

## **REPORT TO LICENSING COMMITTEE**

**Date of Meeting: 16 March 2015**

**Report of: Assistant Director Environment**

**Title: Report on the policy of restriction and quality standards for Hackney Carriages.**

### **Is this a Key Decision?**

No

### **Is this an Executive or Council Function?**

Licensing is a Council function delegated to the Licensing Committee

## **1. What is the report about?**

**1.1** At the Licensing Committee on 22 July 2014, the Committee considered two options:

- whether to retain its policy of restriction and commission a survey into unmet demand; or
- enter into consultation with the public, trade and other stakeholders to consider whether to remove the policy of taxi restriction in a managed way, and enhancing the quality controls for taxis to improve standards further and prevent any potential negative impact from derestriction.

The Committee voted unanimously for the latter option.

**1.2** This report presents the findings of the consultation conducted, makes recommendations as to the Council's policy of restriction and recommends the introduction of enhanced standards to improve quality further and mitigate any negative impact (if any) from derestriction.

## **2. Recommendations:**

**2.1** That:

1. That the Council resolves to end its current policy of restricting the number of Hackney carriage vehicles with effect from 17 June 2015, and couple this with the introduction of an enhanced set of quality controls as set out in Appendices A-F of this report in order to prevent any negative impact (if any) which may arise as a result of any potential growth in the number of Hackney carriage licences, and to improve standards of the Hackney taxi fleet further;

or

2. In the event that a decision is made to continue with the Policy of restricting the number of Hackney carriage vehicles, then authority be delegated to the AD-Environment to commission a survey to:
  - a. ascertain the level of any unmet demand for taxis;
  - b. determine whether any unmet demand is significant;
  - c. determine what would be an optimum quantity level to robustly meet that unmet demand over the next 3 years; and
  - d. quantify what public benefit and disadvantage is derived from operating a policy of quantity restriction at that optimum level

It should be noted that the outcome of any such survey may not support continuance of the policy of restriction. In which case, the Council would be obliged to end its policy of restriction in any event.

### **3. Reasons for the recommendation:**

- 3.1 Officers consider that a pragmatic alternative to maintaining a policy of restriction, (which remains open to challenge despite an affirmative survey), is not to end the policy in isolation, but implement at the same time enhanced quality controls (see Appendix A to F), that significantly raise the threshold for entry to new applicants, in order to avoid any potential negative impacts associated with weakly regulated and unmanaged growth in taxi fleet numbers that have occurred elsewhere. Over time, these enhancements would also act to improve the overall quality of the Hackney taxi fleet further.
- 3.2 These enhanced quality controls would apply to any applicant for a new Hackney Carriage licence with effect from 17 June 2015. In order to harmonise the standards over time, Officers recommend that these new and higher quality standards should be gradually applied to the existing Hackney Carriage fleet over a 5 year period commencing on the 17 June 2015 in a phased way.
- 3.3 The results from the consultation exercise are set out in a summary report produced by Marketing Means (Appendix H), with key points summarised at the start of Appendix H.
- 3.4 The responses from the consultation did not highlight any issues that would significantly strike against ending the policy of restriction, especially if introduced at the same time as the imposition of higher quality standards.
- 3.5 The results from the consultation exercise indicate that higher quality standards were broadly supported. More detail about this is set out below.
- 3.6 In broad terms, the consultation responses support Recommendation 1 to this report on balance, in that they indicate:
  - that there is a demand for Hackney Carriages that is not being met;
  - that the policy of restriction has negative consequences not in the public interest,
  - weaknesses in the way past surveys have been carried out, which may call into question the degree of reliance placed on the conclusions of such, for policy formulation.
- 3.7 The Consultation results highlighted the following:

#### **Responses that support Recommendation 1**

- a) A significant minority of 44% waited longer than 5 minutes for a Hackney carriage, with 17% waiting between than 11 and 30 minutes (see Appendix H(f)) – such longer waits for a sizeable minority is indicative of demand being unmet;
- b) Of taxi-users, 54% used private hire vehicles only, compared with 6% Hackney carriage only, and 40% mixed use. Of the 54% using private hire only, convenience was the main reason for doing so (71%) (see Appendix H(b)) – this may indicate that accessing Hackney carriages is seen as less convenient, and that a demand is not being met well;

- c) People with a disability were significantly less likely to use a Hackney carriage than those with no disability (see Appendix H(c)) – this poses a question whether demand for users needing wheelchair accessible Hackney vehicles is being met;
- d) In relation to improvements to Hackney carriages, respondents suggested lower fares (51%), 11% increasing the number of Hackney carriages, while 14% suggested reduced waiting times (see Appendix H(i)) – maintaining the policy of restriction will not address these considerations as restriction primarily acts to restrain the quantity of vehicles, thereby creating a scarcity value, that is likely to act against lower fares, against the availability of Hackney carriages and against reducing waiting times;
- e) Opinions on the reasonableness of fares for Hackney carriages was split between 45% thinking they were and 44% thinking they weren't (see Page 22 Appendix H) – however, it is likely that the policy of restriction causes a scarcity value in the number of licensed Hackney vehicles (66) to the number of licensed Hackney drivers (309), which in turn creates an internal demand that commands higher rents, and generates a plate premium in the transfer of plates. This is likely to translate in an upward pressure on fare tariffs as both plate owners and drivers seek to derive a reasonable return on their investment;
- f) The Older Persons Focus Group was on balance in favour of more Hackney carriages on the road, with reference to private hire vehicles sometimes picking up passing custom when there are no Hackney carriages around, and a view that allowing private hire vehicles to pick up passengers without advanced booking might benefit the public (Pages 30-31, Appendix H) – this indicates that there is unmet demand for flagging down Hackney carriages in the street;
- g) The Older Persons Focus Group also identified the need for a better taxi service at weekends when fewer buses ran (Pages 27-28, Appendix H) – again this suggests that there is demand that is currently unmet;
- h) A repeated view from the private hire trade articulated from the focus group was that there was work being turned away by them because they had insufficient resources to meet demand, and this work was not being picked up by either trade – this indicates that there is demand by potential customers that is not being satisfactorily met (see Appendix H(l) and Page 33, Appendix H);
- i) A repeated view from private hire operators and some Hackney carriage drivers was that demand could be better met by both trades collaborating to the public benefit and to the benefit of both trades (Appendix H(m)) – this indicates that demand is not being met as well as it could be;
- j) Some drivers commented that Hackney carriage licences (plates) should not be saleable and transferrable, because an unintended consequence of the current policy of restriction is that a 'plate premium' is generated, having an unfair impact on those wanting to enter the trade with their own vehicle, who would need to pay this premium to enter the trade (see Appendix H(j) and Pages 28-29, Appendix H) – this indicates a negative consequence of the policy of restriction, that capital is being invested in the plate rather than the vehicle, and that those who genuinely wish to operate a Hackney vehicle are constrained from so doing (the negative effect of this constraint to applicants is particularly noticeable in terms of gender, with Hackney carriage proprietors being disproportionately male);

- k) Some drivers also felt that if this premium ended, then the rent charged by Hackney licence holders for drivers to use their vehicles would necessarily come down, as there would be better options for drivers (Pages 28-29, Appendix H) – this indicates that the policy of restriction creates a scarcity value, allowing higher pricing (in the form of rents) to be charged;
- l) Some private hire drivers alleged that the surveys commissioned to assess demand are flawed, in that having identified cameras and personnel observing ranks the trade mobilises in response to a survey to give a false picture of 'no unmet demand', or the surveys have been carried out at times when university students are not all back in Exeter (Page 39, Appendix H) – this indicates that the robustness of the surveys conducted previously and justifying the policy of restriction, may be called into question and challenged. Furthermore, in one focus group a Hackney carriage driver supported this contention by confirming that the trade had knowledge of a survey being conducted by the sudden appearance of cameras by ranks (Page 38, Appendix H).

3.8 In terms of the consultation there were relevant responses that support Recommendation 1 set out earlier in this report, in that they indicate support for enhanced quality standards as follows:

- a) There was majority support for in-cab CCTV, with 85% support from the telephone survey, although concerns were expressed about the cost (see Appendix H(o) and Pages 20, 41 – 44 Appendix H);
- b) In the telephone survey a majority supported the introduction of a distinctive colour scheme (85%), although the opinion from the focus groups was more mixed, with drivers and older users feeling that it was nice to have but may be expensive and not a necessity (see Appendix H(p) and Pages 19, 50-51 Appendix H);
- c) In terms of better standards and knowledge for Hackney drivers, 22% of users identified this as a way of improving the service, and in the focus groups, both sets of drivers recognised that there may be room for improving testing and training (see Appendix H(r) and Pages 21, 48-50 Appendix H);
- d) In the telephone survey, 10% of respondents suggested electric or hybrid vehicles as an improvement, but in the focus groups the drivers' reaction to the proposal was reported as, 'cool', although the older users forum confirmed some level of public support, if not demand for such vehicles (see Appendix H(n) and Pages 21, 50-51 Appendix H);
- e) In terms of wheel-chair accessible Hackney vehicles, it was apparent from the telephone survey that people with some disability were more likely to use private hire vehicles, and no one with a disability used Hackney vehicles only – although there was discussion about good points and bad points with current and future provision, there was a feeling expressed by some drivers that a higher standard of wheelchair accessible vehicle should be required (see Appendix H(q) and Pages 19, 50-51 Appendix H).

## Responses that support Recommendation 2

3.9 On the other hand, there were also responses that would support Recommendation 2, which seeks the continuance of the policy of restriction (i.e. to prevent any increase in the number of Hackney carriages licences issued), and against the higher quality controls – these principally stem from the focus groups involving the Hackney trade, and from the on-line survey, as follows:

- a) Most drivers did not see the need for more Hackney carriages, even at late night week-end peaks in demand, for which people did not have to wait overlong (Appendix H, Page 28 middle section, and Page 32);
- b) Concerns were expressed by drivers about the impact of issuing significant numbers of extra plates, that this would have the potential for lowering standards, although there was some support amongst some drivers for a limited number of plates being issued (see Appendix H(k) and Appendix H, Pages 32-34);
- c) Overall the Hackney carriage drivers felt that there was not enough evidence of public demand to justify increasing the number of plates (Appendix H, Pages 34-35);
- d) Hackney carriage drivers also commented that there was insufficient space on the ranks at the current level of demand to allow for any more plates being licensed, and private hire drivers spoke about peak times at St. David's Station when it may take 15-20 minutes to clear waiting public with some needing to seek a private hire vehicle from the nearby Apple Exeter offices, followed by longer fallow periods until the next train came in (Appendix H, Page 35-36);
- e) One of the themes common to many Hackney carriage drivers' comments was that they needed to protect the investment they had made in their vehicles against trade falling away through diluted demand (if more Hackney carriage licences were issued), and that more licences being issued would severely affect the profitability of the incumbent Hackney businesses (Appendix H, Pages 38-39);
- f) Drivers felt that issuing more Hackney plates would not help curb emissions as there would be more vehicles driving around, and that electric vehicles would have too restricted a range (see Appendix H(n) and Appendix H, Page 40-41);
- g) Some in the private hire and older persons' groups questioned whether more wheel-chair accessible vehicles were needed, that sometimes people were put off using them, and drivers' felt that the cost of buying and running such vehicles was a major problem – although one thought the high price may be an advantage in ensuring the right type of new Hackney carriage drivers came into the trade (Appendix H, Pages 44-47);
- h) In the focus groups, some private hire drivers felt that a distinct livery was not a priority for Hackney carriages, some older people were concerned of the cost involved, and one Hackney driver saw drawbacks in relation to temporary replacement vehicles, and customer complaints.

In addition, 66% of online respondents were against the livery (see Appendix H(p) and Appendix H, Page 50-51);

- i) Support for in-cab CCTV, although evenly balanced in the focus groups, was much lower in the online survey (32% as opposed to 85% in the telephone survey) – although there was support for CCTV in terms of passenger and driver safety, there were concerns expressed about privacy (see Appendix H(o) and Appendix H, Page 42).

#### 4. **What are the resource implications including non-financial resources.**

- 4.1 Removing the policy of restriction and applying enhanced quality controls for taxi regulation will be met within current resources. Any increased administration and regulation costs incurred from any increase in the number of Hackney carriages would be met by the £318.50 application and annual renewal fee for each licence.

#### 5. **Section 151 Officer comments**

- 5.1 Vehicle Licensing is a self-contained budget, with any surplus or deficit carried to an earmarked reserve to be used only for vehicle licensing purposes. The ending of the policy of restriction would enable this reserve to be redirected to support improved compliance with quality conditions through:

- subsidising the cost of compliance of enhanced standards (e.g. a grant for existing Hackney owners towards the cost of installing in-cab CCTV, applying a distinct livery, etc.);
- funding driver training courses jointly organised between the Council, trade and third parties to help improve the knowledge and skill-set of drivers in offering a quality service to customers;
- increasing Licensing Officer regulatory inspections to ensure higher standards are maintained, and any non-compliance is identified and rectified earlier.

Alternatively, it could be used to reduce licence fees in the short to medium term.

#### 6. **What are the legal aspects?**

- 6.1 In England and Wales, outside London, taxis (Hackney carriages) are licensed by district councils under the Town Police Clauses Act 1847 as amended. The purpose of local authority licensing of the taxi and Private Hire Vehicle (PHV) trades is fundamentally to protect the public.
- 6.2 The grant of a taxi licence may be refused, for the purpose of limiting the number of taxis if the local licensing authority is satisfied that there is no significant demand for the services of taxis (within the area to which the licence would apply) which is unmet. The general thrust of the legislation and related guidance is to steer away from such restriction, unless it is in the public interest not to.
- 6.3 Exeter's last unmet demand survey was carried out in March 2010, with an interim top-up survey in March 2011, and reported to Licensing Committee in September that year. The Council is increasingly vulnerable to challenge with regard to any reliance on this last survey to demonstrate that there is no significant unmet demand.
- 6.4 The survey into unmet demand is always open to challenge in terms of its robustness, the weaknesses in the field methodology, timing of survey, accuracy, age, etc.

- 6.5 Defending a challenge in the Crown Court to a decision to refuse an application is costly, (between £5,000 and £10,000) with the courts finding against the Council in the last two cases. The court does not always hold a sympathetic view on the Council's policy of restriction. Thus, there is a chance that maintaining a policy of restriction will result in further Court challenges that will be costly to defend without guarantee of a successful outcome for the Council.
- 6.6 It should be noted that any decision to remove the policy of restriction will not prohibit the Council from re-instating the policy in the future if it so wishes, in response to relevant matters on the ground. However, the Law Commission also recommended that any policy of restriction adopted in the future should be coupled with the ending of the ability for individuals to trade in Hackney plates – effectively ending the premium that attaches to plates under a policy of restriction. The Law Commission viewed this premium as an unhealthy side-effect of restriction.

## 7. **Monitoring Officer's comments**

Members must give careful consideration to the survey results both in favour and against a move to de-restrict the number of Hackney carriage plates issued. Members should weigh the advantages and disadvantages of both options before reaching a conclusion on the way forward.

## 8. **Report details**

- 8.1 Most local licensing authorities do not impose quantity restrictions; the Department of Transport regards that as best practice. Currently 86 out of 343 (25.5%) maintain quantity controls. Both the Department of Transport and Office of Fair Trading are critical of taxi restriction, and feel that it strikes against the benefit of the travelling public.
- 8.2 Higher quality controls may act to visibly enhance the quality of the taxi fleet, e.g. by introducing requirements for a distinctive colour scheme and livery, wheelchair accessibility, low emission vehicles, and in-cab CCTV. However, importantly they may also act as a proxy restriction (e.g. as has happened in London and Ipswich) in so doing they can act as a fairer, more pragmatic, beneficial and sustainable alternative to a policy of a numerical restriction (see Appendix I).
- 8.3 Following the Licensing Committee's decision on 22 July 2014, the Council commissioned several pieces of research as part of its Taxi Licensing Consultation at the end of 2014, as follows:
- a telephone survey run by Marketing Means of a random sample of 500 members of the general public in Exeter;
  - an online survey using the same questions as the telephone survey but run by the Council and open for all to contribute their views (535 did so);
  - three focus groups held by Marketing Means in Exeter with invited groups of Hackney carriage drivers, private hire drivers, and older people/ representatives of groups for people with disabilities; and

- in addition, representations were invited and received from individuals and organisations.

8.4 The online survey closely followed the questions in the telephone survey, although in the former there was additional visual material for the question on a city-wide livery. The phone survey gathered the views from a random selection of people that was matched to the demographic profile of Exeter's population. The consultant 'Marketing Means' commented in their report that:

*"...In contrast, the online survey was open to any member of the public and promoted by Exeter City Council through social media and in the local press. Members of the taxi trade were also encouraged to take part. This means that the online sample was 'self-selecting' rather than drawn at random and the results are therefore discussed only briefly at Section 3 of this report".*

8.5 The key findings of the consultation are contained in Appendix H, together with the Marketing Means report.

8.6 Written submissions received largely focused around the Hackney Carriage trade making representations around the content of the report to the Licensing Committee on 22 July 2014. Representations were also received with photos showing ranks with taxis parked up at ranks with no people queuing (to illustrate no unmet demand), whilst there were countervailing photos sent with queues of people waiting at ranks and no taxis (to illustrate the opposing view that there was unmet demand); officers recommend that reliance is placed on neither series of photographs as being illustrative of true demand.

8.7 Representations were also received from groups representing sections of the community regarding accessibility and the shortage of wheelchair accessible vehicles. It is worth noting that the MS Society and Living Options made some strong criticisms particularly in respect of the online survey that did not cater for those with certain disabilities. The online survey was the weakest (in terms of being truly representative) of the 3 methods, and less reliance should be placed on this method because of this. However, those with disabilities were specifically catered for in the focus groups and from the telephone survey where 14% of respondents classed themselves as having either a disability or long-term limiting condition; therefore officers are confident that the views of those with disabilities have been heard.

8.8 Full copies of the representations and responses (where applicable) have been made available to the Licensing Committee and public to examine. These submissions can be viewed on the following link:

<http://committees.exeter.gov.uk/ieListDocuments.aspx?CId=115&MId=4086&Ver=4>

8.9 The consultation also identified that there were some concerns about costs relating to the implementation of higher quality controls such as a distinctive colour scheme, CCTV and wheelchair accessibility. Further work would need to be conducted on how some of these quality enhancements may potentially be subsidised by the licensing regime, in particular this could apply to existing Hackney plate owners making an earlier transition than required to the higher quality standards.



**9. How does the decision contribute to the Council's Corporate Plan?**

- 9.1 The taxi and PHV fleet form an important transportation service within the city. Decisions in this report contribute to keeping my city safe and looking good, running a successful business and providing great things for me to see, do and visit.

**10. What risks are there and how can they be reduced?**

- 10.1 There is a risk in deciding to maintain a policy of taxi restriction, in that it will become increasingly difficult to justify and defend; this poses a risk of the Council incurring significant costs and tying up significant resources in defending appeals to decisions to refuse the granting of taxi plates. This risk can be removed by ending the policy of restriction.
- 10.2 In ending the policy of restriction in isolation, there is the risk of unmanaged growth in the number of taxis (opening the flood-gates scenario), saturating the market and resulting in a deterioration of standards and practices as owners and drivers cut corners to ply their trade in an increasingly competitive environment. Introducing enhanced quality controls in tandem with derestriction, will significantly raise the threshold for entry to new applicants that will mitigate this risk substantially. In addition, the ending of the plate premium that derestriction will bring about, will remove a motivating factor for some applicants, and further constrain the number of new applications.
- 10.3 In ending the policy of restriction in isolation, there is the risk of a wholesale transfer of private hire vehicles into the Hackney trade, destabilising the dynamics of the both taxi fleets. This risk can be substantially mitigated by introducing enhanced quality controls in tandem with derestriction, for example, of the private hire fleet of 292 vehicles in Exeter, only 2 will satisfy the enhanced emission and wheelchair accessibility criteria, and would be able to transfer if their owners were minded to apply.

**11. What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?**

- 11.1 There are no specific impacts on equality groups, however, it can be argued that maintaining taxi restriction may have an impact of community safety in terms of encouraging the public need to use unlicensed taxis when unable to find a licensed taxi.
- 11.2 In terms of removing taxi restriction and replacing it with higher quality conditions in a managed way, there could be a positive impact in increasing the number of wheelchair accessible taxis for users of wheelchairs.
- 11.3 A distinct colour scheme together with in-cab CCTV should make it far easier to identify licensed taxis and avoid unlicensed taxis, as well as reassuring the travelling public of their safety – this will more positively impact on the use of taxis by women, particularly younger women.
- 11.4 Amongst existing Hackney carriage proprietors, there are a disproportionate number of males, either as sole proprietor, or as joint proprietors with their spouses. It can be argued that taxi restriction creates a 'closed shop' that disproportionately constrains

women from entering the trade but ending restriction may allow more women to operate as proprietors, so long as they meet the enhanced quality standards proposed.

11.5 Amongst existing taxi plate owners, there are a disproportionate number from the BME community, who may see the value of their plate premium be reduced or end; some of these may have invested a considerable amount of their own money into purchasing a plate (i.e. a vehicle and plate) from an existing plate owner who had been granted a plate by this Council (41 of the 66 plates have been traded on). The Council acknowledges that some existing plate owners may have been relying on recouping any such investment by selling on their plate in the future, but this should be balanced against the rents that have to be paid by Hackney drivers (the majority of which are from the BME community), who are obliged to work for a Hackney carriage proprietor, being constrained from entering the trade as a proprietor

11.6 With higher quality conditions there are beneficial gains to be made in terms of community safety and air quality, and these will be enjoyed by all.

## 12. **Are there any other options?**

12.1 An option would be to adopt a policy of managed growth in taxi numbers, incrementally increasing numbers year by year, but this would still require an affirming survey to be commissioned, (if such a survey did not support the policy of restriction with managed growth then the policy could not be sustained), and would not by itself, achieve an increase in quality of the taxi fleet. It would also be open to legal challenge from those who were outside of the batch allowed through each year. This is not considered a preferred option.

12.2 Licensing Committee could decided to maintain the policy of restriction and couple this with the enhanced quality standards, however, this would not overcome the negative issues surrounding the policy of restriction such as the legal challenges to the policy, the failure demand associated with the policy, the barring of prospective applicants who genuinely wish to operate a taxi, the gender imbalance amongst proprietors, and most importantly whether the policy of restriction actually serves the public interest. Consequently, this option is not considered a preferred option.

## **Assistant Director Environment**

### **Local Government (Access to Information) Act 1972 (as amended)**

#### **Background papers used in compiling this report:-**

- Report to Licensing Committee 22 July 2014, Title: Policy Tool of Quantity Restriction
- The regulation of licensed taxi and PHV services in the UK, Office of Fair Trading, November 2003
- Taxi and private hire vehicle licensing: best practice guidance, Department of Transport, March 2010,
- SN601 Transport: access for disabled people, 23 October 2012
- SN2005 Taxis and private hire vehicles, 29 May 2014
- SN2772 Taxis: quantity restrictions, 29 May 2014
- Law Commission Consultation Paper No 203
- Law Com No. 347 Taxi and Private Hire Services, May 2014

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## **Appendix A: Enhanced Quality Controls for New Applications - Summary**

For all new applications for a Hackney Carriage Licence, the following criteria must be met on top of existing quality criteria (Appendix G) from 17 June 2015:

1. The vehicle should have a uniform colour scheme as specified by Exeter City Council and bearing the City's crest in compliance with the Council's Hackney carriage livery specification;
2. The vehicle should be fitted with in-cab CCTV to the Council's specification;
3. The vehicle should at least meet the Euro VI emissions standard, and be wheelchair accessible (with the exception of ultra low emission vehicles of 75g/km or less) [however, in the case where no Euro VI emission standard vehicle that is wheelchair accessible from the side is available, then the accepted emission standard for such a vehicle will be Euro V];
4. Any wheelchair accessible vehicle must be accessed from the side of the vehicle.
5. A Road Tax Band A (CO2 emission standard) ultra low emission vehicle (ULEV) with a manufacturer's stated emission standard of 75g/km or less will not be required to be wheelchair accessible, with the proviso that this exemption will be constrained if the proportion of the Hackney Carriage fleet that are wheel-chair accessible is not greater than 50%.
6. That the applicant has at least 12 months recent experience (within the previous 5 years before application) of operating as a driver of a taxi or private hire vehicle as his/her main occupation.

**Appendix B: Enhanced Quality Controls for Renewal Applications and Change of Vehicle: Summary**

For all renewal applications, transfer of existing vehicle licence, or change of vehicle for a Hackney Carriage Licence, the following criteria must be met on top of existing quality criteria from 17 June 2015:

1. At the end of life of the existing vehicle, or on change of vehicle, the vehicle should have a uniform colour scheme as specified by Exeter City Council and bearing the City's crest in compliance with the Council's Hackney carriage livery specification, or in any event within the year of 2016;
2. At the end of life of the existing vehicle, or on change of vehicle, the vehicle should be fitted with in-cab CCTV to the Council's specification, or in any event within the year of 2017;
3. At the end of life of the existing vehicle, or on change of vehicle, should at least meet the Euro VI emissions standard, and be wheelchair accessible (with the exception of ultra low emission vehicles of 75g/km or less), [however, in the case where no Euro VI emission standard vehicle that is wheelchair accessible from the side is available, then the accepted emission standard for such a vehicle will be Euro V], or in any event by 1<sup>st</sup> January 2020;
4. Any wheelchair accessible vehicle must be accessed from the side of the vehicle.
5. A Road Tax Band A (CO2 emission standard) ultra low emission vehicle (ULEV) with a manufacturer's stated emission standard of 75g/km or less, will not be required to be wheelchair accessible, with the proviso that this exemption will be constrained if the proportion of the Hackney Carriage fleet that are wheel-chair accessible is not greater than 50%.

## **Appendix C: Colour Scheme and livery**

This policy applies to all Hackney carriage vehicles with effect from the date set out in the following paragraphs.

The Licensing Authority is entitled to promote public safety under the provisions of the above legislation which provides that a council may require any vehicle to be of such design ... or bear such distinguishing marks as shall clearly identify them as taxis.

With effect from 17 June 2015 prospective vehicle proprietors will, upon application for a new licence, as part of that application, be required to comply with the following condition(s).

With effect from 01 January 2016, prospective vehicle proprietors on the transfer of an existing licence, or existing vehicle proprietors upon renewal of a current licence, will as part of that application, be required to comply with the following condition(s).

### **Exterior Markings**

- 1 No vehicle shall be licensed as a Hackney carriage vehicle unless its exterior paintwork / bodywork below the window line and across the bonnet and boot are painted to Pantone Red 032C or the area identified is "wrapped" in 3M Scotchcal Vinyl or equivalent vinyl to the same colour specification.
- 2 All other external areas of the vehicle will be painted (black) to British Standard BS4800 00 E 53 or wrapped in 3M Scotchcal vinyl or equivalent vinyl to the same colour specification.

Each Hackney carriage shall display signs on each door in accordance with the "Exeter Crest" design approved and supplied by the Council. The sign shall be constructed of vinyl and be applied direct to the paintwork / vinyl, centred on the front nearside and offside doors.

## **Appendix D                    CCTV Provision**

This policy applies to all Hackney carriage vehicles with effect from the date set out in the following paragraphs.

The Licensing Authority will maintain a list of CCTV systems, which it has approved for installation in vehicles in accordance with this proposal. Any individual may apply for any system to be placed on the approved list, however only those systems which meet the Minimum System Specification [as set out below] would normally be approved.

With effect from 17 June 2015 prospective vehicle proprietors will, upon application for a new licence, as part of that application, be required to comply with the following condition(s).

With effect from 01 January 2017, prospective vehicle proprietors on the transfer of an existing licence, or existing vehicle proprietors upon renewal of a current licence, will as part of that application, be required to comply with the following condition(s).

Upon application for grant, renewal etc, such vehicle licences will be subject to additional conditions to ensure that such CCTV systems are appropriately installed and maintained so as not to interfere with the safety and comfort of passengers or the safety of the driver, as well as ensuring the integrity of any images captured.

Whilst each case will be determined on its own merits the Council will normally only place on its approved list CCTV systems which meet or exceed the minimum specification contained in this proposal.

The proposal seeks to ensure that the use of CCTV systems will provide a safer environment for the benefit of the taxi driver and passengers and the general public by:

1. Deterring and preventing the occurrence of crime;
2. Reducing the fear of crime;
3. Assisting the Police in investigating incidents of crime; and
4. Assisting insurance companies in investigating motor vehicle accidents.

The Licensing Authority will be mindful that in the past requests for the issue of taxi licenses have been made by drivers who have been assaulted by passengers. The installation of CCTV in taxis will lead to a much greater chance of identifying any assailants and also identify any fault of a taxi driver that is the subject of complaint.

The installation of CCTV will greatly assist in reducing any potential crime, and where crime in taxis does arise, assist the police in the identification of the offending passengers.

### **CCTV in Hackney carriages Minimum System Specification**

The following are the minimum criteria that the City Council would normally expect a CCTV system to meet in order for the system to be placed on the list of CCTV systems approved to be installed in vehicles.

The system shall, as a minimum:

- Meet the current Information Commissioner data protection requirements. CCTV Code of Practice 2014

- Be capable of date & time system identification stamping.
- Be capable of recording and storing images for a minimum period of 31 days.



## **Appendix D                      CCTV Provision**

- Be capable of capturing images that, in low light conditions, must be of sufficient quality to enable identification of any person travelling in the vehicle and be of such quality that they can be used for prosecution purposes.
- Be capable of storing images in a manner, which prevents them being removed, downloaded or viewed by the driver or any other person travelling in the vehicle.
- Provide that images are only capable of being downloaded by a system administrator.
- Provide that images are digitally encrypted. De-encryption software required to view the recorded images must be supplied to the Council free of charge before the system is installed in the vehicle.
- Provide that the hard disk or data card is not able to be accessed by the driver or any other person travelling in the vehicle.
- Provide that the data unit is stored separately from the camera(s) and out of view of person travelling in the vehicle.
- Provide that cameras are capable of being fitted in locations that do not affect the safety of any person travelling in the vehicle, and located as securely and discreetly as possible to avoid passengers travelling in the vehicle from tampering with them.
- Provide that, where the system uses a DVD recorder, the system is protected from shock.
- Unless specifically designed to do so (external silent witness type cameras) ensure that the area recorded by the camera does not extend outside of the vehicle.
- Any system must be marked with the EMC [Electro Magnetic Certification], which signifies that it meets the European Industry Standard.

### **Application Process for a CCTV system to be approved by the Council**

1. A proprietor who wishes to apply to the City Council for the approval of a CCTV system in addition to those already approved must apply in writing to the Council specifying the particular make and model of CCTV system to be placed on the approved list.
2. The proprietor must provide written evidence that the product complies with the Council's minimum recommended specification.
3. Once the system has been approved the Council will issue the proprietor and the manufacturer (where the manufacturer is not also the proprietor) written confirmation, and place the system on the approved list. If the system is not approved the Council will issue the applicant notification of the same and the reasons for the decisions.
4. Each approved system will be given a unique identification number, which must be quoted on an application to install CCTV in a vehicle.

## **Appendix D                    CCTV Provision**

### **Additional conditions following installation of CCTV**

#### **Conditions to be attached to Hackney Carriage and Private Hire Vehicles**

No CCTV system shall be installed in a vehicle unless it has previously been approved by the City Council.

No CCTV system shall be installed in a vehicle without the prior written consent of the Council.

No cameras shall be installed in the vehicle without prior written consent from the Council as to the number and location of such cameras. The number and location of cameras shall not be varied without the prior written consent of the Council.

An advisory notice indicating that CCTV is in use will be provided by the proprietor of the vehicle. It shall be displayed inside the vehicle on each of the rear side passenger windows. The notices shall be positioned in a prominent position where they can be easily read by persons both inside and outside of the vehicle. The proprietor shall ensure that the notices are maintained in a clean and legible condition.

The proprietor shall ensure that the system is properly and regularly maintained and serviced in accordance with the manufacturer's instructions by a suitably qualified person. Written records of all maintenance and servicing shall be made and retained by the proprietor for a minimum of 24 months. Such written records shall be made available on demand by an authorised officer of the Council or a Police officer.

Upon request for image retrieval by an officer of the Council or a police officer the proprietor shall ensure that the CCTV system is made available to the system administrator, as soon as reasonably practicable, and in any event within 7 days of the request.

The proprietor of the vehicle shall take all reasonable steps to ensure that any driver of the vehicle is made aware of every condition in relation to any installed CCTV system and has been given adequate instruction regarding the need for the system to be made available as soon as reasonably practicable, and in any event within 7 days of any authorised request for any image retrieval.

The proprietor shall ensure that notification is lodged with the Information Commissioner to cover the purposes for which the CCTV system is used.

**Appendix D**

**CCTV Provision**

<b>Reference</b>	<b>Specification</b>	<b>Details</b>
1.1	100% solid state design or a proven vibration and shock resistant system	The system should not have any fan and the recording should be vibration and shock proof i.e. - Flash-based SSD (100% industrial grade), Hard disk with both mechanical anti-vibration and anti-shock mechanism and self recovery and self check writing system.
1.2	8 to 15 Volts DC	Operational between 8 and 15 volts DC
1.3	Reverse polarity protected	System to be protected against reverse voltage.
1.4	Short circuit prevention	System to be protected against short circuits
1.5	Over voltage protection	System to be protected against high voltage transients likely to be encountered in the vehicle electrical system
1.6	Automotive Electromagnetic Compatibility Requirements	The in-vehicle CCTV system must be compliant with the Council Directives: 2004/108/EC on Electromagnetic Compatibility (CISPR 22/EN55022) - 2004/104/EC on radio interference (sections 6.5 6.6 6.8 and 6.9) The CCTV equipment should therefore be e-marked or CE marked with confirmation by the system manufacturer as being non-immunity related and suitable for use in motor vehicles.
1.7	Absence of "on/off" switch	The system must be permanently wired to the power supply of the vehicle, and shall not be equipped with an on/off switch
1.8	First-in/first-out buffer recording principle	
1.9	Built-in, automatic logging of all access actions including date and personnel names	

**Appendix D****CCTV Provision**

<b>Reference</b>	<b>Specification</b>	<b>Details</b>
1.1	Security, duration and auto-clearing of log files	
1.11	Image export formats and media	Images must be exported in commercially available formats.
1.12	Image protection during power disruption	Images must be preserved in the event of loss of power Battery back-up will not be permitted
1.13	Unit must operate without the ignition being turned on	The Unit must have the ability to operate for at least 12 hours without power from the ignition.
1.14	Image and audio data shall be recorded and stored in a unit separate from the camera head	
1.15	GPS capability	System must be compatible to allow for GPS capability
1.16	The system must be capable of recording audio time synchronized to the recorded images.	
1.17	The system shall be programmed not to record audio unless triggered by an approved trigger	The system needs to have the ability to start recording audio data by means of a panic button as well as up to 3 other triggers, such as door, meter or time. Once audio recording is triggered the length of the audio recording needs to be able to be set to between 10 seconds and 30 minutes or greater

**Appendix D****CCTV Provision**

<b>Reference</b>	<b>Specification</b>	<b>Details</b>
1.18	The audio playback, when triggered, shall be in 'real time' regardless of the image capture rate	
1.19	Digital sampling of the audio signal must exceed 8KHz	
1.2	Digital resolution of the audio samples must exceed 10 bits.	
1.21	The audio microphone shall be integrated within the camera head.	
1.22	Audio data and image data must be stored together, not in separate files, and must be protected unauthorised access or tampering.	
1.23	The system must support testing of the audio function for installation set-up and inspection purposes.	

**Appendix D**

**CCTV Provision**

<b>Reference</b>	<b>Specification</b>	<b>Details</b>
1.24	The system must 'go to sleep' to reduce battery drain during prolonged idle time. It must be capable of immediate reactivation	
1.25	Images recorded by the system shall not be displayed within the vehicle.	
<b>2</b>	<b>STORAGE CAPACITY</b>	
2.1	Minimum of seven days of recording capacity	The camera system must be capable of recording and storing a minimum of seven days of images of HD1 (720/288) size or better.
2.2	Images must be clear in all lighting conditions	System to provide clear images in bright sunshine, shade, dark and total darkness. Also, when strong back light is present.
<b>3</b>	<b>CAMERA HEAD</b>	
3.1	Camera installation must be non-obstructive.	The camera and all system components shall be installed in a manner that does not interfere with the driver's vision or view of mirrors or otherwise normal operation of the vehicle.
3.2	Protected camera disconnect	The camera head shall be designed to disconnect for ease of removal and replacement by maintenance personnel.
3.3	Special tools for adjustment or removal.	To prevent inappropriate interference only tools supplied to authorised fitters should be capable of carrying out adjustments or removal.
3.4	Field of view to capture all passengers in the vehicle	The lens of the camera must be of a type that captures the driver and all passengers of the vehicle on the recorded image. The lens must not be of a type that will create a "fishbowl" effect.

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**CCTV Provision**

<b>Reference</b>	<b>Specification</b>	<b>Details</b>
3.5	Images must be clear	System to provide clear images in all lighting conditions and allow different skin tones to be detected.
3.6	Compatible for use in with a partition (shield)	The camera system must be adaptable to provide clear images when a vehicle is equipped with a shield. This may be accomplished with the use of multiple camera heads.
3.7	Multiple cameras	The unit shall be capable of supporting up to four (4) cameras. Four cameras may be required to provide adequate coverage in larger vehicles and/or certain purpose built vehicles.
<b>4</b>	<b>STORAGE DEVICES</b>	<b>(RECORDERS)</b>
4.1	Impact and shock resistance	The recorder shall be impact resistant, sufficient to withstand a typical car accident, or striking with a large, heavy object such as a suitcase.
4.2	Controller in concealed location	The storage unit shall be concealed from view and effectively inaccessible except by authorised personnel.
4.3	Download port provision	The recorder shall be equipped with a communication port for downloading by authorised personnel.
4.4	Download port shall be located in an easily accessible location such as a glove compartment.	The recorder download port shall be located in the glove box if practicable, if not then in a location that does not require the removal of panels and is accessible.
4.5	Download port cable length (0.5 metre minimum)	Download port shall be at least 0.5 metres in length for ease of download.
4.6	Recorder to be securely affixed to the vehicle	

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**CCTV Provision**

<b>Reference</b>	<b>Specification</b>	<b>Details</b>
4.7	Log to register each user access	
4.7.1	Log to register camera system parameter modifications	
4.7.2	Log to register each image download session	
4.7.3	Log to register modification/manipulation of downloaded images	
4.7.4	Log to register exporting of downloaded images	
4.7.5	Log to register exporting of downloaded clips	
4.7.6	Log file protected against unauthorised access	
4.7.7	Time/date stamp	All stored images must be time and date stamped.
4.7.8	Vehicle ID number stamp	All stored images must have two fields for vehicle identification (Reg. No. & licence plate number).
4.7.9	Controller non-modifiable ID code stamp	Each recorded image shall be automatically stamped with a unique and non-modifiable code that identifies the controller that was used to record the image.
4.7.10	Controller (Storage Recorder)	Manufacturer to supply Exeter City Council Licensing Team and Devon & Cornwall Police with tools to allow for removal of the Controller and download of data when required



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**CCTV Provision**

<b>Reference</b>	<b>Specification</b>	<b>Details</b>
<b>5</b>	<b>Activation of system</b>	<b>Door and/or meter activated</b>
5.1	Record on door open	The recorder shall record a sequence of images when any door is opened
5.2	Door pre- event and post-event	The recorder shall record the 10 seconds prior to any door recording opening trigger (and the 10 seconds after any door opening trigger) at a minimum of 1 frame per second per camera.
5.3	Record on meter on	The recorder shall record images at the rate of at least 1 frame every 2 seconds per camera for 20 seconds upon meter activation.
5.4	Record on meter off	The recorder shall record images at the rate of at least 1frame per 2 seconds per camera for 20 seconds upon meter de-activation.
5.5	Minimum recording rate	Following a door, meter or emergency trigger, the unit shall continue recording images at a rate not less than 1 image per 10 seconds per camera.
5.6	Current sequence must be pre-empted and restarted by subsequent door event	The recorder shall reset for the next door opening event, and shall also reset if a door is opened prior to completing any cycle.
5.7	System to continue to record images when engine is off.	System must continue to record images for 30 minutes after engine is shut off.
<b>6</b>	<b>Activation of system</b>	<b>Emergency Activation</b>
6.1	Emergency button that allows for overwrite-protected image storage when activated by driver	When activated, system to store at least 600 pictures per camera spread evenly over 5 minutes. At least 300 pictures (2.5 minutes) per camera immediately prior to the button activation and at least 300 pictures (2.5 minutes) per camera immediately following the button activation captured at a rate of 2 frames per second per camera.

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**CCTV Provision**

<b>Reference</b>	<b>Specification</b>	<b>Details</b>
6.2	Emergency image overwrite protection capability	Image sequences resulting from emergency activation shall be recorded in an area of memory which is protected from being overwritten.
6.3	Overwrite protection capacity for 3 activations	
6.4	Overwrite protection self clear on 96 hr. timer	
<b>7</b>	<b>Use of the system</b>	<b>Downloading images</b>
7.1	Time to download complete memory not to exceed 30 minutes	Time to download to be accomplished in 30 minutes or less
7.2	Provision of necessary software, cables, security keys to enable downloads to Exeter City Council Licensing Team and Devon and Cornwall Police	
7.3	Windows 8 or higher compatibility	
7.4	Downloaded images stored in non-volatile media	
7.5	Downloaded images stored in secure format	

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**CCTV Provision**

<b>Reference</b>	<b>Specification</b>	<b>Details</b>
7.6	Verifiable image authenticity	Each image shall be stamped with controller ID, vehicle ID and be tamperproof.
7.7	Provision of necessary technical support to Exeter City Council Licensing Team and Devon and Cornwall Police when necessary	To assist in accessing system in case of damage to the vehicle or to the system in case of accident within 1 hour during normal working hours 09:00 to 17:00 Monday to Friday and within 8 hours otherwise.
7.8	Wireless Download Prohibited	Unit must not allow for wireless downloads. Wireless diagnostic may be used. All wireless hardware to be disabled.
7.9	Filter the specific images for events and times for the approximate time of the crime committed.	
<b>8</b>	<b>System Information</b>	
8.1	Provision of service log sheet with each unit shipped	The unit manufacturer shall have a service log shipped with the unit The manufacturer shall also enclose detailed instructions for the drivers with each unit shipped. An installation manual shall also be furnished to authorised installers.
8.2	Serial number indication on service log	The unit will be marked with a unique serial number
8.3	Installation date indication on service log	This provision requires the installer to indicate the installation date

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**CCTV Provision**

<b>Reference</b>	<b>Specification</b>	<b>Details</b>
8.4	Provision of driver instruction card/ leaflet with each unit shipped	
8.5	Provision of installation manual to installers	
8.6	Clarity of operating instructions	The system shall be provided with clear and concise operation instructions which are written with due consideration to varying levels of literacy.
8.7	Installation by authorised agents	The unit shall be installed by manufacturer's authorised agents.
8.8	Provision of authorised agents to Exeter City Council Licensing Team.	The manufacturer shall provide a list of all authorised agents list to Exeter City Council Licensing Team
8.9	Documentation	The manufacturer must provide clear and concise operating instructions (details on how the system records the images) which are written in layman's terms
8.1	Image Protection	All captured images must be protected using encryption software that meets or exceeds the current FIPS 140-2 (level 2) standard or equivalent.
9	<b>Vehicle Inspection Facility</b>	<b>Inspections</b>
9.1	Provision of system status/health indicator	The driver shall have an indicator showing when the system is operational and/or when there is a malfunction.
9.2	Mounting location of systemstatus/health indicator to be seen by driver only	The indicators shall be mounted/installed for the driver's vision only. The indication system shall incorporate the minimum features identified at 9.3, 9.4,and 9.5

**Appendix D**

**CCTV Provision**

<b>Reference</b>	<b>Specification</b>	<b>Details</b>
9.3	Additional indicator requirement	Where a system is fitted with an indicator to show that the system is on, this indicator shall be separate to those listed above or of a different colour to avoid any possible confusion on the part of the drivers using the system
9.4	Designed/Installed to be testable by Exeter City Council	The system shall be designed and installed such that the system may be easily tested by Exeter City Council Licensing Team. Licensing Team staff to ensure that all features are operating and that images are being recorded as prescribed.
<b>10</b>	<b>General Requirements</b>	
10.1	Vandal and tamper resistance	All installations shall be of such design that the equipment will be protected against vandalism and be tamper resistant and have such protection to indicate that tampering has been attempted.
10.2	Provision of statement of compliance	In addition to a formal test of all aspects of this requirement specification, a statement of compliance shall be provided and signed by an officer of the company.
10.3	Reliability in operational and environmental conditions	The system shall provide reliable and full functionality in all operational and environmental conditions encountered in the operation of taxis.
10.4	Programmability of image timing parameters	It shall be possible to change timing and parameters without the requirement to change components.
10.5	Training; Technical Support and Equipment	The manufacturer must provide Exeter City Council Licensing Team with a Training and Technical Manual. Additionally they will supply a working unit to Exeter City Council for testing purposes.
10.6	Software and Hardware	Manufacturer to supply Exeter City Council and Devon and Cornwall police a supply of cables and software to be installed under the supervision of the City's authorised staff.

**Appendix D****CCTV Provision**

<b>Reference</b>	<b>Specification</b>	<b>Details</b>
10.7	Agreement between the Camera Manufacturer and Exeter City Council	Agreement to allow Exeter City Council to retain the relevant software from the Manufacturer in the event the Manufacturer goes out of business. The City's IT support (Strata) will be able to support the system.

## **Appendix E:           Accessibility**

This policy applies to all Hackney carriage vehicles with effect from the date set out in the following paragraphs.

With effect from 17 June 2015 prospective vehicle proprietors will, upon application for a new licence, as part of that application, be required to comply with the following condition(s).

With effect from 01 January 2020, prospective vehicle proprietors on the transfer of an existing licence, or existing vehicle proprietors upon renewal of a current licence, will as part of that application, be required to comply with the following condition(s).

1. No vehicle shall be licensed as a Hackney carriage vehicle unless it is wheelchair accessible and is of a design that will provide wheelchair access to the Hackney carriage via a side door, (unless qualifying for exemption under Point 3 below);
2. All vehicles currently licensed that do not comply with this requirement will be required to change the vehicle to one that does comply by 01 January 2020. Any vehicle licensed at this time that does not meet the specification may be suspended until such time as compliance is achieved (unless qualifying for exemption under Point 3 below);
3. A Road Tax Band A (CO2 emission standard) ultra low emission vehicle (ULEV) with a manufacturer's stated emission standard of 75g/km or less will not be required to be wheelchair accessible, with the proviso that this exemption will be constrained if the proportion of the Hackney Carriage fleet that are wheel-chair accessible is not greater than 50%.

## Appendix F:

### **Driver Standards - enhanced quality controls for applicants for prospective Hackney driver's licences and applications for renewal of existing Hackney Carriage driver licences.**

For all applications seeking either the grant or renewal of a Hackney Carriage driver's licence, the following criteria must be met on top of existing quality criteria:

1. With effect from 17 June 2015 all prospective applicants for Hackney carriage licenses will, within 12 months of the licence being granted, provide documentary evidence by way of accredited certification that they have undergone training and attained a Level 2 NVQ Certificate in Road Passenger Vehicle Driving (Taxi and Private Hire) or equivalent that has been approved by the Licensing Authority.

With effect from 17 June 2015 all applications for the renewal of existing Hackney carriage drivers licences will within 24 months of the licence being renewed, provide documentary evidence by way of accredited certification that they have undergone training and attained a Level 2 NVQ Certificate in Road Passenger Vehicle Driving (Taxi and Private Hire) or equivalent that has been approved by the Licensing Authority.

2. With effect from 17 June 2015 all prospective applicants for Hackney carriage drivers licences will, prior to any licence being granted, undertake a knowledge test and within 12 months of the licence being granted, provide documentary evidence of completing disability / diversity awareness training, such testing and training to be repeated on a three yearly basis and which will be specified by the Licensing Authority.

With effect from 17 June 2015 all applicants seeking the renewal of a Hackney carriage drivers licence will, within 12 months of any licence being renewed, undertake a knowledge test and disability / diversity awareness training, such testing and training to be repeated on a three yearly basis and which will be specified by the Licensing Authority.



## Appendix G: Current Mandatory Conditions

### Town Police Clauses Act 1847

### Local Government (Miscellaneous Provisions) Act 1976

1. The Licence holder shall, whilst driving a Hackney Carriage or Private Hire vehicle behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in, or entering, or alighting from the vehicle.
2. The driver shall not convey or permit to be conveyed in a licensed vehicle a greater number of persons than that prescribed in the Licence for the vehicle.
3. The driver must be aware of and comply with the laws concerning the use of seat belts and child restraints.
4. The driver shall not without the consent of the hirer of the vehicle convey or permit to be conveyed any other person in that vehicle.
5. The driver who has agreed or has been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient causes, punctually attend with such vehicle at such appointed time and place.
6. The driver of a vehicle when hired to drive to any particular destination, shall, subject to any directions given by the hirer, proceed to that destination by the shortest possible route.
7. An authorised identification card, appropriate to the use of the vehicle at all times, will be worn by the driver in such a manner that it is plainly visible, when driving a hire vehicle.
8. The driver of a vehicle shall, when requested:
  - a. convey a reasonable quantity of luggage;
  - b. afford reasonable assistance in loading and unloading luggage;
  - c. afford reasonable assistance in removing luggage to or from the entrance to any house, station, or place at which he may take up or set down passengers.
9. The driver shall within seven days notify the Head of Environmental Health Services, in writing, details of any conviction for criminal or motoring offences imposed on him during the period of the Licence.
10. Licensed drivers over the age of 45 years must produce a medical certificate on a five yearly basis to confirm their fitness to drive. Drivers over the age of 65 must produce a medical certificate annually.
11. No driver shall use an unlicensed vehicle for Hackney Carriage or Private Hire purposes in Exeter.
12. The driver shall notify the Head of Environmental Health Services, in writing, any changes of address within seven days.
13. An application for the renewal of a Licence after it has expired will not be accepted. Applications after the expiry date will be treated as new applications.
14. The driver of a Hackney Carriage shall, when plying for hire in any street and not actually hired:
  - a. proceed with reasonable speed to one of the appointed stands;
  - b. if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
  - c. on arriving at a stand not already occupied by the full number of carriages authorised to

occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;

- d. when the carriage immediately in front is moved forward or driven off, move his carriage forward so as to occupy that space.
15. A proprietor or driver of a Hackney Carriage, when standing, or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not use the services of any other person for this purpose.
  16. Fares may only be charged in accordance with the approved scale of charges.
  17. The driver, when his vehicle is first on the rank shall not leave the vehicle unattended.

## Appendix H: Key points from consultation exercise and Marketing Means Report

### Key Points:

- a) In the telephone survey, nearly three-quarters (74%) of those interviewed stated that they currently use taxis in Exeter, which is a fairly high percentage of the population. *This was lower than the corresponding figure of 96% (i.e. near-universal taxi usage) in the online survey, but the telephone survey is more representative of the views Exeter citizens, as the people contacted are from a randomly cross-section of 500 members of the public.*
- b) Among taxi-users in the telephone survey, just over half (54%) used private hire cars only, while 6% used Hackney carriages only. Of those using private hire vehicles only, convenience was the main reason given (71%) with 28% saying that they felt safer booking in advance (interestingly, the youngest age group 16-34 years were significantly more likely to give this reason). The second largest cohort of 40% used both types of taxi. In general terms, it would be beneficial to see greater mixed use by citizens, and more integration of the taxi and PHV fleets. *In the online survey, reliance on Hackney carriages only was much higher, at 41%.*
- c) People with some disability were significantly more likely than those with no disability to use private hire vehicles only (76% versus 50% respectively). None of those with a disability solely used Hackney carriages. This is an interesting result, as there is a higher proportion of accessible taxis in the Hackney fleet, but this preference for private hire vehicles may be more explained by convenience and the reassurance of securing a taxi by booking it, than numbers of accessible vehicles.
- d) Of those who stated that they didn't use taxis, the main reason given was that they used other means of transport.
- e) Most (62%) of the Hackney carriage users in the telephone survey used the service a few times a year but less than once a month, while 30% used the service at least once a month but less than once a week. This represents a generally low usage rate amongst the majority, so exploring ways of encouraging greater taxi use would seem to have merit. *Frequency of Hackney use was much higher in the online survey sample.*
- f) Most (56%) of the Hackney carriage users in the telephone survey usually waited no more than 5 minutes for a Hackney carriage, though 20% claimed that they usually waited longer than 10 minutes. Whilst it is encouraging that the majority wait 5 minutes or less, a significant minority of 25% waited 6 minutes or more, with 17% waiting between 11 and 30 minutes. Exploring ways of reducing waiting times would appear to be beneficial; this may include a variety of means such as better fleet management/co-ordination, communication and accessing services by the public, appropriate taxi rank provision, as well as sufficient numbers of taxis at peak times.
- g) Most Hackney carriage users in the telephone survey (73%) rated their satisfaction with the service as either 5/5 (very satisfied) or 4/5, though only 27% gave the top rating of 5/5. This is encouraging, with only 25% being neither satisfied nor dissatisfied, and only 2% being dissatisfied/strongly dissatisfied.

- h) 8 out of 10 Hackney carriage users in the telephone survey gave a high rating for their feeling of safety when using the service, with 55% giving the top rating of 5/5 (very safe) – these were mainly older respondents and males. Those that had concerns over safety stated that these related mainly to concerns about the driver (81%), with 12% expressing concerns about waiting at ranks, and 19% stating other reasons. None had concerns about the safety of the vehicle, which suggests a perception that a licensed vehicle will be mechanically safe.
- i) The principal suggestions for improving Hackney carriages given by Hackney carriage users in the telephone survey were to lower fares (mentioned in 51% of the answers), and raised standards for drivers (22%). 11% of answers indicated increasing the number of Hackney carriages, matched by 11% for increasing the number of low emission vehicles, while 14% answered reduced waiting times at taxi ranks.
- j) In both the Hackney carriage and private hire drivers' focus groups, several participants expressed their view that multiple Hackney plate ownership and the ability to transfer plates has led to the system being abused, causing an unfairness to new drivers trying to enter the Hackney trade, who were effectively barred from so doing.
- k) There were fears expressed by Hackney drivers, and some private hire drivers about the ending of the policy of restriction, in terms of unrestricted growth diluting already thin incomes, and the loss of investment capital due to the potential reduction in plate value. The point was also made by some private hire drivers that all taxi drivers will say there are too many drivers.
- l) A repeated view from the private hire trade was that there was work being turned away by them and not being picked up by either trade (i.e. unmet demand), and that an opportunity existed for more work.
- m) Some drivers expressed the view that private hire companies and Hackney carriage drivers could sometimes meet demand best by working together, but it was not clear how or whether this could really be achieved. This is an important point, because in terms of serving the travelling public, closer collaboration between the trades would make more effective and efficient use of the overall taxi fleet, to the public benefit, and also to the benefit of the trades.
- n) Reactions of drivers in the focus groups to the potential requirement for any new Hackney plates to go to low emission or electric cars were cool; however much of the criticism centred on the limited range of all electric vehicles, which would make them inflexible apart from urban driving. Consideration to including ultra low emission hybrid vehicles under 75g/km alongside electric vehicles will be given.
- o) A clear majority of Hackney users in the telephone survey (85%) stated that they supported the idea of in-cab CCTV. *Support for CCTV was much lower (32%) in the online survey.* Views of focus group participants were very mixed; some drivers saw benefits in terms of their protection and preventing abuse and misdemeanours by clients, whilst other drivers viewed it as 'Big Brother'. However it is likely that the clear majority supporting CCTV, would be reassured by its presence.
- p) A clear majority of Hackney users in the telephone survey (85%) also stated that they supported the idea of a distinctive colour scheme for Exeter's Hackney carriages. *The results of the online survey were very different, 66% against the new livery.*

Focus group participants felt that the change might be a nice thing to do, but could also be impractical or costly for owners; it is worthwhile exploring the potential to subsidise the cost of applying a distinctive livery to existing plate owners, particularly early adopters.

- q) Wheelchair accessibility was discussed, with some good and bad points identified in regard to current provision and any future requirement placed on new Hackney carriages. Cost was seen as the major obstacle to providing a better service for wheelchair users. Some drivers felt that higher cost, and higher specification vehicles than the de facto entry vehicle Fiat Doblo should be required, as these vehicles were viewed as basic; this was also seen by one driver as a way of ensuring that any prospective Hackney driver entering the trade did so with the right motives. Hackney carriage drivers were also critical that the efforts they had made as a fleet to offer widespread wheelchair access were not being matched by the private hire sector, especially given that some passengers would be deterred from taking a vehicle if it was wheelchair-accessible due to its perceived lack of comfort and accessibility (some users were critical of the Fiat Doblo vehicle, being van-like).
- r) An improved level of knowledge and quality/skill attainment for new Hackney carriage drivers was broadly seen as a good idea by drivers; this chimes with the telephone survey that saw 22% respondents viewing raising standards for drivers as an improvement. Consideration to strengthening driver quality/skill will be given.

The Marketing Means 'Exeter Taxi Consultation Survey 2014' can be viewed from the following link:

<http://committees.exeter.gov.uk/ieListDocuments.aspx?CId=115&MId=4086&Ver=4>

## **Appendix I: How the enhanced quality tools would apply to new applicants when coupled with ending the policy of restriction.**

The key new quality elements for any new application for a Hackney carriage licence would require:

**Vehicle standard** to be either:

- an Ultra Low Emission Vehicle ULEV (essentially a fully electric or plug-in hybrid of no more than 75g/km CO2 emission standard); or
- a Euro 6 wheelchair accessible vehicle from the side (\*Euro 5 being accepted until Euro 6 wheelchair accessible vehicles from the side are available later in 2015)

**but**

- the number of wheelchair accessible vehicles (WAVs) in the Hackney carriage fleet must always be no less than 50% of the fleet before an ULEV application can be approved. At the moment there are 28 wheelchair accessible Hackney carriages out of 66. Before an ULEV could be licensed, there would need to be 9 more \*Euro 6 wheelchair accessible vehicles from the side licensed, to make 50% +1 of the Hackney fleet as being wheelchair accessible;
- thereafter, for every \*Euro 6 compliant WAV added to the fleet, a position would be 'unlocked' for an ULEV application, thus preventing any sudden increase in less expensive ULEVs being licensed, in replacement of WAVs.

\*Currently only London-type cabs (TX4), are manufactured as wheel-chair accessible from the side, whereas other general models are adapted, (e.g. Mercedes Vito, or Peugeot E7) by specialist firms to be wheelchair accessible from the side. These are only available at Euro 5 emission standard at this point in time, Euro 6 compliant models being expected later this year.

- The vehicle would also be required to have the distinct livery and incab CCTV.

**The applicant** would be:

- required to have at least 12 months recent experience (within the previous 5 years before application) of operating as a driver of a taxi or private hire vehicle as his/her main occupation;
- complete a road knowledge test;
- complete a disability awareness test within 12 months of licence being granted;
- attain a Level 2 NVQ Certificate in Road Passenger Vehicle Driving (Taxi and Private Hire) or equivalent that has been approved by the Licensing Authority within 12 months of the licence being granted.

### **Current fleets – meeting the new vehicle standard**

In terms of the current Private Hire fleet of 292 vehicles, only 1 meets the \*Euro 5, wheelchair accessible from side criteria, and only 1 meets the ULEV criteria (a Nissan Leaf electric vehicle). However, with the proposed requirement that the Hackney carriage fleet should be no less than 50% wheelchair accessible before a ULEV application can be approved, only 1 of the existing private hire fleet could transfer to the Hackney fleet, based

on the current make-up of the Hackney fleet. Therefore, the migration of numerous Private Hire vehicles into the existing Hackney fleet that has occurred elsewhere on derestriction (e.g. Bristol), would not occur in Exeter, with these proposed enhanced vehicle quality controls.

In terms of the current Hackney fleet, only 9 out of 66 meet the \*Euro 5, wheelchair accessible from the side criteria, and none meet the ULEV criteria.

**NB** \*Euro 5 being accepted until Euro 6 wheelchair accessible vehicles from the side are available later in 2015.