



**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.**

- 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 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.