

Appendix 2 – Proposed policy changes

This document outlines the *substantial* proposed changes to the current taxi and private hire licensing policy. Other minor and inconsequential changes are not referenced in this document.

Driver fitness criteria

1. Introduction of “Three Strikes” policy

It is proposed that the council adopts a “Three Strikes” policy. This policy will outline unacceptable behaviour by licensed drivers and operators and once any driver or operator has three of these registered against their name they will be subject to an automatic review of their licence.

The nature of the types of unacceptable behaviour outlined in this proposed policy is such that they may in isolation not be serious enough to be acted on, but a pattern of behaviour of the type listed will be.

The purpose of this policy will be to enable the council to be more effective in its ability to deal with lower level types of complaints and misdemeanours not captured by the “Relevance of convictions” policy.

A copy of the proposed policy is attached at Appendix 3 of the covering report.

2. Amendments to knowledge test

It is proposed that aspects of the current knowledge test be changed. The knowledge test currently is an entirely written test covering local geographical knowledge, the Highway Code, basic literacy and numeracy and technical questions relating to taxi and private hire rules.

There have been changes to legislation, guidance and practice since the last policy. This has necessitated a review of the current arrangements for the knowledge test. It is therefore proposed that:

1. Aspects of the written test become practical with the introduction of a learning day to cover safeguarding, equalities training and awareness, and taxi and private hire rules;
2. Written Highway Code section of the test be removed as it has been replaced with a higher standard practical driving assessment;
3. Basic literacy section to be removed because the council now has a policy in place to assess applicants’ English comprehension;
4. The written local knowledge and basic numeracy elements of the test to be retained but to include a new section to assess comprehension of the learning day’s activities.

3. Working hours

There are no national standards or statutory regulations that strictly govern working hours for licensed taxi and private hire drivers.

The policy review has identified a need for the council to be proactive in regulating this in so far as it is able and practical. To this end, the following proposed policy amendments will be made:

1. Amending licence conditions to set out a reasonable expectation on working hours for licence holders, implementing a mechanism whereby licence holders may need to keep a record of their working hours and to submit these records to the council; and
2. Adopting a code of good practice for licensed drivers setting out the council's expectations on safe working practices and the implications for non-compliance with the code.

A copy of the draft code is attached at Appendix 4 of the covering report.

Vehicle standards

1. Emissions policy/age limits

It was necessary for the council to review its current emissions policy because the current deadline for phasing out older vehicles expires in 2018.

The purpose of the revised policy is 1) to contribute to the local and national air quality strategy to improve air quality in the town and 2) to have a safe, modern and professional licensed fleet.

To this end, the proposed revised policy is:

New vehicles

- Retain 5 year rule for petrol cars (which will result in an automatic Euro Emissions Standard 5 compliance)
- Apply Euro Emissions Standard 6 for diesel (i.e. vehicles no older than 1/9/2015)
- Any age for Ultra-low emission vehicles - defined as 75g CO₂/km and under

Existing vehicles

Phase out older vehicles so to:

- Get all petrol vehicles to at least Euro 5 standard by 2020
- Get all diesel vehicles to Euro 6 standard by 2020

Given that by 2020 all licensed vehicles will be on the minimum Euro 5 emission standards, the council is not proposing a maximum age limit in vehicles provided that they continue to be in exceptional condition and safe. This will be assessed through the Council's enhanced MOT and fitness test for licensed vehicles, on the proviso that vehicles older than 8 years be subject to 6-monthly testing.

2. Suitability standards

A review has been undertaken of the council's suitability standards for vehicles to be licensed and the following changes are being proposed:

- a) Applying higher fitness standards for licensed vehicles by limiting new permitted wheelchair accessible vehicles to those that are side-loading only.

The rationale for this being that evidence shows that very few wheelchair users rely on public hire vehicles and there are difficulties with rear-loading public hire vehicles working off taxi ranks where safe entry is from the side. There have also been concerns raised about the

suitability of rear loading vehicles given that there is no other escape route for passengers in wheelchairs should the rear access point become damaged.

Rear-loading vehicles currently on the public hire fleet will be gradually phased out when these vehicles are replaced.

3. Testing arrangements

The council currently only has one approved testing station for licensed vehicles which is Ubico. It has operated under this policy for several years but a need to review this has arisen. Due to the expansion of Ubico and the growth of the local trade, Ubico's ability to continue to act as sole testing provider within the agreed service level agreement has become increasingly difficult.

This has facilitated a review of the sole use arrangement with Ubico and it is proposed that testing arrangements be opened up to other testing stations that can demonstrate to the council their ability to test to the standard expected by the council.

4. Grandfather rights

Due to a historic cap on numbers of public hire vehicles – that is no longer applicable – a situation has arisen where different rules apply to taxis depending on the number of the licence plate. Broadly speaking, proprietors of licence numbers 1-186 (which was the historic cap's maximum number) retained "grandfather rights" to license saloon vehicles whereas any licence plates above 186 were restricted to licensing wheelchair accessible vehicles.

The council is seeking to rationalise and simplify the rules so that they are the same for all taxi proprietors. It is also seeking to comply with Government guidance and targets to increase the proportion of wheelchair accessible vehicles available for public hire.

To this end, the council is proposing to seek views on a number of proposals to achieve this:

- a. Amend the grandfather rights so that these only apply to the current licensed vehicle and when the proprietor comes to replace that vehicle they are obligated to purchase a wheelchair accessible vehicle and/or purpose built taxi (preferred option);
- b. Make no changes to the current system;
- c. Amend the grandfather rights rules so that those who retain it can interchange between saloon cars and wheelchair accessible vehicles without those rights being affected.

Operators

There is an increasing issue of out of town vehicles working in Cheltenham due to the relaxation of out of district sub-contracting rules. Whilst the council cannot enforce against vehicles and drivers not licensed by it (unless it is a criminal offence committed), it is proposed to consult with operators and others on a proposal that where an operator sub-contracts a Cheltenham booking to an "out of town" operator, they endeavour to ensure that the vehicle dispatched is not silver, thereby avoiding confusion with CBC licensed taxis that are silver.

There are also proposed additional obligations on operators as part of the proposed code of practice for safe working practices for licensed drivers. Please refer to Appendix 4 of the covering report for reference.