawu ymgynghoriad diweddar Llywodraeth Cymru ar y Bil Tacsî a Cherbydau Hurio Preifat (Cymru): papur gwyn sy'n nodi cynigion ar gyfer deddfwriaeth i foderneiddio'r sector tacsîs a cherbydau hurio preifat a mynd i'r afael â phroblemau trawsffiniol.

Fel awdurdod trwyddedu, mae Cyngor Sir Ceredigion yn deall y pwysigrwydd a'r cyfrifoldeb sydd ganddo o ran sicrhau bod cerbydau trwyddedig yn y sir yn ddiogel, yn gyfforddus, wedi'u hyswirio'n briodol, ar gael lle a phan fo angen, a bod gyrwyr yn addas ac yn briodol i ymgymryd â'r rôl. Prif ffocws yr awdurdod trwyddedu wrth weinyddu ei swyddogaethau yw diogelwch, diogelu a lles y cyhoedd.

Felly rydym yn cefnogi ac yn cymeradwyo'r ymateb cyfunol a baratowyd gan Gyfarwyddwyr Diogelu'r Cyhoedd Cymru (DPPW) i'r ymgynghoriad hwn – gweler ynghlwm.

Ceredigion County Council welcomes the recent Welsh Government consultation on the Taxi and Private Hire Vehicle (Wales) Bill: white paper which sets out proposals for legislation to modernise the taxi and PHV sector and address the problems of cross bordering.

As a licensing authority, Ceredigion County Council understands the importance and responsibility it has in ensuring that licensed vehicles in the county are safe, comfortable, properly insured, available where and when required, and that drivers are fit and proper to undertake the role. The primary focus of the licensing authority when administering its functions are public safety, safeguarding and wellbeing.

We therefore support and endorse the collective response prepared by the Directors of Public Protection Wales (DPPW) to this consultation – see attached.

[The response from Directors of Public Protection Wales can be found below.]

## Ceredigion Green Party

Name
Are you responding for yourself or for an organisation? If an organisation, which?
An organisation
<b>Comments:</b> Ceredigion Green Party

Which of the following best describes you?

Other

**Local Authority**  
Ceredigion

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.

Yes

**Comments:**

Yes but see comments to question 22

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.

Yes

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.

Yes

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.

Yes

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.

Yes

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.

Yes

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

No

**Comments:**

No. This goes against the idea of having nationally agreed standards which can be enforced in any Local Authority area.

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

Yes

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.

Yes

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.

Yes

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

Yes

**Comments:**

Yes. We feel this should be an opportunity to close a loophole in the law which many taxi/private hire vehicle operators take advantage of.

If a private car driver gets 12 points on their licence, they are automatically banned from driving for a period. If a taxi driver gets more than 12 points, they go to court and argue that they should not be banned from driving because they will lose their job. There are some taxi drivers with over 30 penalty points on their licence – and they are still driving!

There is always a temptation for someone in business to drive beyond the speed limit to reduce the journey time. This means they can get (for example) 15 fares in an 8-hour shift, instead of 12 fares which they would get if they observed all speed limits.

It should be made automatic that everybody with more than 12 points should be banned from driving without the ability to argue for an exemption.

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

Yes

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.

Yes

**Comments:**

Yes. All drivers should be limited to one company which should be displayed in the vehicle as in Leeds. There is a negative consequence of all apps which you have not addressed. People tend to be lazy. If they can just call a PHV from their home, they will choose that option rather than going to get a bus. This means that potentially, rural bus routes will become even less financially viable than at present – see our comments to

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.

Yes

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

Yes

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

**Comments:**

Yes. You can combine options a) & b). For example you set 2030 as the deadline in section a) and 6 years as the limit in section b). But you allow all petrol and diesel vehicles purchased between 2025 and 2030 to carry on being used until they have completed 6 years of service.

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

Yes

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

No.

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

No.

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?

No specific comments to make.

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.

No specific comments to make.

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

In the introduction section, it is clear that Welsh Government is considering these taxi/PHV proposals in the context of an overall improvement in public transport in Wales, and an improvement in bus services. But you have not included any specific proposals or questions related to this overall provision of public transport.

We would like to make the following comments, particularly in relation to the provision of public transport in rural areas.

a) Demand responsive bus services are hailed as the answer to the problems of supplying a public transport service to deep rural citizens. The experience of Bwcabus in Ceredigion (now called Fflecsibus) should act as a warning to NOT pursue such a programme as this service has been a total failure, extremely expensive and still leaves a lot of citizens without access to towns where their shops, hospitals and other vital services are. We suggest that taxis and PHVs could be used at a fraction of the cost and much lower carbon cost too. Citizens in these deep rural pockets, who do not live close to a regular bus service, could be registered, as they are now with Fflecsibus, and be able to order a taxi/PHV at a much lower cost and those with a concessionary pass could be offered a certain number (say 2 to 4 times a week) of free taxi rides.

b) Welsh Government should investigate the possibility of setting up its own booking service similar to Uber, but not using mobile phones. There are too many areas in rural Wales with poor or non-existent mobile phone coverage. So we need a booking service which is accessed by landlines.

**Chartered Institute of Logistics and Transport  
Cymru Wales**

This consultation response is from the Chartered Institute of Logistics and Transport Cymru Wales, and has been produced with support from the Access and Inclusion Forum within CILT. While we do not have responses to all the questions within the consultation, there are several issues where we would like to provide some feedback.

Our main concern is whether the proposals will lead to a taxi/PHV service that is accessible to all. While this is an objective for the policy, the White Paper has insufficient detail on how this will be achieved, despite evidence in the RIA that suggest a market failure in providing accessible vehicles. The main regulatory requirements are for drivers to have undertaken training around disability awareness and for operators to have a plan for when customers have accessibility requirements. While this may cover many situations experienced by the sector, where a conventional vehicle could be used, it does not address the issue of the availability of wheelchair accessible vehicles. We would like to see greater proactiveness in this area – for example, would it be appropriate to require operators above a certain size to have at least one wheelchair accessible vehicle?

In terms of national standards (Q2), we believe these would be useful and provide a consistency in response. There are already moves towards bringing greater consistency in service provision in bus services, both through the existing TrawsCymru bus services and, in the future, the aspirations for bus franchising in Wales. Having a similar approach for other types of transport service would be sensible. As part of this, there is the need to ensure that the standards are as applicable throughout Wales, recognising that the nature of taxi/PHV services in different parts of Wales will vary (for example, rural versus urban operations). In specifying standards, we would suggest that taxis should display who they are operating for and that only one operator should be displayed at a time (Q13).

Finally, the taxi/PHV fleet will need to become zero emission over time. While Q16 particularly focuses in on this, there is also reference to similar measures in the minimum standards for vehicles (Q6). Any policy decision needs to be consistent between vehicle standards and zero emission targets.

We hope the above points are useful for the consultation. If you wish to discuss any of these, please do get in touch.

## Children in Wales



### Consultation Response – Taxi and Private Hire Vehicle (Wales) Bill

**Children in Wales** is the national umbrella organisation in Wales for children and young people's issues, bringing organisations and individuals from all disciplines and sectors together. One of our core aims is to make the **United Nations Convention on the Rights of the Child (UNCRC)** a reality in Wales. Children in Wales campaigns for sustainable quality services for all children and young people, with special attention for children in need and works to ensure children and young people have a voice in issues that affect them.

Children in Wales works closely with its member organisations and has an established and recognised number of national professional forums and networks. This provides an opportunity for a broad range of our members to share knowledge and expertise

on particular thematic priorities, with a view to maximizing capacity and impact across the sector and to coproduce agreed positions in relation to policy and legislation.

Children in Wales also manages and facilitates the **Young Wales** programme of work through funding from Welsh Government. This initiative provides an opportunity for a broad range of children and young people to be involved in national decisions which will have an impact on their lives. It also provides a key role and function in respect of supporting participation activity and adherence to the National Standards for Children and Young People's Participation at a local level

For further information on the work of **Children in Wales**, please see [www.childreninwales.org.uk](http://www.childreninwales.org.uk).

### **Our Response**

Children in Wales welcomes the opportunity to provide a response to the Welsh Government's consultation on **Taxi and Private Hire Vehicle (Wales) Bill** .

In line with our organisations priorities, which includes the realisation of the full implementation of the UNCRC in Wales, and enhancing the well-being of all children and young people, including those most disadvantaged, our response will predominantly focus on matters most pertaining to **children and young people**.

This response has been submitted to support and complement the discussions had with Welsh Government officials regarding the proposed changes in a meeting in June.

**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.**

Not our area of expertise and does not appear to directly impact on CYP

**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.**

Yes. National Minimum Standards would provide parity across Wales, both for workers and users. This is particular important for parents, children and young people who use these services. Having one set of standards across Wales improves consistency and enables a response to be forthcoming when standards have been breached, via accountability arrangements and the complaints procedure. Minimum standards will lead to greater safety in all aspects for CYP, regardless of the local authority they live in.

Within the forthcoming supplementary Guidance prepared for local authorities, it should be emphasised that local authorities can, and are to be encouraged, to go above and beyond the minimum standards and work towards an exemplar service for their customers. We would also suggest that the Guidance includes examples of good practice and case studies to support local authorities to meet new statutory requirements.

**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.**

Not our area of expertise

**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.**

Our aim is to ensure children and young people are protected from harm in all its forms.

We therefore fully agree with:

- Enhanced DBS check
- Overseas criminal record check
- Evidence of right to work in the UK
- Medical check
- Driver's licence check
- Successful achievement of a regulated qualification.

However, we would also like to see the syllabus include specific training on protected characteristics and LGBTQIA+ awareness. It is also worth noting that many groups of vulnerable children, including 'looked after children', those in foster and residential care, and young carers who care for a relative, are not protected through the Equality Act, so arrangements should be made to ensure their needs are included within the training programme.

The training programme which forms part of the regulated qualification should be sufficiently comprehensive and robust, and not be seen as a 'tick box' exercise. It would be beneficial to have more detailed information about the programme to provide reassurance that drivers will have sufficient knowledge and understanding.

**Safeguarding:** We believe that child and adult safeguarding awareness training should be delivered at least at each renewal period (i.e. every 3 years) with refresher training delivered on an annual basis, rather than the proposed 6 year period (i.e. every other renewal). Training should be delivered face-to-face and include an opportunity for discussion between peers, include case studies/scenarios and opportunities to problem-solve. Children in Wales deliver such training to a broad range of professionals across Wales in line with the National Safeguarding Procedures and the duties it places upon all employees to recognise signs of abuse and to report accordingly (Details of our training have been shared separately).

**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.**

Whilst this is not our area of expertise, we would recommend that the minimum standards include requirements for vehicles to display the following -

- Taxi/PHV Licence number, together with the licensing authority contact details
- Information on how and where to make a complaint, along with contact details to do. This information should be in easy read format, making it accessible to all users.

For all users, it is important that this information is readily available and easily accessed from their seats. Users who wish to make a complaint may feel unable to approach the driver directly, but will need access to the information stated above. This may mean displaying the information in both the front and rear of the vehicle. Consideration should also be given to visually impaired passengers

Under the UNCRC, which Wales has adopted, children have the right to be heard, this includes making a complaint. In order to realise these rights, then accessible information on how to do this is required.

We would also like the minimum standards to prohibit any additional charges for customers who need to use ramps or require assistance to access the vehicles. This would include additional charges for lifting and storing wheelchairs or other mobility aids.

We would welcome greater and equal weight given to the need for vehicles to be fully bilingual and display signage in both English and Welsh languages. Presently, this is not consistent across Wales and would be in line with the Welsh Government ambition and existing statutory duties placed upon public bodies.

**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.**

Point 5 in the proposals would require operators to publish details on how customers can make a complaint, via their website, booking app or booking office. As our Q5 response cites, we would like to see this extended to vehicles, not just operators. Where taxis are used without a pre-booking requirement, the users may be unaware of who the operator is, hence the need to ensure licensing and complaints contact details are clearly visible and accessible within the vehicle, as stated above.

The proposals include a requirement for operators to provide a documented policy to the satisfaction of the licensing authority on how they will have regard for passengers with additional needs and unaccompanied children. We fully support this, however, from the proposals, it is unclear what this policy should contain/cover. Would the national minimum standards consider including guidance for this. As these are vulnerable users, clear standards and expectations should be given to ensure equal protection and service nationally.

This above proposal also states the need for continued compliance by the operator, to their policy. However, monitoring of this by the licensing authority is not mentioned. Consideration should be given to ensure that this compliance is monitored at each renewal period (3 years).

Safeguarding – In line with the points made in response to Q4, we would advocate that operators receive a higher level of child and adult safeguarding training than drivers, to better equip them to be able to act on any concerns raised by drivers.

**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 would support the minimum standards allowing local authorities to enhance the standards pertaining to children, young people and vulnerable groups. This could include enhanced safeguarding training or frequency of safeguarding training for example. The forthcoming guidance could provide more detail in ways in which local authorities can go above and beyond minimum requirements and statutory duties to enhance passenger experiences.

In respect of the Welsh Language, we would welcome parity being given between English and Welsh languages and for this to be consistent across Wales. Without this, there is a risk that only local authorities with a high percentage of Welsh language speakers will provide an enhanced service, which would be counter to Welsh Governments ambition to grow the language, and not serve the need of the community or indeed tourists and visitors.

Appropriate seats for babies and very young children should be added to the list.

Some children will be more at ease travelling in unidentified vehicles, such as some children in the care system or those travelling to school.

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

This is not our area of expertise. However, in the proposal document, it is cited that where drivers apply for a license in more than one local authority area, they would not need to supply DBS certificates etc. The proposal states that this would not need to be repeated if local authorities improved their data sharing capabilities. The inference is that data sharing is not currently either consistent or indeed happening. It is therefore of concern that the subsequent application may be approved without sight of a DBS certificate or confirmation that the other minimum standards have been met. Given a lack of data sharing, it would be possible for a driver to have their licence revoked in one local authority, but still be able to operate for a period of 2 years in another.

**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.**

This is not our area of expertise but have not identified any reason to not support the proposals.

**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.**

Whilst this is not our area of expertise, to ensure that children, young people and vulnerable users remain protected, we would support the enablement of non-home local authority powers to suspend a licence where there is a risk to public safety and would further support the shorter period of 14 days for home local authority notification.

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

This is not our area of expertise but have not identified any reason to not support the proposals.

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

This is not our area of expertise. However, we support that serious infringements, such as those cited, are not suitable for the application of penalty points and require other, more severe consequences.

**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.**

The negative practice of cancellations due to ‘multi-apping’ is of concern in that the safety of children, young people and vulnerable groups could be compromised. We support ongoing monitoring of this practice and to address the issue accordingly.

**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.**

This is not our area of expertise but have not identified a reason not support the proposals

**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 would support 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.**

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

This is not our area of expertise

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

We would be interested to learn what 'special standards' for 'Class B' vehicles will be set in regulations and whether there will be an opportunity to provide comment on these once developed. There is growing use of some 'class b' vehicles to carry unaccompanied children, particularly limousines and novelty vehicles for use for birthday parties and end of school year events. Concerns have been raised in relation to children's safety and regulations surrounding their use, and the information and knowledge (or lack of) which is provided to parents and carers.

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

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

No comments

**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?**

**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 have made several points throughout our response in relation to ensuring that equal weight is given to the Welsh language and the need for consistency is achieved through the national minimum standards as well as monitoring and enforcement arrangements.

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

No

June 2023

# Chwarae Teg

Name
Chwarae Teg
Are you responding for yourself or for an organisation? If an organisation, which?
An organisation
Which of the following best describes you?
Other
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.
<i>No Response</i>
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.
Yes  <b>Comments:</b> Yes, we agree with the proposal for national minimum standards to apply to all taxis and PHVs in Wales.
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.
<i>No Response</i>
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.
Yes  <b>Comments:</b> Yes, we agree with the proposed national minimum standards for a driver's license. We welcome the requirement for drivers to receive a regulated qualification in order to be licensed. We welcome the proposed syllabus and are pleased to see specific reference to safeguarding and VAWDASV. It would be helpful to have further detail, in due course, of how this syllabus will be translated into training materials and a qualification in order to ensure that it is sufficient to meet the goals of the proposed national minimum standard.

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 are unsure that requiring the completion of the regulated qualification every six years is sufficient to ensure that national minimum standards are maintained as policy and best practice may evolve within that time period. Additionally, such a time gap reduces the incentive for drivers to maintain best practice and engage in continued personal and professional career development. While it may not be possible or appropriate to sit an entire qualification more frequently than once every six years, specific attention and effort should be made to ensure that drivers are regularly undertaking training and development to ensure that they are in-line with the national minimum standards and following best practice.

Furthermore, national minimum standards may be the best place to address recurrent issues of drivers refusing to take fares. While the current legislative framework only allows drivers to refuse fares with a "reasonable excuse" all too often, more vulnerable passengers and women have shorter fares rejected.

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.

*No Response*

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.

Yes

**Comments:**

We agree with the proposed national minimum standards for an operator's licence.

While we welcome the proposed requirements for operators to have policies on how they will pay regard to passengers with additional needs, we believe that operators should also have policies on women's safety while travelling and supporting victims of VAWDASV.

There may also be scope in the regulation of operators to ensure that all taxi fares are accepted, no matter how short those journeys are.

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

**Comments:**

While we understand the logic of allowing local authorities to have the ability to apply additional local standards or requirements for drivers, vehicles, and operators, we are concerned that this proposal may present a major challenge in improving standards across Wales in respect of the safety of passengers and the accessibility of taxis and PHVs.

Specifically, the consultation notes that it will be up to local authorities to determine whether CCTV will be required in vehicles and whether vehicles must be wheelchair accessible.

Since cross-bordering is commonplace and is likely to continue, there is limited incentive to adopt best practice in one authority since a neighbouring authority may not require drivers or operators to meet any higher standards as it applies to safety and accessibility.

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

Additional work should be undertaken to evaluate the impact of not setting out CCTV and accessibility standards at a pan-Wales level.

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

*No Response*

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.

Yes

**Comments:**

While we agree with the proposal, enforcement activities across Wales must be adequately resourced and maintained. The ability of local authority enforcement officers to sanction drivers licenced by another authority cannot create the conditions for some authorities to reduce their enforcement activities in the hope that neighbouring authorities will make up any shortfall in enforcement.

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.

Yes

**Comments:**

As in our response to Question 9, we think that enforcement activities across Wales must be adequately resourced and maintained to ensure that there shortfall in enforcement between authorities.

In order to meet the goals of improving enforcement, there is also a need to ensure that processes for reporting issues is simplified and clear to all passengers in Wales. It is vital that there are no unnecessary barriers to reporting issues.

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

Yes

**Comments:**

It would be helpful to have a more comprehensive list of what sort of offences will be considered suitable for FPNs.

FPNs may be suitable to address drivers who refuse to take certain fares.

It would not be appropriate to use FPNs against drivers who have behaved inappropriately towards passengers. Offences such as these must continue to be dealt with via hearings or legal action.

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

As has been noted previously, there is a need for local authorities to adequately resource enforcement activities in order to ensure that the enforcement regime and aims of the bill are met.

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

Yes

**Comments:**

It would be helpful, once again, to have a more comprehensive list of the sort of offences which would be considered for a national penalty points system.

As previously mentioned, the success of this regime will depend on the resourcing of enforcement and thus local authorities should be supported to adequately maintain enforcement activities.

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.

Yes

**Comments:**

We agree there is a need to address the negative consequences of multi-apping.

Option two would appear to be the simplest and most effective way of preventing multi-apping with experiences of this approach already existing within the United Kingdom.

Further to the negative consequences outlined in the consultation, it is important to note that complaints against drivers that are made via an app are not always readily shared with other apps or the licensing authority. Government should explore what else needs to be done to ensure that enforcement officers are informed about any complaints that are made against drivers within an app.

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.

Yes

**Comments:**

While option A appears to provide the best option to address cross-border hire between Wales and England, further clarity on how this will be effectively enforced would be helpful.

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

Yes

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

**Comments:**

Information sharing is vital to ensuring safety of passengers and maintaining faith in the licensing system.

While we support putting the use of the NR3 register on a statutory footing, the register does not include information about complaints against drivers for inappropriate behaviour or other offences. Additional work should be undertaken by Welsh Government to explore the creation of a register of complaints that have not seen FPN or points issued to ensure that enforcement authorities are fully aware of a drivers record and maintain faith in the licensing system.

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.

*No Response*

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

**Comments:**

While we understand the rationale behind establishing a different class of vehicles, we want to ensure that the safety of passengers is not compromised or undermined by having a different class of vehicles.

Drivers and operators of Class B vehicles should still be required to comply with key aspects of the national minimum standards as it relates to safeguarding, accessibility, VAWDASV and the safety of passengers more generally.

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

While the Regulatory Impact Assessment seeks to explore the impact of the proposed changes on taxi and PHV users, there is no substantive engagement with the needs of women or others with protected characteristics.

For the RIA to meet its goals of evaluating the impact on users, there must be more substantive engagement with the needs of users and how the proposed changes will impact and facilitate those needs. It is a missed opportunity to ensure that safety of passengers and accessibility are documented as clear priorities in the decision-making process.

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

*No Response*

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?

*No Response*

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.

*No Response*

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

The White Paper does not go into sufficient detail around how the proposed changes will improve the experiences of passengers beyond saying that safety will be improved due to the new national minimum standards. There is scope to centre the need of passengers more within the proposed changes.

We are also concerned that no integrated impact assessment was published alongside the white paper. This is not in-line with best practice.

In respect of enforcement, whilst we have highlighted issues around resourcing, there is also a need to ensure that passengers have an easy and accessible way to make complaints and report issues.

The current complaint system differs between local authorities and are overly bureaucratic. Work should be undertaken to include provisions to ensure that passengers have a simplified way of reporting issues and making complaints to enforcement authorities.

## Comisiynydd Pobl Hŷn Cymru

Name

Are you responding for yourself or for an organisation? If an organisation, which?

An organisation

**Comments:**

Comisiynydd Pobl Hŷn Cymru

Which of the following best describes you?

Other

Which of the following best describes you?

**Local Authority**  
Cyngor Caerdydd

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.

Yes

**Comments:**

Mae'r diffiniadau'n ymddangos yn briodol.

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.

Yes

**Comments:**

Mae cyflwyno safonau gofynnol cenedlaethol fel y'u hamlinellir yn y Bil yn synhwyrol a dylai sicrhau mwy o gysondeb. Gallai hyn wella atebolrwydd cwmnïau tacsis ac unigolion sy'n gyrru cerbydau hurio preifat.

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.

Yes

**Comments:**

Cytuno.

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.

Yes

**Comments:**

Mae'r gofynion safonau gofynnol cenedlaethol arfaethedig ar gyfer trwydded fel y'i nodir yn y Bil Tacsis a Cherbydau Hurio Preifat (Cymru) yn synhwyrol a gallent arwain at wella hyder a diogelwch teithwyr. Mae cynnwys ymwybyddiaeth dementia fel rhan o'r hyfforddiant i'w groesawu. Dylid ystyried a ddylai gyrrwyr cerbydau hurio preifat hefyd gwblhau prawf gwybodaeth leol gan ei fod yn hanfodol bod gyrrwyr pob cerbyd yn ymwybodol o'r llwybrau gorau i gyrraedd lleoliadau.

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.

Yes

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.

**Comments:**

Rydym yn cytuno â'r safonau gofynnol cenedlaethol arfaethedig ond o ran dulliau talu, dylai arian parod fod yn opsiwn talu gorfodol ym mhob cerbyd. Mae cerbydau lle telir drwy gerdyn neu ap yn unig mewn perygl o eithrio rhai pobl hŷn. Canfu ymchwil diweddar a wnaed ar ran y Comisiynydd Pobl Hŷn nad yw 39% o bobl dros 70 oed yn defnyddio ffôn clyfar, ac felly'n methu â thalu drwy'r ap. Dangosodd ymchwil Age UK yn 2020 (cyn y pandemig) fod tua un ym mhob pump person hŷn 65+ yn dibynnu ar arian parod yn eu bywydau bob dydd. Tynnodd yr un adroddiad sylw at ymchwil y Rheoleiddiwr Systemau Taliadau (PSR) a ddangosodd fod 53% o'r rheini sy'n 75+ yn dweud mai arian parod maen nhw'n ei ffafrio wrth wario arian neu wrth dalu am y rhan fwyaf o'u hanghenion talu. Mae hynny'n golygu, os yw tacsis a cherbydau hurio preifat yn cymryd cardiau'n unig, mae yna berygl gwirioneddol na fydd pobl hŷn yn gallu dibynnu ar y dull hwn o drafnidiaeth, gan effeithio ar fynediad at wasanaethau o weithgareddau cymdeithasol a hamdden i apwyntiadau meddygol. Mae mater cyfiawnder cymdeithasol ehangach hefyd o ran cadw gallu pobl i dalu gydag arian parod, fel y dangoswyd yn neiseb ddiweddar Mencap Cymru i'r Senedd.

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.

Yes

**Comments:**

Yn gyffredinol, mae'r safonau gofynnol yn synhwyrol. Rhaid i weithredwyr sicrhau bod pobl yn ymwybodol o sut i gwyno, ac ni ddylid cyfyngu hyn i wefannau neu apiau. Rhaid iddi fod yr un mor bosibl i gwyno mewn swyddfa archebu neu dros y ffôn. Dylid ystyried pobl hŷn yn y ddogfen bolisi o ran sut y byddant yn rhoi sylw i deithwyr ag anghenion ychwanegol, er enghraifft, o ran mynediad a symudedd.

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

Yes

**Comments:**

Rydym yn cytuno y dylai awdurdodau lleol gael y disgrisiwn i gael safonau lleol ychwanegol. Mae sicrhau bod digon o gerbydau hygyrch i gadeiriau olwyn yn ystyriaeth bwysig er mwyn i dacsis/cerbydau hurio preifat fodloni anghenion rhai pobl hŷn, yn enwedig wrth deithio i apwyntiadau meddygol neu yn ôl.

Gellid gwneud hyn mewn ffordd debyg i'r hyn wnaeth Llywodraeth Cymru gyda cherbydau tacsis trydan, drwy gyflwyno cynllun "rhoi cynnig arni cyn prynu" neu fentrau eraill i gynyddu'r nifer o gerbydau hygyrch.

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

Yes

**Comments:**

Mae'r argymhellion yn ymddangos yn synhwyrol.

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.

Yes

**Comments:**

Ydyn, unwaith eto, mae'n ymddangos yn synhwyrol.

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.

Yes

**Comments:**

Ydyn, serch hynny, mae 14 diwrnod yn dal i fod yn amser hir lle ystyrir bod gyrrwr o risg uniongyrchol i ddiogelwch y cyhoedd. Dylai awdurdodau lleol weithredu'n gynt lle bo modd.

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

Yes

**Comments:**

Ydyn, mae hyn yn ymddangos yn gymesur.

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

Yes

**Comments:**

Ydyn, mae defnyddio pwyntiau cosbi ar ddeiliaid trwyddedau yn ymddangos yn ffordd synhwyrol o fynd i'r afael â throseddau a chyfrannu at sicrhau diogelwch cwsmeriaid. Dylid rhoi ystyriaeth arbennig i ganslo prisiau penodol. Dylid rhoi pwysau ychwanegol i'r rhai sy'n debygol o effeithio ar fynediad at apwyntiadau gofal iechyd.

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.

Yes

**Comments:**

Mae angen gweithredu i fynd i'r afael ag aml-apio oherwydd mae'n creu system annibynadwy lle mae pobl mewn perygl o gael eu siomi gyda theithiau pwysig, fel apwyntiadau gofal iechyd. Bydd angen i atebion fod yn briodol i ardaloedd lleol: efallai mai dim ond darparwyr unigol sydd gan gymunedau gwledig tra bydd yr heriau'n wahanol mewn canolfannau dinesig fel Caerdydd.

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.

Yes

**Comments:**

Mae Opsiwn A yn well oherwydd ei fod yn llai cymhleth ac ni fydd yn effeithio ar ddarpariaeth ac argaeledd tacsis a cherbydau hurio preifat o fewn cymunedau ar y ffin. Mae'n bwysig peidio â chreu rhwystrau ychwanegol i drafnidiaeth o ran cael mynediad at ofal iechyd, yn enwedig pan fydd pobl hŷn sy'n byw yng Nghymru yn derbyn triniaeth yn Lloegr.

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

Yes

**Comments:**

Dylai'r defnydd o'r gofrestr NR3 fod yn orfodol yn y broses o drwyddedu gyrwyr, er mwyn i Gymru fod yn gyson â Lloegr. Bydd hyn yn caniatáu cysondeb, gwell tryloywder a diogelwch tacsis a cherbydau hurio preifat yng Nghymru.

Mae'r argymhelliad penodol o archwilio'r ffordd orau o alluogi awdurdodau lleol i rannu gwybodaeth a sicrhau bod gwybodaeth berthnasol ar gael i deithwyr ac eraill sydd â diddordeb i'w groesawu hefyd.

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.

**Comments:**

Ni ddylai unrhyw gamau a gymerir olygu lleihau cerbydau hygyrch i gadeiriau olwyn oherwydd cost.

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

**Comments:**

Dim sylwadau penodol.

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

Mae'r pwyslais ar hyfforddiant gwell yn y newidiadau arfaethedig, gan gynnwys ymwybyddiaeth dementia, i'w groesawu, ynghyd â mesurau i wella diogelwch teithwyr agored i niwed, gan gynnwys pobl hŷn, drwy wiriadau DBS gwell, mwy rheolaidd.

O ystyried bod y Cynllun Brys ar gyfer y Sector Bysiau yn dod i ben ym mis Gorffennaf 2023 a'i effaith ar wasanaethau bysiau, dylai'r Asesiad Effaith Rheoleiddiol gael ei ehangu i gynnwys asesiad o'r cynnydd posibl yn y defnydd o dacsis i gael mynediad at apwyntiadau gofal iechyd, yn enwedig ymhlith pobl hŷn. Mae'r ddibyniaeth ar dacsis i gael plant i'r ysgol wedi'i nodi'n barod. Bydd y defnydd o dacsis yn fwy costus na bysiau a dylid mynd i'r afael â phroblem tlodi trafnidiaeth.

Dylai'r Asesiad Effaith Rheoleiddiol hefyd ymchwilio i'r potensial am fwy o gynhwysiant cymdeithasol drwy sicrhau y gall pobl dalu gydag arian parod. Dylai nifer y tacsis a'r cerbydau hurio preifat sy'n derbyn arian parod/cerdyn/ap gael eu monitro i sicrhau nad yw pobl hŷn ac eraill yn cael eu hallgáu'n gymdeithasol oherwydd y dull talu. Hoffem weld nifer y tacsis anabledd-gyfeillgar yn cael eu cyhoeddi, fesul cwmni neu ardal awdurdod lleol, oherwydd bydd yn caniatáu'r broses o fonitro darpariaeth hygyrch.

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

Un ffordd y gellid gwneud hyn yw ei gwneud yn ofynnol i'r wybodaeth hon gael ei chyhoeddi fel rhan o'r broses drwyddedu. Gall y wybodaeth hon gael ei chyhoeddi mewn dwy ffordd, naill ai drwy ei chyhoeddi ar wefan yr awdurdod lleol neu'r cwmni tacsis neu drwy daflen, y gellir ei dosbarthu'n lleol – fel bod pobl hŷn yn gallu dewis cwmni ar sail eu hanghenion unigol penodol.

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

Dangosodd ymchwil diweddar ar ran y Comisiynydd Pobl Hŷn fod 34% o bobl hŷn yn poeni am gyflwr trafndiaeth gyhoeddus yn eu hardal, tra bod 30% yn dweud ei bod yn anodd cael mynediad at drafndiaeth gyhoeddus. Mae gan hyn oblygiadau o ran defnyddio tacsis a dylid ehangu'r Asesiad Effaith Rheoleiddiol yn unol â'r ymateb i'r cwestiwn blaenorol.

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?

Mae'n bwysig bod unrhyw newidiadau wrth reoleiddio tacsis a cherbydau hurio preifat yn cynyddu'r cyfle i bobl dderbyn gwasanaethau yn eu dewis iaith cyn belled ag y bo modd.

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.

Fel yr uchod ond byddai'n ddefnyddiol ystyried ffyrdd o amlygu pa wasanaethau tacsis sy'n gweithredu drwy gyfrwng y Gymraeg neu ieithoedd y gymuned.

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

Bydd y defnydd cynyddol o apiau ffonau clyfar i archebu tacsis yn cael effaith andwyol ar allu rhai pobl hŷn i ddefnyddio tacsis os na chymerir camau i gynnig gwasanaethau all-lein ac i sicrhau bod y rhain o'r un safon â'r gwasanaeth ar-lein. Dangosodd ymchwil diweddar ar gyfer y Comisiynydd mai dim ond 63% o bobl hŷn oedd yn berchen ar ffôn clyfar.

Os bydd y twf mewn cerbydau hurio preifat sy'n seiliedig ar ffonau clyfar yn tansellio darpariaeth cwmnïau tacsis lleol, gallai olygu bod rhai pobl hŷn yn cael eu gadael heb ddarpariaeth dacsis, oherwydd bod angen gallu defnyddio ffôn clyfar i drefnu tacsis.

Mae hyn yn peri gofid, fel cymhorthdal Llywodraeth Cymru i ddarparwyr bysiau sydd fod i orffen yn ystod haf 2023, mae'n hanfodol sicrhau bod unrhyw effaith andwyol ar bobl hŷn yn cael ei lleihau. Mae hyn yn arbennig o wir am bobl hŷn sy'n byw mewn ardaloedd gwledig, lle, oherwydd gostyngiad yn nifer y teithwyr ers y pandemig, efallai nad yw'n broffidiol i gwmnïau bysiau gynnal gwasanaethau gwledig mor aml neu o gwbl.

Bydd hyn yn creu dibyniaeth bellach ar dacsis er mwyn i bobl hŷn allu mynd allan, gan ddatgysylltu pobl hŷn oddi wrth wasanaethau cyhoeddus hanfodol a chysylltiadau cymdeithasol. Mae tacsis yn dueddol o fod yn llawer drutach na thrafndiaeth gyhoeddus, yn enwedig o gofio bod y pas teithio'n rhatach ar fws yn galluogi i bobl dros 60 oed deithio am ddim ar y fysiau. Dangosodd ymchwil diweddar ar ran y Comisiynydd fod 64% o bobl hŷn eisoes wedi torri nôl ar eu gwariant yn ystod y 12 mis diwethaf gyda meysydd allweddol yn cynnwys gweithgareddau cymdeithasol (65%) a thrafndiaeth (51%).

Mae trafndiaeth yn rhan allweddol o greu a chynnal Cymunedau Oed-gyfeillgar ac atal cynnydd yn y cyfraddau ynysigrydd ac unigrwydd ymhlith pobl hŷn. Mae Llywodraeth Cymru wedi ymrwmo i gefnogi Cymru o blaid pobl hŷn fel y dangosir yn ei strategaeth Cymru o blaid pobl hŷn, gan gynnwys cyllid

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

parhaus i awdurdodau lleol i gefnogi eu gwaith oed-gyfeillgar. Yn ddiweddar, fe wnaeth y Dirprwy Weinidog Gwasanaethau Cymdeithasol, Julie Morgan, ail-bwysleisio (9/5/23) gweledigaeth Llywodraeth Cymru am Gymru o blaid pobl hŷn lle mae pawb yn edrych ymlaen at heneiddio a lle mae oedran yn cael ei ddathlu. Mae angen edrych ar unrhyw newidiadau i'r polisi tacsis/cerbydau hurio preifat yn y cyd-destun hwn.

# Competition and Markets Authority

## Summary

- 1.1 The CMA is an independent non-ministerial UK government department and is the UK's lead competition and consumer authority. Our statutory duty is to promote competition for the benefit of consumers. We want people to be confident they are getting great choices and fair deals and as we have set out in our Annual Plan for 2023-24, we want to achieve real impact for the people we serve, particularly in the areas that are most important to them. How people get about is one of these areas.
- 1.2 We have an active interest in how transport markets work, including the passenger experience and competition between providers, and how regulation shapes and affects these markets. We have some expertise on the impact of changing regulatory requirements in the taxi and private hire vehicle (PHV) market across the UK.
- 1.3 In 2017 we published guidance designed to help local authorities across England and Wales understand the impact some licensing conditions can have on passengers.<sup>1</sup> We also participated in the UK Government's Task and Finish Group on Taxis and PHVs<sup>2</sup>, which considered similar issues to those set out in the White Paper.
- 1.4 In 2022 we engaged with Welsh Government officials to discuss taxi policy in Wales drawing on some of our experience outlined above.
- 1.5 We have limited our comments to those questions where the CMA has specific knowledge or expertise: we have responded to the following questions 2,3,4,5,7,9,10,13,14 and 15<sup>3</sup>.
- 1.6 In summary, we acknowledge the 'quality' of a taxi or PHV service will comprise a combination of factors including vehicle, passenger amenities and safety. However, given the importance of taxis and PHVs to local communities, and the potential impact on vulnerable passengers, we agree there is a clear need for minimum standards and a national approach can deliver consistent standards, reduce complexities and lead to improved passenger experience.

## Consultation Response

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

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<sup>1</sup> [CMA Guidance to Local Authorities on taxi and private hire licensing](#)

<sup>2</sup> [Taxi and private hire vehicle licensing: recommendations for a safer and more robust system - GOV.UK \(www.gov.uk\)](#)

<sup>3</sup> We use the terms 'taxi' and 'PHV' as defined within the White Paper.

- 2.1 We welcome national minimum standards but would urge caution over the latitude open to individual licensing authorities to impose additional standards. The introduction of minimum national standards should provide a consistent framework for operators and drivers, reducing regulatory burdens and act in the interests of passengers.
- 2.2 Setting standards which impose additional financial burden on operators will increase barriers to entry and expansion and may lead to pass-through of costs to passengers. It is therefore important to consider the desired outcome and find the appropriate balance between effectiveness and proportionality. National rather than local standards can however reduce regulatory burdens by simplifying the requirements that operators and drivers who operate across different local areas need to comply with.

**Question 3: Do you agree that local authorities should be mandated to offer separate taxi and PHV drivers' licences as well as to offer the option of a dual licence?**

- 2.3 To the extent that mandating a separate PHV driver's licence would reduce barriers to entry for drivers (and PHV operators) we support the proposal. However, in implementing separate PHV and taxi drivers' licences, with different criteria, the additional requirements of qualifying for a taxi licence should not be excessively burdensome to achieve. Furthermore, the extent to which licensing requirements vary across individual licensing authorities will affect the incentive for drivers to work predominantly in an area different to that which licenses them.

**Question 4: Do you agree with the national minimum standards proposed for a driver's licence?**

- 2.4 Where taxi licences include more onerous requirements, ensuring the availability of a PHV-only licence will lower barriers to entry into the PHV segment. We do not comment on the structure and requirement of the licences, but as with the introduction of other proposed national minimum standards, the allowable scope for local variation should be clearly defined and limited to genuine public interest needs, such that local authorities do not impose conditions which would prevent drivers readily operating in different areas. However, regulation should reflect and respond to innovation and changes in how passengers want to choose an operator and how operators are able to improve the provision of their services.
- 2.5 We support regulatory requirements which enhance passenger safety. The White Paper sets out a number of standard elements, such as an enhanced DBS check. What is not set out is whether and how these would be processed and assessed consistently across all authorities. Consistency would reduce the opportunity for shopping around for a licensing authority with less strict processing and assessment standards, and ensure a consistent approach to public safety.

**Question 5: Do you agree with the national minimum standards proposed for a vehicle licence?**

- 2.6 The CMA is supportive of a set of minimum national vehicle standards. However, vehicle standards should be set so that operators and drivers have multiple compliant vehicles to choose from. Ensuring choice will help the benefits of competition between vehicle manufacturers and retailers to pass from operators and drivers through to passengers. A national list of compliant vehicles would provide certainty and reduce compliance burdens.

**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?**

- 2.7 In general, imposing additional requirements and higher standards can create barriers to entering a local market, reducing competition and hence leading to detrimental impacts (e.g. higher prices or reduced service quality) for passengers. The Welsh Government or local licensing authorities should consider the consequences of adding additional standards/requirements on barriers to entry and seek to assess the costs of these. The CMA's competition impact assessment guidelines may assist with this<sup>4</sup>.
- 2.8 In addition, if a local authority were to impose additional standards/requirements on operators whom they license, this may put those operators at a competitive disadvantage as compared to operators licensed elsewhere but operating within the area. As a result, and as outlined above, operators may choose to be licensed by another local authority.
- 2.9 The White Paper recognises the increased prevalence of drivers working with multiple operators (particularly app-based platforms). Any ability to introduce requirements on livery and branding which includes a requirement to display an operator's name could have potentially significant impacts on how the market works.
- 2.10 Our engagement with licencing authorities in England suggests that increasingly PHV drivers own or lease their own vehicle and that requiring an operator's name, particularly in relation to app-based bookings, would restrict their ability to choose how to operate. It is particularly noteworthy that passengers booking via an app generally have access to information such as vehicle model, colour and vehicle registration number, which gives far greater certainty over the vehicle they are entering and the identity of the driver, than depending on livery.
- 2.11 We recommend that any ability for licensing authorities to set additional livery or branding requirements beyond minimum national standards is supported by guidance which supports authorities in understanding the potential impacts on competition both nationally and between taxis and PHVs when implementing any additional requirements. We acknowledge in particular that taxis should be easily identifiable, but licensing authorities should be conscious of the impact of livery requirements which change the parameters of competition, such as restricting on-vehicle advertising for taxis rather than PHVs.

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<sup>4</sup> [Competition impact assessment: guidelines for policymakers - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/672222/Competition_impact_assessment_guidelines_for_policymakers.pdf)

- 2.12 It is not clear how local standards will not be undermined by trade across different licensing authority areas. At a minimum we would recommend that the Welsh Government considers national statutory guidance for enhanced minimum standards which each licensing authority would need to consider and actively decide against implementation.

**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?**

- 2.13 Yes, We would agree that sanctions should be enforced against a national minimum standard.

**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?**

- 2.14 Yes. The CMA is supportive of regulatory requirements that ensure passenger safety.

- 2.15 More generally, and short of suspending a licence, the ability for local authority enforcement officers to take action against any vehicle operating in their area which is not compliant with national standards, regardless of the licensing authority, should address some concerns over cross-border plying for trade.

**Question 13: Do you think that there is a need to address the negative consequences of ‘multi-apping’?**

- 2.16 We are aware of the issues that arise as a result of multi-apping, such as customers experiencing repeated cancellations. Multi-apping facilitates new entry and expansion as drivers are able to work for more than one operator. We are concerned that any restrictions on multi-apping may reduce choice for users of a given app or operator, possibly leading to the entrenchment of incumbent operators’ positions.
- 2.17 We advise the Welsh Government that any restriction of drivers’ freedom to choose an operator needs to be done with care and should first explore the feasibility of alternative interventions such as restricting a driver’s ability to decline an accepted booking beyond a certain number of minutes after a booking is made. This could include a requirement on operators to share details of cancelled bookings which will provide greater clarity on the extent to which repeated cancellations occurs in practice and across operators/platforms.
- 2.18 Any requirement for an operator’s name to be permanently included on a driver’s vehicle to prevent drivers working across apps should be avoided unless there are definite and specific safeguarding issues that this would address. We are aware from our wider engagement on PHV and taxi licensing that in some areas of the UK, operators have apparently been unable to recruit new drivers to expand operations due to the reluctance of drivers to incur the cost and inconvenience of changing operator branding.

**Question 14: Do you agree that option A is the best means to address concerns about cross-border hire between Wales and England?**

- 2.19 The CMA does not have a view on the best approach to address these concerns. However, the impact of any restriction, particularly on people living in border communities adjacent to larger towns where operators may be based, needs to be carefully considered. Option A, in offering greater flexibility would, all things being equal, offer passengers greater choice.
- 2.20 An alternative would be to allow a carve-out for vehicles licensed in England by authorities with substantively equal or equivalent regulatory provisions to the national minimum standards in Wales.

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

- 2.21 Mandatory use of the NR3 register would potentially improve consistency in licensing and help address potential issues as we have set out in above. A requirement to justify a different licensing outcome to other authorities on the register may further drive consistency and reduce the risk of a “race to the bottom” for licensing authorities to attract operators and the associated licensing revenue.

**Closing**

- 3.1 We stand ready to share our understanding and expertise – some of which we have outlined above – to assist the Welsh Government as it develops and seeks to implement the Bill.

**C. Richardson**

Name
C. Richardson
Are you responding for yourself or for an organisation? If an organisation, which?
Self

Which of the following best describes you?

Other

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.

Yes

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.

Yes

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.

Yes

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.

Yes

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.

Yes

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.

Yes

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

Yes

**Comments:**

But only for wheel chair access if the taxi has more than one vehicle. To make mandatory would preclude

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

many single car businesses and what about Uber type taxis where people use their own vehicles? Also insisting on use of Welsh would preclude many drivers on Welsh borders from working in Wales.

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

Yes

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.

Yes

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.

Yes

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

Yes

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

Yes

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.

Yes

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.

Yes

**Comments:**

But you can't enforce use of Welsh language

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

Yes

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.

c. do something else

**Comments:**

Financial support would be vital. In the rural area of north wales how would taxis charge up vehicles for long distances covered? Many fast charging stations need to be installed and not those that take over 4 hrs to charge?

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

Yes

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

No mention of vehicles taking assistance dogs or support dogs which are vital to some people.

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

*No Response*

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?

Drivers on Welsh borders can not be forced to speak Welsh as most passengers don't speak it. How will this address other languages which will no doubt be required for the new immigrant population?

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.

*No Response*

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

Assistance and support dogs need to be catered for. Also smaller taxis can't take wheel chairs. Electric vehicles will need to have financial support for single car taxi businesses. What about Uber drivers?

## Daniel Williams

Name

Daniel Williams

Are you responding for yourself or for an organisation? If an organisation, which?

Self

An organisation

**Comments:**

Visualise Training and Consultancy Ltd

Which of the following best describes you?

I am a taxi / PHV passenger

**Local Authority**

Cardiff Council

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.

Yes

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.

Yes

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.

Yes

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.

No

**Comments:**

All drivers should have consistent disability awareness training which is mandatory to prevent the situations I have encountered over 100 times when I've been refused rides due to having a guide dog. It is vital that this training is delivered by people with lived and professional training experience who should be paid for their consultancy. I also think that a percentage (min 50%) of licence holders in each LA should have wheelchair-accessible vehicles. In London, all black cabs are wheelchair accessible and we need the same in Wales.

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.

No

**Comments:**

All drivers should have consistent disability awareness training which is mandatory to prevent the situations I have encountered over 100 times when I've been refused rides due to having a guide dog. It is vital that this training is delivered by people with lived and professional training experience who should be paid for their consultancy. I also think that a percentage (min 50%) of licence holders in each LA should have wheelchair-accessible vehicles. In London, all black cabs are wheelchair accessible and we need the same in Wales.

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.

No

**Comments:**

They also need disability awareness training and need to clamp down on refusals by their drivers (eg no ride offered if with a guide dog).

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

Yes

**Comments:**

Min 50% wheelchair-accessible vehicles.

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

Yes

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.

Yes

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.

Yes

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

No

**Comments:**

Guide dog refusals should be excluded from the above (FPN) as they are a criminal offence and need to be heard in the Magistrates Court and drivers should receive a much stronger sanction for this damaging form of discrimination which adversely affects so many people.

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

No

**Comments:**

Guide dog refusals should be excluded from the above as they are a criminal offence and need to be heard in the Magistrates Court and drivers should receive a much stronger sanction for this damaging form of discrimination which adversely affects so many people.

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.

Yes

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.

Yes

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

Yes

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.

c. do something else

**Comments:**

Yes and use this opportunity to make all vehicles wheelchair-accessible at the same time

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

Yes

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

Has an equality impact assessment also been carried out?

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

No

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?

N/a

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.

N/a

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

No

## Dan K

Name

Dan K

Are you responding for yourself or for an organisation? If an organisation, which?

Self

**Comments:**

I have been driving for Uber for 4 years, completed over 15.000 trips, may have a fair view on the issues.

Which of the following best describes you?

I work in the taxi / PHV trade

**Local Authority**

Cardiff

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.

Yes

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.

Yes

**Comments:**

There should be a national standard, including the exterior of the PHV's. They should be just like in London. No stickers or plates. (Or if the plates stay they should all be the same regardless of issuing council. As its standardised.

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.

Yes

**Comments:**

This is how it should have been always. Hackneys aren't PHV's and vice versa. Also agree with a different test for PHV's. Extended knowledge is unnecessary.

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.

Yes

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.

Yes

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.

Yes

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

Yes

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

*No Response*

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.

*No Response*

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.

Yes

**Comments:**  
Absolutely 100%.

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

**Comments:**  
What pcn's? Would like to know to make a valuable comment

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

No

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.

No

**Comments:**  
Its a free market. The market will decide whats best.

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.

*No Response*

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

*No Response*

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

**Comments:**

I have been in zero emissions since 2019. Every taxi should be, they contribute the most to co2 emissions in town.

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

*No Response*

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

*No Response*

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

Anything i can help with, would be happy to.

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?

*No Response*

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.

*No Response*

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

*No Response*

## David Luther Jones

Name

David Luther Jones

Are you responding for yourself or for an organisation? If an organisation, which?

Self

Which of the following best describes you?

I am a taxi / PHV passenger

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.

*No Response*

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.

*No Response*

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.

*No Response*

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.

Yes

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.

Yes

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.

Yes

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

Yes

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

Yes

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.

Yes

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.

Yes

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

Yes

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

Yes

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.

No

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.

*No Response*

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

Yes

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.

*No Response*

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

*No Response*

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

*No Response*

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

*No Response*

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?

*No Response*

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.

*No Response*

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

*No Response*

## Denbighshire County Council

Name

Are you responding for yourself or for an organisation? If an organisation, which?

An organisation

Which of the following best describes you?

I have a role in licensing and/or enforcement of the taxi / PHV trade

**Local Authority**  
Denbighshire County Council

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.

Yes

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.

**Comments:**

Agree and support the consultation response submitted by Directors of Public Protection Wales

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.

Yes

**Comments:**

Agree and support the consultation response submitted by Directors of Public Protection Wales

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.

No

**Comments:**

Disagree and support the consultation response submitted by Directors of Public Protection Wales

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.

Yes

**Comments:**

Agree and support the consultation response submitted by Directors of Public Protection Wales, however on the following proposal:

A group 2 medical check (required on first application and then at intervals dependent on age of driver) - do not agree that the licence itself should have to be renewed after 12 months. There is already an exemption to carry on a licence for 12 months only if the authority wish to use their discretion

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.

Yes

**Comments:**

Agree and support the consultation response submitted by Directors of Public Protection Wales for the majority of this proposal apart from:

1. Vehicle Age - we feel we need to provide additional comments on question 5 relating to vehicle age limits. We believe there should be more research to consider the benefits of an age policy. We wholly accept well maintained vehicles can remain compliant but also understand that newer vehicles continue to advance in safety – through NCAP ratings – and environmental aspects as standard, for example, airbags all round which is a common safety feature that may not be seen in some older vehicles. Our age policy has been in for a number of years and is generally accepted by our licence holders.

2. 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' - Denbighshire would support the display of the tactile E on the vehicle, however more thought needs to go

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.

into how this would work in practice where there are vehicles with multiple drivers  
3. 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 - Denbighshire support this proposal however a level of discretion is required (as an 'exception') specifically for rural areas where certain vehicles would be required to get to difficult areas of the county (ie specialist 4x4 vehicles)

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.

Yes

**Comments:**

Agree and support the consultation response submitted by Directors of Public Protection Wales in the majority however the following comments are made:

1. 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  
Denbighshire agree but feel that Welsh Government should mandate statutory standards rather than best practice.

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

No

**Comments:**

Disagree and Support the consultation response submitted by Directors of Public Protection Wales (including the livery/plates etc comments) and to previous response on vehicle standards

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

Yes

**Comments:**

Agree and support the consultation response submitted by Directors of Public Protection Wales

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.

No

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.

**Comments:**

Disagree and support the consultation response submitted by Directors of Public Protection Wales We feel that this question directly relates to the introduction of FPN's. If a vehicle is found to be in breach of minimum standards a FPN could be issued wherever, rather than referral back to the home authority for application of penalty points

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.

Yes

**Comments:**

Agree and support the consultation response to this proposal submitted by Directors of Public Protection Wales

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

Yes

**Comments:**

Agree and support the consultation response to this proposal submitted by Directors of Public Protection Wales in part however the proposal to introduce a penalty point scheme is not supportive as the introduction of FPN's for specific offences is an effective sanction, and preferable to any form of penalty point scheme. In addition penalty point schemes can be over over bureaucratic often with a Member/legal involvement which is not easy to manage. They are often over complicated for smaller offences ie smoking in a vehicle which can take 3 or 4 warnings before any further action ie referral to committee.

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

No

**Comments:**

Penalty point schemes can be over over bureaucratic often with a Member/legal involvement which is not easy to manage. They are often over complicated for smaller offences ie smoking in a vehicle which can take 3 or 4 warnings before any further action ie referral to committee. Denbighshire previously introduced a penalty point scheme and withdrew them for being over complicated.

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.

Yes

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.

**Comments:**

Agree and support the consultation response to this proposal submitted by Directors of Public Protection Wales

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.

No

**Comments:**

Agree and support the consultation response to this proposal submitted by Directors of Public Protection Wales and support option C provided the vehicle and driver meet the wales minimum standards

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

Yes

**Comments:**

Agree and support the consultation response to this proposal submitted by Directors of Public Protection Wales

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.

c. do something else

**Comments:**

Support the consultation response to this proposal submitted by Directors of Public Protection Wales, however should a local authority have declared a climate emergency then they should naturally support Option A

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

Yes

**Comments:**

Agree and support the consultation response to this proposal submitted by Directors of Public Protection Wales

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

Support the consultation response to this proposal submitted by Directors of Public Protection Wales

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

Support the consultation response to this proposal submitted by Directors of Public Protection Wales

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?

Support the consultation response to this proposal submitted by Directors of Public Protection Wales

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.

*No Response*

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

Support the consultation response to this proposal submitted by Directors of Public Protection Wales apart from Restricted Drivers proposals

# Directors of Public Protection Wales



## **Wales Licensing Expert Panel submission:**

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

#### **Consultation response**

The Directors of Public Protection Wales (DPPW) represents 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.

The Panel value WG's invitation to work with its officers in helping to develop this White Paper response. The Panel are supportive of WG's vision to ensure that Wales' taxi and PHV services are safer, fairer and greener. The Panel 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.

The Panel has however been consistent in the messaging that the proposed legislation is not ambitious enough and will only tinker around the edges with 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.

The Panel 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 novelty / executive hire. Moving to this simplified "one tier" system is not only easier for the public to understand but would also alleviate many of the problems around

cross border operations, definitions of pre-booking and whether PHVs are plying for hire.

The Panel note that the Regulatory Impact Assessment (“RIA”) 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”. To be clear, the Panel would fully support 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 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.**

The Panel agree with this proposal. This is consistent with the previous consultation work undertaken between the Panel 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.**

The Panel disagree with this proposal. The Panel 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 then have 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. The Panel however feel that a PHV driver would benefit from undertaking the knowledge test and not be reliant on satellite navigation systems.

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.

The Panel 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 are able to operate a mix fleet of taxis and PHV’s with drivers being able to drive any vehicle with no enforcement implications for any party, including the local authority.

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, but issuing dual licences means that the private hire driver conditions 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.**

The Panel 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)

The Panel agree with this proposal. Frequent DBS checks are essential to ensure that licensed drivers remain fit and proper. The Panel 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)

The Panel agree with this proposal.

Evidence of right to work in the UK

The Panel agree with this proposal.

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

The Panel agree with this proposal and suggests 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, the Panel suggest that WG utilise the standards contained within the "Taxi and Private Hire Vehicles: Licensing Guidance" for medicals, but with an amendment to the person carrying out the assessment and level of history required.

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.

The Panel 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, but 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-

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

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

The Panel 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. The Panel 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.

The Panel 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.**

The Panel 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.

The Panel 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'

The Panel agree that roof lights should display the word 'Taxi' or 'Taksi', however a number of local authorities report that existing roof lights often have the local authority name also displayed. The Panel consider that to compel existing taxi operators to replace existing roof lights would be an unnecessary cost to the trade. The Panel would therefore suggest that the word "only" be removed from this standard.

#### Roof lights not allowed on PHV

The Panel agree with this proposal.

#### All PHVs to display 'pre-booking only' signage

The Panel agree with this proposal

#### Vehicles to be tested to an agreed testing specification

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

The Panel would also suggest that where Local authorities utilise external garages for their testing requirements, that the garages must be approved by the local authority.

#### Vehicle testing to be carried out at agreed intervals.

The Panel 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)

The majority of the Panel 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 the Panel feels 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.

The Panel 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.

The Panel agree with this proposal.

All taxis to be fitted with a taximeter.

The Panel agree, but would suggest that only one fare can be displayed to the customer. Some Local authorities report that it's 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'.

The Panel agree and suggests 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 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.

The Panel agree, however would expect to be consulted on the detail of this criteria. Careful consideration would have to be given to any standardised vehicle criteria to ensure that the requirements for both urban and rural areas are satisfied.

Methods of payment that should be available.

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

Vehicles must carry a first aid kit.

The Panel agree with this proposal. 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.**

The Panel agree that national minimum standards should apply to operator's licences and make the following comments:

A basic DBS check (repeated each renewal).

The Panel 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, the Panel feel that this period is too long between DBS checks and that an annual check is preferable.

An overseas criminal record check (where applicable).

The Panel 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.

The Panel 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.

The Panel agree with the proposal that anyone taking bookings, dispatching vehicles or holding an individual's personal information should be vetted. The Panel suggest that all such individuals should be subject to a fit and proper test via a basic DBS check.

The Panel however question the effectiveness of an unregulated policy whereby the operator determines the suitability of their own staff. Even with Local Authority

oversight 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.

The Panel feel that the only viable and meaningful option for vetting “dispatchers” would be to have a separate licensing scheme for such individuals.

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.

The Panel 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.

The Panel 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.

The Panel agree that operators should have to meet standards for dealing with passengers with additional needs, however, the Panel feels that this should not be left to the operators to regulate. WG should be introducing such standards through statutory guidance, where operators must comply. Where an operator falls short of the standards and complaints are received by the local authority, the local authority will 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?**

The Panel feel that as far as possible, standards should be consistent across the whole of Wales to ensure a level playing field within the sector. The Panel therefore feel that Local authorities should not be permitted to set additional local conditions above the national minimum standard for driver and operators.

The Panel would however suggest that local discretion is retained for livery of vehicles, e.g., Colour policies, back plate and door sign designs. It is considered that attempting to be consistent in this aspect would be an unnecessary cost to the trade.

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

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

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

The Panel 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 the Panel has several practical concerns. This requires further consultation and engagement on the detail to enable additional comments to be made.

The Panel 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”. The Panel 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, the Panel 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.

The Panel does 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 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 the Panel answer this question on the basis that there is an immediate risk to public safety due to the condition of a vehicle.

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

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

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

Additionally, the Panel 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 evening by the issuing officer.

The Panel however does 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.**

The Panel 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 level – minor 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.

The Panel 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.

The majority of the panel feel that the preferred choice would be to introduce penalty points scheme. There were concerns raised 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, this would potentially lead to a reduction in the fees that can be charged for licenses. It was also felt that enforcement officers would be much less likely to issue a fixed penalty notice for minor infringements than issue penalty points.

The majority of the Panel preferred the penalty points scheme as it was felt less resources were needed to administer this process. Some local authorities already have similar schemes in place, so no additional resource is needed. Those local authorities that do not have such a scheme in place, will have a system (albeit undocumented) for determining when a driver needs to go to a hearing. In these authorities it will just be case of formalising the procedures.

The penalty points scheme is essentially an internal mechanism to determine when a driver is required to go to a hearing, it is therefore less open to challenge as any appeal would be against a decision taken at the hearing rather than 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.

The Panel 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 points, but a dirty vehicle would not.

The Panel 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.**

The Panel agree that there is a need to address the negative consequences of 'multi-apping' based upon the limited affect this has in Wales which is restricted to a small number of authorities.

Most of the Panel had not had any experience of this happening as licensed drivers tend to work wholly for one operator.

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

The Panel 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, the Panel 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.

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

The Panel 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. The Panel 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 of the Panel however it is considered too restrictive for those operators located on the England/Wales border.

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

7. 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.
8. 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 journey's 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.

The Panel would suggest that once all LA's in 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.

The Panel agree with this proposal. All 22 Local Authorities in Wales are already signed up to use the NR3 database and the vast majority have uploaded historic data.

**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.

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

The Panel 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. The Panel recognise the environmental need to accelerate such transition away from harmful emissions and are willing to play out part in aiding that transition, but this really is a matter for Welsh Government to determine the appropriate timescales and mechanisms.

The Panel are clear however, that any proposals made by Welsh Government must consider the financial implications to the taxi and PHV trades.

Comment on financial incentives for areas to put on ZEV's cross border

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

The Panel agree with the proposals for Class B vehicles, however the terminology referring to such vehicles be revisited. The panel would suggest calling them “specialist vehicles” rather than “Class B”.

The Panel would suggest the inclusion of Omnibuses in the list proposed.

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

The Panel have provided comments in respect of the regulatory impact assessment in an addendum to this response. In addition, the Panel 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 2021<sup>28</sup>. 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.

The 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. The Panel 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 the Panel would need to wait for the White Paper to be published before any further work on voluntarily pursuing consistent policies would be undertaken. The panel 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”.

The Panel agree that national standards would assist in reducing cross border operations, however cross border operations between Newport and Cardiff are primarily caused by the differences in qualification requirements, not only the knowledge test. The Panel 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 addendum.

**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.

**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.**

The Panel feel that positive effects could be increased by ensuring that signage, etc. is provided in bilingual format on all taxis and taxi ranks. The Panel 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

The Panel 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 Cardiff as it is geographically small but has a high number of visitors from neighbouring areas who require taxis to get home.

The Panel 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.

For example, The Senedd in Cardiff Bay to Penarth is a journey of 3.5 miles, but as the journey crosses over from the Cardiff district into the Vale of Glamorgan district, drivers are not required to use the meter. There have been numerous examples of the public having to pay £40+ for this journey.

There is an inherent imbalance of power to this situation as the normal rules of supply and demand don't 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 in the Principality Stadium, 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. Cardiff receives many complaints from customers being charged significant amounts to travel back to RCT, Merthyr etc. but there is nothing officers can do despite acknowledging the unfairness.

Passengers wishing to go out of district at the end of the night in Cardiff 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 ranks 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 doesn't 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. This situation has resulted in many lone female students having to walk home back to inner areas such as Cathays.

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".

The Panel 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 aren't taken advantage of for living outside of the district - even if it is just Penarth.

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

The Panel acknowledge that prescribed fees would provide greater consistency and fairness across Wales, however Local authorities are required to ensure full cost recovery (where permissible) for the taxi and private hire 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.

The majority of the Panel feel that 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.

The Panel 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 Cardiff 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.

The Panel 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

The Panel believe that CCTV system 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 have an immediate deterrent against crime and disorder including CSE; Violence against Women; drugs; domestic violence etc.

The Panel would be able to provide extensive examples of where CCTV footage would have been invaluable evidence for corroborating or contradicting complaints received.

The Panel recognise the potentially 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

The Panel 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, it would be an easy task for 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. The majority of the Panel would suggest that consideration be given to the introduction of a restricted dual licence for the purpose of home to school transport **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 home to school contract work. A number of local authorities in England and Swansea Council in Wales already offer this scheme and report positive effects in supporting home to school contracts.

## Addendum: Regulatory Impact Assessment Comments

Table 6: Detailed potential costs break (see summary below for details)

Item	Frequency	Cost on initial application	Cost on renewal/ (existing drivers)	Incurred by	Notes
National training provider for literacy, numeracy, knowledge and safeguarding	Initial application only / potential safeguarding refresher every other renewal (6 years)	£40:00 /£60:00 (estimate excludes opportunity and time costs of attending training)	£30 (estimate) every other renewal (6 years)	Drivers  LA, who will recover cost from drivers.	Existing training costs already exist (not new costs)  Additional admin costs for checking / chasing compliance with this training requirement.
Enhanced DBS check with Barred List and Update Service	Initial application enhanced DBS required	£46:00 DBS + £13:00 update service fee = £59:00  (basic DBS £18)  £38 Enhanced DBS check	£13:00 a year update service	Drivers  (operators/ vehicle proprietors only if not a driver)	All Welsh LA currently require enhanced DBS checks on initial application, some have started moving towards 6 monthly DBS checks (not new costs) potential cost saving £7 per driver for update service use  Actual £1 increase to use Update Service (in addition to the £38 initial cost of the first DBS)

Vehicle testing	Proposal for annual testing	£50:00 (estimate)	£50:00 (estimate)	Vehicle proprietors	<p>All LA currently have testing requirements for vehicles requiring an annual, six monthly or four monthly test. Annual testing throughout Wales will result in a cost saving for many vehicle proprietors/ businesses</p> <p>A taxi/PHV can travel significantly more miles than a standard passenger car, and it is common for vehicles to travel 40,000+ miles per year, driven by multiple drivers. Many vehicle components will wear significantly during this period (tyres, brakes, suspension components etc.) and we do not feel annual testing is sufficient.</p>
Improved information sharing (Database / register/ other)	Setup fee likely with WG. Potential renewal fees that could be paid by the LA and recovered	£0 see text below	£Unknown WG research on database and/or register required	LA who will seek to recover costs from drivers/ operators	<p>LA are currently required to maintain a register for some taxi licences and all use 8 different versions of database throughout Wales. Setup fees will be provided by WG. Renewal maintenance fees may be required from LA on a cost recovery basis from licence holders</p> <p>It is not clear whether this relates to a register, or a database that would include current suspension notices issued.</p>

Item	Frequency	Cost on initial application	Cost on renewal/ (existing drivers)	Incurred by	Notes
	in the licensing fees				
Vehicle Age/Emissions Standards	When a replacement is required/ desired by the vehicle proprietor / company	Variation in vehicle manufacturer costs. A second hand Euro 6 emission vehicle can be purchased for under £10,000:00	£0	Vehicle proprietors	<p>Many LA already have age limits for new vehicles and/or a maximum age limit for existing vehicles. There is only a potential cost for LA without any current age limits. Existing licence holders may be permitted to retain currently licensed vehicles only to be replaced with a newer vehicle when a replacement is required or have a phased approach to updating the current fleet</p> <p><b>“There is only a potential cost for LA without any current age limits” - not clear how there could be additional costs.</b></p>
Changes to Taxi roof light wording	Once	£30:00 / £40:00 (estimate)	£0:00	<p>Vehicle proprietors</p> <p><b>LA, who will recover cost from drivers.</b></p>	<p>Most Taxis already have a rooflight with the wording “Taxi” and/ or “Taksi” therefore no costs to most vehicle proprietors. Signage firms may be able to amend existing rooflights for a lower fee rather than purchase a new rooflight.</p> <p><b>Unintended consequence – additional enforcement costs of checking compliance</b></p>

					with new standard (checking and chasing non-compliant proprietors).
Allowing multiple driver licence with more than one Authority	Initial Application with each Authority	<p>Reduced costs when applying for the second licence. -£200:00 / -£300:00 (estimate)</p> <p>We dispute the £200 - £300 saving for a 2<sup>nd</sup> licence, as this cost appears to relate the training. Once the training is completed, there are no additional cost to the driver as the national qualification is transferrable between authorities.</p>	£0	Drivers  LA, who will recover cost from drivers.	<p>When applying for the second licence. The driver will not require a duplicate medical / DBS / All training requirements. *Price per medical GP will vary</p> <p>When applying for the second licence the driver will not be required to do the training, nor a new DBS (as they will be on the Update Service). However, the driver will still have to the knowledge test, the local authority will need to verify documentation with the home authority. And will need to process, determine, and issue the licence which is the cost to the LA and passed on to the driver.</p> <p>This could also necessitate a committee hearing and cause issues by accepting old medicals</p> <p>The cost of the administration and enforcement of the licence would be comparable for both the home and second</p>

					licensing authority and there is no cost saving to the driver.
Requiring all Local Authorities to issue a	Initial Application	£20:00 / - £30:00	£0	Drivers	Allowing PHV drivers to apply for a PHV drivers licence only will reduce

Item	Frequency	Cost on initial application	Cost on renewal/ (existing drivers)	Incurred by	Notes
PHV drivers licence only		(estimate)		LA, who will recover cost from drivers.	<p>the need to have a local area knowledge test and should reduce training costs to the driver</p> <p>Unintended consequences to this proposal - additional enforcement costs as LA officers will be required to monitor compliance with PH only licences driving taxis.</p> <p>Potential setup administration costs to amend the issue of dual licence only – so PHV only drivers licence.</p>



# DrivenByQ Ltd.

## Taxi and Private Hire Vehicle (Wales) Bill – 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.

**On the whole the public refers to Hackneys and PHV's as taxis so this is pointless. Public education is what needed.**

**This is typified with respect to bus lanes. Both PHV and Hackneys should be allowed to use bus lanes and this should be applied nationally.**

**The term taxi should apply to both types of vehicles as per the dictionary definition.**

**The distinction between each type should stay as Private Hire and Hackney.**

**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.

**Generally, yes but it feels like too much is being done at once.**

**Get the basics in place first, numeracy, language, knowledge tests, DBS standard of vehicles etc.**

**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.

**It should be as easy as possible for a driver to hold both types of licenses. Perhaps just one badge should be issued as standard nationally.**

**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.

**Local knowledge essential for all drivers but perhaps a different standard should be applied according to the type of work completed. E.g. Private hire, hackney, chauffeurs, schools only.**

**DBS every 6 months? The question I would ask is what other industry demands this. A good example would be how teachers are only checked every 3 years.**

**DBS or equivalent overseas check should be compulsory. Foreign nationals should not be allowed to hold a license if they cannot provide a DBS or equivalent regardless of the circumstances.**

**A regulated qualification should only be sat once. We do not ask nurses and doctors to re-sit their exams every 6 years. Also, Grandfather rights should be applied to people who have been in the profession for a set length of time.**

**E.g. 10 years.**

**Medicals and DVLA checks are fine.**

**Learning how to run a business is not necessary, that is why taxi drivers have accountants.**

**There must be a provision in place so that the cost of any exams are controlled by local authorities and are not out sourced.**

**I do not agree that most PHV drovers are likely to be employed. I would suggest that most are self-employed as is the case in my area.**

**Theory tests should be applied for both hackney and PHV drivers regardless of technology available.**

**Being a Private hire or Hackney driver should be relatively easy and we need to work towards the industry bouncing back from the pandemic with as few obstacles as possible.**

**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.

**There should not be a restriction on age of the vehicle if it can pass the licensing test.**

**There should not be compulsory signage on body work for PHV's. A lot of PHV's are privately owned and as such should not be forced to have signage that may damage paint work over time.**

**Vehicle age limits and emission limits should not be enforced. Emissions limits should be in line with current UK law and should only be applied for new applications.**

**Standard vehicle criteria is ok but we need to be mindful of changes to vehicle specifications depending on the kind of work that is carried out.**

**Signage for methods of payment is not necessary, Customers will ask.**

**\*I am completely against signage on vehicles. If a vehicle is owned by a company, then little regard is given to the effect that signage has to the body work over several years.**

**Many PHV drivers use their vehicles as their personal cars as well so having a lot of signage also increases the chance of people trying to hire them when they are not working as well as being damaging to paint work.**

**There is also an argument that the more signs you have the more that individual messages are likely to be missed.**

**Signage should be minimal and confined to rear quarter light windows.**

**Medical exemptions should be displayed on or next to the drivers badge or the vehicle plate.**

**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.

**In principle yes but a regulated qualification should only be sat once, we do not ask nurses and doctors to re-sit their exams every 6 years. Also, Grandfather rights should be applied.**

**Operators are not always the business owners so a complaints register is not really practical but should perhaps be the responsibility of the company/owner rather than the Operator.**

**Also, we do not ask other industries to do this.**

**Documented policies should be the subject of UK legislation such as modern slavery or HASAW.**

**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?

**Local authorities should only be adding additional standards that are particular to their area.**

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

**Yes, I have no objections. Local authorities need to have a degree of authority to deal with local issues, drivers, operators etc.**

**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.

**Yes, enforcement officers should be able to report/sanction any vehicle/driver operating in their local authority area.**

**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.

**Yes I agree.**

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

**No, I am opposed to fixed penalty notices without the right to appeal. This is where various licensing committees should become involved. However, if introduced, the standards and fines should be fixed nationally.**

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

**No, I am opposed to fixed penalty notices without the right to appeal. This is where various licensing committees should become involved. However, if introduced the standards and fines should be fixed nationally.**

**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.

**I do not know enough about the subject to make a valid argument.**

**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.

**On the whole, option A does seem best and if this comes into play then it will be all about the wording. I believe that an operator, driver and vehicle should all be licensed under the same authority and that the majority of their work should start/end/pass through that authority.**

**Perhaps most importantly, PHV vehicles that are licensed else where should not be able to pick up at an office that is in another authority.**

**The same should apply to Hackneys.**

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

**This seems quite sensible so yes.**

**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.

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

**C. Do something else.**

**This is a huge one.**

**First of all, the running costs information is out of date.**

**Zero emissions at the tail pipe is not necessarily carbon neutral or green due to the manufacturing process.**

**The raw materials that are used in battery production are not inexhaustible and the infrastructure will not be ready in time especially in rural areas.**

**Private hire vehicles are predominately bought second hand as so many owners are sole traders and cannot afford to buy brand new vehicles that include VAT in the price.**

**The UK and Welsh government need to remain flexible in their policies about EVs and emissions to allow the Private hire and Hackney trade to make a gradual transition to more suitable vehicles especially as the various technologies are changing every day.**

**Any acceleration of policies over and above current legislation for vehicles in general will only make it more difficult for Private hire and Hackney drivers to make the change over as they will be rushed into buying newer and more expensive vehicles before they are ready to and the issue will be worse in rural areas where emissions is not the problem that it is in cities.**

**Additionally, the cost of this will discourage a lot of drivers from making the change at a time where the number of drivers is still recovering from the effects of the Covid pandemic and they will just end up leaving the industry.**

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

**This wholly depends on the proposals.**

**I would suggest that chauffeur vehicles are more akin to regular private hire vehicles and should be treated as such with any special dispensations to be managed at local authority level.**

**In addition to this, it should be made easier for Chauffeur vehicles to work for traditional taxi offices by having the ability to add or remove plate where appropriate.**

**I would suggest that where a vehicle is granted plate exemption then they should be able to put their plates on during quieter months, or seasons so that they may carry out traditional "taxi work."**

**Having said that, vehicles that carry out traditional taxi work should not be able to remove their plate unless they have been granted plate exemption for the majority of their work.**

**16 seats minibuses already operate from traditional taxi offices without having to make any changes as do Hackney carriages.**

**On the whole, I believe that my argument is that a Chauffeur vehicle should perhaps be a separate class, may be class C?**

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

**It is extremely long and I am not sure if I can remember it all. However, the regional meetings were extremely helpful.**

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

**Yes but I am not sure what you would require. I would also be prepared provide further feedback.**

**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?

**Personally, I think the Welsh language should be promoted as much as possible even though my Welsh is limited.**

**This should be handled by area depending on how many Welsh speakers there are.**

**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.

**N/A. See Q21**

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

**Overall, my main comments would be:**

- **The general public needs to be educated on the difference between Private hire and Hackney.**
- **Do not accelerate zero emissions vehicles over and above current UK legislation unless there are specific needs. E.g., in major cities and especially not in rural areas.**
- **Allow the transition to zero emission vehicle to happen naturally as Private hire and Hackney vehicles have a shorter life than the majority of private vehicles.**
- **Some of the background information seems odd such as PHV drivers are likely to be employed. This is definitely not the case in Wrexham.**

- The taxi industry as a whole is relatively low paid so forced additional costs such as minimum age vehicles, industry exams, zero emission compliant vehicles are likely to force drivers out of the industry which is still recovering from the pandemic.
  - Limit the amount of signage on vehicles. The more you have, the greater chance that the message is lost.
  - An increase in costs for drivers, who are mostly self-employed, is likely to see drivers unable to afford to run their own vehicles. This in turn allows the larger Private hire firms to dominate the market leading to them controlling the cost of settles and prices.
- We have seen the impact and detrimental effect Uber has had on the industry and the ongoing court cases of licensing, driver checks, working conditions etc and this needs to be avoided at all costs.

## Electric Vehicle Association (EVA) Cymru

Name

Are you responding for yourself or for an organisation? If an organisation, which?
<p>An organisation</p> <p><b>Comments:</b> EVA Cymru</p> <p>Electric Vehicle Association (EVA) Cymru is Wales' national representative body for Electric Vehicle owners and drivers. EVA Cymru has three overarching objectives:</p> <ul style="list-style-type: none"> <li>- To represent the interest of EV owners and drivers in Wales</li> <li>- To promote the uptake of EVs in Wales</li> <li>- To work with other stakeholders to achieve these aims</li> </ul> <p>Along with our partner associations EVA England, EVA Scotland, and EVA Northern Ireland we work with governments and private sector partners to ensure the voice of all Electric Vehicle owners and drivers is shared as widely as possible.</p>

Which of the following best describes you?
<p>Other</p> <p><b>Local Authority</b> N/A</p>

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.

*No Response*

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.

*No Response*

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.

*No Response*

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.

*No Response*

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.

*No Response*

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.

*No Response*

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

*No Response*

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

*No Response*

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.

*No Response*

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.

*No Response*

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

*No Response*

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

*No Response*

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.

*No Response*

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.

Yes

**Comments:**

The consultation document recognises that cross-border travel is a frequent and essential part of taxi/PHV use however the ability to licence under different frameworks introduces the risk that the objectives of the bill will be undermined. Specifically in relation to Zero Emission Vehicles, there is the potential for operators to continue to utilise polluting vehicles in Wales.

Conversely, we are also concerned that if the transition to Zero Emission Vehicles continues to move more quickly in England than Wales, the scheme may have negative consequences as drivers and vehicles are licenced in Wales to circumvent any zero emission requirement in England. It is therefore imperative that Wales is ambitious in setting targets and deadlines to avoid becoming a haven for polluters.

On balance, we agree that option A is the most practical method of achieving the objective although monitoring and enforcing the quantity of cross-border journeys will be challenging.

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

*No Response*

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

**Comments:**

EVA Cymru fully supports the recognition made in the consultation document that decarbonising taxis and Private Hire Vehicles is essential to achieving Wales' net zero targets. The opportunity to remove a high level of polluting miles from some of our most congested areas is one that cannot be underestimated.

Electric Vehicles provide a viable and cost effective option today and many operators recognise the benefits of moving away from petrol and diesel. As a result, removing barriers and supporting faster transition will help all operators to achieve the objective of a fully zero emission taxi and PHV fleet in Wales.

We believe that a suite of interventions is required to support the transition, including legislating to prohibit petrol and diesel vehicles, consisting of:

- A support scheme to overcome the initial capital outlay for replacing existing vehicles (either grant or loan) where the existing petrol or diesel vehicle is removed from the market (i.e. a 'scrappage scheme')
- A focus on ensuring any clean air zones or similar schemes mandate compliance from taxis/PHVs
- Investment in infrastructure, particularly charging infrastructure dedicated for taxis/PHVs
- Mandating public sector contracts for taxi/PHVs require zero emission journeys
- The potential of a 'pollution uplift' on journeys taken in Wales using petrol and diesel vehicles (including hybrids)
- Clarity of messaging on the requirement to transition and on the benefits to the public, helping to inform customer choice (for example green coloured taxi roof lights to show journeys will be zero emission)
- An overall deadline, set well in advance of the UK Petrol and Diesel ban
- Earlier deadlines for prohibiting polluting taxis/PHVs from key areas (poor air quality areas, schools, hospitals)

In this context we strongly prefer Option A as it recognises the requirement to remove all emissions and will encourage operators to switch at the earliest possibility. However the deadline must, in consultation with the industry, be set at the earliest possible point.

Finally, the introduction to the consultation document also recognises the changing nature of transport, including 'mobility as a service' solutions such as car clubs. We feel that it is essential both in terms of parity with taxis and PHVs and to achieve the broader aim of net zero that the legislation mandates such schemes to use zero emission vehicles from day one. This is an emerging area, with strong evidence of electric car clubs being viable solutions for communities, and one which risks undermining wider transport decarbonisation if petrol and diesel shared vehicles become prevalent due purely to lower capital costs.

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

**Comments:**

Whilst we understand the objective within the proposals, we would suggest that a blanket exemption from the standards would undermine the overall aims of the bill. We would encourage an approach which seeks to apply as many of the standards as possible to each vehicle - for example by exempting particular types of vehicle from one or more of the standards.

For example, we would be concerned if many of the examples given were exempted from any Zero Emission requirement particularly VIP and Executive Hire vehicles and School/Community transport

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

(where electric alternatives are already prevalent) but also Limousines and motorised tuk-tuks/rickshaws which are both emerging areas likely to be well served by Electric Vehicles in the near future.

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

*No Response*

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

*No Response*

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?

*No Response*

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.

*No Response*

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

*No Response*

# Federation of Small Businesses (FSB) Wales



## Taxi and Private Hire Vehicle (Wales) Bill

### Consultation Response: Welsh Government

#### FSB Wales

May 2023

### About FSB

FSB Wales is the authoritative voice of businesses in Wales. It campaigns for a better social, political, and economic environment in which to work and do business. With a strong grassroots structure, a Wales Policy Unit and dedicated Welsh staff to deal with Welsh institutions, media and politicians, FSB Wales makes its members' voices heard at the heart of the decision-making process.

**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.**

Yes.

**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.**

Yes. These need to be proportionate and suitable for different contexts, with room to adapt to local circumstances where standards need to be changed. It is important that a level playing field is in place, with similar costs and effort in obtaining licenses across Wales.

**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.**

Yes. From our engagement work and understanding, PHV and Taxi business want to keep to the two tier system.

It is important that the licenses are consistent, and that there is no perverse incentive to adopt one license in one part of Wales for use in another. As such, mandating these three options makes sense.

**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.**

**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.**

**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.**

(Answer to 4, 5 and 6) FSB agree with the general thrust of the standards and understand the rationale for the different standards to different taxi, PHV and operator licensing. These make sense in terms of what they seek to differentiate.

National Minimum Standards is a good way to ensure passengers experience the same safety standards across both ply-for-hire and pre-booked services.

It is important to keep the two-tier system. One of the key ways to promote innovation in the sector is to maintain a two-tier regulatory system that regulates pre-booked private hire services and ply-for-hire services separately. This is a benefit to firms who have app-based products.

When customers are flagging down a car, they will generally take the first available, rather than being able to compare offerings and find the more affordable option. Bespoke regulation is necessary to promote safety, restrict price gouging, and prevent poor services. Pre-booking also gives customers the chance to choose among competing providers, which leads to better services, competitive prices, and innovation.

However, it is important to keep this under review for any unintended effects on SMEs and self-employed. This is because the success of the delineation of different standards is dependent on the successful delineation of the new definition of 'taxi' 'PHV' and 'operator'. As the white paper notes, these definitions have become increasingly blurred, and a fully delineation across these will remain difficult, particularly with the continuing disruption of technology and innovation upon these definition (which as the paper sets out will be dealt with on ongoing basis, such as any possible Autonomous Vehicles).

Moreover, there is a need for an analysis and monitoring of any unintended consequences that could arise by the combination of PHV being essentially able to be booked directly but with fewer standards set on drivers on whether this provides incentives drivers on drivers toward Uber-like platforms, and whether this disadvantages the taxi sector.

There should also be an impact on the possibility of the impact of these changing licenses on smaller firms. In the context of Welsh Government's aims of providing incentives for alternative local digital platforms to provide more value locally, it is important to look at incentives and barriers (or possibly whether there can be regulatory derogations) for business who band together to provide collaborative digital platforms for a local service.

The standards seem rational, but they require SME and self-employed impact analysis, as well as ongoing monitoring and evaluation of impact and where they may steer the market in undesirable ways.

**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?**

Yes, but with adequate scrutiny ensuring they are proportionate levels of divergence.

Different areas have different needs. For example, clearly the Welsh language needs in areas like Gwynedd will differ from those in (say) Monmouthshire and so different provisions are rational. The same may apply in different areas in different ways (for example, stronger low emissions expectations may be expected in areas better served by EV charging). However, they must be proportionate and not increase burdens on drivers in that area or make for a shortage of services.

Scrutiny of decisions should be provided locally, or with reference to the Welsh Minister or Senedd on proportionality of any strengthened requirements. Guidance should be provided with a clear framework for consultation and steps to take to increase standards locally. This should include an impact assessment that also understands the impact of any stronger requirements on drivers versus those in neighbouring local authority areas and any perverse incentives that may ensue. Such guidance is needed to ensure that where there is divergence it is within a common framework – so that divergence is within a proportionate scale and easily understood and enforced.

Enforcement should be supportive not punitive in the first instance for minor infringements, or those that may be due to misunderstanding of different standards and lack of knowledge about complex differences in local areas. The aim should be to support raising any mistaken non-compliance to the standards first.

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

If it is working and understood by the sector, and given further changes coming in the legislation, it appears rational to keep in place. It is important that the necessary information that different administrations hold is easily accessible for each other however, so that information on licenses obtained elsewhere are easily monitored and enforcement is consistent.

**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.**

Yes. It is important that there is a level playing field and consistency in application, so that the system is fair with the same expectations on all players, as well as consistent safety standards everywhere.

**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.**

Yes. This has been a big issue for taxi drivers in some areas. It can be cheaper to register in one authority and then work in another, and so it is important to ensure oversight. Currently, it is too easy for a driver to continue operating in areas outside those where they have been banned by an authority, which impacts on perception of safety of all drivers due to a few bad actors. It is important to ensure that safety is consistently applied, and service delivery are not undercut by bad actors also.

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

Yes, but with right of appeal, and where law is clear and understandable, and the basis is obvious (e.g., based on the national minimum standards).

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

Yes. It is important that there is clarity about what is meant by 'repeated contraventions' of 'minor errors', so that the system is consistently applied.

**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.**

This does appear to be a problem, and there is a risk that this punishes good practice and allows unethical practice to gain. As such, aligning provision with platforms seems a sensible way forward. The cost of implementation of some of the legal requirements should be accounted for (e.g., the cost of placing the name of a platform on the car), especially for those who are self-employed.

Ahead of legislating it is also important that unintended consequences are accounted for – is 'limiting drivers' freedom' to not use more than one app in danger of reducing the pool of drivers available to a low level? Addressing the operators may work but may depend on the status of the drivers as employees. It may be possible to look at providing a set cost/fine to drivers for every cancellation (as happens for customers) with this contributing to a fund for local roads or similar.

In each case, the local market will be different, and the same intervention may have different consequences. The figures on driver number in the Regulatory Impact Assessment show how this would be different in different areas.

**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.**

Option A seems the best option, given the geography along the border, although it is important that standards do not deviate to the extent that operators and drivers across the border gain a competitive advantage.

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

Yes. If the system provides a means by which licenses have been revoked and refused, and is often used voluntarily, this appears a sensible way forward. It is in drivers' interests too that their work is not undermined by a few lawbreakers.

**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**

Welsh Ministers should take action, but this should also be supportive of transition for SMEs, not merely punitive. As such, any deadline must also consider the costs and timeline of leasing for any fleets. It is also important that any such action does not reduce service levels to the extent where more people are incentivised to use their cars rather than taxis/PHV, as this is in the end a bigger problem in terms of congestion and emissions.

It should also consider the areas operated in – the pollutions and social costs can be higher in some areas than others, and so the benefits of more PHVs in (say) rural areas better outweigh the benefits. It is also the case that how this operates may be dealt with in other ways (e.g., Cardiff Congestion Charging after 2027) and may not be dependent on the deadline. Realistically, some areas will be better served by charging points than others, and so it is possible that a deadline appropriate for one area may not be so for another.

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

No view.

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

No.

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

No.

**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?**

No view.

**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.**

No view.

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

It is important that the aims for the sector and where it is to be steered aligns with EV charging and infrastructure strategy and look at opportunities to develop the sector in new areas in the transition to EVs (including if there are opportunities for taxi/PHV businesses in rural areas as we move away from fuel duty. Levelling up cost and opportunity of transport and opportunity for those areas should be developed at the outset in design for any future road pricing systems, and so provide opportunities too for incentives and pilots to explore new options for transport services in areas historically cut out of that provision, or where the provision is currently very high in cost.

## Flintshire County Council

Flintshire County Council are in support of the attached response from the Wales Licensing Expert Panel, and the comments made in respect of the RIA. [See response from Directors of Public Protection above.]

To offer some context in respect of the proposed 'Option C' in Q14, Flintshire is a county that borders England. We have towns which sit on, or straddle the border. One side of a residential street may be in Wales and one in England. It may be that the closest and most convenient taxi / PH firms to use are over the border, and affected residents should not be impacted by having to use a less convenient or unavailable service to undertake journeys that may both begin and end in Wales. Option C would allow this to happen in those unusual circumstances. If you would like to discuss this any further, please let me know.

**Gavin Harper**

Name
Gavin Harper

Are you responding for yourself or for an organisation? If an organisation, which?

Self

Which of the following best describes you?

I am a taxi / PHV passenger

**Local Authority**  
Powys

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.

Yes

**Comments:**

Yes, but I would be mindful of coverage in different parts of Wales. Whilst taxis might be available off-street in busy urban areas, there is very little taxi coverage in rural Wales, and so careful consideration should be given to the service standards of PHVs in rural Wales, as in many parts of the country these are the only option.

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.

**Comments:**

A minimum standard that should apply to all operators, is to be able to provide a minimum service standard. I write with experience from rural Mid Wales. There are a number of lucrative public service contracts, e.g. morning school runs, which provide a guaranteed baseload for taxi operators. Many operators tend to focus on providing drivers for these profitable elements of the business, however e.g. in rural Mid Wales, phones will then be switched off in the early evening and it is impossible then to get a taxi e.g. from the station home at the last train. I believe it should be incumbent on anyone issued with a license for PHVs to provide a consistent, minimum service level which guarantees mobility around the clock. With scarce public transport options in Wales after a certain hour, private hire vehicles remain the only option for people without cars and at present, service levels are patchy outside of certain hours. Small firms presently work "when it suits them" rather than providing a consistent, professional service.

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.

Yes

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.

Yes

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.

Yes

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.

No

**Comments:**

I believe that Operator's Licenses should include additional minimum standards around service level provision. In particular, there should be minimum service levels to ensure that phone lines are manned up to and including half an hour / an hour past the last train/bus arrival in an area, to ensure that passengers on public transport have flexible options to complete their onward journeys. Often in rural areas, operators are reluctant to accept fares past a certain hour - they prioritise the highly lucrative public service contracts with the school runs in the morning and afternoon, but do not then provide a comprehensive service. Bringing service levels into the licensing regime would ensure a consistent service for both people that live here and a warm welcome for people visiting Wales.

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

Yes

**Comments:**

I believe that minimum standards should be nationally set in order to provide a consistent experience in all parts of Wales, and a reasonable expectation of a minimum service level from PHV operators. I think it would be unhelpful for local standards to exist as this would create the potential for confusion and a patchy service. Given the relatively small population of Wales, it makes little sense and adds additional bureaucratic burden having a patchwork of local regimes. There should be a consistent service level and experience across Wales. This would also remove any potential implications around cross-bordering in different regions of Wales.

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

Yes

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.

Yes

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.

Yes

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

Yes

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

Yes

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.

Yes

**Comments:**

The advances in the tech industry and the availability of apps has created significant choice in PHV provision. That said, whilst it may work in a metropolitan area like Cardiff, in many areas of Wales, there is very little provision of app-based mobility. I think that it is important that legislation considers the situation in the whole of Wales, as at the moment, this wording is metropolitan-centric and presupposes any choice of apps at all. There is also a degree to which the use of such apps is a drain on money, leaving Wales and being top-sliced through a range of intermediaries that are all outside of Wales. I wonder if there is scope for a unique "designed in Wales" solution. A unified app, perhaps a function of Transport for Wales, which is integrative, contains information on a range of transport options and provides a single unified interface for those seeking mobility in Wales. Whilst it would require development, it would have the advantage of fees on tariffs being kept within Wales, rather than leaching out of the country to Silicon Valley. Given how ubiquitous the technology is, and the proliferation of apps of this type, the development of such a solution would be significantly easier now than in years past. This sort of joined up thinking could make a unique "Made in Wales" solution, and could integrate measures like ride-sharing which could reduce the overall carbon intensity of transport in Wales. It is important to consider seamless connectivity between public transport options and the Private Hire Sector. This is also especially important given the unreliability of public transport services in many rural areas, with a great deal of disruption. In a rural area with very few transport options, such a service should be designed to ensure that no one has the possibility of being vulnerable and left "stranded at a station".

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.

Yes

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

Yes

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

**Comments:**

Do both - a rolling phase-out of older vehicles would ensure that in time, more vehicles - even if not immediately ZEVs, would be forced to comply with more modern Euro6 Regulations around Diesel Vehicles for example. In addition to increasing this burden for taxi companies though, thought should also be given to how to make this transition easier for them. Charging infrastructure needs careful consideration, and the Welsh Government should give consideration to how this transition will be implemented with charging infrastructure e.g. at taxi ranks and modal hubs. Special consideration should also be given to how Zero Emission mobility will be implemented in rural areas - there are intrinsic challenges given the greater range required and greater distance. Whilst service level standards and ZEVs are desirable, the economics of operating services in sparsely populated areas is already marginal and this cost will be passed on to the consumer. Thought needs to be given as to how to equitably provide mobility in these communities whilst also encouraging the transition to net zero.

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

Yes

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

*No Response*

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

*No Response*

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?

A degree of consolidation and aggregation in the sector - e.g. fewer larger operators, may lead to it being easier to implement e.g. PHV booking contact centre services bilingually due to the economies of scale.

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?

Furthermore, the transition to a unified app for Welsh mobility service, integrating both public transport and PHV services, would ensure that services could be accessed bilingually in a unique "Made in Wales" multimodal solution.

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.

*No Response*

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

*No Response*

## GMB Union

Name

GMB Union

Are you responding for yourself or for an organisation? If an organisation, which?

An organisation

**Comments:**

Uk's 3rd largest trade union with members across Taxi and Private hire

Which of the following best describes you?

Other

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.

Yes

**Comments:**

We agree in principle with definition of the difference of PHV/Taxis, however with new technologies these

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.

line are becoming less and less distinguishable.

In particular this is an issue with Taxi work via app infringing on the work of PHV's without the same rights to pay, terms, conditions and protections. For example holiday pay, sickness pay and other protected rights.

We do believe that a distinct should remain for those who do wish to separate their work from either PHV or Taxi however we believe more policing and standardized rights should be developed for those who do work along the newly blurred arrangements.

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.

Yes

**Comments:**

We believe that a set of national minimum standards is vital for the market in Wales.

In wales there are currently 22 differing licensing authorities, leading to regulatory divergence and and regulatory standards differing. We believe that it is important to have a set of national standard standards to lessen the situation where drivers aim for liscencing ion certian authorities with less stringent regulation on the industry, then cross bordering, whiich is not in the interest of the workforce, consumer or public at large.

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.

Yes

**Comments:**

We believe that in certain LA's where there is a shortage of drivers/PHV then we think there is a case for allowing a dual license, however in others, largely urban LAs we believe that drivers should have the choice, for the reasons outlined earlier.

There should be strict parameters where the dual licensing can be granted, on a case by case basis - when certain criteria is reached. ie- taxi driver shortage in rural communities, to ensure that there are protections on place for drivers.

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.

Yes

**Comments:**

We would reccomend a Live DBS check, so the licensing authority are evaluate the lioscensee's ability to fulfil the criteria.

As a union we would wish for a role in the development of the syllabus - and evaluation of the syllabus. It is important that the Labour force yhave imput into the decvleopment of the progamme. we would recommend the TFL SERU approach as a benchmark for the syllabus

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.

Yes

**Comments:**

We agree with the criteria in principle.

We think it is important that as the criteria are evaluated that trade unions, and other social partners have the ability to input and re-evaluate after a period of time on any agreed criteria.

We would also ask for an appeals process for rejected applicants.

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.

Yes

**Comments:**

We agree with the proposed standards for operators.

GMB also believes that employers should have to sign up to an ethical charter, which priorities good treatment of staff, employees and Self employed drivers.

Said charter should allow trade unions access to the workforce and seek to work constructively with them.

We would also suggest that operators undergo a level of scrutiny when applying for a license, and if there is evidence that an operator has broken these terms then they can be brought before a committee to ensure they are fit and proper to continue practice. If they fail they should face fines, and ultimately revocation of the license.

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

Yes

**Comments:**

We agree with this in principle, so long as it did not infringe on protected characteristics and was strictly monitored with claw back function to ensure that both the public and drivers/staff are not negatively affected.

We would suggest that this is monitored so that they do not undermine the national minimum standards.

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

Yes

**Comments:**

Agreed - with the option to appeal via a magistrates court

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.

Yes

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.

Yes

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

Yes

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

Yes

**Comments:**

We would suggest that the appeals process should have a statutory body where appeals can be heard before magistrates court.

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.

No

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.

Yes

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

Yes

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.

c. do something else

**Comments:**

Currently the infrastructure is not sufficient to meet the needs of charging electric vehicles, in Wales and across the UK.

Until we see the upscaling of the network we should not make a decision on the best approach to switch to ZEV

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

Yes

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

no

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

We open to discussions

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?

no

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.

Basic Welsh requirement will fulfil this

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

*No Response*

# Guide Dogs Cymru



## Taxi and Private Hire Vehicle (Wales) Bill Consultation Questions

### Question 1

Are the proposed definitions of Taxis, PHV, there and then hire and pre-booking appropriate? Please provide comments, including anything you think is missing from the definitions.

We agree the definitions are appropriate.

Ensuring that a PHV booking is taken via the operator, not the driver, is important for Guide and Assistance Dog Owners so that any issues are recorded. Also, a vision impaired passenger may find it hard to identify a driver which makes reporting an offence difficult. If a booking is made via the operator, it will be recorded, which will make it easier for the complaint to be followed up by local authority licensing officers.

### 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 do agree with the need for national minimum standards, and we are concerned that “Taxi/PHV licensing policies are different across Wales as each local authority sets its own licensing policies and conditions”. Vision impaired passengers are particularly vulnerable and are likely to be significantly disadvantaged by this lack of consistency in several ways: A driver who has received appropriate disability equality training, (DET) will have learnt about how best to support a vision impaired passenger, e.g. getting out of their vehicle to guide them to the door, asking exactly where they wish to be dropped off, and the essential requirement to carry a Guide Dog. It is not unreasonable to expect that level of customer care wherever you live in Wales, rather than being unsure of what will happen.

Vehicle quality is also important as once you are onboard and the vehicle is moving, there is no option but to continue the journey even if you feel unsafe.

### 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 agree with this proposal

### 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 agree with all recommendations but we would like to stress those most important for vision impaired passengers –

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

We believe this is essential.

- 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.

We are very concerned that the content of the training should be appropriate, ideally be face to face, and designed and delivered by people with lived experience of disability. In Northern Ireland, there has been a longstanding requirement for disability equality training for all taxi drivers included in their periodic training which must be done to get a licence renewed. it is at least 3.5.

hours: <https://www.nidirect.gov.uk/articles/taxi-driver-periodic-training>

In Northern Ireland, refusals of Service for Guide and Assistance Dog Owners are rare. The few cases we have seen were more complex and involved other factors for consideration.

We strongly recommend that the training is delivered from a Social Model perspective, is supported by online resources so drivers have a means of refreshing their knowledge, gives guidance on etiquette as well as the practicalities of good customer care.

### **Question 5**

Do you agree with the national minimum standards proposed for a vehicle licence? Please add.

Identify any standards you think should be removed, changed or amended.

We agree with the standards listed here, but we wish to make a few additional points

- Taxi maximum rate of fares tariff to be displayed inside the vehicle with the licensing authority contact details
- The font size for such information must be no less than size 14 to ensure it is accessible to all passengers.
- All taxis to be fitted with a taximeter

- 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'

Again, the font size for the certificate is important, and it must be possible for the driver to hand it to a vision impaired passenger so they can detect the tactile marking for themselves. It would not be acceptable, for example, for the certificate to be fixed inside the vehicle in such a way as to make it inaccessible, or unreasonably difficult for a vision impaired passenger to touch. The whole point of having a tactile "E" is that it is big enough.

- 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 will not require additional approval as long as they meet the criteria.

It is important that vehicles are big enough to comfortably accommodate a Guide or Assistance Dog on the floor, behind the front passenger seat.

### **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 with all the proposed standards, but wish to make some additional points:

- 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.

As we assume this includes Disability Equality Training, we are concerned about the additional time it would take to include training on running a business. Although we agree this is important, operators are an essential part of the customer interface. Guide Dog Owners sometimes find them unhelpful: They have been known to take the side of a driver if the passenger wishes to make a complaint, or to become complicit in the refusal of service by claiming that the driver had a reason to refuse the Guide Dog Owner, e.g. "he was in a hurry", "he didn't know that he couldn't refuse a service" and "another driver will be along shortly!"

With regard to complaints, many websites are inaccessible for vision impaired people, so it must be possible for them to complain by phone or email. The response must be provided in the format of their choice and should, of course, be recorded.

- 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 find this requirement a little too open to interpretation, i.e. “To the satisfaction of the licensing authority”. This could vary across Wales and does not chime with the aim of achieving a more consistent service. Surely it is possible for all licensing authorities to agree such a policy so operators know what is expected, otherwise operators could submit a wide variety of policies leading to an inconsistent level of service.

#### **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 understand and agree that local authorities may wish to go beyond national standards, and that one example might be the introduction of CCTV. Vision impaired people are very vulnerable once they are in a taxi or PSV. They have no means of exiting the vehicle safely, not even if it stops in traffic as they won't know if it is safe to get out. It's essential we do all we can to protect anyone who may be at risk including other vulnerable members of society and children. CCTV could also play a part in resolving complaints and should deter other passengers from behaving badly – drinking alcohol or causing damage to the taxi as a result of being drunk or physically violent. In the case of Guide and Assistance Dogs, it could record evidence of a dog's behaviour and whether the owner handled it appropriately; ensuring it was quiet and didn't cause any damage and remained lying or sitting on the floor of the vehicle.

#### **Question 8**

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

We agree with these proposals as they maintain consistent levels of service.

#### **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.

We agree with these proposals but wish to make some additional comments:

Presently, each local authority applies its own enforcement policy to Taxi/PHV licensing. There are a range of enforcement options available to local authorities including: informal warnings, prosecution, licence suspension, imposition of penalty points and licence revocation.

These policy differences can lead to some inconsistency in how enforcement measures are applied across Wales.

We know of situations where Guide Dog Owners attempting to report a refusal of service are not informed of the action being taken to penalise the driver, or even that any action is taken at all. A vision impaired taxi passenger will not be aware of where the driver is licenced to

operate. It is possible then that even if a passenger makes a complaint to the authority where the incident took place, they will not be notified of what action is taken. This may not be a refusal of service, it might be poor customer care, and therefore not a criminal offence. What can be done to ensure that the passenger knows their complaint has been dealt with if the action taken is by a different local authority?

### **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.

We agree with these proposals.

### **Question 11**

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

We agree with the introduction of FPNs and suggest that the offences include more serious breaches of customer care, particularly where they relate to vulnerable passengers, e.g., Failing to assist a vision impaired passenger, (or other disabled passenger), to locate and get into the taxi or PHV. It is common for PHV drivers, in particular, to sit in their vehicle beeping their horn to indicate they have arrived, rather than alighting from it and coming to the gate or front door. We accept that this sort of behaviour may be hard to prove or disprove, but, if it is included in the list of offences which could receive a FPN, it would encourage better customer care.

### **Question 12**

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

We agree with this proposal as it would give passengers reassurance and be a means of driving up quality in terms of taxi and PHV driver compliance.

### **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.

1. Holding operators to account for cancelled bookings. Local authorities grant licences to operators in the expectation that they will fulfil the passenger bookings that they accept. We may wish to work with local authorities to take action against operators whose service falls below an agreed level.

We agree that this is a customer focused approach and, for vision impaired passengers, would be reassuring. Vision impaired passengers often book PHV because there is no

alternative means of reaching a destination, so they are an essential service, not a luxury. Any measures which encourage punctuality and reliability are helpful.

2. Limiting drivers' freedom to use more than one app at once. For example, by requiring each vehicle to display the name of one company the driver will be accepting bookings through. Leeds. City Council have a vehicle condition requiring the operator's name to be written on the vehicle.

We agree with this proposal as it increases accountability among operators and reliability among drivers

#### **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 agree with option A as option B would seem to be more complex to deliver and have less potential to improve the passenger experience.

#### **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 strongly agree with this proposal: This will help safeguard passengers as it increases our ability to prevent unsuitable drivers applying for a licence.

#### **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.

- Set a deadline for all taxis and PHVs to be zero emission at the tailpipe
- Set an age limit for vehicles which are not ZEV
- Do something else

We support transition to ZEV vehicles but wish to mention the importance of on-board acoustic sound generating equipment on all taxis and PHVs. Electric vehicles are almost silent and it is very difficult for a vision impaired passenger to hear them as they pull up at the kerb.

Blind and partially sighted people are reliant on their hearing to locate and interpret sounds to assist with their navigation and orientation of the environment. Therefore, a hybrid or quiet vehicle needs to generate a sound to indicate its locational presence.

To interact accurately with the environment, especially those elements involving vehicle movement posing a potential danger, vehicles need to indicate not only their locational presence, but also

- How far they are away from the person perceiving them
- Their speed relative to the environmental conditions
- Their state in terms of acceleration or deceleration
- The type and size of the vehicle.

**Question 17**

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

We have no comments on this proposal.

**Question 18**

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

We have no comments.

**Question 19**

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

Guide Dogs now has an app which Guide Dog Owners can use to report access issues including refusals of service by taxi and PHV drivers. We are encouraging use of the app which will enable more accurate reporting going forward.

**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?

We have no comments.

**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 have no comment.

## Question 22

Are there any other issues you would like to raise about Taxi and PHV licensing?

No

## Howl

Name
Howl
Are you responding for yourself or for an organisation? If an organisation, which?
Self
Which of the following best describes you?
I am a taxi / PHV passenger
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.
No
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.
No
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.
No
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.
No

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.

No

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.

No

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

No

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

No

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.

No

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.

No

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

No

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

No

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.

No

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.

No

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

No

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.

c. do something else

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

No

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

*No Response*

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

*No Response*

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?

*No Response*

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.

*No Response*

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

*No Response*

## Independent Training and Testing Company (ITTCO)

Name

Independent Training and Testing Company (ITTCO)

Are you responding for yourself or for an organisation? If an organisation, which?

An organisation

**Comments:**

ITTCO, Independent Taxi Training and Testing Company.

Which of the following best describes you?

I work in the taxi / PHV trade

**Local Authority**

Cardiff City Council.

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.

Yes

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.

Yes

**Comments:**

We feel this would be most beneficial to the trade and should have been introduced sooner. this will enhance and improve the current standards which is long over due.

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.

No

**Comments:**

No change.

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.

Yes

**Comments:**

Bring back the driving test for all drivers, all 22 local authorities should have the same standards as per Cardiff and RCT.

Further training for all drivers regarding disabilities should be enforced, standards should be increased in the minimum of basic literacy.

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.

Yes

**Comments:**

No change.

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.

Yes

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.

**Comments:**

There should be room for other operators to challenge the current monopoly system.

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

No

**Comments:**

we would like the welsh government to oversee all local councils to ensure the standards are maintained and enhanced. to keep everything under one umbrella.

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

Yes

**Comments:**

As long as it is policed correctly, no change would be needed.

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.

Yes

**Comments:**

cross-bordering needs to be recognised and policed correctly.

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.

Yes

**Comments:**

Yes, we also propose that some sort of rehabilitation and training needs to be enforced.

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

Yes

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

**Comments:**

Yes, in order to route out certain drivers that give the industry a bad reputation.  
To route out any proven form of discrimination.

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

Yes

**Comments:**

Needs to be rigorously trialled and tested before being rolled out.

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.

Yes

**Comments:**

App based company's need to be regulated more efficiently than they already are, drivers need to be either PHV or app based, therefore if you are a private hire you should not be able to use multi-app based company's.

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.

Yes

**Comments:**

The cross boarding within wales needs to be addressed, particularly Cardiff.

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

Yes

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.

c. do something else

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.

**Comments:**

There needs to be improvements with ZEV vehicles before taking petrol/diesel vehicles off the road.

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

Yes

**Comments:**

everyone should be educated to some description therefore Class B vehicles should have regulatory standards to maintain.

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

vehicles are easier to have regular impact assessments on, however if the driver is not adhering to the standards which need to be provided then changes need to be made to the standards so they are the same across the boarder.

the impact of the proposals will have an outcome but its only the bottom-line of the outcome from the assessment.

although we agree the aims of the assessment are excellent its the journey to get the end result which will give us the proof.

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

Yes - we would be willing to provide data from our current testing in relation to SQA exams including assessment scores and progress via to passing as long as GDPR protocol is followed for the candidates.

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?

this needs to be reflected in the areas where the welsh language is predominantly spoken. However for other areas where English is spoken predominantly basic welsh could be introduced onto the SQA course.

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.

although we are fully in favour of the promotion of the welsh language, at the moment we do not see how this can be improved, policed and enforced on current or prospective entrants into the taxi industry.

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

- bring back driving test
- cross boarding issues to be addressed
- standards maintained across the nation
- disciplinary/rehabilitation for offending drivers in order to enhance current standards of drivers.

we have been delivering the SQA for over two years, with successful verification recorded. SQA is renowned for its high quality assurance which is enhanced for the level two certification in introduction to the rule of the professional taxi and private hire vehicle. SQA has welcomed feedback throughout our partnership and have been able to adapt flexibly to request and assessment reviews. this gives us comfort that by using SQA the integrity of the qualification is upheld. we are working with an internationally awarding body. we feel this qualification should be a mandated requirement across all licensed authorities across wales.

## Institute of Licensing



### Taxi and Private Hire Vehicle (Wales) Bill – Consultation Questions

#### Institute of Licensing Response

By email to [TaxiBillConsultation@gov.wales](mailto:TaxiBillConsultation@gov.wales)

The Institute of Licensing (IoL) is the professional body for licensing practitioners across the UK with circa 5,000 licensing practitioners from local authority, police, industry and private practice within its membership. Areas of interest encompass all public regulatory licensing, and hackney carriage / private hire licensing is one of the main areas of interest.

In compiling this response, we have relied on our Taxi Consultation Panel (TCP) which includes representatives from local authority, legal and industry representatives, and is chaired by IoL President James Button. We have representatives from Wales within the TCP who also have strong links to the Wales Licensing Expert Panel (LEP), which is a specialist panel within the Directors of Public Protection Wales. We have been mindful of the views from LEP members in drafting this response.

We are pleased to offer these comments to the Welsh Government in relation to the White Paper, and hope that our comments are constructive and useful. The IoL would be happy to work with the Welsh Government in furthering the development of proposals for taxi law reform.

Initially we would ask if it is intended to provide legislation to effectively re-enact the existing primary pieces of legislation, namely Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976 incorporating the proposed amendments? The alternative is that it will be necessary to read those existing laws alongside the new legislation, which is likely to be extremely confusing. For instance, all references to “hackney

carriage” would have to be construed as references to “taxi”, and there are countless other examples. This would also provide an opportunity to introduce some other, minor amendments to improve the current situation, and we have included some suggestions which you will find at the end of this response.

We note and support the views from LEP that new primary legislation would be preferable to amendments to existing laws, and that this would provide an opportunity to fully consider the benefits of a single tier system which would be easier for the public to understand but would also alleviate many of the issues within Wales in relation to cross border hiring and questions around plying for hire.

**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.**

We refer to the response made by James Button in relation to this question:

The proposed definitions are as follows:

- Taxi - Motorised vehicles that are constructed or adapted with fewer than nine passenger seats, provided for there and then and pre-booked hire purposes with a driver, for the purpose of carrying passengers for commercial gain.
- PHV - Motorised vehicles that are constructed or adapted with fewer than nine passenger seats, provided for pre-booked hire purposes with a driver, for the purpose of carrying passengers for commercial gain.

I fully appreciate the intention to update the definitions of both a hackney carriage and a private hire vehicle, but I do foresee some issues with the proposals.

The reference to “Commercial gain” may well lead to arguments along the lines of “there was no gain, as I simply recovered costs”, or, even if there was a gain, “it is not commercial, simply a hobby”. This might be overcome by using the term “commercial or private gain or reward”.

In relation to the definition of “there and then” hire:

“The hire of a taxi in person for immediate travel, by a hirer in the location of the vehicle; either on the street (including private land to which the public have access) or by hailing an available taxi.”

Do you intend to modify the definition of “street” in s3 Town Police Clauses Act 1847 to overcome the issues raised by the decisions in **Young v Scampion** [1989] RTR 95 and **Eastbourne Borough Council v Stirling** [2001] RTR 7? If not, I suggest that it needs to be made clear that public access to the land in question is as of fact, not as of right.

There is no indication of any attempt to control where PHVs can wait (or not) for a hiring to be communicated to the driver. So although you have altered the definition to remove “plying or standing for hire”, you will still be relying on the case law relating to plying and standing for hire e.g. **Milton Keynes Borough Council v Barry** (unreported, 3 July 1984), **Reading BC v Ali** [2019] RTR 31 Admin Crt and **R (App UTAG Ltd) v TfL** [2022] LLR 141 CA. This seems ridiculous if the aim is “to make enforcement easier”, and needs to be addressed in any new law.

You state that a PHV driver cannot accept a booking on behalf of the operator, but no mention is made of “one-man-band” operators who are also the driver. They could accept the booking and record the information before the hiring commences. Or are you proposing that such a booking can only be recorded at the operator’s licensed address? If so, again, how will you address small operators who divert their telephone to a mobile telephone? Again, this needs to be addressed.

**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 support the need for minimum standards but note that in the absence of national standards (not minimum) there will always be a degree of inconsistency. We discussed this at a recent meeting and felt that in most cases it would be useful to have set national standards, and that exceptions could provide for specific areas where local standards over and above the national standards could be applied by the local authority. This might include livery requirements for example.

**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.**

While the IoL has not formed an official view on the matter of restricted licences for those drivers wishing to only undertake home to school contracts, we are aware that in authority areas where restricted licences are offered, it is widely supported by the industry, and seen as a means of reducing the burden and processing times for those drivers who will not then be able to carry on normal private hire work. This might for example allow them to avoid a local knowledge test or other assessments (arithmetic tests, etc) which the local authority considers unnecessary for restricted work.

However, we note the concerns raised by the LEP, that many Welsh local authorities currently only issue dual licences, and that a mandate to offer separate licences will represent an administrative and cost burden. In addition, the current arrangements do not allow conditions to be attached to hackney carriage driver licences, and this is an area of concern to local authorities which should be addressed if local authorities are to be mandated to offer separate licences.

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.

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

We agree with this proposal but would ask how it will be enforced? Local authorities would presumably need powers to enable them to check the DBS record. This has been highlighted in the recent DBS Review.

- **An overseas criminal record check (where applicable)**

Agreed, but clarity is needed to specify where and when will this be applicable, which overseas checks will be acceptable, and how they should be verified? Licensing authorities will need to know the procedure where no such check is available?

- **Evidence of right to work in the UK**

Agreed, but this is already a statutory requirement in the Local Government (Miscellaneous Provisions) Act 1976 in conjunction with the Immigration Act 2016. Would the same provisions apply?

- **A group 2 Medical check (required on first application and then at intervals dependent on the age of the driver)**

Agreed

- **DVLA driver's licence check (required annually)**

We agree with this proposal although there is some question of whether DVLA driver checks should be carried out at the same frequency as DBS checks.

- **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 support the requirement for a regulated qualification, approved by the Welsh Government. Refresher training may also be supported, as an alternative to re-taking the full qualification periodically (every 6 years), and requirement to undertake CPD could also be considered. We would support the inclusion of basic English alongside Welsh as a minimum.

Consideration should be given to a sufficient phasing in period to allow existing drivers to obtain the qualification within a reasonable time frame.

- **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 agree that this training may be useful for drivers but note the comments from the LEP that private hire drivers are generally self-employed, and that this training should be incorporated within 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.**

There are differing views on this. On the one hand, it can be argued that taxi drivers should know the area and should not need to rely on digital navigation systems (this supports the use of local knowledge tests), but on the other hand, there is nothing to prevent taxi drivers from using navigation systems, and it is likely that many will do so in any case.

LEP members contend that all drivers should be offered dual licences and that the requirement for local knowledge testing is inexpensive and beneficial to the travelling public and the driver in undertaking their work.

We note that there is no mention of tax conditionality which is an existing mandatory requirement.

**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 support the general point raised by James Button for vehicles (both taxi and PHV):

Is it going to be made clear that once a vehicle has been licensed, it retains that status at all times, and must therefore only be driven by a licensed driver whatever it is being used for, and must display all prescribed signs and other identification at all times? This is the position under **Hawkins v Edwards** [1901] 2 KB 169 KBD and **Benson v Boyce** [1997] RTR 226 QBD. Will you also take the opportunity to extend the exemption to that rule for Taxis when being tested to PHV (schedule 7 Transport Act 1985)?

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

Agreed. However, it must be made clear that if the proprietor is a partnership (conventional or limited liability) or a limited company, a basic DBS is required for each partner, or director and secretary. Whenever a partner, director or secretary changes, or one is added or leaves, the local authority must be notified within a short period of time e.g. 7 days and a Basic DBS

provided. All Basic DBS certificates in respect of vehicle proprietors must be no more than 1 month old.

Comments for overseas criminal record checks are as above for drivers.

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

Agreed.

- **Roof lights not allowed on PHV**

Agreed.

- **All PHVs to display 'pre- booking only' signage**

We agree with this for normal PHVs, but will there be provisions to exempt vehicles used solely to undertake school contracts, VIP/executive hire and some other class B vehicles?

Will the design and size of signage be specified?

- **Vehicles to be tested to an agreed testing specification**

Agreed, but consideration should be given to costs of tests and the availability of testing centres able to carry out tests if the testing specification is more than the existing MOT standards. We would suggest that the testing standards are set at MOT level but carried out more frequently than the standard MOT requirements.

Checking of signage and other (non-MOT) requirements can be undertaken by licensing authority officers.

Will testing centres produce a Certificate of Fitness and an MOT? Will there be a standard pan- Wales charge for such tests?

- **Vehicle testing to be carried out at agreed intervals**

Agreed. As suggested above, consideration could be given to setting test frequencies according to the age of the vehicle. Consideration could also be given to testing requirements for public service vehicles with a view to providing a consistent testing requirement.

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

There are differing views on age limits, with some arguing that such limits are arbitrary and take no account of the condition and maintenance of the vehicle, while others support age limits with consideration given to the costs and expected lifespans of specialist vehicles, including WAV, which may be appropriately considered for exemptions from age limits.

We support the need for emission limits.

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

Agreed. Any vehicle with a taximeter set to a lower rate (possible under the ruling in **R v Liverpool City Council ex parte Curzon Ltd** (unreported 12<sup>th</sup> November 1983) QBD) must also display a table of the discounted fares, or such a table must be available to enable passengers to understand the charge shown on the meter.

- **All taxis to be fitted with a taximeter**

Agreed.

- **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'**

Agreed. Cards detailing the exemption in Braille should also be required to be carried in vehicles driven by those 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 will not require additional approval as long as they meet the criteria**

Agreed, but it must be made clear that unless the vehicle is brand new and has not been modified in any way, it must be tested before being licensed. It is also essential that the vehicle criteria is carefully considered and consulted on before being brought into force, and we support the LEP comments on this.

- **Methods of payment that should be available**

All vehicles must be capable of accepting card payments, as well as cash. Whilst there may be issues with connectivity in rural locations, this may have been overcome by the time this law is introduced. In any event, there needs to be a mechanism whereby payment can be made if no connection is available.

- **Vehicles must carry a first aid kit**

Agreed.

**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.**

- **A basic DBS check (repeated each renewal)**

As for vehicle proprietors, it must be made clear that if the operator is a partnership (conventional or limited liability) or a limited company, a basic DBS is required for each partner, or director and secretary. Whenever a partner, director or secretary changes, or one is added or leaves, the local authority must be notified within a short period of time e.g. 7 days and a Basic DBS provided. All Basic DBS certificates in respect of operators (including partners, directors and secretaries of limited companies) must be no more than 1 month old.

If the DBS is required only on initial application and subsequently on renewal, this would effectively mean every 5 years. There needs to be a requirement for a basic DBS to be provided annually. To enforce this, an amendment needs to be made to s62 Local Government (Miscellaneous Provisions) Act 1976 to enable immediate suspension or revocation of operators licences, as exists with drivers licences. Immediate suspension would then be used when the DBS was not provided. Otherwise, what is the sanction for non-compliance?

- **An overseas criminal record check (where applicable)**

Agreed

- **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 and support the LEP view that a single version of the qualification will avoid confusion and argument. Further information will be needed in relation to the regulation of the qualification, and consideration will need to be given to ensure that the training is accessible for those in more remote rural areas. The driver and operator qualifications need to co-ordinate to prevent unnecessary duplication.

- **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.**

Agreed. The policy should be the same as the Local Authority previous convictions policy, and failure on the part of the operator to apply it must lead to the LA determining whether the operator remains a fit and proper person to retain their licence. The IoL's [Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades](#) suggests:

'Operators must ensure that any staff that are used within the business (whether employee or independent contractors) and are able to access any information as described above are subject to the same standards as the operator themselves. This can be effected by means of the individual staff member being required by the operator to obtain a basic DBS certificate.

If an operator is found not to be applying the required standards and using staff that do not meet the licensing authority's overall criteria, that will lead to the operator's licence being revoked'

- **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. 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.**

Agreed, but notification to the LA should be triggered by the complaint rather than any subsequent dismissal, on or before the end of the working day, or immediately on the commencement of the next working day (office hours).

- **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.**

Agreed. We support the views of the LEP that the operator standards should be set through statutory guidance or regulation. In addition there should be a standard for booking records, and mandated retention periods for records.

**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?**

This is an area of differing views. We have mentioned already that where standards are set with a view to providing minimum standards, there will inevitably be inconsistencies between licensing authorities, with some imposing higher standards. This will lead to licence shopping as applicants and licence holders seek to avoid additional costs etc.

That said, there are some areas where licensing authorities might have good reason to impose local requirements. Examples of this can include in-vehicle CCTV, livery requirements etc. Will there be complete discretion given to local authorities to impose additional standards, or will there be a finite list of possibilities?

We support the LEP submission that local discretion be retained for livery, back plate and door signage and agree that any attempt to impose a Wales wide standard on this will potentially have unnecessary cost implications for the industry.

There are further considerations in relation to "Local standards" which have not been addressed or explained.

How will they be implemented? Will it be for the local authority to include these proposals in their Taxi and PHV policy? If so, that would be susceptible to challenge by way of judicial review. It would appear that if there was no such challenge, under the ruling in **R (app Simmonds) v The Crown Court at Guildford** 28<sup>th</sup> September 2017 Admin Crt (unreported), it

would be very difficult to challenge any such condition attached to a licence. This assumes that the power to attach conditions that are “reasonably necessary” for both hackney carriages (taxis) and PHVs in sections 47 and 48 Local Government (Miscellaneous Provisions) Act 1976 will continue.

If that is the case, will there be any right of appeal against such conditions, and if so, to where?

If that is not the case, how are such conditions going to be identified and then attached to licences? Is any additional condition going to need the approval of Welsh government (similar to the current system for approving hackney carriage byelaws)? Will there be any rights of appeal or other mechanism to challenge any such additional conditions?

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

We agree that taxi and PHV licensing should remain with local authorities. In Wales, this relates exclusively to unitary authorities.

We note the comments from James Button in his response relating to licence fees:

In relation to the assertion that a lower licence fee would be payable for additional drivers’ licences in other local authority areas, I do not understand the rationale behind this. The licence fee covers the costs of administration, which will remain reasonably similar in each authority. The additional costs that you suggest would not be required for additional licences e.g. medical certificates, DBS certificates, should not be charged as part of the licence fee anyway, but as pre-application costs.

LEP members raise concerns about any suggestion that local authorities should automatically issue a licence based on the fact that another authority has licensed the individual and we agree that this should be subject to further consultation, and also that any complication of the licence fee structure should be avoided.

**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.**

There are differing views on this proposal and we note that the LEP do not support the proposal which they consider will add complication to the informal procedures that are already in place between local authorities in Wales

We refer to the comments from James Button in his response relating to the issues that need to be addressed if cross border enforcement is implemented:

- How will the costs of the “remote” authority in undertaking such enforcement be covered? This can be a significant burden and there needs to be mechanism to obtain recompense from the “home” authority.
- Who do you propose identifies the “appropriate sanction”? Do you see this at officer level or member level?
- Likewise, to enable the “home” authority to take action within 21 days, these powers would need to be delegated to officers.
- Do you envisage any mechanism whereby the remote authority could challenge the decision of the home authority if no sanction is imposed?
- Do you envisage any mechanism whereby the decision of the remote authority could be challenged by the licensee?

**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.**

Yes - it is essential that action can be taken where there is an immediate risk to public safety. Would the right of appeal against the immediate sanction lie with the “remote” authority that initiated the action or with the “home” authority? Would there also be a means of lifting the suspension in the event that the public safety risk is quickly and effectively addressed?

LEP members raise concerns about the home local authority having the power to reverse the decision to suspend a vehicle licence, and also the need for a confirmation process, pointing out the prospect of unnecessary challenges and potential court appeals.

All the other points made in the answer to question 9 also apply here:

- How will the costs of the “remote” authority in undertaking such enforcement be covered? This can be a significant burden and there needs to be mechanism to obtain recompense from the “home” authority.
- Who do you propose identifies the “appropriate sanction”? Do you see this at officer level or member level?
- Likewise, to enable the “home” authority to take action within 21 days, these powers would need to be delegated to officers.
- Do you envisage any mechanism whereby the remote authority could challenge the decision of the home authority if no sanction is imposed?
- Do you envisage any mechanism whereby the decision of the remote authority could be challenged by the licensee?

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

There are varied responses to this proposal, with some considering that FPNs would be a welcome sanction, while others have concerns that the administrative burden to licensing authorities would outweigh any benefits.

The majority of LEP members preferred the penalty points scheme as an option instead of fixed penalty notices (FPNs) and pointed out that the types of infringements for both are of a similar level (minor) when considering public safety.

If the decision is to proceed with FPNs, detailed guidance will be needed alongside clear processes:

- Will a fixed penalty notice only be available for a 1st offence?
- Will a fixed penalty notice only be capable of being issued by the authority that licences the driver or vehicle?
- If a fixed penalty notice can be issued by any local authority, how will the issue of that notice be reported to the “home” authority?
- Will there be any indication in the legislation as to the total number of fixed penalty notices that can be accrued before action is taken against the licence, will that be left to the “home” authority to determine?

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

Penalty point schemes have been used successfully by a number of licensing authorities in England and Wales. The following questions are relevant:

- Can penalty points be issued by enforcement officers in any local authority, or only in the “home” authority?
- If only in the “home” authority, why?
- If they can be issued by officers in any local authority, how will those penalty points be reported to the “home” authority to enable them to keep a running tally of how many points the licensee has accrued?
- Will there be a mechanism whereby the costs of the issuing authority will be reimbursed by the home authority?

A well-constructed penalty points scheme includes a right of appeal against the imposition of penalty points to either a senior officer or a sub-committee. At that appeal the deciding body can uphold the penalty points imposed, reduce or remove the penalty points imposed, increase the penalty points imposed or apply any other sanction (e.g. suspension, revocation). Assuming that the national scheme will have that mechanism, where will that appeal lie? To the issuing authority or the “home” authority? Again, how will the costs of any such appeal be apportioned between the “home” and the “remote” authorities?

**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 support the comments made by James Button:

- Option number 1 of holding operators to account for cancelled bookings seems the most effective mechanism. Again, this raises a number of further points.
- Operators will have to be certain that they have sufficient control over their drivers. This may mean that drivers have to be employees and operators will have to accept the consequences of that.

Alternatively, drivers could be workers or self-employed, but the contractual arrangements between the operator and the drivers must be both clear and enforceable.

- As the High Court has made it clear in *R (app UTAG) v Transport for London* [2022] LLR 313 Admin Crt that the licensing authority must examine and be satisfied with the contractual arrangements between operators and their drivers, this may not prove as problematic as it might seem.

**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.**

Cross border hire is an area of contention and much debate under the current licensing system, and it will be even more relevant in relation to the border between England and Wales once Wales is operating under different licensing arrangements.

One of the main incentives for cross bordering is licensing requirements, costs and processing times. If authorities are able to impose different standards on their licensees (see question 7 above) “licence shopping” within Wales will be just as prevalent as it will be across the Wales/England border.

In relation to the Wales/England border, option A leads to a number of questions.

- Within the White Paper there are varying references to “wholly or mainly”, “mainly” and “the majority”. This needs to be clarified. The majority of journeys is 51%, but that appears to fall significantly short of “mainly” which in turn is probably a much lower number than “wholly or mainly”.
- Over what period of time will this be analysed? Daily, weekly, monthly, quarterly, annually?
- What retrospective sanction can be imposed if the analysis shows that an unacceptable level of cross-border activity took place?

We note the suggestion for an alternative Option ‘C’ from the LEP.

In conclusion, we consider that the matters relating to cross bordering require further consultation and potentially piloting of arrangements in Flintshire and other border areas. It is recommended that the DfT are engaged in these discussions.

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

Yes. All 22 local authorities in Wales are already signed up to use the NR3 database and the majority have uploaded historic data.

**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.**

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

We support the views of the LEP that it is a matter for Welsh Government to determine the appropriate timescales and mechanisms for transitioning to ZEV vehicles, and that any proposals must consider the financial implications to the industry.

In addition, the White Paper does not give any indication of what action (if any) is going to be taken to improve infrastructure for the taxi and PHV industry to enable the use of ZEV.

There is also no mention of the costs to the industry apart from the reference to “potential long-term financial savings”. There are also serious questions over the viability of a second-hand market for these vehicles when battery life is significantly limited.

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

We support the comments made by James Button:

There are certainly good arguments for certain types of vehicle to be licensed in either a different way, or for certain requirements placed on mainstream taxi and PHV vehicle and driver licences to be relaxed. However, classifying this eclectic range of vehicles and activities together in one “class B” does not necessarily seem to be the best approach.

It is stated that vehicles in the class B category could “undertake taxi or PHV activities”. Surely this should only be private hire activity? The idea of any of these categories of vehicle undertaking there and then hirings seems ridiculous.

The list also conflates types of vehicle (a) Novelty vehicles; b) Classic and speciality cars; c) Limousines that have fewer than 9 seats; d) Horse and carriage; e) Motorised tuk-tuks/rickshaws; f) Non-motorised pedi-cabs) with activities undertaken by more regular vehicles (g) vehicles used solely for VIP/executive hire; h) specialist vehicles solely used for community/school transport). These need to be separated and separately evaluated. We note as well that LEP members have suggested the inclusion of Omnibuses.

There is no mention of safety checks or requirements for these vehicles. Motorised tuk-tuks are generally reckoned to be extraordinarily dangerous vehicles.

There should also be consideration for non-specialist vehicles which are still only used for community/school transport.

There is also no mention of any “restricted” or “class B” drivers’ licences.

There are a number of categories which are not addressed and these include:

- vehicles using connections with weddings;
- vehicles used in connection with funerals;
- vehicles used to move guests around on game shooting locations

These are all commercial and pre-arranged, so PH activity under current and your proposed law.

Finally, are you going to allow the use of motorbikes as licensed vehicles, or are they going to be prohibited?

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

We would refer to the comments made by LEP members in relation to the draft RIA.

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

We would refer to the comments made by LEP members in relation to the draft RIA.

**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?**

No Comments

**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.**

No Comments

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

We support the comments made by James Button and by the LEP in relation to other matters warranting consideration. The IoL would be happy to work with the Welsh Government in developing these proposals.

## **James TH Button, Solicitor**

I have one overall comment/question which relates to all the proposals in the White Paper, which is this. How is this going to be achieved? Obviously the proposals will modify both the primary pieces of legislation, namely Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976. Are you proposing to re-enact these, possibly combined, as Wales law, incorporating all the alterations? Or will it be necessary to read those existing laws alongside the new legislation? If the latter, it will be extremely confusing. For instance, all references to “hackney carriage” would have to be construed as references to “taxi”, and there are countless other examples. Therefore I would urge you to adopt the

former approach. This would also give you the opportunity to introduce some other, minor amendments to improve the current situation. I have made some suggestions which you will find at the end of this response.

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.

The proposed definitions are as follows:

- Taxi - Motorised vehicles that are constructed or adapted with fewer than nine passenger seats, provided for there and then and pre-booked hire purposes with a driver, for the purpose of carrying passengers for commercial gain.
- PHV - Motorised vehicles that are constructed or adapted with fewer than nine passenger seats, provided for pre-booked hire purposes with a driver, for the purpose of carrying passengers for commercial gain.

I fully appreciate the intention to update the definitions of both a hackney carriage and a private hire vehicle, but I do foresee some issues with the proposals.

The reference to “Commercial gain” may well lead to arguments along the lines of “there was no gain, as I simply recovered costs”, or, even if there was a gain, “it is not commercial, simply a hobby”. This might be overcome by using the term “commercial or private gain or reward”.

In relation to the definition of “there and then hire:  
“The hire of a taxi in person for immediate travel, by a hirer in the location of the vehicle; either on the street (including private land to which the public have access) or by hailing an available taxi.”

Do you intend to modify the definition of “street” in s3 Town Police Clauses Act 1847 to overcome the issues raised by the decisions in *Young v Scampion* [1989] RTR 95 and *Eastbourne Borough Council v Stirling* [2001] RTR 7? If not, I suggest that it needs to be made clear that public access to the land in question is as of fact, not as of right.

There is no indication of any attempt to control where PHVs can wait (or not) for a hiring to be communicated to the driver. So although you have altered the definition to remove “plying or standing for hire”, you will still be relying on the case law relating to plying and standing for hire e.g. *Milton Keynes Borough Council v Barry* (unreported, 3 July 1984), *Reading BC v Ali* [2019] RTR 31 Admin Crt and *R (App UTAG Ltd) v TfL* [2022] LLR 141 CA. This seems ridiculous if the aim is “to make enforcement easier”, and needs to be addressed in any new law.

You state that a PHV driver cannot accept a booking on behalf of the operator, but no mention is made of “one-man-band” operators who are also the driver. They could accept the booking and record the information before the hiring commences. Or are you proposing that such a booking can only be recorded at the operators licensed address? If so, again, how will you address small operators who divert their telephone to a mobile telephone? Again, this needs to be addressed.

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.

Overall, yes, these are required.

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.

I see no reason why there should not be standard dual licences, also with the requirement to issue a stand alone PHV drivers licence (e.g. for drivers who only undertake school contracts). The standards for a stand alone taxi driver licence must exceed the stand alone PHV licence (if not, why bother) so I cannot see that combining the two would affect anyone. That would also make it easier for local authorities.

There is no reference to any form of "restricted PHV" drivers licence for those who only undertake Local Education Authority home to school contracts. This is probably the most common reason why people only want a PHV drivers' licence. See my comments on Class B vehicles below.

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.

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

Agreed, but how do you intend this to be enforced? 6 month licences, or automatic powers to enable the local authority to check the DBS record. This has been highlighted in the recent DBS Review.

**An overseas criminal record check (where applicable)**

Agreed, but where and when will this be applicable? This needs to be detailed in the legislation. What overseas checks will be acceptable, and how should they be verified? What happens if no such check is available?

**Evidence of right to work in the UK**

Agreed, but this is already a statutory requirement in the Local Government (Miscellaneous Provisions) Act 1976. I assume the same provisions would apply.

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

Agreed, but what intervals and at what ages? This needs to be detailed in the legislation. There also needs to be a requirement for mandatory reporting by the driver of specified conditions which would affect their driving or safety.

**DVLA driver's licence check (required annually)**

Agreed.

**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**

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.

Again, agreed but I have some comments. Who will regulate the qualification? How will you ensure it is available in rural areas without imposing significant travel costs on applicants/licensees? I suggest basic English is required alongside basic Welsh. Why does a private hire driver need numeracy skills (as this is intended to apply to all drivers)?

**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**

Agreed but I suggest numeracy skills should be moved to here.

**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 prebooking element and widespread use of digital navigation systems allows for effective route planning.**

The use of "digital navigation systems" is not exclusive to private hire drivers. Most existing hackney carriage ("taxi" under your proposals) drivers already use them. Is there any really justified requirement for knowledge tests?

Other matters not mentioned:

Tax conditionality is already a mandatory requirement but not mentioned.

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.

A general point on vehicles (both taxi and PHV). Is it going to be made clear that once a vehicle has been licensed, it retains that status at all times, and must therefore only be driven by a licensed driver whatever it is being used for, and must display all prescribed signs and other identification at all times? This is the position under **Hawkins v Edwards** [1901] 2 KB 169 KBD and **Benson v Boyce** [1997] RTR 226 QBD. Will you also take the opportunity to extend the exemption to that rule for Taxis when being tested to PHV (schedule 7 Transport Act 1985)?

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

Agreed. However it must be made clear that if the proprietor is a partnership (conventional or limited liability) or a limited company, a basic DBS is required for each partner, or director and secretary. Whenever a partner, director or secretary changes, or one is added or leaves, the local authority must be notified within a short period of time e.g. 7 days and a Basic DBS provided. All Basic DBS certificates in respect of vehicle partners must be no more than 1 month old. Comments for overseas criminal record checks are as above for drivers.

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

Agreed. Are these to be of a specified design and size?

**• Roof lights not allowed on PHV**

Agreed.

**• All PHVs to display 'pre-booking only' signage**

Agreed as far as "mainstream" or "conventional" PHV's are

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.

concerned. Are these to be of a specified design and size?  
In relation to vehicles used solely to undertake school contracts, VIP/executive hire and some other class B vehicles, this does not seem necessary.

In particular, in relation to school contracts vehicles, anything that reduces the stigma for children being transported by those vehicles private vehicle as opposed to a commercial PHV must be seen as a positive step.

• **Vehicles to be tested to an agreed testing specification**

Agreed. Where will such testing be carried out? Will it produce a Certificate of Fitness and an MOT? Will there be a standard pan- Wales charge for such tests?

• **Vehicle testing to be carried out at agreed intervals**

Agreed. However it is important to consider the intervals carefully. Mileage covered is a better trigger than time elapsed, although if the specified mileage is not reached, there need to be checks at specified time periods. PSVs are checked every 6 weeks, and it is difficult to see any reason why taxis and PHVs, which are also part of the public transport system, should be subject to the same frequency.

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

Age limits are arbitrary and take no account of the maintenance of the vehicle. All LAs must be provided with the full service history for every vehicle, which must meet the manufacturers specification. Emission limits are sensible, but there must be consideration of the costs and expected lifespans of specialist vehicles, including WAV.

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

Agreed. Any vehicle with a taximeter set to a lower rate (possible under the ruling in **R v Liverpool City Council ex parte Curzon Ltd** (unreported 12th November 1983) QBD) must also display a table of the discounted fares, or such a table must be available to enable passengers to understand the charge shown on the meter.

• **All taxis to be fitted with a taximeter**

Agreed.

• **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'**

Agreed. Cards detailing the exemption in Braille should also be required to be carried in vehicles driven by those 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 will not require additional approval as long as they meet the criteria**

Agreed, but it must be made clear that unless the vehicle is brand new, it must be tested before being licensed.

• **Methods of payment that should be available**

All vehicles must be capable of accepting card payments, as well as cash. Whilst there may be issues with connectivity in rural locations, this may have been overcome by the time this law is introduced. In any event, there needs to be a mechanism whereby payment can be made if no connection is available.

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.

• **Vehicles must carry a first aid kit**

Agreed.

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.

**A basic DBS check (repeated each renewal)**

Agreed, but why is this wording different from that for vehicle proprietors (All proprietors to submit a basic criminal record check prior to their application (repeated each renewal) and where necessary an overseas criminal record check.)? All comments on this as for my comments for vehicle proprietors above.

In addition, as this is proposed, the basic DBS will only be provided every 5 years, as a PH operators licence can be granted for up to 5 years. So either the licence period needs to be reduced to a maximum of one year, with a Basic DBS every renewal, or there needs to be a requirement for a basic DBS to be provided annually. To enforce the latter approach, an amendment needs to be made to s62 Local Government (Miscellaneous Provisions) Act 1976 to enable immediate suspension or revocation of operators licences, as exists with drivers licences. Immediate suspension would then be used when the DBS was not provided. Otherwise, what is the sanction for non-compliance?

• **An overseas criminal record check (where applicable)**

Agreed subject to my comments above on overseas criminality checks.

• **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.**

Again, agreed but I have some comments. Who will regulate the qualification? How will you ensure it is available in rural areas without imposing significant travel costs on applicants/licensees? The driver and operator qualifications need to co-ordinate to prevent unnecessary duplication.

• **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.**

Agreed. The policy should be the same as the Local Authority previous convictions policy, and failure on the part of the operator to apply it must lead to the LA determining whether the operator remains a fit and proper person to retain their licence.

• **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. 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.**

Agreed, but notification to the LA should be on or before the end of the working day, or immediately on the commencement of the next working day (office hours). In addition, notification should only be for matters concerning public safety, not e.g. poor timekeeping.

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.

• **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.**  
Agreed.

Additional matters:

The operator must nominate an individual who is in overall control of the firm, with a nominated deputy to cover for days off, sickness etc.  
There needs to be a standard for records of bookings, what should be recorded, how long they should be retained etc.

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

This power should be available for local authorities, but it must be recognised that this may or will lead to licence shopping.

It also leads to questions as to whether there will be complete discretion given to local authorities to impose additional standards, or will there be a finite list of possibilities?

In relation to areas this might address, the examples given in the consultation paper are not clear.

- What is meant by "mandating particular safety technologies"?
- Is "livery/branding" for taxis, PHV, operators?
- Vehicle emissions has already been covered in vehicle standards.

There are further considerations in relation to "Local standards" which have not been addressed or explained.

How will they be implemented? Will it be for the local authority to include these proposals in their Taxi and PHV policy? If so, that would be susceptible to challenge by way of judicial review. It would appear that if there was no such challenge, under the ruling in **R (app Simmonds) v The Crown Court at Guildford** 28th September 2017 Admin Crt (unreported), it would be very difficult to challenge any such condition attached to a licence. This assumes that the power to attach conditions that are "reasonably necessary" for both hackney carriages (taxis) and PHVs in sections 47 and 48 Local Government (Miscellaneous Provisions) Act 1976 will continue.

If that is the case, will be any right of appeal against such conditions, and if so, to where?

If that is not the case, how are such conditions going to be identified and then attached to licences? Is any additional condition going to need the approval of Welsh government (similar to the current system for approving hackney carriage byelaws)? Will there be any rights of appeal or other mechanism to challenge any such additional conditions?

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

I agree that taxi and PHV licensing should remain with local authorities. In relation to the assertion that a lower licence fee would be payable for additional drivers' licences in other local authority areas, I do not understand the rationale behind this. The licence fee covers the costs of administration, which will remain reasonably similar in each authority. The additional costs that you suggest would not be required for additional licenses e.g. medical certificates, DBS certificates, should not be charged as part of the licence fee anyway, but as preapplication costs.

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.

This proposal seems attractive and there are sound reasons behind it, but there are issues that need to be addressed.

How will the costs of the "remote" authority in undertaking such enforcement be covered? This can be a significant burden and there needs to be mechanism to obtain recompense from the "home" authority.

Who do you propose identifies the "appropriate sanction"? Do you see this at officer level or member level?

Likewise, to enable the "home" authority to take action within 21 days, these powers would need to be delegated to officers.

Do you envisage any mechanism whereby the remote authority could challenge the decision of the home authority if no sanction is imposed?

Do you envisage any mechanism whereby the decision of the remote authority could be challenged by the licensee?

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.

Again, this seems sensible and justified, but there are a number of questions that it raises.

Where does the right of appeal against immediate sanction lie? With the "remote" authority that initiated the action or with the "home" authority?

All the other points made in the answer to question 9 also apply here.

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

Again this is a good idea, but far more detail is required. A number of questions arise:

Will a fixed penalty notice only be available for a 1st offence?

Will a fixed penalty notice only be issue able by the authority that

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

licences the driver or vehicle?

If a fixed penalty notice can be issued by any local authority, how will the issue of that notice be reported to the “home” authority?

Will there be any indication in the legislation as to the total number of fixed penalty notices that can be accrued before action is taken against the licence, will that be left to the “home” authority to determine?

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

Yes, I think a national penalty points scheme is a good idea. Again, a number of questions are raised by this proposal.

Can penalty points be issued by enforcement officers in any local authority, or only in the “home” authority?

If only in the “home” authority, why?

If they can be issued by officers in any local authority, how will those penalty points be reported to the “home” authority to enable them to keep a running tally of how many points the licensee has accrued? Will there be a mechanism whereby the costs of the issuing authority will be reimbursed by the home authority?

A well constructed penalty points scheme includes a right of appeal against the imposition of penalty points to either a senior officer or a subcommittee. At that appeal the deciding body can uphold the penalty points imposed, reduce or remove the penalty points imposed, increase the penalty points imposed or apply any other sanction (e.g. suspension, revocation). Assuming that the national scheme will have that mechanism, where will that appeal lie? To the issuing authority or the “home” authority? Again, how will the costs of any such appeal be apportioned between the “home” and the “remote” authorities?

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.

Option number 1 of holding operators to account for council bookings seems the most effective mechanism. Again, this raises a number of further points.

Operators will have to be certain that they have sufficient control over their drivers. This may mean that drivers have to be employees and operators will have to accept the consequences of that. Alternatively, drivers could be workers or self-employed, but the contractual arrangements between the operator and the drivers must be both clear and enforceable.

As the High Court has made it clear in **R (app UTAG) v Transport for London** [2022] LLR 313 Admin Crt that the licensing authority must examine and be satisfied with the contractual arrangements between operators and their drivers, this may not prove as problematic as it

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.

might seem.

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.

Why is there no question relating to cross-border hiring within Wales? If authorities are able to impose different standards on their licensees (see question 7 above) "licence shopping" within Wales will be just as prevalent as it will be across the Wales/England border.

In relation to the Wales/England border, option a appears to be the better proposal, but again this leads to a number of questions.

Within the White Paper there are varying references to "wholly or mainly", "mainly" and "the majority". This needs to be clarified. The majority of journeys is 51%, but that appears to fall significantly short of "mainly" which in turn is probably a much lower number than "wholly or mainly".

Over what period of time will this be analysed? Daily, weekly, monthly, quarterly, annually?

What retrospective sanction can be imposed if the analysis shows that an unacceptable level of cross-border activity took place?

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

Yes. This should be brought in without delay to ensure that the same process in Wales is used as is now used in England (from 27th April 2023).

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.

Whilst I feel that action should be taken to encourage the use of lower emission vehicles in the taxi and PHV industry, there are serious questions over the possibility of ZEV within any realistic timescale.

The White Paper does not give any indication of what action (if any) is going to be taken to improve infrastructure for the taxi and PHV industry to enable the use of ZEV.

There is also no mention of the costs to the industry apart from the reference to "potential long-term financial savings". There are also serious questions over the viability of a second-hand market for these vehicles when battery life is significantly limited.

Accordingly I feel that the most viable answer is c) do something else

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

There are certainly good arguments for certain types of vehicle to be licensed in either a different way, or for certain requirements placed on mainstream taxi and PHV vehicle and driver licences to be relaxed. However classifying this eclectic range of vehicles and activities together in one "class B" does not necessarily seem to be the best approach.

It is stated that vehicles in the class B category could "undertake taxi or PHV activities". Surely this should only be private hire activity? The idea of any of these categories of vehicle undertaking there and then hirings seems ridiculous.

The list also conflates types of vehicle (a) Novelty vehicles; b) Classic and speciality cars; c) Limousines that have fewer than 9 seats; d) Horse and carriage; e) Motorised tuk-tuks/rickshaws; f) Non-motorised pedi-cabs) with activities undertaken by more regular vehicles (g) vehicles used solely for VIP/executive hire; h) specialist vehicles solely used for community/school transport). These need to be separated and separately evaluated.

There is no mention of safety checks or requirements for these vehicles. Motorised tuk- tuks are generally reckoned to be extraordinarily dangerous vehicles.

There should also be consideration for non-specialist vehicles which are still only used for community/school transport.

There is also no mention of any "restricted" or "class B" drivers licences.

There are a number of categories which are not addressed and these include:

- vehicles using connections with weddings;
- vehicles used in connection with funerals;
- vehicles used to move guests around on game shooting locations

These are all commercial and pre-arranged, so PH activity under current and your proposed law.

Finally, are you going to allow the use of motorbikes as licensed vehicles, or are they going to be prohibited?

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

No

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

No

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?

I do not feel qualified to answer this 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.

I do not feel qualified to answer this question.

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

I have one overall comment/question which relates to all the proposals in the White Paper, which is this. How is this going to be achieved? Obviously the proposals will modify both the primary pieces of legislation, namely Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976. Are you proposing to re-enact these, possibly combined, as Wales law, incorporating all the alterations? Or will it be necessary to read those existing laws alongside the new legislation? If the latter, it will be extremely confusing. For instance, all references to "hackney carriage" would have to be construed as references to "taxi", and there are countless other examples. Therefore I would urge you to adopt the former approach. This would also give you the opportunity to introduce some other, minor amendments to improve the current situation.

Given that this is likely to be a once in a generation (if not lifetime) opportunity to amend and update the law relating to taxi (hackney carriage) and private hire activity in Wales, it would be a shame to waste the opportunity to make other minor amendments to the existing legislation (Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976 ) to improve it significantly. I would make the following suggestions:

The Local Government (Miscellaneous Provisions) Act 1976 should be enacted as national (Welsh) legislation, thereby removing the necessity to demonstrate adoption in relation to enforcement proceedings.

The power of local authorities to make hackney carriage byelaws should be abolished, and all existing byelaws should be incorporated into the primary legislation, with a sensible (? Level 3) criminal sanction and (under your proposals) a fixed penalty possibility.

Breach of licence conditions should be a criminal offence, again with a sensible (? Level 3) criminal sanction and (under your proposals) a fixed penalty possibility.

Sections 53 and 70 of the Local Government (Miscellaneous Provisions) Act 1976 should be amended to enable the local authority to charge a "reasonable" licence fee. This would enable full cost recovery using the "maintenance charge" approach identified by the Supreme Court in **R (app Hemming and Ors) v Westminster City Council** [2017] 3 WLR 342 SC

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

The Safeguarding Vulnerable Groups Act 2006 should be amended to ensure that all Taxi drivers (hackney carriage and private hire) undertake regulated activity, thereby eradicating the need for 2 enhanced DBS checks.

Enhanced DBS checks should be made mandatory for private hire operators and all vehicle proprietors.

There needs to be a clear renewal mechanism contained within the primary legislation whereby provided an application to renew a licence has been made before the expiry of the current licence, the existing licence is deemed continue on the same terms and conditions until the renewal is determined. This exists in almost every other licensing regime where licences are required to be renewed.

## Jeremy Ferguson

Name

Jeremy Ferguson

Are you responding for yourself or for an organisation? If an organisation, which?

Self

Which of the following best describes you?

I am a taxi / PHV passenger

**Local Authority**  
Torfaen

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.

Yes

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.

Yes

**Comments:**

There should be National standards rather than the present where different councils have completely different rules regarding age of vehicle when purchased and also the maximum age that a vehicle can operate. For example the maximum age in Torfaen is 8 years which can be extended to 10 years with inspections and increased MOT'S. Newport Council does not have the same age restriction but also

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.

operates in the Torfaen area. There are also differing rules regarding penalty points on Licences. Torfaens limit is 7 points with which a drivers Hackney or PH license can be revoked. This is totally unfair. There are other rules which seem to differ between councils. Drivers move between areas to beat the system it seems.

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.

Yes

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.

Yes

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.

Yes

No

**Comments:**

Minimum and maximum age of vehicles should be standardised. It is unfair that rules differ from council to council

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.

Yes

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

No

**Comments:**

Standards should be the same in every area.

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

No

**Comments:**

Standardised rules and regulations should be managed at a national level.

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.

Yes

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.

Yes

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

Yes

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

Yes

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.

Yes

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.

Yes

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

Yes

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.

b. set an age limit for vehicles which are not ZEV

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

Yes

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

*No Response*

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

*No Response*

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?

*No Response*

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.

*No Response*

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

*No Response*

# John Rigdon

Name
John rigdon

Are you responding for yourself or for an organisation? If an organisation, which?
Self

Which of the following best describes you?
I work in the taxi / PHV trade

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.
<i>No Response</i>

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.
No
<b>Comments:</b> How can us taxi drivers afford to change our vehicles every 2 years ? It will put a lot of drivers off the road

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.
Yes

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.
<i>No Response</i>

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.

*No Response*

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.

*No Response*

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

*No Response*

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

*No Response*

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.

*No Response*

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.

*No Response*

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

*No Response*

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

*No Response*

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.

*No Response*

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.

*No Response*

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

*No Response*

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.

c. do something else

**Comments:**

All these taxis are being tested a few times every year and safer than most cars on the road today

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

*No Response*

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

*No Response*

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

*No Response*

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?

*No Response*

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.

*No Response*

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

*No Response*

## Kevin Heath

Name

kevin heath

Are you responding for yourself or for an organisation? If an organisation, which?

Self

Which of the following best describes you?

Other

**Local Authority**  
Newport City Council

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.

No

**Comments:**  
re Uber v Sefton Council is currently in consideration by a judge over the current definition of booking a

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.

private hire vehicle.

Uber argues that as bookings can only be booked by a private hire operator then the operator is the principal agent in the booking with the passenger. This is supported by the unions and is the currently accepted booking arrangement. If the judge rules in this favour then Private Hire Operators will need to charge VAT on the fare. Unions support this definition as it will provide legal arguments for all private hire drivers to be classed as workers in the same way Uber drivers are.

Sefton Council with support of local private hire operators has argued that Operators are not acting as principal agents. The part of the LA act that requires all private hire bookings to be placed directly with the private hire operator is misreading the relevant passage - Section 56 (1) of the 1976:

"For the purposes of this Part of this Act every contract for the hire of a private hire vehicle licensed under this Part of this Act shall be deemed to be made with the operator who accepted the booking for that vehicle whether or not he himself provided the vehicle."

This is the basis under which for over 40 years private hire drivers have not been able to take bookings from passengers directly and all bookings for private hire vehicles must go through a private hire operator.

Sefton Council argument is that there are 2 parts to the process of booking a private hire vehicle. The regulated part is the 'invitation to book' ie the advertising and promoting to be able to book a private hire car

The second part of the booking ie 'the acceptance' of a booking is not regulated and anyone can take acceptance of a booking - including private hire drivers parked up. Because other people can accept a private hire booking it means that Private Hire Operators can not be considered the principal agent of a booking as others can take bookings on their behalf.

The Uber v Sefton Council case is to formalize the definition of what and how a Private Hire Operator is. If the judge rules to keep things as they are then operators must charge VAT on bookings, if the judge rules with Sefton Council then private hire drivers will legally be able to take bookings on the street on behalf of a private hire operator.

My question on this consultation is will the Welsh Government clarify the definition of a private hire booking and the role that private hire operators take on in that booking?

Will private hire operators be classed as the principal in the contract with passengers and so require VAT to be paid by the operator (as is currently the case in London private hire operators) or will private hire operators not be designated as the principal in the contract which will then allow private hire drivers to accept bookings on behalf of the operator when on the street.

In the future private hire operators, if deemed to be principal in the contract, like Uber could be required to consider their drivers as workers, which is why the unions are in the rare position of supporting Uber on this. It opens up the opportunity for drivers of local private hire companies to get the same benefits as uber drivers ie national minimum pay guarantees, holiday pay entitlement, and pension contributions.

The judgement on this case was due in December as it was heard in November but it still has not been made public.

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.

Yes

**Comments:**

It should be a national licensing scheme and a badge awarded in one area of Wales should be valid in other areas. I applied back in October for my private hire badge and still waiting for my exams due at the end of this month and then the other formalities could mean over 7 months from the start of the application to the beginning of work. This is way too long.

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.

Drivers should be able to shop around local authorities to see who has the shortest waiting lists so they can get to work quickly and earning money to support their families.

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.

Yes

**Comments:**

There should be national licenses that can be used across Wales and not restricted to separate local authority areas.

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.

Yes

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.

Yes

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.

Yes

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

No

**Comments:**

There should be national standards to be met. That way everyone knows what the situation is. If there is a need for additional standards then this should be incorporated into national standards.

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

Yes

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.

Yes

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.

Yes

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

Yes

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

Yes

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.

Yes

**Comments:**

Some app companies, for example, Uber, monitor the cancellation rate of drivers and will remove drivers from the app when their cancellation rate exceeds a minimum level.

Provided it is clearly stated in the legislation that private hire companies are principals in the contract (and need to charge VAT if over the threshold) then the operators can be held liable and be required to tighten up on the cancellation rate to maintain their operator's license.

Cancellations and no-shows have been a bane of private hire drivers since the start of the industry. In the same way in traditional bookings, you would always get runners from passengers who do not pay, now it's people who lie to app companies to get a refund on their fare.

You are never going to be able to tackle poor drivers and bad customers.

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.

Yes

**Comments:**

We really do not want to start getting involved in tit-for-tat politics with LA's in England. Can you imagine the issues if LA such as Herefordshire or Bristol refused to let Welsh taxis into their areas?

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.

Many years ago when I was last a private hire driver in Wales I used to regularly pick up and drop off customers entirely within England - Heathrow to Birmingham or Manchester - were regular trips because the head office of the company that people worked for was in Cardiff. Would that be possible if London decided to no longer allow welsh private hire cars and taxis to go into their area in retaliation?

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

Yes

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.

b. set an age limit for vehicles which are not ZEV

**Comments:**

It would be very difficult to go all-electric for a lot of people. I hope to get my private hire license soon and would like to run an ev such as the MG5 but it is not practical. I live in a flat with no charging facilities, using fast charge public points is now more expensive than filling up with petrol and would involve me having to sit around for the first hour of my working day waiting for a charge - this will have to be priced into my labour costs.

My experience of previously driving private hire in Wales s that the distances on some jobs are too great for fully ev vehicles. A round trip to Heathrow or Birmingham airport would be very difficult to do from Newport and even less likely from anything further west.

I would agree and support a requirement for all private hire vehicles to be hybrids within say 7 years but EV at the moment is not an option for those without a house and driveway for overnight charging.

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

Yes

**Comments:**

I would support this. One of the things I've looked at is buying a 16-seater minibus and removing the rear seats to bring it down to 8 seats. The additional space would then have cycle straps in to hold 6 cycles. I could then operate 'taxibus' trips to local cyclists etc. But because the vehicle is not a 'standard' 8 seater the local authority said they would not be able to plate it and I would have to get it plated with the Department of Transport.

Allowing 'non-standard' vehicles to be plated could offer up lots more opportunities for drivers to diversify and provide specialist services to the public.

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

*No Response*

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

*No Response*

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?

*No Response*

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.

*No Response*

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

I would like much clearer information on what makes up a 'taxibus' and if private hire drivers can set up a route - eg a Sunday shuttle service between Newport and Cwmcarn Forest Mountain Bike track - or can it only be set up and run by taxis or private hire operators.

## Khalil Ahmed

Name

Khalil Ahmed

Are you responding for yourself or for an organisation? If an organisation, which?

Self

Which of the following best describes you?

I work in the taxi / PHV trade

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.

Yes

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.

Yes

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.

Yes

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.

Yes

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.

Yes

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.

Yes

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

Yes

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

Yes

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.

Yes

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.

Yes

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

Yes

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

Yes

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.

Yes

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.

Yes

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

Yes

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.

b. set an age limit for vehicles which are not ZEV

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

Yes

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

*No Response*

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

*No Response*

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?

*No Response*

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.

*No Response*

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

*No Response*

## Learning Disability Wales

Learning Disability Wales is a national charity representing the learning disability sector in Wales. We work with people with a learning disability and their families, Welsh Government, local authorities, disabled people's organisations and the voluntary sector to create a better Wales for all people with a learning disability

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.

*No Response*

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 strongly believe that taxis and private hire vehicles need better regulation in Wales and stronger enforcement of national minimum standards. We do think it would be good for the guidance to be more concrete in places and to have regulation that does not only focus on individual drivers but also on taxi and private hire companies. We would also like to see more robust safeguards and complaints procedures put into place.

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.

*No Response*

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 are very happy to see standards introduced and are particularly happy to see the inclusion of disability awareness training here. However, we would like to emphasise the importance of specific learning disability and autism awareness. We have had reports of people with a learning disability being treated badly and extorted by taxi drivers in South Wales. While we know that training alone will not be able to stop mistreatment completely, we do hope that making drivers aware of the accessibility needs of people with a learning disability will make instances like this less likely to happen.

We are concerned that the regulation is skewed heavily to put responsibility for delivering good services on drivers rather than operators. Requesting standards from drivers to get licensed is one way to address short comings in service across Wales but it can hardly be sufficient. We believe that it should also be on the operators to enable the drivers to be able to fulfil these criteria. (see also question 6).

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.

*No Response*

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.

Most taxi drivers and PHV drivers do not work independently but rather for companies that have a responsibility to offer a reliable and safe service. We believe more could be done to hold operators accountable in this regard. We agree with the mentioned criteria as a minimum. However, there should be further criteria or detail here. It is important that drivers are held

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.

responsible for delivering a good service but it is important to note that this will be much easier for them to do if they are being treated well by the operators they work for. This is particularly important given that in parts of Wales, such as Cardiff, monopolies seem to have developed in which one operator commissions almost all taxis and private hire vehicles. The minimum standards asked of operators here must include standards of fairness towards the drivers working for them. It is also important that some of the burden placed on drivers, such as training requirements, is shared with operators.

Another requirement for operators should be to guarantee that accessible taxis are available consistently and at all times. Increasing the overall number of accessible vehicles will go some way towards making them more available. However, for disabled people to have equal access to all parts of life there needs to be a guarantee that accessible transport will be available at all times. We are aware that the current business model of taxis and private hire vehicles may not allow for this. However, this is not a good enough reason to deny disabled people accessible transport. If the current market structure does not allow for transport to be consistently accessible then the structure needs to be changed.

We are happy to see complaints procedures mentioned explicitly. However, it is not clear whether these procedures will lead to actual accountability. We would like to see more strict guidance here on how complaints will be handled and how it can be ensured that complaints procedures are accessible. When something bad has happened to someone, they might feel quite vulnerable and upset. Complaints procedures should be done in such a way that they do not cause people further anxiety and distress.

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

*No Response*

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

*No Response*

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.

*No Response*

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.

*No Response*

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

*No Response*

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

*No Response*

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.

*No Response*

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.

*No Response*

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

*No Response*

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.

*No Response*

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

*No Response*

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

*No Response*

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

*No Response*

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?

*No Response*

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.

*No Response*

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

## Leonard Cheshire



### **Welsh Government Taxi and Private Hire Vehicle (Wales) Bill: white paper consultation: Leonard Cheshire response**

#### **Introduction**

Leonard Cheshire supports individuals to live, learn and earn as independently as they choose, whatever their ability. Led by people with experience of disability, we are at the heart of local life – opening up opportunities, choice and support in communities across the UK. We campaign for inclusive transport for all disabled people across Great Britain.

As part of our ongoing work on inclusive transport, Leonard Cheshire sits on a variety of panels focusing on accessibility in travel across the UK, including the Transport for Wales Accessibility and Inclusion panel and the First Minister's Transport sub-group.

This response is informed by our research into the accessibility of taxi and private hire vehicles (PHV) for disabled people. Our recent research on taxis/PHVs has been focused on ensuring the ambitions set out in the initial National Disability Strategy are reached, which has been funded and supported by Motability.<sup>5</sup>

This involved a nationally representative survey of 2,080 disabled people across Britain as well as in-depth focus groups with 56 disabled people and 12 key informants, including taxi & Private Hire Vehicle drivers, licensing authorities, and Disabled Persons Organisations. The resulting report identified key actions for Government, local authorities, and taxi/PHV to ensure ongoing positive policy change results in good practice for all disabled people who use taxis/PHVs.

**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.**

The proposed definitions for taxis, PHVs, there and then hire, and pre-booking seem appropriate as they cover the various vehicle hire services available. It is also vital to consider the needs and preferences of disabled passengers and ensure that the definitions encompass their requirements.

**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 welcome the proposal to introduce national minimum standards which will apply to all taxis and PHVs in Wales. A strengthened and consistent approach across Wales will help to prevent and address discrimination of disabled passengers (for example drivers being unwilling to accommodate the needs of disabled passengers). Taxi and Private Hire Vehicles [PHVs] fulfil a unique niche in the public transport ecosystem because they offer an on demand and door to door service without fixed schedules or stops. In short, taxi and PHV users can go exactly where they want, when they want. For most of us, this is simply an added convenience. However, for disabled people travel by taxi/PHV is often essential, and for many, this mode of transport represents the only means of viable independent travel outside of the home. It is for this reason we urge accessibility to be at the forefront of taxi and PHV licensing reform under the national minimum standards.

**Question 3. Do you agree that local authorities should be mandated to offer separate taxi and PHV driver's licenses as well as to offer the option of a dual license? Please provide comments.**

Yes, it is reasonable for local authorities (LAs) to be mandated to offer separate taxi and PHV driver's licenses and the option of a dual license. This will allow drivers to provide specific services and ensure they have the qualifications to operate in those areas. Dual licenses can also offer flexibility to drivers and ensure they can work across different types of vehicle hire services.

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<sup>5</sup> Leonard Cheshire (2023). Driving Change: Improving the Accessibility of Taxis and Private Hire Vehicles for Disabled People <https://www.leonardcheshire.org/sites/default/files/2023-01/Driving-Change.pdf>

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

We largely agree with the proposed national minimum standards, which aim to ensure that drivers are qualified to provide safe and reliable services. A lack of national standards has already been found to lead to varied experiences across different authorities, as well as creating issues in cases of cross-border hire.<sup>6</sup> Any minimum standards brought forward through secondary legislation, should include specific standards relating to disability awareness to ensure that drivers are equipped to assist disabled passengers without discrimination, and provide services to a satisfactory and inclusive standard. Minimum standards should include assessment of taxis drivers' safety, equality and regulatory understanding with a specific focus on assisting disabled passengers.

Disability awareness standards should encompass a wide range of disability needs, removing the generalisation of wheelchair users as the only group of disabled people that have access requirements. For example, this should include non-visible impairments or conditions, such as people with autism being sensitive to loud noises, or that people with diabetes may need to administer insulin injections.

Any assessment of disability awareness should follow an effective and regulated training programme. Training has often been attributed as a key reason behind greater service quality and satisfaction for disabled people.<sup>7</sup> Training programmes should be co-produced with disabled people who regularly use taxis and PHVs, be updated when necessary, and refresher programmes should be made available for long-term drivers via continued professional development rather than every six years as proposed.

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

The proposed national minimum standards for a vehicle license seem reasonable and will likely help in the work towards delivering journeys that are safe and accessible for passengers. However, it may be helpful to consider adding more specific standards relating to vehicle modifications to ensure they are suitable for disabled passengers.

We have heard from powered wheelchair users of cases where they have been rejected on the grounds of weight-related safety, unsuitable ramps, or the wheelchair not being able to fit inside a vehicle, with the vehicle being 'wheelchair-accessible' in name only. This stems from a lack of national guidance on the dimensions and specifications of a standard wheelchair, as local authorities often fail to take account of the varying dimensions of powered and manual wheelchairs. A national minimum standard in terms of dimensions and specification for wheelchair accessible vehicles that is readily updated to take account of any developments therein, would go some way to addressing this.

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<sup>6</sup> Welsh Government. (2018). Taxi and Private Hire Vehicle Licensing in Wales: Summary Outcome Report. In <https://gov.wales/sites/default/files/consultations/2018-02/summary-of-responses-en.pdf>

<sup>7</sup> Ipsos MORI. (2021). Wheelchair accessible travel: taxi and private hire services. In GOV. UK. Department for Transport.

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

The proposed national minimum standards for an operator's license seem reasonable as they aim to ensure that operators are qualified and able to provide safe and reliable services. However, we believe the national minimum standards should also include a requirement for disability awareness training to ensure that operators are equipped to assist disabled passengers effectively. Disabled people have highlighted to us the need for all taxi staff and operators to learn to better communicate with disabled people, especially deaf people, as discrimination, stigma and poor service can occur at all stages of booking through to the journey itself.

Under national minimum standards, operators should also be required to offer multiple methods of booking and paying for taxi/PHVs to increase accessibility for different groups of disabled customers.

**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?**

Yes, local authorities should have discretion to have additional local standards/requirements for drivers, vehicles, and operators in their area. This would encourage innovation and would also enable local authorities to maintain additional standards reflective of their location and local population needs. These standards could cover various areas, such as requiring operators to use the Welsh language in their communication or additional provisions for rural areas. Local minimum standards that enforce higher standards than the national minimum, and therefore reflect local population needs, should be encouraged. Any additional standards should be designed to meet the local community's specific needs and preferences, and developed in consultation with disabled people and Disabled People's Organisations within the area.

Due to low provision and a postcode lottery as to whether local authorities require all or a percentage of taxis to be wheelchair accessible, we believe a minimum requirement for provision of wheelchair accessible vehicles (WAVs) should be included under the national minimum standards rather than locally directed.

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

We agree that licensing administration should remain the responsibility of local authorities due to their local knowledge and understanding.

We would recommend additional requirements on licensing administrators to ensure effective monitoring and enforcement of national minimum standards. This is particularly important with regard complaints around disability discrimination – an area our research participants highlighted as dissatisfactory. Local authorities should be required to have effective reporting mechanisms and should also undertake proactive monitoring of driver and operator behaviour. Local authorities could also consider conducting mystery shops with disabled people, in which knowledgeable disabled people can provide meaningful feedback to local authorities, taxi/PHV operators and their drivers.

**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.**

Yes we agree with the proposal that local authority enforcement officers should be able to take non-criminal enforcement action against vehicles and drivers licensed outside their licensing area.

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

Yes, we agree with the proposal to enable local authority enforcement officers to suspend a license issued by another authority where there is an immediate risk to public safety. 18% of disabled people we surveyed told us that they have felt unsafe during a taxi/PHV journey with speeding and other forms of bad driving being the most common reason behind this.<sup>8</sup>

This proposal would help ensure that drivers who threaten the public are quickly removed from the road, regardless of where their license was issued, and addressing some of the potential safety issues of cross-border hire can give rise to, where significant differences in standards and guidance exist across neighbouring areas.

It is vital to prioritise public safety and have measures in place to address any concerns or risks promptly. However, it is also essential to ensure that this power is used fairly and with appropriate safeguards to prevent abuse or misuse of authority. Local authorities should be required to have clear criteria for when they can exercise this power, and there should be a right of appeal for drivers who have had their licenses suspended.

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

We agree that fixed penalty notices (FPNs) should be introduced for particular taxi and PHV offences including disability discrimination. This will provide a more efficient and effective means of enforcing regulations, as it will allow for quicker and more convenient penalties to be issued for minor infractions. Disabled people have told us that when complaining to local authorities about issues with a local operator, any penalties imposed on firms were too weak and could readily be ignored.

*“My local authority taxi Licensing Officer is a toothless tiger, who has not sanctioned drivers despite evidence of discrimination.”*

**- Focus group participant with mobility and speech impairment**

Alongside the introduction of FPNs should come greater transparency about the complaints process to improve trust among disabled passengers, as well as communicating the reasons for issuing FPNs to local providers themselves and providing guidance on how drivers can avoid committing the offences in the first place, delivering a greater quality of service for all disabled passengers.

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<sup>8</sup> Leonard Cheshire (2023). Driving Change: Improving the Accessibility of Taxis and Private Hire Vehicles for Disabled People <https://www.leonardcheshire.org/sites/default/files/2023-01/Driving-Change.pdf>

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

We agree that more serious infringements might not be suitable for the application of penalty points, for example refusing a passenger with an assistance dog and other disability discrimination. However, this is on the proviso that effective action (including prosecution, licence suspension, imposition of penalty points and licence revocation) is undertaken by local authorities in response to disability discrimination. In addition, support should be available for disabled people to pursue their rights as a result of disability discrimination, rather than reliance on individuals taking prohibitively costly legal action.

**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.**

Yes, there is a need to address the negative consequences of 'multi-apping' when it leads to cancellations. Not only can this lead to reduced service quality, but also to safety issues for passengers.

Exploration of potential future interventions should take accessibility into account, noting the implications on disabled passengers, and need to offer multiple methods of booking and paying for taxi/PHVs to increase accessibility for different groups of disabled customers.

**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 believe that whichever option is adopted must take into consideration the implications for standards enforcement and availability of taxi provision for disabled passengers.

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

Yes, the use of the NR3 register in the driver licensing process should be mandatory in Wales to ensure that drivers are properly vetted and that their suitability for driving is assessed. The NR3 register will provide valuable information on the driver's driving history and criminal convictions or cautions. This will help to ensure that only safe and competent drivers are licensed to operate in Wales.

**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.**

We believe that the option chosen should take into account the availability of wheelchair accessible vehicles (WAVs) both now and in the future. A timely decision would ensure that drivers and operators have clarity and will avoid the unintended consequence of drivers delaying purchase of WAVs.

*“...generally they want within the next say 6-7 years, they want all vehicles to be electric or, you know, zero emission. So, if you're a prospective taxi driver looking to enter the market and you want your wheelchair vehicle, but then on the one hand, people are saying, 'Well, hang on, in maybe six years, you might only accept electric vehicles.' They're gonna say,*

*‘Well, do I want to spend tens of thousands of pounds on a non-electric wheelchair accessible vehicle, when I might not be able to use this in six years?’ So again, it’s quite difficult at the moment for [drivers].”* **Licensing team respondent to Leonard Cheshire research.**

The expense of wheelchair accessible vehicles is a factor in low provision. Financial incentive schemes for the purchase of ‘net zero’ compliant (e.g. electric) wheelchair accessible vehicles would help cover some of the upfront costs of purchasing WAVs and encourage uptake. Other options that could be considered include providing grants for installing charging infrastructure or offering tax breaks for ZEV taxi/PHV operators.

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

Yes. No additional comments.

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

We strongly agree with the draft Regulatory Impact Assessment and the rationale behind ‘Do Something’ as the means by which to drive meaningful change in the areas of safety and fairness for disabled people, rather than merely ‘Do Minimum’. The significant benefits in terms of improved safety, customer service and overall satisfaction with journeys for disabled taxi/PHV passengers far outweigh the minimal costs at national, local and operator levels in taking the regulatory steps necessary to achieve them.

The evidence is clear that the voluntary adoption of minimum standards is creating a postcode lottery and leading to issues with cross-border hire for disabled passengers. 13 out of 22 local authorities have no requirements on the accessibility of taxis for operators in their area, and 18 out of 22 local authorities place no requirement for disability awareness training on taxi/PHV drivers.<sup>9</sup> Disability awareness training is often a key reason behind improved journey satisfaction for disabled people, however the lack of a clear incentive or requirement for drivers to take time off from their working hours and spend additional costs has been found to drive low participation rates in training courses.<sup>10</sup>

When considering cost of journeys the report highlights that *‘whilst lower fares can be a benefit to customers it can result in less profit for the transport provider and lower maintenance or less upgrades to vehicles’* we would like to emphasise the need for regulatory change and national minimum standards to prevent the high costs many disabled people face due to inaccessible vehicles. Calling or hailing accessible taxi/PHVs involves additional waiting time for disabled people and even with advanced booking there are cases of last-minute cancellations and late arrivals. On the operator side, a lack of wheelchair accessible vehicles nearby to pick up a wheelchair user necessitates accessible vehicles, which may be further away, spending additional time to travel to the pickup location. In these situations the taxi/PHV market is delivering sub-standard service delivery for disabled passengers, leading to indirectly discriminatory pricing and makes clear the need for a strong ‘Do Something’ approach to address these issues.

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<sup>10</sup> Vector Transport Consultancy. (2020). Harrogate Wheelchair Accessible Vehicle Study: Final Report. In Harrogate Borough Council.

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

Leonard Cheshire has commissioned UK polling on the experience of taxi/PHV use among disabled passengers and would be happy to share the breakdown of the responses within Wales if of use to the further development of the Regulatory Impact Assessment.

**Questions 20 & 21.**

No additional comments.

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

In Leonard Cheshire's 'Driving Change' report, several participants shared stories highlighting the negative impact of stigma, discrimination, and poor experiences with taxis and PHVs on their mental health. These stories demonstrate the challenges they face and the reluctance to use these services:

A participant with mobility impairment (cerebral palsy) and autism expressed hesitation to try new taxi firms due to previous negative experiences, leading to stress and anxiety. These experiences and existing fear deter them from going out and hinder their independence. Participants voiced feelings of inequality and drivers' preference for non-disabled passengers, which made them angry, frustrated, or sad. These negative emotions and upsets have caused some participants to give up on using taxis altogether, significantly impacting their independence and social life. One participant with mobility impairment (cerebral palsy) and mental health conditions shared their wariness of taxis, PHVs, and ride-hailing apps due to past traumatic experiences. The negative emotions and safety concerns have severely affected their choices, decreasing independence and social interactions. Another participant with vision impairment described how stressful experiences with drivers influenced their choice of transportation and discouraged them from getting another guide dog. Discrimination and anxiety surrounding taxi journeys led them to stop using taxis and private hire services, impacting their overall well-being and giving up on the idea of having another guide dog in the future.<sup>11</sup>

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<sup>11</sup> *ibid*

# Licensed Private Hire Car Association

**NOTE \* Throughout our response we use the abbreviation PHV to represent Private Hire Vehicles and Taxi to represent Hackney Carriages.**

## **LPHCA Principal Response on Proposals - Overview**

### **Retention of two-tier system**

We absolutely support the retention of the two-tier system as proposed and as set out in the 2014 Law Commission review. Within that two-tier system, however, we ask you to recognise that within the private hire tier, there are specialist areas, for example, Home to School, Special Educational Needs and Disability (**SEND**) transport, and Chauffeur & Executive work.

These two specialist areas of private hire need special consideration and national standards that are appropriate to what they do, as currently and majoritively, they are often licensed, via a one size fits all mentality, which gets them inappropriately, trained, tested, and licensed.

They become subject to costs, signage, and processes that are not appropriate to what they do. There are good examples of best practices for Home to School, Special Educational Needs, and Disability (**SEND**) transport in Wales and for Chauffeur & Executive in London (particularly on signage) that have worked perfectly well for considerable periods of time.

Wales has the opportunity to lead the way, especially as post-pandemic there are serious shortages of supply in these specialist areas, so removing unnecessary and costly requirements will not only improve that but also reduce costs for local authorities, educational & health service providers and businesses.

We are not surprised that you have concluded that many people outside the taxi and PHV industry do not understand the differences between taxis and PHVs, and we further believe this confusion will prevail whilst PHVs look and carry signage that makes them look like a taxi. Private Hire is just that, 'Private' and many booking chauffeur & executive services seek privacy.

### **Introduce national minimum standards for drivers, vehicles and operators**

The LPHCA wants comprehensive Absolute High National Standards, not Minimum Standards.

### **Introduce powers for enforcement against drivers and vehicles licensed by another local authority**

The LPHCA is in complete support

### **Introduce fixed penalty notices for a range of offences**

The LPHCA agrees in principle

### **Introduce a national penalty points scheme**

The LPHCA has some reservations

### **Introduce cross-border hire safeguards between Wales and England**

The LPHCA has some reservations, which were raised at the excellent session held during the consultation period, like enforcement and the practicalities for bordering operators.

### **Improve information sharing between local authorities and with passengers**

The LPHCA is in complete support.

### **Give Ministers powers to speed up the transition to zero emission taxis and PHVs**

The LPHCA is in complete support.

### **Introduce class B licenses for other types of vehicles**

The LPHCA has some considerable reservations

### **New definitions of taxi and PHV**

**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.

#### **LPHCA Response**

We are broadly happy with your definitions, but with regard to:

- *We propose that, where a private hire driver is approached by a potential passenger, the driver may direct the person to book via the appropriate operator and only when the operator has approved and recorded the booking may the passenger commence the journey.*

We point out that the more signage you put on a PHV the more people will remain confused. London leads the way on signage, with no Pre-Booked only messaging currently on vehicles and no marketing branding on the front or sides of vehicles. This ensures that drivers are rarely approached, it also prevents illegal activity and the risk of dangerous **'Copycat touting'**\* and people are far less confused in London.

Taxis, in London however, have all the attributes that are needed for ranking and street-hailing, with meters, roof signs and 'all-over' branding permitted. The DfT references these difficulties in their last Best Practice consultation.

**\* 'Copycat touting' has been undertaken by dangerous criminals, aided and abetted by false signage with rapes, robberies, and assaults as a consequence.**

### **National minimum standards**

**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.

#### **LPHCA Response**

The LPHCA wants comprehensive Absolute High National Standards, not Minimum Standards.

Since 1975 and 1976 Plymouth and UK regulation has effectively had national minimum standards by way of devolved powers for over 300 authorities, this has in

many regards failed. The 32 London Boroughs plus the City of London, which represents over 30% of the UK's taxis and PHVs since the enactment of the far more modern Private Hire Vehicles (London) Act 1998 are regulated by one authority, with absolute standards for both taxis and Private Hire.

This clearly works, so we would encourage the Welsh government to make the national standards as absolute as possible. Respecting, localism, the need for local enforcement and local circumstances, we would suggest the setting of additional higher standards in safety and all other aspects depending on the requirements of the local areas should be possible if they wish to do so. We would, however, given the opportunity to have national enforcement, suggest that there should be a public interest test, which involves the trade, safety groups, the information commissioner's office, the competition and markets authority, and other primary interested parties.

We also believe, that regulatory and equality impact assessments, with appropriate duration, properly constructed consultations, should be undertaken, particularly with the trade.

This would ensure, some of the poorer requirements currently required by many licensing authorities throughout the UK are avoided.

## Driver's licence standards

**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.

### LPHCA Response

The LPHCA believes that the offer of a dual licence makes sense, however we do not agree with all the proposed requirements.

We are happy with a local knowledge test for dual licence holders, but feel the proposed theory test elements of running a business, and keeping accounts should not be a matter for licensing and the assertion that PHV drivers are employed is inaccurate as well over 90% of PHV drivers, we believe are self-employed.

We are pleased to see you will not be requiring a knowledge test for PHV drivers, something that the Law Commission were very strong on in their wide-ranging report and with even more technology arriving has no useful purpose.

With regard to the successful achievement of a regulated qualification being required every 6 years, this is way too onerous and unnecessary. It would be madness to ask a competent and very experienced driver after 6 years, to get re-qualified. If you have any qualification, you do not need to be examined/tested again, not least because you would have experience as well as a qualification.

This type of measure that is a primary cause of experienced drivers leaving the trade. If there are new regulatory requirements or other significant changes, notification by the licensing authority and only where necessary re-enforcement training can be prescribed.

Some of the categories for a regulated qualification are essential but the 'one size fits' all proposed below, should be avoided because it will exacerbate the already considerable shortages in some areas of PHV and taxi drivers.

- *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*

Training and development should be modular, and inexpensive, and testing should be appropriate to the needs of the type of work being undertaken.

**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.

### LPHCA Response

As above, training and development should be modular, and importantly it should be appropriate. You do not need a qualification to be a taxi or PHV driver, except for knowledge requirements for taxi or dual licence holders, who undertake 'then and there' bookings.

What is needed is appropriate modular training for the job that you do, as there is no need for many of the aforementioned skill sets. Different PHV drivers, minicab (basic) chauffeur & executive, and Home to School, Special Educational Needs and Disability (SEND) transport, all have different skill sets and none need everything on the list. In some cases, drivers may well have far greater qualifications already so testing and re-testing is even more futile.

## Vehicle licence standards

**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.

### LPHCA Response

Apart from those listed below we strongly agree with the Vehicle licence standards.

- **All PHVs to display 'pre-booking only' signage**

Not only does this make a PHV look more like a taxi and confuse the public, it has been used for illegal touting activity

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

The LPHCA is totally against age limits and believes Euro Standards and condition of vehicle tests are far more appropriate. Any future regulation should have exemptions provision for specialist vehicles, not just wheelchair accessible vehicles, which is discriminatory against non-wheelchair disabled passengers (around 90% of disabled passengers).

- 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'

The LPHCA believes this should be 'kept in the vehicle and made available when necessary', rather than displayed because many vehicles do not have easy-to-display positions or fixing points.

- 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 will not require additional approval as long as they meet the criteria

The LPHCA believes this proposal is neither helpful nor necessary, and potentially fraught with many potential problems. A vehicle that is perfectly suitable for some passengers, may be unsuitable for others.

Vehicles are designated by the government's Driver and Vehicle Licensing Agency (DVLA) as suitable by passenger and seat numbers. If a vehicle is compliant with DVSA and Euro safety specifications it should be licensable.

In addition to the above, many new electric and other environmentally friendly suitable vehicles could fall foul of arbitrary rules and be prevented from being licensed, which won't help environmental considerations.

If there is a move away from DVLA and Euro safety specifications on say widths or seat configurations unforeseen consequences can occur.

A major licensing authority quickly reversed restricting seat numbers on a very heavily utilised PHV that was both environmentally friendly and heavily used for Special Educational Needs and Disability (SEND) transport by councils and education authorities.

Not only did the seat configuration save utilising two vehicles and needing two passenger assistants for councils and others, but the three seating options also enabled Passenger Assistants to sit in the middle row to supervise the children being transported.

If vehicles meet DVLA and Euro safety specifications, are deemed safe for family and loved ones, there is no good reason to restrict such vehicles for PHV use.

### **Operator's licence standards**

**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.

#### **LPHCA Response**

We agree with all proposals apart from:

- 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.

This is absolutely over-regulatory, unnecessary, anti-competitive, costly, and could stifle potential entrepreneurs and innovators from entering the industry.

### **Local standards**

**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?

#### **LPHCA Response**

No, make the national standards absolute and high not minimal. Regarding CCTV, we are totally against its mandation, for considerable reasons and we are pleased there is no compulsion being proposed. Drivers should absolutely be able to have CCTV installed, but it should be a driver choice not mandated as the requirement is based on the type of work, clientele, hours worked and many other factors, including costs, maintenance and its need. Regarding mandating anything beyond things that are absolutely essential, we are totally opposed.

### **Local licensing administration**

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

#### **LPHCA Response**

Yes completely.

### **Enforcement against drivers and vehicles licensed by another local authority**

**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.

### **LPHCA Response**

Yes completely.

**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.

### **LPHCA Response**

Yes completely.

Public safety is paramount and Wales could follow London's success in covering a large area.

### **Fixed penalty notices**

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

### **LPHCA Response**

We broadly agree with the idea of fixed penalty notices, however, we believe for safety reasons and to prevent illegal activity, impersonation, etc., a badge should be produced rather than displayed or worn. There are an ever-increasing amount of ways to meet passengers safely and far less reasons for signs and worn badges, which have been used to compromise the public. The LPHCA will be raising this elsewhere with safety groups and others as we do not feel that drivers identifying who they are in public is in their best interests.

### **National penalty points scheme for taxi/PHV licence holders**

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

### **LPHCA Response**

We have evidence and concerns that such schemes are inconsistent and somewhat subjective in their application. Identical schemes have allegedly been administered differently by different licensing officers, even within the same licensing authorities. Such schemes were introduced without hardly any trade dialogue and the LPHCA contested such a system that was so badly put together it was not fit for purpose.

If such a system is to be adopted throughout Wales great care will need to be taken in setting the criteria and scope. For example, we do not agree with the need to carry a first-aid kit, as first aid should be delivered by qualified first-aiders, for very good safety and legal reasons. Practicing, first aid without considerable training is dangerous and potentially has serious legal ramifications, should something go wrong.

Failure to comply with vehicle inspection requirements on time, would be better dealt with via a fixed or other financial penalty.

Cancellation of a pre-booked fare without a reasonable excuse is now becoming a very serious issue and not something that could easily be managed by a penalty points system. (See below)

## Cancelled bookings

**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.

### LPHCA Response

It is our considered view this is now a very serious public safety issue facing passengers who pre-book taxis and PHVs. Passengers are being stranded, which for the vulnerable is dangerous, for business users can be catastrophically damaging, for people missing hospital appointments, possibly life-threatening and at best considerably inconvenient and stressful.

For the sake of clarity, in the main bookings are not being cancelled, which indicates there is a reasonable process in place for managing cancellations, rather journeys are simply not being fulfilled after acceptance by a driver. This is largely because the driver has subsequently accepted a second journey and, without necessarily notifying the operator or passenger, abandons the first journey leaving it unfulfilled.

For the above reason, we believe this is a non-fulfilment of a journey by a driver, rather than a booking cancellation, which occurs due to reasons usually beyond the control of an operator or passenger.

The LPHCA is not against drivers working for multiple operators, all self-employed drivers have that right and it has been accepted trade practice since well before Apps were available, especially in the chauffeur and executive marketplace.

Option 1 of your proposed options is, we submit, unsuitable because it is the self-employed driver who is failing to fulfil a contracted obligation, by abandoning the journey, not the operator. Such an unfettered regulatory expectation, as proposed, risks unfairly making operators culpable for the unforeseeable decisions of drivers,

Option 2 of your proposed options is, we submit, unsuitable because self-employed drivers have always had, and should continue to have, the freedom to engage with multiple operators. To do otherwise is potentially restrictive for the wider trade and, in the interests of passengers, detrimental to market competition.

Alternatively, the LPHCA wishes to propose a third option, which we have discussed at length with member operators, that would potentially reduce non-fulfilment and the stranding of passengers – 'Compellability'.

Compellability is an established part of the regulatory framework for taxis, under section 53 Town Police Clauses Act 1847, and could be easily introduced for PHV drivers.

In simple terms, once a PHV driver accepts a journey, a duty is placed on the driver to fulfil that journey or risk, in the absence of a reasonable excuse, committing an offence. This would, we believe, represent an appropriately targeted and effective deterrent.

The LPHCA is likely to put this option to a formal vote shortly as an issue to campaign on. There is a golden opportunity for the Welsh Government to include it in your thinking as an extremely viable option and solution to non-fulfilment.

Compellability to fulfil accepted jobs will also be put to the next Institute of Licensing working group and discussed at the LPHCA AGM and Road Show (both in early July).

### **Cross-border hire – England and Wales**

**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.

#### **LPHCA Response**

We do not believe that option A or Option B are viable solutions to a problem that may be minimal if you have high absolute national standards.

We feel the concerns that PHV drivers look to obtain licences in parts of England (where standards may be lower) is a major misconception.

We know from members that it is the dire waiting time and levels of licensing efficiency that are the main reasons why operators get their drivers licensed away from their home local authority. Some members have moved for this primary reason.

Another reason is cost, as there are great disparities in licensing fees.

High absolute national standards should make for consistency of costs across Wales and making cross-border regulations could cause chaos for those closest to the border in our view.

### **Better information sharing - Sharing information about licence revocations and refusals**

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

#### **LPHCA Response**

**Yes**

### **Transitioning to zero emission vehicles**

**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.

v. set a deadline for all taxis and PHVs to be zero emission at the tailpipe

**LPHCA Response No**

w. set an age limit for vehicles which are not ZEV

**LPHCA Response No**

x. do something else

**LPHCA Response Yes**

The setting of arbitrary aspirations and timelines has been shown to be flawed in light of the pandemic and Ukraine war. The LPHCA can show numerous examples where targets and policies have not been met and have needed to change.

This has meant the loss of valuable drivers to the trade, it has also meant vehicles being returned that were purchased at great expense, because there is not the mileage range, which is a major problem because you rightly identify the fact that Taxis and PHVs are usually high mileage vehicles.

Other problems include the inability to charge at home on cheaper electricity whilst not working and/or not enough rapid chargers to make having a completely Zero Emission vehicle a viability.

Sensible Licensing Authorities including very large metropolitan regimes have now moved away from the 'cliff edge' approach of mandating an unrealistic transition to Net Zero and postponed and revised policy. The Ukraine War has caused massive increases in the cost of electricity, lack of chips and other parts, battery production factory closures and massive costs, not envisaged just a few years ago.

Hybrid, particularly self-charging hybrid vehicles, that are Zero Emission Capable (ZEC), with realistic ZEC requirements will enable a smoother transition to Net Zero. You also rightly point out that Taxis and PHVs often operate in urban environments with poor air quality, so switching these vehicles to ZEC would be beneficial. A far better option would be to work towards the need to be working in Zero Emission mode than mandating total ZEC vehicles.

LPHCA fleets are in some cases keeping older vehicles longer, because there simply isn't any way of knowing battery life or the cost of replacing batteries. When these unknowns are quantified and the market has far more affordable vehicles, transition to Net Zero will be more realistic.

With ZECs as you identify being exempt from Vehicle Excise Duty (road tax) until just 2025 and most scrappage and grant schemes stopped, cut back or projected to stop, alongside the additional costs of purchasing a fully Net Zero vehicle the ambition to accelerate the transition to ZEV taxis/PHVs is honourable but not realistic.

Electricity costs have soared well above other vehicle fuel costs and prior to the pandemic our members were reporting that it was dearer. With as many as nine out of ten Taxi and PHV drivers unable to charge at home on far lower tariffs, whilst taxis can charge on ranks, PHV drivers would need to charge on street, and not earn whilst doing so, this will cause further supply problems and increased fares. You rightly point out that Taxis/PHVs are important to communities with low levels of car ownership, we would add they also reduce it. It should also be remembered that the most vulnerable are amongst those unable to own or utilise a car.

There are currently hardly any Second Hand Electric Vehicles for sale and a lack of newer second-hand starter vehicles in the marketplace and where so costs are prohibitive.

For the above and many more reasons, we do not believe that there are currently viable options in place to accelerate the transition to ZEC taxis/PHVs. Further dialogue is needed here.

### **Class B licences for other types of vehicles**

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

#### **LPHCA Response**

Yes, but with clarity of requirements for Special Educational Needs and Disability (SEND) transport vehicles and drivers alongside the Chauffeur & Executive sector (referred to in the consultation as VIP/executive hire).

There are now very strong safety and commercial reasons for Conditional (restricted) licenses for Special Educational Needs and Disability (SEND) transport vehicles and drivers in the Chauffeur & Executive sector.

With respect we wish to point out that we found the term Category B, somewhat derogatory and feel such licensing is far better referred to as Conditional (restricted) licenses.

We believe there is considerable risk in not licensing any vehicle that is taking passengers for reward and acting in the same way as a taxi or PHV, except for Wedding and Funeral Vehicles (including horse & carriage) and novelty vehicles for

example, such as seaside rides, which are specifically being used for fixed route tourism or special event usage. We also believe that it is essential to licence limousines\*, Motorised tuk-tuks/rickshaws, Non-motorised pedi-cabs, as well as vehicles solely used for VIP/executive hire or specialist vehicles solely used for community/school transport.

\* We make the presumption that limousine (an American Term) refers to large vehicles (often left-hand drive) that are pre-bookable for private hire work and often known as stretched limousines.

Work needs to be done to remove, unnecessary regulatory requirements, in particular for Chauffeur & Executive and Special Educational Needs and Disability (SEND) transport vehicles and drivers. We absolutely do not want to create loopholes where unlicensed vehicles, drivers and operators compete with taxi and PHV market share and are being utilised on the public highway.

This has successfully been achieved in Swansea via Conditional (restricted) licenses, which could be used for as a template for all of Wales. (See Question 22 response below)

It is essential that drivers, operators and vehicles majoritively must meet the primary licensing requirements, like having the right-to-work and/or character/good conduct references for foreign nationals not covered by Disclosure and Barring Service (DBS) checks.

The DVSA group 2 medical checks, needs to allow summary records, rather than full medical records and remove the need to see a driver's own GP. More and more DVLA group 2 medicals are being provided by independent companies using General Medical Council (GMC) registered doctors, at far lower costs and far higher efficiencies than many GP practices.

Such DVLA group 2 medical providers are increasingly being utilised by licensing authorities, which enables the medical checking process to be quicker, and includes a full eye test, whilst removing the burden from the NHS, which is extremely stretched post-pandemic. Such DVLA group 2 providers are heavily utilised by the Road Haulage Industry, bus and coach companies and major other modes of transport.

SEND Transport is predominantly fixed route and does not need any form of 'knowledge tests', so we support the Law Commissions Review stance, and your proposal that they should only apply to taxi or dual licence holders. SEND Transport and Chauffeur & Executive providers have completely different training requirements for completely different skill sets, which should be defined quite separately from mainstream PHV licenses.

There is much evidence that very poor training and unnecessary testing has been instrumental in the current dire shortage of PHV drivers and many Chauffeur & Executive and SEND operators have far better, higher levels of qualifications and training in place.

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

**LPHCA Response**

We believe the pre-consultation Regulatory Impact Assessment has been a useful aide-memoire for consultees like the LPHCA, however in places it seems out of sync with the consultation questions and White paper.

We completely understand that pre-consultation Impact Assessments will not have had too much trade input, it is therefore critical that trade engagement undertaken is factored in, particularly from experienced trade and licensing bodies, who understand fully the broader impact implications.

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

### **LPHCA Response**

Yes, subject to appropriate consent, where necessary, and GDPR requirements, we are also prepared to work heavily with the Welsh team and others if asked post-consultation

**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?

### **LPHCA Response**

We believe this is a matter for the Welsh, however, we noted the comment that came during our attendance at one of the briefing sessions from an operator in Wales who stated that almost exclusively they communicate in English, so this could be an onerous requirement, especially for drivers of age, who do tend to make up the industry's drivers.

**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.

### **LPHCA Response**

Please see above response.

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

### **LPHCA Response**

Yes Please see the following 2 pages regarding:

- **Restricted (Conditional) Licenses for Home to School, Special Educational Needs and Disability (SEND) transport.**
- **Appropriate Conditions for Chauffeur and Executive Vehicles and Appropriate Signage on PHVs in general**

Continued overleaf...

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

**Restricted (Conditional) Licenses for Home to School, Special Educational Needs and Disability (SEND) transport.**

Currently, there is a catastrophic shortage of Taxi and Private Hire Vehicle (PHV) drivers UK-wide, with in some cases allegedly over 40% shortfalls reported in some areas, this alongside growth in demand post-pandemic.

Recently, the Institute of Licensing (IoL) and licensing authorities have now recognised the seriousness of the problem and the IoL has set up a working group, which the LPHCA is a member of, to discuss the issues of driver shortages and post-pandemic recovery issues.

This group contains primary stakeholders including, the Department for Transport (DfT), the Department for Education (DfE), Safety Organisations, Trade Associations, and Licensing/local Authority representatives.

Of particular interest to local and regional authorities will be the problems with regard to educational, home-to-school (H2S), and Special Educational Needs and Disability (SEND) transportation.

The first problem we have identified is the inability to obtain enough SEND Taxi and PHV drivers, which has safety and safeguarding risks. The second problem is the extremely high price being paid by authorities, which is a consequence of not having enough drivers to meet demand.

In a letter to the IoL in November 2022 Jason Salter then Chair of ATCO (The Association of Coordinating Transport Officers for School contracts) said:

*"The SEND home to school transport market equates to around £900m of upper tier local authority spending per annum. The demand on the service has increased by 100% in the past 8 years and is set to increase further. The majority of that spend is procured from each local authorities, local hackney and private hire trade, who, under contract, provide a valuable service to some of the most vulnerable members of our society.*

*Many local authorities are struggling to fulfil their current legal obligations to provide home to school transport and they are very concerned as to how they will meet the increased future demand.*

*It is recognised that thousands of licensed drivers have left the UK's hackney & private hire trade in the past few years and these numbers are unlikely to increase back to where they were previously.*

*We are calling on local licensing authorities to seriously consider the introduction of restricted drivers licences, or school only drivers licenses".*

This problem has been brilliantly solved by the issuing of **Restricted (Conditional) Licenses**, in Swansea and elsewhere.

The Institute of IoL has fully recognised the difficulties and the need for solutions, the primary one being **Restricted (Conditional) Licenses**. Their reasoning is clearly set out in IoL's LINK magazine Edition 16 Online (link below) on pages 20 -23.

<https://www.instituteoflicensing.org/media/5klfrcer/link-16-web-version.pdf>

The excellent work done by Yvonne Lewis in Swansea and Phil Bates in Southampton is highlighted in a joint article with supportive industry legal expert James Button.

The LPHCA is independently assessing the impact of procurement costs and supply shortages for local authorities currently and we are hoping the restricted driver's licence / school-only driver's licenses, can feature strongly in your national standards

### **Appropriate Conditions for Chauffeur and Executive Vehicles and Appropriate Signage on PHVs in general**

Earlier, you implied that vehicles solely used for VIP/executive hire and limousines that have fewer than 9 seats could fall into a Category B licence, which would remove all the very necessary checks and measures required for public safety and protection. We are absolutely against such a thing happening.

Throughout the UK there are all manner of differing rules and inconsistencies, particularly with regard to what we call Chauffeur & Executive (VIP work).

In Wales, you have a golden opportunity to get things right, by keeping in place the fundamental checks and measures via your national standards, and Chauffeur & Executive is an area where minor regulatory considerations, will help the regulator and the regulated.

Livery, signage, plates and customer privacy are high on VIP customer requirements (Corporate & public) and a discrete, very private service is required by people in what are Privately Hired bookings.

Such bookings can occasionally be paid for by cash, but majoritively they are facilitated via credit card or account payments. They can emanate from very public or very private places and utilise the highest level of professional PHV drivers.

As well as privacy, some organisations are at risk from the threat of terrorism and some passengers are high profile and recognisable that don't want to indicate who they are travelling with for safety reasons.

The differing rules requiring signage, livery, plates and other identification for Chauffeur & Executive work can be onerous, unnecessary and wrong. In London since licensing commenced there are no plates on PHVs, no livery requirements and minimal licensing information screen discs, approved advertising can only be displayed as rear-facing.

Licensed Vehicles are checkable in real time on a vehicle checker. The total exemption from displaying screen discs has to be formally approved.

Whilst we advocate Restricted (Conditional) Licenses for SEND transportation, we are not advocating that for Chauffeur & Executive. What we do want is appropriate regulations, training and requirements for chauffeur and executive drivers that are not going to be subject to dual licensing.

Some of the restrictions on Chauffeur & Executive in areas, like signage, work restrictions, training and testing are not appropriate and the LPHCA, our Welsh Chauffeur & Executive expert Geth Thomas and our Chauffeur and Executive Committee Chair Greg Mendoza of Carey Worldwide, would like further dialogue on this with positive proposals for you to consider.

We were shocked to see the vehicles solely used for VIP/executive hire proposals as from our perspective we seek appropriate regulations and national standards, not reductions of requirements for those in scope on essential checks and measures.

THANKS - Many thanks for putting together a very well-considered consultation and engagement process.

## **Local Government Association**

### **LGA submission: Taxi and Private Hire Vehicle (PHV) (Wales) Bill: white paper**

31 May 2023

### **About the Local Government Association (LGA)**

The Local Government Association (LGA) is the national voice of local government. We are a politically led, cross-party membership organisation, representing councils from England and Wales.

Our role is to support, promote and improve local government, and raise national awareness of the work of councils. Our ultimate ambition is to support councils to deliver local solutions to national problems.

### **Key messages:**

- The LGA notes and welcomes the Welsh Government's work on the Taxi and Private Hire Vehicle (PHV) white paper which aims to strengthen the taxi/PHV licensing regime in Wales, an ambition the LGA has worked to support in England.
- While the Expert Panel will respond to this consultation on behalf of the Welsh Local Government Association and Welsh Councils, given the extent of cross-border PHV work across the English/Welsh border, the proposals will inevitably have some impact on English firms and licensing authorities. Our response to the consultation therefore focuses on the provisions which have a cross-border angle.
- As a general point, it will be helpful for consumers, businesses and licensing authorities alike if there is as much consistency between the English/Welsh taxi/PHV licensing regimes as possible, so that communities who live on either side of the

border are still able to access good quality taxi/PHV services and businesses do not face undue challenges from the different frameworks. It is therefore important that the Welsh Government continues to work with the UK Government on this issue.

- We are therefore pleased that many of the proposals in the white paper are similar to approaches that have been adopted through the statutory guidance in England and will be helpful to Welsh councils. In particular, we support legislative changes that introduce national minimum standards and national enforcement powers that help councils regulate the taxi/PHV sector and keep our communities safe. We would like to see a similar statutory approach implemented in England as soon as possible.

## **Consultation:**

### **Cross-border hire – England and Wales**

**Option A:** Our preferred method to address this approach would be to introduce a legislative requirement that PHV operators/drivers/vehicles who undertake bookings wholly or mainly in Wales must be licensed in Wales and therefore meet the Welsh national minimum standards. This would mean that operators licensed in England could undertake bookings that take place wholly in Wales or that start and/or end in Wales without needing to be licensed in Wales, as long as they mainly undertake bookings in England. For example, under this approach an operator based in Chester (licensed by Cheshire West and Chester Council) could undertake a PHV booking that starts and/or ends over the Welsh border in Flintshire without requiring a licence in Wales, as long as the operator's bookings mainly take place in England. It may be challenging to determine where the majority of an operator's journeys take place but we feel this is the fairest approach, providing flexibility to operators close to the Wales/England border.

**Option B:** Another approach would be to introduce a legislative requirement that any PHV journey that starts and ends in Wales must be undertaken by a driver, vehicle and operator licensed in Wales, who must therefore meet the Welsh national minimum standards. For example, under current legislation a private hire journey taking place between Monmouth and Newport could be carried out by driver, vehicle and operator licensed in Bristol. Under option B this would not be permitted as the journey would have to be booked via an operator, driver and vehicle licensed by a Welsh local authority. However, if the journey started in Newport and ended in Bristol, then the journey could be carried out by an operator/driver/vehicle licensed in Bristol, as only the start of the journey is in Wales.

**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.

The LGA agrees that option A is the best means to address concerns about cross-border hire between Wales and England. We agree this is the fairest approach, which recognises that firms close to the English-Welsh border routinely operate on either side of it, and that residents will require a flexible approach to ensure they are easily able to access taxi/PHV services.

Cross border hire is also an issue in England, and the LGA has previously proposed adopting an approach requiring drivers to wholly/mainly operate in the area where they are licensed, so is therefore supportive of the principle behind option A.

However, our members have expressed concern that it appears that no offence has been created for breaching the provisions outlined in option A, and that this would make enforcement extremely challenging. Consideration should therefore be given to what enforcement action could be taken for drivers/firms that breach this requirement (such as licence suspensions or revocations).

We are aware that the Welsh Expert Panel, which represents Welsh Councils and the Welsh LGA, has proposed an 'option C' in their submission. Their 'option C' would allow 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. It is also helpful this option includes a discretionary power for local authorities to permit specific taxi and PHV operators which are licensed in England to operate within Wales so that border areas which rely on English services are not negatively affected. This approach could have merit and should be carefully considered and reviewed in more detail with stakeholders from either side of the border.

Ultimately, ensuring that Welsh/English standards for firms and drivers are as consistent as possible will ensure that customers accessing both English and Welsh firms do not experience any differences in the quality/safety of their journeys.

### **Better information sharing**

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

The LGA agrees that the use of NR3S (which was originally established by the LGA) should be mandatory in Wales, as it is in England. It will assist councils and taxi/PHV operators if there is as much consistency as possible. We also agree that information sharing needs to be improved and continue to call for the establishment of a single taxi/PHV driver register / database which licensing authorities can use to share information and help keep passengers and communities safe.

# Mark

Name
Mark

Are you responding for yourself or for an organisation? If an organisation, which?
Self

Which of the following best describes you?
I work in the taxi / PHV trade  <b>Local Authority</b> RCT

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.
Yes

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.
Yes

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.
No  <b>Comments:</b> I feel the council run licenses are out dates, they need to introduce a national license like that seen in the regulated security sector, one qualification which includes first aid and safeguarding modules as mandatory and upon license granted work cross border thus creating job opportunities and more available on demand drivers.

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.
Yes

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.

Yes

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.

Yes

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

Yes

**Comments:**

Mandatory training in core areas such as first aid, safe guarding, manual handling and mental health.

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

Yes

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.

Yes

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.

Yes

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

No

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

No

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.

No

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.

No

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

Yes

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.

c. do something else

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

Yes

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

*No Response*

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

*No Response*

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?

*No Response*

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.

*No Response*

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

Local knowledge tests should be abandoned and a more overall fit for purpose all round qualification should be designed.

## Mary Snowden

Name

Mary Snowden

Are you responding for yourself or for an organisation? If an organisation, which?

Self

Which of the following best describes you?

I am a taxi / PHV passenger

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.

No

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.

No

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.

No

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.

No

**Comments:**

What happens when you take an English taxi from Chester station home? Will this not be allowed? What happens with taxis generally crossing the border?

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.

No

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.

No

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

No

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

No

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.

No

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.

No

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

No

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

No

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.

No

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.

No

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

No

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.

c. do something else

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

No

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

Rubbish as usual

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

*No Response*

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?

Just stop carrying on about Welsh. English is currently treated far less favourably than Welsh and I'm sick to death of Welsh, although I went to the bother of learning it as a second language

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.

Get rid of them

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

*No Response*

# Merthyr Tydfil County Borough Council



## Merthyr Tydfil County Borough Council submission:

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

#### Consultation response

The Directors of Public Protection Wales (DPPW) represents 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. This response is from Merthyr Tydfil County Borough Council and is mainly based on the Licensing Expert Panel response to the White Paper, with only a few changes.

MTCBC are supportive of WG's vision to ensure that Wales' taxi and PHV services are safer, fairer and greener. We 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.

We do however feel that the proposed legislation is not ambitious enough and will only tinker around the edges with 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 advocate moving to an amalgamated regime for taxis and private hire services, with a second category to capture the other services such as novelty / executive hire. Moving to this simplified "one tier" system is not only easier for the public to understand but would also alleviate many of the problems around cross border operations, definitions of pre-booking and whether PHVs are plying for hire.

We note that the Regulatory Impact Assessment (“RIA”) 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”. To be clear, we would fully support 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 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 Panel 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 then have 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. The Panel however feel that a PHV driver would benefit from undertaking the knowledge test and not be reliant on satellite navigation systems.

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 are able to operate a mix fleet of taxis and PHV's with drivers being able to drive any vehicle with no enforcement implications for any party, including the local authority.

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, but issuing dual licences means that the private hire driver conditions 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 we agree with the Panel's suggestion 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. We are increasingly finding changes to drivers medical conditions that have not previously been notified to us. However WG will need to recognise the cost burden to drivers.

Additionally, we suggest that WG utilise the standards contained within the "Taxi and Private Hire Vehicles: Licensing Guidance" for medicals, but with an amendment to the person carrying out the assessment and level of history required.

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, but 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-

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

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 disagrees 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 agrees with this proposal as 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. 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 lights should display the word 'Taxi' or 'Taksi', however some of our existing roof lights have the local authority name also displayed. We consider that to compel existing taxi operators to replace existing roof lights would be an unnecessary cost to the trade. We would therefore suggest that the word "only" be removed from this standard, but 'Taxi' or 'Taksi' should be the predominant word on the roof light.

Roof lights not allowed on PHV

We agree with this proposal

All PHVs to display 'pre-booking only' signage

We agree with this proposal

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"

We also would suggest that where Local authorities utilise external garages for their testing requirements, that the garages must be approved by the local authority.

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 can be displayed to the customer. Some Local authorities report that it's 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 agrees and suggests 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 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. Careful consideration would have to be given to any standardised vehicle criteria to ensure that the requirements for both urban and rural areas are satisfied.

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 can accept a card payment.

Vehicles must carry a first aid kit

We agree with this proposal. 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's 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 however question the effectiveness of an unregulated policy whereby the operator determines the suitability of their own staff. Even with Local Authority oversight 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.

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 be introducing such standards through statutory guidance, where operators must comply. Where an operator falls short of the standards and complaints are received by the local authority, the local authority will 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 as far as possible, 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 minimum standard for driver and operators.

We would however suggest that local discretion is retained for livery of vehicles, e.g., Colour policies, back plate and door sign designs. It is considered that attempting to be consistent in this aspect would be an unnecessary cost to the trade.

**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.

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 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 competent 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 evening by the issuing officer.

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 level – minor 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. Our preferred choice would be a penalty points scheme but once a certain amount of penalty points have been accrued, a FPN would be issued. This would allow officers to appropriately deal with persistent breaches. 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 points, but a dirty vehicle would not. We would also suggest that this proposal be introduced for any infringements carried out by those licensing in 'other authorities' by way of referral to the home authority who would issue the penalty points.

**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 been answered in Question 11 above.

**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 affect this has in Wales which is restricted to a small number of authorities.

We have not had any experience of this happening as licensed drivers tend to work wholly for one operator.

As a result, our view is that a driver should be restricted to work for one operator **simultaneously** and to display the name of that company 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 of Option B and 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 our 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:

9. 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.

10. 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 journey's 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 can 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. All 22 Local Authorities in Wales are already signed up to use the NR3 database and the vast majority have uploaded historic data.

**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.

- y. set a deadline for all taxis and PHVs to be zero emission at the tailpipe
- z. set an age limit for vehicles which are not ZEV
- aa. 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 out 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.

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

We would agree with the proposals 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 would suggest the inclusion of Omnibuses in the list proposed.

**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 addendum 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 2021<sup>28</sup>. 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.

The 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. The Panel 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 the Panel would need to wait for the White Paper to be published before any further work on voluntarily pursuing consistent policies 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 that national standards would assist in reducing cross border operations, however 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 addendum.

[MTCBC attached the Addendum: Regulatory Impact Assessment Comments also provided by Directors of Public Protection and included above.]

**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.

**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 Cardiff 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.

For example, The Senedd in Cardiff Bay to Penarth is a journey of 3.5 miles, but as the journey crosses over from the Cardiff district into the Vale of Glamorgan district, drivers are not required to use the meter. There have been numerous examples of the public having to pay £40+ for this journey.

There is an inherent imbalance of power to this situation as the normal rules of supply and demand don't 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 in the Principality Stadium, 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. Cardiff receives many complaints from customers being charged significant amounts to travel back to RCT, Merthyr etc. but there is nothing officers can do despite acknowledging the unfairness.

Passengers wishing to go out of district at the end of the night in Cardiff 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 ranks 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 doesn't 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. This situation has resulted in many lone female students having to walk home back to inner areas such as Cathays.

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 aren't taken advantage of for living outside of the district - even if it is just Penarth.

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 agree with the Panel's response below:

The Panel acknowledge that prescribed fees would provide greater consistency and fairness across Wales, however Local authorities are required to ensure full cost recovery (where permissible) for the taxi and private hire 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 Cardiff 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 system 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 have an immediate deterrent against crime and disorder including CSE; Violence against Women; drugs; domestic violence etc.

The Panel would be able to provide extensive examples of where CCTV footage would have been invaluable evidence for corroborating or contradicting complaints received.

We recognise the potentially 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

The Panel 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, it would be an easy task for WG to prescribe the application forms to ensure consistency across Wales.

### Restricted Drivers

In addition to our 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 **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 home to school contract work (**local authority awarded school contracts only**). A number of local authorities in England and Swansea Council in Wales already offer this scheme and report positive effects in supporting home to school contracts.

## Michael Shaun

Name
Michael shaun w7
Are you responding for yourself or for an organisation? If an organisation, which?
Self  <b>Comments:</b> One man band
Which of the following best describes you?
I work in the taxi / PHV trade

Which of the following best describes you?

**Local Authority**  
Denbighshire

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.

No

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.

Yes

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.

Yes

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.

No

**Comments:**  
Same standard can't apply to the rural drivers to the city drivers

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.

No

**Comments:**  
Age limit should be euro 6

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.

**Comments:**  
N A

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

No

**Comments:**

The price of every and wheelchair vechiald's are outrageous.

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

*No Response*

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.

No

**Comments:**

Cos they make there own rules up ,they don't help us one bit.

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.

No

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

No

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

No

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.

No

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.

Yes

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

*No Response*

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.

b. set an age limit for vehicles which are not ZEV

**Comments:**

Limit euro 6

Are the government going to pay for a new 40k ev or do you want me to go into DEBT.

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

*No Response*

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

*No Response*

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

*No Response*

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?

*No Response*

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.

*No Response*

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

*No Response*

## Mindaugas Dzejas

Name

Mindaugas Dzejas

Are you responding for yourself or for an organisation? If an organisation, which?

Self

Which of the following best describes you?

I am a taxi / PHV passenger

**Local Authority**  
Newport

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.

Yes

**Comments:**

I dont see anything new to my.

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.

Yes

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.

**Comments:**

I thot why atready have minimum standarts.

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.

Yes

**Comments:**

Why not

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.

Yes

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.

Yes

**Comments:**

Why mot for taxi 6 months, in my opinion its only waist money and time.

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.

Yes

**Comments:**

The biggest scammers in this industry is operators. The operators only making money, the drivers only surviving. For example uber charging 25%comision, but in reality they charge 30-40%.

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

Yes

**Comments:**

Minimum emissions 6.

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

Yes

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.

Yes

**Comments:**

Points its ok,but not money penalty.

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.

Yes

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

No

**Comments:**

Why already on minimum wage

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

Yes

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.

No

**Comments:**

I will love to use one app,but i have to pay the bills,

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.

Yes

**Comments:**

In my opinion its should be no mater whe is the taxi plates from,now if i go with uber to bristol airport from wales, i cant get fares back to wales, its not make sense,.if you have taxi Plate in uk you should able to work any way in uk.

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

*No Response*

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.

c. do something else

**Comments:**

Minimum euro 6 emissions. Now i see taxis min 20 years old, black smoke non stop.how they passing mot???.Goverment should help drivers buy newer cars,

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

Yes

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

*No Response*

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

*No Response*

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?

Dont speak welsh

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.

*No Response*

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

*No Response*

## Monmouthshire County Council

### 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 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.

The use of ranks used by all vehicles in a one tier system would not be an issue for reasons given above and the ethos of a taxi rank is to do a quick pick up from an area. For the use of novelty vehicles for example limousines, adapted fire engines, horse and cart could have conditions that prevent the use of ranks.

**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.**

Monmouthshire County Council (MCC) agree with this proposal. This is consistent with the recommendation 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.

This Authority borders 2 English LA’s so we need to be mindful of their proposed standards too, noting there will be variance with their standards and conditions.

**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.**

Monmouthshire County Council (MCC) disagrees with this proposal. 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 them having 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. However it is felt that a PHV driver would benefit from undertaking the knowledge test and not be reliant on satellite navigation systems, especially in rural locations that may have connection blackspots or an outdated navigation system.

MCC currently only issue dual licences, the creation of additional single licence categories would cost this Authority more to administer, with additional costs associated with procuring colour coded id cards and alterations to existing computer databases. The mix of driver licences may cause confusion amongst those licensed and the change would have further enforcement pressures put on the Licensing team. The current dual badge allows those who operate mixed fleets of taxis and PHV’s to be able to all use all licensed drivers without any implications.

MCC therefore request that only dual licences should be offered.

If Welsh Government 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, but by issuing dual licences, it means that the private hire driver conditions 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.**

MCC 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 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)

MCC agrees with this proposal and is currently carrying this out. Frequent DBS checks are essential to ensure that licensed drivers remain fit and proper. MCC 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)

MCC agrees with this proposal.

Evidence of right to work in the UK

MCC agrees with this proposal.

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

MCC agrees with this proposal and suggests 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, MCC suggest that Welsh Government utilise the standards contained within the "Taxi and Private Hire Vehicles: Licensing Guidance" for medicals, but with an amendment to the person carrying out the assessment and level of history required.

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.

MCC agrees to a comprehensive training requirement which is consistently applied throughout Wales, will add professionalism to the industry and should be introduced for all new drivers. However, the training has mentioned taxi licensing legislation but should also include the national minimum standards as well.

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. The training should also have the ability for on-line training packages.

Existing drivers should be given a sufficient transitional period to obtain the qualification, but 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.

Currently MCC conducts training which requires refresher training every 3 years which does not include taxi licensing legislation, conflict management, basic Welsh (how to greet passengers), data protection requirements, basic vehicle maintenance and basic literacy and numeracy skills. MCC would agree to a 6 year refresher training providing all elements are covered along with national standards. The 6 yearly periods should also coincide with the expiry of licences. Refresher training courses should be shorter in duration and delivered at a lower cost to the driver.

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

MCC 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. MCC 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.

MCC disagrees 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.**

MCC 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.

MCC agrees with this proposal as this reflects existing practices, albeit where the operator/Proprietor is also a licensed driver, then the need for an additional basic DBS check is not required.

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

MCC agree that roof lights should display the word 'Taxi' or 'Taksi', which is currently in place in this Authority.

Roof lights not allowed on PHV

MCC agrees with this proposal

All PHVs to display 'pre-booking only' signage

MCC agrees with this proposal

Vehicles to be tested to an agreed testing specification

MCC agree and would recommend that if changed that these are in accordance with the "Best Practice Guide for the Inspection of Hackney Carriage and Private Hire Vehicles"

MCC currently utilise external garages for their testing requirements which are MOT testing stations of green rating with VOSA in the County and are approved testing stations agreed by the Council and would like this retained.

Vehicle testing to be carried out at agreed intervals.

MCC 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)

MCC agrees with this proposal, however, there should be no exemptions. Currently MCC request that all vehicles licensed should be over Euro 6 standards with no age restrictions. The introduction of age limits should incorporate the changes of Euro emissions standards as they progress.

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

MCC agrees with this proposal.

All taxis to be fitted with a taximeter.

MCC agrees but would suggest that only one fare can be displayed to the customer. Some drivers may 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'.

MCC agrees and suggests 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 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.

MCC agrees, however would expect to be consulted on the detail of this criteria.

Methods of payment that should be available.

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

Vehicles must carry a first aid kit

MCC agrees with this proposal. 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.**

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

A basic DBS check (repeated each renewal).

MCC agrees 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, MCC feel that this period is too long between DBS checks and that an annual check is preferable.

An overseas criminal record check (where applicable).

MCC agrees 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.

MCC agrees 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.

MCC agree with the proposal that anyone taking bookings, dispatching vehicles or holding an individual's personal information should be vetted. MCC suggests that all such individuals should be subject to a fit and proper test via a basic DBS check.

MCC however question the effectiveness of an unregulated policy whereby the operator determines the suitability of their own staff. Even with Local Authority oversight 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.

MCC feel that the only viable and meaningful option for vetting "dispatchers" would be to have a separate licensing scheme for such individuals.

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.

MCC agrees 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.

MCC agrees 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.

MCC agrees that operators should have to meet standards for dealing with passengers with additional needs, however, MCC feels that this should not be left to the operators to regulate. Welsh Government should be introducing such standards through statutory guidance, where operators must comply. Where an operator falls short of the standards and complaints are received by the local authority, the local authority will 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?**

MCC feel that as far as possible, standards should be consistent across the whole of Wales to ensure a level playing field within the sector. However, additional local standards would be required due to geographical, rural needs as opposed to city centre requirements. For example the use of Tuk Tuks may need to be restricted from busy roads, whereas in a city centre bus lanes may be in place and as such there would be no issues in busy roads being used. Local discretion should be retained for livery of vehicles, e.g., Colour policies, back plate and door sign designs. It is considered that attempting to be consistent in this aspect would be an unnecessary cost to the trade.

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

MCC agrees 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, it is unclear how the proposals would work in practice where an additional licence is required outside the issuing authority area.

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

MCC 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 MCC has several practical concerns. This requires further consultation and engagement on the detail to enable additional comments to be made.

MCC 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 Welsh Government 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". MCC 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, MCC 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.

MCC does 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 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 MCC answer this question on the basis that there is an immediate risk to public safety due to the condition of a vehicle.

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

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

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

Additionally, MCC 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 evening by the issuing officer.

MCC however does 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.**

MCC 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 level – minor when considering public safety. The option of the introduction of a FPN scheme can be beneficial in dealing with infringements that are not of a minor nature but could still withstand a court procedure if pursued. However, the introduction then of both a FPN scheme and penalty point scheme introduces 3 levels of enforcement action (third level being either a hearing or legal proceedings or both); this can be over complicated and as such should each level of enforcement should be clearly defined and not left to officer discretion. If a FPN scheme is introduced then a further discussion needs to take place as to what needs to be penalty points and what needs to be FPN.

MCC also has further 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, this would potentially lead to a reduction in the fees that can be charged for licenses. The Penalty Point requires less resources to administer this process.

The penalty points scheme is essentially an internal mechanism to determine when a driver is required to go to a hearing, it is therefore less open to challenge as any appeal would be against a decision taken at the hearing rather than 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.

MCC 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.

MCC 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.

MCC agree that there is a need to address the negative consequences of 'multi-apping'. As a result, MCC's view is that a driver should be restricted to work for one operator at a time and to display the name of that company 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.

MCC 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, MCC 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.

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

MCC 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. MCC 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 of MCC however it is considered too restrictive for those operators located on the England/Wales border, which Monmouthshire is.

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

11. 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.
12. 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 journey's 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.

MCC would suggest that once England have comparable standards to those in Wales, that this policy can 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.

MCC agrees 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.

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

MCC currently insist vehicle applications are over Euro 6 standards. However, MCC 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. MCC 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 in insisting all vehicles are zero emissions vehicles.

MCC are clear however, that any proposals made by Welsh Government must consider the financial implications to the taxi and PHV trades. There should be financial incentives to change to ZEV's.

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

MCC would agree with the proposals for Class B vehicles however the terminology referring to such vehicles be revisited. MCC would suggest calling them "specialist vehicles" rather than "Class B".

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

MCC have provided comments in respect of the regulatory impact assessment in an addendum to this response. In addition, the Panel make the following comments:

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

Please see attached addendum.

**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.

**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.**

MCC feel that positive effects could be increased by ensuring that signage, etc. is provided in bilingual format on all taxis and taxi ranks. MCC 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](#)

MCC 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.

MCC 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. This imbalance 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”.

MCC 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.

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

MCC acknowledge that prescribed fees would provide greater consistency and fairness across Wales, however Local authorities are required to ensure full cost recovery (where permissible) for the taxi and private hire 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.

### Methodology for setting taxi meter fares.

MCC 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 city centres are likely to be of a shorter distance than journeys in rural locations, 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.

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

### Mandatory CCTV

MCC believe that CCTV system 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 have an immediate deterrent against crime and disorder including CSE; Violence against Women; drugs; domestic violence etc.

MCC would be able to provide extensive examples of where CCTV footage would have been invaluable evidence for corroborating or contradicting complaints received.

MCC recognise the potentially 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 Welsh Government. However, clarity and advice on who the data controller would be if CCTV is a requirement by Local Authorities or as part of the national standards.

MCC would further request that if CCTV is to be installed that it is agreed by the Authority that it must be located within the vehicle that is in a fixed position to avoid inappropriate use of the footage.

### Prescribed application forms

MCC have already worked extensively with Welsh Government 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, it would be an easy task for Welsh Government to prescribe the application forms to ensure consistency across Wales.

### Driver Proficiency and Qualifications

MCC believes that at present the standard car-driving test provides sufficient evidence of driving competency for the drivers of Hackney Carriage and Private Hire vehicles. It has previously considered that introducing a requirement that drivers pass the specific DVSA Driving and Vehicle Standard Agency test, or indeed any other competency qualification, would not at present produce benefits. Currently MCC requires that all new applicants who have "totted" up 6 penalty points via minor

traffic offence(s) will be required to undertake and pass a Pass Plus Course, or a course approved by the Licensing Authority, and also provide a pass certificate (the test pass must be no older than 12 months old and is at the applicant expense). MCC has requested that the proficiency test be considered, when such a test should take place whether you feel it should be for all drivers, or as it currently stands if there are concerns due to totting up of points on the DVLA licence upon application. Consideration should also be taken into account as to the level of test that will be acceptable when drafting the national standards.

## Monmouthshire County Council RIA Comments

Table 6: Detailed potential costs break (see summary below for details)

Item	Frequency	Cost on initial application	Cost on renewal/ (existing drivers)	Incurred by	Notes
National training provider for literacy, numeracy, knowledge and safeguarding	Initial application only / potential safeguarding refresher every other renewal (6 years)	£40:00 /£60:00 (estimate excludes opportunity and time costs of attending training)	£30 (estimate) every other renewal (6 years)	Drivers	Existing training costs already exist (not new costs)  Currently drivers pay upfront for external training prior to applying.
Enhanced DBS check with Barred List and Update Service	Initial application enhanced DBS required	£46:00 DBS + £13:00 update service fee = £59:00  (basic DBS £18)	£13:00 a year update service	Drivers  (operators/ vehicle proprietors only if not a driver)	All Welsh LA currently require enhanced DBS checks on initial application, some have started moving towards 6 monthly DBS checks (not new costs) potential cost saving £7 per driver for update service use  No comments.

Vehicle testing	Proposal for annual testing	£50:00 (estimate)	£50:00 (estimate)	Vehicle proprietors	<p>All LA currently have testing requirements for vehicles requiring an annual, six monthly or four monthly test. Annual testing throughout Wales will result in a cost saving for many vehicle proprietors/ businesses</p> <p>A taxi/PHV can travel significantly more miles than a standard passenger car, and it is common for vehicles to travel 40,000+ miles per year, driven by multiple drivers. Many vehicle components will wear significantly during this period (tyres, brakes, suspension components etc.) and we do not feel annual testing is sufficient.</p>
Improved information sharing (Database / register/ other)	Setup fee likely with WG. Potential renewal fees that could be paid by the LA and recovered	£0 see text below	£Unknown WG research on database and/or register required	LA who will seek to recover costs from drivers/ operators	<p>LA are currently required to maintain a register for some taxi licences and all use 8 different versions of database throughout Wales. Setup fees will be provided by WG. Renewal maintenance fees may be required from LA on a cost recovery basis from licence holders</p> <p>It is not clear whether this relates to a register, or a database that would include current suspension notices issued.</p>

Item	Frequency	Cost on initial application	Cost on renewal/ (existing drivers)	Incurred by	Notes
	in the licensing fees				
Vehicle Age/Emissions Standards	When a replacement is required/ desired by the vehicle proprietor / company	Variation in vehicle manufacturer costs. A second hand Euro 6 emission vehicle can be purchased for under £10,000:00	£0	Vehicle proprietors	<p>Many LA already have age limits for new vehicles and/or a maximum age limit for existing vehicles. There is only a potential cost for LA without any current age limits. Existing licence holders may be permitted to retain currently licensed vehicles only to be replaced with a newer vehicle when a replacement is required or have a phased approach to updating the current fleet</p> <p><b>“There is only a potential cost for LA without any current age limits” - not clear how there could be additional costs.</b></p>
Changes to Taxi roof light wording	Once	£30:00 / £40:00 (estimate)	£0:00	Vehicle proprietors	<p>Most Taxis already have a rooflight with the wording “Taxi” and/ or “Taksi” therefore no costs to most vehicle proprietors. Signage firms may be able to amend existing rooflights for a lower fee rather than purchase a new rooflight.</p> <p><b>No Comments already in place in MCC</b></p>

<p>Allowing multiple driver licence with more than one Authority</p>	<p>Initial Application with each Authority</p>	<p>Reduced costs when applying for the second licence. -£200:00 / -£300:00 (estimate)</p> <p>We dispute the £200 - £300 saving for a 2<sup>nd</sup> licence, as this cost appears to relate the training. Once the training is completed, there are no additional cost to the driver as the national qualification is transferrable between authorities.</p>	<p>£0</p>	<p>Drivers</p> <p>LA, who will recover cost from drivers.</p>	<p>When applying for the second licence. The driver will not require a duplicate medical / DBS / All training requirements. *Price per medical GP will vary</p> <p>When applying for the second licence the driver will not be required to do the training, nor a new DBS (as they will be on the Update Service). However, the driver will still have to do the knowledge test, the local authority will need to verify documentation with the home authority. And will need to process, determine, and issue the licence which is the cost to the LA and passed on to the driver.</p> <p>This could also necessitate a committee hearing and cause issues by accepting old medicals</p> <p>The cost of the administration and enforcement of the licence would be comparable for both the home and second licensing authority and there is no cost saving to the driver.</p>
<p>Requiring all Local Authorities to issue a</p>	<p>Initial Application</p>	<p>-£20:00 / -£30:00</p>	<p>£0</p>	<p>Drivers</p>	<p>Allowing PHV drivers to apply for a PHV drivers licence only will reduce</p>

Item	Frequency	Cost on initial application	Cost on renewal/ (existing drivers)	Incurred by	Notes
PHV drivers licence only		(estimate)		LA, who will recover cost from drivers.	<p>the need to have a local area knowledge test and should reduce training costs to the driver</p> <p>Unintended consequences to this proposal - additional enforcement costs as LA officers will be required to monitor compliance with PH only licences driving taxis.</p> <p>Potential setup administration costs to amend the issue of dual licence only – to PHV only drivers licence.</p>

# MT

Name
MT

Are you responding for yourself or for an organisation? If an organisation, which?
Self

Which of the following best describes you?
I work in the taxi / PHV trade

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.
Yes

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.
Yes

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.
Yes  <b>Comments:</b> That way it will stop people from getting other city licence to work for example in cardiff as private hire drivers don't need knowledge test however in cardiff they have to give it which is why they go to newport to get taxi licence

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.
Yes

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.

Yes

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.

Yes

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

No

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

Yes

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.

Yes

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.

No

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

No

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

No

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.

No

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.

No

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

No

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.

c. do something else

**Comments:**

offer grants to buy more eco friendly cars

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

Yes

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

*No Response*

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

*No Response*

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?

*No Response*

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.

*No Response*

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

*No Response*

## National Private Hire and Taxi Association

Name

Are you responding for yourself or for an organisation? If an organisation, which?

An organisation

**Comments:**

National Private Hire and Taxi Association ([www.nphta.co.uk](http://www.nphta.co.uk))

Which of the following best describes you?

Other

**Local Authority**  
nationwide

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.

Yes

**Comments:**

we would suggest removing the mention of "first or last mile" since in most cases, the use of taxi or private hire services is for the complete journey, for shopping, doctors appointments, hospital visits, school runs, airports and a whole list of other journeys, not just first or last mile in most instances.

the presence of a top light for taxi and not being allowed for private hire vehicles is missing as a distinction between the two

We would suggest making the distinction of private hire much clearer, since many private hire drivers still call themselves taxi drivers, so unless we make that clearer, the lines are going to continue to be blurred.

"The hiring of a taxi or PHV via an operator either at the operator's office, via the phone, internet or electronic device, for future travel. Taxis can also be pre-booked in person directly with the driver, but this cannot be done in a PHV where bookings are made via an operator."

this is unclear and confusing

we would suggest a reword to say "Taxis can be pre-booked in person directly with the driver since taxi drivers may accept their own bookings, but a PHV driver may not accept such pre bookings, since all bookings for private hire vehicles and drivers may only be made directly with a private hire operator."

When bookings are made digitally such as in the case of online booking apps there is currently a grey area around whether it is the driver or operator that actually accepts the booking. We propose that, where a private hire driver is approached by a potential passenger, the driver may direct the person to book via the appropriate operator and only when the operator has approved and recorded the booking may the passenger commence the journey. The driver may not accept a booking on behalf of the operator

this leaves it wide open for a private hire driver to allow the passenger into the vehicle, prior to the booking have been made, it could even result in the driver commencing the journey whilst waiting for the booking to come through, or "backfilling" the job.

A better suggestion would be to maintain existing conditions which mean that the driver must direct the passenger to pre book, by app or by phone, and drive off, if the booking is made, and the driver is the nearest vehicle, then he may turn around and return to collect the trip, anything less is too open to manipulation and abuse.

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.

Yes

**Comments:**

We agree with the Department for Transport on this subject, with such current variations from one local authority to another, including things like vehicle colour, tinted window restrictions, age of vehicles, CCTV, requirements of first aid kits for some but not for others and a whole series of other differences, it makes it confusing for the travelling public, for police, for enforcement duties and for drivers, it also results in "license shopping" which means drivers getting licensed in one area, with no intention of actually working in that region, just to avoid conditions they do not wish to comply with.

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.

Yes

**Comments:**

There is a huge sector of the industry who have no desire to ever sit on a taxi rank anywhere, only doing pre booked trips such as airport specialists or school run drivers, they have no desire or need for the hackney carriage (taxi) element, there are also those who only wish to sit on ranks, and have no desire to perform pre booked trips, for those, they have no desire for the private hire element. the additional point is the risk of confusion for those who simply do not understand the core reason for a dual license, (being able to drive both types of vehicle), they often believe that whilst driving a private hire vehicle, they can act as a taxi driver, since they are licensed to do so.

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.

No

**Comments:**

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

this is not necessarily the case at all, many taxi drivers work through a company, and it is not right or correct to assume that all PHV drivers are employees at all, since most are sole traders who merely pay a radio rent fee to an operator, as such they are not likely to be employees at all. such training on how to run a business has no bearing on licensing at all and should not be included

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.

the use of satnavs is just as prevalent to taxi drivers as it is to private hire drivers, in fact since the use of app based operations has evolved, the use of radio communications between operator and driver for providing directions has all but disappeared, we cannot rely on the use of satnavs as a justification to remove knowledge of the area in which you work, since this not only opens the door for remote working (predominantly working out of area) but it also places a risk of getting lost or prolonging journeys simply due to satnavs not being in a strong satellite reception area, or not being aware of shorter routes, or detours in the event of collisions, if one is not required to sit the knowledge test, then neither should be, as both driver types are just as likely to use satnavs.

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.

Yes

**Comments:**

- Vehicles must carry a first aid kit

this should be removed, drivers are not qualified to perform first aid, there is a risk of administering first aid incorrectly, the presence of a first aid kit serves no real purpose, the internal contents may well expire (be out of date) without the driver or vehicle owner having ever even opened the kit, let alone being aware, as such, we believe that the first aid kits should be removed as a requirement, and left as an option for drivers should they wish to carry one.

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 also do not believe there to be any advantage or benefit in repeating the same courses multiple times, since there is not likely to be anything changed within the time frames given, we believe a better option would be to notify via email any major changes to any aspect of the training courses the drivers have already passed at initial application stage

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.

Yes

**Comments:**

- 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. 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 have a severe dislike to the use of the term "complaint" since this is suggestive of the belief that the only time a customer wishes to make contact with local authority or operator, is as suggested, to "complain", we would like to see the word changed to read "comment" which carries far less of a derogatory subliminal message, operators should maintain a record of "comments" which may include compliments, praise or expressions of gratitude.

This change should also be rolled out to any signage on vehicles or any suggestions on any local authority websites.

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

Yes

**Comments:**

we believe that livery and branding should be consistent throughout Wales as a part of national standards.

mandating safety technologies is more regional, in cities where there is a higher level of tourism and nightlife, this might be more beneficial than in more rural areas with predominantly local and regular clients.

use of welsh language is as above, for more tourist areas, it might be of no use at all, but for more rural areas with a higher elderly client base, this could be more beneficial.

Wheelchair accessible vehicles we do not believe should be mandated, or at the very least, must not be any 100% WAV policies as there is zero justification for such a policy, but there must be provision made for wheelchair users such as having adequate boot space to transport a folded wheelchair in accordance with the <https://bills.parliament.uk/bills/2912>

vehicle emissions regulations are already covered within age limits of vehicles and euro 6 emissions standards.

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

Yes

**Comments:**

as above, we believe that if there is to be a local area knowledge test, it should equally apply to both taxi and private hire applicants.

we believe that there should be a sentence added to clarify that whilst a driver may indeed be licensed by multiple local authorities, a vehicle may not, the absence of such clarification could be deemed to remain confusing.

we do however appreciate and welcome the suggestion that the only aspect that would need to be repeated would be the application form itself, all other pre requisites being accepted as complete, the fees to apply to additional local authorities for a license, being reflective of this matter, since the conditions are national, this makes perfect sense.

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.

Yes

**Comments:**

this is a tricky one to be honest, since under current legislation, it is not an "authorised authority" but an "authorised officer" which means only the person named as an authorised officer by the issuing authority may take enforcement action against a breach of local (home) authority conditions, (such as failure to display signage or livery) but they can indeed prosecute against criminal offences such as unlawful plying for hire, or carrying too many passengers.

since we are talking here about national standards, it would be far easier to enforce against a breach of conditions, since they would all be the same, but then question 7 allows for regional variations?

we do believe that each authority should have at least one nominated officer, if not more (to allow for time off, illnesses, holidays etc of the named officers) but this would be far easier if there were to be one national license, with regional departments.

this way, there would be one central licensing "authority" but with regional enforcement departments, although this may require some detailed investigations as to how this would work and fit in with current legislative restrictions.

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.

Yes

**Comments:**

if the reason for suspension is indeed due to immediate risk, however, in such situations we would expect the police to act and issue a prohibition notice.

the reason for this is due to the experience of over zealous enforcement officers who issue suspension notices for minor issues that have no bearing on immediate risks to public safety, so we do need to be very careful here not to open the door to abuse by such officers.

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

No

**Comments:**  
categorically not!

- Failure to display/wear a driver's badge

that is a breach of a licensing condition, and should result in a first warning, followed by a licensing committee hearing if necessary, not a financial penalty which is wide open to challenge which would potentially have more cost implications against both the council and the licensee.

- Leaving a taxi unattended at a taxi rank

that is a parking matter, not a licensing enforcement matter, but we would like to see more active enforcement against private hire vehicles and indeed private motorists parking or leaving vehicles on taxi ranks.

- Failure to display licence plate or required signage

as above, this is a breach of licensing conditions, warning, suspension, revocation, licensing committee hearings, by all means, but not a source of revenue for councils.

- Failure to comply with any requirement properly made by a local authority enforcement officer

we have seen many officers nationwide being over zealous in their demands, the risk of a penalty of £70 being imposed against anyone for since those demands would be deemed to be "a requirement properly made" is unacceptable, the definition of what constitutes "properly made" is in the eyes of the requestee versus the victim.

under licensing legislation, the cost of issuing and enforcing the licensing regime must be met at point of application, it cannot be applied pro rata on an individual basis, nor can it be subsidised by other forms of income or cross subsidised from one sector to another, we may think this is unfair, but unless there is a change in legislation to accommodate this, accompanied by a huge drop in licensing fees since the costs of enforcement would have to be removed entirely from the licensing fees, we simply cannot agree to such a suggestion and would object strongly.

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

No

**Comments:**  
we have seen far too many examples of where penalty points are incorrectly applied, with no right of appeal, or where the list of things for which points can be issued are far too all encompassing.

in order for us to agree to such a policy, we would need to see the entire list of suggested offences, and have the assurance that the limited list of breaches were indeed offences, were minor and the limit would be applied nationwide

It will apply to infringements  
such as:

- Failure to carry a first aid kit

we suggest this be removed as a requirement anyway, rendering this aspect null and void.

- Failure to comply with vehicle inspection requirements on time

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

this would and should lead to a vehicle license being suspended, the issue of points should not be relevant here.

- Cancellation of a pre-booked fare without a reasonable excuse

this depends very much on the definition of "reasonable excuse" and is open to misinterpretation.

Under this scheme a fixed number of penalty points can be applied to a licence. This will allow the licence holder to continue to operate, until such time they accrue the maximum number of the penalty points within a given period; at which time the local authority licensing committee would decide whether the licence holder is 'safe and suitable' to continue to hold a licence. A right of appeal of the council's decision will continue to be to the magistrates' court. Penalty points would be removed from the licence after a specified time period.

the legal term is "fit and proper" not "safe and suitable"

in its current format, with very little absolute definition and limits, it is impossible for us to agree to this.

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.

Yes

**Comments:**

The development of multi aping is indeed becoming a huge problem across the industry, whilst driver take advantage of the benefits of doing so, it undermines the ability of any private hire operator to be able to monitor the availability of drivers, and therefore undermines their ability to "operate" effectively.

with this in mind, it is unreasonable and potentially unlawful to take action against an operator, since they have no control over this issue, it is not the operator that is cancelling the booking, it is the driver.

Having said that, it is potentially unlawful to restrict a driver to only be able to work for one operator, as that is potentially a breach of ECHR regulations which allow for any individual to seek gainful employment, it is interfering with contract law, employment law and the right to roam, all of which are aspects of law which a local authority may not overrule.

the very ability of "multi aping" is the very reason why many private hire drivers, and indeed app based operators such as uber and bolt, do not want vehicle operator signage to be displayed on the vehicles in order to cater for this very practice.

It is also worth nothing that this does not just introduce a risk to the travelling public, but also to the operating staff, who are far more open to abuse from passengers that are waiting for vehicles that have not attended, but also to drivers who are more open to abuse from irate passengers who have been cancelled repeatedly by other drivers due to this practice.

in light of this, something does need to be done to address this matter, the presence of operator signage does help, but also runs the risk of drivers attending showing signage for one operator whilst actually fulfilling a booking for another, leading to confusion.

There are far more local authorities that dictate that the operator name must be displayed on the vehicles, some with permanent adhesive signage, some allow interchangeable magnetic signage;

Wolverhampton currently have a one operator only policy, which is often ignored and is wide open to legal challenge on the grounds listed above.

it is a difficult one to find a solution to, whilst dealing with this aspect, it might be of some assistance to enforce the triple lock rule, operator, driver and vehicle must all be licensed by the same council, which

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.

may have some impact on this practice by way of reducing the ability of vehicles to be able to be sent bookings form remotely licensed operators.

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.

Yes

**Comments:**

this is the only way to allow for prebooked trips that are essential such as special educational needs runs which may be performed by part time drivers, but for operators who may perform trips predominantly outside of the Welsh borders.

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

Yes

**Comments:**

Since it has indeed been rolled out as a mandatory requirement in England as stated, if this was not echoed and rolled out throughout Wales, then the result would be to undermine the purpose of the NR3 database and its effectiveness.

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.

b. set an age limit for vehicles which are not ZEV

**Comments:**

the cost of purchase are not the only factor to take into consideration here  
lack of charging infrastructure, cost of living crisis and increase in electricity costs actually means that it can cost as much if not more to charge an electric vehicle now, lack of range for many EV's, downtime whilst charging such vehicles compared to the speed at which an ICE vehicle can be recharged (fuelled), lack of ability to access home charging points, (terraced houses, block of flats, limited parking etc); these are all factors to consider

with regards to wheelchair accessible vehicles, there is currently only one available, which is in excess of £70k in most cases, the weight of EV batteries already reaching the maximum axle weight of vehicles, and creating no drill zones in the vehicle floor, are all factors which limit the availability of WAV conversions.

the exemption to clean air zone charges applies to all euro 6 vehicles, not just EV's as suggested in this section

by introducing an age limit, there will be time allowed to not only migrate across to lower emission vehicles, but also for a second hand market to develop, for battery capacities to improve allowing for longer mileage ranges which means less frequent stops to recharge, and allows for the recharging infrastructure to develop.

The automotive industry and the taxi and private hire industry is making huge steps in the right direction to

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.

accommodate such a change towards EV's, but we simply must have more time for those measures to be tried and tested, rolled out and create a far more sustainable migration to ZEC.

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

No

**Comments:**

if a vehicle is to be used for hire and reward, whether that be hackney carriage or private hire (prebooked only) then it should satisfy conditions set out for those vehicles.

whilst we agree that there should be an allowance made for such vehicles to become licensed, the fact remains that they must be licensed accordingly and follow the same licensing conditions, for example, horse and carriage, tourism, and tuk tuks, rickshaws etc, are hackney carriage (taxi) by the very definition in the way they are obtained (hailed on demand) whereas limosines, vehicles used for VIP/exec hire, classic and speciality cars, and those used for community and school transport are private hire in so much as they must be prebooked.

there is already provision in place for such vehicles to be exempt from certain licensing conditions such as minimum seating and head room restrictions, or for the exemption from displaying livery for limosines etc, without giving them a completely separate license type, this suggestion just seems to be creating more work for licensing authorities, and more opportunity for confusion within not only the industry, but the travelling public too.

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

no comments

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

*No Response*

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?

We believe that the use of the Welsh Language should be supported and encouraged, but not mandated, since we must consider the industry in its entirety, which includes tourism where the use of Welsh language would be of no real benefit, other than perhaps to teach tourists basic words in Welsh as a part of the experience, but in more rural areas, where the residents are likely to be more elderly and benefit from the ability to speak in Welsh would not undermine the use of the language at all.

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.

no comments to make here, since we are considering the trade as a whole, we do not see how the proposed changes to licensing legislation could or would have any impact on the Welsh language at all, neither positive or negative.

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

We welcome the opportunity to be involved in this consultation and remain available to assist, liaise and support in any way we can in order to achieve a better, fairer, and more practical legislative platform for the industry, to include regulators and those they regulate.

## Neath Port Talbot Council



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

#### Consultation response

Neath Port Talbot Council (“the Council”) are supportive of WG’s vision to ensure that Wales’ taxi and PHV services are safer, fairer and greener. The Council 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.

The Council has however been consistent in the messaging that the proposed legislation is not ambitious enough and will only tinker around the edges with 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.

The Council would advocate moving to an amalgamated regime for taxis and private hire services, with a second category to capture the other services such as novelty / executive hire. Moving to this simplified “one tier” system is not only easier for the public to understand but would also alleviate many of the problems around cross border operations, definitions of pre-booking and whether PHVs are plying for hire.

The Council note that the Regulatory Impact Assessment (“RIA”) 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”. To be clear, the Council would fully support 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 most 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 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.**

The Council agree with this proposal.

This is consistent with the previous consultation work undertaken between the Wales Licensing Expert Panel 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.**

The Council disagree with this proposal.

The Council 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 then have 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. The Council however feel that a PHV driver would benefit from undertaking the knowledge test and not be reliant on satellite navigation systems.

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.

The Council 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 mix fleet of taxis and PHV’s with drivers being able to drive any vehicle with no enforcement implications for any party, including the local authority.

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, but issuing dual licences means that the private hire driver conditions 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.**

The Council 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)

The Council agree with this proposal. Frequent DBS checks are essential to ensure that licensed drivers remain fit and proper. The Council is 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)

The Council agree with this proposal.

Evidence of right to work in the UK

The Council agree with this proposal.

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

The Council agree with this proposal and suggests 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, The Council suggest that WG utilise the standards contained within the "Taxi and Private Hire Vehicles: Licensing Guidance" for medicals, but with an amendment to the person carrying out the assessment and level of history required.

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.

The Council 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, but 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.

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

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.

The Council 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. The Council 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.

The Council 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.**

The Council 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.

The Council agree with this proposal as 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. 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'

The Council agree that roof lights should display the word 'Taxi' or 'Taksi', however several local authorities report that existing roof lights often have the local authority's name also displayed. The Council consider that to compel existing taxi operators to replace existing roof lights would be an unnecessary cost to the trade. The Council would therefore suggest that the word "only" be removed from this standard.

Roof lights not allowed on PHV

The Council agree with this proposal.

All PHVs to display 'pre-booking only' signage.

The Council agree with this proposal

Vehicles to be tested to an agreed testing specification.

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

The Council also would suggest that where Local authorities utilise external garages for their testing requirements, that the garages must be approved by the local authority.

Vehicle testing to be carried out at agreed intervals.

The Council 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)

The Council 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 the Council 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.

The Council 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.

The Council agree with this proposal.

All taxis to be fitted with a taximeter.

The Council agree but would suggest that only one fare can be displayed to the customer. Some Local authorities report that it's 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'.

The Council 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 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.

The Council agree, however would expect to be consulted on the detail of this criteria.

Methods of payment that should be available.

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

### Vehicles must carry a first aid kit

The Council agree with this proposal. 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.**

The Council agree that national minimum standards should apply to operator's licences and make the following comments:

#### A basic DBS check (repeated each renewal).

The Council 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, The Council feel that this period is too long between DBS checks and that an annual check is preferable.

#### An overseas criminal record check (where applicable).

The Council 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.

The Council 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.

The Council agree with the proposal that anyone taking bookings, dispatching vehicles or holding an individual's personal information should be vetted. The Council suggests that all such individuals should be subject to a fit and proper test via a basic DBS check.

The Council however question the effectiveness of an unregulated policy whereby the operator determines the suitability of their own staff. Even with Local Authority oversight 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.

The Council feel that the only viable and meaningful option for vetting “dispatchers” would be to have a separate licensing scheme for such individuals.

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.

The Council 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.

The Council 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.

The Council agree that operators should have to meet standards for dealing with passengers with additional needs, however, The Council feel that this should not be left to the operators to regulate. WG should be introducing such standards through best practice guidance, where operators must comply unless there is a good reason not to. Where an operator falls short of the standards and complaints are received by the local authority, the local authority will 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?**

The Council feel that as far as possible, standards should be consistent across the whole of Wales to ensure a level playing field within the sector. The Council therefore feel that Local authorities should not be permitted to set additional local conditions above the national minimum standard.

The Council would however suggest that local discretion is retained for livery of vehicles, e.g., Colour policies, back plate and door sign designs. It is considered that attempting to be consistent in this aspect would be an unnecessary cost to the trade.

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

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

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

The Council 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 the Council has several practical concerns. This requires further consultation and engagement on the detail to enable additional comments to be made.

The Council 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”. The Council 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, the Council 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.

The Council does 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 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 the Council answer this question on the basis that there is an immediate risk to public safety due to the condition of a vehicle.

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

The Council 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.

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

Additionally, The Council 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 evening by the issuing officer.

The Council however does 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.**

The Council 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 level – minor 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.

The Council 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.

The Council feel that the preferred choice would be to introduce a penalty points scheme. The Council 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 are raised that income generated from FPN's would need to be considered alongside fee setting arrangements i.e. no profit can be made, this would potentially lead to a reduction in the fees that can be charged for licenses. It was also felt that enforcement officers would be much less likely to issue a fixed penalty notice for minor infringements than issue penalty points.

The Council preferred the penalty points scheme as it was felt less resources were needed to administer this process. Some local authorities already have similar schemes in place, so no additional resource is needed. This Council does not have such a scheme in place however it does have a system (albeit undocumented) for determining when a driver needs to go to a hearing; it will just be case of formalising the procedures.

The penalty points scheme is essentially an internal mechanism to determine when a driver is required to go to a hearing, it is therefore less open to challenge as any appeal would be against a decision taken at the hearing rather than 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.

The Council 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 points, but a dirty vehicle would not.

The Council 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.**

The Council agree that there is a need to address the negative consequences of 'multi-apping' based upon the limited affect this has in Wales which is restricted to a small number of authorities. This Council has not had any experience of this happening as licensed drivers tend to work wholly for one operator.

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

The Council 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, the Council 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.

The Council disagree with Option A and in part of Option B and therefore suggest Option C as set out below.

The Council 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 (used in the consultation document example), 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. The Council 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 of the Council however it is considered too restrictive for those operators located on the England/Wales border.

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

13. 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.
14. 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 journey's 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.

The Council would suggest that once England have comparable standards to those in Wales, that this policy can 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.

The Council agree with this proposal. All 22 Local Authorities in Wales are already signed up to use the NR3 database and the vast majority have uploaded historic data.

**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

The Council 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. The Council recognises the environmental need to accelerate such transition away from harmful emissions and are willing to play out part in aiding that transition, but it is really a matter for Welsh Government to determine the appropriate timescales and mechanisms.

The Council are clear however, that any proposals made by Welsh Government must consider the financial implications to the taxi and PHV trades.

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

The Council agree with the proposals for Class B vehicles however the terminology referring to such vehicles be revisited. The Council would suggest calling them "specialist vehicles" rather than "Class B".

The Council would suggest the inclusion of Omnibuses in the list proposed.

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

The Council have provided comments in respect of the regulatory impact assessment in an addendum to this response. In addition, the Council make the following comments:

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

Page 47 3.16 - 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.

Council officers have worked extensively with WG officers over many years to assist with the development of both this White Paper and the WG Harmonisation Document. The Council 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 LAs 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 The Council would need to wait for the White Paper to be published before any further work on voluntarily pursuing consistent policies would be undertaken. The Council 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”.

The Council agree that national standards would assist in reducing cross border operations, however cross border operations between Newport and Cardiff are primarily caused by the differences in qualification requirements, not only the knowledge test. The Council 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 addendum.

**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.

**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.**

The Council feel that positive effects could be increased by ensuring that signage, etc. is provided in bilingual format on all taxis and taxi ranks. The Council 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

The Council has been made aware of issues with excessive charges for out of area taxi journeys in the Cardiff area and therefore support the Wales Licensing Expert panels response to this question:

Use of the meters 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 Cardiff as it is geographically small but has a high number of visitors from neighbouring areas who require taxis to get home.

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.

For example, The Senedd in Cardiff Bay to Penarth is a journey of 3.5 miles, but as the journey crosses over from the Cardiff district into the Vale of Glamorgan district, drivers are not required to use the meter. There have been numerous examples of the public having to pay £40+ for this journey.

There is an inherent imbalance of power to this situation as the normal rules of supply and demand don't 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 in the Principality Stadium, 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. Cardiff receives many complaints from customers being charged significant amounts to travel back to RCT, Merthyr etc. but there is nothing officers can do despite acknowledging the unfairness.

Passengers wishing to go out of district at the end of the night in Cardiff 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 ranks 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 doesn't 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. This situation has resulted in many lone female students having to walk home back to inner areas such as Cathays.

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".

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 aren't taken advantage of for living outside of the district - even if it is just Penarth.

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

The Council acknowledge that prescribed fees would provide greater consistency and fairness across Wales, however Local authorities are required to ensure full cost

recovery (where permissible) for the taxi and private hire 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 Wales Licensing 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.

The Council 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 Cardiff 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.

The Council 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

The Council believe that CCTV system 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 have an immediate deterrent against crime and disorder including CSE; Violence against Women; drugs; domestic violence etc.

The Council would be able to provide examples of where CCTV footage would have been invaluable evidence for corroborating or contradicting complaints received.

The Council 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

Officers of the Council 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, it would be an easy task for WG to prescribe the application forms to ensure consistency across Wales.

### Restricted Drivers

In addition to the Council 's submission in relation to Q3 regarding types of licences offered by local authorities. The Council would suggest that consideration be given to the introduction of a restricted dual licence for the purpose of home to school transport **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 home to school contract work. A number of local authorities in England and Swansea Council in Wales already offer this scheme and report positive effects in supporting home to school contracts.

## Addendum: Regulatory Impact Assessment Comments

Table 6: Detailed potential costs break (see summary below for details)

Item	Frequency	Cost on initial application	Cost on renewal/ (existing drivers)	Incurred by	Notes
National training provider for literacy, numeracy, knowledge and safeguarding	Initial application only / potential safeguarding refresher every other renewal (6 years)	£40:00 /£60:00 (estimate excludes opportunity and time costs of attending training)	£30 (estimate) every other renewal (6 years)	Drivers  LA, who will recover cost from drivers.	Existing training costs already exist (not new costs)  Additional admin costs for checking / chasing compliance with this training requirement.
Enhanced DBS check with Barred List and Update Service	Initial application enhanced DBS required	£46:00 DBS + £13:00 update service fee = £59:00  (basic DBS £18)  £38 Enhanced DBS check	£13:00 a year update service	Drivers  (operators/ vehicle proprietors only if not a driver)	All Welsh LA currently require enhanced DBS checks on initial application, some have started moving towards 6 monthly DBS checks (not new costs) potential cost saving £7 per driver for update service use  Actual £1 increase to use Update Service (in addition to the £38 initial cost of the first DBS)

Vehicle testing	Proposal for annual testing	£50:00 (estimate)	£50:00 (estimate)	Vehicle proprietors	<p>All LA currently have testing requirements for vehicles requiring an annual, six monthly or four monthly test. Annual testing throughout Wales will result in a cost saving for many vehicle proprietors/ businesses</p> <p>A taxi/PHV can travel significantly more miles than a standard passenger car, and it is common for vehicles to travel 40,000+ miles per year, driven by multiple drivers. Many vehicle components will wear significantly during this period (tyres, brakes, suspension components etc.) and we do not feel annual testing is sufficient.</p>
Improved information sharing (Database / register/ other)	Setup fee likely with WG. Potential renewal fees that could be paid by the LA and recovered	£0 see text below	£Unknown WG research on database and/or register required	LA who will seek to recover costs from drivers/ operators	<p>LA are currently required to maintain a register for some taxi licences and all use 8 different versions of database throughout Wales. Setup fees will be provided by WG. Renewal maintenance fees may be required from LA on a cost recovery basis from licence holders</p> <p>It is not clear whether this relates to a register, or a database that would include current suspension notices issued.</p>

Item	Frequency	Cost on initial application	Cost on renewal/ (existing drivers)	Incurred by	Notes
	in the licensing fees				
Vehicle Age/Emissions Standards	When a replacement is required/ desired by the vehicle proprietor / company	Variation in vehicle manufacturer costs. A second hand Euro 6 emission vehicle can be purchased for under £10,000:00	£0	Vehicle proprietors	<p>Many LA already have age limits for new vehicles and/or a maximum age limit for existing vehicles. There is only a potential cost for LA without any current age limits. Existing licence holders may be permitted to retain currently licensed vehicles only to be replaced with a newer vehicle when a replacement is required or have a phased approach to updating the current fleet</p> <p><b>“There is only a potential cost for LA without any current age limits” - not clear how there could be additional costs.</b></p>
Changes to Taxi roof light wording	Once	£30:00 / £40:00 (estimate)	£0:00	<p>Vehicle proprietors</p> <p><b>LA, who will recover cost from drivers.</b></p>	<p>Most Taxis already have a rooflight with the wording “Taxi” and/ or “Taksi” therefore no costs to most vehicle proprietors. Signage firms may be able to amend existing rooflights for a lower fee rather than purchase a new rooflight.</p> <p><b>Unintended consequence – additional enforcement costs of checking compliance</b></p>

					with new standard (checking and chasing non-compliant proprietors).
Allowing multiple driver licence with more than one Authority	Initial Application with each Authority	<p>Reduced costs when applying for the second licence. -£200:00 / -£300:00 (estimate)</p> <p>We dispute the £200 - £300 saving for a 2<sup>nd</sup> licence, as this cost appears to relate the training. Once the training is completed, there are no additional cost to the driver as the national qualification is transferrable between authorities.</p>	£0	Drivers  LA, who will recover cost from drivers.	<p>When applying for the second licence. The driver will not require a duplicate medical / DBS / All training requirements. *Price per medical GP will vary</p> <p>When applying for the second licence the driver will not be required to do the training, nor a new DBS (as they will be on the Update Service). However, the driver will still have to the knowledge test, the local authority will need to verify documentation with the home authority. And will need to process, determine, and issue the licence which is the cost to the LA and passed on to the driver.</p> <p>This could also necessitate a committee hearing and cause issues by accepting old medicals</p> <p>The cost of the administration and enforcement of the licence would be comparable for both the home and second</p>

					licensing authority and there is no cost saving to the driver.
Requiring all Local Authorities to issue a	Initial Application	£20:00 / - £30:00	£0	Drivers	Allowing PHV drivers to apply for a PHV drivers licence only will reduce

Item	Frequency	Cost on initial application	Cost on renewal/ (existing drivers)	Incurred by	Notes
PHV drivers licence only		(estimate)		LA, who will recover cost from drivers.	<p>the need to have a local area knowledge test and should reduce training costs to the driver</p> <p>Unintended consequences to this proposal - additional enforcement costs as LA officers will be required to monitor compliance with PH only licences driving taxis.</p> <p>Potential setup administration costs to amend the issue of dual licence only – so PHV only drivers licence.</p>



# Newport City Council

## Newport City Council Submission:

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

#### 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.**

The definitions are appropriate.

There has undoubtedly been a “blurring of the distinction” between taxis and PHVs. This is mainly due to the fact most 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 App.

The traditional method of hailing in a taxi in the street or waiting at a taxi rank has declined 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.

Members of the Public simply wish to get home in a safe reliable service and despite 40 plus years of taxis and PHV, the public still fail to understand the difference. The reason for this is in fact there is little difference between the two types of vehicles in the opinion of most people. This often causes conflict between passengers trying to enter a vehicle when PHD are required to refuse as they have not pre booked.

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 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.

Though it is noted that booking a vehicle is just a click away, it does place vulnerable people at risk if they lose battery power on a phone, don't have a phone, lost a phone etc or those who don't have the capacity to use an app. This is very apparent especially in the night-time economy, where the taxi trade plays an integral part on ensuing safe and vibrant night-time economy.

**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.**

Newport City Council fully agrees with this proposal.

This is consistent with the previous consultation work undertaken between Licensing Authorities including Newport City Council and Welsh Government lead on taxi reform in Wales. It is also consistent with recommendation 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. National standards will greatly assist Operators who now often operate in a multiple Local Authorities and allow a consistent approach. It is also felt appropriate that Operators though holding multiple operators with each authority could have an operating base located outside the LA area, though clearly have systems in place for records to be inspected.

**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.**

Newport City Council disagrees with this proposal.

It sees no benefit in mandating local authorities to offer separate licences.

Many local authorities including NCC 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 and this will increase costs to the taxi trade.

As such NCC therefore considers 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 mix fleet of taxis and PHV's with drivers being able to drive any vehicle with no enforcement implications for any party, including the local authority.

If WG proceeds 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, but issuing dual licences means that the private hire driver conditions 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.**

NCC 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 taxi trade.

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)

The NCC agrees with this proposal. Frequent DBS checks are essential to ensure that licensed drivers remain fit and proper. The NCC 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)

NCC agrees with this proposal, but clear guidance should be given if a applicant can not obtain a Criminal record check. Will there be alternative method or simply a applicant will be refused.

Evidence of right to work in the UK.

Newport City Council agrees with this proposal, but it is also imperative that Operators also undertake regular checks on drivers, and such have some legal responsibility.

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

NCC agrees with this proposal and suggests 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, NCC suggest that WG utilise the standards contained within the “Taxi and Private Hire Vehicles: Licensing Guidance” for medicals, but with an amendment to the person carrying out the assessment and level of history required.

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.

NCC 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. It felt important that all training is provided by the Local Authority itself rather than external trainers to have consistence in training. Any exams associated with training should be undertaken by the Licensing Authority. Unfortunately, historically where the trade has been permitted to elect only doctors, DBS etc there has been cases of malpractice.

Existing drivers should be given a sufficient transitional period to obtain the qualification, but 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.

Ongoing refresher training can then be implemented at 6 yearly periods to coincide with the expiry of licences. Refresher training should be shorter in duration and delivered at a lower cost to the trade. Comprehensive training for Private Hire Operators should be considered as well Its important to recognise that operators are not simply booking agents and should play a major role in safeguarding.

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.

NCC 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. NCC 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.

It is agreed that PHD are not required to undertake local Knowledge test, but provision of a Local Knowledge test for HCD is still appropriate.

**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.**

NCC 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.

Newport City Council agrees with this proposal as 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. 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

Newport City Council agree that roof lights should display the word 'Taxi' or 'Taksi', the roof light should also integrate details of the Licensing Authority.

Roof lights not allowed on PHV.

Newport City Council agrees with this proposal.

All PHVs to display 'pre-booking only' signage.

The NCC agrees with this proposal and pre book only should be incorporated in Livery of the vehicle.

Vehicles to be tested to an agreed testing specification.

NCC would recommend that these are in accordance with the "Best Practice Guide for the Inspection of Hackney Carriage and Private Hire Vehicles" to ensure a fundamental national standard.

NCC also would suggest that where Local authorities utilise external garages for their testing requirements, that the garages must be approved by the local authority, testing station should be required to be within the Licensing area boundary.

Vehicle testing to be carried out at agreed intervals.

Newport City council agree and would recommend that vehicles are tested 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)

Newport City Council very much see the benefits of age policies, but 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 the NCC feels 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.

Clearly having a effective emission policy is imperative to assisting climate change and improving air quality especially in city environments as such Newport City Council very much 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.

The NCC agrees with this proposal.

All taxis to be fitted with a taximeter.

Newport City Council agrees but would suggest that only one fare can be displayed to the customer. Some Local authorities report that it's common practice for drivers to display the taximeter fare and then company's fare which may be different and 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'.

NCC agrees and suggests 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 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.

Newport City Council agrees with a standard of vehicle, however, would expect to be consulted on the detail of this criteria. It is disappointing to note there is little information required disabled access vehicles and how WG can increase the number of these vehicles within the trade. Newport City Council would support the idea that all Hackney Carriage are made wheelchair accessible and that a clear provision within larger Private Hire Operators that percentage of vehicles on the fleet are wheelchair accessible. For example, operating 20 or more vehicles need to have a 1 in ten ratio of wheelchair accessible vehicles.

Methods of payment that should be available.

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

Vehicles must carry a first aid kit.

NCC agrees with this proposal. 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.**

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

A basic DBS check (repeated each renewal).

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 and feel that this period is too long between DBS checks and should be in line with drivers as such every 6 months is preferable.

An overseas criminal record check (where applicable).

NCC agrees 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.

Newport City Council agrees 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. By having a comprehensive knowledge/ training will allow the business to grow. It is also important to have compressive training on school and social services contracts, local authorities invest significant amounts of investment into this aspect of taxi / PH industry and important that a high standard is maintained.

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.

NCC agree with the proposal that anyone taking bookings, dispatching vehicles, or holding an individual's personal information should be vetted. NCC suggests that all such individuals should be subject to a fit and proper test via a basic DBS check.

NCC however question the effectiveness of an unregulated policy whereby the operator determines the suitability of their own staff. Even with Local Authority oversight 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.

NCC feel that the only viable and meaningful option for vetting "dispatchers" would be to have a separate licensing scheme for such individuals.

Also, drivers that have lost Licences due to be fit and proper should be also excluded from working for operator.

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.

Newport City Council agrees with this proposal, but a minimum standard complaint guidance should be place that Operators are required to operate. Giving Clear guidance when to report to responsible authorities like the Police, Licensing Authorities.

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.

Newport agrees 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.

NCC agrees that operators should have to meet standards for dealing with passengers with additional needs, however, NCC feels that this should not be left to the operators to regulate. WG should be introducing such standards through best practice guidance, where operators must comply unless there is a good reason not to. Where an operator falls short of the standards and complaints are received by the local authority, the local authority will 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?**

NCC feel that as far as possible, standards should be consistent across the whole of Wales to ensure a level playing field within the sector. NCC therefore feel that Local authorities should not be permitted to set additional local conditions above the national minimum standard unless in exceptional circumstances. It may be the case that any exceptional circumstances need approval by both the Welsh Gov and most local Authorities. For example, this may allow authorities to trial to new types of vehicles for example electric or autonomous cars.

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

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

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

NCC 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 clear there are several practical concerns. This requires further consultation and engagement on the detail to enable additional comments to be made.

NCC 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". NCC 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, NCC 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.

The NCC does 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 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 the NCC answer this question on the basis that there is an immediate risk to public safety due to the condition of a vehicle.

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

NCC 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. It is also reasonable to give this authority to a police constable.

NCC would suggest that action taken should be notified to the home licensing authority within 5 working days.

Additionally, NCC 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 evening by the issuing officer.

NCC however does 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. Though to reduce burdens of courts appeals should be made up of board of Licensing officers and committee members.

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

The NCC 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 level – minor 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.

It is felt appropriate to have a penalty points scheme with some of the penalty points also carrying FPN. This would operate similar to a speeding fine, where not only do you receive points on your DVLA licence, but it is often the case you will receive a fine. Clearly like a speeding fine an option for awareness course should be consider. For example, if a driver has 6 penalty points out 12, they would be required to undertake further formal training.

**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.

NCC 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 points, but a dirty vehicle would not.

NCC 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.

It important for drivers to have a fair hearing but important minor infringements should be considered outside of magistrates appeal.

**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.**

NCC agree that there is a need to address the negative consequences of 'multi-apping' based upon the limited affect this has in Wales which is restricted to a small number of authorities.

As a result, NCC view is that a driver should be restricted to work for one operator at a time and to display the name of that company 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 often to very vulnerable person. It felt that drivers should be given a significant FPN unless they have a good reason for accepting a job and then refuse the job.

The only exception of working for two operators would be that of drivers who undertake school contracts or social service contracts.

NCC 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, NCC 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.**

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

NCC 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 a Bristol PHV works every weekend in Wales but works in Bristol 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. NCC feel that implementing Option A would potentially result in a significant increase in the number of English licensed vehicles operating in Wales especially on the borders.

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

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

15. Any taxi or PHV Journey that starts and ends in Wales, must
  - be undertaken by a taxi where the vehicle and driver are licensed in Wales; or
  - be undertaken by a PHV where the vehicle, driver and operator are licensed in Wales.

16. 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 1 hours; or
- b. A taxi or PHV licensed in England undertakes a booking where only one booking is conducted in any given 1-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 journey's 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.

Equally The Licensing Authority could restrict English Private Hire Operators from operating in their district if clearly evidence that they are bypassing the national standard.

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

The NCC agrees with this proposal. All 22 Local Authorities in Wales are already signed up to use the NR3 database and the vast majority have uploaded historic data.

**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.**

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

Newport City Council feel that a clear deadline for all Taxis and PHV to be Zero Emission should be put in place to allow the trade to prepare but also like many of these policies allow some form of "grandfather" rights. Once again NCC feel that WAG need to consider Wheelchair provision in association with ZEV.

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

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

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

The consultation does not give significant information regarding disabled access vehicles. NCC is committed to social inclusion and to ensure that, a wide variety of opportunities are available to disabled residents for them to be able to enjoy a high quality of life. It fully supports the view of the Disability Rights Commission that:

“Making successful journeys is critical to the social inclusion of disabled people. Without the ability to travel, disabled people are denied access to life opportunities. Their access to education, shopping, employment healthcare as well as social and family life is significantly improved when journeys become accessible.”

The provision of wheelchair vehicles both in taxi and PH trade needs to further considered especial in line with vehicle standards.

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

**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.

**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.**

NCC feel that positive effects could be increased by ensuring that signage, etc. is provided in bilingual format on all taxis and taxi ranks.

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

## Use of Taxi Meters

NCC 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.

NCC 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 don't apply to a person wanting to get home with no other alternative.

This imbalance of power is even more acute when demand is high, especially in the night-time economy. 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.

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. This situation has resulted in many lone females required to walk home.

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".

The NCC 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 aren't 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

NCC would like to national standard of fees that would provide greater consistency and fairness across Wales. Local authorities are currently required to ensure that only the costs associated with providing the taxi licensing service are recovered; no profit can be made. A recent comparison of fees across the Local authorities reveals that where Local authorities set fees locally, there is a wide disparity between Local authorities which creates 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. Every 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. Standardised fees which are set by WG and reviewed annually are considered the only way to have consistency across Wales.

#### Methodology for setting taxi meter fares.

NCC 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 Newport 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 and may include emission zones. The current calculations of meter fares are far too complicated for passengers as such need to be modernised.

NCC 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

NCC believe that CCTV system in Taxis and PHV's are an excellent tool to protect both the public but just importantly the driver.

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

NCC would be able to provide extensive examples of where CCTV footage would have been invaluable evidence for corroborating or contradicting complaints received.

NCC recognise the potentially 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 Welsh Government.

The issue of Data controller is always one of a complicated matter, but clear guidance if in fact the Operator or even the local authority should be the data controller.

### Prescribed application forms

NCC 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, it would be an easy task for WG to prescribe the application forms to ensure consistency across Wales.

### Restricted Drivers

In addition to the NCC submission in relation to Q3 regarding types of licences offered by local authorities. The NCC would suggest that consideration be given to the introduction of a restricted dual licence for the purpose of home to school transport **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 home to school contract work. A number of local authorities in England and Swansea Council in Wales already offer this scheme and report positive effects in supporting home to school contracts.

### Wheelchair Accessible Vehicles

As stipulated within the consultation wheelchair provision of vehicles needs to be considered.

### Conclusion

Newport City Council feel further information regarding nation standards would allow the council to give a more comprehensive response. It is felt the proposed changes will of course make improvement for all concerned but NCC feels the proposal do not go far enough to comply with the statement of a modern taxi industry for Wales.

Much that is suggested is already very much in place with a number of Local Authorities and is covered by the Department of Transport Statutory Guidance.

Newport City Council feel this of course forms a very good foundation but do feel these goes far enough to provide a safe and effective modern taxi service. A prime example is that we still talk about drivers displaying badges etc, but smart meters in vehicles can clearly display drivers' identity and used in numerous countries. Clearly there are cost implication for the trade but given clear guidance policy will come into place in 5 years will allow the trade to prepare.

# NK

Name
Nk

Are you responding for yourself or for an organisation? If an organisation, which?
Self

Which of the following best describes you?
I work in the taxi / PHV trade  <b>Local Authority</b> Cardiff

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.
Yes

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.
Yes

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.
No  <b>Comments:</b> All licences should be dual badge licences so a particular driver is free to drive a Hackney type vehicle when it suits ie for flag down work off the street during match days or a private hire vehicle for regular airport bookings or hospital work etc. Why should an applicant have to specify and choose one type of licence over another. Many taxi drivers in Cardiff at least have driven Hackney type vehicles and then charged to private hire.

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.
Yes

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.

**Comments:**

Don't agree with the 6 monthly dbs check if cost would be incurred by the driver.

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.

Yes

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.

Yes

**Comments:**

All operators including hirers of Hackney type vehicles should hold an operators licence and play by the same rules as larger organisations regardless of the the amount of vehicles they rent out be it 3 or 33 the same rules should apply and hmrc should be made aware.

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

Yes

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

Yes

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.

Yes

**Comments:**

I do not agree with sanctions or penalty points for cancellation of a particular fare because once you have a person on board or about to get on board your taxi it does not matter if they are mother theresa or mahatma ghandi once they have had a few vodka and cokes or other drink and drugs they are completely unpredictable and a possible hazard to the driver who may need to terminate the journey so to penalise the driver for this would be extremely unfair.

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.

Yes

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

Yes

**Comments:**

Yes i agree but not for the cancellation of a fare because you have to let the driver be the person who decides who gets in their vehicle because when drink and drugs are widely available and used on so called nights out mother theresa or mahatma ghandi could turn nasty after a few pints.

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

Yes

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.

Yes

**Comments:**

Drivers should be able to decide which app they use and to use common sense that you can't except a job on uber and expect to then pick up a bolt fare after it just does not work so the driver needs to use one or the other but not at the same time.

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.

No

**Comments:**

Option b would be better if that entails Welsh drivers doing Welsh bookings by Welsh private hire companies.

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

Yes

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.

b. set an age limit for vehicles which are not ZEV

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

Yes

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

*No Response*

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

*No Response*

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?

*No Response*

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.

*No Response*

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

*No Response*

# North Wales Licensing Group

Mae'r ymateb wedi ei lunio ar y cyd gan Grŵp Awdurdodau Trwyddedu Gogledd Cymru, ac mae'r ymatebiad yn ymhelaethu ar lle mae gan swyddogion Cyngorau'r Gogledd farn ychydig yn wahanol ar yr ymatebion sydd wedi eu cyflwyno ar ran y Panel Arbenigol Trwyddedu Cymru ar ran Cyfarwyddwyr Gwarchod y Cyhoedd Cymru.

Noder fod y sylwadau a gyflwynir uchod hefyd yn ymgorffori ymateb swyddogion Cyngor Gwynedd .

## North Wales Licensing Group:

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

#### Consultation response

The Directors of Public Protection Wales (DPPW) represents 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.

The Panel value WG's invitation to work with its officers in helping to develop this White Paper response. The Panel are supportive of WG's vision to ensure that Wales' taxi and PHV services are safer, fairer and greener. The Panel 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.

The Panel has however been consistent in the messaging that the proposed legislation is not ambitious enough and will only tinker around the edges with 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.

The Panel 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 novelty / executive hire. Moving to this simplified "one tier" system is not only easier for the public to understand but would also alleviate many of the problems around

cross border operations, definitions of pre-booking and whether PHVs are plying for hire.

The Panel note that the Regulatory Impact Assessment (“RIA”) 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”. To be clear, the Panel would fully support this position and would suggest that the whole concept of a single tier approach be revisited.

Supported by NWLG

### **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 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.

Supported by NWLG

**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.**

The Panel would agree with this proposal. This is consistent with the previous consultation work undertaken between the Panel 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.

Supported by NWLG

\*Minimum standards should include accessibility

**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.**

The Panel disagrees with this proposal. The Panel 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 then have 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. The Panel however feel that a PHV driver would benefit from undertaking the knowledge test and not be reliant on satellite navigation systems.

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.

The Panel 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 are able to operate a mix fleet of taxis and PHV’s with drivers being able to drive any vehicle with no enforcement implications for any party, including the local authority.

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, but issuing dual licences means that the private hire driver conditions apply to all drivers.

Supported by NWLG

**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.**

The Panel 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:

**Supported by NWLG**

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

The panel agrees with this proposal. Frequent DBS checks are essential to ensure that licensed drivers remain fit and proper. The Panel 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.

**Supported by NWLG**

An overseas criminal record check (where applicable)

The Panel agrees with this proposal.

**Supported by NWLG**

Evidence of right to work in the UK

The Panel agrees with this proposal.

**Supported by NWLG**

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

The Panel agrees with this proposal and suggests 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, the Panel suggest that WG utilise the standards contained within the “Taxi and Private Hire Vehicles: Licensing Guidance” for medicals, but with an amendment to the person carrying out the assessment and level of history required.

NWLG agree with the statement of the LEP, however do not agree that the licence itself should have to be renewed after 12 months. There is already an exemption to carry on a licence for 12 months only if the authority wish to use their discretion

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.

The Panel 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, but 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-

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

**Supported by NWLG**

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

The Panel 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. The Panel would suggest that basic information in running a business should be incorporated as a module into the main driver qualification.

**Supported by NWLG**

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.

The Panel disagrees with this proposal. Please see the response in Q3 above.

Supported by NWLG although we do agree that individual authorities should have the discretion to decide whether a local knowledge test is appropriate, i.e. for rural authorities where a sat nav wouldn't always work.

**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.**

The Panel 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.

The Panel agrees with this proposal as 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. Basic DBS checks should have been issued within the last 3 months.

Supported by NWLG

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

The Panel agree that roof lights should display the word 'Taxi' or 'Taksi', however a number of local authorities report that existing roof lights often have the local authority name also displayed. The Panel consider that to compel existing taxi operators to replace existing roof lights would be an unnecessary cost to the trade. The Panel would therefore suggest that the word "only" be removed from this standard.

Supported by NWLG

Roof lights not allowed on PHV

The Panel agrees with this proposal

Supported by NWLG

All PHVs to display 'pre-booking only' signage

The Panel agrees with this proposal

Supported by NWLG

### Vehicles to be tested to an agreed testing specification

The Panel agree and would recommend that these are in accordance with the “Best Practice Guide for the Inspection of Hackney Carriage and Private Hire Vehicles”

The Panel also would suggest that where Local authorities utilise external garages for their testing requirements, that the garages must be approved by the local authority.

**Supported by NWLG**

### Vehicle testing to be carried out at agreed intervals.

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

**Supported by NWLG**

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

The Panel strongly disagrees 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 the Panel feels 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.

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

**Supported by NWLG**

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

The Panel agrees with this proposal.

**Supported by NWLG**

### All taxis to be fitted with a taximeter.

The Panel agrees but would suggest that only one fare can be displayed to the customer. Some Local authorities report that it’s 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.

Supported by NWLG

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'.

The Panel agrees and suggests 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 multiple drivers.

NWLG would support the display of the tactile E on the vehicle, however more thought needs to go into how this would work in practice where there are vehicles with 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.

The Panel agrees, however would expect to be consulted on the detail of this criteria.

Supported by NWLG, however a level of discretion is required (as an 'exception') specifically for rural areas where certain vehicles would be required to get to difficult areas of the county. (i.e specialist 4 x 4 vehicles)

Methods of payment that should be available.

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

Supported by NWLG

Vehicles must carry a first aid kit

The Panel agrees with this proposal. 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.

Supported by NWLG

**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.**

The Panel agree that national minimum standards should apply to operator's licences and make the following comments:

A basic DBS check (repeated each renewal).

The Panel agrees 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, the Panel feel that this period is too long between DBS checks and that an annual check is preferable.

Supported by NWLG

An overseas criminal record check (where applicable).

The Panel agrees with this proposal as this reflects existing practices.

Supported by NWLG

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.

The Panel agrees 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.

Supported by NWLG

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.

The Panel agree with the proposal that anyone taking bookings, dispatching vehicles or holding an individual's personal information should be vetted. The Panel suggests that all such individuals should be subject to a fit and proper test via a basic DBS check.

The Panel however question the effectiveness of an unregulated policy whereby the operator determines the suitability of their own staff. Even with Local Authority

oversight 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.

The Panel feel that the only viable and meaningful option for vetting “dispatchers” would be to have a separate licensing scheme for such individuals.

**Supported by NWLG**

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.

The Panel agrees with this proposal.

**Supported by NWLG**

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.

The Panel agrees with this proposal.

**Supported by NWLG**

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.

The Panel agrees that operators should have to meet standards for dealing with passengers with additional needs, however, the Panel feels that this should not be left to the operators to regulate. WG should be introducing such standards through best practice guidance, where operators must comply unless there is a good reason not to. Where an operator falls short of the standards and complaints are received by the local authority, the local authority will investigate and where appropriate take action against the operator’s licence.

**NWLG agree but feel that WG should mandate statutory standards rather than best practice**

**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?**

The Panel feel that as far as possible, standards should be consistent across the whole of Wales to ensure a level playing field within the sector. The Panel therefore

feel that Local authorities should not be permitted to set additional local conditions above the national minimum standard.

NWLG fundamentally agree with this response however refer to our previous answer on vehicle standards

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

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

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

The panel 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 the Panel has several practical concerns. This requires further consultation and engagement on the detail to enable additional comments to be made.

The panel 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”. The Panel 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.

Supported by NWLG

**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, the Panel 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.

The panel does 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 between Local Authorities.

NWLG feel that this question directly relates to the introduction of FPN's. If a vehicle is found to be in breach of minimum standards an FPN could be issued wherever, rather than referral back to the home authority for application of penalty points

**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 the Panel answer this question on the basis that there is an immediate risk to public safety due to the condition of a vehicle.

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

The Panel 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.

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

Additionally, the Panel 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 evening by the issuing officer.

The Panel however does 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.

Supported by NWLG. Authorised officers should be 'competent' to determine whether there is an immediate risk to public safety.

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

The Panel 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 level – minor

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.

The Panel 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.

**Supported by NWLG up to here**

The Panel feel that the preferred choice would be to introduce penalty points scheme. The Panel had 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, this would potentially lead to a reduction in the fees that can be charged for licenses. It was also felt that enforcement officers would be much less likely to issue a fixed penalty notice for minor infringements than issue penalty points.

The Panel preferred the penalty points scheme as it was felt less resources were needed to administer this process. Some local authorities already have similar schemes in place, so no additional resource is needed. Those local authorities that do not have such a scheme in place, will have a system (albeit undocumented) for determining when a driver needs to go to a hearing. In these authorities it will just be case of formalising the procedures.

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

**NWLG feel that the introduction of FPN's for specific offences is an effective sanction, and preferable to any form of penalty point system.**

**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.

The Panel 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 points, but a dirty vehicle would not.

The Panel 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.

**NWLG do not support the introduction of a penalty points scheme. Certain Authorities within North Wales have previously introduced penalty point schemes and have had to withdraw them for being over complicated.**

**All Local Authorities are already set up for the issue of FPN's.**

**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.

The Panel agree that there is a need to address the negative consequences of 'multi-apping' based upon the limited affect this has in Wales which is restricted to a small number of authorities.

Most of the Panel had not had any experience of this happening as licensed drivers tend to work wholly for one operator.

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

The Panel 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, the Panel 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.

**Supported by NWLG**

**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.

The Panel disagree with Option A and in part of Option B and therefore suggest Option C as set out below.

The Panel 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. The Panel 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 of the Panel however it is considered too restrictive for those operators located on the England/Wales border.

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

17. 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.
18. 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. **Provided the vehicle and driver meet the Wales minimum standards**

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 journey's 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.

The Panel would suggest that once England have comparable standards to those in Wales, that this policy can 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.

The Panel agrees with this proposal. All 22 Local Authorities in Wales are already signed up to use the NR3 database and the vast majority have uploaded historic data.

**Supported by NWLG**

**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.

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

The Panel 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. The Panel recognise the environmental need to accelerate such transition away from harmful emissions and are willing to play out part in aiding that transition, but this really is a matter for Welsh Government to determine the appropriate timescales and mechanisms.

The Panel are clear however, that any proposals made by Welsh Government must consider the financial implications to the taxi and PHV trades.

Comment on financial incentives for areas to put on ZEV's cross border

Supported by NWLG . If a Local Authority has declared a climate emergency, then they should naturally support Option A

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

The Panel would agree with the proposals for Class B vehicles however the terminology referring to such vehicles be revisited. The panel would suggest calling them "specialist vehicles" rather than "Class B".

The panel would suggest the inclusion of Omnibuses in the list proposed.

Supported by NWLG

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

The Panel have provided comments in respect of the regulatory impact assessment in an addendum to this response. In addition, the Panel 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 2021<sup>28</sup>. 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.

The 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. The Panel 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 the Panel would need to wait for the White Paper to be published before any further work on voluntarily pursuing consistent policies would be undertaken. The panel 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.

Supported by NWLG

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".

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

Supported by NWLG

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

Please see attached addendum.

**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.

Supported by NWLG

**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.**

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

Supported by NWLG

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

#### Use of Taxi Meters

The Panel 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 Cardiff as it is geographically small but has a high number of visitors from neighbouring areas who require taxis to get home.

The Panel 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.

For example, The Senedd in Cardiff Bay to Penarth is a journey of 3.5 miles, but as the journey crosses over from the Cardiff district into the Vale of Glamorgan district, drivers are not required to use the meter. There have been numerous examples of the public having to pay £40+ for this journey.

There is an inherent imbalance of power to this situation as the normal rules of supply and demand don't 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 in the Principality Stadium, 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. Cardiff receives many complaints from customers being charged significant amounts to travel back to RCT, Merthyr etc. but there is nothing officers can do despite acknowledging the unfairness.

Passengers wishing to go out of district at the end of the night in Cardiff 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 ranks 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 doesn't 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. This situation has resulted in many lone female students having to walk home back to inner areas such as Cathays.

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”.

The Panel 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 aren't taken advantage of for living outside of the district - even if it is just Penarth.

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.

**Supported by NWLG**

## Standardised fees

The Panel fee that prescribed fees would provide greater consistency and fairness across Wales. Local authorities are currently required to ensure that only the costs associated with providing the taxi licensing service are recovered; no profit can be made. A recent comparison of fees across the Local authorities reveals that where Local authorities set fees locally, there is a wide disparity between Local authorities which creates 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. Every 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. Standardised fees which are set by WG and reviewed annually are considered the only way to have consistency across Wales.

**Supported by NWLG**

## Methodology for setting taxi meter fares.

The Panel 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 Cardiff 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.

The Panel 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.

**Supported by NWLG**

## Mandatory CCTV

The Panel believe that CCTV system 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 have an immediate deterrent against crime and disorder including CSE; Violence against Women; drugs; domestic violence etc.

The Panel would be able to provide extensive examples of where CCTV footage would have been invaluable evidence for corroborating or contradicting complaints received.

The Panel recognise the potentially 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.

Supported by NWLG

### Prescribed application forms

The Panel 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, it would be an easy task for WG to prescribe the application forms to ensure consistency across Wales.

Supported by NWLG

### Restricted Drivers

~~In addition to the Panel's submission in relation to Q3 regarding types of licences offered by local authorities. The Panel would suggest that consideration be given to the introduction of a restricted dual licence for the purpose of home to school transport 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 home to school contract work. A number of local authorities in England and Swansea Council in Wales already offer this scheme and report positive effects in supporting home to school contracts.~~

NWLG do not agree with this proposal of the expert panel so suggest we take this paragraph out.

## Older People's Commissioner for Wales

Name
Are you responding for yourself or for an organisation? If an organisation, which?
An organisation
<b>Comments:</b> The Older People's Commissioner for Wales
Which of the following best describes you?
Other
<b>Local Authority</b> Cardiff Council

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.

Yes

**Comments:**

The definitions seem appropriate.

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.

Yes

**Comments:**

The introduction of national minimum standards as its outlined in the Bill is sensible and should ensure greater consistency. This could improve accountability of taxi companies and individuals, who drive private hire vehicles.

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.

Yes

**Comments:**

Yes, agree.

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.

Yes

**Comments:**

The proposed national minimum standards requirements for a licence as set out in the Taxi and Private Hire Vehicle (PHV) (Wales) Bill are sensible and could lead to an improvement in the confidence and safety of passengers. The inclusion of dementia awareness as part of training is welcome. Consideration should be given as to whether PHV drivers should also complete a local knowledge test as it is essential that drivers of all vehicles are aware of the best routes to locations.

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.

Yes

**Comments:**

We agree with the proposed national minimum standards but in terms of methods of payment, cash should be a mandatory payment option in every vehicle. Vehicles which only offer payment via card or app risk excluding some older people. Recent research undertaken on behalf of the Older People's Commissioner found that 39% of people over 70 do not use a smart phone and so could not pay by app. Research by Age UK in 2020 (prior to the pandemic) shows that around one-in-five older people aged 65+ relied on cash in their day-to-day life. The same report highlighted research by the Payment Systems

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.

Regulator (PSR) showing that 53% of those aged 75+ say cash is their preferred way of spending money or making payments for the majority of their payment needs. This means that if taxis and PHVs become card only by default, there is a real risk of older people not being able to rely on this method of transport with subsequent impact on accessing services from social and leisure activities to medical appointments. There is also a wider social justice issue in terms of retaining people's ability to pay by cash as demonstrated in Mencap Cymru's recent petition to the Senedd.

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.

Yes

**Comments:**

The minimum standards are broadly sensible. Operators must make sure that people are aware of how to make complaints, and this must not be restricted to websites or via apps. It must be equally possible to complain in a booking office or via telephone. Older people should be considered in the documented policy on how they will have regard for passengers with additional needs, for example, in terms of access and mobility.

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

Yes

**Comments:**

We agree that local authorities should have discretion to have additional local standards. Ensuring sufficient wheelchair accessible vehicles is an important consideration in order for taxis/PHVs to meet the needs of some older people, especially when travelling to or from medical appointments. This could be done in a similar way that the Welsh Government has rolled out electric vehicle taxis, by introducing a "try before you buy" scheme or other incentives to increase the number of accessible vehicles.

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

Yes

**Comments:**

The proposals seem sensible.

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.

Yes

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.

**Comments:**

Yes, again, this seems sensible.

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.

Yes

**Comments:**

Yes, however 14 days is still a long time where a driver is deemed to be an immediate risk to public safety. Local authorities should act sooner wherever possible.

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

Yes

**Comments:**

Yes, this seems proportionate.

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

Yes

**Comments:**

Yes, the use of penalty points for license holders seems a sensible way to address infringements and contribute to ensuring the safety of customers. Special consideration should be given to the cancellation of specific fares. Those that are likely to impact on access to healthcare appointments should be given additional weight.

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.

Yes

**Comments:**

Action is needed to address the issue of multi-apping because it creates an unreliable system where people are at risk of being let down for important journeys, such as those to healthcare appointments. Solutions will need to be appropriate to local areas: rural communities may only have single providers whereas the challenges will be different in urban centres like Cardiff.

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.

Yes

**Comments:**

Option A is preferable because it is less complex and will not impact the provision and availability of taxis and PHVs within border communities. It is important not to create additional barriers to transport to accessing healthcare, especially where older people living in Wales receive treatment in England.

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

Yes

**Comments:**

Use of the NR3 register in the driver licencing process should be mandatory, bringing Wales in line with England. This will allow for consistency, better transparency, and safety of taxis and PHVs in Wales. The specific proposal of exploring how best to enable information sharing between local authorities and make relevant information available to passengers and others with an interest is also welcome.

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.

**Comments:**

Any action taken should not mean a reduction in wheelchair accessible vehicles due to cost.

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

**Comments:**

No specific comments.

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

The focus on improved training, including dementia awareness, in the proposed changes is welcome, along with measures to improve safety for vulnerable trip-makers, including older people, through more frequent and improved DBS checks.

Given the ending of the Bus Emergency Scheme in July 2023 and its impact on bus services, the RIA should be expanded to include an assessment of the potential increase in use of taxis to access healthcare appointments, especially for older people. The reliance on taxis for children to get to school is already noted. Use of taxis will be more expensive than buses and the issue of transport poverty should be addressed.

The RIA should also investigate the potential for greater social inclusion via ensuring people can pay using cash. The number of taxis and PHVs that accept cash/card/in-app payment options should be monitored to ensure older people and others are not socially excluded because of payment method. We would like to see the number of disabled friendly taxis per company or local authority area published as it will allow the monitoring of accessible provision.

One way this could be done is by requiring this information to be published as part of the licencing process. This information can be published in two ways either by publishing it on the local authority or taxi

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

company website or via a leaflet, which can be distributed locally – so that older people can choose a company based on their specific individual needs.

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

Recent polling undertaken on behalf of the Older People's Commissioner shows that 34% of older people were anxious about the state of public transport in their area, while 30% said it was difficult to access public transport. This has implications for the use of taxis and the RIA should be expanded in line with the response to the previous 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?

It is important that any change in the regulations of taxis and PHVs increases the opportunity for people to receive services through the language of their choice as far as possible.

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.

As above but it would be useful to consider ways to highlight which taxi services operate through the medium of Welsh or community languages.

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

The increasing use of smart phone apps for booking taxis will have a detrimental impact on some older people's ability to use taxis if steps are not taken to maintain offline services and ensure that these are to the same standard as online. Recent polling for the Commissioner shows that only 63% of older people had a smart phone.

If the growth of smart phone based PHVs undermines the provision of local taxi companies, it could mean that some older people are left without local taxi provision, as a result of needing to be able to use a smart phone to arrange a taxi.

This is worrying as with the Welsh Government's subsidy for bus providers set to end in summer 2023, it is essential to ensure that any detrimental impact on older people is minimised. This is especially the case for older people who live in rural areas where, because of the fall in passenger numbers since the pandemic, it may no longer be profitable for bus companies to run rural services as frequently or at all.

This will create further dependence on taxis for older people to be able to get out and about, serving to disconnect older people from vital public services and social connections. Taxis tend to be much more expensive than public transport, especially taking into account that the Concessionary Bus Pass enables free bus travel for people over 60. Recent polling undertaken for the Commissioner showed that 64% of older people have already cut back on spending during the last 12 months with key areas including social activities (65%) and transport (51%).

Transport is a key part of creating and maintaining Age Friendly Communities and preventing an increase in the rates of isolation and loneliness among older people. The Welsh Government is committed to supporting an Age Friendly Wales as demonstrated through its Age friendly Wales strategy, including ongoing funding to local authorities to support their age friendly work. The Deputy Minister for Social

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

Services, Julie Morgan, recently reiterated (9/5/23) the Welsh Government's vision of an age-friendly Wales where everyone looks forward to growing older and age is celebrated. Any changes to taxi/PHV policy needs to be viewed in this context.

## Peter Ian Crawford

Name

peter ian Crawford

Are you responding for yourself or for an organisation? If an organisation, which?

Self

Which of the following best describes you?

I work in the taxi / PHV trade

**Local Authority**  
Monmouthshire

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.

Yes

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.

Yes

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.

Yes

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.

No

**Comments:**

Finding yourself falling foul of a speeding camera at 37 mph more than once can make a very good driver appear poor by way of points on his licence .

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.

Yes

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.

Yes

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

No

**Comments:**

It should be one rule for all .

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

Yes

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.

Yes

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.

Yes

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

No

**Comments:**

The law of the land is clear . There shouldnt be a separate set of rules to consider on top.

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

No

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.

**Comments:**

Its just drivers trying to earn money . But yes , if there are negative consequences they should be looked into .

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.

Yes

**Comments:**

They would be impossible to monitor

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

Yes

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.

c. do something else

**Comments:**

These rules are changing all the time . I have just purchased a vehicle which I am paying for by loan . I run a small taxi business . I have been told my vehicle is able to be licensed as a taxi for its lifetime as a taxi . However it seems people in London want to impose draconian changes based on flimsy climate evidence . This makes an already difficult and over legislated business even more difficult to survive and make a living in . Perhaps the minister who wants to get legitimate family run taxi businesses off the road due to the imposition of these rules should also provide a support package taking into consideration the impact that the changes will have on some businesses that simply cannot afford exorbitantly priced ZEV fleets.

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.

The vehicles cant even go to heathrow and back without significant charging delays . I would summarise my feelings by saying that taxi businesses should be given as much time as they need to convert to ZEVs . Lets face it . The taxi industry is not the culprit when looking for climate change causes. Yet our govt are proposing that we suffer and our businesses face collapse by their perceived need to change the taxi industry ASAP with the enforcement of ownership of ZEVs.

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

Yes

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

*No Response*

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

*No Response*

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?

*No Response*

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.

*No Response*

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

*No Response*

# Phil Bates

Name
Phil Bates

Are you responding for yourself or for an organisation? If an organisation, which?
Self

Which of the following best describes you?
I have a role in licensing and/or enforcement of the taxi / PHV trade  <b>Local Authority</b> Southampton City Council

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.
No  <b>Comments:</b> The definition of a taxi introduces the concept of it being a motorised vehicle. This will leave other forms of transport under taking similar work outside of any licensing regime, although I note your Class B licence proposal should address this. The definition of a private hire vehicle does not change the current definition so see no point in redefining it . Why restrict pre booking to different methods of making the booking. Needs to be directly with an operator situated in the operating base to prevent one man operator taking bookings from his car.

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.
Yes  <b>Comments:</b> Needs to be more detail on how suspensions and revocations of vehicle licences will work for vehicles found not meeting the standards outside of the area they are licensed, how will cost recovery occur for work suspending a licence for another authority? Create a set fee for each case that the suspending authority recovers on a quarterly basis from the home authorities or the proprietor direct? just guard against that being an income stream Setting the national standards is another tricky part

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.

No

**Comments:**

If it was decided to keep a two tier system then two distinct licences should be retained. I have an example of a driver that coped well as a private hire driver when his bookings were managed but got involved in countless disputes as a hackney driver. Currently conditions cannot be applied to hackney drivers, a change to being able to apply conditions to them would be good,

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.

**Comments:**

Need to set an agreement on who and how the medical is conducted. Will be great to bring training into one course that is regularly assessed and updated. Need to include first aid training.

The vast majority of our private hire drivers are self employed, there are some that are employed, mainly with operators who provide specialist transport, for these we run a restricted driver licence limiting them to specialist transport and exempting them from some aspects of the application process.

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.

No

**Comments:**

Would recommend finding a network of approved vehicle examiners who have no ties to the taxi trade to undertake an annual check, they should be required to provide feedback to the licensing authority including numbers pass and fail and reasons for failures for each individual vehicle. This will allow for proprietors who are lacking in maintaining vehicles to be identified.

Mandate taxi cameras to be fitted and to remain on whilst the vehicle is in use, regardless of the use it is being put to.

If a first aid kit is to be supplied then first aid training needs to be included in the 6 yearly package of training

Also some guidance on advertising, we currently only allow for the operator plus one other third party to advertise and not to cover more than one third of the body work, also limits on adverts in windows,

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.

Yes

**Comments:**

Will cover this later as well but also need to maintain a record of accepted jobs by drivers that drivers then cancel. Also need a policy on reporting to the licensing authority safeguarding complaints and the cancelled jobs as these often occur when a driver is offered a better job with another operator they are with and leave passengers stranded and vulnerable.

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

Yes

**Comments:**

Requirements are different in different area but think there is a need for any authority setting additional local standards to provide justification.

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

No

**Comments:**

I do not know how it is in Wales but I am aware of some authorities in England lacking in knowledge and support in performing the licensing function. Often the team is small and the person able to influence policy etc is responsible for other areas within the authority and the licensing aspect is a low priority. Regionalising it should address this. If local admin is retained then some sort of oversight is required to address the issues raised.

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.

No

**Comments:**

The recovery of costs is not resolved by this proposal. With no power to stop a vehicle there are limited opportunities to confront other area vehicles unless you have the police with you and they have powers to deal with unsafe vehicles. It should be left to the licensing authority to determine as they will hold the history of the individual. Needs to be a requirement for licence holders to cooperate with officers from any authority and officers to have authority to question licensed holders from any other authority.

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.

Yes

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

Yes

**Comments:**

Agree with the first three proposal the fourth, failing to comply with a requirement needs more definition so it is not abused. Failing to provide name and address to an authorised officer is an example that should be

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

included. Where do the funds of the ticket go? Will some authorities look to this to increase revenue? Can it be written in that issuing officers do not need to wear a uniform but do need to identify themselves.

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

No

**Comments:**

Each case needs to be dealt with on its own merits. A points scheme is too regimented and will not take account of the circumstances of each incident.

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.

Yes

**Comments:**

Condition drivers not to cancel an accepted job without good cause.

Once a hiring has been accepted the driver shall complete that hiring unless there is good cause not to.

Any hiring that has been accepted but is not completed by the driver must be reported with the reasons to the operator immediately

Condition operators to record incidents of cancelled jobs for each driver, identify and report to the authority patterns of excessive incidents

Condition operators as follows

Operators are also required to keep a record of bookings that a driver accepts but then cancels together with a reason for the cancellation. The operator will have a policy of reviewing the cancelled jobs recorded, how they will address incidents of unjustified cancellations with the driver and will report the result of unjustified cancelled jobs to the licensing authority. and

The operator shall notify the licensing authority of any complaints received about driver behaviour towards another person or raises questions over their fitness and propriety to hold a private hire driver's licence.

This will include but not exclusively the manner of driving, inappropriate comments and contact

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.

No

**Comments:**

If this is to be introduced it needs to more detailed in the definition of wholly or mainly. How will this be enforced? To protect the measures introduced in Wales the best option is B. Not sure on the legality of this with current England Wales legislation. The better option is to lobby England ministers to adopt similar standards.

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

Yes

**Comments:**

It must be a national access and not just a Welsh platform.

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.

c. do something else

**Comments:**

Whichever option is decided upon there needs to be some exceptions. Replacing WAVs is expensive and limited options so may want to extend the life of these vehicles more than other types. Bit of a balance between going electric and keeping numbers of WAVs up.

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

Yes

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

*No Response*

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

*No Response*

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?

*No Response*

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.

*No Response*

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

*No Response*

## Powys County Council

### 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 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.**

Agree with this proposal.

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.**

disagree with this proposal 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 then have 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. The Panel however feel that a PHV driver would benefit from undertaking the knowledge test and not be reliant on satellite navigation systems.

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.

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 are able to operate a mix fleet of taxis and PHV's with drivers being able to drive any vehicle with no enforcement implications for any party, including the local authority.

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, but issuing dual licences means that the private hire driver conditions 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.**

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)

agree with this proposal. Frequent DBS checks are essential to ensure that licensed drivers remain fit and proper. 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)

agree with this proposal.

Evidence of right to work in the UK

agree with this proposal.

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

agree with this proposal and suggests 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.

An applicant who already satisfies Group 2 criteria because they have a current PCV or HGV entitlement should not need to supply a further medical for their driver licence application, however.

suggest that WG utilise the standards contained within the "Taxi and Private Hire Vehicles: Licensing Guidance" for medicals, but with an amendment to the person carrying out the assessment and level of history required.

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.

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, but 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-

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

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

Whilst from experience, in Powys this is the case drivers are often employees I am aware that in some areas private hire drivers are more often self-employed. Therefore, 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.

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.**

The Panel 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.

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'

agree that roof lights should display the word 'Taxi' or 'Taksi',

Roof lights not allowed on PHV

The Panel agree with this proposal.

All PHVs to display 'pre-booking only' signage

agree with this proposal

Vehicles to be tested to an agreed testing specification

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

In Powys we would need to utilise external garages for their testing requirements as the travel involved in getting to any in-house garage would be unreasonable for some operators.

There would need to be a consistent standard of test and approval of garages. Suggest garages be approved and vetted to carry out 'Taxi MOT's' on a national basis by a relevant body e.g. DVSA

Vehicle testing to be carried out at agreed intervals.

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)

Agree with mandatory age limits for vehicles with some exemptions. Arguably an age limit does raise the standard of the fleet.

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

agree with this proposal.

All taxis to be fitted with a taximeter.

agree, but would suggest that only one fare can be displayed to the customer. Some Local authorities report that it's 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'.

agree and suggests 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 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.

This can be problematic if this means departure from the seating capacity stated on the V5 document. Licensed vehicles are used for a variety of purposes, a more compact vehicle with small seats and very little luggage capacity might still be suitable for carrying younger school children and there would be no need to carry luggage. In Powys we have many vehicles that ONLY do school contract work. Customers will surely dictate that vehicles involved in airport runs etc. will need to have an adequate luggage capacity.

Methods of payment that should be available.

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

Vehicles must carry a first aid kit.

agree with this proposal. 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.**

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

A basic DBS check (repeated each renewal).

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, feel that this period is too long between DBS checks and that an annual check is preferable.

An overseas criminal record check (where applicable).

agree with this proposal as this reflects existing practices. However, this would be problematic for refugees and asylum seekers who might not be able to easily obtain such a check

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.

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.

agree with the proposal that anyone taking bookings, dispatching vehicles or holding an individual's personal information should be vetted. suggest that all such individuals should be subject to a fit and proper test via a basic DBS check.

however question the effectiveness of an unregulated policy whereby the operator determines the suitability of their own staff. Even with Local Authority oversight 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.

feel that the only viable and meaningful option for vetting "dispatchers" would be to have a separate licensing scheme for such individuals.

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.

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.

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.

agree that operators should have to meet standards for dealing with passengers with additional needs, however, this should not be left to the operators to regulate. WG should be introducing such standards through statutory guidance, where operators must comply. Where an operator falls short of the standards and complaints are received by the local authority, the local authority will 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?**

as far as possible, standards should be consistent across the whole of Wales to ensure a level playing field within the sector. Local authorities should not be permitted to set additional local conditions above the national minimum standard for driver and operators.

suggest that local discretion is retained for livery of vehicles, e.g., Colour policies, back plate and door sign designs. It is considered that attempting to be consistent in this aspect would be an unnecessary cost to the trade.

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

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

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

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 there are several practical concerns. This requires further consultation and engagement on the detail to enable additional comments to be made.

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". 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, to 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.

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

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

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

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

Additionally, 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 evening by the issuing officer.

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.**

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.

prefer the penalty points scheme as it was felt less resources were needed to administer this process. Some local authorities already have similar schemes in place, so no additional resource is needed. Those local authorities that do not have such a scheme in place, will have a system (albeit undocumented) for determining when a driver needs to go to a hearing. In these authorities it will just be case of formalising the procedures.

The penalty points scheme is essentially an internal mechanism to determine when a driver is required to go to a hearing, it is therefore less open to challenge as any appeal would be against a decision taken at the hearing rather than 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.

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 points, but a dirty vehicle would not.

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.

agree that there is a need to address the negative consequences of 'multi-apping' based upon the limited affect this has in Wales which is restricted to a small number of authorities.

However have not had any experience of this happening as licensed drivers tend to work wholly for one operator.

As a result, my view is that a driver should be restricted to work for one operator at a time and to display the name of that company 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.

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, 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.

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

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

19. 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.
20. 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 journey's 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.

would suggest that once all LA's in 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.

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.

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

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. recognise the environmental need to accelerate such transition away from harmful emissions and are willing to play out part in aiding that transition, but this really is a matter for Welsh Government to determine the appropriate timescales and mechanisms.

any proposals made by Welsh Government must consider the financial implications to the taxi and PHV trades.

Comment on financial incentives for areas to put on ZEV's cross border

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

agree with the proposals for Class B vehicles, however the terminology referring to such vehicles be revisited. The panel would suggest calling them "specialist vehicles" rather than "Class B".

suggest the inclusion of Omnibuses in the list proposed.

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

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

**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.

**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.**

feel that positive effects could be increased by ensuring that signage, etc. is provided in bilingual format on all taxis and taxi ranks. The Panel 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

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.

complaints from customers being charged significant amounts to travel back to RCT, Merthyr etc. but there is nothing officers can do despite acknowledging the unfairness.

Passengers wishing to go out of district at the end of the night in Cardiff 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 ranks 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 doesn't 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

### Standardised fees

Would prefer standard fees across Wales to avoid 'licence shopping' and be fair to all and simpler for the trade, this works well for Licensing Act 2003 that uses standard fees.

However, the fees do need to reflect and cover operating and administration costs of the taxi licensing regime and be reviewed periodically to ensure that costs are fully recovered.

### Methodology for setting taxi meter fares.

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 Cardiff 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.

However so 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

believe that CCTV system 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 have an immediate deterrent against crime and disorder including CSE; Violence against Women; drugs; domestic violence etc.

recognise the potentially 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

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, it would

be an easy task for WG to prescribe the application forms to ensure consistency across Wales.

### Restricted Drivers

In addition to the submission in relation to Q3 regarding types of licences offered by local authorities. I would suggest that consideration be given to the introduction of a restricted dual licence for the purpose of home to school transport **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 home to school contract work. A number of local authorities in England and Swansea Council in Wales already offer this scheme and report positive effects in supporting home to school contracts.

## Priestly Pereira

Name
Priestly pereira
Are you responding for yourself or for an organisation? If an organisation, which?
Self
Which of the following best describes you?
I work in the taxi / PHV trade  <b>Local Authority</b> Cardiff council
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.
Yes
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.
Yes

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.

No

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.

Yes

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.

Yes

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.

Yes

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

Yes

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

Yes

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.

Yes

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.

Yes

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

Yes

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

Yes

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.

No

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.

Yes

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

No

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.

c. do something else

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

No

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

*No Response*

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

*No Response*

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?

*No Response*

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.

*No Response*

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

Should stop cross bordering

## **Rhondda Cynon Taf County Borough Council**

Rhondda Cynon Taff endorses the response of the Wales Licensing Expert Panel in response to the white paper on the Taxi and Private Hire Vehicle (Wales) Bill.

[RCT CBC attached the response provided by Directors of Public Protection Wales, above.]

**Richard Smith**

Name

Richard Smith

Are you responding for yourself or for an organisation? If an organisation, which?

Self

**Comments:**

I am a tourism operator. My vehicle is Private Hire. I would like to see a way to license a 1 person 1 vehicle business differently - so that it is easier to use an unusual or older vehicle for a specialised operation, for example a Land Rover for "off road" experiences.

I currently use a 15 year old Land Rover Discovery for luxury tours all around Wales and local tours in Ceredigion. I would like to be able to go on using this vehicle. If I have to abide by the 15 year old age limit my business will have to cease.

I would also like to see a situation where a one person one vehicle business is allowed to have a second driver able to drive the car for personal use only / not for hire - such as in an emergency.

Which of the following best describes you?

I work in the taxi / PHV trade

**Local Authority**

Ceredigion

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.

No

**Comments:**

All ok except;

In the case of a Private Hire operator, no provision is made in the wording to consider a 1 person 1 vehicle business. "The driver may not accept a booking on behalf of the operator" - What if the driver is the operator?

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.

No

**Comments:**

Local authorities will be better placed to judge what suits their local area. Different situations occur in different areas. Cities are different from rural areas. Trying to impose the same regulations all over Wales may work for some of these areas but could make businesses unviable in rural areas, for example eclectic vehicles would be a good idea in a city, for a taxi company that only operates within the city, but not for a rural company which may cover a large area of countryside and also for example offer airport services.

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.

Yes

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.

**Comments:**

Options of Hackney, or PHV, or combined would be best. It is definitely a good idea to continue to allow the combined Hackney / PHV badge, which gives flexibility to some drivers, who may predominantly do one sort of work but occasionally help out with different work.

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.

Yes

**Comments:**

Include first aid training

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.

No

**Comments:**

The display of signage should not be compulsory on vehicles used for exclusive chauffeur services, tourism tour services wedding cars etc.

Exemption to age limits should be allowed for specialist businesses, which are not primarily using the vehicle for regular taxi type work.

Otherwise broadly agree.

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.

No

**Comments:**

Broadly agree, but provision / consideration needed for 1 person 1 vehicle businesses.

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

Yes

**Comments:**

Local discretion is a good idea, so long as it doesn't cause too many bumps in the attempt to "level the playing field".

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

Yes

**Comments:**

So long as the cost for applying for a licence in a second or third authority really was minimal, as in many areas drivers will be based close to a boundary..

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.

**Comments:**

I don't feel qualified to comment

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.

**Comments:**

Unable to comment

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

Yes

**Comments:**

I believe this needs further consideration to ensure consistency and allow for non standard use of vehicles

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

Yes

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.

Yes

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.

Yes

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

Yes

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.

c. do something else

**Comments:**

Consideration needs to be given to different situations in different areas.

Transition to ZEV Taxis in urban areas, for vehicles operating mainly in those areas, - yes.

But rural Wales needs more flexibility in this transition. The rules must consider that Hybrid or even Hydrogen powered vehicles will be a more realistic option for some operators in the future, and allow them to continue using older vehicles until such options are realistic.

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

Yes

**Comments:**

The "B" class licence system is a good idea for specialist businesses who carry passengers - for example Driver - Guide services, Limousine / chauffeur services, wedding cars, VIP etc, use of classic cars for such services etc.

It must be considered that such a vehicle must be able to carry out some Private Hire "type" work such as airport collection or transferring tourists from one area to another, out of area.

But Community / school transport needs local regulation.

Non motorised vehicles and horse drawn vehicles need a completely different system.

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

Have not read in full

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

N/A

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?

Unable to comment

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.

Unable to comment

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

Consideration should be given to 1 person - 1 vehicle PHV businesses, that for example a second un licenced driver should be able to drive the vehicle for private use, either with no passengers or only with the owner / licensed driver as passenger, or immediate family members (parents or children). It would be assumed that this second driver would be an immediate family member, spouse, parent or son / daughter.

This would enable the vehicle to be returned home in case of driver illness, or taken to / collected from a garage, for example.

It is a wasteful and unnecessary expense for a second driver, who will never drive "for hire or reward" to have to go through the badge application process.

Insurance companies seem to be happy with the idea. .

## Royal National Institute of Blind People (RNIB) Cymru

**R N I B**

Cymru

Golwg gwahanol

See differently

RNIB Cymru's Response to the Welsh Government  
Taxi and Private Hire Vehicle (Wales) Bill: White Paper

### About Us

RNIB Cymru is the largest sight loss charity in Wales, and we provide support and services to blind and partially sighted people, as well as their families, friends, and carers, to help improve lives and empower people to adapt to sight loss and retain independence. We work in partnership with public, private and third sector bodies across Wales to deliver projects, training, services and give information, advice, and guidance.

We raise awareness of the issues that blind and partially people face every day and challenge inequalities through campaigning for social change and calling for improvements to services. Whether you have full, some, little or no sight, everybody should be able to lead independent and inclusive lives, without facing inequity and discrimination.

We welcome the opportunity to contribute to this consultation on Taxi and Private Hire Vehicle (PHV) reform and discuss the issues that blind and partially sighted people face when using this method of transport. Whilst it is disappointing that the consultation document, as hosted on the Welsh Government's website is not fully accessible, we want to highlight the effort of the policy leads for this consultation to take meaningful steps to engage with a wide range of disabled people through the Disability Rights Taskforce and through the Transport for Wales Accessibility and Inclusion panel.

## **Introduction**

For blind and partially sighted people, public transport is an absolute lifeline. When eyesight is impaired, the ability to drive is impacted. This can have a huge impact on independence and the simple act of getting around. Being able to use public transport means people with sight loss can get to and from where they need to be and give much needed choice and opportunity to access local amenities and services. Blind and partially sighted people tell us that Taxis and PHV can be an ideal form of travel because they take people from doorstep to destination, which can mean bypassing the need to navigate unfamiliar or inaccessible streets and can offer much needed independence in places with poor direct public transport links. However, there are certain issues with using Taxis and PHV which can cause more problems than they solve.

The most negative and glaring barrier is Guide Dog refusals. Although illegal, incidents are reported to us frequently and are the biggest cause of anxiety, frustration and anger for passengers with vision impairments who are Guide Dog owners. These refusals stem from poor knowledge of the Equality Act 2010 and according to an Access All Areas report on Assistance Dog mainly occurs due to “religious or cultural reasons, concerns the Guide Dog would shed hair, be dirty, or damage the car in some way, or allergies,”<sup>12</sup> These illegal refusals should not be happening, and we urge Welsh Government to embed strong action in this legislation to make operators and drivers more accountable and make pursuing legal action easier.

Other barriers that blind and partially people face when using Taxis and PHV confidently and independently are:

- A lack of understanding from drivers about low vision and sight loss and how it affects passenger interaction,
- A lack of detectability of quiet electric and hybrid vehicles,
- Inaccessibility of the vehicles on offer,
- Inaccessible booking and complaints systems,
- And a feeling of vulnerability – this is especially highlighted by women with vision impairments,

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<sup>12</sup> [Access All Areas – Assistance Dogs](#), 2015

Even for those who are more confident using Taxis and PHV, unfortunately another factor is impacting their choice to travel and that is the current cost of living crisis. Many blind and partially sighted people can be on a fixed income due to low employment rates amongst this group. We are hearing more reports that the cost of travelling by Taxis and PHV is becoming exorbitant and unaffordable, hindering another avenue for independence for a group of people who already feel like they have fewer options to travel.

These barriers create anxiety, worry, frustration and in the end can curtail the enjoyment and frequency of getting out and about. We cannot overstate the mental health impacts of facing constant barriers to living independently. Our insights suggest that more and more blind and partially sighted people are disengaging from using Taxis and PHV and are instead curtailing journeys or relying on relatives, friends or personal assistants to drive them on direct journeys, especially where public transport is limited.

**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**

*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.*

We strongly agree with the need for national minimum standards to ensure consistency across all local authorities, and we particularly want to highlight the need for robust and measurable disability awareness training. We ask for dedicated visual awareness training to be incorporated into this training and RNIB and other sight loss organisations can help with training needs.

At the forefront of the standards must be the very clear message that illegal Guide Dog refusals will not be tolerated at all levels of licensing authorities and operators. Elements of visual awareness training need to include sighted guiding, how to communicate with blind and partially sighted people, and sensitivity training. This will go a long way to improving communication between driver and passenger and increasing confidence, from both sides, that the driver knows how to describe surroundings and is able to collect and drop off a passenger safely. A number of issues can be solved through real driver understanding that passengers with vision impairments may experience their journeys in very different ways.

We want training to be meaningful and carry weight to its qualifications. We advise that, in addition to any online learning, it involves face to face elements with blind and partially sighted people so that drivers can practice and roleplay scenarios to gain confidence. Good practice can be achieved through accountability and regular review of training. Proper funding must be allocated for this training and support from Welsh Government must be offered as it strives to embed the Social Model of Disability into public life in Wales to ensure this is not simply a 'tick-box exercise.'

**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**

*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'*

Regarding Guide Dog refusals, we strongly agree that vehicles must clearly display exemption certificates, available in English and Welsh as well as a tactile 'E' as this highlights a fundamental problem that has been happening for years. Drivers have had to show paper certificates to people with vision impairments – a group of people who inherently struggle to read print. This has given rise to incidents where dishonest drivers have taken advantage of the fact that the Guide Dog owners they are refusing cannot read letters and have presented false pieces of paper in order to avoid carrying dogs.

In addition to the tactile E, we suggest that every vehicle has to carry a seat cover, or footwell cover, or suitable piece of material that would mitigate any hair shedding by Guide Dogs and reduce the need to claim this as a reason to not carry Guide Dogs. This would also negate the addition of surcharges for cleaning a car after carrying a Guide Dog.

Vehicle inaccessibility could be addressed in the national minimum standards. There are simple changes that can make vehicles more accessible for blind and partially sighted passengers such as colour contrasting door handles or seatbelts. When it comes to meter displays these can be a big barrier as people with vision impairments often cannot read them. We have reports of unscrupulous drivers who have taken longer routes in order to charge more or have falsified the charge to pocket the difference. With the advent of new technology, we ask that accessibility is at the forefront of passengers needs. A large print display would aid people with some useful vision and audio announcements would aid people with low to no vision.

**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**

*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.*

*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.*

The national minimum standards must ensure that any procedures for complaints is fully accessible and transparent. After a Guide Dog refusal, the onus is on the person who has just experienced something traumatic and humiliating to prove a complaint and pursue legal action, which is a long and draining process and can use inaccessible websites or paper trails. Ensuring that operators must use accessible systems to record and publish complaints is a step towards removing barriers for blind and partially sighted passengers. Operator policies must also be available in accessible formats and monitored and reviewed regularly.

**Question 22: Are there any other issues you would like to raise?**

With the concerted effort to move Taxi and PVH fleets over to zero emission tailpipes, we strongly urge that all quiet electric and hybrid vehicles are fitted with Acoustic Vehicle Alert Systems and the use of these are mandatory with the driver being unable to switch off any noise generators. Blind and partially sighted people rely on the sound of vehicles in order to detect them, so quiet vehicles cause serious safety concerns.

## Sanwar Ahmed

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.

The two tier system is working as intended apart from the blurred lines that Apps provided by some Private Hire Operators and how they accept a booking which is a form of Electronic Hailing (E-Hail)

All bookings made through a Private Hire Operator MUST be acknowledged to the customer that the operator has accepted the booking and is looking for an appropriate vehicle to undertake the journey BEFORE the booking is offered to a driver/vehicle. This would ensure that the booking has been accepted by the operator without the interaction of the driver who has no legal standing in which to accept a request by the customer directly or indirectly unlike a Hackney driver/vehicle can.

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.

While this is an ideal situation when each area is the same we believe that there are too many local variables that would affect the likelihood of this being attainable such as rural and urban areas which Wales has a wide selection of each that drivers in one area would have no objection to and drivers in another find that the new requests would be a burden that would force them away from the industry which would cause a serious lack of service to the local community that depends on them.

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.

Absolutely not.  
86% of licenses in Wales are dual whereby the driver has undertaken a local knowledge test. The better solution would be to bring the 14% remaining up to the standard of the majority of already licensed drivers.  
The only people to benefit from this approach would be the operators who exploit the drivers by flooding the local market with excessive vehicles working with rates of pay so low that they rely on Universal Credit to attain a living wage.  
At the same time the low rates that the public pay for a door-to-door taxi service is in conflict with the Welsh objective to the public using public transport to help towards the clean air objectives that Wales have set to achieve.

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.

Please see the answer to Question 2  
Also, any new drivers should undertake a driving assessment as set by the local authority to which they wish to be licensed.

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.

Please see the answer to Question 2

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.

Please see the answer to Question 1

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

This would contradict the reasoning behind having national standards and would put Wales back into the same situation that it is currently in under the Local Government (Miscellaneous Provisions) Act 1976

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

We do not agree with the suggestion at all because it has no chance of working in the real world of Taxi and PHV driving.

A driver of a Taxi can already accept pre bookings in any area of the country and can work for any operator across the country also.

They would not pay an extra charge, even if discounted just to work occasionally in another district as a Taxi driver by being flagged down or using the ranks (what little there are) to gain custom.

Your proposition that PHV continue to undertake work anywhere is in our opinion shortsighted in respect of the current legislation.

We believe that it is the larger operators that have distorted the true meaning of the LGMPA 1976 and its focus on localism as a part of the safety of the public and those operators have not been challenged by local authorities on this matter simply because the operators bank balance is far healthier than the authorities.

It has never been tested in court where a vehicle is made available to accept a booking, it has only been deemed that a vehicle may pick up, pass through or drop off in another authority however by reading Hansard when the LGMPA 1976 was being discussed and amended, and on the 26th of July 1976 at 6:44pm Lord Airdale was arguing for section 75 of the LGMPA Act 1976 to be removed but Lord Harris of Greenwich replied with the following... The Bill already provides Clause 75(1)(a) that any vehicles, whether or not licensed, may bring a passenger into a controlled district under a contract made outside it and provided that the vehicle is not made available for hire in the district.

(Our emphasis)

This was to ensure that localism was kept intact, and that drivers and vehicles licensed by other authorities that adopted the Act did not work in areas that they were not licensed and could not be enforced for the safety of the public which is happening today.

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.

Please see the answer to Question 8

It is only the fact that cross border hiring has not been dealt with legally that brings up this question.

Enforce the intentions of the LGMPA 1976 and this problem will be resolved without additional costs to the taxpayers.

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.

Please see the answer to Question 8  
It is only the fact that cross border hiring has not been dealt with legally that brings up this question.  
Enforce the intentions of the LGMPA 1976 and this problem will be resolved without additional costs to the taxpayers.

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

Please see the answer to Question 8  
It is only the fact that cross border hiring has not been dealt with legally that brings up this question.  
Enforce the intentions of the LGMPA 1976 and this problem will be resolved without additional costs to the taxpayers.

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

Please see the answer to Question 8  
It is only the fact that cross border hiring has not been dealt with legally that brings up this question.  
Enforce the intentions of the LGMPA 1976 and this problem will be resolved without additional costs to the taxpayers.

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.

Please see the answer to Question 8  
It is only the fact that cross border hiring has not been dealt with legally that brings up this question.  
Enforce the intentions of the LGMPA 1976 and this problem will be resolved without additional costs to the taxpayers.  
Multi-Apping only occurs because of the saturation of the local market by vehicles and drivers from other authorities.

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.

Please see the answer to Question 8  
It is only the fact that cross border hiring has not been dealt with legally that brings up this question.  
Enforce the intentions of the LGMPA 1976 and this problem will be resolved without additional costs to the taxpayers.

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

Absolutely.  
It should also be mandatory for vehicle proprietors and operators.

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.

C. the proposals in this White paper are to legislate for the future of the taxi and private hire trade and this suggestion is legislation that has a time frame attached to it. The better place for this would be in another piece of legislation that deals with air quality in Wales, such as the Clean Air Bill.

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

These vehicle types and their drivers would be plying for hire on the streets and would need to be equally tested and insured as the Hackney and Private Hire trade for public safety reasons.

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

Using data from Australia and America is totally irrelevant to the trade in Wales and data should be obtained as per Question 19 to fully understand the issues, geographical differences and future assessments from natural changes through local legislation.

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

All data that is needed can be obtained through the 22 licensing authorities in Wales by them issuing a Section 73 notice to operators and by supplying the data of all vehicles and drivers licensed by them and entered on the public register.

Data such as...

- How many bookings are completed by each operator per week.
  - How many bookings start and end within the district borders.
  - How many bookings start and end outside the district borders.
  - What are the age and engine types of vehicles licensed by the authority.
  - What is the age that these vehicles will be upgraded due to local conditions.
- The above list is not exhaustive.

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?

A high percentage of licensed drivers are of a BAME background, and the English language is a second language to them.  
There is too much burden on the drivers to learn a third and notably difficult language in order to continue their business with no immediate benefit to them or their passengers.  
This could be a more localised requirement where the Welsh language is used more frequently.

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.

Please see the answer to question 20

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

The licensing of Taxi and Private Hire has localism at the heart of the current legislation which supports the safety of the travelling public. Parliament has been promising to write new legislation even before the LGMPA 1976 was passed and are still doing to this date yet have failed to deliver due to the complexities of the industry in different parts of the country. While we appreciate the effort that has been put into this consultation for Wales to write new legislation, we would ask that the current legislation is upheld to save precious Senedd time and money trying to tackle an issue that an answer is already there to be used. Most, if not all of the problems that this white paper is trying to address lies with the issues raised from cross border hiring and for this government to try to tackle the issue by writing legislation that supports it is ludicrous because they only people that benefit from such legislation are the operators who exploit the drivers with artificially low rates to entice people from using public transport and the HMRC by offshore accounting with some operators receiving public money for their services. Fix cross border hiring and you will fix the issues that this white paper is attempting to.

## Satheesh Karunakaran

Name

Satheesh Karunakaran

Are you responding for yourself or for an organisation? If an organisation, which?

Self

Which of the following best describes you?

I work in the taxi / PHV trade

**Local Authority**  
Cardiff Council

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.

Yes

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.

Yes

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.

No

**Comments:**

No significant benefit by issuing separate licenses, therefore a dual license would suffice.

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.

Yes

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.

Yes

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.

No

**Comments:**

I don't believe it will improve anything.

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

Yes

**Comments:**

Any additional local standards which might benefit the industry.

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

Yes

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.

Yes

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.

Yes

**Comments:**

I believe police already have powers to enforce the rules if there's any public safety concerns.

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

Yes

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

Yes

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.

No

**Comments:**

It is a misguided conception that drivers cancel a trip or swap for another lucrative trip, after accepting it. A driver do not cancel a trip for after investing his time and fuel to go to the pick up. Most of the trip cancellation done by algorithms with in the app itself , there are many reasons behind it, one for example:- A follow on trip from customer (customer B) get cancelled by the app's algorithm when a customer onboard (customer A) alter the trip details while the trip being conducted.

As a driver Multi app facility is important to remain.

A few reasons:- 1) App companies erroneously put drivers on stop (without even any human interaction) for long for prolonged periods, often weeks. Example:- 1)Uber erroneously put me on stop for 19 days and it took three weeks and numerous phone calls before reinstating with just an apology, which is not good enough for a driver trying to make a living out of this job. 2) Dragon Taxis put me on stop for a whole 24 hours by one of their dispatcher's fault (Evidence can be provided in both cases if required).

Drivers are self employed and the operators are not under any obligations to give enough work for individual drivers. Therefore multi app facility should not stop without a full Welsh Government guarantee against operator errors and a guaranteed income while on stop or when not enough work (non drivers fault).

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.

Yes

**Comments:**

Cross border concerns between England and Wales are no existent in big cities. Cross border between different counties within Wales is the problem.

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

Yes

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.

c. do something else

**Comments:**

Acceleration without proper charging infrastructure is in effective. No driver want wait around charging points when he/she should be working. Drivers will adopt electric vehicles naturally whenever enough infrastructure in place.

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

No

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

No

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

No.

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?

I don't think any driver treating Welsh language less favourable than English.

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.

Don't Know.

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

Cross border work between Welsh counties (Eg. majority of Newport licensed drivers working full time or predominantly only in Cardiff).  
If a driver predominantly intends to work in a county/city then he/she should be licensed in that particular county/city.

## Scribes

Dear Sir / Madam I am sending in my recommendations as requested . I have 33 years of taxi experience in every aspect of the industry . I now train new drivers in SQA Level 2 from all over the country in the qualification "An Introduction to the role of a professional Taxi and Private Hire Driver " GP4Y 54 OFQUAL Code 603/3979/2

### Consultation questionnaire

**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

**Answer.** believe they are appropriate and do not need revising

**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.

**Answer.** Completely agree . National minimum standards should be in place for all vehicles serving the public

**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.

**Answer.** No change in my opinion

**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.

**Answer.** All 22 counties should have exactly the same qualification for training . This in my opinion is best served by the SQA Level 2 Certificate An introduction to the role of a taxi or private hire driver. This will achieve many objectives .

- a. Standardise training across Wales
- b. A minimum standard that provides all necessary elements to create a fairer and modern industry
- c. A unit that concentrates on Equality and diversity in the industry
- d. No extra costs to local authorities , all fees should be liable by companies or self employed drivers as part of their CPD
- e. Creation of level playing field across controlled districts will help to alleviate cross border hiring within Wales and across local authority boundaries.

**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.

**Answer.** I seen no reason for change

**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.

**Answer.** Operators should not be allowed to set up business in adjoining areas to exploit differing levels of licence attainment. This exploitative practice is damaging the industry and is being used by companies to circumnavigate controls. Similarly it is being as a cash cow by unscrupulous counties like Newport for example ( Wolverhampton in England are the best example of this )

**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?

**Answer.** Local authorities should be monitored carefully by the Welsh government to ensure they are maintaining standards

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

**Answer.** As long as the welsh government provides the necessary oversight

**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.

**Answer.** No I do not it is the purpose of local licensing officers to work within their locality ( its in the name ) . This practice has become necessary due to the appalling state of the industry and the cross bordering taking place. Let me give you an example . There are literally hundreds and hundreds of Newport licensed vehicles working in Cardiff on behalf of companies such as Uber and Dragon. This means it has been necessary to provide Newport licensing officers working the streets of Cardiff. What a ludicrous use of resources. They should be in Newport as should their drivers. If you compare this to RCT where training is required there is hardly any cross bordering other than that absolutely necessary ( return fares etc) so this proves that cross bordering can be controlled properly by standardisation of training and license requirements. The evidence is there from Two of the most forward thinking and largest Local authorities in Wales.

**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.

**Answer.** Yes 100%

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

**Answer.** Yes 100%

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

**Answer.** This is a very good idea as it gives local authorities more scope when handing out penalties to errant drivers. I believe most drivers would prefer this rather than the arbitrary method currently employed.

**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.

**Answer.** I see no particular problem with multi aping as long as it is controlled within the controlled district not sourced outside.

**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.

**Answer.** This question is red herring the movement of vehicles from England to Wales is virtually non existent it is the internal cross bordering that is the problem. I believe private hire companies have used this red herring to deflect from the real problem. Do not be fooled .

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

**Answer.** 100%

**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.

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

**Answer.** Again this a red herring . We all want cleaner more suitable vehicles but who is paying are there any subsidies to be offered or perhaps interest free loans ? Or is the expectation that drivers will bear the cost of enforced changes and thus drive them out of business with ever increasing costs. The united kingdom is planning to stop manufacturing combustion engine vehicles by 2030. The Taxi industry will be therefore be impacted in the same manner. Hence there is no need to enforce this upon hard pressed drivers unless you are proposing subsidies.

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

**Answer.** No opinion

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

**Answer.** No

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

**Answer.** No

**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?

**Answer.** As a non welsh speaker I believe I am not best placed to answer this .

**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.

**Answer.** This is rather difficult as language especially Welsh differs greatly from area to area . encouraging all drivers to have a little knowledge of Welsh is excellent forcing this upon drivers is not .

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

**Answer.** I would like to return to Cross bordering and its effects on the industry. Evidently the technology has overtaken the law. These gaps in the law are being exploited . The idea of Taxis or Private hire vehicles is to service the area they are licensed in. This is not happening especially around Cardiff and Newport. I feel both companies and local authorities like Newport are exploiting this gap one to increase revenue for hard pressed local government and two for companies to exploit the ease of licensing in one area to flood the market in another. This is a huge problem especially for those conscientious drivers who have completed their compliance correctly and for the area they intend working in, only to see their living stolen away by others who cannot be bothered to gain their licence correctly or are simply incapable of doing so. This is the MAJOR ISSUE facing the industry in Wales. It most certainly isn't cross bordering from England to Wales although where English and \welsh local authorities border strict controls should most definitely be in place as well. But this isn't an either /or problem to be honest they are not mutually exclusive. I strongly believe in the training aspect of standardisation but also legislative controls to make sure private hire companies ensure their drivers are working within their controlled districts. This should be part of the operators terms and conditions with heavy sanctions if they are not being fulfilled .

## Shahzad

Name
Shahzad
Are you responding for yourself or for an organisation? If an organisation, which?
Self
Which of the following best describes you?
I work in the taxi / PHV trade

Which of the following best describes you?

**Local Authority**  
Cardiff

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.

No

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.

No

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.

No

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.

No

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.

No

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.

No

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

No

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

No

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.

No

**Comments:**

I do not agree either fines as this has never been an issue before

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.

No

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

No

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

No

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.

No

**Comments:**

Multi aping is useful because you have no option to work comfortably also apps cam crash will there be re imbursment . I agree you should have the ability to work on two apps

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.

No

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

No

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.

c. do something else

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

No

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

None to move forward

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

Not really

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?

English is the most popular language spoken in Wales

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.

None

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

None

# Simone

Name
Simone

Are you responding for yourself or for an organisation? If an organisation, which?
Self
<p><b>Comments:</b></p> <p>I have deep concerns regarding the proposed bill on the Hackney Carriage/Private Hire (HC/PH) sectors and its implications for PH drivers. As a dual-licensed driver in Cardiff, operating as a PH driver since June of last year, I strongly believe that this bill should consider the workings of the modern gig economy and the influential role that large corporations like Uber play in shaping the HC/PH sectors.</p> <p>Upon reviewing the bill, I have observed that HC/PH drivers have been unfairly shouldering the blame for the issues plaguing the industry. While it is undeniable that there are a few drivers who engage in misconduct, it is equally important to acknowledge that some passenger-related problems arise as a direct consequence of how operators, particularly Uber, treat their drivers.</p> <p>One glaring issue that has arisen due to a legal loophole is the prevalence of PHVs licensed in neighboring towns operating daily in Cardiff. Uber actively encourages prospective drivers to obtain licenses in places like Newport so that they can conveniently work in Cardiff. This situation favors prospective drivers taking the licence elsewhere as to get the license in Cardiff you need to pass both local knowledge and the SQA tests as requirement.</p> <p>Furthermore, Uber takes advantage of the large number of drivers crossing borders. Since November 2022, they have implemented a system known as "smart pricing," which compensates drivers based on the number of drivers present in a given area, rather than the traditional minimum fee and/or time-based compensation structure. Consequently, in areas with an abundance of PHVs, drivers may earn less than £1 per mile. Uber has also introduced a trip radar system, pitting drivers against each other to secure trips. In my opinion, this has led to an increase in booking cancellations, as drivers bid for trips without thoroughly considering the details, solely to outperform their colleagues, subsequently canceling unprofitable rides.</p> <p>Under the new pricing model, the customer is charged VAT, and Uber no longer deducts a percentage from the driver's earnings as it previously did (25%). Instead, they offer an upfront fixed price to the driver, subject to a variation of up to 20% during the trip. However, the specific calculation method for this increase remains undisclosed. Despite the inclusion of VAT and the unknown percentage deducted from drivers (believed to be between 25% and 50%), Uber maintains highly competitive prices.</p> <p>Uber achieves these competitive prices by relying heavily on PH drivers from neighboring towns. Moreover, other operators like Dragon have followed suit and increased their charges, now imposing a 25% fee in addition to a per-booking charge. While Uber and Dragon justify these price adjustments by citing rising costs of living, they consistently raise the percentage they get from drivers.</p> <p>I understand that cross-border operations may sometimes be necessary to ensure adequate job opportunities, but I strongly urge you to consider imposing limitations on private hire drivers from neighboring councils predominantly working within our local council. This bill should recognize that PH cross-border operations have become a tool for operators to exploit drivers' labor, undermining their financial security and contributing to the instability of the HC/PH sectors.</p> <p>I kindly request that you take these concerns into serious consideration during the bill's review and amendment process. By addressing the aforementioned issues, we can collectively work towards a fair and sustainable HC/PH sector that protects the rights and well-being of drivers while ensuring high-quality service for passengers.</p> <p>Thank you for your attention to this matter. I look forward to a positive resolution</p>

Which of the following best describes you?

I work in the taxi / PHV trade

**Local Authority**  
Cardiff

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.

Yes

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.

Yes

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.

No

**Comments:**

I believe local knowledge for big cities is a necessity as it improve the customer service.

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.

No

**Comments:**

DBS every 6 months is an extra cost for the driver. Unless they have anything to do with children I would do once per year

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.

No

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.

Yes

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

No

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

No

**Comments:**

Sometimes a PH driver may accept a job with a drop off outside it's licensing council and I do believe that it's fair for him/her to be able to get a booking from the new location back to his/her location. On the other hand at the moment this system has been abused by the PH drivers and their Operators. In Cardiff the majority of the PHVs are from Newport and other councils. If you are aiming to modernise the sector then you need to take in account how modern operators (Uber, Bolt, Dragon) work. In my opinion you should allow a PHV to cross boarding but force their operator to limit their chance to get booking in the new council to few or a small percentage per day. This will be fair for the PHVs that cross board and need to get back to their base and reduce the abuse of using PHVs outside their local licencing. Other advantages of the limitation of PHVs cross boarding are for the council to have a better PH offer for their locals and avoid modern operator drivers exploitation.

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.

Yes

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.

Yes

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

No

**Comments:**

I would leave the "failure to display driver badge" out or give a warning before the FPNs. Even if it may be an offence is not as bad as the others and it may be due to distraction or failing to put it back after a break

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

Yes

No

**Comments:**

I think that applying infringements for "Cancellation of a pre-booked dare without a reasonable excuse" will force the driver to accept unfair jobs. I have worked with many operators and they all have different types of bookings. Dragon and capital apps are really vague when they notify the bookings requests to the driver, in those cases the driver can only see the pickup point once he accepts the job. Sometimes(in Dragon case) the job is 4/5 miles away and you don't have a way to cancel it if not by calling the base. With uber on the other hand even though the app usually shows you the right pick up and most of the time the right drop off point you about 5 second to accept the job(and you are competing with other drivers that see the same offer), and most of the time the app sends you the request while driving (usually when arriving to the customer drop off point). When this happens we can only know where the customer is going once the customer is in the car. Meanwhile the operator fees have gone up compared to 3 years ago and now the cheapest fee taken among the main operators is the 17.5% of Capitol while dragon takes more than the 25% and Uber doesn't share how much it keeps (from customers and colleagues feedback it takes between the 25 and the 60%). This makes the drivers really selective on what they choose as in some cases the pick up point can be really far away from what he would expect and in other cases aren't given enough information or time to calmly ponder if a booking is effectively profitable for them. With the rise of the cost of leaving the operator are trying to be competitive with respect to price but keep rising the percentage taken from us drivers. Uber doesn't have a minimum fee per mile, or doesn't say how much he pays when we are delayed by traffic. If you want to improve the cancellation rate please ask the operator to have a clear minimum fee for miles and time, and take in account how far is the pick up point from the PHV

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.

No

**Comments:**

I don't believe limiting driver freedom is a good choice. As explained above, the feeling we have as drivers is that the system is exploiting us. The operators are literally taking more (fee) from us and trying to be cheaper than the competitors resulting in us drivers to be the victims of the rising cost e.g. petrol, insurance, taxes, etc. If you limit the driver choices you will only give more power to those operators and they will be able to blackmail us (metaphorically) by forcing us to accept unprofitable jobs.

On the other hand holding the operator in to account for the cancellation rate may result in the same fate. The operators will eventually start blackmailing the driver and apply banning or other things that may damage the drivers with higher cancellation rate.

In my opinion you should try to mitigate the issue by asking the operator for some improvements on their platform so that the job shown to the driver has more transparency. It would also be good if they could sacrifice their profit rather than asking drivers to get unprofitable jobs but that is more a brag than a suggestion. Here are some of my thought on the situation:

I do work mainly with UBER so here are some of the things I think will minimise the cancellation rate with them:

The price now is based on the number of cars in an area, but we don't have a minimum starting fee or a fee per mile, as for the time we don't know how much we are paid in case we get caught in a traffic jam(read below example). A solution to this could be uber going back to the prices before the introduction of the smart pricing. This should reduce the cancellation rate as it is mainly a consequence of operators exploiting the drivers in my opinion.

The notification for new job or trip radar(read below) should not appear during the journey or when a car is moving(it can be controlled via app) as not only it is dangerous and distracting but it also forces the driver to go against the law to accept a job. As explained below the process of receiving a notification while driving may cloud the driver's decision making.

Dragon and Capitol:

The job needs to have more details. At the moment when you receive a notification you only have the area

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.

of the job. They should show distance and estimate of the fee

I will write some examples below taken from my daily experience below to corroborate my suggestions. Here some example of the frustrations that may force the drivers to cancel trips:

UBER:

Psychological traps:

trip radar: uber notifies 2 or more drivers with offers that specifies distance, partial postcode, rider feedback and price. The drivers can bet against other drivers to get the jobs. The issues are: we only know the distance, some time we accept while we are driving in the other direction and to get to the customer we would need to add extra miles or minutes; the job(on the trip radar) pops up while driving so the driver is distracted from it and may accept based on the price, once accepted he will be able to see how many miles the course is only after the customer is on the car; The pop up is distracting and may come up while driving we can only cancel by touching the screen(this is not legal) and as we need to see the map and the road at the same time some drivers may accept by mistake and then cancel after they drop off the customers; job accepted by the trip radar may be in an unprofitable location.

new job during a course: Uber sends a new job notification a few minutes before the drop off point. This is not only Dangerous as with the trip radar the new job notification hides the current job map but also doesn't give the driver time to ponder about the job profitability. Also we are forced to touch the phone screen to accept a job. This brings the same issues as the trip radar: the driver may miscalculate the profitability due the multitasking.

payments miles and time:

Starting from november 2022 uber doesn't take a percentage of the driver fee but gives us an offer and once accepted sticks to it. There may be an increase of the fee but UBER doesn't share how much and how they calculate this increase. The answer the driver gets from the customer service is that the fare is calculated via smart price.

In the last few months I have had few experiences that have increased my cancelling rate to 15% of my jobs. My worst experience with the smart pricing was on a job with an upfront price of 10£ the job was around 20/25 minutes trip. Due to traffic the trip was prolonged to about 1h and 10 minutes and I was paid 5£ extra for the extra 50 minutes. Uber confirmed to me in the chat that that was aligned with the smart pricing increase. It was a Sunday with a busy rugby match.

Following those episodes I have noticed that the increase when there were deviations or traffic weren't aligned with my council tariff and couldn't find any referral to how the increase was calculated on Uber website. This brings the cancellation rate rise. We are in a situation where we are offered a set price and once we start to go in the area we see that the traffic there will make our day unprofitable if we take into account how Uber calculates our increase of tariff. Another example that we have in Cardiff are jobs around the cross junction of Richmond road and Albany road. We are offered jobs of 2 £ per mile in that area that may seem good on the first sight but due to the temporary traffic light you may get caught in traffic and a 10 minutes 5£ job may become a 40 minutes 6£ job. That's one of the reason there are cancellations after the acceptance (based on personal experience and comments on social media)

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.

No

**Comments:**

The PHVs should be able to cross boarding as long as they don't abuse it. One solution may be to limit the number of cross boarding either by allowing a number of crossing per day or a percentage of their trips. Random checks from the authorities should hold operators in account and require the data of the foreigner PHVs found in the local council.

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

Yes

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

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

No

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

*No Response*

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

*No Response*

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?

*No Response*

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.

*No Response*

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

*No Response*

## Siôn Elis Williams

Name

Siôn Elis Williams

Are you responding for yourself or for an organisation? If an organisation, which?

Self

Which of the following best describes you?

Other

**Local Authority**  
Cardiff

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.

Yes

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.

Yes

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.

Yes

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.

Yes

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.

Yes

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.

Yes

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

Yes

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

Yes

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.

Yes

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.

Yes

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

Yes

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

Yes

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.

Yes

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.

Yes

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

Yes

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.

c. do something else

**Comments:**

Encourage transition to other alternatives with less embodied carbon, indirect air pollution emissions and better space equity and utility especially <https://pedalme.co.uk/> and use this to create jobs in building and maintenance of e-cargo bicycles etc.

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

Yes

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

*No Response*

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

*No Response*

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?

*No Response*

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.

*No Response*

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

*No Response*

## Suzy Lamplugh Trust

### Taxi and Private Hire Vehicle (Wales) Bill – 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.

**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.

Suzy Lamplugh Trust does not believe that current licensing requirements for taxis and PHVs are sufficient to protect the personal safety of passengers. The current and only safety requirement for individual licensing authorities to decide if drivers are of a 'fit and proper character' is wholly inadequate and has resulted in discrepancies between the standards that licensing authorities set. We are therefore calling for a **single consolidated legislative framework throughout England and Wales** outlining clear and specific minimum standards for licensing taxi and PHV drivers to ensure consistency across all licensing authorities. Driver and vehicle standards should be set in secondary legislation by the Secretary of State and subject to a statutory consultation requirement, as

recommended by the Law Commission in its 2014 report (recommendations 33 & 34). Licensing authorities should retain the power to set local taxi and PHV standards over and above the national minimum standards.

**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.

**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.

The Suzy Lamplugh Trust welcomes proposals to introduce national minimum standards. The Suzy Lamplugh Trust has been campaigning for greater safety standards for taxi and private hire vehicle licensing for decades and strongly advocates that these need to be embedded in legislation to ensure they are enforceable and consistent across the UK.

It is clear from the research carried out by the Suzy Lamplugh Trust that guidance is consistently, and inadequately applied and national standards are urgently required to be embedded in legislation to ensure they are enforceable, and passengers do not continue to be put at risk. As part of national minimum standards, Suzy Lamplugh Trust strongly recommends the development of a policy that clearly specifies which crimes and behaviours result in revocation of driver licences and is not restricted to convictions but carefully considers the nature of each alleged crime and incident and the potential risk to passengers. Ultimately, our research has shown that guidance, while not enforceable, is inconsistently and inadequately adhered to and legislation is urgently needed to ensure passenger safety, as also stated by the Chairman of the National Taxi and PHV Task and Finish Group in his report to government. You can read our full set of recommendations here:

<https://www.suzylamplugh.org/taxi-and-phv-safety>

**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.

Holding a licence to drive any taxi or PHV vehicle must require compulsory enhanced DBS checks for all drivers; this is not currently a mandatory requirement for taxi/PHV drivers who are not contracted to drive 'vulnerable adults' or children.

National minimum standards should require licensing authorities to carry out DBS checks on all licence holders at least every nine months when the DBS is fully updated by the police on all incidents relating to an individual.

We are also concerned that licensing authorities may not be obtaining relevant and timely information about drivers' criminal activity from the police directly due to the constraints of the Quality Assurance Framework and the Common Law Police Disclosure Provisions. We therefore propose a review of the Quality Assurance Framework and CLPD Provisions to reflect the need to disclose more crimes and behaviours carried out by taxi and PHV drivers than is currently permitted.

**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.

**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 believe that national minimum standards should also strengthen requirements to ensure that the public are able to distinguish easily between taxis and PHVs, and licensed and unlicensed vehicles. Similarly, drivers must be required to have a clearly visible badge or arm-band detailing their ID and driver licence type and number.

All taxis and PHVs should be required to provide information to passengers including driver photo ID and the vehicle licence number, in advance of a journey. This would enable all passengers to share information with others in advance of their journey. For those who cannot transmit the relevant information via digital means, or for passengers who cannot receive it in this format, this information must be available through other means available to the passenger before they get into the vehicle.

All taxis and PHVs must be required to install continuous video and audio recording CCTV and tracking devices to discourage behaviour that would compromise driver or passenger safety and provide evidence in the event of a dispute.

It needs to be clearly visible to anyone approaching the car that they must be pre-booked. Sian Callaghan was sexually assaulted and murdered by PHV driver Christopher Halliwell in Swindon in 2011. Christopher was a self-employed PHV driver for a Swindon company called Five Star Taxis. He was also convicted in 2016 for the murder of Becky Godden who went missing in 2003. He had breached his licensing conditions by plying for hire which is prohibited for a PHV.

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

**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.**

**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.**

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

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

**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.**

**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.

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

**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

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

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

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

**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?

**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.

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

# Swansea Council



## **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:

21. 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.
22. 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.

- p. set a deadline for all taxis and PHVs to be zero emission at the tailpipe
- q. set an age limit for vehicles which are not ZEV
- r. 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 2021<sup>28</sup>. 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.

## RIA Appendix

Table 6: Detailed potential costs break (see summary below for details)

Item	Frequency	Cost on initial application	Cost on renewal/ (existing drivers)	Incurred by	Notes
National training provider for literacy, numeracy, knowledge and safeguarding	Initial application only / potential safeguarding refresher every other renewal (6 years)	£40:00 /£60:00 (estimate excludes opportunity and time costs of attending training)	£30 (estimate) every other renewal (6 years)	Drivers  LA, who will seek to recover cost from drivers.	Existing training costs already exist (not new costs)  Additional admin costs for checking / chasing compliance with this training requirement.
Enhanced DBS check with Barred List and Update Service	Initial application enhanced DBS required	£46:00 DBS + £13:00 update service fee = £59:00  (basic DBS £18)  £38 is the correct cost of Enhanced DBS check	£13:00 a year update service	Drivers  (operators/ vehicle proprietors only if not a driver)	All Welsh LA currently require enhanced DBS checks on initial application, some have started moving towards 6 monthly DBS checks (not new costs) potential cost saving £7 per driver for update service use  Actual £1 increase to use Update Service (in addition to the £38 initial cost of the first DBS)

Vehicle testing	Proposal for annual testing	£50:00 (estimate)	£50:00 (estimate)	Vehicle proprietors	<p>All LA currently have testing requirements for vehicles requiring an annual, six monthly or four monthly test. Annual testing throughout Wales will result in a cost saving for many vehicle proprietors/ businesses</p> <p><i>A taxi/PHV can travel significantly more miles than a standard passenger car, and it is common for vehicles to travel 40,000+ miles per year, driven by multiple drivers. Many vehicle components will wear significantly during this period (tyres, brakes, suspension components etc.) and we do not feel annual testing is sufficient.</i></p>
Improved information sharing (Database / register/ other)	Setup fee likely with WG. Potential renewal fees that could be paid by the LA and recovered	£0 see text below	£Unknown WG research on database and/or register required	LA who will seek to recover costs from drivers/ operators	<p>LA are currently required to maintain a register for some taxi licences and all use 8 different versions of database throughout Wales. Setup fees will be provided by WG. Renewal maintenance fees may be required from LA on a cost recovery basis from licence holders</p> <p><i>It is not clear whether this relates to a register, or a database that would include current suspension notices issued.</i></p>

Item	Frequency	Cost on initial application	Cost on renewal/ (existing drivers)	Incurred by	Notes
	in the licensing fees				
Vehicle Age/Emissions Standards	When a replacement is required/ desired by the vehicle proprietor / company	Variation in vehicle manufacturer costs. A second hand Euro 6 emission vehicle can be purchased for under £10,000:00	£0	Vehicle proprietors	<p>Many LA already have age limits for new vehicles and/or a maximum age limit for existing vehicles. There is only a potential cost for LA without any current age limits. Existing licence holders may be permitted to retain currently licensed vehicles only to be replaced with a newer vehicle when a replacement is required or have a phased approach to updating the current fleet</p> <p><b>“There is only a potential cost for LA without any current age limits” - not clear how there could be additional costs.</b></p>
Changes to Taxi roof light wording	Once	£30:00 / £40:00 (estimate)	£0:00	<p>Vehicle proprietors</p> <p><b>LA, who will seek to recover</b></p>	<p>Most Taxis already have a rooflight with the wording “Taxi” and/ or “Taksi” therefore no costs to most vehicle proprietors. Signage firms may be able to amend existing rooflights for a lower fee rather than purchase a new rooflight.</p> <p><b>Unintended consequence – additional enforcement costs of checking compliance</b></p>

				cost from drivers.	with new standard (checking and chasing non-compliant proprietors).
Allowing multiple driver licence with more than one Authority	Initial Application with each Authority	<p>Reduced costs when applying for the second licence. -£200:00 / -£300:00 (estimate)</p> <p>We dispute the £200 - £300 saving for a 2<sup>nd</sup> licence, as this cost appears to relate to the training. Once the training is completed, there are no additional cost to the driver as the national qualification is transferrable between authorities.</p>	£0	<p>Drivers</p> <p>LA, who will seek to recover cost from drivers.</p>	<p>When applying for the second licence. The driver will not require a duplicate medical / DBS / All training requirements. *Price per medical GP will vary</p> <p>When applying for the second licence the driver will not be required to do additional training, nor a new DBS (as they will be subject to the Update Service). However, the driver will be required to pass the knowledge test and the local authority will need to verify documentation with the home authority. Each LA will be required to process, determine, and issue the licence which is the cost to the LA and would need to be passed on to the driver.</p> <p>This could also necessitate a committee hearing and there may be issues by accepting older medicals.</p> <p>The cost of the administration and enforcement of the licence would be comparable for both the home and</p>

					subsequent licensing authority and therefore would be no cost saving to the driver.
Requiring all Local Authorities to issue a	Initial Application	£20:00 / - £30:00	£0	Drivers	Allowing PHV drivers to apply for a PHV drivers licence only will reduce

Item	Frequency	Cost on initial application	Cost on renewal/ (existing drivers)	Incurred by	Notes
PHV drivers licence only		(estimate)		LA, who will seek to recover cost from drivers.	the need to have a local area knowledge test and should reduce training costs to the driver  Unintended consequences to this proposal - additional enforcement costs as LA officers will be required to monitor compliance with PH only licences driving taxis.

					Potential setup administration costs to amend the issue of dual licence only – to PHV only driver’s licence.
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# Tajul Islam

Name
Tajul Islam

Are you responding for yourself or for an organisation? If an organisation, which?
Self

Which of the following best describes you?
I work in the taxi / PHV trade  <b>Local Authority</b> Cardiff

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.
<i>No Response</i>

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.
<i>No Response</i>

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.
<i>No Response</i>

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.
<i>No Response</i>

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.

*No Response*

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.

*No Response*

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

*No Response*

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

*No Response*

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.

*No Response*

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.

*No Response*

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

*No Response*

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

*No Response*

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.

*No Response*

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.

*No Response*

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

*No Response*

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.

*No Response*

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

*No Response*

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

*No Response*

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

*No Response*

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?

*No Response*

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.

*No Response*

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

I just came here to say what are you doing about cross bordering? There's so many out of town drivers working in Cardiff and I don't think they have ever worked in their licensed city. Cardiff is flooded with out of town drivers that it is hard for someone like me who took both the BTEC course and knowledge test to make a decent living anymore. I'm struggling to pay bills and put food on the table and my mental health is being affected too. Soon I will have to go on JSA as I can't no longer work very long hours just to keep my head above water. I have no social life, no time off, no holidays or able to spend quality family time. It seems like the Government don't care about us as long as we're paying our licence fee.

## Tiger Taxis

Name

Are you responding for yourself or for an organisation? If an organisation, which?

An organisation

Which of the following best describes you?

I work in the taxi / PHV trade

**Local Authority**  
Torfaen

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.

Yes

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.

Yes

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.

*No Response*

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.

No

**Comments:**

We believe that there should be no knowledge test as we have never needed them when taking drivers on and all their PDA ;s have automatic sat nav. By insisting on a knowledge test it is preventing new drivers entering the trade at a time when a large percentage have left. Some drivers from outside our area are failing the test as it is too complicated.

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.

Yes

No

**Comments:**

All boroughs have different rules. In Newport you can put old vehicles on as Private Hire Vehicles whereas in Torfaen they have to be less than 5 years old. This prevents local people taking up the trade and drivers from Newport travel to Cwmbran and overcharge customers as they have to travel. This increases cost to the public.

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.

Yes

**Comments:**

However we see no need for office staff having to have a DBS as it prevents people starting with us.

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

No

**Comments:**

National standards for all to make a level playing field.

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

Yes

**Comments:**

Yes it makes for quicker decision making.

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.

Yes

**Comments:**

Yes. drivers outside our area flout the current law by not having branding and overcharging

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.

Yes

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

No

**Comments:**

No. we have enough penalties. such as getting banned for having 6 points. No other industry or general public are subjected to this. Its not fair and drivers lose their livelihoods after putting investment in.

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

Yes

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

**Comments:**

Asl long as its 12 points as any less would be discrimination

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.

No

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.

Yes

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

Yes

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.

c. do something else

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

No

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

*No Response*

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

*No Response*

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?

no change

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.

no change

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

make all rules between councils the same. No knowledge tests. this is a time when there has been a vast decrease in taxi/ PHV Drivers. Too many restrictions prevent new drivers. Less drivers means less customer service. increased prices and not enough driver to cover school and special needs contracts. How will those people get transport ?

## Tom Jones

Name

Tom Jones

Are you responding for yourself or for an organisation? If an organisation, which?

Self

Which of the following best describes you?

Other

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.

Yes

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.

Yes

**Comments:**

A cohesive approach to taxis and phv operation in Wales is long overdue. I am however surprised that amongst all the attributes you suggest for operators and drivers to possess there does not seem to be any mention of actual driver assessments to drive these vehicles. Surely this should be first and foremost in any qualification that taxi and phv drivers possess. PCV drivers need a specific licence to actually drive a vehicle carrying passengers. Minibus drivers are advised to undertake a MiDAS course to carry passengers. But you seem to suggest that taxi and phv drivers do not need any further driver training or assessment.

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.

Yes

**Comments:**

These driving licence in whatever form should include a driving assessment to qualify for licence issue!

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.

No

**Comments:**

As previously stated, actual 'driving' should be included.

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.

No

**Comments:**

As previously stated - driving assessments should be included

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.

No

**Comments:**

Operators should only employ drivers whose actual driving has been checked against a national standard

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

No

**Comments:**

A National Standard should be what it suggests - a National Standard without deviation or local differences.

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

Yes

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.

Yes

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.

Yes

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

Yes

**Comments:**

Fixed penalty notices should reflect those offences that are subject to these penalties by other enforcement agencies

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

Yes

**Comments:**

penalties should reflect the offences

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.

Yes

**Comments:**

There should be no 'grey areas' surrounding the application of hailing or ordering a taxi or phv. Grey areas produce questionable defences to infringements committed

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.

**Comments:**

Cross border hire should reflect the regulations where the hire commences and the country where the business is registered.

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

**Comments:**

I have written a paper on driver training and operation which has been submitted to the Welsh Government that encapsulates all differing forms of driver qualifications, including taxi and phv, but as usual no response is ever made, and these issues will be another fragmented piece of a larger jigsaw overseen by yet another agency and enforcement department. All things driving should come under one overarching qualification system that is administered and enforced by one specific Welsh Government department.

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.

**Comments:**

A difficult decision to make when the promotion of electric vehicles is only a stop gap until hydrogen power is properly developed!

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

No

**Comments:**

Please see above comments. If you had any interest perhaps you could contact me for a copy of the paper I have submitted to the Welsh Government that they are so reticent to look at!

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

*No Response*

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

Please see above

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?

Why introduce this subject into an area that should basically be about driver and passenger safety?

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.

*No Response*

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

Only that my response will end up in the same waste paper basket as all the other proposals I have made over the last 20 years!

In relation to the Taxi and Private Hire Vehicle (Wales) Bill white paper I noticed that very little attention was given to the driving abilities of the drivers. I would have thought that this would have been the first and foremost area where confirmation should be made as to suitability. The areas covered such as passenger well-being, mental health, people trafficking etc are erstwhile inputs that drivers should have but if passengers are in danger of being killed or seriously injured at the hands of their driver then those inputs would be worthless. Could I also ask if it is pertinent and possible to attach the enclosed project paper with my response. Whilst I appreciate that the taxi and private hire regulation is a devolved matter and is therefore easier to make policy and regulatory changes, I take every opportunity possible to have someone at the Welsh Government to actually read the contents of the project paper so that fundamental changes can be considered in the driver training and road safety arena in Wales.

I work with a small group of trainers from across Wales who have experience and knowledge in most of the additional inputs being suggested in the white paper and would be very interested in taking part in the development of any outcomes.

### **The Wales Driving Qualification Project**

The following is a precis of a paper prepared following years of work in the driver training and road safety industry and the recognition of a need for fundamental changes in the way driver training is provided, driving licences are acquired, and further driving skills are maintained and enhanced.

I am a retired Police Officer with The North Police and have since for the past 24 years been involved in Corporate Road Safety, Occupational Road Risk Management, Emergency Services Driver Training, and various other driver safety projects. In 2006 I put together the framework for Pass Plus Cymru which I brought to Road Safety Wales and I am glad to say this scheme is still operating with the support of The Welsh Government to this day. An evaluation of the scheme was carried out on behalf of the Welsh Government in 2015. I understand that to date somewhere in the region of 20,000 new and young drivers have undertaken this training.

Following the continuing high number of unnecessary deaths on our roads, especially of young and new drivers I have more recently looked to produce a more wide-ranging driver education and qualification model. These are briefly outlined below.

Over the past 20 years the UK Government has looked to make changes to the current driving tests and to the way young and new drivers approach the task of learning these new skills. The result has been a disjointed tinkering with regulations and the methodology of driver training but with little change to the overall outcome. The outlook is more consultation and discussions as can be seen in *'The Road Safety Statement 2019 - A Lifetime of Road Safety'* but with little hope of any major changes for the foreseeable future. In the meantime, vehicle occupants in Wales are being needlessly killed and seriously injured. Unfortunately, *The Wales Act 2010* only allows a few items of Road Transport matters to be devolved to The Senedd.

The following are some areas that could be included in a white paper / political manifesto in an effort to improve road safety and save the lives of vehicle occupants in Wales:

**1. Increase devolved road transport regulatory responsibilities to The Senedd.**

To avoid having to wait for Westminster and its advisory partners to agree and make decisions, Wales should endeavour to have their devolved powers increased where road transport and driver training and testing is concerned. Scotland already have much more autonomy in this area.

**2. The Senedd to set up a Collision Investigation Unit.**

This unit would look into all serious and fatal collisions within Wales so that a clear and concise record of causations is collated. From this list an appropriate and fitting response could be put forward for implementation to target and effect change in these areas.

**3. Driver and Road Safety Training to become part of the Welsh National Curriculum.**

Road collisions are the main causes of death and serious injury among young adults in Wales. As such, providing education within the curriculum in this field should have parity with other life lessons such as RSE and PHSE that take place in schools and colleges and could be included within those time frames as well as part of the Welsh Baccalaureate where it is offered.

**4. Driver and Road Safety Training to have Ofqual / QCDA accreditation**

A range of accredited driver and road safety qualifications could be introduced, from a basic requirement needed to apply for the learner test that would be included in the school curriculum as at Ser.3. Further qualifications, provided by FE Colleges, would be required as part of the process to gain additional Driving Licence categories such as B+E, D1, C1 etc as well as 'driving for work', Taxi/ Private Hire driving and a MiDAS type minibus course. A similar qualification could be included to replace the HGV and PCV CPC requirements currently being overseen by JAAPT. There are awarding organisations within Wales that could develop these accreditations – Qualifications Wales, Agored Cymru etc.

**5. Approved Driving Instructor (ADI) Development Training to also be QCDA Accredited.**

In order to contend with the changes proposed in this document the role of the current approved driving instructor and the content of their training provision would need to be considered, re-assessed and QCDA accredited to fit in with these proposals. As well as the compulsory ADI three-phased qualification process needed to become a driver trainer the PTTLS qualification should also be a requirement instead of being a best practise option as it is currently. The 'Fleet Trainer' aspect of the ADI Certificate should also be an appropriately accredited qualification.

**6. Blue Light Response Driver Training.**

The training of blue light users and the authorising of organisations who can fit and use blue lights and take advantage of the Road Traffic exemptions, has been a bone of contention and a subject of discussion for the UK Government for the past 10 years. This is referred to as the S.19 RTA2006 exemptions. Very slow progress is being made with ratifying changes to the Act which leaves emergency service providers and trainers in sometimes difficult positions especially where the provision of training is concerned. This again could be a devolved area of road traffic regulations so that the matter can be resolved within Wales.

**7. HGV and PCV Drivers' Medicals.**

Drivers of Category D, DE, C and CE vehicles (HGV and PCV) are required to undertake a full medical examination every 5 years, and every 12 months after the age of 65 years. In the past these examinations have been carried out by a GP or in large organisations by their occupational health staff. Although charging in the region of £150 for each examination, more and more GPs are less inclined to carry out these medicals leaving the opportunity there for medical professionals to operate mobile or 'pop-up' facilities to carry out these medical examinations at a cheaper cost. Unfortunately, in these instances the person carrying out the examination is not in possession of the driver's medical history and therefore not able to correctly confirm the driver is being honest with the information being given in order to ensure that person is fit enough to drive a HGV or PCV. This can result in unfit drivers being in charge of large goods and passenger carrying vehicles which, as is regularly seen on the media can result in tragic consequences. This is another area where a Welsh Government directive could ensure a full and proper medical examination is carried out.

**8. One Government Department to oversee, regulate and enforce all vehicle and road usage.**

At the moment road and vehicle usage is being administered by a number of different departments and authorities e.g. DVLA, DVSA, Traffic Commissioners, HSE, Police, Local Authorities etc. This fragmented approach makes policy making, regulation changes, safety campaigns, enforcement etc. so much more difficult and disjointed.

Some of the points raised above have been subject of papers sent to the Welsh Government, AMs, Welsh Bacc facilitators etc over the past few years but unfortunately always with no, very little, or a negative response.

# Torfaen County Borough Council

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.

The proposed definitions of taxi and PHV's are much clearer and straightforward compared to their current definition. Over the years there has been a blurring in relation to the distinction between the two different types of vehicles with the majority of journeys undertaken by PHV's being the same as journeys being undertaken by taxi's. The difference between the two is in the main irrelevant to the majority of members of the public who want to get from A to B. A one-tier system would simplify processes for booking as well as for members of the public, although it is noted within the white paper that the two-tier system will remain in place.

The proposed definitions of "there and then" and "pre-booking" are clear and enforceable. Consideration should be given to changing the wording within the definition of pre-booking to read, "...but this cannot be done in a PHV where bookings must be made via an operator".

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.

Torfaen County Borough Council agree with this proposal. The introduction of national minimum standards that would apply to all taxis and PHV's in Wales would ensure a consistent approach by Local Authorities in relation to the minimum requirements needed in order to be a licensed vehicle and will also ensure that services are delivered consistently. This will remove the inconsistencies that are currently in place. It will also stop applicants choosing to be licensed by Authorities who are less stringent in their approach with licensing conditions.

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.

Torfaen County Borough Council feels that there is a limited benefit in mandating local authorities to offer separate licences. The cost difference between issuing separate licences compared to a dual licence would be very small. A dual licence gives Private Hire Operators and subsequently drivers the flexibility to drive either a Hackney Carriage or Private Hire vehicle. 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 then have a single driver licence as opposed to the dual licence. Additionally, A PHV driver would only benefit from not having to undertake the knowledge test (as proposed) – a saving of only £20 - £30. A PHV driver would benefit from undertaking the knowledge test and not be reliant on satellite navigation systems. 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 Welsh Government. Private Hire operators are able to operate a mix fleet of taxis and PHV's with drivers being able to drive any vehicle in line with the business needs, with no enforcement implications for any party, including the local authority. A dual licence is less burdensome for both the Local Authorities and applicants in relation to both the administrative and enforcement processes. The benefits of a dual licence outweigh separate licences being issued in many different ways. The issuing of separate licences is too restrictive for the trade.

If local authorities are mandated to offer separate licences as well as dual licences, then legislation should be updated to include the provision for conditions to be added to the licence. At the moment, conditions cannot be attached to Hackney Carriage licence's so the issuing of a dual licence means that conditions added to a Private Hire licence applies to all drivers.

Administering both separate and dual licences would involve both financial and resource investment for many Local Authorities who only currently issue dual licences. Current systems would need to be altered

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.

in order for the different types of licences to be issued and ID cards produced would need to be distinctive in order to identify which licence has been issued.

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.

Torfaen County Borough Council agree with the national minimum standards that are being proposed for a driver's licence. Proposals to introduce driver checks on a more frequent basis will require additional resources to administer which will result in additional costs to the Local Authority which will subsequently be passed to the driver as part of the permitted cost recovery process. However, it is noted that these additional checks are in the interests of public safety.

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

The Council agree with this proposal and support the requirement for frequent checks to be undertaken to ensure that drivers remain fit and proper in the interests of Public Safety.

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. 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)

Torfaen County Borough Council fully support this proposal and would welcome any guidance that Welsh Government would be able to provide in relation to applicants who are unable to meet the requirement, e.g. applicants that have been granted asylum status. Torfaen County Borough Council's policy currently requires an applicant who has spent 6 or more continuous months living outside the UK since his 10th birthday to submit a criminal record check from the country / countries visited or lived in to cover the period that they were overseas. If this cannot be produced then a certificate of good conduct issued by the relevant Embassy shall be provided. This is in line with the current recommendations. Torfaen County Borough Council is aware that different authorities are specifying varying time periods in relation to this recommendation and would welcome a specified time period be mandated to ensure consistency amongst Local Authorities.

Evidence of right to work in the UK

The Council agrees with this proposal

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

Torfaen County Borough Council agrees with this proposal and suggests that a medical is required on initial application and then subsequently upon each renewal (every 3 years) until the age of 65 at which point the medical should be annual. The Council suggests that the medical is carried out by a GP who has full access to the driver's medical history to ensure that an informed decision can be made as to whether or not the applicant meets the specified Group 2 standards.

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

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.

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.

The Council agrees 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. Many local authorities currently provide training via internal departments so consideration should also be given to the Local Authority being able to deliver the training.

Existing drivers should be given a sufficient transitional period to obtain the qualification, but 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.

Ongoing refresher training can then be implemented at regular periods to coincide with the expiry of licences. Refresher training should be shorter in duration and delivered at a lower cost to the driver. The proposal suggests the refresher training be undertaken every 6 years but a reason for this specified time frame is not given. The Council would welcome the reasons as to why 6 years has been specified when licences are issued for 3 year period.

Additional training will be seen as being both costly and burdensome to the trade. It has been recognised that the trade is already losing drivers and is not encouraging people to enter into the trade. Therefore any mandatory training should be relevant, easily accessible (online option) and at a minimum cost.

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

The Council disagrees 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. The Council would suggest that basic information in running a business should be incorporated as a module into the main driver qualification and is therefore applicable to all.

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.

The Council disagrees with the proposal that a local knowledge test of the area shall only apply to applicants for a taxi driver/dual licence and not to applicants for a PHV driver's licence. If this is introduced, all applicants should be required to undertake a knowledge test of the area as reliance should not be placed on digital navigation systems to enable effective route planning.

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.

The Council agree that national minimum standards should apply to vehicle licences.

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

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.

The Council agrees with this proposal and it reflects existing practices in relation to the requirement to submit a basic criminal record check upon application and renewal. The Council would welcome any guidance that Welsh Government would be able to provide in relation to applicants who are unable to meet the requirement, e.g. applicants that have been granted asylum status. Torfaen County Borough Council is aware that the timeframe for producing an overseas criminal record check varies amongst local authorities and some deviate from the recommended 6 or more continuous months living outside the UK since his 10th birthday. A specified time period that is mandated would be welcomed to ensure consistency amongst Local Authorities.

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

The Council agrees that roof lights should display the word 'Taxi' or 'Taksi', however some local authorities have licensed vehicles with existing roof lights that display the local authority's name. The requirement to replace existing roof lights would incur an unnecessary cost to the trade so it is suggested that the word 'only' be removed.

Roof lights not allowed on PHV

The Council agrees with this proposal

All PHVs to display 'pre-booking only' signage

The Council agrees with this proposal and it would help to raise awareness amongst members of the public that private hire vehicles must be pre booked. There would be cost implications for the trade in relation to additional required signage. Consideration should be given to specified size and placement of signage required to ensure consistency amongst local authorities.

Vehicles to be tested to an agreed testing specification

The Council agree and would recommend that these are in accordance with the "Best Practice Guide for the Inspection of Hackney Carriage and Private Hire Vehicles". A consistent approach in relation to an agreed testing specification would ensure consistency and would make sure that all licensed vehicles are subject to the same testing specification.

The Council would support that where Local authorities utilise external garages for their testing requirements, that the garages must be approved by the local authority.

Vehicle testing to be carried out at agreed intervals.

The Council agree and would recommend that this be every 6 months for all vehicles. A consistent approach amongst local authorities with regards to frequency and at agreed intervals would ensure consistency amongst local authorities.

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

Torfaen County Borough Council would agree that a mandatory age limit for vehicles which was applied consistently amongst local authorities would be of benefit. However, it is recognised that the age and mileage of a vehicle does not correlate to the safety and condition of the vehicle. Local authorities should be given some discretion to deviate from the requirement if the vehicle is of good condition, passes the required test and where there are exceptional circumstances to warrant deviation. 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 the Council feels that where a vehicle can attain this standard every 6 months, then it

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.

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.

Further consultation on emission standards and the possible introduction of Euro emission ratings is required.

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

The Council agrees with this proposal

All taxis to be fitted with a taximeter.

Torfaen County Borough Council agrees with this proposal.

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'.

The Council agrees and suggests 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 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.

The Council agrees, however would expect to be consulted on the detail of this criteria

Methods of payment that should be available.

Torfaen County Borough Council agrees and would suggest that credit/debit card payment, app-based payment (pre-paid) and cash should be available as payment options.

Vehicles must carry a first aid kit

Torfaen County Borough Council agrees with this proposal. 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.

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.

The Council agree that national minimum standards should apply to operator's licences and make the following comments:

A basic DBS check (repeated each renewal).

The Council agrees 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

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.

last a maximum of 5 years, the Council feel that this period is too long between DBS checks and that an annual check is preferable in the interests of public safety.

An overseas criminal record check (where applicable).

The Council agrees with this proposal. The Council would welcome any guidance that Welsh Government would be able to provide in relation to applicants who are unable to meet the requirement, e.g. applicants that have been granted asylum status. Torfaen County Borough Council is aware that the timeframe for producing an overseas criminal record check varies amongst local authorities and some deviate from the recommended 6 or more continuous months living outside the UK since his 10th birthday. A mandated specified time period would be welcomed to ensure consistency amongst Local Authorities.

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.

The Council agrees with this proposal but would suggest that there only one qualification is 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.

The Council agrees that anyone taking bookings, dispatching vehicles or holding an individual's personal information should be subject to a basic criminal record check to ensure that they are a suitable person.

The Council suggests that consideration be given to guidance being produced to support operators with the proposed requirement to have in place a policy for determining the suitability of staff. What may be deemed as suitable by one operator, may not be seen as suitable by another operator and guidance, or a mandatory policy, would help to ensure consistency. Local Authorities would not have access to individual basic DBS certificates and enforcement / monitoring would be impossible unless mandated.

A separate licensing scheme for dispatchers would ensure suitability and could be guided by a Welsh Government policy in relation to the suitability of dispatchers.

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.

The Council agrees 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.

The Council agrees 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.

The Council agrees that operators should have to meet standards for dealing with passengers with additional needs, however, the Council feels that this should not be left to the operators to regulate. Welsh Government should be introducing such standards through best practice guidance, where operators must

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.

comply unless there is a good reason not to. Where an operator falls short of the standards and complaints are received by the local authority, the local authority will investigate and where appropriate take action against the operator's licence.

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

Torfaen County Borough Council agree that national minimum standards should be in place to ensure consistency and further agree with the proposal that local authorities have discretion to have additional local standards/requirements for drivers, vehicles and operators in their area should a problem arise that needs to be addressed at a local level.

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

The Council agrees with the proposals that the administrative, decision making and the issuing of licences for taxi and PHV's remain with the local authorities and that applicants will continue to apply to the local authority where they mainly intend to work.

Clarification is needed on how the proposals would work in practice where an additional licence is required outside of the issuing authority area. Concerns are raised if the intention is for the subsequent issuing authority to issue a licence based on the fact that the issuing authority had completed all the necessary checks to ensure that the applicant is a fit and proper person or if the checks are to be carried out based on the same information provided by the issuing authority, who may have carried out those checks based on information given some months previously.

Consideration also has to be given to the fee structure and the potential extra demands and resource implications which local authorities will face.

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.

Torfaen County Borough Council fully support the proposal. It should be noted that local authority enforcement officers already refer concerns about vehicles to the home licensing authority, this would formalise the unofficial process that is already in place.

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.

The Council fully supports this proposal. In the interests of public safety, local authority enforcement officers should have the powers to suspend a licence issued by another authority where there is an immediate risk to public safety. The issuing authority and the home authority should both have the power to lift that suspension once the issue has been rectified to enable the vehicle to be used by the driver for taxi and PHV purposes.

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.

The proposal refers to a duty to notify the home authority within 14 days. Torfaen County Borough Council suggest that this be reduced to 7 days (five working days).

The Council does 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 would give rise to the possibility of unnecessary challenges and court appeals leading to increased burdens and costs to local authorities.

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

Torfaen County Borough Council supports the introduction of fixed penalty notices (FPN's) for certain taxi and PHV offences. Whilst FPN's provide for an income to be received, consideration needs to be given to the time and resources that will need to be invested in particular in relation to the development of existing licensing systems, the issuing of the notice and action that will need to be taken for failure to pay. The issuing of FPNS is a much quicker process in relation to dealing with offences, as opposed to the Court system which can take many months.

However, concern is raised in relation to the income that may be derived from the issuing of the fixed penalty notice alongside the fee setting processes that are in place and the fact that a profit cannot be made. This could lead to a reduction in the fees that can be charged and may be detrimental to the Local Authority.

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

The Council agree with the proposal provided that any penalty point scheme introduced is consistently applied across Wales. The infringements and number of penalty points to be issued should be clearly set out in policy and there should be criteria which is not subjective e.g., not having a driver badge or door stickers displayed will incur points, but a dirty vehicle will not. One person's opinion of dirty can differ to the opinion of another.

Consideration should also be given to this proposal being 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.

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.

The Council would agree that there is a need to address the negative consequences of 'muti-apping'. It is the experience of this authority that drivers tend to wholly work for one operator, but it is a licence condition that the name of the private hire operator is displayed, and permanently affixed, on the private hire vehicle. If the requirement to display private hire operator signage on a licensed private hire vehicle was to be introduced as a national minimum standard it would help to elevate the problem that some local authorities experience as a result of 'multi-apping' and it would also help to ensure public safety and traceability of the driver if required. It is also felt that this would decrease the possibility of cancellations being made by the driver, which is a becoming a common problem.

The Council recognises that the taxi trade has suffered as a result of the Covid Pandemic and the subsequent cost of living crisis and drivers may need to seek alternative ways to generate extra income. If multi-apping is permitted, measures need to be put in place to ensure that drivers have a commitment to

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.

working with a specified private hire operator for a specified time. Further measures will need to be considered to address any subsequent issues and if bookings are cancelled at short notice.

Many drivers are self-employed and choose as and when they work for a private hire operator. This also needs to be taken into consideration when looking to address the issue of 'multi-apping'.

The Council would propose that the operator is held accountable in ensuring that bookings taken are fulfilled. The onus is on them to provide a prompt and reliable service.

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.

Option A is the preferred method to address the current issue of cross border hire between England and Wales. However, ensuring that English licensed operators who undertake bookings in Wales, are mainly undertaking bookings in England would be difficult to enforce and would be resource intensive for English Authorities. This approach would not stop English licensed vehicles operating in Wales and may lead to a significant increase in the number of English licensed vehicles operating in Wales. This would be as a result of the English licensed vehicles not having to meet any of the national minimum standards that may be introduced in Wales.

Option B is unenforceable and too restrictive. Introducing a legislative requirement that any PHV journey that starts and ends in Wales must be undertaken by a driver, vehicle and operator licensed in Wales and who must meet the Welsh minimum standards would be difficult to enforce. Option B states that journeys that start in England and finish in Wales or start in Wales and finish in England could be booked via either a Welsh or English Authority but a journey that starts and ends in Wales must be booked with a licensed Welsh operator. This is confusing for members of the public and difficult for Local Authorities to enforce.

Sub-contracting between licensed operators is allowed and this issue also needs to be addressed when looking at options A and B.

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

The Council agree with this proposal and is already signed up to use the NR3 database on a voluntary basis.

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.

The Council 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. The Council recognises the environmental need to accelerate such transition away from harmful emissions and are willing to play a part in aiding that transition, but this really is a matter for Welsh Government to determine the appropriate timescales and mechanisms.

The Council propose that any action taken by Welsh Government in relation to this proposal must consider the financial implications to the taxi and PHV trades and thought should be given to any financial support

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.

that they may be able to put in place, both for the initial purchase of the vehicle and for the ongoing costs that may be incurred.

Consideration needs to be given to ensuring that the infrastructure that will need to be put in place, will meet demand

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

Torfaen County Borough Council agree in principle to the proposal for Class B vehicles. Consideration should be given to calling them 'specialist vehicles' as opposed to 'Class B' vehicles.

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

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

Torfaen County Borough Council adopted the Welsh Government harmonisation document in 2021 but is aware that some local authorities decided not to implement the policy voluntarily and are currently retaining localised policies. This supports that national standards will not be achieved without legislative support.

Changing policies within Local Authorities can be a long and complex process with the need for consultation and political input.

The Council agree that national standards would assist in reducing cross border operations, however cross border operations between Boroughs are primarily caused by the differences in qualification requirements, not only the knowledge test. Offering only PHV driver licences would have a limited effect.

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

The Council are willing to provide any specific data that is requested.

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. The Council agree that the Welsh language should not be treated less favourably.

The Council believe that considerations should be given to basic Welsh language training for drivers which could form part of any training proposed in relation to national minimum standards. This could be related to basic skill to enable drivers to meet and greet passengers using the Welsh language.

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.

The Council believes that the positive effects could be derived by ensuring that signage etc is provided bilingually on all licensed vehicles and at taxi ranks. If a licensed driver is able to speak Welsh, they should be encouraged to display a sticker on their badge to advise passengers who may wish to converse in the Welsh language.

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

Many of the proposals outlined in the paper have both cost and resource implications for the Local Authority as well as for the trade. The potential impact on resources is a concern which needs to be considered by Welsh Government at an early stage. The Council appreciate that the proposals are being considered to introduce consistency and to ensure public safety but the extra burdens on both the local authority and the trade need to be considered.

## Unite the Union

This response is submitted by Unite the Union, the UK and Ireland's largest trade union representing over 1 million members across all sectors of the economy including transport, manufacturing, financial services, food and agriculture, construction, energy and utilities, information technology, service industries, health, local government and the not-for-profit sector. Unite also organises in the community, enabling those who are not in employment to be part of our Union.

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.

Unite believes the definitions provided of Taxis and Private Hire Vehicles (PHV) is weakened due to the absence of any reference to the issue of cross bordering. The definition assumes a booking can be made in any area of Wales and England outside of where a taxi/phv is registered. It contradicts one of the purposes of this White Paper which is to address the issue of cross bordering.

The definition of PHV has excluded a commercial element which would allow for the transportation of goods which many in the sector regularly carry out. For example, this would exclude transporting NHS goods such as blood samples to a specific location or simply collecting a 'forgotten' item by a customer.

Any booking made by an operator is a contract between the passenger and the operator, and a third party (the driver) cannot make a contract on behalf of others. Confirmation should be communicated to the passenger verbally or electronically by telephone, email, SMS or App which confirms they have accepted the booking request before that request is offered to a PHV driver. This process enables licensing officers to verify records to confirm bookings are taken by the operator and not the driver.

Unite has strong concerns regarding the language of the last paragraph (before question 1) on Page 9 in relation to a potential passenger approaching a PHV driver. A suggestion is to state 'Where a private hire driver is approached by a potential

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.

passenger, the driver MUST not accept a booking on behalf of the operator’.

Furthermore, we note the following issues with App bookings:

Some private Hire Apps allows users to request a vehicle directly to their location at the press of a button, with the fare being calculated and debited from a bank account automatically via a smartphone. It is Unites view that Private Hire booking Apps should not be able to show the position of available vehicles and the estimated time of arrival.

By parking and waiting this encourages App users to ‘virtually see’ the vehicle and to make the booking without using the App.

- Once the booking is made on the App then the passenger will receive all of the details that are required under the licensing conditions and any other details the Operator wishes to send.
- Unite believe that showing the position of drivers on the App before the booking is made is a virtual hailing, effectively allowing plying for hire by private hire vehicles. This encourages private hire vehicles to park and wait, often illegally and to the frustration of residents and other road users, waiting for a booking.

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.

Unite has been campaigning nationally for National Minimum Standards – therefore we would call for proper systems of enforcement and engagement with Unite and other Taxi sector representatives as key stakeholders to develop the system. Unite would expect to have further information on what the proposed national minimum standards will be and who will they affect. Unite supports equality impact assessments to be carried out.

Unite’s cab section places passenger safety and wellbeing as a priority. We endorse all measures which will improve safety standards. Our members in the taxi section call on parity between private hire and taxi regulations where advanced driving assessments for all PHV drivers will be the same as the hackney carriage advanced driving assessment.

As part of the minimum standards we feel that all licensed drivers should undertake standardised qualifications to hold a license. Unite supports high standards of education in all aspects of the licensed drivers’ duty of care.

The Introduction to the professional role of the Taxi and Private Hire driver level 2.

The course has the following benefits;

- A pre entry numeracy, literacy and English speaking assessment can be made.
- All aspects of the licensed drivers responsibilities are covered by nine modules including, H&S, Road Safety, Customers Service, Vehicle Maintenance, Routes and Fares, Transporting Parcels, Legislation, Passenger Assistance (Wheelchair and disabled access) and Transporting Children and Young Adults.
- The course includes CSE and Prevent.

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.

Unite believes that this is a lowering of the barrier of entry into the trade and would eventually see little or no new applications for Taxi licenses which would have a severe disruption to the disabled users of this service.

Unite understands that there are currently 10,938<sup>13</sup> licensed drivers in Wales of which

<sup>13</sup> [Licenced taxis and private hire vehicles by local authority and survey year \(gov.wales\)](https://gov.wales)

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.

8,935 (81.6%) hold a dual license.

In terms of PHV only licensed drivers, there are 1,720 across Wales, with 1,519 of this total licensed in Newport (60.46%) and Wrexham (27.84%) alone. Therefore, given the high number of dual licenses across the 22 local authorities in Wales, it suggests that dual licenses are a preferred option for drivers.

There are safety concerns regarding dual badge/licensing. The main concern with this is that the level of training will be diluted by issuing separate badges unless the training is of highest standard. The Unite Taxi school is clear that taxi driver training should be of the highest standard and include modules on equality, diversity and human trafficking.

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.

Unite supports national minimum standards with the following inclusions:

Enhanced Disclosure and Barring Service (DBS) checks should include both the adult and child barring lists and these should be used for both the license to drive a taxi and PHV in order to have the ability to undertake child transport on behalf of the local authority. Currently drivers are paying for 2 separate DBS checks to do the same role.

Group 2 medicals should be undertaken on first application and then renewed every five years so they are renewed annually without an upper age limit. Shorter licenses may be issued for medical reasons.

Drivers should be able to undertake a Group 2 medical at any suitably qualified and licensed provider.

It is misleading to believe that many PHV drivers are employed. The reality is that the vast majority of PHV and Taxi drivers are self-employed and very few are employed on a full or part-time basis. Following the Uber case which was lost at the High Court, some drivers are classed as Limb (b) workers which is not a statement of employment. It only gives drivers rights to sick pay and holiday pay. They must still register with HMRC and submit end of year tax returns.

Unite disagrees with the removal of the local knowledge test simply because a taxi/PHV driver has the option to use a sat nav system. The underlying aim of this legislation is customer safety therefore drivers with local knowledge can concentrate on potential dangers from other drivers, pedestrians and cyclists and not the sat nav system itself.

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.

Unite has concerns over standards relating to vehicle age limits and emissions. While we understand the aims of moving towards lower emission vehicles, we question the replacement of vehicles and their corresponding emissions in local parts of Wales. Rural areas in Carmarthenshire, Pembrokeshire, Powys, Ceredigion, Gwynedd and the Isle of Anglesey already have lower than average licensed Taxi/PHV drivers when compared to other parts of Wales and therefore have a lower emission. People in these areas rely heavily on the Taxi/PHV trade to transport them to NHS appointments, shopping and other activities. An applied national standard, with a potential financial cost, could be considered a deterrent to Taxi/PHV drivers, therefore the level of services will decrease. Historically, this was the reason why national standards were not introduced under the Local Government (Miscellaneous Provisions) Act 1976 (LGMPA 1976) and why each local authority had the option to adopt the standards.

In relation to 'Testing' the national standards for Wales should match what is already

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.

in place at Cardiff Council. More garages should be made available to carry out testing. At present locations are limited and costs across the country vary.

Rate cards are difficult to display in saloon type Taxis (eg non-purpose built wheelchair access vehicles) without blocking vision through a window. Unite suggests that a safer solution is required.

Unite concerns about the safety of drivers displaying a tactile 'E'. Unite believes this risks drivers being targeted (by ruthless passengers) or discriminated against for having a disability. Instead, drivers with disabilities and neurodiverse conditions should get an exemption certificate from the council which protects their dignity. The First Aid box must be used by drivers for self-use only unless they have up-to date certification. Many councils do not authorise the carrying of first aid boxes. The issue here is that it exposes drivers to litigation.

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.

The acceptance of booking by an operator is the first step in this process. Unite believes that every booking agreed by an operator must be acknowledged with the customer by either voice, email, SMS or notification on the App (where appropriate) before the booking is offered to a driver. This ensures that the booking is accepted by the operator before the journey begins or the booking is sub-contracted to another operator.

The operator has to take responsibility for the rates that they set. Our members have experience of rates which are kept artificially low so operators can compete for the custom of the public. It may seem obvious to state, but an operator is not responsible for the cost of the vehicle, insurance, maintenance and fuel. The driver is. The operator has no real investment in the journey or the overheads of that journey. Unite agrees with a register of complaints however there are concerns that the system may be open to abuse in terms of how complaints against drivers are recorded. There is a potential imbalance towards the ability to pay for legal representation. For instance a driver may not be able to fund legal representation in the same way an operator will be able to. This would be unjust and unfair.

Additional Comments:

Private Hire operators should be liable for non-payment of fares, where a passenger has absconded from the vehicle without tendering payment. At present, and in particular with app-based operators, the onus is put on the driver to recover the losses however the operator still takes their commission of the cost of the booking from the driver.

There should be greater transparency around contract work particularly with public funded bodies i.e. schools, NHS & TFW contracts, to ensure that there is ethical practices in the supply chain. For example, at present the operator takes over 50% of the cost of the charge to the NHS hospital, the driver will be offered a fare which is potentially lower than standard pence per mile rates and will then additionally have to pay commission to the operator as well as all their out-of-pocket expenses for the cost of the journey. e.g., if a journey is charged to an hospital at £20, the driver will only receive £8 and additionally have to pay commission of 20% (£1.60), plus the cost of supplying the journey.

There should be a greater level of safe guarding for drivers working for operators, as there must be an opportunity to obtain workers status and provide a greater level of protection and improve the standards for the drivers.

Unite has concerns around potential modern slavery implications in relation to the way certain app based operators treat their drivers. A survey of our members revealed the following:

Drivers are working upwards of 70 hours per week to make ends meet, and whilst doing so are not even earning the equivalent of minimum wage;

Drivers are punished if they reject jobs, they get removed from the app for a

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.

period of time and are also charged a penalty fee, therefore they lose their ability to earn during this period;

- Drivers are in effect liable for unpaid fares, losing both the fare but still having to pay admin/commission fees to the operator;
- Where drivers are also 'renting' a vehicle from an operator, there is the added pressure that the operator could in effect take the vehicle back and cause them to lose their livelihood. There will also be issues around the cost of renting these vehicles;
- Unite believes that operators, and in particular app-based operators, do not have accountability at present, and are making huge profits whilst drivers have to work excessive hours to make ends meet;
- Further to this, as app-based operators are expanding, buying out smaller operators, there is a rapid decline in competition for these contracts, and as a result the costs of such contracts appear to have increased extensively with little or no improvement for the terms and conditions for drivers who are in essence fulfilling the contract.

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

The question contradicts the reasoning behind National Standards and Cross Border Hiring.

With reference to specific points highlighted:

- Mandating particular safety technologies – Too broad to be decided at LA level
- Livery/branding – Each LA should have its own livery
- Use of Welsh language – this could cause equality issues, as many drivers already speak English as a second language
- Wheelchair accessible vehicles
- Vehicle emissions – should be a national standard
- Other, please specify

There should be Caps on numbers of Taxi/PHV vehicles in all Las.

Local Taxi Boards should be responsible for the monitoring of supply and demand:

- Section 16 of the 1985 Transport Act allows the Council to restrict the number of taxis, but only if it is satisfied that there is no "significant unmet demand". Case law directs that the measuring of supply and demand is by way of an independent survey. The currency and therefore the validity of any such survey has commonly been viewed as lasting between three and five years.
- The fact that a number of licensing authorities having chosen to de-limit and then subsequently re-introduced limits, supports the view that far from being the panacea for local supply difficulties, market forces often create different and far more damaging problems.
- In summary Unite believe "local taxi boards" made up of the licensing authority, trade representatives, the police and passenger representatives (including disability groups) should be responsible for the monitoring of supply and demand with the remit of developing the trade in a progressive and managed way"

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

Unite believes that descriptors outlined in this section are not fit for purpose. Currently, a driver of a Taxi can accept pre bookings in any area of the country and can work for any operator. They would not pay an extra charge, even if discounted simply to work occasionally in another district by being flagged down or using the ranks (what little there are) to gain custom.

The suggestion that PHV drivers continue to undertake work anywhere is shortsighted in respect of the current legislation. We believe that it is the larger operators

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

that have distorted the true meaning of the LGMPA 1976.

It has never been tested in court where a vehicle is made available to accept a booking, it has only been deemed that a vehicle may pick up, pass through or drop off in another authority. The position 'triple lock' should mean a driver licensed in a local authority may only start or finish a journey in that local authority, however if they find themselves in a different LA, they may only pick up a passenger travelling back to their home LA, or drop off a passenger they picked up in their home LA. They should not undertake any work in that LA whilst they are there, except in the situation described. They must travel back to their home LA before they continue 'working'.

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.

Unite agrees that local authority enforcement officers should be able to trigger actions against vehicles and drivers from other areas.

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.

A suggestion of 14 days suspension from one authority and a further 14 days suspension from another authority before a decision could be finalised on a driver suspected of a situation based on an immediate risk to public safety will put the driver at a potential loss of earnings. An appeal cannot be registered until notice of decision is given in writing to the driver. In a circumstance where a driver is found not guilty, there must be a facility where compensation for loss of earnings is addressed from the local authority.

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

Unite agrees with the issuing of FPN's in principal however the complete list of offenses should be easily accessible and in a format which is easily comprehended. Unite disagrees that the income from FPN's should assist in the costs of enforcement as this is already included in the price of issued licenses. Using FPN's as a revenue stream to finance an enforcement department is questionable.

There is a concern on how discretion should be applied to 'leaving a taxi unattended at a rank'. Common sense should prevail eg discretion used should a driver need to use toilet facilities etc'.

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

Unite does not agree with a local or national penalty points scheme because each case should be dealt with individually.

In particular there are concerns regarding a PHV driver cancelling a pre-booking without a reasonable cause. There are many varied and potentially personal reasons as to why a PHV driver may cancel a pre-booking. The driver in most cases is self-employed and have their own rights of protection. This suggestion is not fit for purpose.

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.

As explained previously, the customer makes a contract with the operator at the time of booking, the operator makes a contract with the driver, the driver accepts the booking, however at this point, the driver makes the contract without all of the available information being made available to them, they may rescind from that contract and return the booking to the operator so that they can offer the booking to another driver. The main issue for the trade is that the operator does not control how many bookings they take from the public and at busy times saturate their systems. When the operator makes the cost of travel so cheap, it is no benefit to the self-employed driver to undertake the booking that has been offered and they then return the booking to the operator.

In summary, if a position has to be taken, Unite would support option 1 – Holding operators to account.

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.

The serious problem of cross border hiring sees private hire vehicles undertaking a fare to another borough and then not returning to the borough that they are licensed with and permanently basing themselves in the neighbouring borough and continuing to take fares.

Unite has come across examples of this across the UK.

This not only effects the livelihoods of the legitimate taxi and private hire trade in a borough, but it also means that the burden of enforcement falls onto licence payers in that borough while the main culprits from the neighbouring boroughs, have experienced a corresponding decline in fees.

The Local Government (Miscellaneous Provisions) Act 1976 never envisaged the above situation.

In Scottish legislation section 21 (b) Civic Government Act (1982) it requires taxi and private hire vehicles to return to the licensing area when they have completed a hiring that terminates outside of the controlled area.

In addition London Mayor Sadiq Khan has recently lobbied UK government to end cross-border hiring by asking that journeys either commence or finish in a vehicles licensing area.

While the options given are attempting to address cross border hiring, the issue of enforcement remains. Unite would therefore offer an alternative as follows:

Only vehicles licensed under this Act may be made available for hire within Wales and that vehicles must be physically located within the authority's district that it is licensed to when accepting a booking by a licensed operator of the same authority.

This type of wording would prevent drivers from England working within Wales but would not prevent them from bringing a passenger into Wales, picking a passenger up from Wales or prevent a vehicle from coming to Wales to pick a passenger up and drop off in Wales if the passenger wishes to book with that particular company. It prevents a vehicle and driver from sitting in Wales waiting for the next booking to be offered.

The same would apply to vehicles and drivers licensed by any of the 22 Welsh local authorities and would also prevent drivers and vehicles from sitting in another local authority area waiting for a booking to be offered to them.

This assists the local enforcement because vehicles and drivers would not be

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.

working continuously in an area that they are not licensed and therefore not require attention from local enforcement officers or the additional costs associated.

Each authority can decide what the local conditions and costs of licenses are without the concern that drivers obtaining a license will not be seen in that area again until the time of the next license renewal.

Public safety is kept at a very high level in each local authority because reports are dealt with by the licensing authority.

Throughout the history of legislation of Taxi and Private Hire, localism has been the key to public safety and this should not change because of technological advancements. In fact, these advancements can ensure that vehicles are only available to work in the area that they are licensed in because methods can be employed, eg GPS, to technically block a driver that is not in their licensing area from obtaining work.

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

Unite fully supports this recommendation to help support the authorities in the decision making to ensure public safety.

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.

Unite does not support legislation on this matter at this moment in time as it does not meet a fair and just transition. It should be considered as a separate matter when the technology has reached a point where a valid discussion can be had around this subject.

Runnings costs have changed dramatically in the past year and the cost per mile is now 28p for an electric charge on the High Street (the ability to charge at home is not available to drivers at present) compared to a diesel vehicle cost of 13.7p per mile. Replacement batteries for electric vehicles cost an average of £5,000 and last on average for 100,000 miles which is approximately 3 years in the taxi and private hire trade. Electric vehicles will cost more in VED than diesel cars from 2025. This demonstrates that the greener option is not currently a viable option to drivers on low incomes.

Unite believes if current issues around cross bordering are not effectively dealt with, and the added cost of meeting legislative requirements for green vehicles, drivers will be forced out of their livelihoods and the public will be presented with fewer transport options.

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

Unite does not support the proposal for Class B vehicles. This paper is suggesting stronger regulations for the Taxi an PHV trade, but vehicles such as Tuktuks/ rickshaws and non-motorised pedi-cabs could have reduced licensing arrangements however they will use the same roads. The conclusion drawn is they will in effect be in direct competition with the trade, therefor the suggestion seems illogical.

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

The main concern of Unite is transparency in ensuring ethical use of public funds, particularly if directed into operators.

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

n/a

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?

The Welsh Language is part of Wales' cultural identity and it is important that people have the opportunity to speak it, however many of our members in the Taxi and PHV trade section identify as BAEM and neither English nor Welsh is their first language. This has caused barriers to work but also possibly to responding to this paper. It must be noted that many of our members in this sector who self-identify as BAEM have raised concerns of the racist and threatening abuse they encounter as on a regular basis. More needs to be done this and Unite would welcome the opportunity to consult further on this.

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.

*No Response*

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

PHV rates for journeys are set by the operators and are usually increased when Hackney rates increase or bus fares.

Hackney rates have to go through a drawn-out process where the increase is discussed by the council and then put to consultation before they can be implemented. Unite suggests the increase is automatically set in line with inflation on a given date every year. This would ensure a reasonable rate increase to assist drivers to survive an increase in bills such as food, clothing, and accommodation plus the running costs of the vehicles. This in turn would help with future driver retention. This would also assist the Private Hire drivers that rely on the operators to increase their rates the customer is charged and also assist in driver retention that was lost during the pandemic.

The White Paper makes several mentions about the taxi trade becoming integrated with public transport to fill in the gaps for the first and last mile – this is a project that Uber advertised as one of its goals **however** Unite has severe reservations about this. This could not only force drivers to work on the Uber platform but **also** prevent new companies from starting and therefore stifle competition. Both this integration and the discussion on drivers cancelling bookings is not what legislation is intended for. Companies could abuse offshore accounting to cut the costs they should pay into the tax system while exploiting drivers with low rates of pay due to their prices being set in direct competition with bus companies.

It is not a coincidence that a 2-mile DOOR to DOOR journey in a PHV costs almost

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

the same as it would for 3 people to travel by bus. This is why bus companies are struggling and needing emergency support funds while the operators are asking for more drivers to fulfil the demand.

Unite recently undertook a survey of members within this sector across Wales and found the followings:

- 78% of the 314 responses complete between 20 and 60 journeys a week.
- Of this 94% worked up-to 70 hours.
- 83% have told us that they GROSS £600 but 70% are left with NET £300.

The drivers blame cross border hiring for the saturation of the market that is leaving them working longer hours for less pay and 88% do NOT agree with cross border hiring which is the same opinion as the licensing authorities that we have held discussions with.

### **Removal of the Knowledge Test for PHV**

It is our belief that removing the knowledge test is a suggestion by licensed operators that wish to bring more drivers into the market that is already saturated and could not support further entries and is linked to legislation being written to allow cross border hiring that would trap drivers into finance packages for vehicles and insurance that their takings could not support or require supplementing through Universal Credit. The filed accounts for Veezu (taxi and phv technology platform) support this statement as follows:

Even though booking number went up between 2019 and 2021 the average jobs per driver over the year has fallen by 14.6%

Between 2015 and 2022 the PHV sector has increased from 4k to 5k and peaked in 2019 at 5.5k, it was only Covid that reduced the numbers which are now indicating growth once again and are expected to surpass the 2019 peak later this year.

Unite believes it has demonstrated through this timescale the increase in drivers to that of the demise of bus users in Wales and our conclusion is that by assisting the operators to gain more drivers it would be in direct conflict with the Wales Transport Strategy to get people out of cars and onto busses.

### **Training/Qualifications**

In our survey we asked drivers if they believe that every authority should include a local knowledge test, from 313 respondents there were 93% (292) who said YES.

### **EV – Wales Transport Strategy 2021**

The Clean Air Plan for Wales states that UK emission reduction commitments must be met in two phases, from 2020 to 2029, with more stringent levels to be met from 2030 onwards. The more ambitious reduction commitments agreed for 2030 are designed to reduce the health impacts of air pollution by half compared with 2005. Unite members feel that targeting 9.5k licensed vehicles as early as 2028 with no evidence base that you ensure to undertake (page 8) will harm the trade in large cities and decimate the service in rural areas.

Taxis make up 0.59% of all cars registered in Wales according to Welsh Statistics – Road Traffic 2021 which is 1.6m cars – the total distance per year by cars is 20bvk – taxis therefore travel 118mvk that leaves over 19.85bvk that are **still** polluting with **no definite** action plan to resolve.

EV targets for the industry are very much like the vehicle and driver requirements where they are each a localized argument for what advancement or changes may be required or afforded before these changes reduce the number of drivers available to the public.

### **The White Paper**

Unite believes that unless our concerns, illustrated in our response, are taken seriously, then this Act will fail not only the drivers but the public as well.

To make right what has gone wrong this new Act requires a stop to cross border hiring, the difficulties that it brings to the authorities and the danger to the public by making sure that vehicles only operate in the authority that license them by inserting a clause that states '**Only vehicles licensed under this Act may be made**

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

**available for hire within Wales and that vehicle must be physically located within the authorities' district that it is licensed when accepting a booking by a licensed operator of the same authority'.**

It is already an offence to work cross border in the way that drivers do today, it is the local authorities who simply have not been in a position to enforce this.

## Usk Cabs Ltd

Name

Usk Cabs Ltd

Are you responding for yourself or for an organisation? If an organisation, which?

Self

**Comments:**

We are also the only company that has managed to provide local transport consistently in the rural area that we operate from. Ensuring elderly and less mobile people that are not able and can not rely on an inadequate public transport service in the rural part of Monmouthshire

Which of the following best describes you?

I work in the taxi / PHV trade

**Local Authority**  
Monmouthshire

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.

Yes

**Comments:**

I feel that what ever criteria you feel best define would be best defined by yourselves.

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.

No

**Comments:**

I agree that the minimum standards should apply across the board.

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.

I do however strongly disagree that any overseas driver should be exempt from criminal checks.

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.

Yes

**Comments:**

A high percentage of drivers do not have access to ranks in the rural areas that we operate in. Also our elderly customers need more time and attention so PHV rates are more conducive to operating sustainably and profitably so as to ensure high standards.

Majority of our clients are repeat eg Doctors appointments etc.

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.

No

**Comments:**

additional checks are counter productive as that then implies that the driver is going to be working in an area that he has not been working in for years.

In a rural setting the only way to accurately learn the lane is by driving it.

Medicals are difficult to maintain and costly. The registered GP will be informing the DVLA of any impairments and so should they be informing the LA

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.

No

**Comments:**

Low emission vehicles and newer vehicles are costly.

In the local rural area that we service we would not be able to operate to the benefit of the local population if the vehicles had to be updated .

We are currently doing Tests every 4 months.

New vehicles will pure and simply be unaffordable.

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.

Yes

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

Yes

**Comments:**

Safety technologies

Branding

Use of Welsh language providing that they fund the course.

Wheel chair vehicles should get special exemptions

Rural areas should be exempt from emission controls

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

Yes

**Comments:**

Providing that they work on a case by case basis and that we have an opportunity to make ourselves heard with effect.

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.

Yes

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.

Yes

**Comments:**

Providing that there will be an avenue for recourse if wrongly applied.

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

Yes

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

Yes

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.

Yes

**Comments:**

Should be dedicated to one .

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.

No

**Comments:**

I believe that if you operate in Wales you have to be licensed in Wales

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

Yes

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.

c. do something else

**Comments:**

Age limits on vehicles used in rural areas will DESTROY rural transport.

Rather look at roadworthy and functionality.

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

Yes

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

no

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

no

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?

I would wholly support this providing that we had access to language tutoring.

I believe that this would set Wales apart in a positive way especially with regards to tourism

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.

Give every licenced PHV or Taxi driver/operator access to tutoring in basic Welsh

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

Once again by regulating the emissions/age of vehicles the rural community is going to be losing access to transport.

It is all fine and well that people are encouraged to use rail or Busses but these do not travel down lanes nor do they operated at frequent hours.

We as an industry in Monmouthshire and especially in the area that we operate in know how often people are left stranded due to lack of public transport and this is plainly due to the lack of profitability for the operators

## Vale of Glamorgan Council



### Vale of Glamorgan submission:

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

#### Consultation response

This response is submitted on behalf of the Vale of Glamorgan Council (the Council) and is made in accordance with the response submitted on behalf of the Wales Licensing Expert Panel (the Panel). However, where there are variations to this response, these will be highlighted.

The Council is supportive of WG's vision to ensure that Wales' taxi and PHV services are safer, fairer and greener. The Council 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.

The Council, however, feels that the proposed legislation is not ambitious enough and will only tinker around the edges with 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.

The Council advocates moving to an amalgamated regime for taxis and private hire services, with a second category to capture the other services such as novelty / executive hire. Moving to this simplified "one tier" system is not only easier for the public to understand but would also alleviate many of the problems around cross border operations, definitions of pre-booking and whether PHVs are plying for hire.

The Council notes that the Regulatory Impact Assessment ("RIA") 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". To be clear, the Council would fully support 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 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.**

The Council agrees with this proposal. This is consistent with the previous consultation work undertaken between the Licensing Expert Panel 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.**

The Council disagrees with this proposal. The Council feels 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 then have 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. The Council however feels that a PHV driver would benefit from undertaking the knowledge test and not be reliant on satellite navigation systems.

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.

The Council therefore considers 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 are able to

operate a mix fleet of taxis and PHV's with drivers being able to drive any vehicle with no enforcement implications for any party, including the local authority.

If WG proceeds 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, but issuing dual licences means that the private hire driver conditions 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.**

The Council 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)

The Council agrees with this proposal. Frequent DBS checks are essential to ensure that licensed drivers remain fit and proper. The Council is 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)

The Council agrees with this proposal.

Evidence of right to work in the UK

The Council agrees with this proposal.

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

The Council agrees with this proposal and suggests 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, the Council suggest that WG utilise the standards contained within the “Taxi and Private Hire Vehicles: Licensing Guidance” for medicals, but with an amendment to the person carrying out the assessment and level of history required.

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.

The Council agrees 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, but 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-

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

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

The Council disagrees 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. The Council 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.

The Council disagrees 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.**

The Council agrees 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.

The Council agrees 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'

The Council agrees that roof lights should display the word 'Taxi' or 'Taksi', however a number of local authorities report that existing roof lights often have the local authority name also displayed. The Council consider that to compel existing taxi operators to replace existing roof lights would be an unnecessary cost to the trade. The Council would therefore suggest that the word "only" be removed from this standard.

Roof lights not allowed on PHV

The Council agrees with this proposal.

All PHVs to display 'pre-booking only' signage

The Council agrees with this proposal

Vehicles to be tested to an agreed testing specification

The Council agrees and would recommend that these are in accordance with the "Best Practice Guide for the Inspection of Hackney Carriage and Private Hire Vehicles"

The Council would also suggest that where local authorities utilise external garages for their testing requirements, that the garages must be approved by the local authority.

Vehicle testing to be carried out at agreed intervals.

The Council 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)

The Council disagrees 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 the Council feels 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.

The Council 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.

The Council agrees with this proposal.

All taxis to be fitted with a taximeter.

The Council agrees, but would suggest that only one fare can be displayed to the customer. Some Local authorities report that it's 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'.

The Council agrees and suggests 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 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.

The Council agrees, however would expect to be consulted on the detail of this criteria. Careful consideration would have to be given to any standardised vehicle criteria to ensure that the requirements for both urban and rural areas are satisfied.

Methods of payment that should be available.

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

card payment.

Vehicles must carry a first aid kit.

The Council agrees with this proposal. 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.**

The Council agrees that national minimum standards should apply to operator's licences and make the following comments:

A basic DBS check (repeated each renewal).

The Council agrees 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, the Council feel that this period is too long between DBS checks and that an annual check is preferable.

An overseas criminal record check (where applicable).

The Council agrees 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.

The Council agrees 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.

The Council agrees with the proposal that anyone taking bookings, dispatching vehicles or holding an individual's personal information should be vetted. The Council suggest that all such individuals should be subject to a fit and proper test via a basic DBS check.

The Council however question the effectiveness of an unregulated policy whereby the operator determines the suitability of their own staff. Even with Local Authority oversight 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.

The Council feels that the only viable and meaningful option for vetting “dispatchers” would be to have a separate licensing scheme for such individuals.

However, it is acknowledged that this policy would favour larger operators who are more likely to have a pool of licensed dispatchers available to cover sickness/absence at short notice. This could have the unintended consequence of smaller operators being unable to find staff at short notice if somebody is required leave work at short notice, leaving them unable to dispatch bookings. This could result in customers’ pre-booked fares not being completed. Therefore, it is the Council’s view that such a policy should be subject to further consultation if it were introduced.

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.

The Council agrees 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.

The Council agrees 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.

The Council agrees that operators should have to meet standards for dealing with passengers with additional needs, however, the Council feels that this should not be left to the operators to regulate. WG should be introducing such standards through statutory guidance, where operators must comply. Where an operator falls short of the standards and complaints are received by the local authority, the local authority will 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?**

The Council feels that as far as possible, standards should be consistent across the whole of Wales to ensure a level playing field within the sector. The Council

therefore feels that Local authorities should not be permitted to set additional local conditions above the national minimum standard for driver and operators.

The Council would however suggest that local discretion is retained for livery of vehicles, e.g., Colour policies, back plate and door sign designs. It is considered that attempting to be consistent in this aspect would be an unnecessary cost to the trade.

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

Council agrees 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, it is unclear how the proposals would work in practice where an additional licence is required outside the issuing authority area.

The Council feels that there is insufficient detail contained in the proposal in respect of the intention of Welsh Government here.

The Council is 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 the Council has several practical concerns. This requires further consultation and engagement on the detail to enable additional comments to be made.

The Council 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". The Council 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, the Council answers 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.

The Council does 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 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 the Council answers this question on the basis that there is an immediate risk to public safety due to the condition of a vehicle.

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

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

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

Additionally, the Council 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 evening by the issuing officer.

The Council however does 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.**

The Council considers 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 level – minor 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.

The Council 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.

The Council feel that the preferred choice would be to introduce penalty points scheme. There were concerns raised 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, this would potentially lead to a reduction in the fees that can be charged for licenses. It was also felt that enforcement officers would be much less likely to issue a fixed penalty notice for minor infringements than issue penalty points.

The Council's preferred position is the penalty points scheme as it is felt less resources are needed to administer this process. Some local authorities already have similar schemes in place, so no additional resource is needed. Those local authorities that do not have such a scheme in place, will have a system (albeit undocumented) for determining when a driver needs to go to a hearing. In these authorities it will just be case of formalising the procedures.

The penalty points scheme is essentially an internal mechanism to determine when a driver is required to go to a hearing, it is therefore less open to challenge as any appeal would be against a decision taken at the hearing rather than 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.

The Council 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 points, but a dirty vehicle would not.

The Council 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.**

There is some anecdotal evidence of the direct negative consequences of drivers 'multi-apping' and as such the Council would welcome further research / consultation on this issue.

It is acknowledged that drivers using multiple apps simultaneously could cause confusion to the public, especially if a vehicle has the livery of another operator when collecting passengers for a booking. However, the issue of drivers cancelling bookings that were previously accepted as the sole consequence of multi-apping is

unclear and we would welcome further consultation as to the reasons why bookings may be cancelled. Such consultation would also allow further consideration of any unintended consequences of restricting access on competition in local markets.

The Council would support an operator levying a charge against a driver for cancelling a booking that was previously accepted without a reasonable excuse, and for disengaging with drivers where there is a pattern of bookings being cancelled.

**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.

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

The Council 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. The Council 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 of the Council however it is considered too restrictive for those operators located on the England/Wales border.

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

23. 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.
24. 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

journey's 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.

The Council would suggest that once all LA's in 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.**

The Council agrees with this proposal. All 22 Local Authorities in Wales are already signed up to use the NR3 database and the vast majority have uploaded historic data.

**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.**

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

The Council is supportive of Welsh Government's plans to transition away from internal combustion engines. The Council recognises the environmental need to accelerate the transition away from harmful emissions and is willing to play a part in aiding that transition, but feels it is primarily a matter for Welsh Government to determine the appropriate timescales and mechanisms across Wales.

The Council feels that any proposals made by Welsh Government must also consider the financial implications, and give sufficient notice, to the taxi and PHV trades.

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

The Council agree with the proposals for Class B vehicles, however the terminology referring to such vehicles be revisited. The Council would suggest calling them "specialist vehicles" rather than "Class B".

The Council would suggest the inclusion of Omnibuses in the list proposed.

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

The Panel have provided comments in respect of the regulatory impact assessment in an addendum to their response. The Council supports this response and the additional comments provided in the Expert Panel submission as follows:

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 2021<sup>28</sup>. 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.

The 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. The Panel 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 the Panel would need to wait for the White Paper to be published before any further work on voluntarily pursuing consistent policies would be undertaken. The Panel feels 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".

The Panel agree that national standards would assist in reducing cross border operations, however cross border operations between Newport and Cardiff are primarily caused by the differences in qualification requirements, not only the knowledge test. The Panel 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 addendum.

**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.

**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.**

The Council feels that positive effects could be increased by ensuring that signage, etc. is provided in bilingual format on all taxis and taxi ranks. The Council 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

The Council believes 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 Cardiff as it is geographically small but has a high number of visitors from neighbouring areas who require taxis to get home. It is therefore an issue that affects the residents of the Vale of Glamorgan.

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.

For example, The Senedd in Cardiff Bay to Penarth is a journey of 3.5 miles, but as the journey crosses over from the Cardiff district into the Vale of Glamorgan district, drivers are not required to use the meter. The Council understands that there have been examples of the public having to pay £40+ for this journey.

There is an inherent imbalance of power to this situation as the normal rules of supply and demand don't 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 in the Principality Stadium, 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. If there are complaints from customers being charged significant amounts to travel back to their address, there is nothing officers can do despite acknowledging the unfairness.

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".

The Council strongly believes 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 aren't 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

The Council acknowledges that prescribed fees would provide greater consistency and fairness across Wales, however local authorities are required to ensure full cost recovery (where permissible) for the taxi and private hire 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.

The Council feels that 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.

The Council recognises 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 Cardiff 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.

The Council feels 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

The Council believes that CCTV system 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 have an immediate deterrent against crime and disorder including CSE; Violence against Women; drugs; domestic violence etc.

The Council would be able to provide extensive examples of where CCTV footage would have been invaluable evidence for corroborating or contradicting complaints received.

The Council recognises the potentially 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

The Council has 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, it would be an easy task for WG to prescribe the application forms to ensure consistency across Wales.

#### Restricted Drivers

In addition to the Council's submission in relation to Q3 regarding types of licences offered by local authorities, consideration should be given to the introduction of a restricted dual licence for the purpose of home to school transport **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 home to school contract work. A number of local authorities in England and Swansea Council in Wales already offer this scheme and report positive effects in supporting home to school contracts.

#### Wheelchair accessible vehicles

Many wheelchair users rely on taxi and private hire services as their main form of transport, so it is important that a modern licensing regime ensures that there is sufficient availability of wheelchair accessible vehicles for those that need them.

National minimum standards for wheelchair accessible vehicles have not been detailed but are suggested as a matter for local discretion. In Q7, the Council has responded in favour of limiting local discretion as this can lead to prospective licence holders seeking a licence in a less restrictive area, which they will still be able to use throughout Wales (known as cross-bordering). Accessibility affects all of Wales and the Council feels that further research and consultation should be commissioned to look at national minimum standards, the customer experience of booking accessible

taxis and private hire vehicles, and ways in which to improve the provision of accessible vehicles in the market.

In relation to local standards, the White Paper states “given one of the main reasons for introducing national minimum standards is to create a level playing field and to avoid differences in standards which can lead to cross-bordering, any scope for local authorities to go beyond the minimum should be limited.”

If wheelchair accessible vehicles are not included in national standards, and remain a matter for local discretion, this could encourage prospective licence holders to license in areas without local accessibility standards. This could then limit the effectiveness of standards which are introduced locally to improve the provision of wheelchair accessible vehicles.

## Veezu Group Ltd



### Taxi and Private Hire Vehicle (PHV) (Wales) Bill Consultation response – Veezu

#### **New definitions of taxi and PHV - 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.

**Veezu Response:** We broadly agree with the proposed definitions but add two comments:

1. All references to the term 'Operator' should be preceded by the word 'licensed' to clearly identify the regulated position of the Private Hire Operator (PHO) and the unregulated and unlicensed position of Taxi Association operators.
2. There is a significant regulatory and controlling imbalance in respect of journeys pre-booked with a PHO and an unlicensed Taxi Association. Such Taxi Associations have no regulatory controls on them, and this deserves recognition and an awareness on the part of the public.

#### **National minimum standards - 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.

#### **Veezu Response:**

##### **Personal Licences**

There is an undoubted and recognised need for reform as described in the 'Current situation' in the White Paper and the outline proposals. When fleshed out, they could provide a consistency of standard beneficial to the consumer, licensing authorities,

potential applicants and public and private sector organisations reliant on high standards within the industry.

We do express a concern around the reach of these minimum standards on drivers and feel strongly that the same standards are justifiably applicable to those who offer a service described as 'Class B' vehicles, page 25 of the White Paper as listed below:

**c. Limousines that have fewer than 9 seats & h. Specialist vehicles solely used for community/school transport –**

**Comment:** It is vital that the same standards of suitability assessment of drivers as Taxi and Private Hire vehicles and in the case of 'c' it should be noted that the hire of such vehicles is predominantly for adolescent children's birthdays, hen or stag parties. In all cases it is highly desirable to have professional standards and training in place.

**g. Vehicles solely used for VIP/executive hire.**

**Comment:** Similarly, there is no need for an exception to the national standard. It still involves significant trust being placed in the driver and it is unwise to assume users of such services are mature professionals exempt to the potential for being abused.

A secondary point is that such a loophole could enable a new class of service provision with uncontrolled relationships between airports, hotels and restaurants and may attract those incapable of achieving the national standard or having been revoked as a licence holder. It would soon become the norm for a whole fleet of unlicensed and unregulated drivers and vehicles operating outside of control measures in every part of city and sub-urban landscapes within an uncontrolled operating environment. It also creates a clear anti-competitive position between the licensed and regulated services and the unlicensed and un-regulated sector.

**e. Motorised tuk-tuks/rickshaws & f. Non-motorised pedi-cabs**

**Comment:** Of course, there are novelty benefits and some very limited practical usage in city centers or tourism hot-spots, but the significant adverse impact on road safety, significant overcharging, abuse of pedestrianised areas experienced by TfL should be the starting point for licensing considerations.

The absence of any licensing controls will result in the same dangers and wide range of conflicts which exist today in London. There is no room for a relaxed approach to public safety.

**Vehicles**

**Comment:** We agree with this significant public safety improvement. It is vital there is consistency across Wales so that the travelling public can be reassured that the quality, safety and passenger experience is consistent and of a high standard in every city, town and village.

A national minimum standard enables Authorised Officers of any Council, or Police Officers from different policing areas, to recognise and deal effectively with a consistent standard of vehicle safety. It also ensures that no vehicle can be

considered to be in a 'safe area' of less effective enforcement capability when away from its own licensing district.

If a vehicle is unsafe or inadequate in some feature, that needs to be instantly recognisable in every part of the country.

This would also have a significant beneficial impact on vehicles licensed in licensing districts where the vehicle proprietor chooses to select the lowest possible licensing standard within a licensing district and engage in cross-border hiring with that lower standard, creating a higher risk to public safety or passenger comfort.

Consistency in standards is also a 'must' in setting the national legislative bar for decision making and makes it easier for potential applicants to have a clear understanding of where they are placed against a particular national consistent criterion at the start point of an application. It also reduces risk in respect of costly and time-consuming appeals against local decisions.

Where licensing districts are not subject to Defra Clean Zone requirements it will also introduce a positive environmental and health benefit for all communities by introducing improved vehicle emission standards, enabling licensing policy to contribute to the wider issue of public health.

#### **Driver's licence standards - 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.

**Veezu Response:** Yes. The rationale provided in the White Paper for this proposal is sound. It also removes the opportunity for dual licence holders to 'confuse' their roles and legislation when not using a Hackney Carriage.

Our view is a dual licence is not a good position for a structured industry, enforcement or public understanding and the need for clarity around the differing regulatory controls on both licences which need to be kept very distinct. In reverting to distinct and individual licensing models a 'lead in' period would resolve the issues in transitioning away from dual licences and enable a single and recognised model across the whole of Wales.

#### **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.

**Veezu Response:** In respect of the White paper bullet points we have the following observations:

- An enhanced DBS check .....

This should apply to the Statutory Directors of PHO licences also and all other licensed operators and interested parties. In mandating this, it would enable access to the Disclosure & Barring Service Update Service, reducing significant cost and administrative tasks when licensed across multiple authorities and where the Operator also has annual vehicle re-licensing requirements.

- An overseas criminal record check (where applicable).....

All such checks should only be conducted through the relevant Embassy and must be accompanied by a 5 year DBS period of assessment or its European equivalent.

- Additionally, HC Drivers should also have to register with the ICO &
- Maintain a computerised complaints register available for inspection by an Authorised Officer

Other general observations are that reference to PH Drivers being employed by PH Operators is inaccurate and should be removed and described in another way. A mandatory reporting of convictions, cautions or arrest by all licensed drivers would be a stronger approach than a licence condition.

- Successful achievement of a regulated qualification.....

Some local authorities in England have removed the BTEC style of qualification on the basis that it prevented access to the trade and instead they set a more accessible form of learning and assessment which also reduced the time span before a licence was granted. All of the proposed training areas are required in today's society and industry, but perhaps some are training and awareness issues and others are for testing e.g. the legislation topic.

We would suggest that DVLA style of testing the Highway Code is a good way going forward which is accessible remotely to enable prospective drivers to familiarise themselves with the core areas. That learning can be assessed later within a formal testing environment.

- For a taxi driver/dual licence, the theory test will also include.....
  1. Maintain a comprehensive complaints and outcomes/resolution register.
  2. Training to expected standards of service and safety during the lifetime of a licence is a necessary enforcement and customer satisfaction requirement and we propose the following, which would be helpful to Officers and Councillors because it removes the ambiguity around when training is required and provides a pathway prior to the possible suspension or revocation of a licence:

'During the lifetime of a Private Hire Operator or driver licence, an Authorised Officer of the Council may require a licence holder to undertake reasonable and appropriate training to meet the expected standard.

A reasonable time scale of up to 3 months should be set for the training to be successfully undertaken by an approved training provider. If there is a refusal or failure to attend, or the licence holder does not attain the training accreditation, the licence should be suspended until remedied. The cost of such training will be borne by the licence holder.'

#### **Vehicle licence standards - 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.

**Veezu Response:** We agree with the 13 bullet point proposals.

In addition, we feel that public safety is paramount, and licensed vehicles should be more easily recognisable and not simply reliant on a small unilluminated, non-reflective plate at the back of the vehicle which is not apparent to most passengers.

We would propose the following:

'The name of the licensed Operator from which the vehicle receives bookings must be shown on the door livery plates and windscreen visors in the manner approved by the Council. The Operator name must be in contrasting colours to the background with a colour scheme that is easy for all to distinguish the name.

The Operator name must feature predominately across the space provided. An appropriate company logo may be incorporated into the detail of the plate but not at the expense of reducing the letter sizing significantly or making the name more difficult to read.'

The beneficial effects of this are that passengers can readily identify the PH Operators despatched vehicle' particularly important in the night-time economy; for disabled passengers or those with supportive needs.

Such a requirement should not be seen as a restrictive practice but a significant public safety measure and one which enables the PHO to properly receive and despatch bookings in a more structured way and remove the frustrations of the public who are left waiting for a vehicle which might not arrive because of drivers operating across multi-platforms and encouraging surge charging.

Licensed vehicles displaying multiple decals should be prohibited and be part of the Fixed Penalty scheme (see comment at Q11)

Veezu has developed an App which could be used by all Councils, and which enables a PH Driver to almost immediately switch between PH Operators and automatically informs the Council and both Operators of that change.

All that is then required is that the licensed vehicle has to remove and return the decals to the previous PHO and place the new PHO decals on the licensed vehicle – the cost to be borne by the Operator.

The administrative burden on the Council is nil.

We would welcome the opportunity to demonstrate this technology.

#### **Operator's licence standards - 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.

**Veezu Response:** In response to the following bullet points:

- Basic DBS check

This was referenced earlier at Part 4 and our view is:

All Statutory Directors of PHO licences and all other licensed operators and interested parties should be mandated to undertake an enhanced DBS. In mandating this it would enable access to the Disclosure & Barring Service Update Service, reducing significant cost and administrative tasks when licensed across multiple authorities and where the Operator also has annual vehicle re-licensing requirements.

- An overseas criminal record check

This was referenced earlier at Part 4 and our view is:

All such checks can only be conducted through the relevant Embassy and must be accompanied by a 5 year DBS period of assessment or its European equivalent.

- Successful achievement of a regulated qualification

We question the necessity of this in established businesses and feel that this could apply to start-up businesses or where a concern has been established. The necessity for a qualification as proposed would also not be required where there was an existing professional qualification e.g., chartered accountant or significant relevant experience in a relevant role.

- .....how they will have regard for passengers with additional needs.....

We are unsure of the necessity for this when considering the training and testing of licensed drivers by the national standard. The scope for improved care for such passengers' rests within the scope of the regulatory powers available to the Assembly especially in respect of dealing effectively with the issue of 'returned bookings', which may be felt to be a contributory factor for dissatisfaction amongst such groups.

#### **Local standards - 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?

- Mandating particular safety technologies
- Livery/branding
- Use of Welsh language
- Wheelchair accessible vehicles
- Vehicle emissions
- Other, please specify

#### **Veezu Response:**

We disagree.

We do not think it is appropriate to draw in necessary national standards on the one hand, which we support, and then revert to local conditions on the other hand. In effect this re-creates many of the problems the trade faces now with conflicting requirements across Wales. It is also hard to imagine what such conditions may look like. Perhaps the better and more evidenced way is on a case-by-case basis for a Local Authority to present a change proposal, or addition, to the secondary legislation through the national legislative process so that it can be appropriately considered – otherwise we are on the path to where we are now – so many variations.

#### **Local licensing administration - Question 8:**

Do you agree with our proposals for local licensing administration?

Please provide comments.

**Veezu Response:** Yes. We are concerned with very differing administrative timescales however and there should be clear national guidance on the performance management of the time taken to grant a licence. National Guidance should also make reference to the use of Delegated Powers so that applications which meet the necessary tests are granted by Officers thereby avoiding the necessity to form a Licensing Committee to determine the application.

**Enforcement against drivers and vehicles licensed by another local authority, the current situation & What are we proposing - 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.

Veezu response: Yes – a very positive and necessary improvement.

- Where there is an immediate risk to public safety, enforcement officers should also have immediate powers to suspend licences issued elsewhere.....

Veezu response: Yes – a very positive and necessary improvement. The suspension period should be of an immediate nature in such circumstances and not delayed for 21 days to allow appeal etc.

- The home local authority should have the power to reverse the decision to suspend the licence....

It is important to the credibility of a decision-making process that the reasons for changing a decision are evidenced and set out in the public domain in order that the importance of national standards are demonstrated as being key, as distinct from 'local issues'.

**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.

**Veezu Response:** Yes – a very positive and necessary improvement. The suspension period should be of an immediate nature in such circumstances and not delayed for 21 days to allow appeal etc.

**Fixed penalty notices - Question 11:**

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

**Veezu Response:** We support the recommendation but perhaps the list of proposed areas is a little light and it should include instances where drivers display multiple decals of different Operators.

**National penalty points scheme for taxi/PHV licence holders - Question 12:**

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

**Veezu Response:** We support the recommendation.

**Cancelled bookings – 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.

**Veezu Response:** Undoubtedly the lack of controls of drivers, once licensed in their relationships with Operators and providing a safe public service are a significant concern. In many licensing areas drivers can partner with as many operators as they wish, or where there are some controls, they are not subject to enforcement.

Partnering with multiple operators at the same time results in adverse consumer issues:

- Drivers abandoning a booking to take up a more lucrative one with another operator.
- Drivers accepting and queuing bookings and then declining the lower price ones leaving customers stranded.
- Drivers deliberately withholding services to App only Operators to inflate prices based on over-demand (drivers set up Facebook Groups to organise this) creating surge charge as demand exceeds supply.
- Creating confusion and concern to passengers as drivers swap about between operators and leaving passengers with a cancelled booking.
- Drivers discard all livery/decals or wear multiple operator livery/decals.
- Drivers know they are less accountable and less traceable and professional behaviour is less important.
- Drivers can evade licensing scrutiny by the operator if he or his vehicle is suspended or revoked and continue to move between operators. The public safety and safeguarding issues around this are significant and should be clearly addressed in this proposed legislation, with clear rules introduced to protect consumers where drivers partner with numerous operators.
- Operators with commercial contracts to hospitals, Social Services, schools and for children with special needs experience drivers simply refusing bookings and switching operating platforms.
- In essence this point effectively questions the entire structure of the PHV trade and the way it operates. If not effective it questions the point of a PHV operator at all and the purpose of licensing. If you break down the key stakeholders it's clear to see why the system needs to work in an organised and controlled way, if one part of the chain manipulates the intention of the original legislation, the whole system will fail.
- We must be explicit that constant and repeated rejection of bookings having previously accepted them is a significant public concern. We can provide data to demonstrate the extent to which service is disrupted and feel that overcoming these issues is an important goal for the White Paper.

- The review of stake holders:
  - **The PHV Operator**
    - Effectively invests financial resource into a brand that customers can identify, employees, training and processes that make it safe and effective. The other major investment is in a dispatch system. Multi millions are spent developing and contracting to systems that take the inflow of work and effectively prioritise and distribute it based on thousands of data points and characteristics. They even consider the type of booking and the importance of that booking on arriving on time. i.e. an airport transfer or a doctor's appointment. Employees are then then trained to manually intervene and keep this system working at its busiest period. Why? Because the role of the PHV operator is to keep communities moving safely and in organised manner so the next part of the chain does not fail. The knock-on effect is bad for the consumer, businesses, public services and ultimately the driver as the trade loses confidence.
  - **The Customer/Passenger**
    - They make a decision to book with a PHV operator and accept that there will be a cost to this. Why? They want the PHV operator to manage the process of effectively connecting them to a Driver/car in an efficient and safe manner. They make the assumption that the PHV operator and the driver are engaged in a contract to deliver a service. To do this the operator utilises its systems and processes outlined above to distribute this in a way that enables the chain to continue in the most effective manner.
  - **The Driver**
    - The Driver pays the operator to be on their platform in recognition of the operator's investment in the brand, systems and processes that enable them to connect with customers. The Drivers expectation is that the PHV operator distributes this work effectively and fairly in a way that benefits them economically. To do this, PHV operators invest in making sure this happens. They also monitor earnings and make sure that they keep enough Drivers engaged on their platforms to deliver a service, i.e not an unlimited number of Drivers as this could impact on the Drivers ability to earn. However, when the driver effectively plays the system and turns down bookings, they become more like a hackney driver turning down customers on the street and the whole chain fails. The PHV operator fails the customers and the knock-on impacts affect the wider chain.
- In summary the general decline in the standard of the trade will be detrimental to the wider community – people use PHO for pre-booked, pre-

planned activities like travel, medical appointments, schools run, commuter work and indeed leisure. If this is unreliable the wider community suffers, more people revert to cars or miss appointments, which is negative for environment and economy.

- A single driver maybe taking decisions genuinely in their self-interest as they don't have the overall view and knowledge/data available to the operator. When the operator cannot use the knowledge they have to prioritise work flow the system fails, ultimately the Drivers will suffer despite their good intentions. If the operator cannot have any control it raises the question of what's the point in the operator and the conditions we sign up to. Drivers should have to decide if they want to do hackney or PHV and when on PHV accept responsibility for the chain and take pride in delivering a service.

Please see the associated comments question 5 which relate directly to this issue also.

**Cross-border hire – England and Wales - What are the current issues and What are the options for improvement? (Option A - Option B): 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.

**Veezu Response:** Option A is the clear preferred choice on the basis that the public should have access to multiple available operating choices, and not be restricted to local markets who may require premium charges above the intrinsic value of the journey.

We do understand and agree with the concerns that may exist around differing national standards, but going forward, the same opportunities will exist that are exercised frequently by licensing teams in Wales now, to work across licensing boundaries and present formal complaints and evidence around the adverse conduct of drivers or Operators licensed in England. Des – assume clear national standards would take away cross boarder issues?

**Better information sharing - Sharing information about licence revocations and refusals - Question 15:**

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

**Veezu Response:** It is vital to public safety that this takes place. It is also important to set a performance standard for Local Authorities in the same way that they are on PH Operators for reporting matters. 72 hours does not seem unreasonable.

**Transitioning to zero emission vehicles - What are the current issues & What are we proposing? - 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.

**Veezu Response:**

Option A has little consequential viability around it at present in respect of financial opportunities to transition to zero emissions at the tail pipe. Whilst the desire to move to reduced emissions is supported, the understanding of the costs and types of suitable and available vehicles is presently too remote.

This option would be better explored when there is a full impact assessment available in coming years.

Option B presents some of the same issues as option A, but the final paragraph of the explanatory note presented in the White Paper does seem to set a reasonable rate of transition. The report mentions a number of factors contributing to unreasonable emissions and perhaps, running side by side with a transition timetable could be increased measures to determine a new limit to particulate testing – lower than MOT standards – with random inspection requirements undertaken by the Council, and under engine running conditions set differently to the MOT testing arrangements. Stronger licensing enforcement of emissions could run side by side with a decreasing age criteria.

What is clear is that beneficial progress can be undertaken now by the application of enforcement inspections, reducing licensing lifetimes of vehicles and setting a final transition date that is clear in the mind of the industry at an early stage.

It does need a joined-up approach with all stakeholders including WAG, infrastructure/energy/vehicle companies. A clear date for transfer and clear grant/support available that a Driver or operator can claim.

**Class B licences for other types of vehicle - Question 17:**

We propose that the national minimum standards will not apply to these vehicles, but that special standards for class B vehicles will be set in regulations. This would allow them to operate either taxi or PHV activities i.e. to accept there and then hire or pre-bookings.

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

**Veezu Response:** We have a significant concern that standards of 'vehicle' design and the regulatory training of Class B drivers/riders will be diluted and not remove risk or give a reasonable assurance of public safety and consumer standards to both the user and other road users or pedestrians.

Veezu, at this point, would be reluctant to engage with Class B licence types. We feel that the progressive beneficial work created in this White Paper could be undermined by underestimating the consequences of failing to regulate these sectors, and achieve its full purpose of protecting the public.

For ease of reference, extracts from the Law Commission 'Taxi and Private Hire Services' Bill. Presented to Parliament, May 2014 are reproduced below.

**Recommendation 26**

We recommend extending the reach of taxi and private hire licensing to larger vehicles in two circumstances:

(a) on a mandatory basis, in respect of stretch limousines and novelty vehicles; and

(b) on an optional basis, where providers want to use larger vehicles in a taxi or private hire business.

**Stretch limousines and novelty vehicles:**

4.70 Stretch limousines and other “novelty” vehicles are often used to transport potentially vulnerable passengers, for example on special occasions involving the consumption of alcohol, or to take unaccompanied minors to school prom nights or birthday parties. In addition, the fact that the vehicles are typically heavily modified means that they are potentially more dangerous and need closer continued inspection.<sup>60</sup> These factors militate in favour of having careful regulatory oversight both of vehicles and drivers; this is lacking in the public service vehicle regime, where only the operator is licensed.

4.71 We regard private hire licensing as best suited to regulating novelty vehicles and stretch limousines. Taxi and private hire licensing provides for independent licensing of drivers and vehicles, in addition to operators. It also has a strong local enforcement infrastructure compared to the Traffic Commissioners' looser regulatory oversight.

Veezu supports those findings and also the Law Commission recommendation that 'Funeral and Wedding Cars' remain exempted from licensing regulations, reproduced below:

**Recommendation 28 (Law Commission report)**

We recommend that wedding and funeral cars should continue to be exempt from taxi and private hire licensing while the vehicle is being used in connection with a wedding or a funeral.

**Draft regulatory impact assessment:-**

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

**Veezu Response:** No, other than it appears expansive and informative.

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

Veezu Response: Yes – but within the constraints of a commercially sensitive environment.

**Welsh language:**

**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.

From a technical perspective the systems can possibly be updated, for example IVR and the app – at a Veezu level to be bilingual. However, smaller operators would really struggle. In terms of call handling, the very nature of public expectations - ease of service delivery – might result in a negative impact on the transport sector

and there is much more research needed to consider how this proposal could be accommodated.

The challenges faced by large Operators in recruitment and retention of public facing staff as it stands, the ability to have a Welsh speaker on hand in many areas of Wales is extremely unlikely.

Also smaller operators in the UK would have a few call operators on or around minimum wage and the opportunities for them to engage with Welsh speaking staff is very limited.

With regards to Drivers and the demographics, many Drivers speak only English or even English as a second language. The ability to get all Drivers to learn the language is, unfortunately, very unlikely, and more than likely would create a significant barrier to entering the market.

In summary, it may be possible for Veezu with investment to have a toggle on the app to convert to Welsh language, however not all operators can do that.

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

Many operators would not be able to comply, and it is hard to see how the industry might be able to evolve.

However, there could be future positives – technology and AI is advancing, and platforms and voice recognition software will work in all languages.

To offset the negatives – funding would need to be made available for operators to put this in place. This is an area of positive development we would be willing to engage with and are open to exploring the opportunities.

**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.

**Veezu Response:**

Please see the earlier response.

**Other Issues - Question 22:**

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

1. There is an imbalance in the scope of the White Paper in that its regulatory impact does not touch upon the activities of 'Taxi Associations', who similarly undertake private hire bookings for its members and whose staff have access

to personal and confidential information yet are not bound by any regulatory controls or standards. There is no reason why the standards required of and met by the Private Hire services should not apply to Taxi Associations and those employees.

Records must be kept by the Taxi Associations and independent Taxi drivers otherwise it is a very one-sided legislative piece and fails to attain the requisite standard across the whole industry.

2. The Local Government (Miscellaneous Provisions) Act, 1976 has a significant public safety loophole within its provisions in that conditions can be placed upon the licence of a Private Hire Driver but not on a Hackney Carriage Driver. That imbalance should be rectified in the interests of public safety.
3. The White Paper could contribute to avoiding the frustrations of extensive delays between different licensing districts by setting a national performance standard in respect of timescales for granting the range of driver, vehicle and Operator licences.
4. There needs to be improved engagement with PH Operators by Elected Members of licensing committees and a recognition that they are an important contributory source of information, addressing public safety and safeguarding concerns and not always 'the suspect', and set appropriate regular trade meeting dates.

## Wales Safer Communities Network

Name
Are you responding for yourself or for an organisation? If an organisation, which?
An organisation
<b>Comments:</b> Wales Safer Communities Network, which is hosted by WLGA but represents those involved in community safety from devolved and reserved organisations.
Which of the following best describes you?
Other
<b>Local Authority</b> Wales Safer Communities Network covers the whole of Wales.

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.

Yes

**Comments:**

In Principle, the definitions appear clear and show the difference between taxis and PHVs and where there is overlap. The definition though may be lacking in acknowledging that both types of transport are licenced, and drivers are subject to enhanced DBS and a qualification.

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.

Yes

**Comments:**

Yes, we agree with the proposal for a national minimum standard to ensure consistency across Wales and reduce any potential risks to clients, pedestrians and other road users.

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.

Yes

**Comments:**

In principle, we agree with the proposal but there should be an opportunity for local authorities to work together to manage as some already do with enforcement services. For example a rural local authority like Monmouthshire, or smaller authorities such as Blaenau Gwent or Torfaen it may take more resources than is practicable to offer all three options but if they could work together or possibly work jointly with another such as Newport or Caerphilly they could reduce the impact on each individual local authority.

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.

Yes

**Comments:**

We agree partially with the proposals. However, we think that to limit age discrimination and ensure all drivers of such vehicles are safe that there should be consistent group 2 medical check at regular intervals for all ages.

The basic information for running a business we feel should be the same for PHV drivers as some, especially in rural areas may be single operators or may be classed as self employed and then linked to an operator.

We think there should be specific reference to training in domestic abuse awareness and safeguarding training, including what to do if a driver or operator suspects someone is a victim or if someone mentions that they are.

The consultation lists a number of issues to be covered in the regulated qualification with county lines being specifically named, this is just one form of serious organised criminality and therefore we would suggest the wording is changed to serious organised crime awareness including county lines. Mental

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.

health awareness is listed which we agree should be but think it may be worth considering expanding it to mental health and mental wellbeing awareness including suicide awareness.

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.

Yes

**Comments:**

The requirement for Welsh to be treated the same as English meant we were confused by the requirement "All taxis to display a roof light displaying only the words 'Taxi' and/or 'Taksi'." For fairness to the Welsh language, it is our opinion there should not be an 'or' option.

There doesn't seem to be much detail for comment such as the bullet of "Vehicle age limits/emission requirements...." But without the specification it is difficult to make any specific response. If the detail is to be laid in separate guidance or legislation it would be useful to have this identified so there is clarity as to where this information can be found for reassurance of the public as well as for those who are looking to licence their vehicle(s).

We would expect to see something around insurance and that the vehicle is roadworthy so has an up to date MOT, vehicle is insured and is insured for carrying paying passengers.

If a proprietor is not the driver then this should be noted for the ease of passengers for reporting any issues about any particular vehicle.

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.

Yes

**Comments:**

In principle, we agree however we note that they will be required to have a DBS check at renewal we think this should be specified as at least annual, and that all those who work in the operators office must also have a DBS check at the same frequency as they are likely to be handling information that identifies a vulnerable person, such as wheelchair user etc and therefore there should be a requirement around safeguarding for both adults and children.

Whilst the proposal includes how they will handle those with additional needs etc, there is nothing specified around managing those who are vulnerable whether that is in regard to Violence Against Women and Girls (VAWG) which is especially relevant in the night-time economy where a lone female can be more vulnerable and need to do a short journey that they would walk in the daytime.

There should also be a policy around domestic abuse and a zero tolerance for those who have committed domestic abuse to be either drivers, operators or proprietors as they have already demonstrated their ability to be violent and/or coercive. We think there should be specific reference to training in domestic abuse awareness and safeguarding training, including what to do if a driver or operator suspects someone is a victim or if someone mentions that they are.

We would expect or want to see support for undisputed transportation of guide or assistance animals rather than leave vulnerable people struggling to make their own way home. If a taxi or PHV driver has an allergy or other certified medical reason for not transporting domesticated animals then how this is managed should be clear and no booking made via operators with the drivers in such circumstances.

There does not appear to be anything in the proposal around data management and compliance with data protection legislation and running of secure systems, especially where booking is online and/or details are

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.

shared electronically or on the telephone between the operator and driver. There is a need to prevent current passengers from seeing future passengers details for example, even a postcode in a rural area can identify just one, two or three properties whereas in a town or city it can be 50 or more homes.

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

Yes

**Comments:**

We think there should be national standards for the Welsh language, Wheelchair accessible vehicles as both of these are covered in equalities legislation so are unsure why they are listed in the beyond national minimum standards and think they should be moved to within the minimum standards.

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

**Comments:**

In principle they appear clear and fair, however we are concerned about the additional administrative burden and resources that may be needed for multiple authority licencing where it may not be possible to do cost recovery for the local authority due to the numbers involved and where they would be an additional authority so receive a much reduced fee. This is why we think the option of a group of local authorities being allowed to work together to deliver licencing that is consistent and allows for economy of scale and opens up the opportunity for more cross boundary activity is more practical.

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.

Yes

**Comments:**

Yes, we agree this would be appropriate however we think this should be accompanied with a process for reporting to the licenced area, and due consideration should be given to the circumstances. For example, a taxi licenced in Cardiff who has driven passengers' home to Newport who is then returning to Cardiff and is flagged down by a lone female and picks her up for VAWG prevention purposes providing they can demonstrate this should not be penalised as safeguarding should take precedence.

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.

Yes

**Comments:**

Yes, with an easy process for reporting to the relevant licensing authority.

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

Yes

**Comments:**

Yes, we agree with the proposal for FPNs. However, we think there should be guidance on the number of FPNs before further action is taken either through licence or vehicle removal for a fixed or permanent time or that the case will have to go to court. If an FPN is not paid then it may be appropriate for a civil injunction to be used as occurs in some other FPN circumstances.

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

Yes

**Comments:**

In principle we agree, but would need more detail about how this would be managed and the resourcing required and expected and how this would be resourced.

It is difficult to comment without all the detail which may appear in guidance. Whilst the consultation mentions that this would not be suitable for refusing a passenger with an assistance dog, there is no mention of refusal of a fair of a vulnerable person on their own and where this would sit within the proposed new structure of FPNs, penalty points and hearing/legal action.

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.

**Comments:**

Whilst we do not have an opinion on this, we understand why both passengers and drivers may be on multiple apps and as technology changes how it is used will also adapt. However, there may already be legislation that can be used around this especially as there is a record of the agreement and therefore once a booking is accepted by an operator and then a driver it may already be covered in the delivery of services and goods legislation.

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.

No

**Comments:**

No as we think it would be almost impossible to implement. We think there is a simpler option which is that any PHV/Taxi journey that begins in Wales should wherever possible be with a provider licenced in Wales with exceptions for where a specialised vehicle is not available at that time in the area.

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

Yes

**Comments:**

This would appear a sensible approach but the cost of being part of the NR3 register should be monitored to ensure that it is giving value for money and also delivering what is needed to safeguard passengers and potential passengers in Wales.

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.

c. do something else

**Comments:**

No, whilst the idea seems good setting a deadline without the infrastructure to support the ZEV seems inappropriate. Currently there are few taxi ranks with electric charging points, and limited for access by any other vehicle. There should be a nationally funded programme for the infrastructure to support such vehicles before mandatory deadlines are set.

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

Yes

**Comments:**

Potentially we agree, but we would require more detail as some of the use of the vehicles, such as school transport, we would want to ensure that both the vehicles and the drivers were suitable for the safeguarding of either a child or children on a regular basis. If there are regular drivers then the risk for exploitation or abuse increases as the driver has the opportunity to build up a rapport with the passenger(s).

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

We do not have enough specialist knowledge in regard to the Taxi and Private Hire Vehicle licencing process to provide any specific response to the Regulatory Impact Assessment beyond our answer to the specified questions in this consultation.

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

Not Applicable due to the role of the Wales Safer Communities Network.

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?

Please see our answer to question 5 and question 7.

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.

Please see our answer to question 5 and question 7.

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

The Taxi and PHV licencing system whilst often separate from community safety is important as they are frequent road users with an ability to influence road safety, they often transport those who are vulnerable due to age (children or older people), disability or gender (lone female). They have the potential opportunity to identify abuse, victims of violence or coercion and by delivering their services may prevent harassment, assaults and sexual violence by providing safe transportation to those at risk. We think it is therefore important that safeguards are put in place through a robust licencing process to ensure that as much as is possible they provide mobile safe havens for individuals and assist the prevention agenda.

## Welsh Local Government Association

The WLGA has had sight of the Directors of Public Protection Wales – Wales Licensing Expert Panel response to this consultation on the white paper on the Taxi and Private Hire Vehicle (Wales) Bill (attached) and would endorse the comments made.

[WLGA attached the response provided by Directors of Public Protection, above.]

# Wolverhampton Council

## Taxi and Private Hire Vehicle (Wales) Bill – 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.

Consideration should be given to whether the vehicle must be motorised, as this excludes those vehicles listed in Question 17.

Consideration should be given as to whether app-based bookings will fall into this definition of 'there and then hire' as people generally want their PHV immediately and if they are stood next to a PHV when booking it, might fall into this definition. An alternative definition could require then and there hiring to be done directly with the driver or their agent. Taxis could continue to use their own apps, telephone lines and online bookings, which would be considered as pre-booked.

**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.

Yes, however as long as you have a 'minimum standard', then authorities will take it upon themselves to have local variation. This will, in time, create such significant variation that there is once again criticism between authorities about lax standards. As such, they should not be minimum standards, but a single standard which is updated regularly at the national level with secondary legislation. This will ensure that all drivers across Wales will be considered fit and proper to the same standard, rather than a local variation.

**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.

Yes.

**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.

Yes, apart from business training should not be provided to licence holders. This is not the remit of the licensing authority. It is also false that PHV drivers are likely to be employees of an operator – in our experience the vast majority of PHV drivers are self-employed.

**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.

Yes, apart from that there should be a standard vehicle criteria. If a vehicle has been approved for use on the UK roads with passenger seats, it is suitable for commercial operation.

In addition, a first aid kit should not be required. This is an additional expense on the trade that will need to be renewed as the items expire. No first aid training is proposed for drivers and this would be additional maintenance to ensure the kit remains correctly stocked after use.

**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.

Yes, apart from business training should not be provided to licence holders. This is not the remit of the licensing authority.

**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?

No discretion – this will then allow consistent enforcement across the country.

All taxis should be wheelchair accessible vehicles – this then is justification for giving them the privilege to undertake immediate hire fares.

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

Applications should be made the local authority in which the applicant lives. Alternatively, a national licensing organisation should be established, with compliance undertaken locally and budget provided pro rata for the number of licence holders there.

**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.

There is evidence that enforcement officers target out-of-town drivers to protect their own trade who pay fees to that council. As such, authority to take direct action against these drivers should not be given to them. Inevitably, this issue then leads to disagreements about funding this compliance work, with complaints that one authority is funding compliance for another, particularly if the former has gone above-and-beyond the minimum requirements, meaning that their trade has chosen to be licensed with the latter.

The Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 already requires this information to be shared within 10 working days. It should be 10.

**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.

No – the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 could have legislated this power in England, but chose the correct route which is for referrals to be made to the parent licensing authority.

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

Yes.

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

No – each case should be considered on its own merits. Points scheme remove that level of individual scrutiny required.

**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.

Drivers should be required to notify which companies they are partnered with (including apps/booking offices for taxis), so that the licensing authority can contact them. This should be a digital notification, recorded automatically, without being able to change more than once in a 48-hour period.

The rationale behind this is as follows:

- Should a serious incident occur with a driver, the licensing authority needs to be able to work with the company to immediately prevent any more journeys from being undertaken, prior to a formal review of the licence. Where there are multiple companies, this would frustrate the process.
- This might facilitate anti-competitive business practices by unscrupulous drivers reserving jobs whilst they are already partway through a journey and are unavailable. This would be to the detriment of honest drivers and passengers, resulting in poor customer service for passengers and reduced work for drivers committed to a single operator.
- Passengers would have to wait significantly longer periods for their driver to arrive. Currently, operators can manage journeys efficiently and effectively by allocating available drivers, of whom they have accurate records. Allowing multiple operators would hinder the fulfilment of advanced bookings, as drivers that the operator believed were available are in fact conducting work for another operator.
- Drivers arrive promptly. As well as preventing bad customer service, this also reduces the risk posed to passengers waiting on the highway. Longer wait times increases the risk of harm. For example, elderly or vulnerable passengers could be stranded on the kerbside in the cold whilst their driver is working elsewhere.

Pedestrians are also more vulnerable in road traffic accidents, so wait times must be minimised.

**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.

Trying to determine if bookings are mainly in Wales would be unenforceable and the policy breaches the “right to roam” under s 75 LGMPA 76.

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

Yes.

**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

No – there is not the infrastructure in place to implement this and drivers would just go to another authority who doesn't have this requirement. There will also be reputational damage for the authorities, as many authorities will continue to use internal combustion engine vehicles after the requirement is imposed on the trade. If there is any requirement, it should be for councils and government to go electric!

Funding should be spent on more public charging infrastructure.

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

Yes.

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

No.

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

No.

**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?

Mandate a Welsh language qualification/assessment for all Welsh licence holders.

**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.

Require all documentation to be provided in Welsh and English, both in relation to the licences and signage in the car.

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

Hackney Carriage booking offices are unregulated, yet fulfil an equivalent function as private hire vehicle operators! These should be regulated to the same standard.

## Wrexham Chauffeurs Ltd

### Taxi and Private Hire Vehicle (Wales) Bill – 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.

Since 1<sup>st</sup> August 2012 when I entered the trade, I have never heard anybody asking for a Hackney Carriage. The public do NOT understand the difference between a Hackney and a PHV – and the distinction between them has now become irrelevant. With continued advances in technology – there is even less difference between them – and I would advocate that the difference be removed. E.g. [London Hackney Carriage Act 1831](#).

Hail and stop is an antiquated idea from when there was significantly less traffic on the roads, and when we didn't have cycle lanes on the edge of the highway. How can we move closer to our goal of increasing Public Safety when we have Hackney drivers surveying pedestrians on the side of the road – expecting at any minute to have to swerve to the edge of the road to stop and pick up.

Yes – we need wheelchair accessible vehicles, and yes, we need cars available – but availability must be driven by demand otherwise it must be funded by other means.

How does maintaining the difference between Hackney and PHV move us closer to our vision of “We want a taxi and PHV licensing system that is fit for a modern Wales,

promotes safety for passengers and drivers, contributes to a cleaner environment, improves the customer experience and is accessible by all.” ?

#### Proposed definition of “Taxi”

“Motorised vehicles that are constructed or adapted with fewer than nine passenger seats, provided for there and then and pre-booked hire purposes with a driver, for the purpose of carrying passengers for commercial gain.”

#### Proposed definition of “PHV’s”

“Motorised vehicles that are constructed or adapted with fewer than nine passenger seats, provided for pre-booked hire purposes with a driver, for the purpose of carrying passengers for commercial gain.”

So if I walk into my local Taxi office (“Apollo”, “Station Cars”, Wrexham and Prestige”, and there’s a Private Hire car outside waiting for a fare, if I book a journey Wrexham to Chester – what is the difference between the car outside being a “taxi”, and / or a PHV? My contention is that there is no difference, and no increase in public safety.

A Chauffeur, however, should have to have passed the Guild of Professional Chauffeurs Assessment before being allowed to be recognised as a “Chauffeur” <https://guildofprofessionalchauffeurs.co.uk/>. A suit and a car does NOT make a chauffeur – no more than someone who can cook toast is NOT a chef.

Pre Booked could (and does) mean that I walk into a taxi office, and ask “Can I have a car for now, please?”, and if available, a car turns up outside, I get in, and travel to my destination. In the same way, I can call an office, and have them send a car to the restaurant to collect me (if there’s a car available) at 10pm at night, or I can walk the streets to the rank/take a chance on a hackney coming past who is empty and sees me, the difference has now become irrelevant and counter-productive – adding nothing to public safety.

**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.

National minimum standards need to be appropriate and enforceable. Standards certainly need to be national to remove perceived unfair advantage/disadvantage between one provider and another in a neighbouring area.

**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.

Please refer to my answer to question 1 above. If we removed Hackney – and merged them with Private Hire – then this question would not be needed.

See answer 1 above. For me to gain a Private Hire Operators licence – I needed to pay £500 for planning permission where my neighbours were given an opportunity to object to my application. I got the licence – but then moved house – so had to repeat

the entire expensive process. I suspect that this is not the case for someone seeking to operate a Hackney – so I fail to understand the need to mandate local authorities to offer this.

I do have concerns about regulated qualification – and the devil will be in the detail. Generally – I would be against the list of training suggested in the consultation, I would want to know costs – and who pays, time commitment, location of the training etc – and I would see this as a massive barrier to entry when we already have a national shortage of 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.

I do have concerns about training. Generally – I would be against the list of training suggested in the consultation, I would want to know costs – and who pays, time commitment, location of the training etc – and I would see this as a massive barrier to entry when we already have a national shortage of drivers.

A Chauffeur/executive driver/VIP driver, however, should have to have passed the Guild of Professional Chauffeurs Assessment before being allowed to be recognised as a “Chauffeur” <https://guildofprofessionalchauffeurs.co.uk/>. A suit and a car does NOT make a chauffeur – no more than someone who can cook toast is NOT a chef.

**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.

I don’t agree with all PHV’s being mandated to display “Pre-booking only” signage – because a chauffeured vehicle is also a Private Hire Vehicle – but may be exempt from having to display plates (unless a chauffeured vehicle is under a class B licence). To have mandated signage on a chauffeured vehicle goes against the exemption.

I do not agree with vehicles being mandated to carry first aid kits. Who would be responsible for those first aid kits, and who would use them? Where would liability lie if driver used the first aid kit – and someone came to harm?

**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.

What would be the proposed regulated qualification? Once again, the devil will be in the detail, but Operators should only trade as Limited companies, and Welsh Operators should have their companies registered in Wales. Operators should have an accountant, and subject to the same requirements as any other business. (e.g. digital tax)

I don't agree with the proposal that an operator's staff does needs a DBS in order to take bookings, this is an unnecessary bureaucratic layer of nonsense that adds nothing to public safety. An booking agent has zero interest in a house becoming empty whilst occupiers are on vacation – there will be no evidence of booking agents breaking in to empty properties, or soliciting others to do so.

I don't agree with your proposal for operators to maintain a register of complaints. This is done at the local authority level.

I don't agree with your proposal for operators to have documentation regarding disability – because this is set at Local Authority level

**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?

No – I do not. I think that having local standards would bring us back to where we are now – with massive unfair differences between one Local Authority area and another. I strongly believe that the standards in Wales should be “National”.

If a Welsh Local Authority chose to have “additional” standards, then the scene in Wales could echo that in England – “Figures show there are a total of 21,853 private hire drivers licensed with the City of Wolverhampton Council. And out of these, 4,049 belong to drivers who were registered at the time of their application as being in Greater Manchester.” (Jaffray 2023) [Bolton News \(30th March 2023\)](#)

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

What value is there in “Local Knowledge Test”? What is gained by the PH driver's local authority licence matching the Local Authority licence of the car? Why can a Wrexham PH Driver not drive a Denbighshire PH Vehicle? At the moment – this is a restriction to our business.

Why would there be additional administrative costs in each area – why can't each area “Share” the data?

I have an available Wrexham PHV driver, and my colleague in Denbighshire has an available PHV, and I have a booking where I need the Wrexham PH driver to drive a £40k S-Class Mercedes that is stood empty in Denbighshire. Let's get NATIONAL standards, and let's move the industry forward together into the 21st century.

**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.

Yes, but I don't agree that Licensing officers should be able to duplicate Police Powers.

I believe that Licensing officers should be mandated to investigate every complaint, but any monies raised by enforcements should be ringfenced, and only used in Hackney and Private Hire enforcement. (i.e. I wouldn't agree to a local authority taking enforcement action against Hackney/PH drivers as a means of raising funds due to a budget shortfall in another council department.

**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.

Yes, and update the National database to stop that driver simply getting a licence with another authority.

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

No – sanctions could include a fine, no need for Fixed Penalty Notices (and the associated additional bureaucracy)

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

No – see answer to question 11.

**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.

Yes – enforce "Breach of Contract"

**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.

Option A – but would be reassured if I saw enforcement.

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

Yes – absolutely, why not?

**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 do not yet fully understand where the technology will lead us to – so impossible to comment with any authority yet.

My E220 SE Mercedes and my S350 Mercedes both have zero emissions when tested at local authority MOT workshops. Let's better understand the battery production methods first (and the impact on the planet of that production – and its carbon footprint).

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

No – what would be achieved by this additional alternative licence?

I own and operate “Wrexham Chauffeurs Ltd”, and I currently have 4 high end Mercedes Cars, and a turnover of ¼ £million. My industry needs to be licensed and regulated. My business needs to have a Private Hire Operator, Private Hire Drivers, and Private Hire Vehicles. To have my business in a class B licence without the proper licenses and safeguards in place is utter lunacy of the highest magnitude.

It is my contention that Chauffeurs need to be assessed, and it is my proposal that the testing regime be the [Guild of Professional Chauffeurs](#) .

It is imperative that I retain plate exemption, but how can I have the same licence as a “Horse and Carriage” – this only illustrates the complete ineptitude of the entire proposal.

I would obviously be delighted to discuss this further, and invite anybody to come and spend a day with me to understand the functions of running a high end chauffeur company in the 21st century. I'm happy to share any and all data with you, and happy to engage in a teams/zoom video call to answer questions.

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

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

Yes, all and any

**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?

No comment

**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.

No comment

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

Yes – plate exemption, (Can an 11 plate Volvo have plate exemption? I suggest not)  
Planning requirements for Private Hire (why did I need to have planning permission, whilst my competitors in neighbouring Local Authorities did not).  
Why can't Local Authorities "Share" details of PHV and PHD?  
Why can't we have a NATIONAL Private Hire Operator, a NATIONAL Private Hire Licence for Vehicles, and a NATIONAL private Hire Licence for Drivers Operator's Licence – do we, or do we not need to have Planning Permission for an Operators' Licence? Let's have consistency across the country, and not have these ridiculous differences between one Local Authority and another.

## Wrexham County Borough Council

**Taxi and Private Hire Vehicle (Wales) Bill** consultation response from Wrexham CBC agreed by the Environmental Licensing Committee on 22<sup>nd</sup> May 2023

**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.

Yes. This is little changed from the current definitions and restrictions.

**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.

Yes. It will provide consistency and confidence that drivers, operators and vehicles have all met the same minimum standards across Wales

**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 support the idea that a dual licence should be an option for applicants alongside separate licences.

Consideration could be given as to whether in fact a single licence alone covering both PHV and Taxi driver could be effective. For Wrexham CBC, most of the requirements for each are the same. However Wrexham currently has to offer Wheelchair accessible Hackney Carriages as a statutory requirement and there are training implications for drivers who handle wheelchairs. There are some issues around competence to support passengers who need a WAV and with the proposal that the knowledge test for a taxi driver would be different to that of a PHV driver.

The majority of current Wrexham drivers want either a PH or taxi licence with a minority having both/dual permission.

Drivers need to be aware of their particular responsibilities, depending upon which licence they hold. This should be addressed through the qualification.

The travelling public need to be able to clearly distinguish between taxi and PH vehicles and drivers.

Currently private hire journeys are logged by operators and records retained. This is not the case for hackney carriage journeys where there is no operator. Consideration should be given to the possibility of requiring records to be made of journeys made by taxis under the Welsh national standard.

**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.

1. We support mandating the DBS update service
2. We support the proposal of a qualification that would cover all of the issues specified and understand that such a qualification already exists with some infrastructure to deliver it. Applicants would need to pay for this qualification (unless subsidy is on offer) which could be a potential barrier to becoming licenced.
3. Is there a reason for requiring re-assessment every six years? It may not be necessary to require re-assessment (every 6 years or otherwise) if a driver raises no cause for concern. Re-taking the qualification could be used as a sanction where there is evidence that a driver is not conducting themselves in line with their training.
4. At what level will the qualification sit?
5. Consideration should be given to delivering the training via e-learning.

6. It is assumed that this course would remove the requirement for a knowledge test.
7. We have some doubt of the value and need for taxi drivers to prove knowledge of running a business. It has little or nothing to do with keeping people safe, locally we have had no instances where this has been an issue. In Wrexham CBC many PHV drivers are self employed and contract to an operator and are in the same position as most taxi drivers regarding their employment status. Self employed drivers can address the need for expertise in running a business through use of an accountant or similar. If it is decided that a theory test must include information on running a business then this should apply to operator, taxi drivers and PH drivers.
8. Different requirements for taxi and PH drivers with regard to local knowledge are an unnecessary distinction that complicates the application process. We believe the benefit of navigation systems applies equally to both Taxi and PHV drivers. Removing this distinction reduces the difference in licensing requirements for taxi and PHV and makes a single license possible. Our view is that, if there is to be requirement for a local knowledge test it should apply to both taxi and PH drivers.
9. With reference to 5 and 6 above, if requirements are the same for taxi and PH drivers and for Operators it will simplify the regulated qualification in that the same course will work for all. It will be important to ensure the availability of places on courses without significant delay.
10. Consideration should be given regarding a minimum period for which a full DVLA licence should have been held before a taxi or PH driver licence can be granted. In Wrexham a full DVLA licence must have been held for a minimum of 12 months.
11. With respect to the safeguarding element of the proposed regulated qualification it is suggested that this should include:
  - a. Adoption of the “Ask for Angela” scheme to support anyone feeling vulnerable such that drivers are aware and able to deal appropriately in situations where they become aware that a passenger is telling them that they are at immediate risk of harm.
  - b. Mandatory training on the fitment of wheelchairs into WAVs.

**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 don't see a need for the imposition of an age limit if emissions standards and vehicle safety standards are used to set parameters around safety including

pollution impact. As long as it is safe and clean the age of the vehicle does not seem to be relevant.

Careful consideration needs to be given to vehicle specifications in terms of leg room, seat width, etc to avoid excluding suitable and acceptable vehicles.

Wrexham CBC also requires a fire extinguisher to be carried as well as a first aid kit. It is noted that there is no mention of first aid training as part of the qualification for drivers. That might would appropriate if they are required to carry a first aid kit.

**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.

Mostly

If the same course is provided for operators and all drivers it will make provision of the training easier and simpler.

Why would Welsh Government not set the standard regarding thresholds to be met re relevant offences for operator staff? This will ensure consistency across Wales and will be consistent with the approach taken with Drivers.

The proposal for operators to provide a policy for passengers with special needs should be reconsidered. This will result in a multitude of different policies from each operator and each authority with varying standards. If this is felt to be a necessary step Welsh Government should develop and publish a single policy or standard for all Wales for all operators to use.

**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?

- Mandating particular safety technologies
- Livery/branding
- Use of Welsh language
- Wheelchair accessible vehicles
- Vehicle emissions
- Other, please specify

If authorities are able to impose additional standards/requirements it will erode the consistency which underpins this whole approach and make cross border enforcement difficult.

If additional local standards are to be permitted then this should be in exceptional circumstances only and subject to approval by Welsh Government.

Not allowing additional standards would not restrict operators applying additional standards if they wish such as in car CCTV.

There should be a process for reviewing national standards regularly.

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

The proposals are complex, will be difficult to apply and could lead to unintended consequences.

If standards are made exactly the same across Wales then the requirements of one LA will be automatically met for every other LA. Requiring drivers to obtain a separate license for each LA creates duplication and additional administrative work. If a second licence application is made part way through the duration of the first, consideration would need to be given as to the currency of the various required checks.

**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.

We agree that enforcement action should be enabled against a licence holder licensed by any Welsh authority giving the ability for officers from any Welsh authority to investigate and potentially prosecute for offences committed in their area.

We also agree that other breaches of the standards should be referred to the issuing authority, with all evidence, for investigation and action as they see fit.

The imposition by one authority on another of any obligation to take a particular course of action seems unnecessarily bureaucratic.

Will English licenced drivers and vehicles be subject to Welsh legislation and standards whenever they are working in Wales and be subject to inspection by any licensing officer authorised by any Welsh authority? If so, this might provide a degree of control over cross bordering.

**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.

This will introduce more complexity and needs further consideration. The proposal outlined seem overly bureaucratic and will add to the administrative burden on licensing authorities.

**Question 11:** Do you agree that fixed penalty notices (FPNs) should be introduced

Yes.

Ticket books and the issuing and recording process should be standardised across Wales. There should be single procedure for all authorities to follow.

The proposed penalty seems quite low.

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

No, this would impose an additional administrative burden and another recording system. A FPN with a lower penalty for specified minor issues could be used.

**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.

This has not been an issue for Wrexham CBC to date.

**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.

Both options raise questions:

Option A –

- What would be threshold to assess if booking were “wholly or mainly in Wales”?
- Who would make such an assessment?
- What if the operator did not agree?
- How would a dispute be resolved?
- Under this option it would presumably be possible for a English based operators, drivers and vehicles to be granted licenses by a Welsh LA?
- A Welsh LA will not have any power to demand access to the records of an English based operator.

With regard to the example quoted, the standards applied by Cheshire West and Cheshire are at least as demanding as their Welsh neighbours.

Option B

This is simpler but there are other scenarios.

A journey may start in Wales, pick a second passenger in England and then end at a Welsh destination. This is a realistic scenario for North East Wales/Shropshire/CWAC. Welsh residents close to Chester routinely use English based operators in Chester for journeys wholly within Wales because the nearest operators by far are based there. There is potential for significant cost increases and reduction in service levels for Welsh residents in this case were option B to implemented as described.

The reality is that English authorities, if compliant with DfT standard, will not be significantly different to the Welsh national standard and is unlikely to create a situation where it is advantageous to operate in Wales with English licenses.

As a border authority in Wales, we do not see a significant presence of English licenced vehicles and drivers from neighbouring authorities and cross bordering is not currently an issue for Wrexham CBC

Both options are complex and would be very difficult in practice to apply and enforce. We do not believe that either option is a realistic solution to the perceived problem.

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

Yes

**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

Option a - this would conform to the national deadline

Option b - this would help support the transition and improve air quality.

Whatever measures are implemented in the drive for a zero emissions fleet must take into account the financial burden on the trade. Any significant cost to the trade would risk drivers and operators withdrawing as it becomes impossible to make a living. This would have huge implications for the availability of PHVs and taxis for those that use them.

Currently all new vehicles registered from 2030 must be ZEVs and so the taxi and PHV trade will transition along with everyone else in the UK to ZEVs.

Careful consideration is needed as to whether or not the infrastructure required to support a ZEV fleet is sufficient for realistic operation if it is proposed to impose ZEV requirements ahead of UK national approach to ZEVs.

Welsh Government could explore the possibility of incentivising operators and proprietors to move to ZEVs with grant funding or other inducements.

With respect to option C, this could include:

- interim consideration of a drop in HVO/Biofuel as a replacement,
- offer incentives to PHV drivers to transition to ULEV, offer tax exemption on new purchases, partial grant funding/match funding.
- Recommend LAs working with taxi operators/drivers through a taxi engagement group around locations for installation of EV charging points and mobility hubs.
- Undertake a national baseline survey of drivers and operators to understand current distribution of fuel types/ages to inform any zero emission taxi licensing changes, get an overview of the scale and likely costs.
- Mandate a fully consulted review of local taxi licensing through taxi engagement group to develop a graduated change in conditions of fitness and vehicle age limits.
- Develop and conduct a marketing/behaviour change campaign to promote benefits and share current EV market options, especially if incentive is offered.
- There are also considerations around enabling high density areas, over shorter distances, in city centers where Ebike passenger transportation options could be considered and prioritized

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

Yes

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

There needs to be a keen regard for the cost implications for the trade in meeting the new standards. The ZEV proposal in particular presents a potential of imposing additional costs to the extent that operators and drivers are unable to make a living.

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

We will provide any relevant data that we have on request.

**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?

**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.

In answer to questions 20 and 21 the impact of any proposals around Welsh language on the availability of taxis and private hire for their users must be carefully considered.

Other Issues

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

Setting up a separate regime from England creates some significant issues that need to be resolved before going ahead with implementation of a national standard for Wales that will be different from the standards that apply in England.

Wrexham CBC does not currently experience any significant problems relating to drivers and operators licenced by English authorities working in Wrexham.

## Zenith Logistic Consultants Ltd

### Taxi and Private Hire Vehicle (Wales) Bill – 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.

**Answer:** Keep the two tier system. There is an issue with app based booking where companies charge extremely high prices on the back of it being a private hire booking.

**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.

**Answer:** The national minimum standard is a good idea for school contracts as someone from the next County could be running cheaper due to age limits on vehicles.

Whilst national minimum standards for taxis is good, we need a national standard for licensing officers. Who don't play games with our businesses.

A licensing officer will be paid at the end of each month if they are good or bad at their job. We know licenses and plates are delayed by a few days if they don't like an operator or driver. We run businesses and pay for a service from the licensing office we require a professional standard and service from them.

**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.

**Answer:** We already have this **option**.

**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.

**Answer:** Yes, I agree with the national minimum standard for a license.

I don't agree licenses can't be renewed if a driver has 7 points on their license this is above to powers of the DVLA.

We have had an instance of a Licencing officer revoking a drivers hackney license because he had 9 points on his license. This was done without going to committee or notice just an immediate revocation. That driver lost his lively hood immediately when there is nothing in the blue book or in licensing statement of policy to cover this.

Drivers over 60 have to have a medical every year after this age, HGV and PSV drivers don't have to do this until they are 65 years old. The age for taxi medicals should be raised in line with 65 age limit.

**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.

**Answer:** I agree with the national minimum standard proposed for the vehicle license.

Currently we have an age limit of vehicles can only come to fleet under 5 years old. They have to be taken off at 10 years old.

**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.

**Answer:** Yes, I agree with the National minimum standard. We don't have operator licenses for Hackney carriage vehicles only for Private hire vehicles. I operate PSV vehicles with an operator license from the traffic commissioner which has a much higher standard. Councils check drivers are producing yearly accounts or are employed. Councils should check that other people working within the business on the Taxi/PHV side are also employed via PAYE.

Again Licensing officers and Licensing office staff should be operating at a professional level and also be accountable.

**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?

**Answer:** We are regulated enough. The standard of enforcement officers for the regulations we already have should be of a higher standard.

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

**Answer:** Local Licensing administration. The local licensing office and officers should work to a national standard preferably run by the traffic commissioner. The standard and politics of the Licensing department can be very unprofessional when we are running businesses providing employment, paying monies to local companies and paying for a service from Denbighshire County Council. If a standard can be achieved then local administration is acceptable.

**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.

**Answer:** As far as I am aware this already happens. We get stopped in Liverpool, Manchester and surrounding areas and there is provision for this in our Blue Book. What isn't very clear is who lifts the suspension notice if issued by another authority? Do we have to travel back to that authority to have a suspension lifted or will there be agreements between authorities to lift suspension notices?

**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.

**Answer:** The local authority licencing officers in our area need to have a desire to do the job in the first place.

Yes, anyone found to be in immediate breach of the standards or are below the standards should be dealt with by the inspecting authority.

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

**Answer:** Licensing officers have the option to suspend or send a vehicle to be cleaned already. Also licensing officers don't always work to the same standard. Fixed penalty notices could be miss used.

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

**Answer:** We had a local penalty point system in place that was in the blue book. Denbighshire County Council licensing failed to administer the system and removed it from the blue book. If they can't administer a local system how would they get on with a national system?

**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.

**Answer:** Drivers only work for one company is the answer. Drivers working for more than one company in our area is very rare.

**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.

**Answer:** Which ever option is chosen it would be very hard to police. Option 1 would be the better option.

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

**Answer:** Yes, this should be mandatory in Wales, England, Scotland and Northern Ireland.

As a driver could move between countries to work.

Also a clear DBS only means the person hasn't been caught doing any criminality if they are a criminal.

**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.

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

**Answer:** ZEV is not a viable option at the present time for the following reasons.

1. Price, I have 40 vehicles to change.
2. All vehicles would have to go to a main dealer for repairs. How many technicians are available to work on these vehicles? How many days are the vehicles off the road for? (up to 3 or 4 weeks) how readily available are spare parts for the vehicles.
3. The mileages on the vehicles are prohibitive. I have the majority of my vehicles do between 300 and 600 miles per day. On a vehicle that will do 150 miles on a charge (generous in some cases) that means I have to stop and charge between 2 to 4 times a day if there is charging available in the area we are in. This adds 2 to 4 hours to a job adding £36 to £72 per job. (not sure the customer/account holder would want to pay the extra).  
ie: A taxi goes to the airport at 11:30 arrives at the airport at 12:30 for a 13:00 hrs pick up. Passenger is late and comes out at 13:30 vehicle arrives back in Rhyl for 14:40 hours. It's 125 miles round trip and the vehicle had done 20 miles of work before he left so needs to charge the vehicle for his school run.  
Arrives at the charger and there's a queue. The vehicle has just started charging and will be 50 minutes before my vehicle can get on the charger which will need another 50 minutes before I can leave to go on my school run. My school run is due in Denbigh 20 minutes away at 15:15 hours.  
I can't leave for my school run until 16:20 hours which means I arrive to pick up the pupils at 16:40 hours. Do I lose my contract because I had to charge the vehicle? Does the teacher put the kids on the street because she/he finished at 15:30 hours.
4. What is the second-hand market for an EV? It's £19,000.00 to replace a main engine battery. Not Economically viable
5. Hybrid vehicles in a commercial operation not economically viable unless you're a low mileage operation.
6. Charging points there are 18 electric vehicles out there at present for every charging point. Main news channel on boxing day electric vehicles 2 hours waiting to get on a charger.

Charging Continued: The electric industry are suggesting that areas have planned power cuts to save energy, as a commercial venture we can't afford for them power cuts to happen.

If I employ a driver and put a charger at his home, he's having to pay for the electric? When he leaves I have to have the charger removed and fitted somewhere else at what cost?

Electric Vehicles aren't made for our industry at present.

They are for the normal house hold

We already have age limits on are vehicles

There are many things that could be planned to reduce the carbon footprint without going to ZEV.

Many of these things I have shown to Denbighshire County Council in the past but unfortunately have no appetite for change. These ideas are also money saving to the council and the general public as this is public money.

le: 5 escorts coming in from Denbigh to a special school in Rhyl on school run.

12 miles roughly 1 vehicle returns them home instead of 5 and brings them in the afternoon saving 96 + road miles a day 480 + road miles a week 18,720 road miles a school year and these are paid miles.

18,720 miles at £2 per a mile £37,440 per year on a 3 year contract that's a saving of £112,320 monetary value and 56,160 road miles @45 miles per gallon = 1248 gallons = 5690.88 litres (5500 litres of diesel emits 13,818 kgs of net CO2)

The above is 5 contracts.

There are many things that could be done to save money, even looking at using taxi's and minibuses to run with County Council social care which seems to start just after school contracts finish and social care finishes just before school transport starts.

There are savings by the council on having buses on lease stood around doing tiny mileages each year and employing drivers to drive them.

Other savings:

Servicing

Tyres

Insurance

Maintenance

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

**Answer:** Why would you allow a class B vehicle to operate as a taxi/PHV when they don't achieve the minimum standards?

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

**Answer: No**

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

**Answer: No**

**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?

**Answer:** There is no plus or minus to the Welsh Language. We employ Welsh speakers when a suitable applicant is available.

**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.

**Answer:** We employ Welsh speakers when suitable applicants are available. There are no positives or negatives.

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

**Answer:** How do we as Company owners try to make our businesses in to a recognised professional industry.  
When we have sub standard Licensing departments and officers who are considered a joke within the industry?  
DBS Checks: I try to employ drivers and provide employment yet the process to get people into work can take up to 6 months and longer because DBS checks take so long. The driver we have spent time and money on to get into employment has then gone to a van delivery company and started work there.  
Although other Company DBS's are back quicker so is this a case of the licensing officers playing games with my company?

## Anonymous Response #1

Name
Are you responding for yourself or for an organisation? If an organisation, which?
Self
Which of the following best describes you?
I am a taxi / PHV passenger <b>Local Authority</b> Cardiff

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.

No

**Comments:**

Cross border should stop all together  
Every one gets their licence in Newport and work in Cardiff  
The roads are to busy as to many taxis and not enough work for everyone  
The operators like Dragon and Uber do not apply the Council Tarifs and take a large cut  
Taxi trade in Cardiff it's on its knees  
That's why drivers try work different apps to maximise the profits otherwise it's wnot worth doing it altogether

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.

Yes

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.

Yes

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.

Yes

**Comments:**

Wherever the driver is licensed that's where he should work  
In Cardiff there is a topographical test which a Newport Driver doesn't have to do  
Therefore he doesn't know his way around being a danger for road users as well as customers  
The fare should start or finish where you are licensed

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.

Yes

**Comments:**

Topographical test of the city you're going to work

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.

Yes

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.

**Comments:**

Operators should be forced to apply Councils tariffs and not make their own prices which affects the drivers pockets

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

Yes

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

Yes

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.

Yes

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.

Yes

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

Yes

**Comments:**

Working outside your license area

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

No

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.

No

**Comments:**

There is customers who book 2 different taxi companies like dragon and Uber

Then they cancel Dragon as their cancellation it's free

But Uber will charge them £4

There is always 2 sides of the medal

For that reason I stoped working with dragon taxis and do Uber only ad customers was messing me

around canceling prebooked taxis and loosing time and burning fuel and not earning anything

Are you gonna introduce something for customers who cancel their trips as well?!

When you book a restaurant for example you pay a deposit normally

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.

No

**Comments:**

Cross border should stop altogether

Trips should start or stop where you are licensed

You can drop in Cardiff from Newport but shouldn't be allowe to work in Cardiff unless you get a fare back to Newport

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

No

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.

c. do something else

**Comments:**

It's to early for that

We don't know for sure how they are gona work Lon term

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

Yes

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

*No Response*

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

*No Response*

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?

*No Response*

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.

*No Response*

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

Cross border  
Too many out of town taxis  
Polluting Cardiff  
Making roads busier  
And not enough work for everyone

## Anonymous Response #2

Name

Are you responding for yourself or for an organisation? If an organisation, which?

Self

Which of the following best describes you?

Other

**Local Authority**  
Carmarthenshire County Council

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.

Yes

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.

Yes

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.

Yes

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.

Yes

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.

No

**Comments:**

I agree with all of the standards bar the "Methods of Payment that should be available" (it's quite ambiguous). The national minimum standard should include a requirement for Taxi/PHV drivers to accept card payments as well as cash.

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.

Yes

**Comments:**

I agree, though the idea of having the operators document their own policy for dealing with passengers with additional needs seems odd. I believe it would be beneficial for both the operator and the customer if

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.

these policies were instead created by the council. Otherwise, it means some Taxis/PHVs will have different standards in how to deal with these passengers - it should be standardised so that passengers know what to expect (this is especially pertinent to Taxis, where passengers have little to no time to research the firm they're hailing the taxi from).

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

Yes

**Comments:**

They should cover livery/branding. Anything else would undermine the standards set by the Welsh Government. What I mean by this is if a local authority is mandating its now (higher) safety technologies, one would question whether the national minimum standards are actually fit for purpose. It seems farcical to have different standards in transport for areas which, if traversed by Taxi/PHV, are not that big.

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

Yes

**Comments:**

The requirement for a local knowledge test for each application to a local authority is good. For this particular section of the White Paper accompanying this consultation, I would disagree with the amount of leeway given to local authorities regarding multiple license holders. It should be mandated that they pay no more than admin fees, rather than relying on local authorities to implement this on their own accord. Additionally, the 'data sharing' capabilities should be mandated. This may be better suited for the local authorities to work together rather than the Welsh Government creating a national system.

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.

Yes

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.

Yes

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

Yes

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

Yes

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.

Yes

**Comments:**

I'm not sure that banning the action outright is effective. Rather, the drivers should be held to account for cancelled bookings. The enforcement should be proportional such that drivers will almost always avoid cancelling a booking due to 'multi-apping'.

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.

Yes

**Comments:**

Of course it would be difficult to enforce option A, but it's fairer than option B. If vehicles are fitted with a GPS tracker, you could feasibly easily analyse whether most journeys are undertaken in Wales or not. Perhaps the legislation should include a power for local authorities to periodically, randomly check these GPS to analyse whether the drivers are following the rules.

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

Yes

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

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

*No Response*

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

*No Response*

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

*No Response*

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?

*No Response*

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.

*No Response*

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

*No Response*

## **Anonymous Response #3**

Name

Are you responding for yourself or for an organisation? If an organisation, which?

Self

Which of the following best describes you?

I work in the taxi / PHV trade

**Local Authority**  
Cardiff Council

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.

Yes

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.

Yes

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.

No

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.

Yes

**Comments:**  
Speak English fluently

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.

Yes

**Comments:**  
Able to speak English fluently.  
No chewing of gat or any sort of smoking

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.

Yes

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

No

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

Yes

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.

Yes

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.

Yes

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

Yes

**Comments:**

Points given for refusing fairs.

Refusing to use the meter.

Grossly overcharging.

Cherry picking light off asking the destination then saying they are booked.

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

Yes

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.

Yes

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.

Yes

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

*No Response*

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.

c. do something else

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

*No Response*

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

*No Response*

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

*No Response*

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?

*No Response*

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.

*No Response*

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

*No Response*

## Anonymous Response #4

Name

Are you responding for yourself or for an organisation? If an organisation, which?

Self

Which of the following best describes you?

I work in the taxi / PHV trade

**Local Authority**

Npt

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.

*No Response*

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.

Yes

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.

Yes

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.

Yes

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.

Yes

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.

Yes

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

Yes

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

Yes

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.

Yes

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.

Yes

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

No

**Comments:**

A warning must be issued first but any contraventions that subsequently occur then a fpn can be issued

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

No

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.

Yes

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.

Yes

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

Yes

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.

c. do something else

**Comments:**

If the Welsh government intends to be zero emissions at tailpipe then substantial funding must be made available for drivers to upgrade to zero emission vehicles

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

Yes

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

*No Response*

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

*No Response*

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?

*No Response*

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.

*No Response*

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

*No Response*

## **Anonymous Response #5**

Name

Are you responding for yourself or for an organisation? If an organisation, which?

Self

Which of the following best describes you?

I work in the taxi / PHV trade

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.

Yes

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.

Yes

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.

Yes

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.

Yes

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.

Yes

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.

Yes

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

Yes

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

Yes

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.

Yes

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.

Yes

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

No

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

Yes

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.

No

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.

Yes

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

Yes

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

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

Yes

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

*No Response*

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

*No Response*

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?

*No Response*

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.

*No Response*

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

*No Response*

# Anonymous Response #6

Name

Are you responding for yourself or for an organisation? If an organisation, which?
Self
<b>Comments:</b> I think by stoping cross borders would have an impact in Cardiff massively think before you make the changes as we can cope on match days with loads off jobs still outstanding and the Cardiff hackneys always refuse short journey and want double the money we cross boards hear it all the time off customer as Hackney refuse to take them and card payments if it was to stop how much of an impact it would have on all those passengers who would be paying more for their fairs and being robbed by Hackney drivers

Which of the following best describes you?
I work in the taxi / PHV trade
<b>Local Authority</b> Newport

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.
Yes

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.
No

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.
Yes
<b>Comments:</b> Just like Newport do cardiff should follow suit

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.

Yes

**Comments:**

We should have one Wales license for PHV to work with u er or dragon around wales help the city moving with all those passengers

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.

Yes

**Comments:**

PHV should all have stickers on car like Newport to insure passenger are getting into a taxi and being safe

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.

No

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

Yes

**Comments:**

All taxis should have sign writing on them hackneys and PHV should have sticker saying advanced booking and PHV

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

Yes

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.

Yes

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.

Yes

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

Yes

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

Yes

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.

No

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.

Yes

No

**Comments:**

If crossboarders are stoped they would be a major impact on passengers because they will be paying more for their fairs and Hackney drivers would only Jo the job if they getting what they want they never go on meter and always want cash

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

No

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

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

No

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

*No Response*

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

*No Response*

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?

*No Response*

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.

*No Response*

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

*No Response*

## **Anonymous Response #7**

Name

Are you responding for yourself or for an organisation? If an organisation, which?

Self

Which of the following best describes you?

I am a taxi / PHV passenger

**Local Authority**  
Neath port talbot

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.

No

**Comments:**

It already does say the difference between a taxi and a private hire vehicle on the door stickers provided by the local authority I also think when it is really busy and there is a shortage of Taxis on the weekend. Private hire vehicle should be allowed to pick up passengers without them having to pre-book at designated times. That would also stop passengers from haven't to hang about the streets.waiting for taxis

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.

Yes

**Comments:**

Yes this would be a good idea, but I do believe from my local authority standards are quite high anyways

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.

Yes

**Comments:**

I have both a taxi and private hire drivers license all in one as I have both private hire vehicle and a Hackney carriage vehicle, but it would be a good option as long as it makes it cheaper for the person purchasing the badge

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.

Yes

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.

**Comments:**  
A basic English test

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.

Yes

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.

No

**Comments:**  
No, as there probably wouldn't be any need because most of the people that hold an operators license would most likely have a taxi or private hire, vehicle drivers badge anyways, and the standards are already set in that

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

No

**Comments:**  
No, because if you're proposing to make it equal across the whole of Wales, why would you then give the local authority more powers to move the goalposts to make it more difficult and then say one local authority required you to speak Welsh and the other didn't then it's not equal is it?

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

No

**Comments:**  
No, you are just adding costs for the drivers to obtain different badges.

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.

No

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.

**Comments:**

No, I don't agree with this point and fines of the local council for taxi drivers. This will just be seen as a moneymaking exercise for the council.

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.

Yes

**Comments:**

Yes, if it is a definite risk, then I have no problem with this

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

No

**Comments:**

No, that is done by the police and for them to decide this just sounds like a moneymaking exercise

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

No

**Comments:**

No a warning is sufficient enough, and if the person keeps making these offences, then they are not fit and proper and will have their badge revoked anyway

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.

*No Response*

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.

No

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.

**Comments:**

I can't really have a view on this as I am not affected by it

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

Yes

**Comments:**

Yes, I think it's a good idea

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.

c. do something else

**Comments:**

I currently run an electric vehicle to accelerate. This would be fantastic i currently run an electric vehicle but to accelerate. This would be fantastic written down on paper, but in reality, the infrastructure is absolutely shocking in Wales. I believe from the whole UK only 4% of EV chargers are in Wales and most of them are slow or don't work get that sorted by all means yes go for it

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

Yes

**Comments:**

I know some local authorities already do something similar to this like have vehicles for the sole purpose of school contracts if that was available in every area. I think that would be a good thing.

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

No

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

*No Response*

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?

I speak English I would love to be able to speak Welsh but don't

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.

*No Response*

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

*No Response*

## Anonymous Response #8

Name

Are you responding for yourself or for an organisation? If an organisation, which?

Self

Which of the following best describes you?

I work in the taxi / PHV trade

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.

No

**Comments:**

I am a PhD and can only be booked in advance.

1 night I dropped off at Sophia gardens national express stop and there was an elderly couple with luggage asked me to take them to the Marriot

hotel,I told them I sorry I can't,I have to be pre-booked.

There were no taxi's there.I drove off and felt terrible that I had to leave them there stranded in the dark

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.

and cold.

Most of the public do not know the difference between Hackney and private hire .  
Situations like this happens regularly, especially on weekends.

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.

Yes

**Comments:**

Every authority should have the same standards for drivers

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.

*No Response*

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.

Yes

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.

Yes

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.

Yes

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

No

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

No

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.

Yes

**Comments:**

Any enforcement officer in Wales should be able to stop and check any vehicle/driver regardless of where their licensed

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.

Yes

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

Yes

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

Yes

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.

No

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.

Yes

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

Yes

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.

b. set an age limit for vehicles which are not ZEV

**Comments:**

Electric cars a very expensive and not up to the job,, range,not enough chargers and often in a few hour long queues,broken chargers, electric very expensive if you can't charge at home.  
I spoke to a driver friend who had electric,he said it's been the worst 9 months of his life and now changed to hybrid.

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

Yes

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

*No Response*

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

*No Response*

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?

*No Response*

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.

*No Response*

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

*No Response*

## Anonymous Response #9

Name

Are you responding for yourself or for an organisation? If an organisation, which?

Self

**Comments:**

Taxi trade and its services are at breaking point. Myself I have been a taxi license holder under the Cardiff council for 20+ years.

This cross boarding system has torn the control and safety aspect out of the bounds quite literally.

Hackney drivers complain there isn't enough ranks yet come peak hours you will find most of the ranks are empty yet they a blocking roads, bus stops and causing traffic jams around the centre. Getting aggressive with other taxi drivers and some cases customers.

Some of the stories I hear from customers are truly shocking.

Cardiff Council should priorities the clean up, stop cross boarding and take back control. Be firm and strong on discipline make sure the drivers they have jurisdiction over are all acting according. Where punishment is justified, it is carried out in the right format.

Also please keep in mind times are very hard for everyone and we taxi drivers are getting hit from all directions.

1. Private higher operators are trying to monopolies the whole system, so they can charge what ever they like. Limiting the chose for drivers aswel as passengers, where we all become just another number and are backed into a corner. The shifts where I am earning £5/6 an hour are becoming more and more frequent. I have three children, a wife, my elderly father, a mortgage. I am working extra long hours, seven days a week. No if prices keep rising there is no 8 days in the week I can work. I am not alone a lot of the drivers are in the same boat.

So please bring things under control, look at where it needs fixing.

Stop cross boarding.

Regulate the taxi's licensed in the area accordingly.

Set some boundaries for these private higher operators.

Let's make the system run smoothly and correctly in a law abiding manor.

Also lifting the cap on hackney plates isn't a bad idea. For one it will any go to licenced drivers for that area and also make sure the current Hackney drivers start working and behaving in a appropriate way.

Thank you.

You can email me on [rassell077@hotmail.com](mailto:rassell077@hotmail.com)

Are you responding for yourself or for an organisation? If an organisation, which?

Thank you.

Which of the following best describes you?

I work in the taxi / PHV trade

**Local Authority**  
Cardiff County Council

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.

Yes

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.

No

**Comments:**

Drivers who are licensed in one area should work mainly in that area.

Bringing everyone under the same umbrella will make managing the system a lot more difficult. You will still get most of the drivers flocking to one or two area's and not enough officials to manage and police them.

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.

No

**Comments:**

No, if the proses of getting a licence is done in the right way and drivers are given the right knowledge and training then it shouldn't make a difference. Private or Hackney drivers should be able to deal with and work professionally.

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.

No

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.

No

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.

No

**Comments:**

Cross boarding should be stopped

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

No

**Comments:**

Use Welsh language in this day and age, you can't force that on anyone.

8. Do you agree with our proposals for local licensing administration? Please provide comments.

No

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.

Yes

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.

Yes

11. Do you agree that fixed penalty notices (FPNs) should be introduced for certain taxi and PHV offences? Please provide comments.

No

**Comments:**

As taxi drivers are already hit very hard financially. If an serious offence has been committed then maybe

11. Do you agree that fixed penalty notices (FPNs) should be introduced for certain taxi and PHV offences? Please provide comments.

take thhler license away depending on the seriousness of the offence otherwise half a two strikes and out system for repeat offenders.

12. Do you agree that a national penalty points scheme should be introduced for certain taxi and PHV infringements? Please provide comments.

No

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.

*No Response*

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.

No

**Comments:**

Like I said bringing everyone under the same umbrella will make it very difficult to police. Yes they should have one general standard training and knowledge but only work in the area's they a licenced from making it more manageable foe local authorities.

15. Do you agree that use of the NR3 register in the driver licensing process should be mandatory in Wales? Please provide comments.

*No Response*

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

**Comments:**

But then there has to be support for drivers like myself who are struggling already to make that initial change.

17. Do you agree with our proposals for Class B vehicles? Please provide comments.

*No Response*

18. Do you have any comments on the draft Regulatory Impact Assessment published alongside this paper?

*No Response*

19. Is there any data that you would be willing to provide to help in the development of this RIA?

*No Response*

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?

Personally if this was to be implemented and made mandatory then it almost feels as if its boarding on discrimination.

People cannot be forced to do this as not all your bus drivers, train drivers or any other industry where this is forced.

By all means if there is a gap in the market then offer another PH company to do a Welsh speaking drivers only company, but don't force it on anyone.

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.

*No Response*

22. Are there any other issues you would like to raise about taxi and PHV licensing?

*No Response*

## **Anonymous Response #10**

Name

Are you responding for yourself or for an organisation? If an organisation, which?

Self

Which of the following best describes you?

I am a taxi / PHV passenger

**Local Authority**  
Newport

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.

Yes

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.

No

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.

No

**Comments:**

No. As even as it is we can not take any order outside wales. And every time we get an Bristol/London..etc we come back empty which affect our wages

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.

Yes

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.

Yes

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.

Yes

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

No

8. Do you agree with our proposals for local licensing administration? Please provide comments.

Yes

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.

No

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.

Yes

11. Do you agree that fixed penalty notices (FPNs) should be introduced for certain taxi and PHV offences? Please provide comments.

No

12. Do you agree that a national penalty points scheme should be introduced for certain taxi and PHV infringements? Please provide comments.

No

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.

No

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.

Yes

**Comments:**

We should be allowed to accept trips from outside wales

15. Do you agree that use of the NR3 register in the driver licensing process should be mandatory in Wales? Please provide comments.

Yes

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

17. Do you agree with our proposals for Class B vehicles? Please provide comments.

Yes

18. Do you have any comments on the draft Regulatory Impact Assessment published alongside this paper?

*No Response*

19. Is there any data that you would be willing to provide to help in the development of this RIA?

*No Response*

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?

*No Response*

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.

*No Response*

22. Are there any other issues you would like to raise about taxi and PHV licensing?

*No Response*

## Anonymous Response #11

Name

Are you responding for yourself or for an organisation? If an organisation, which?

Self

Which of the following best describes you?

I am a taxi / PHV passenger

**Local Authority**

Ynys Mon

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.

Yes

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.

Yes

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.

Yes

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.

Yes

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.

Yes

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.

Yes

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

No

**Comments:**

If allowed then there will not be a national standard, which should address all of those mentioned

8. Do you agree with our proposals for local licensing administration? Please provide comments.

Yes

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.

Yes

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.

Yes

11. Do you agree that fixed penalty notices (FPNs) should be introduced for certain taxi and PHV offences? Please provide comments.

Yes

12. Do you agree that a national penalty points scheme should be introduced for certain taxi and PHV infringements? Please provide comments.

Yes

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.

*No Response*

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.

*No Response*

15. Do you agree that use of the NR3 register in the driver licensing process should be mandatory in Wales? Please provide comments.

Yes

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.

b. set an age limit for vehicles which are not ZEV

17. Do you agree with our proposals for Class B vehicles? Please provide comments.

*No Response*

18. Do you have any comments on the draft Regulatory Impact Assessment published alongside this paper?

*No Response*

19. Is there any data that you would be willing to provide to help in the development of this RIA?

*No Response*

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?

*No Response*

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.

*No Response*

22. Are there any other issues you would like to raise about taxi and PHV licensing?

*No Response*

## **Anonymous Response #12**

Name

Are you responding for yourself or for an organisation? If an organisation, which?

Self

Which of the following best describes you?

I work in the taxi / PHV trade

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.

Yes

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.

Yes

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.

No

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.

Yes

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.

Yes

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.

Yes

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

No

8. Do you agree with our proposals for local licensing administration? Please provide comments.

Yes

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.

No

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.

No

11. Do you agree that fixed penalty notices (FPNs) should be introduced for certain taxi and PHV offences? Please provide comments.

Yes

12. Do you agree that a national penalty points scheme should be introduced for certain taxi and PHV infringements? Please provide comments.

No

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.

No

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.

Yes

15. Do you agree that use of the NR3 register in the driver licensing process should be mandatory in Wales? Please provide comments.

No

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.

b. set an age limit for vehicles which are not ZEV

17. Do you agree with our proposals for Class B vehicles? Please provide comments.

Yes

18. Do you have any comments on the draft Regulatory Impact Assessment published alongside this paper?

No

19. Is there any data that you would be willing to provide to help in the development of this RIA?

*No Response*

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?

Yes

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.

English is more desirable

22. Are there any other issues you would like to raise about taxi and PHV licensing?

No

## Anonymous Response #13

Name

Are you responding for yourself or for an organisation? If an organisation, which?

Self

Which of the following best describes you?

I work in the taxi / PHV trade

**Local Authority**

Ccbc

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.

Yes

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.

No

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.

No

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.

*No Response*

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.

Yes

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.

*No Response*

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

Yes

8. Do you agree with our proposals for local licensing administration? Please provide comments.

Yes

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.

No

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.

No

11. Do you agree that fixed penalty notices (FPNs) should be introduced for certain taxi and PHV offences? Please provide comments.

No

12. Do you agree that a national penalty points scheme should be introduced for certain taxi and PHV infringements? Please provide comments.

Yes

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.

Yes

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.

No

15. Do you agree that use of the NR3 register in the driver licensing process should be mandatory in Wales? Please provide comments.

Yes

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.

c. do something else

**Comments:**

The trade can't afford to buy a new electric car

17. Do you agree with our proposals for Class B vehicles? Please provide comments.

No

18. Do you have any comments on the draft Regulatory Impact Assessment published alongside this paper?

*No Response*

19. Is there any data that you would be willing to provide to help in the development of this RIA?

*No Response*

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?

*No Response*

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.

*No Response*

22. Are there any other issues you would like to raise about taxi and PHV licensing?

*No Response*

## Anonymous Response #14

Name

Are you responding for yourself or for an organisation? If an organisation, which?

Self

Which of the following best describes you?

I work in the taxi / PHV trade

**Local Authority**  
Cardiff

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.

Yes

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.

*No Response*

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.

*No Response*

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.

*No Response*

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.

*No Response*

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.

*No Response*

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

*No Response*

8. Do you agree with our proposals for local licensing administration? Please provide comments.

*No Response*

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.

No

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.

No

11. Do you agree that fixed penalty notices (FPNs) should be introduced for certain taxi and PHV offences? Please provide comments.

No

12. Do you agree that a national penalty points scheme should be introduced for certain taxi and PHV infringements? Please provide comments.

No

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.

No

**Comments:**

The drivers do cancell trips multi apps means more jobs for drivers. But you cannot expect drivers to work 24 hrs. Plus private hire is a freelance work and I would like it that way . But what if the passenger doesn't wanna go or has gone with some one else when the book or hire taxi arrives at the given address ? Who are you gonna give penalty to ? Plus who is gonna pay for drivers fuel ,time and inconvenience. So plz don't force us into slavery .

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.

No

**Comments:**

I don't think it will work as there no drivers from England or Scotland working in Wales . The cross border from city to city will do a lot more favour to Cardiff drivers as there thousands of phv from all around Wales working Cardiff . So do all of Cardiff drivers a favour if you can't stop phv from other cities into Cardiff , just let it stay the way it is.

15. Do you agree that use of the NR3 register in the driver licensing process should be mandatory in Wales? Please provide comments.

Yes

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.

c. do something else

**Comments:**

The first thing you should do is increase the minimum fare as the current fares is not gonna allow us buy

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.

any less used or new car plus the prices of a decent or purposed built taxi is too much. Taxi drivers in London can afford it because their minimum fare is £10 in Uber and here in Cardiff it £2.25. which not only shows the commitment of the concern People but the standards as well.  
So the thing you should propose is should we increase the minimum fare and review it every year with rate if inflation and make it standard, so the standards of taxi vehicle and the behaviour of the driver will improve.

17. Do you agree with our proposals for Class B vehicles? Please provide comments.

*No Response*

18. Do you have any comments on the draft Regulatory Impact Assessment published alongside this paper?

I haven't seen it . Would appreciate if all these surveys , purposals and assessment would have been available to the council and especially drivers who are gonna be affected by your legislation without knowing their concerns.

19. Is there any data that you would be willing to provide to help in the development of this RIA?

*No Response*

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?

I don't think any driver feels offensive if the passengers are speaking any language. If they speak any language that the driver knows , it's helpful,

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.

*No Response*

22. Are there any other issues you would like to raise about taxi and PHV licensing?

Can you plz increase the the standard fare and review it every year like everything else and adjust it with inflation rate . As these few years every thing else went up even the fares of trains and buses but the taxi fare stayed the same as of 2021.

## Anonymous Response #15

Name

Are you responding for yourself or for an organisation? If an organisation, which?
Self

Which of the following best describes you?
I am a taxi / PHV passenger  <b>Local Authority</b> Newport

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.
Yes  <b>Comments:</b> All seems in order

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.
Yes  <b>Comments:</b> There are too many disparities between licensing authorities. These can vary from vehicle licensing and requirements to cost of licensing vehicles and drivers

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.
Yes  <b>Comments:</b> As a P/H driver I personally would not want to be known as a taxi driver as I have no desire to pick up off the street.

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.

No

**Comments:**

Don't agree with all the recommendations obviously a few are definitely required ie safeguarding of children and vulnerable adults, the equality act, disability awareness etc but we have been on all these courses before in Newport so would be an unnecessary waste of time for us that have already been trained in this. I don't think we need to know about county lines etc.  
a basic English test should also be mandatory. Many drivers speak English as a 2nd or 3rd language whereas our customers mostly speak English as their 1st language so drivers should be able to undertake a conversation in English.  
P/H drivers should also be trained in book keeping because most are in fact self employed and not employed by the operators.

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.

Yes

**Comments:**

Is the proposed age limit implemented at first registration? Or is a car only allowed to be registered as a P/h car until it is a certain age? If the age limit is at 1st registration is there then an amount of time that the vehicle can then be licensed? Personally I'd say 5 years as a licensed vehicle is the maximum amount of time a car should be licensed for.  
A serious concern over the carrying of first aid kits as we have had no formal training of first aid and could open us up to prosecution if we administered first aid incorrectly and without proper training.

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.

No

**Comments:**

Operators should also have a trained data compliance officer.  
They should have to report any serious complaints or concerns about drivers to their local authority.

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

No

**Comments:**

By adding disclaimers in my opinion it detracts from the all Wales standards.  
I think as a way of reassuring the public all taxis and P/h vehicles should have to have door stickers carrying the Welsh assembly logo or TFW signage to show that all cars and drivers are maintained and regulated by the Welsh Government. Maybe differentiate between taxi and P/H by each having a different shape or colour.

8. Do you agree with our proposals for local licensing administration? Please provide comments.

Yes

**Comments:**  
All seem ok

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.

Yes

**Comments:**  
Local licensing officers are best placed to enforce the rules

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.

Yes

**Comments:**  
If there is a risk to the public it should be addressed immediately

11. Do you agree that fixed penalty notices (FPNs) should be introduced for certain taxi and PHV offences? Please provide comments.

Yes

**Comments:**  
A good idea but not for minor infractions ie a number plate bulb going out mid shift. There needs to be discretion obviously for repeat offenders the penalties need to be harsher but an element of common sense should also be used.

12. Do you agree that a national penalty points scheme should be introduced for certain taxi and PHV infringements? Please provide comments.

No

**Comments:**  
No either an offence is either a minor infraction and should be dealt with by a fpn or serious enough to warrant suspension of licence or removal of license.

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.

No

**Comments:**

Should be operators that ensure the booking is completed especially for P/H as the booking is made with the operator and not the driver therefore the operator has agreed the booking with the customer. The concern is that an operator may blame a driver for not doing a job when in fact that was not the case and the driver is then facing a penalty. There are many different reasons that a driver may refuse a fare ie problems with the customer previously, a prior engagement, don't want to travel that far at a certain time of day etc.....

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.

Yes

**Comments:**

A seems most sensible but I would also say that a driver registered in England should also have to work mainly in England as well as the operator.

15. Do you agree that use of the NR3 register in the driver licensing process should be mandatory in Wales? Please provide comments.

Yes

**Comments:**

I think it would be an invaluable tool to stop unsuitable individuals having a license.

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.

c. do something else

**Comments:**

As said electric vehicles are very expensive maybe 2/3 times the price of a normal combustion engine and as most drivers are classed as self employed we struggle to be able to obtain vehicles on hire purchase so having to outlay in excess of £20,000 is a huge burden on top of our other expenses. Many other problems occur for us. Many manufacturers or dealers will not give us a warranty on the car once we say it will be a P/H vehicle and with a new battery costing around £10,000 it is also another consideration for us. Also not everyone has the ability to charge their car at home and would have to rely on public charging points which are more expensive than your figures show. Also the less expensive electric vehicles do not have the real world range that we would require daily.

Maybe as in Scotland the Welsh assembly could look at a scheme to help us purchase these vehicles at a reasonable cost. Or maybe work with a manufacturer to make purchasing these vehicles easier for the trade.

17. Do you agree with our proposals for Class B vehicles? Please provide comments.

Yes

**Comments:**

Yes all seems to make sense

18. Do you have any comments on the draft Regulatory Impact Assessment published alongside this paper?

No

19. Is there any data that you would be willing to provide to help in the development of this RIA?

Yes

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?

I don't think it will have any impact

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.

I am not a Welsh speaker and therefore would have no impact

22. Are there any other issues you would like to raise about taxi and PHV licensing?

*No Response*

## Anonymous Response #16

Name

Are you responding for yourself or for an organisation? If an organisation, which?

Self

Are you responding for yourself or for an organisation? If an organisation, which?

**Comments:**

I'm not involved with any organisation

Which of the following best describes you?

I work in the taxi / PHV trade

**Local Authority**

Newport City council

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.

Yes

**Comments:**

All should be same

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.

Yes

**Comments:**

Yes minimum standarity should be applied in wales

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.

No

**Comments:**

Should be same

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.

No

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.

No

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.

No

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

Yes

**Comments:**  
Vehicles emissions.

8. Do you agree with our proposals for local licensing administration? Please provide comments.

No

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.

No

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.

Yes

**Comments:**  
Authority should take action against misbehaviour with public.

11. Do you agree that fixed penalty notices (FPNs) should be introduced for certain taxi and PHV offences? Please provide comments.

No

12. Do you agree that a national penalty points scheme should be introduced for certain taxi and PHV infringements? Please provide comments.

No

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.

Yes

No

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.

No

15. Do you agree that use of the NR3 register in the driver licensing process should be mandatory in Wales? Please provide comments.

No

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

17. Do you agree with our proposals for Class B vehicles? Please provide comments.

Yes

18. Do you have any comments on the draft Regulatory Impact Assessment published alongside this paper?

No

19. Is there any data that you would be willing to provide to help in the development of this RIA?

No

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?

I'm not sure

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.

I'm not sure

22. Are there any other issues you would like to raise about taxi and PHV licensing?

No

## Anonymous Response #17

Name

Are you responding for yourself or for an organisation? If an organisation, which?

Self

Which of the following best describes you?

I work in the taxi / PHV trade

**Local Authority**  
Pembrokeshire

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.

Yes

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.

Yes

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.

Yes

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.

Yes

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.

Yes

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.

Yes

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

Yes

8. Do you agree with our proposals for local licensing administration? Please provide comments.

Yes

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.

Yes

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.

Yes

11. Do you agree that fixed penalty notices (FPNs) should be introduced for certain taxi and PHV offences? Please provide comments.

Yes

12. Do you agree that a national penalty points scheme should be introduced for certain taxi and PHV infringements? Please provide comments.

Yes

No

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.

No

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.

Yes

15. Do you agree that use of the NR3 register in the driver licensing process should be mandatory in Wales? Please provide comments.

No

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.

b. set an age limit for vehicles which are not ZEV

c. do something else

17. Do you agree with our proposals for Class B vehicles? Please provide comments.

Yes

No

18. Do you have any comments on the draft Regulatory Impact Assessment published alongside this paper?

*No Response*

19. Is there any data that you would be willing to provide to help in the development of this RIA?

*No Response*

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?

*No Response*

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.

*No Response*

22. Are there any other issues you would like to raise about taxi and PHV licensing?

*No Response*

## **Anonymous Response #18**

Name

Are you responding for yourself or for an organisation? If an organisation, which?

Self

Which of the following best describes you?

I work in the taxi / PHV trade

**Local Authority**  
CCBC

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.

No

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.

Yes

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.

No

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.

Yes

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.

Yes

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.

Yes

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

Yes

8. Do you agree with our proposals for local licensing administration? Please provide comments.

Yes

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.

No

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.

Yes

11. Do you agree that fixed penalty notices (FPNs) should be introduced for certain taxi and PHV offences? Please provide comments.

Yes

12. Do you agree that a national penalty points scheme should be introduced for certain taxi and PHV infringements? Please provide comments.

No

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.

Yes

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.

Yes

15. Do you agree that use of the NR3 register in the driver licensing process should be mandatory in Wales? Please provide comments.

Yes

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.

c. do something else

17. Do you agree with our proposals for Class B vehicles? Please provide comments.

Yes

18. Do you have any comments on the draft Regulatory Impact Assessment published alongside this paper?

*No Response*

19. Is there any data that you would be willing to provide to help in the development of this RIA?

*No Response*

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?

*No Response*

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.

*No Response*

22. Are there any other issues you would like to raise about taxi and PHV licensing?

*No Response*

## Anonymous Response #19

Name

Are you responding for yourself or for an organisation? If an organisation, which?

Self

Which of the following best describes you?

Other

**Local Authority**  
Cardiff

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.

Yes

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.

Yes

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.

No

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.

Yes

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.

Yes

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.

Yes

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

No

8. Do you agree with our proposals for local licensing administration? Please provide comments.

No

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.

Yes

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.

No

11. Do you agree that fixed penalty notices (FPNs) should be introduced for certain taxi and PHV offences? Please provide comments.

Yes

12. Do you agree that a national penalty points scheme should be introduced for certain taxi and PHV infringements? Please provide comments.

Yes

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.

No

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.

No

15. Do you agree that use of the NR3 register in the driver licensing process should be mandatory in Wales? Please provide comments.

No

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.

c. do something else

**Comments:**

Ban diesel vehicles

17. Do you agree with our proposals for Class B vehicles? Please provide comments.

No

18. Do you have any comments on the draft Regulatory Impact Assessment published alongside this paper?

*No Response*

19. Is there any data that you would be willing to provide to help in the development of this RIA?

*No Response*

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?

None

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.

There should be separate signs/colours for different languages otherwise things become very difficult to read

22. Are there any other issues you would like to raise about taxi and PHV licensing?

*No Response*

## Anonymous Response #20

Name

Are you responding for yourself or for an organisation? If an organisation, which?

Self

Which of the following best describes you?

I work in the taxi / PHV trade

**Local Authority**  
Pembrokeshire County Council

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.

Yes

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.

Yes

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.

Yes

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.

Yes

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.

Yes

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.

Yes

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

Yes

8. Do you agree with our proposals for local licensing administration? Please provide comments.

Yes

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.

Yes

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.

Yes

11. Do you agree that fixed penalty notices (FPNs) should be introduced for certain taxi and PHV offences? Please provide comments.

Yes

12. Do you agree that a national penalty points scheme should be introduced for certain taxi and PHV infringements? Please provide comments.

Yes

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.

Yes

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.

Yes

15. Do you agree that use of the NR3 register in the driver licensing process should be mandatory in Wales? Please provide comments.

Yes

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

17. Do you agree with our proposals for Class B vehicles? Please provide comments.

Yes

18. Do you have any comments on the draft Regulatory Impact Assessment published alongside this paper?

*No Response*

19. Is there any data that you would be willing to provide to help in the development of this RIA?

*No Response*

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?

*No Response*

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.

*No Response*

22. Are there any other issues you would like to raise about taxi and PHV licensing?

*No Response*

## Anonymous Response #21

Name

Are you responding for yourself or for an organisation? If an organisation, which?

Self

Which of the following best describes you?

I work in the taxi / PHV trade

**Local Authority**  
Carmarthenshire

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.

Yes

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.

No

**Comments:**

you seem to be focused on passengers but nothing about drivers safety

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.

**Comments:**

at what cost to the driver will it be cheaper for a single licence

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.

No

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.

No

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.

No

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

No

**Comments:**

there is a shortage of drivers now please don't make it worse , do you realise the cost of this to the proprietor

8. Do you agree with our proposals for local licensing administration? Please provide comments.

No

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.

No

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.

No

**Comments:**

it's a shame you don't think of the immediate risk to the driver's

11. Do you agree that fixed penalty notices (FPNs) should be introduced for certain taxi and PHV offences? Please provide comments.

No

12. Do you agree that a national penalty points scheme should be introduced for certain taxi and PHV infringements? Please provide comments.

No

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.

No

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.

No

15. Do you agree that use of the NR3 register in the driver licensing process should be mandatory in Wales? Please provide comments.

No

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.

**Comments:**

where is option D. leave well alone electric vehicles have been tried and failed due to running cost's covid saw the demise of taxi operators and so will electric vehicles

17. Do you agree with our proposals for Class B vehicles? Please provide comments.

No

18. Do you have any comments on the draft Regulatory Impact Assessment published alongside this paper?

*No Response*

19. Is there any data that you would be willing to provide to help in the development of this RIA?

*No Response*

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?

*No Response*

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.

*No Response*

22. Are there any other issues you would like to raise about taxi and PHV licensing?

*No Response*

## **Anonymous Response #22**

Name

Are you responding for yourself or for an organisation? If an organisation, which?

Self

Which of the following best describes you?

I am a taxi / PHV passenger

**Local Authority**  
Vale of Glamorgan

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.

Yes

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.

Yes

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.

Yes

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.

Yes

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.

Yes

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.

Yes

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

No

8. Do you agree with our proposals for local licensing administration? Please provide comments.

Yes

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.

Yes

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.

Yes

11. Do you agree that fixed penalty notices (FPNs) should be introduced for certain taxi and PHV offences? Please provide comments.

Yes

12. Do you agree that a national penalty points scheme should be introduced for certain taxi and PHV infringements? Please provide comments.

Yes

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.

Yes

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.

Yes

15. Do you agree that use of the NR3 register in the driver licensing process should be mandatory in Wales? Please provide comments.

Yes

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.

b. set an age limit for vehicles which are not ZEV

**Comments:**

The infrastructure is nowhere near capable of making ZEV a viable option. The cost and delays incurred by requiring all to be ZEV would be ridiculous and would increase the cost to customers

17. Do you agree with our proposals for Class B vehicles? Please provide comments.

Yes

18. Do you have any comments on the draft Regulatory Impact Assessment published alongside this paper?

*No Response*

19. Is there any data that you would be willing to provide to help in the development of this RIA?

*No Response*

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?

*No Response*

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.

*No Response*

22. Are there any other issues you would like to raise about taxi and PHV licensing?

*No Response*

## Anonymous Response #23

Name

Are you responding for yourself or for an organisation? If an organisation, which?

An organisation

Which of the following best describes you?

I work in the taxi / PHV trade

**Local Authority**  
Pembrokeshire County Council

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.

Yes

**Comments:**

PHV should display "Pre-booking only" and license plates should be a different colour and design to differentiate from taxis.

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.

Yes

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.

No

**Comments:**

Dual licence only. It is important for drivers to know the difference between taxi services and PHV and therefore, cannot see the benefit in having specific licenses. Dual licence also provides total flexibility for drivers if they were to switch to a different company, for example, with no delays and loss of earnings.

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.

Yes

**Comments:**

If someone has a Limited company, partnership or registered for self-assessment then an exemption should be provided for training/testing in this area providing they have been trading for at least two years and can provide copies of tax returns as proof. The current timescales to becoming a licensed taxi/phv driver are very lengthy and I remain concerned that higher standards and more paperwork will lead to an even longer timescale before a driver is licensed.

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.

Yes

**Comments:**

There are many older vehicles, with low mileage that are in far better condition than younger vehicles with high mileage. I would remove this requirement regarding vehicle age but insert a licensing authority "discretion" if the vehicle is over X years. In rural areas and/or tourist seasonal areas, drivers often do not earn "minimum wage" and so any timescales to insist on electric vehicles need to be considered carefully.

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.

No

**Comments:**

There is no law that states it is necessary to undertake a qualification or training to set up a company, partnership or self-employment status. The finances/book-keeping/accounts of a company/person do not affect the safety of passengers and therefore should be removed as a standard. It could also be argued that to insist on this, might possibly be discrimination. A documented policy for how we will have regard for those with additional needs and unaccompanied children is over the top. The industry would likely prefer conditions/policy to be provided by licensing. Nominating a person to oversee and monitor this policy is also unnecessary. Remove the requirement for the complaints register and details of how to complain on the website. If someone wants to complain they have the right to do so, but promoting this will result in "false flag" complaints, with customers asking for compensation or free transport.

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

No

8. Do you agree with our proposals for local licensing administration? Please provide comments.

Yes

**Comments:**

It is a pity that "National" does not cover the UK rather than just Wales. I have sympathy with anyone living/working on a boarder area.

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.

Yes

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.

Yes

11. Do you agree that fixed penalty notices (FPNs) should be introduced for certain taxi and PHV offences? Please provide comments.

Yes

12. Do you agree that a national penalty points scheme should be introduced for certain taxi and PHV infringements? Please provide comments.

Yes

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.

Yes

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.

**Comments:**

I don't have enough experience of multi-apping to make any suggestions but the Leeds solution would seem fair.

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.

Yes

**Comments:**

Option A but with flexibility for those operating close to a boarder.

15. Do you agree that use of the NR3 register in the driver licensing process should be mandatory in Wales? Please provide comments.

Yes

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.

c. do something else

**Comments:**

Do nothing for the moment but monitor regularly.

17. Do you agree with our proposals for Class B vehicles? Please provide comments.

Yes

**Comments:**

This would be so helpful.

18. Do you have any comments on the draft Regulatory Impact Assessment published alongside this paper?

Ideally taxis would all have meters set at the same rates but this would not work for more rural areas where there is not the same volume of journeys/fares available against for example, Cardiff.

19. Is there any data that you would be willing to provide to help in the development of this RIA?

None relevant to my knowledge.

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?

I'm Welsh but have no desire to learn Welsh.

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.

I'm Welsh but have no desire to learn Welsh.

22. Are there any other issues you would like to raise about taxi and PHV licensing?

A different system for obtaining medicals. Doctor's surgeries charge differing fees and understandably, trying to book a medical is not a priority for doctor's surgeries, hence waiting months for an appointment, delays any licensing application.

## Anonymous Response #24

Name

Are you responding for yourself or for an organisation? If an organisation, which?

Self

Which of the following best describes you?

I am a taxi / PHV passenger

**Local Authority**  
Vale of Glamorgan

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.

Yes

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.

Yes

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.

No

**Comments:**

A dual licence is appropriate. Anything more is excessive.

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.

Yes

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.

Yes

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.

Yes

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

No

**Comments:**

If you have National minimum standards, they should apply throughout the nation. Any changes should only be done at a National level.

8. Do you agree with our proposals for local licensing administration? Please provide comments.

Yes

8. Do you agree with our proposals for local licensing administration? Please provide comments.

**Comments:**

Try and make sure requirements are not duplicated. E.g. medical examinations, within a certain time period they should be able to be valid for more than one function.

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.

Yes

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.

Yes

11. Do you agree that fixed penalty notices (FPNs) should be introduced for certain taxi and PHV offences? Please provide comments.

No

**Comments:**

I am wary of FPNs. They are frequently issued too flippantly. It is better to properly assess any suspected violation but giving the suspected offender adequate opportunity to make his case.

12. Do you agree that a national penalty points scheme should be introduced for certain taxi and PHV infringements? Please provide comments.

Yes

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.

No

**Comments:**

If anyone is inconvenienced, set a National compensation tariff.

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.

No

**Comments:**

It is a single market and should be respected. Avoid the temptation to needlessly make everything part of a nationalist agenda.

15. Do you agree that use of the NR3 register in the driver licensing process should be mandatory in Wales? Please provide comments.

Yes

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.

c. do something else

**Comments:**

Make them subject to normal PLG regulations. Anything else is excessive and will lead to consumers being penalised unduly. In the present day government policies are already making people's outgoings unbearably high.

17. Do you agree with our proposals for Class B vehicles? Please provide comments.

Yes

18. Do you have any comments on the draft Regulatory Impact Assessment published alongside this paper?

*No Response*

19. Is there any data that you would be willing to provide to help in the development of this RIA?

*No Response*

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?

Please refrain from making everything part of a nationalist agenda. Any official document can be issued in both languages, which should be enough. Tax payer/citizen replies should be in either language, as per their preference.

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.

Please refrain from making everything part of a nationalist agenda. Any official document can be issued in both languages, which should be enough. Tax payer/citizen replies should be in either language, as per their preference.

22. Are there any other issues you would like to raise about taxi and PHV licensing?

Keep it practical and functional - not political.

## Anonymous Response #25

Name

Are you responding for yourself or for an organisation? If an organisation, which?

Self

Which of the following best describes you?

I am a taxi / PHV passenger

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.

Yes

**Comments:**

There should be an easy way to identify taxis from PHVs so that the public know which is which.

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.

Yes

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.

No

**Comments:**

Offering a dual licence would be confusing for passengers

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.

Yes

**Comments:**

Every couple of years the the taxi and PHV drivers should be required to sit a written driving test.

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.

Yes

**Comments:**

All taxis and PHVs should be suitable for wheelchair and easy access.

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.

Yes

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

Yes

**Comments:**

possibly cctv and dashcam technology.

8. Do you agree with our proposals for local licensing administration? Please provide comments.

Yes

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.

Yes

**Comments:**

It should also be a requirement that local authorities inform other local authorities of any breach in their area.

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.

Yes

11. Do you agree that fixed penalty notices (FPNs) should be introduced for certain taxi and PHV offences? Please provide comments.

Yes

12. Do you agree that a national penalty points scheme should be introduced for certain taxi and PHV infringements? Please provide comments.

Yes

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.

Yes

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.

Yes

15. Do you agree that use of the NR3 register in the driver licensing process should be mandatory in Wales? Please provide comments.

Yes

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

17. Do you agree with our proposals for Class B vehicles? Please provide comments.

Yes

18. Do you have any comments on the draft Regulatory Impact Assessment published alongside this paper?

*No Response*

19. Is there any data that you would be willing to provide to help in the development of this RIA?

*No Response*

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?

*No Response*

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.

*No Response*

22. Are there any other issues you would like to raise about taxi and PHV licensing?

*No Response*

## Anonymous Response #26

Name

Are you responding for yourself or for an organisation? If an organisation, which?
Self

Which of the following best describes you?
I work in the taxi / PHV trade  <b>Local Authority</b> Newport council

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.
Yes

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.
Yes

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.
Yes

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.
Yes

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.

Yes

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.

Yes

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

Yes

8. Do you agree with our proposals for local licensing administration? Please provide comments.

Yes

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.

Yes

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.

Yes

11. Do you agree that fixed penalty notices (FPNs) should be introduced for certain taxi and PHV offences? Please provide comments.

Yes

12. Do you agree that a national penalty points scheme should be introduced for certain taxi and PHV infringements? Please provide comments.

Yes

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.

No

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.

Yes

15. Do you agree that use of the NR3 register in the driver licensing process should be mandatory in Wales? Please provide comments.

Yes

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.

b. set an age limit for vehicles which are not ZEV

17. Do you agree with our proposals for Class B vehicles? Please provide comments.

Yes

18. Do you have any comments on the draft Regulatory Impact Assessment published alongside this paper?

*No Response*

19. Is there any data that you would be willing to provide to help in the development of this RIA?

*No Response*

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?

*No Response*

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.

*No Response*

22. Are there any other issues you would like to raise about taxi and PHV licensing?

*No Response*

## Anonymous Response #27

Name

Are you responding for yourself or for an organisation? If an organisation, which?

Self

Which of the following best describes you?

I have a role in licensing and/or enforcement of the taxi / PHV trade

**Local Authority**  
Cardiff

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.

Yes

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.

Yes

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.

No

**Comments:**

I think dual licences muddies the water on how a customer is charged within the Borough journeys

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.

Yes

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.

Yes

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.

Yes

**Comments:**

I think operator's should distinguish between taxi's and private hire vehicles when journeys are taken within the Borough as surge charging occurs and overcharges a passenger who is in a taxi that should be using its meter and not an app

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

Yes

8. Do you agree with our proposals for local licensing administration? Please provide comments.

Yes

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.

Yes

**Comments:**

This is a massive issue. Private hire vehicles should not be illegally parking within the city centre awaiting clients. Out of area taxis should only enter a Borough if they are carrying a fare

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.

Yes

**Comments:**

Public safety should come first and vehicles operating outside of their Borough don't get checked by enforcement

11. Do you agree that fixed penalty notices (FPNs) should be introduced for certain taxi and PHV offences? Please provide comments.

Yes

**Comments:**

This would be an excellent deterrent. I would extend this to illegally parked taxis and private hire vehicles

12. Do you agree that a national penalty points scheme should be introduced for certain taxi and PHV infringements? Please provide comments.

Yes

**Comments:**

Poorly and illegally parked taxis and private hire vehicles should also accrue penalty points

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.

Yes

**Comments:**

I think any private hire vehicles should be connected to one operator on any given day. I also think private hire vehicles should park legally and outside of the city centre when waiting for work

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.

Yes

15. Do you agree that use of the NR3 register in the driver licensing process should be mandatory in Wales? Please provide comments.

Yes

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.

b. set an age limit for vehicles which are not ZEV

17. Do you agree with our proposals for Class B vehicles? Please provide comments.

Yes

18. Do you have any comments on the draft Regulatory Impact Assessment published alongside this paper?

*No Response*

19. Is there any data that you would be willing to provide to help in the development of this RIA?

*No Response*

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?

It's a difficult one as it's difficult to find the personnel who speak Welsh. I think all written text could be interperated into Welsh on request

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.

Unsure how this could be managed

22. Are there any other issues you would like to raise about taxi and PHV licensing?

Illegal parking in city centre blocking road and emergency vehicle access. I think authorised licensing officers should have powers to move illegally parked taxis and on spot fines to be implemented

## Anonymous Response #28

Name

Are you responding for yourself or for an organisation? If an organisation, which?

Self

Which of the following best describes you?

I work in the taxi / PHV trade

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.

Yes

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.

*No Response*

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.

No

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.

**Comments:**

It's just a waste of time. Most Taxi drivers stay on the Taxi's and PHV stay with their area, not sure what you are trying to achieve

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.

No

**Comments:**

I do not agree with the section the local authority can ask a reasonable request. This deviates from a National Standard. In the past some local authorities have made some very costly decisions, only for the policy to be reversed.

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.

Yes

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.

No

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

No

**Comments:**

This is bonkers, Mandating technology? who is going to pay for this? Technology is always changing. Use of Welsh language, again how is this enforceable? If you work in tourist towns very few people speak Welsh. This policy will just lead to mass shortages in the taxi industry. Yo miss the point that a lot of operators are just surviving and any policy should ask 'is this financially sustainable'

8. Do you agree with our proposals for local licensing administration? Please provide comments.

No

**Comments:**

There is so much bureaucracy with licensing at the moment, any more would be too much to bare

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.

Yes

**Comments:**

A think there must be a warning system in place first, to go straight to fines is not a fair system

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.

Yes

11. Do you agree that fixed penalty notices (FPNs) should be introduced for certain taxi and PHV offences? Please provide comments.

No

**Comments:**

I do not trust that the licensing officers would be fair and consistent.

12. Do you agree that a national penalty points scheme should be introduced for certain taxi and PHV infringements? Please provide comments.

No

**Comments:**

I do not trust that the licensing officers would be fair and consistent.

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.

No

**Comments:**

I don't use apps, but this is an open commercial society and to restrict use-age of such apps goes against this.

What if the app is removed or does not work? Drivers should be allowed to chose.

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.

Yes

15. Do you agree that use of the NR3 register in the driver licensing process should be mandatory in Wales? Please provide comments.

No

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.

c. do something else

**Comments:**

The deadline option would be a disaster, you would literally get thousands of drives leave at the said date. Most drivers are older and approaching retirement age, they would just pack it in. The age limit would take a number of drivers out of the market, due to affordability. Also there is a reason as to why drivers are not using electric vehicles THEY JUST WON'T WORK!!!!!! When a single charge can run for over 500 miles and there are more charging points than petrol stations, then maybe. Also the cost of the purchase will be passed on to the customers, hence you will get ZERO coverage in rural areas. Something else: There would need to be a real incentive to move across to ZEV, this would have to be substantial. I am both an operator and driver and I have already started to think about when I am shutting up shop and retiring, some of the proposals I fear and speeding up my decision. Be careful, as once they are introduced, you cannot go back.

17. Do you agree with our proposals for Class B vehicles? Please provide comments.

No

**Comments:**

I rickshaw needing a taxi badge, has the world gone mad! The cost in obtaining and maintaining a license would make a lot of these small operators stop trading. I think you need a separate license that is free or very cheap to obtain and these vehicles can only operate as what is stated on their license. You say in one word that you want a National Standard and then want to bring in a number of individuals that know very little about the trade.

18. Do you have any comments on the draft Regulatory Impact Assessment published alongside this paper?

*No Response*

19. Is there any data that you would be willing to provide to help in the development of this RIA?

*No Response*

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?

I do not believe that people who speak Welsh are treated less favourably. I do not speak Welsh, but my children do.

Setting a minimum standard for Welsh speakers would be a total disaster. I know about 40 drivers who have lived in Wales all their lives, only about 6 can speak Welsh.

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.

I know it a bit gimmicky, but one way would be to put a list of common Welsh phrases in taxis.

22. Are there any other issues you would like to raise about taxi and PHV licensing?

This consultation needs to have the industry sustainability at it's heart. Without this important industry the Welsh economy will suffer. I fully understand the need for a national standard and the goal of cleaner air, but there must be some carrot and not only a stick. Operators do not need more bureaucracy. the relationship with licensing is often adversarial and there are lots of aspects of this proposal will increase this. Reading the draft document , reads more of a telling off and not any recognition of the valuable role that this industry brings.

From a financial perspective it all costs, costs, costs. There is nothing in the draft that in some way compensates and assists with changes. You talk of zero emission vehicles, when these vehicles cannot preform the task. You are asking us to bet on the future with legislation that will be brought in before the infrastructure is in place. How can any business operate in such conditions? There are aspects of the draft that seem to be fixing problems that are not there ( Wedding cars needing class B). I am sure that there can be simply separate legislation for these areas.

In short, please be careful when introducing changes, as though I am sure that there are lots of businesses that are doing fine, but post Brexit, Covid and now the cost of living crisis, there are operators, especially in rural areas that are struggling. The Taxi workforce is usually older and it would not take much to lose a large number of both operators and drivers. I am not against change, but I believe the local economy must come first.

## Anonymous Response #29

Name

Are you responding for yourself or for an organisation? If an organisation, which?

Self

Which of the following best describes you?

I am a taxi / PHV passenger

**Local Authority**  
Conwy

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.

Yes

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.

Yes

**Comments:**

As long as there is either a delay so that claims can be investigated before action is taken against a driver or a quick and fair appeals system. Drivers could lose a lot of business as a result of an untrue allegation from a member of the public

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.

Yes

**Comments:**

Dual licences could be useful to some.

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.

Yes

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.

Yes

**Comments:**

Would like to see vehicle age limit removed. As long as vehicle passes inspection and emissions are within limits, that should be enough. A well maintained 6 year old vehicle with low mileage would be safer than a heavily used 5 year old one. Forcing people to constantly buy new is not environmentally sound and could put people out of business.

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.

Yes

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

No

**Comments:**

Disagree with having council differences. Consistency should be key. What about vehicles that operate in more than one county?

The one area that could/ should be localised is emissions requirements where regulations for those in large cities may need to be tighter.

8. Do you agree with our proposals for local licensing administration? Please provide comments.

No

**Comments:**

Do not see why the whole system is county based and not national. Going through the process in Cinwy cost me £1400. In Gwynedd the same licences cost under £900; why?!

Surely it would be more efficient and consistent if this was done at national level.

To make people get multiple licences because they operate in 2 areas is unfair.

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.

No

**Comments:**

Again, this should be national. Someone requiring sanctions should not be able to operate in any county!

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.

Yes

**Comments:**

If "immediate risk" means that the vehicle/driver is a danger then they should be stopped regardless of where they are.

11. Do you agree that fixed penalty notices (FPNs) should be introduced for certain taxi and PHV offences? Please provide comments.

Yes

**Comments:**

Most cases do not need to go to court.

12. Do you agree that a national penalty points scheme should be introduced for certain taxi and PHV infringements? Please provide comments.

Yes

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.

Yes

**Comments:**

Holding operators to account is best way/

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.

No

**Comments:**

I think that B would be clearer and easier to manage.

15. Do you agree that use of the NR3 register in the driver licensing process should be mandatory in Wales? Please provide comments.

Yes

**Comments:**

As long as the cost of the check is not placed on the driver.

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.

c. do something else

**Comments:**

Compusory ZEVs would put me out of business. I operate tours around North Wales and current vehicles on the market do not have the range when fully loaded. Until this changes, it is unfair to expect all vehicles

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.

to be ZEVs. Insisting that all operators upgrade to ZEVs within a timescale may force some out of business.  
Setting a rule that after a certain date all new vehicles being licenced are ZEVs would be as far as I would like to see things go.

17. Do you agree with our proposals for Class B vehicles? Please provide comments.

No

**Comments:**

Do not agree that vehicle classes c, e and g should be able to operate with lower standards

18. Do you have any comments on the draft Regulatory Impact Assessment published alongside this paper?

No

19. Is there any data that you would be willing to provide to help in the development of this RIA?

*No Response*

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?

If operators are forced to advertise or be able speak with clients in both languages, this will cause major issues. Some encouragement / benefits for offering multilingual services could be used.

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.

*No Response*

22. Are there any other issues you would like to raise about taxi and PHV licensing?

*No Response*

## Anonymous Response #30

Name
Are you responding for yourself or for an organisation? If an organisation, which?
Self
Which of the following best describes you?
Other  <b>Local Authority</b> Ceredigion
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.
<i>No Response</i>
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.
Yes
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.
<i>No Response</i>
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.
Yes  <b>Comments:</b> Taxi drivers should undertake cyclist awareness training to help to encourage more active travel.

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.

Yes

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.

Yes

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

Yes

**Comments:**

Taxis should be mandated to switch off their engines when stationary. Too many leave their engines running causing toxic pollution on our streets.

Taxi drivers should be required to undertake cyclist awareness training as too many seem to be unaware how to safely pass cyclists on the road.

8. Do you agree with our proposals for local licensing administration? Please provide comments.

*No Response*

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.

Yes

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.

Yes

11. Do you agree that fixed penalty notices (FPNs) should be introduced for certain taxi and PHV offences? Please provide comments.

Yes

12. Do you agree that a national penalty points scheme should be introduced for certain taxi and PHV infringements? Please provide comments.

Yes

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.

*No Response*

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.

*No Response*

15. Do you agree that use of the NR3 register in the driver licensing process should be mandatory in Wales? Please provide comments.

*No Response*

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

**Comments:**

This should be implemented as soon as possible, preferably immediately. The Welsh Government have declared a climate emergency, so they need to act and enforce this without delay.

17. Do you agree with our proposals for Class B vehicles? Please provide comments.

*No Response*

18. Do you have any comments on the draft Regulatory Impact Assessment published alongside this paper?

*No Response*

19. Is there any data that you would be willing to provide to help in the development of this RIA?

*No Response*

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?

*No Response*

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.

*No Response*

22. Are there any other issues you would like to raise about taxi and PHV licensing?

Taxi drivers should be required to take cyclist awareness training. Taxis are amongst the worst offenders of inconsiderate driving around cyclists - they frequently pass too close and seem to be unaware of what constitutes a safe distance, revealing apparent ignorance of the requirements set out in the Highway Code.

Taxi drivers also need to be more aware of the impact of leaving their engines running while waiting on taxi ranks. The toxic pollution from taxi exhausts needs to be reduced.

## Anonymous Response #31

Name

Are you responding for yourself or for an organisation? If an organisation, which?

Self

Which of the following best describes you?

I have a role in licensing and/or enforcement of the taxi / PHV trade

**Local Authority**  
RCT council

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.

Yes

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.

Yes

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.

Yes

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.

Yes

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.

Yes

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.

Yes

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

Yes

8. Do you agree with our proposals for local licensing administration? Please provide comments.

Yes

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.

Yes

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.

Yes

11. Do you agree that fixed penalty notices (FPNs) should be introduced for certain taxi and PHV offences? Please provide comments.

Yes

12. Do you agree that a national penalty points scheme should be introduced for certain taxi and PHV infringements? Please provide comments.

Yes

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.

Yes

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.

Yes

15. Do you agree that use of the NR3 register in the driver licensing process should be mandatory in Wales? Please provide comments.

Yes

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.

b. set an age limit for vehicles which are not ZEV

17. Do you agree with our proposals for Class B vehicles? Please provide comments.

Yes

18. Do you have any comments on the draft Regulatory Impact Assessment published alongside this paper?

No

19. Is there any data that you would be willing to provide to help in the development of this RIA?

No

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?

No

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.

*No Response*

22. Are there any other issues you would like to raise about taxi and PHV licensing?

*No Response*

## Anonymous Response #32

Name

Are you responding for yourself or for an organisation? If an organisation, which?

Self

Which of the following best describes you?

I have a role in licensing and/or enforcement of the taxi / PHV trade

**Local Authority**  
Wrexham

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.

Yes

**Comments:**  
New regs should be for new applications only

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.

Yes

**Comments:**  
Disagree on some

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.

No

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.

No

**Comments:**  
Rules for new applicants only

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.

No

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.

No

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

No

8. Do you agree with our proposals for local licensing administration? Please provide comments.

Yes

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.

Yes

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.

Yes

11. Do you agree that fixed penalty notices (FPNs) should be introduced for certain taxi and PHV offences? Please provide comments.

Yes

12. Do you agree that a national penalty points scheme should be introduced for certain taxi and PHV infringements? Please provide comments.

Yes

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.

No

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.

*No Response*

15. Do you agree that use of the NR3 register in the driver licensing process should be mandatory in Wales? Please provide comments.

No

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.

c. do something else

17. Do you agree with our proposals for Class B vehicles? Please provide comments.

Yes

18. Do you have any comments on the draft Regulatory Impact Assessment published alongside this paper?

*No Response*

19. Is there any data that you would be willing to provide to help in the development of this RIA?

*No Response*

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?

*No Response*

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.

*No Response*

22. Are there any other issues you would like to raise about taxi and PHV licensing?

*No Response*

## Anonymous Response #33

Name

Are you responding for yourself or for an organisation? If an organisation, which?

Self

Which of the following best describes you?

I work in the taxi / PHV trade

**Local Authority**  
NPT

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.

Yes

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.

Yes

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.

Yes

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.

Yes

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.

Yes

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.

Yes

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

Yes

**Comments:**

Wheelchair Vehicles should have different emissions standards and age limits due to cost of vehicle purchase and running costs. If not there is no encouragement to operate such vehicles.

8. Do you agree with our proposals for local licensing administration? Please provide comments.

Yes

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.

Yes

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.

Yes

11. Do you agree that fixed penalty notices (FPNs) should be introduced for certain taxi and PHV offences? Please provide comments.

No

**Comments:**

Not a monetary punishment but points or license suspension

12. Do you agree that a national penalty points scheme should be introduced for certain taxi and PHV infringements? Please provide comments.

Yes

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.

No

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.

Yes

15. Do you agree that use of the NR3 register in the driver licensing process should be mandatory in Wales? Please provide comments.

Yes

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.

b. set an age limit for vehicles which are not ZEV

17. Do you agree with our proposals for Class B vehicles? Please provide comments.

Yes

18. Do you have any comments on the draft Regulatory Impact Assessment published alongside this paper?

*No Response*

19. Is there any data that you would be willing to provide to help in the development of this RIA?

*No Response*

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?

*No Response*

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.

*No Response*

22. Are there any other issues you would like to raise about taxi and PHV licensing?

*No Response*

## **Anonymous Response #34**

Name

Are you responding for yourself or for an organisation? If an organisation, which?
Self

Which of the following best describes you?
I work in the taxi / PHV trade  <b>Local Authority</b> Neath Port Talbot

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.
Yes

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.
Yes

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.
No  <b>Comments:</b> I believe all criteria should be same for any purpose driver for public and taxi drivers/ PHV driver safety and equal level for same financial benefits.

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.
Yes  <b>Comments:</b> All applicants should got through same checks regardless types of vehicle they drive.

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.

Yes

**Comments:**

All councils should adopt similar testing standards and procedures. And vehicles age restrictions should be in place.

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.

Yes

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

No

8. Do you agree with our proposals for local licensing administration? Please provide comments.

Yes

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.

Yes

**Comments:**

It will address long term issues of cross borders. We

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.

No

**Comments:**

This power could be abused unless there is a balanced challenge policy in place.

11. Do you agree that fixed penalty notices (FPNs) should be introduced for certain taxi and PHV offences? Please provide comments.

Yes

No

**Comments:**

There should be a clear and easy to understand and follow policy by taxi drivers, But training should be provided to all existing taxi driver. I believe there isn't enough training provided for such an important industry.

12. Do you agree that a national penalty points scheme should be introduced for certain taxi and PHV infringements? Please provide comments.

No

**Comments:**

Unless there're courses and training available for taxi drivers.

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.

No

**Comments:**

I believe there shouldn't be a law or conditions which restrict a taxi driver to obtain a business opportunity.

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.

Yes

15. Do you agree that use of the NR3 register in the driver licensing process should be mandatory in Wales? Please provide comments.

No

**Comments:**

I believe every individual rights should not made accessible. Wales should not adopt such practices.

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.

b. set an age limit for vehicles which are not ZEV

**Comments:**

I think zero emissions vehicles shouldn't be compulsory. That could put huge financial strain on small business and individual taxi drivers. And it will provide big business opportunities to wipe out small business.

17. Do you agree with our proposals for Class B vehicles? Please provide comments.

Yes

18. Do you have any comments on the draft Regulatory Impact Assessment published alongside this paper?

No

19. Is there any data that you would be willing to provide to help in the development of this RIA?

*No Response*

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?

*No Response*

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.

*No Response*

22. Are there any other issues you would like to raise about taxi and PHV licensing?

*No Response*

# Anonymous Response #35

Name

Are you responding for yourself or for an organisation? If an organisation, which?
Self

Which of the following best describes you?
I work in the taxi / PHV trade  <b>Local Authority</b> Neath port talbot

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.
No  <b>Comments:</b> People book taxis and don't show up there should be a surcharge so this stops as at times they known to book with 3 or 4 different companies to see who turns up 1st or cheaper

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.
No  <b>Comments:</b> If affordable to all drivers not have to get us in debt and our families suffer more

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.
Yes

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.
Yes

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.

Yes

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.

Yes

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

Yes

**Comments:**

They should be suitable and safe for public and same with wheelchair use but not this no older than 3 years old as this is impossible and way to expensive for drivers in this current climate the taxi trade is hard as it is to survive without having to go out and spend 20,000 grand plus

8. Do you agree with our proposals for local licensing administration? Please provide comments.

No

**Comments:**

Prices shouldn't be going up

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.

Yes

No

**Comments:**

But to a point not petty things like a bulb blowing etc as that can happen in minutes and all drivers replace straightaway anyway but big things breaking rules on then yea

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.

Yes

11. Do you agree that fixed penalty notices (FPNs) should be introduced for certain taxi and PHV offences? Please provide comments.

Yes

**Comments:**

Yes serious rule breaking and illegal things

12. Do you agree that a national penalty points scheme should be introduced for certain taxi and PHV infringements? Please provide comments.

No

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.

Yes

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.

No

**Comments:**

Don't happen in England

15. Do you agree that use of the NR3 register in the driver licensing process should be mandatory in Wales? Please provide comments.

No

**Comments:**

Doesn't apply to Wales

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.

c. do something else

17. Do you agree with our proposals for Class B vehicles? Please provide comments.

No

18. Do you have any comments on the draft Regulatory Impact Assessment published alongside this paper?

It not affordable or realistic in wales

19. Is there any data that you would be willing to provide to help in the development of this RIA?

Spend a day with the drivers instead of behind a desk

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?

Doesn't appeal to everyone it's out dated

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.

*No Response*

22. Are there any other issues you would like to raise about taxi and PHV licensing?

How can private viechles get away with charging more than a Hackney and all drivers should be treated the same and have same rules

## Anonymous Response #36

Name

Are you responding for yourself or for an organisation? If an organisation, which?

Self

Which of the following best describes you?

I am a taxi / PHV passenger

Which of the following best describes you?

**Local Authority**  
Neath port talbot

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.

Yes

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.

No

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.

Yes

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.

Yes

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.

Yes

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.

Yes

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

Yes

8. Do you agree with our proposals for local licensing administration? Please provide comments.

Yes

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.

Yes

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.

Yes

11. Do you agree that fixed penalty notices (FPNs) should be introduced for certain taxi and PHV offences? Please provide comments.

No

12. Do you agree that a national penalty points scheme should be introduced for certain taxi and PHV infringements? Please provide comments.

No

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.

Yes

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.

Yes

15. Do you agree that use of the NR3 register in the driver licensing process should be mandatory in Wales? Please provide comments.

No

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.

**Comments:**

Every thing is working well with licensing as it is. The majority of taxi drivers in Neath and port talbot would not be able to afford new cars .It is a struggle to get enough work as it is now .Bringing in a new age for taxis would be a disaster ,taxi drivers in Neath are struggling to make a living without the added pressure of having to replace their taxis when they reach a certain age.

17. Do you agree with our proposals for Class B vehicles? Please provide comments.

No

18. Do you have any comments on the draft Regulatory Impact Assessment published alongside this paper?

Don't agree

19. Is there any data that you would be willing to provide to help in the development of this RIA?

No

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?

Don't agree

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.

Don't agree

22. Are there any other issues you would like to raise about taxi and PHV licensing?

*No Response*

# Anonymous Response #37

Name

Are you responding for yourself or for an organisation? If an organisation, which?
Self

Which of the following best describes you?
I work in the taxi / PHV trade  <b>Local Authority</b> Port talbot

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.
Yes

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.
No

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.
No

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.
No

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.
No

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.

No

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

No

8. Do you agree with our proposals for local licensing administration? Please provide comments.

Yes

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.

Yes

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.

Yes

11. Do you agree that fixed penalty notices (FPNs) should be introduced for certain taxi and PHV offences? Please provide comments.

Yes

12. Do you agree that a national penalty points scheme should be introduced for certain taxi and PHV infringements? Please provide comments.

No

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.

No

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.

No

15. Do you agree that use of the NR3 register in the driver licensing process should be mandatory in Wales? Please provide comments.

No

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.

c. do something else

17. Do you agree with our proposals for Class B vehicles? Please provide comments.

No

18. Do you have any comments on the draft Regulatory Impact Assessment published alongside this paper?

*No Response*

19. Is there any data that you would be willing to provide to help in the development of this RIA?

*No Response*

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?

*No Response*

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.

*No Response*

22. Are there any other issues you would like to raise about taxi and PHV licensing?

Why haven't we still got a rank in port talbot

## Anonymous Response #38

Name

Are you responding for yourself or for an organisation? If an organisation, which?

An organisation

Which of the following best describes you?

I work in the taxi / PHV trade

**Local Authority**  
GWENT

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.

No

**Comments:**  
PREFER NOT TO SAY

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.

No

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.

**Comments:**  
PREFER NOT TO SAY

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.

No

**Comments:**  
PREFER NOT TO SAY.

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.

Yes

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.

Yes

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.

No

**Comments:**  
MOST LOCAL COUNCILS ALREADY HAVE A VERT STRICT CONDITIONS TO MEET BEFORE A LICENSE IS GRANTED. WHAT IS PROPOSED IS NO DIFFERENT TO WHAT IS CURRENTLY IN PLACE.

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

No

8. Do you agree with our proposals for local licensing administration? Please provide comments.

No

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.

No

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.

Yes

11. Do you agree that fixed penalty notices (FPNs) should be introduced for certain taxi and PHV offences? Please provide comments.

No

12. Do you agree that a national penalty points scheme should be introduced for certain taxi and PHV infringements? Please provide comments.

No

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.

No

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.

No

15. Do you agree that use of the NR3 register in the driver licensing process should be mandatory in Wales? Please provide comments.

Yes

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.

c. do something else

17. Do you agree with our proposals for Class B vehicles? Please provide comments.

Yes

18. Do you have any comments on the draft Regulatory Impact Assessment published alongside this paper?

*No Response*

19. Is there any data that you would be willing to provide to help in the development of this RIA?

*No Response*

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?

*No Response*

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.

*No Response*

22. Are there any other issues you would like to raise about taxi and PHV licensing?

I WOULD RATHER BE ABLE TO SPEAK DIRECTLY TO SOMEONE RATHER THAN TYPING THIS.

## **Anonymous Response #39**

Name

Are you responding for yourself or for an organisation? If an organisation, which?
An organisation

Which of the following best describes you?
I work in the taxi / PHV trade  <b>Local Authority</b> Wrexham County Borough Council

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.
Yes  <b>Comments:</b> The public rarely know the difference. Wording on bus lanes is also confusing.

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.
Yes  <b>Comments:</b> Yes but, there needs to be an allowance for the supply and demand in each area and recognition that some areas are more affluent than others. Likewise, going all electric would not work at the current time because of the woeful lack of charging infrastructure. National standard should be aimed at safety and little else.

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.
Yes  <b>Comments:</b> The cost of a dual licence should not be double the price, maybe only 50% more at the most. There should also be a consideration for a chauffeur licence. This has been neglected in the consultation and it is disappointing that more effort wasn't shown for this requirement.

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.

Yes

**Comments:**

Consideration should be given for first aid skills or what to do in an emergency such as breaking down on a smart motorway. Basic vehicle checks or a daily walkaround could also be considered in an effort to raise standards.

An essential requirement for a driver should be the ability to demonstrate competent levels of English and numeracy so they can converse with individuals

Personally, I would remove councils from the process and move to a national agency with one standard across Wales (and England). It would also fit with proposals from the chauffeur industry to introduce a UK national chauffeur licence which would require higher standards of training and professionalism but could be processed quicker than many councils are currently able to do.

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.

Yes

**Comments:**

Where a proprietor owns a fleet of vehicles will a separate DBS check be required against every vehicle application? Many new PH drivers rely on jockey cars and this might restrict the supply or make the rental business less attractive if there are delays in completing the checks. It would be common sense for someone who is already DBS checked to licence as many cars as they wish under the same DBS.

Vehicle age limits should consider the purchase cost of a vehicle when it was new. A 10 year-old low use Bentley will still be more luxurious than a brand new budget vehicle on regular PH work - general condition could be considered too if a vehicle is in exceptionally good shape. Some vehicles such as school transport or WAVs may be used on an exclusive contract and could be low mileage with little wear. If the owner had to change this because of age limits, it would be prohibitive to everyone because resale values would sink.

'Pre-booking only' signs will devalue any high end vehicle being used for executive work. No consideration for this market place seems to be evident in this proposal. One size fits all just simply will not work on signage. Let's not try and destroy the operators who invest in their vehicles and improve standards.

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.

No

**Comments:**

This is focussed too much on large operators. Policing the users of a booking system is impossible and impractical. It would be better to implement a tagging system to identify WHO has added a booking for an operator. If a driver is dismissed, this could be because of discrimination. How would this be monitored and how would a driver have a right of recourse?

If there is a dedicated member of staff responsible for policy with disabled passengers etc, this should only be implemented after a fixed number of bookings are exceeded in a week.

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

Yes

**Comments:**

The LA should have full autonomy over local requirements and there should be an active program of encouraging LAs to constantly lift standards.

It is disappointing that the implementation of s75 (plate exemption) is missing from the proposal.

8. Do you agree with our proposals for local licensing administration? Please provide comments.

No

**Comments:**

There should be a national licence so a driver can move from county to county without the need to re-licence. Having a national badge would also help authorities (such as the police) check against a national database. Likewise, if a driver was banned from holding a PH badge, they could not attempt to get a badge in another area. This would help in public protection. Can we modernise the thought process on this and see the bigger picture and the battle the trade is currently facing? Having drivers that could work in different counties would help with seasonal trends or major events.

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.

Yes

**Comments:**

If a national PH driver licence was introduced there would be less bureaucracy and the process would be simplified as any enforcement officer could act. Why over-complicate things?

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.

Yes

**Comments:**

There should be an appeals process with the local LA as suggested to give balance.

11. Do you agree that fixed penalty notices (FPNs) should be introduced for certain taxi and PHV offences? Please provide comments.

Yes

11. Do you agree that fixed penalty notices (FPNs) should be introduced for certain taxi and PHV offences? Please provide comments.

**Comments:**

Good idea.

12. Do you agree that a national penalty points scheme should be introduced for certain taxi and PHV infringements? Please provide comments.

Yes

**Comments:**

This would only work with a national licence in place because an offender could simply move to a new county and get a new badge - they could keep doing this until the original authority's penalty had expired.

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.

Yes

**Comments:**

App based companies should be targeted - not the driver. This way, they would be less inclined to allow a driver to work for them. It would also ensure that companies with a higher fail rate are identified and targeted more quickly. It should be noted that this style of operation does not represent the whole of the trade and while it is an issue, it should not be seen as the norm across the whole of the industry. There should also be exceptions such as weather conditions and vehicle breakdowns. If you look at terms and conditions, most companies will have a force majeure clause to overcome this responsibility so I am not sure how it could even be policed.

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.

Yes

**Comments:**

If an operator carries out contract work for a large corporate organization and their staff live in a broad geographic area, the proposal of Option B would be so prohibitive it may discourage big business investing in Wales. Likewise, if a customer wishes to book a high-end vehicle and their local operator can only provide budget vehicles, the policy itself would leave high net worth clients at a disadvantage. This really needs a lot more thought and consideration for the whole market!

15. Do you agree that use of the NR3 register in the driver licensing process should be mandatory in Wales? Please provide comments.

Yes

**Comments:**

If there was a national licence in place, this would simplify the process and reduce the need (and

15. Do you agree that use of the NR3 register in the driver licensing process should be mandatory in Wales? Please provide comments.

significant time and cost) of processing this data between LAs. It is crazy there is no proposal for a national licence to drive PHVs.

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.

c. do something else

**Comments:**

The overall carbon footprint of a vehicle should be considered in its life, including the manufacturing process. There are new technologies which are not yet announced or tested but they could become viable. To transition, a rolling plan could be introduced to set a maximum CO2 or NOX level each year. This would encourage people toward the purchase of less polluting vehicles while still leaving Wales with multiple options (and solutions) on the table. For example, 2025 could have a max CO2 level of 180g/km and this could reduce by 15g/km for each subsequent year until a new standard of vehicle is available as a viable and realistic solution. No operator would willingly purchase an inefficient vehicle so the market would naturally gravitate toward the best overall solution. Higher emission allowances should be in place for vehicles which carry more passengers (such as people carriers or minibuses). When considering a CO2 emissions threshold, there should also be a correlation for how many public charging points are in the borough and how many 'new' chargers or Hydrogen stations have been installed over a 12 month period. Please note, there is little incentive to purchase a brand new vehicle, not even a reduction in the licence cost for the first year or the need to not undergo an MOT on first application.

Realistically, this topic should not be a section in this consultation. It requires much more thought and consideration when reflecting on the social, economical and technological changes witnessed since Covid and Brexit. Car ownership has changed, vehicle prices have inflated (massively) and personal transport requirements have evolved.

17. Do you agree with our proposals for Class B vehicles? Please provide comments.

Yes

**Comments:**

Initially this sounds like a good idea, and it could offer more choice to consumers but it might not be practically feasible. What safety standards would be used? How would the vehicles be monitored? Would the drivers still need to have the same taxi/PHV licence? What signage would need to be shown and would there be special allowances for VIP/executive hire vehicles? More details would need to be seen to comment further on this proposal. A separate category for executive work is welcomed as the PHV suggestions made so far in this paper totally ignore this area of hire. It should be recognised that executive work entails more long-distance journeys (sometimes in to Europe) and the vehicle range is critical for high value travellers, HNW individuals and major business investment in Wales.

18. Do you have any comments on the draft Regulatory Impact Assessment published alongside this paper?

This entire document is reactive rather than proactive. It does not consider a national licensing agency for drivers, neither does it consider alternative transport or futuristic vehicles (ref Vertical Aerospace). How many WAVs are bought and operated on exclusive contracts which make them unavailable for general public or considered in this report?

There is no mention of the rates for hackney taxis and the effect it has on PHV pricing and the wider market. There is nothing mentioned about the seasonal aspect of market segments such as airport transfers or coastal areas of Wales with seasonal demand. The costs of running an EV in comparison to

18. Do you have any comments on the draft Regulatory Impact Assessment published alongside this paper?

a diesel neglects the high mileage a private hire vehicle will cover in its lifetime and the demands placed on such a vehicle when considering recharge cycles. There is little proof that an EV can cover high mileages with the same level of reliability of a diesel. There is no evidence on resale values at the age of 6/7 years old when this is typically the time a battery will need replacing in an EV. There is no reference to scrappage costs of an EV and whether this will prohibit ownership in coming years. Likewise emerging technology in battery chemistry has not been considered.

There is no mention of Brexit and the impact it has had on business travel and the supply of drivers. The impact assessment is very short-sighted and too narrow in its focus. It does not consider a wholistic view when looking at the private hire industry.

19. Is there any data that you would be willing to provide to help in the development of this RIA?

Yes. Especially for executive work; the business travel market and macro demands. The scope of this document is too narrow and has not kept pace with developments in the last two years. The impact of train strikes and issues with flights should be taken into consideration. Admittedly these are fringe issues, but they are important to British industry.

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?

It would be good to see grants for learning Welsh, such as a GCSE at night school maybe.

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.

No comment.

22. Are there any other issues you would like to raise about taxi and PHV licensing?

The white paper is too reactive and not pro-active enough. It has not discussed autonomous vehicles; flying vehicles or new EVs and any testing criteria which may be introduced. Neither has it sought to identify niche private hire companies who will be negatively impacted by some of the proposals. While there is a token gesture mention of Anglesey and other North Wales areas, the report is too heavily focussed on Cardiff and South Wales. We all know about Wolverhampton but it has not been ring fenced as an issue. In addition, there is no consideration for companies who perform exclusive contract work such as school transport, social services work or airport transfers and how the number of these vehicles impact on the overall availability of the wider economy, especially at times of peak demand and on weekends. It is disappointing there is no mention of a broader economy, especially one that requires exclusive vehicles or specialist services for the business community.

## Anonymous Response #40

Name

Are you responding for yourself or for an organisation? If an organisation, which?
An organisation

Which of the following best describes you?
I work in the taxi / PHV trade  <b>Local Authority</b> Pembrokeshire

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.
Yes  <b>Comments:</b> This all sounds fine

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.
No  <b>Comments:</b> This all depends on what standards need to be met. We fully agree that Licensing should have powers, but they must also work alongside operators to promote good working practice.

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.
No  <b>Comments:</b> I think there should be one badge for private hire, and Hackney drivers both take paying customers, but I think there should be a separate badge for drivers that work school and social service contracts. Most companies are struggling to recruit drivers and this is because drivers of school children working Monday to Friday for the contracts of the council are still required to obtain the same level of tests and pay the same amount of money for a taxi badge, which I believe would be best served as a driver badge, I employ a lot of ladies who would not want to go out and pick up drunk people on a Saturday night, they do not want anything else than four hours Monday to Friday going to the schools. A drivers badge would be more suited to them and I believe we could find more people to work as Transport is struggling to cover all the jobs this would be a solution for both operators and the council .

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.

No

**Comments:**

I think if we start bringing in exams, BTEC qualifications just to be a taxi driver you are going to lose a large proportion of them. We already have enhanced DBS checks we do first aid courses and safeguarding courses. I really believe the majority of taxi drivers do not have many qualifications and are in the job because they can drive and they are good with the children. This is not a good idea.

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.

Yes

No

**Comments:**

I am all for safety looking after my staff and having the best vehicle possible, but if we have to buy new cars how many buses I can guarantee not just my company but a lot of companies will not be able to cover the costs. For example I bought a new nine seater Ford minibus four years ago for £23,000. If I wanted to go and buy it now it's more like £45,000 I have six of these which do school contracts every day I think that prices for tires oil and virtually everything that we have to pay for has greatly increased and it is just not possible to have new or electric vehicles, which I believe are not suitable for driving all day for the council

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.

No

**Comments:**

I agree, oversee criminal records text must be taken I can't believe it's not already in place. As far as a DBS check. Yes every year would be fine. I am on the update service and so is most of my staff. I do think we are in danger of bringing into many rules and regulations were not needed, but these two are fine.

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

No

**Comments:**

In Pembrokeshire, most of us do not speak, Welsh, some of my drivers find it hard to speak English properly!!

8. Do you agree with our proposals for local licensing administration? Please provide comments.

No

**Comments:**

I don't think that Taxi Driver is from different county should be able to work in other areas for example in Tenby in the summer when it's busy, we have people coming down and it's hard enough to make a living without them, taking the money out of the town in the six weeks that some of the boys have chance to make a bit of money

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.

Yes

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.

Yes

11. Do you agree that fixed penalty notices (FPNs) should be introduced for certain taxi and PHV offences? Please provide comments.

No

**Comments:**

Taxi owners are struggling to make ends meet now. If you start fining them for every little thing, you will end up with no taxis

12. Do you agree that a national penalty points scheme should be introduced for certain taxi and PHV infringements? Please provide comments.

No

**Comments:**

More fines small rules we all carry first aid kit and have regular MOT is we have three a year for most vehicles I think sometimes we can go over the top and cancellation of a pre-booked for without excuse. Of course they are going to come out with a good excuse, that's not going to work

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.

Yes

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.

**Comments:**

This is fine, we are a real taxi company. We do not let people down. We do not use apps this does not really apply to us.

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.

No

**Comments:**

As I have said before, I do not think that taxi drivers from other counties come and work in ours and vice versa in the summer holidays. We have an influx of foreign taxi drivers who don't know the area hanging around and picking up local people.

15. Do you agree that use of the NR3 register in the driver licensing process should be mandatory in Wales? Please provide comments.

Yes

**Comments:**

This is okay

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.

c. do something else

**Comments:**

I do not think electric cars are economical in the long run batteries don't last very long and we are not comfortable with buying them or having charging points in all the drivers houses. This would not be suitable for our company.

17. Do you agree with our proposals for Class B vehicles? Please provide comments.

Yes

18. Do you have any comments on the draft Regulatory Impact Assessment published alongside this paper?

I would like to say that Wales is one country but the counties within are very different, rural areas such as Pembrokeshire can not be treated the same as the larger cities.

19. Is there any data that you would be willing to provide to help in the development of this RIA?

*No Response*

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?

No Comment

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.

*No Response*

22. Are there any other issues you would like to raise about taxi and PHV licensing?

I believe esp. in Pembrokeshire, We do not have the money for new taxis or electric cars. If the Welsh government want us to carry on with our business and support our local councils with school and Social care contracts then they will have to re think a few ideas. For ex a new 9 seater bus has gone up £20,000 in the last 4 years. My company would not have the funds for these vehicles. Same with the exams you are preposing to impose on drivers. I employ 18 people, some who are semi-retired some, younger members who are excellent drivers but would not want, or pass an exam, these people all pay tax and NI they all good with the children and enjoy there jobs. We all do safeguarding and first aid courses and some do extra training for SEN, please no more tests!!

## Anonymous Response #41

Name

Are you responding for yourself or for an organisation? If an organisation, which?

Self

Which of the following best describes you?

I work in the taxi / PHV trade

Which of the following best describes you?

**Local Authority**  
Cardiff

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.

Yes

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.

Yes

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.

Yes

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.

No

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.

No

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.

Yes

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

No

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

**Comments:**

We should be able to multi app

8. Do you agree with our proposals for local licensing administration? Please provide comments.

Yes

No

**Comments:**

I believe there are a small number of drivers who cherry pick and cancel the worst of two jobs on offer but they should be warned not to do it again. Customers are also doing it to drivers as well, I've seen customers cancel right in front of me. We are self employed independent contractors and should be allowed to multi app as sometimes it's quiet out there and we are able to ride out the troughs. Many thanks.

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.

Yes

**Comments:**

It just our own council but also have power to others as well.

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.

Yes

11. Do you agree that fixed penalty notices (FPNs) should be introduced for certain taxi and PHV offences? Please provide comments.

No

12. Do you agree that a national penalty points scheme should be introduced for certain taxi and PHV infringements? Please provide comments.

Yes

12. Do you agree that a national penalty points scheme should be introduced for certain taxi and PHV infringements? Please provide comments.

**Comments:**

Serious ones where proven.

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.

No

**Comments:**

No leave the judgement to the drivers as most of us doing the job just switch off the other apps. Use discretion and you'll keep us on side as an industry. But agree keep the bad actors out of it is a pattern of behaviour.

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.

*No Response*

15. Do you agree that use of the NR3 register in the driver licensing process should be mandatory in Wales? Please provide comments.

*No Response*

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.

c. do something else

**Comments:**

Not qualified to answer

17. Do you agree with our proposals for Class B vehicles? Please provide comments.

*No Response*

18. Do you have any comments on the draft Regulatory Impact Assessment published alongside this paper?

*No Response*

19. Is there any data that you would be willing to provide to help in the development of this RIA?

*No Response*

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?

*No Response*

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.

*No Response*

22. Are there any other issues you would like to raise about taxi and PHV licensing?

*No Response*

## Anonymous Response #42

Name

Are you responding for yourself or for an organisation? If an organisation, which?

Self

Which of the following best describes you?

I work in the taxi / PHV trade

**Local Authority**  
Torfaen Borough Council

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.

*No Response*

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.

Yes

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.

Yes

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.

Yes

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.

**Comments:**  
None

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.

No

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

Yes

**Comments:**  
Wheel chair  access vehicle

8. Do you agree with our proposals for local licensing administration? Please provide comments.

Yes

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.

Yes

**Comments:**  
Revoked licence

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.

Yes

11. Do you agree that fixed penalty notices (FPNs) should be introduced for certain taxi and PHV offences? Please provide comments.

Yes

12. Do you agree that a national penalty points scheme should be introduced for certain taxi and PHV infringements? Please provide comments.

No

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.

No

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.

*No Response*

15. Do you agree that use of the NR3 register in the driver licensing process should be mandatory in Wales? Please provide comments.

No

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.

b. set an age limit for vehicles which are not ZEV

17. Do you agree with our proposals for Class B vehicles? Please provide comments.

Yes

18. Do you have any comments on the draft Regulatory Impact Assessment published alongside this paper?

*No Response*

19. Is there any data that you would be willing to provide to help in the development of this RIA?

*No Response*

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?

*No Response*

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.

*No Response*

22. Are there any other issues you would like to raise about taxi and PHV licensing?

*No Response*

# Anonymous Response #43

Name

Are you responding for yourself or for an organisation? If an organisation, which?
Self

Which of the following best describes you?
Other  <b>Local Authority</b> cardiff

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.
Yes  <b>Comments:</b> yes but the public dont understand the difference

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.
Yes  <b>Comments:</b> yes

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.
Yes  <b>Comments:</b> many people who wish to work as a PHV are put off because the knowledge test is too difficult and not necessary if shortest route does not apply

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.

Yes

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.

Yes

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.

Yes

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

Yes

**Comments:**

although these rules come with extra costs that the driver/operator shouldn't have to shoulder

8. Do you agree with our proposals for local licensing administration? Please provide comments.

Yes

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.

Yes

**Comments:**

more enforcement rights would deter rogue drivers. it is too easy to get away with bending the rules

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.

Yes

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.

**Comments:**

we need to have safer car and drivers

11. Do you agree that fixed penalty notices (FPNs) should be introduced for certain taxi and PHV offences? Please provide comments.

Yes

**Comments:**

there needs to be a real consequence

12. Do you agree that a national penalty points scheme should be introduced for certain taxi and PHV infringements? Please provide comments.

Yes

**Comments:**

all councils should have a list to stop rogue drivers moving around

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.

No

**Comments:**

no because drivers hardly make a living, costs are so high to operate

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.

Yes

15. Do you agree that use of the NR3 register in the driver licensing process should be mandatory in Wales? Please provide comments.

Yes

**Comments:**

anything to deter rogue drivers

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.

c. do something else

**Comments:**

make hiring these taxis affordable. have a fleet available to hire by the hour

17. Do you agree with our proposals for Class B vehicles? Please provide comments.

Yes

18. Do you have any comments on the draft Regulatory Impact Assessment published alongside this paper?

*No Response*

19. Is there any data that you would be willing to provide to help in the development of this RIA?

*No Response*

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?

very few drivers can speak welsh even drivers born in wales

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.

it would be nice to have the welsh laguage spoken first to customers. it would be a great first impression. free lessons need to be put on.

22. Are there any other issues you would like to raise about taxi and PHV licensing?

WAV vehicles are too expensive so dont really exist in PHV jobs. there is no incentive for PHV to get WAVS as they take up too much time. The PHV operator has to absorb all the over heads with no return

## Anonymous Response #44

Name

Are you responding for yourself or for an organisation? If an organisation, which?
Self
An organisation

Which of the following best describes you?
I am a taxi / PHV passenger

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.
No

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.
Yes

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.
Yes

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.
Yes

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.
Yes

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.

Yes

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

Yes

8. Do you agree with our proposals for local licensing administration? Please provide comments.

Yes

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.

Yes

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.

Yes

11. Do you agree that fixed penalty notices (FPNs) should be introduced for certain taxi and PHV offences? Please provide comments.

No

12. Do you agree that a national penalty points scheme should be introduced for certain taxi and PHV infringements? Please provide comments.

Yes

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.

Yes

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.

Yes

15. Do you agree that use of the NR3 register in the driver licensing process should be mandatory in Wales? Please provide comments.

Yes

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.

c. do something else

17. Do you agree with our proposals for Class B vehicles? Please provide comments.

Yes

18. Do you have any comments on the draft Regulatory Impact Assessment published alongside this paper?

No

19. Is there any data that you would be willing to provide to help in the development of this RIA?

No

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?

No

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.

*No Response*

22. Are there any other issues you would like to raise about taxi and PHV licensing?

*No Response*

## Anonymous Response #45

Name

Are you responding for yourself or for an organisation? If an organisation, which?

Self

Which of the following best describes you?

I am a taxi / PHV passenger

**Local Authority**  
Cardiff

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.

No

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.

Yes

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.

No

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.

No

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.

No

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.

No

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

Yes

8. Do you agree with our proposals for local licensing administration? Please provide comments.

No

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.

Yes

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.

Yes

11. Do you agree that fixed penalty notices (FPNs) should be introduced for certain taxi and PHV offences? Please provide comments.

No

12. Do you agree that a national penalty points scheme should be introduced for certain taxi and PHV infringements? Please provide comments.

No

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.

Yes

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.

No

15. Do you agree that use of the NR3 register in the driver licensing process should be mandatory in Wales? Please provide comments.

Yes

No

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.

b. set an age limit for vehicles which are not ZEV

17. Do you agree with our proposals for Class B vehicles? Please provide comments.

No

18. Do you have any comments on the draft Regulatory Impact Assessment published alongside this paper?

*No Response*

19. Is there any data that you would be willing to provide to help in the development of this RIA?

*No Response*

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?

*No Response*

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.

*No Response*

22. Are there any other issues you would like to raise about taxi and PHV licensing?

*No Response*

## **Anonymous Response #46**

Name

Are you responding for yourself or for an organisation? If an organisation, which?

An organisation

Which of the following best describes you?

I work in the taxi / PHV trade

**Local Authority**  
Torfaen

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.

Yes

**Comments:**

Unfortunately I have spoken to numerous customers who have told me that they are often put on a meter for a taxi ride that is pre-booked and not hailed in the street or from a designated rank area. This issue is prevalent amongst the larger firms outside of Torfaen who have expanded into the area. The customers have no idea the use of the meter in this way is not allowed

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.

Yes

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.

No

**Comments:**

The option of using both PHV and taxis should be open without extra licenses between the two. If in the future I myself decided to solely use a taxi and not private hire vehicles it would be extra work, time and cost added to my business. It is hard enough these days to make a reasonable living and to have more hurdles to overcome is not welcome

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.

Yes

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.

Yes

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.

Yes

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

No

**Comments:**

Local authorities should not have any more powers over small businesses than they do already.

8. Do you agree with our proposals for local licensing administration? Please provide comments.

No

**Comments:**

With larger firms moving from Newport/Cardiff they threaten not only the businesses of local established firms but also the customer base. These larger firms (whom I shall not name) tend to operate as they wish and charge extortionate amounts for the most basic runs justifying the costs by claiming it is because they have travelled further to get to the pick up point. A basic example is a starting rate of £5 which is what we start at. There is one firm that will charge £11-12 for the same journey. As we are much smaller like most other firms in Pontypool we cannot compete logistically with the larger firms. This means that the customers are suffering having to pay the greater costs and generally have to deal with aggressive drivers not from the area. To make things easier for the larger firms to swamp Pontypool and Cwmbran is a recipe for disaster.

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.

Yes

**Comments:**

So long as all drivers/firms are treated equally and blatant transgressions are punished accordingly

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.

Yes

11. Do you agree that fixed penalty notices (FPNs) should be introduced for certain taxi and PHV offences? Please provide comments.

Yes

12. Do you agree that a national penalty points scheme should be introduced for certain taxi and PHV infringements? Please provide comments.

Yes

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.

Yes

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.

Yes

15. Do you agree that use of the NR3 register in the driver licensing process should be mandatory in Wales? Please provide comments.

Yes

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.

c. do something else

**Comments:**

Whilst electric vehicles may provide many benefits the ridiculous cost of such vehicles outweighs them. The electric taxis that are purpose built are very expensive so whilst they save in fuel costs such savings are lost when the initial cost of the vehicle is taken into account. Also, please consider how California is struggling with its power-grid and over reliance upon ev's. There is also the inevitable shortage in batteries for electronic vehicles and the massive amount of damage to the environment the manufacturing and creation of said batteries incurs to the environment. There is also the specialist requirements of mechanics who can work on electric vehicles in the area which would force a user to have to travel further afield for any inevitable repairs. As for other options for reducing our greenhouse gases the best option but also the one most people find the most disagreeable is nuclear.

17. Do you agree with our proposals for Class B vehicles? Please provide comments.

Yes

18. Do you have any comments on the draft Regulatory Impact Assessment published alongside this paper?

*No Response*

19. Is there any data that you would be willing to provide to help in the development of this RIA?

*No Response*

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?

I am not a Welsh speaker, but I believe there should always be an option for Welsh language speakers

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.

*No Response*

22. Are there any other issues you would like to raise about taxi and PHV licensing?

*No Response*

## **Anonymous Response #47**

Name

Are you responding for yourself or for an organisation? If an organisation, which?

An organisation

Which of the following best describes you?

I work in the taxi / PHV trade

**Local Authority**

Torfaen County Borough Council

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.

No

**Comments:**

PHV and HC should stay separate

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.

Yes

**Comments:**

All Boroughs will be working as one no difference in age of vehicles or the way a license is obtained which will make it fare for all drivers and operators

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.

Yes

**Comments:**

yes it would give the driver more choice but could also hinder their use of vehicles if they choose one or the other i.e if a vehicle breaks down or only certain one available with the company they wish to or do work for rising in loss of earnings a dual one for all would make more sense also stops drivers taking the chance of driving without the proper license

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.

Yes

**Comments:**

should apply to all even overseas criminal checks

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.

Yes

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.

Yes

**Comments:**

agree with the majority but introducing qualifications for running a business or keeping accounts should be up to the individual operator

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

Yes

8. Do you agree with our proposals for local licensing administration? Please provide comments.

Yes

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.

Yes

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.

Yes

11. Do you agree that fixed penalty notices (FPNs) should be introduced for certain taxi and PHV offences? Please provide comments.

Yes

**Comments:**

with in reason leaving a taxi unattended at a taxi rank as long as it does not cause a problem with the flow of the rank most ranks have their own way of working which is agreed between all drivers why would a driver be punished for nipping to toilets or grabbing a quick take away coffee FPNs are probably needed

11. Do you agree that fixed penalty notices (FPNs) should be introduced for certain taxi and PHV offences? Please provide comments.

but with in reason for more serious offences not displaying license plate signage no top light dirty vehicles inside the list could go but lets not make a drivers working day any harder than it is

12. Do you agree that a national penalty points scheme should be introduced for certain taxi and PHV infringements? Please provide comments.

Yes

**Comments:**

yes for not complying with the basic rules and regulations of vehicles or license

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.

Yes

**Comments:**

booked fares that get cancelled and passengers left stranded drivers should only have one app and work for that company and display that company's name and number stops confusion with the customers also driver's losing out on a fare because customer have booked more than one company also helps the operator with record keeping as all drivers are tracked knowing which job they have accepted which route they have taken any complaints from the customer can then be checked

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.

Yes

**Comments:**

15. Do you agree that use of the NR3 register in the driver licensing process should be mandatory in Wales? Please provide comments.

Yes

**Comments:**

yes all local authorities should have all the relevant information at their disposal

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.

b. set an age limit for vehicles which are not ZEV

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.

**Comments:**

forcing drivers to change their vehicles to ZEV to soon will result in a lot of drivers giving up the profession these vehicles are not cheap no secondhand market to speak of these ZEV also have problems of their own new ones have a warranty of 100,00 miles on the battery what guarantee would we have on a secondhand one finance on these vehicle's are more than enough to consider without having to pay thousands to replace a battery a few months down the line understanding the maintenance on the ZEV are a lot lower but will that out weight the cost of battery replacement and no charging infrastructure in place in wales to speak of the range of battery would be considerably less in a taxi than a private vehicle customers requesting their phone to be charged drivers phones on constant charge as well as their card machines heating or air con on all to make the customers journey more comfortable and the distance a taxi travels day in day out newer diesel's are a lot better now than they were repairs and parts are easier to come by and cheaper new diesel's use ad blue at an extra cost to the driver every few thousands of miles but its brought the emissions down to what they were

17. Do you agree with our proposals for Class B vehicles? Please provide comments.

No

18. Do you have any comments on the draft Regulatory Impact Assessment published alongside this paper?

*No Response*

19. Is there any data that you would be willing to provide to help in the development of this RIA?

*No Response*

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?

*No Response*

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.

*No Response*

22. Are there any other issues you would like to raise about taxi and PHV licensing?

*No Response*

## Anonymous Response #48

Name

Are you responding for yourself or for an organisation? If an organisation, which?

Self

Which of the following best describes you?

I work in the taxi / PHV trade

**Local Authority**  
Cardiff

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.

Yes

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.

Yes

**Comments:**

This should also include the use of interior cameras and dashcams.

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.

Yes

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.

Yes

**Comments:**

I think Welsh language should be added as it is part of Wales strategy going forward. Essential Skills Wales Qualifications should be considered. A continued professional development programme should be developed for drivers.

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.

Yes

**Comments:**

Dashcam's should be mandated to protect both the passenger and driver.

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.

Yes

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

No

**Comments:**

If you want a PHV driver to take bookings from any part of Wales then you cannot allow local authorities to have discretion otherwise the PHV driver can only drive in the area that they are licensed to.

8. Do you agree with our proposals for local licensing administration? Please provide comments.

No

**Comments:**

If the public need to make a complaint they would need to know which licensing authority the PHV is from as the driver and PHV numbers are not unique across licensing authorities which could end up falsely accusing a driver. Do you expect the public to make a note of whether the PHV is out of town. The current situation in Cardiff is that the public are unable to complain against Newport PHV's and drivers.

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.

Yes

**Comments:**

There is clearly a lack of enforcement which I regularly hear from my passengers. There needs to be transparency on what the enforcement is happening. For example publishing quarterly reports on findings.

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.

No

**Comments:**

Could you give examples of where an immediate risk to public safety would occur?

11. Do you agree that fixed penalty notices (FPNs) should be introduced for certain taxi and PHV offences? Please provide comments.

Yes

No

**Comments:**

Drivers should be educated and should first receive warnings. On repeat offence a FPN sounds reasonable.

12. Do you agree that a national penalty points scheme should be introduced for certain taxi and PHV infringements? Please provide comments.

Yes

No

**Comments:**

One of the examples you have given is cancellation of a pre-booked fare. For me this would happen after accepting a job and the passenger significantly modifies the journey hence I am going to be out of pocket on the job. Also on a Friday or Saturday night in Cardiff when St Mary's street has night time closures, passenger books pick-up from one side but is now on the other side and expects pick-up from there.

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.

Yes

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.

No

**Comments:**

I have not needed to multi-app so cannot comment.

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.

Yes

No

**Comments:**

Didn't think cross bordering was an issue. More to do with out of town vehicles.

15. Do you agree that use of the NR3 register in the driver licensing process should be mandatory in Wales? Please provide comments.

Yes

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.

c. do something else

**Comments:**

Ensure infrastructure is in place for the whole of Wales before setting deadlines and age limits.

17. Do you agree with our proposals for Class B vehicles? Please provide comments.

Yes

No

**Comments:**

Some historic vehicles are MOT exempt which means that they may not be safe on the road. Some sort of assessment needs to take place on a routine basis.

18. Do you have any comments on the draft Regulatory Impact Assessment published alongside this paper?

It would be useful to see how many hybrids/ev's there are in each area compared with petrol/diesel. And also how many diesels are compliant with Euro 6.  
Where there have been complaints about cancellations, can these be presented by area and number of cancellation complains per day/total number of booked jobs completed. Using this work out a percentage.

19. Is there any data that you would be willing to provide to help in the development of this RIA?

I have no data.

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?

Learning Welsh is part of Wales strategy. Compulsary training should be provided to drivers.

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.

Welsh needs to start at a higher level. Apps should have the ability for users to book in Welsh.

22. Are there any other issues you would like to raise about taxi and PHV licensing?

Transparency in how funding generated from licensing fees in each local authority is spent.

## Anonymous Response #49

Name

Are you responding for yourself or for an organisation? If an organisation, which?

Self

Which of the following best describes you?

I am a taxi / PHV passenger

Which of the following best describes you?

**Local Authority**  
Wrexham

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.

Yes

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.

Yes

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.

Yes

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.

Yes

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.

Yes

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.

Yes

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

Yes

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

**Comments:**

Wheelchair accessible vehicles

8. Do you agree with our proposals for local licensing administration? Please provide comments.

Yes

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.

Yes

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.

Yes

11. Do you agree that fixed penalty notices (FPNs) should be introduced for certain taxi and PHV offences? Please provide comments.

Yes

12. Do you agree that a national penalty points scheme should be introduced for certain taxi and PHV infringements? Please provide comments.

Yes

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.

No

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.

Yes

15. Do you agree that use of the NR3 register in the driver licensing process should be mandatory in Wales? Please provide comments.

Yes

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

17. Do you agree with our proposals for Class B vehicles? Please provide comments.

Yes

18. Do you have any comments on the draft Regulatory Impact Assessment published alongside this paper?

*No Response*

19. Is there any data that you would be willing to provide to help in the development of this RIA?

*No Response*

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?

*No Response*

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.

*No Response*

22. Are there any other issues you would like to raise about taxi and PHV licensing?

*No Response*

## Anonymous Response #50

Name

Are you responding for yourself or for an organisation? If an organisation, which?

An organisation

Which of the following best describes you?

Other

**Local Authority**  
Powys County Council

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.

Yes

**Comments:**  
Seems clear enough.

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.

Yes

**Comments:**  
It's a shame that it is only "minimum" standards which are being set and not best practice. In our experience the minimum standards are what businesses will go for.

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.

Hopefully in the secondary legislation to be set out best practice will be the goal.

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.

**Comments:**

No comments.

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.

Yes

**Comments:**

It is unclear how often a group 2 medical check would be required. This should be carried out regularly. Many taxi drivers take up this job to supplement their income after redundancy/retirement/cost of living rises etc. There are instances when drivers have refused to take a wheelchair user because they are unable to fold and lift a manual chair into the boot. Also instances when drivers cannot use ramps and cannot secure the clamps for some wheelchairs.

It is important to specify what kind of Equality Act and disability awareness training is to be mandated. This must be hands on training not just a paper exercise.

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.

No

**Comments:**

It is doubtful if many members of the public know of the existence of medical exemption certificates for taxi/PHV drivers. However if this is to be claimed, proof should certainly be available. When a taxi/PHV is booked is the onus on the operator or driver to say there is a medical exemption in existence? There are instances where a booked taxi has refused to pick up a wheelchair user because the driver is unable to fold and lift the manual wheelchair into the boot. Also instances when a booked taxi refuses to pick up a passenger with an assistance dog claiming a medical exemption.

It is the vision to create a taxi/PHV licencing system that is accessible by all. Nowhere in the proposals is this pushed forward. To achieve this stated vision all new licenced taxis/PHVs should be accessible vehicles.

In a rural area such as south Powys there are few, if any, fleets of taxis with a range of vehicles.

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.

No

**Comments:**

All operators should have appropriate disability awareness training. We can't understand why sole operator drivers should have less onerous training as they will be providing the same service as all

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.

operators.

Operators must have a policy in place for determining the suitability of their staff not just regarding any criminal record but regarding the fitness of their staff to assist a wheelchair user or an elderly person or a parent with a baby and pram.

Will the documented policy of how operators have regard to passengers with additional needs be available to the public or be to the satisfaction on licensing authority and local disability partners.

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

Yes

**Comments:**

Local authorities should have the discretion of have additional standards. National minimum standards do not push things forward. New vehicles should only be licensed if they are accessible by everyone as stated in the Welsh Government's vision (page 6). There is no incentive in the national minimum standards to create a system that is equitable and fit for a modern Wales.

8. Do you agree with our proposals for local licensing administration? Please provide comments.

Yes

**Comments:**

Hopefully if one local authority is go-ahead and has standards above the national minimum this will encourage other local authorities to aim higher and establish best practice instead of minimum standard.

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.

Yes

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.

Yes

11. Do you agree that fixed penalty notices (FPNs) should be introduced for certain taxi and PHV offences? Please provide comments.

Yes

12. Do you agree that a national penalty points scheme should be introduced for certain taxi and PHV infringements? Please provide comments.

Yes

**Comments:**

In our experience our local authority is already so stretched that proactive enforcement of even already existing laws and regulations is not happening. We are sceptical that the enforcement proposed in the above few questions will be able to enacted on the ground.

Relying on improved enforcement to make taxis accessible by all will not work if vehicles are not accessible in the first place.

There may be a slight improvement in accessibility for some disabled people if drivers and operators put into practice what is learned in proper hands on disability awareness training.

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.

Yes

**Comments:**

Option one would be most effective in this rural area. If the licensing authority kept a record of reported cancelled bookings, a pattern could be established showing which drivers/operators might be flouting the requirements of the Equality Act 2010.

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.

**Comments:**

No comments.

15. Do you agree that use of the NR3 register in the driver licensing process should be mandatory in Wales? Please provide comments.

Yes

**Comments:**

For the sake of health and wellbeing and the climate.

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.

c. do something else

**Comments:**

Set and enforce a deadline or all taxis and PHV to be zero emission at the tailpipe and ensure that all new licensed vehicles are accessible by all.

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.

Taxis/PHV accessible by all should have equal status as zero emission vehicles. Accelerated transition should be equal for both these cases. Vision for fairer, safer and greener should have equal status.

17. Do you agree with our proposals for Class B vehicles? Please provide comments.

**Comments:**  
No comments.

18. Do you have any comments on the draft Regulatory Impact Assessment published alongside this paper?

This is a first step but it is not ambitious enough.  
While we acknowledge that disability awareness training and communication by drivers and operators may help people with a sensory impairment, we fail to see how the proposals in the White Paper will make the situation better for people with mobility impairments in this rural area. Better enforcement of regulations and disability awareness training will make no difference if taxis/PHV are not accessible in the first place.  
It is our experience that our local authority is so stretched and enforcement of a lot of existing legislation is not being undertaken so we remain to be convinced that better enforcement of this legislation will be any different.

19. Is there any data that you would be willing to provide to help in the development of this RIA?

Much of the data the the RIA tables is calculated by population numbers. Little attention given to geographical spread.  
Apart from saying Powys is a rural, it is also the largest county in Wales and the population is geographically spread.

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?

Not within our remit.

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.

Not within our remit.

22. Are there any other issues you would like to raise about taxi and PHV licensing?

Nothing the the White Paper encourages operators/drivers to make taxi vehicles accessible by all. By now the Welsh Government should be setting deadlines for this to happen- especially when new vehicles are licensed.

Taxis/PHVs in this rural area have taken on school and NHS contracts which used to be carried out by the local council and the NHS. Because of this there is a decreased availability of taxis at certain times of the day.

## Anonymous Response #51

Name

Are you responding for yourself or for an organisation? If an organisation, which?

Self

Which of the following best describes you?

I work in the taxi / PHV trade

**Local Authority**  
Cardiff

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.

Yes

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.

No

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.

Yes

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.

Yes

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.

Yes

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.

Yes

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

No

8. Do you agree with our proposals for local licensing administration? Please provide comments.

No

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.

Yes

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.

Yes

11. Do you agree that fixed penalty notices (FPNs) should be introduced for certain taxi and PHV offences? Please provide comments.

Yes

12. Do you agree that a national penalty points scheme should be introduced for certain taxi and PHV infringements? Please provide comments.

Yes

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.

No

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.

Yes

15. Do you agree that use of the NR3 register in the driver licensing process should be mandatory in Wales? Please provide comments.

No

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.

b. set an age limit for vehicles which are not ZEV

17. Do you agree with our proposals for Class B vehicles? Please provide comments.

No

18. Do you have any comments on the draft Regulatory Impact Assessment published alongside this paper?

*No Response*

19. Is there any data that you would be willing to provide to help in the development of this RIA?

*No Response*

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?

*No Response*

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.

*No Response*

22. Are there any other issues you would like to raise about taxi and PHV licensing?

*No Response*

## Anonymous Response #52

Name

Are you responding for yourself or for an organisation? If an organisation, which?

Self

Which of the following best describes you?

I work in the taxi / PHV trade

**Local Authority**  
Cardiff Council

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.

Yes

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.

No

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.

No

**Comments:**

It makes no sense that PHV driver's shouldn't take a knowledge test. Hackney driver's have everything that PHV driver's have at their disposal such as a navigation system. Many time's a navigation system does not take the shortest, most direct route and technology can let you down, the driver should have a basic understanding of the area he's working in for such instances.

The taxi industry is becoming increasingly inflated with driver's especially in Cardiff which is the capital. Just by visiting the town centre on any busy night you will see that the Newport licensed PHV's outnumber the Cardiff licensed PHV's by at least a 3:1 ratio. The test that Newport council provides is infinitely easier than the Cardiff test, thus many driver's license with Newport to bypass the Cardiff test which has over 170 routes to remember compared to Newport's test which has 0 routes. This is heavily affecting the trade of Cardiff PHV's as licenses are so easy to obtain. Earning's are drastically declining with increasing cost's due to high inflation. The proposals made would cause Cardiff PHV's earnings to decline even more as it would be so easy to obtain a license. I propose that Newport PHV's should have to take the Cardiff knowledge test to work in Cardiff or obtain a Cardiff license to work in Cardiff and i'm certain the overwhelming majority of Cardiff PHV driver's would agree.

Taxi driver's often work long hour's and by making it easier to obtain a license there will be even more congestion and traffic as there will be more long hour working taxi's. The current situation is that there are too many taxi's for even the roads to accommodate on any busy night.

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.

No

**Comments:**

It is tedious to have driver's retake qualifications they've already been accredited. I believe this should be removed.

It makes no sense that PHV driver's shouldn't take a knowledge test. Hackney driver's have everything that PHV driver's have at their disposal such as a navigation system. Many time's a navigation system does not take the shortest and most direct route and technology can let you down, the driver should have a basic understanding of the area he's working in for such instances.

The taxi industry is becoming increasingly inflated with driver's especially in Cardiff which is the capital. Just by visiting the town centre on any busy night you will see that the Newport licensed PHV's outnumber the Cardiff licensed PHV's by at least a 3:1 ratio. The test that Newport council provides is infinitely easier than the Cardiff test, thus many driver's license with Newport to bypass the Cardiff test which has over 170 routes to remember compared to Newport's test which has 0 routes. This is heavily affecting the trade of Cardiff PHV driver's as licenses are so easy to obtain. Earning's are drastically declining with increasing cost's. The proposals made would cause Cardiff PHV's earnings to decline even more as it is so easy to obtain a license. I propose that Newport PHV driver's should have to take the Cardiff knowledge test to work in Cardiff or obtain a Cardiff license to work in Cardiff.

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.

No

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.

No

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

No

8. Do you agree with our proposals for local licensing administration? Please provide comments.

No

**Comments:**

I think taxis should only be allowed to pick up in the area they are licensed in.

The taxi industry is becoming increasingly inflated with driver's especially in Cardiff which is the capital. Just by visiting the town centre on any busy night you will see that the Newport licensed PHV's outnumber the Cardiff licensed PHV's by at least a 3:1 ratio. The test that Newport council provides is infinitely easier than the Cardiff test, thus many driver's license with Newport to bypass the Cardiff test which has over 170 routes to remember compared to Newport's test which has 0 routes. This is heavily affecting the trade of Cardiff PHV driver's as licenses are so easy to obtain. Earning's are drastically declining with increasing cost's. The proposals made would cause Cardiff PHV's earnings to decline even more as it is so easy to obtain a license. I propose that Newport PHV driver's should have to take the Cardiff knowledge test to work in Cardiff or obtain a Cardiff license to work in Cardiff.

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.

No

**Comments:**

It is not the council's job to be the police. If driver's are doing anything wrong on the road's they can already be prosecuted. Everything in these proposals are only to give more power to the council.

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.

No

**Comments:**

It is not the council's job to be the police. If driver's are doing anything wrong they can already be prosecuted. Everything in these proposals are only to give more power to the council.

11. Do you agree that fixed penalty notices (FPNs) should be introduced for certain taxi and PHV offences? Please provide comments.

No

**Comments:**

It is not the council's job to be the police. If driver's are doing anything wrong they can already be prosecuted. Everything in these proposals are only to give more power to the council.

12. Do you agree that a national penalty points scheme should be introduced for certain taxi and PHV infringements? Please provide comments.

No

**Comments:**

It is not the council's job to be the police. If driver's are doing anything wrong they can already be prosecuted. Everything in these proposals are only to give more power to the council.

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.

No

**Comments:**

Limiting driver's to one operator is exactly what a company like Uber would need to take over 90% market share. It is not good for competition, as driver's would flock to the busiest operator in this case which would be Uber. Uber already takes 50% of each booking in commission and giving them more power would just be a slippery slope. The government should look to introduce legislation which caps how much commission a company can take.

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.

Yes

15. Do you agree that use of the NR3 register in the driver licensing process should be mandatory in Wales? Please provide comments.

Yes

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.

c. do something else

**Comments:**

Driver's want to keep their cost's as low as possible. If ZEV's were affordable more driver's would buy them. The price of ZEV's is ridiculously high. On the one end the welsh government is proposing to make it easier to obtain a Taxi license, thus reducing the earning's of current taxi driver's and on the other end they want to push driver's to make huge investment's into ZEV's. The government isn't thinking at all about the current taxi driver's who are already battling with high inflation cost's and the capitalism monopoly that is Uber who are taking 50% commission before paying their driver's. The welsh government is essentially proposing to drastically reduce the earning's of taxi driver's. Instead it would be better if they made it harder to obtain a license thus the earning's of current driver's would be higher and they could then possibly afford ZEV's.

Regarding ZEV's as a whole the infrastructure just isn't there, it is not efficient for driver's to run out of charge then wait hour's to charge their vehicle, whereas they could just fuel up in minutes at a petrol station. The best middle ground is hybrids and the council should push more towards those.

17. Do you agree with our proposals for Class B vehicles? Please provide comments.

No

18. Do you have any comments on the draft Regulatory Impact Assessment published alongside this paper?

*No Response*

19. Is there any data that you would be willing to provide to help in the development of this RIA?

*No Response*

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?

*No Response*

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.

*No Response*

22. Are there any other issues you would like to raise about taxi and PHV licensing?

Most, if not all proposal's are to give more power to the council, reduce driver earning's and increase driver cost's. The welsh government is not thinking about current taxi driver's whose trade is declining.

The welsh government should look to introduce legislation which caps the amount of commission an operator can take. Uber currently takes close to 50% comission from each booking. From the remaining 50% the driver must pay for his expenses and tax. Uber initially started with 15% comission and they have now crept up all the way to 50%, but the government has done nothing. Uber's cost's are significantly less than driver cost's, they have no reason to be taking 50%. As Uber is the busiest operator by far, driver's have no choice but to work with them on whatever term's Uber sets. No other operator takes as much fees because they don't have enough market share to do so, but Uber does and they will keep increasing their comission until the government does something about it.

## Anonymous Response #53

Name

Are you responding for yourself or for an organisation? If an organisation, which?

Self

**Comments:**

Cross bordering means any cars from outside Cardiff needs to stop.  
The way Welsh government has put it is sly, we don't have a problem with taxis from England.

Which of the following best describes you?

I am a taxi / PHV passenger

**Local Authority**

Cardiff

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.

No

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.

**Comments:**  
Read above  
Stop cross bordering

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.

Yes

**Comments:**  
Stop cross bordering properly

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.

No

**Comments:**  
Just stop non cardiff taxi working in cardiff

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.

No

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.

No

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.

No

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

No

8. Do you agree with our proposals for local licensing administration? Please provide comments.

No

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.

No

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.

No

11. Do you agree that fixed penalty notices (FPNs) should be introduced for certain taxi and PHV offences? Please provide comments.

No

12. Do you agree that a national penalty points scheme should be introduced for certain taxi and PHV infringements? Please provide comments.

No

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.

No

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.

No

15. Do you agree that use of the NR3 register in the driver licensing process should be mandatory in Wales? Please provide comments.

No

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.

c. do something else

17. Do you agree with our proposals for Class B vehicles? Please provide comments.

No

18. Do you have any comments on the draft Regulatory Impact Assessment published alongside this paper?

*No Response*

19. Is there any data that you would be willing to provide to help in the development of this RIA?

*No Response*

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?

*No Response*

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.

*No Response*

22. Are there any other issues you would like to raise about taxi and PHV licensing?

*No Response*

# Anonymous Response #54

Name

Are you responding for yourself or for an organisation? If an organisation, which?
Self

Which of the following best describes you?
I work in the taxi / PHV trade  <b>Local Authority</b> Torfaen

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.
Yes

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.
Yes

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.
Yes

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.
Yes

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.
Yes

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.

Yes

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

Yes

8. Do you agree with our proposals for local licensing administration? Please provide comments.

Yes

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.

Yes

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.

Yes

11. Do you agree that fixed penalty notices (FPNs) should be introduced for certain taxi and PHV offences? Please provide comments.

Yes

12. Do you agree that a national penalty points scheme should be introduced for certain taxi and PHV infringements? Please provide comments.

Yes

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.

Yes

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.

**Comments:**

Option 2

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.

No

**Comments:**

Option B

15. Do you agree that use of the NR3 register in the driver licensing process should be mandatory in Wales? Please provide comments.

Yes

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.

c. do something else

**Comments:**

The transition to ZEH should be slower

17. Do you agree with our proposals for Class B vehicles? Please provide comments.

Yes

18. Do you have any comments on the draft Regulatory Impact Assessment published alongside this paper?

No

19. Is there any data that you would be willing to provide to help in the development of this RIA?

No

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?

I don't speak welsh

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.

*No Response*

22. Are there any other issues you would like to raise about taxi and PHV licensing?

No

## Anonymous Response #55

Name

Are you responding for yourself or for an organisation? If an organisation, which?

An organisation

Which of the following best describes you?

I work in the taxi / PHV trade

**Local Authority**

In Wales, we are licensed with Newport City Council and Cardiff Council. We are licensed with over 50 authorities in England and Scotland.

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.

Yes

**Comments:**

We agree that the distinction between taxis and private hire is meaningful and should be retained and supports the Bill's efforts to strengthen this distinction.

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.

We further agree with the proposal to introduce statutory definitions and agrees with the proposed definitions of "taxi," "private hire," "pre-booking" and "there-and-then hire". The definition of "there-and-then-hire" addresses long-standing legal ambiguity regarding taxis plying for hire on private land accessible to the public and, collectively, the definitions bring much needed clarity as to the legality of taxis undertaking pre-booked work.

We note that the white paper does not propose a definition for "plying for hire". Considering the lack of consensus in legal precedent and the challenges faced by licensing authorities in enforcing the preparatory offence, we do not believe such a definition should be introduced.

However, in the absence of such a definition, we propose the introduction of a definition and offence for individuals who fail to engage in "then-and-there hire" in a lawful manner. Rather than defining that which taxis are alone permitted to do, this approach would focus on reinforcing the lawfulness of hire and could be more easily enforced, thereby strengthening the two-tier licensing system.

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.

Yes

**Comments:**

We support the implementation of national minimum standards in Wales and agrees with the majority of standards proposed. By establishing a baseline for vehicle, driver and operator requirements and qualifications, the national minimum standards enhance the safety, quality and equity of taxi and private hire services and licensing in Wales.

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.

**Comments:**

No comments provided.

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.

Yes

**Comments:**

We support the proposed driver requirements, particularly those pertaining to safeguarding and Equalities Act-related education and training. We ask that, as with the topography requirement, consideration be given as to whether the requirements ultimately adopted are equally applicable to private hire and taxi drivers to ensure that the requirements are relevant to the specific nature of each service and are applied accordingly.

We provide further comments on the proposed Welsh language requirement under Question 20.

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.

Yes

**Comments:**

We support most of the proposed vehicle requirements, however, disagrees with requiring private hire vehicles to display "pre-booked only" signage. We note that commonly cited benefits for signage include helping passengers to identify their private hire vehicle, ensuring passengers enter only licensed vehicles and differentiating between private hire and taxi vehicles. However, our position is that alternative measures would be more effective than signage at achieving these aims, as explained below.

To assess the first concern, it would be beneficial to evaluate the relative difficulty passengers face in identifying the vehicle they have booked in licensing authorities where signage is not required. From surveying our customers, we understand that the primary means through which a passenger identifies a vehicle is via its licence plate. However, we acknowledge that this may not be the case for all passengers, including certain groups with disabilities, as mentioned in the white paper.

Regarding the second concern, the Law Commission suggests that signage may be a distraction from a vehicle's licence plate and could lead passengers to believe a vehicle is licensed when it is not. The Law Commission suggests that this is more likely to occur with signage than alternative identifiers, like vehicle plates. Whether passengers over-rely on signage could also be assessed in licensing authorities where signage is currently mandatory. The feasibility and likelihood of using duplicitous signage and plates being utilised should be considered.

The third concern could be evaluated by assessing passengers' familiarity with the language of "pre-booked hire". As mentioned in the Regulatory Impact Statement, 40% of passengers in Cardiff do not know the difference between taxis and private hire vehicles. Cardiff passengers may be indicative of the rest of Wales. The Law Commission suggests that many passengers associate signage with taxis, regardless of the specific terminology used, colours and placement. Our drivers confirm this supposition and have expressed that they feel put at risk by signage, sharing stories of passengers entering their vehicle presuming that they are a taxi available for hire. Drivers are put at risk from a safety perspective and enforcement perspective as they may be perceived as 'plying for hire'.

If a statutory definition for "pre-booked hire" is adopted, this may go some way in helping passengers understand the distinction between the two systems. However, any such change would need to be accompanied by a comprehensive passenger education campaign. It cannot be presumed that passengers will have regard for legislation or follow changes in the industry closely. Given this, alternatives to signage should be considered for achieving the stated objectives.

If a signage policy is adopted, we seek clarification as to how this requirement would be applied to dual-licensed vehicles, and whether such vehicles would be exempt from the requirement.

Separately, we recommend that the requirement for taxis to have taximeters be clarified in guidance. We suggest that taxis offering a pre-booked ride should not be required to turn on the meter as the price of such journeys may not be determined by the meter and the presence of potentially two different fares could cause disagreements with passengers, which could jeopardise the driver's safety.

We provide additional comments on imposing vehicle age and emissions under Question 16.

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.

Yes

**Comments:**

We support the proposed operator requirements, and meets them in some of the authorities in which it is licensed. However, we request the opportunity to fulfil the accounting requirement (and any similar requirement ultimately adopted) by an appropriate member of the staff rather than the licensee or director, who may not be responsible for such matters within the organisation.

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

**Comments:**

No comments provided.

8. Do you agree with our proposals for local licensing administration? Please provide comments.

**Comments:**

If local licensing administration is retained, we recommend introducing a new funding system, which would set private hire licensing fees nationally. If cost is not addressed alongside introducing national minimum standards, we believe that the proposal's objective of reducing cross-border hiring will not be achieved.

The white paper suggests that drivers who choose to be licensed outside of their home authority do so to avoid onerous or additional licensing requirements. Having spoken with drivers who engage in this practice, we believe the primary factor is cost. Drivers opt for the cheapest authority to maximise earnings rather than to evade licensing obligations.

We recognise that different authorities set licensing fees at varying rates to account for the level of enforcement needed locally. It is inevitable that certain authorities, such as Cardiff, may require greater enforcement due to the influx of drivers capitalising on the nighttime and tourist economy. To address this, we propose the introduction of a provision for the redistribution of private hire licensing fees.

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.

Yes

**Comments:**

We support the proposal to grant greater enforcement powers to licensing authorities. In the absence of such powers, certain authorities in Wales have established quasi-enforcement agreements, which permit the home authority to take enforcement action outside of their designated licensing jurisdiction. Reversing this arrangement by allowing the non-home authority to enforce standards against drivers operating in its jurisdiction supports the objectives of national minimum standards and would improve the comprehensiveness and efficiency of enforcement.

Under the current proposal, if the non-home authority does not immediately suspend a driver's licence on public safety grounds, then the choice of sanction remains with the driver's licensing authority. To promote fairness and consistency, we suggest implementing national statutory guidelines that specify the sanctions corresponding to violations of national minimum standards. By doing so, equity and transparency would be ensured for drivers, while further facilitating comprehensive and efficient enforcement.

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.

Yes

**Comments:**

No further comments provided.

11. Do you agree that fixed penalty notices (FPNs) should be introduced for certain taxi and PHV offences? Please provide comments.

**Comments:**

We remain neutral on the introduction of fixed penalty notices (FPNs), acknowledging that they could potentially reduce bureaucracy and offer an alternative to prosecution, saving court time. However, we disagree with some of the proposals as to how to implement FPNs.

We disagree with granting licensing authorities the discretion to determine which infractions warrant an FPN. As stated in comments made under Question 9, we advocate for the introduction of national statutory guidelines that define appropriate sanctions in conjunction with the national minimum standards. In alignment with the Law Commission, we also support the implementation of FPNs solely for statutory offences. Allowing licensing authorities to implement FPNs for non-statutory offences would exceed the scope of assigning FPNs under other legislation and unduly inflate the criminality of the offence.

We disagree that FPNs should be used to supplement the income of licensing authorities facing heightened enforcement responsibilities due to cross-border hiring prevalence in their jurisdiction. As stated in comments made under Question 8, we advocate for the establishment of a national funding system that addresses these scenarios through the redistribution of resources. Relying on FPNs as a source of income may lead to undesirable outcomes where authorities under-enforce due to lack of funding or excessively utilise the power to generate income. It is essential to ensure that adequate and fair funding mechanisms are in place to prevent any potential misuse of FPNs.

Under the current proposal, it is not clear which offences are so significant or so minor as to not be appropriately addressed by FPNs. We believe that FPNs would only be appropriate for relatively minor infractions, which can be objectively ascertained - such as a failure to wear one's driver badge. However, we also suggest that these minor infractions may be better addressed under the proposed national penalty point scheme detailed under Question 12, where a driver would need to accrue a certain number of points before being liable for a fine. This approach provides a structured system where drivers are given the opportunity to rectify their behaviour before facing significant consequences, while still ensuring accountability for repeated or more severe violations.

12. Do you agree that a national penalty points scheme should be introduced for certain taxi and PHV infringements? Please provide comments.

Yes

**Comments:**

We support the introduction of a national penalty point scheme and has observed it effectively implemented and applied in many licensing authorities on a local level. As discussed in Question 11, we believe penalty point schemes promote transparency and accountability.

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.

No

**Comments:**

We strongly disagrees with imposing requirements aimed at limiting the negative consequences of "multi-apping" and questions the reasoning and evidence provided for such requirements.

The White Paper asserts that drivers cancel journeys when offered a more lucrative fare by a competing operator, leading to passenger inconvenience, frustration and potential safety risks. However, our analysis of driver cancellations in Wales indicates that the main reasons for cancelling are related to congestion and passengers not meeting the driver at the agreed-upon location. These issues can and should be addressed through collaboration between operators and licensing authorities, rather than penalising the

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.

drivers.

While we acknowledge that cancellations can result in a poor passenger experience, the average time to receive a journey on our platform in Wales is four minutes. We suggest comparing this average with that of non-app-based operators to determine if cancellation rates are material and endemic to multi-apping. We do not consider four minutes to be an excessively long wait time that warrants the constriction of largely self-employed drivers' ability to participate in a competitive market. Removing the opportunity for drivers to multi-app may have other unintended consequences, such as reducing the availability and diversity of journeys available to passengers, and increasing costs.

We do not view legislative intervention to address multi-apping and cancellations as a favourable approach for creating enduring legislation. We believe that market forces and the competitive pricing strategies of operators will gradually alleviate any unwarranted cancellations. Presently, the private hire market is facing significant short-term challenges that include driver shortages due to the pandemic (with licensed drivers declining by as much as 20% in certain authorities), difficulties in acquiring vehicles due to global supply constraints and mounting pressure on drivers to maximise their earnings amidst the prevailing cost-of-living crisis.

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.

Yes

**Comments:**

We disagree with the proposals for introducing measures to limit cross-border hiring in Wales.

There are no English-licensed drivers on our platform that predominantly work in Wales without a Welsh private hire licence. Where there is cross-border hiring, it is largely from Welsh-licensed drivers. However, the prevalence of Welsh drivers cross-border hiring into England is minimal, constituting less than 0.01% of journeys on our platform.

We understand that there is concern that, after imposing Welsh national minimum standards, the number of Welsh drivers seeking to be licensed in England may increase. However, we do not believe this will be the case; there are already licensing authorities in England with fewer requirements and lower costs that Welsh drivers could be licensed with, and we have not seen significant adoption of the practice.

If one of the proposals is progressed for adoption, we strongly recommend Option A, which would require operators and drivers to predominantly undertake journeys that start or end in Wales. The spirit of this principle is already enshrined in the Deregulation Act 2015. If deemed necessary, we suggest that solutions could be developed to better support this principle, such as defining the threshold for "predominantly".

We question how Option B could be progressed both with respect to the Deregulation Act 2015 and from a practical perspective, as Welsh authorities would be reliant on English authorities to take enforcement action against English-licensed drivers working in Wales. This would require English authorities to willingly change their licensing policies and enforcement practices.

15. Do you agree that use of the NR3 register in the driver licensing process should be mandatory in Wales? Please provide comments.

Yes

15. Do you agree that use of the NR3 register in the driver licensing process should be mandatory in Wales? Please provide comments.

**Comments:**

We strongly support the proposal to make the National Register of Refusals ("NR3") mandatory in Wales. The implementation of the NR3 would provide Welsh licensing authorities with comprehensive access to a driver's licensing background, enabling them to make fully informed decisions regarding a driver's fitness and suitability. The NR3 effectively addresses the prevalence of bad actors moving from authority to authority to obtain a licence.

We note that despite the requirement for all English licensing authorities to register with the NR3 by April 2023, many have not yet done so. Some authorities have shared with us that they will not use the NR3 until all authorities have joined as they are concerned about making adverse licensing decisions based on limited or incomplete information. To address this, we recommend the provision of clear guidance and a reasonable transition period to facilitate the migration of all licensing authorities to the system. A synchronised roll-out of the NR3 requirement is essential to ensure its widespread adoption.

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.

b. set an age limit for vehicles which are not ZEV

**Comments:**

We support Option B, which would set an age limit for vehicles which do not meet zero-emissions vehicle ("ZEV") standards and act as a proxy for maximum emissions requirements. We support this option as it would introduce a more gradual transition period for drivers to meet than a deadline for all taxis and private hire vehicles to be zero emissions at the tailpipe.

A gradual transition period is needed as more than 46% of the Welsh-licensed vehicles on our platform do not currently meet the requirement. Although we are only licensed in Newport and Cardiff, this figure is likely to be indicative of vehicles licensed elsewhere in the country as they are the two largest licensing authorities.

As expected, drivers have expressed a strong preference for Option B noting the importance of them realising the value of non-ZEV vehicles that they may have purchased recently or entered into a long-term leasing arrangement with.

17. Do you agree with our proposals for Class B vehicles? Please provide comments.

Yes

**Comments:**

No further comments provided.

18. Do you have any comments on the draft Regulatory Impact Assessment published alongside this paper?

Please see Question 19.

19. Is there any data that you would be willing to provide to help in the development of this RIA?

We note the data gaps in the Regulatory Impact Assessment and the invitation for operators to supply such data. As an app-based operator serving cities across Wales, England, and Scotland, we hold much of the data in the areas identified. We regularly provide data to the authorities in which we are licensed to improve passenger and driver safety and experience. We recognise the role that data plays in policy development and would be happy to discuss the provision of data and further collaboration with the Government on this white paper.

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?

In reference to Question 4, we support the implementation of a Welsh language requirement for drivers as a part of the proposed national minimum licensing standards. The requirement would ensure that drivers are able to effectively communicate with Welsh-speaking passengers and provide them with necessary assistance. We further acknowledge the value of the requirement in promoting the Welsh language and fostering an inclusive passenger experience.

To evaluate support for this proposal, we organised a forum with Welsh-licensed drivers to understand their views. During this forum, the majority of drivers expressed support for the proposal recognising the associated safety and cultural benefits. However, of the 60+ drivers in attendance, not one could claim any level of Welsh proficiency. This finding raised concerns, particularly regarding immigrant drivers who constitute the majority of private hire drivers in Wales and may face greater challenges in meeting the language requirement.

To address these concerns, we recommend that guidance be provided to licensing authorities as to the extent of Welsh language proficiency that can be required and that assistance be provided by licensing authorities as a part of the licensing cycle to support drivers in acquiring the necessary language skills. Similar programmes have been run successfully in England to support English language requirements.

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.

No further comments provided.

22. Are there any other issues you would like to raise about taxi and PHV licensing?

No comments provided.

## Anonymous Response #56

Name

Are you responding for yourself or for an organisation? If an organisation, which?

Self

Which of the following best describes you?

I work in the taxi / PHV trade

**Local Authority**  
Cardiff

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.

Yes

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.

Yes

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.

Yes

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.

No

**Comments:**

I broadly agree, but phv drivers are largely self employed, so would also need the information on running a business.

The caveat to the current proposals is that a certain degree of local knowledge is both useful and expected even from a phv driver reliant on a sat nav and this should be mandated for.

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.

Yes

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.

Yes

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? Mandating particular safety technologies Livery/branding Use of Welsh language Wheelchair accessible vehicles Vehicle emissions Other, please specify

Yes

8. Do you agree with our proposals for local licensing administration? Please provide comments.

Yes

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.

Yes

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.

Yes

11. Do you agree that fixed penalty notices (FPNs) should be introduced for certain taxi and PHV offences? Please provide comments.

Yes

**Comments:**

As long as there is a robust right to appeal.

12. Do you agree that a national penalty points scheme should be introduced for certain taxi and PHV infringements? Please provide comments.

No

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.

No

**Comments:**

I think this is over exaggerated and if yhe operators are offering work that is uneconomical, the drivers have a right to refuse it.

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.

No

**Comments:**

The issue isn't really with England/ wales cross border hire, more between local authorities within Wales with differing regimes and standards.

But for those areas where it applied, option B would be better.

15. Do you agree that use of the NR3 register in the driver licensing process should be mandatory in Wales? Please provide comments.

Yes

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.

c. do something else

**Comments:**

For this to work a huge rethink in location and availability of charging points will need to occur as well as significant changes to range and availability of electric vehicles.

Given that taxi / phv driving is not particularly well paid, how do the Welsh government propose to ensure that there is sufficient charging points for those living in flats or houses without a driveway.

A gradual transition alongside the 2030 deadline for ending sales of new deisel / petrol cars would be better as there is still significant improvement needed in infrastructure as well as vehicle technology.

17. Do you agree with our proposals for Class B vehicles? Please provide comments.

Yes

18. Do you have any comments on the draft Regulatory Impact Assessment published alongside this paper?

No comments

19. Is there any data that you would be willing to provide to help in the development of this RIA?

N / a

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?

Unsure

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.

Unsure

22. Are there any other issues you would like to raise about taxi and PHV licensing?

Only that this consultation doesn't seem to address the issue of exploitative phv operators.