

Report

Cabinet Member for Strategic Planning, Regulation and Housing

Part 1

Subject **Revision of Taxi and Private Hire Vehicle Policy**

Purpose To advise the Cabinet Member of the results of the public consultation on the proposed policy with a request that the revised policy is approved and adopted.

Author Alastair Dearling; Licensing and Business Compliance Manager.

Ward City Wide

Summary The Department for Transport (DfT) and Welsh Government agree there is a need for a common core set of minimum standards for the taxi and private hire vehicle trade to improve public safety and standardisation. The Licensing Authority is required to review its current requirements in line with statutory Government Guidance Standards and Welsh Government's recommended Harmonisation Taxi Guidance.

Proposal To agree the new conditions and approve the revised Taxi and Private Hire Vehicle Policy as outlined within the report.

Action by Head of Environment and Public Protection

Timetable Without delay and with immediate effect.

This report was prepared after consultation with:

- Head of Environment and Public Protection
- Head of Finance
- Head of People, Policy and Transformation
- Head of Law and Standards

Signed

Background

In July 2020 the Department for Transport (DfT) published Statutory Taxi & Private Hire Vehicle Standards with the focus on protecting children and vulnerable adults.

The DfT states a preference for a common core set of minimum standards to better regulate the taxi and private hire vehicle sector.

The DfT Statutory Guidelines are required to be considered and followed in Wales even though responsibility for taxi and private hire vehicle legislation has been devolved to the Welsh Government. However, it is open to the Welsh Government to introduce legislation later which may disapply the DfT standards.

Newport City Council and all other licensing authorities in the UK will be expected to meet the minimum requirements of the DfT Statutory & Best Practice for taxi and private hire licensing or provide the DfT with an explanation as to why they have not. The statutory guidance stipulates:

“Given that the standards have been set directly to address the safeguarding of the public and the potential impact of failings in this area, the importance of thoroughly considering these standards cannot be overstated. It is not a question of box ticking; the standards must be considered rigorously and with an open mind.

Although it remains the case that licensing authorities must reach their own decisions, both on overall policies and on individual licensing matters in light of the relevant law, it may be that the Statutory Taxi and Private Hire Vehicle Standards might be drawn upon in any legal challenge to an authority’s practice, and that any failure to adhere to the standards without sufficient justification could be detrimental to the authority’s defence. In the interest of transparency, all licensing authorities should publish their consideration of the measures contained in Statutory Taxi and Private Hire Vehicle Standards, and the policies and delivery plans that stem from these. The Department has undertaken to monitor the effectiveness of the standards in achieving the protection of children and vulnerable adults (and by extension all passengers).

Clearly the Statutory Taxi and Private Hire Vehicle Standards does not purport to give a definitive statement of the law and any decisions made by a licensing authority still remain a matter for that authority”

In March 2021, the Welsh Government published the document, Harmonisation of Taxi and Private Hire Vehicle Licensing in Wales, which followed the Welsh Government’s White Paper ‘Improving Public Transport’ published in 2018. The aim of the recommendations contained in the document was to provide ‘quick fixes’ to improve the consistency of licensing standards and increase public safety across Wales. The recommendations form the basis for further development by Welsh Government into national standards. This non-statutory guidance has been produced jointly between the Welsh Government, the Welsh Local Government Association (WLGA) and representatives of local authorities across Wales via the Directors of Public Protection Wales.

Due to the overlap between the Standards and the Welsh Guidance, and the fact taxi regulation is now devolved, the Secretary of State for Transport has confirmed acceptance for Welsh Government to monitor compliance with the DfT Standards as part of their wider work with policy alignment recommendations.

Adopting the recommendations will lead to increased public safety, consistency of standards across Wales, harmonised enforcement, increased accessibility of vehicles and better standards of customer service.

It should be noted that Newport City Council’s current Hackney Carriage & Private Hire Licensing Policy already meets and addresses many of the DfT and Welsh Government best practice guidance. As such

only minor amendments are required to Newport's current policy. One key change is the adoption of the National Register for Revocation and Refusals (NR3) and medicals for drivers.

The format of the policy has also been revised to meet the "all-Wales" format approved by the Welsh Government. Once again it is hoped this will further harmonise the policy with those of our neighbouring authorities and specifically assist those within the taxi trade that work across several licensing authority areas.

Some of the matters referred to in the harmonisation document will have implications for the taxi trade. One of the significant changes proposed relates to a requirement for 6 monthly disclosure and barring checks for drivers (DBS), primarily via the DBS Update Service. A further change relates to increased criminality checks for Private Hire Operators and their staff. This will result in some minor change to the "Fit and Proper" element of the current policy.

A copy of the draft policy is attached as Appendix A of this report (the changes within the policy document are highlighted in red).

A full public consultation regarding the draft policy was conducted between the 7 July 2023 and 22 September 2023. During the consultation period a taxi meeting was held on the 12 September 2023 with the Hackney Carriage and Private Hire trade. At this meeting several requests were made by trade representatives to extend the consultation period to allow further engagement with unions and "taxi" representatives. As such the consultation period was extended until 22 October 2023 in agreement with the Cabinet Member for Strategic Planning, Regulation and Housing. The responses to the draft consultation can be found in Appendix B of this report.

Considering the consultation responses and specifically the well-attended trade meeting held on 12 September 2023 it was felt appropriate to slightly reword parts of the draft policy and remove the proposed condition regarding drivers cancelling pre-booked journeys, until such time further guidance from the Welsh Government is issued regarding this matter.

In Summary, the main proposed changes for the draft policy are:

Drivers

- Recommendation for drivers to join the DBS Update Service and a requirement to have a DBS check every 6 months. There will be no financial impact on the trade or extra administration for the drivers if they sign up to the DBS Update Service. Although, it will require the Licensing Team to check approximately 3,000 drivers each year. Currently this figure is about 500 checks per year. This will have an impact on workload of the team though will again enhance the authority ability to promote public safety.
- Minor changes have been made to the "Fit and Proper Test" in line with DfT and Welsh Government Guidance.
- Minor changes to the Driver Code of Conduct have been made in line with Welsh Government Guidance.
- Minor changes to Private Hire Driver Conditions have been made in line with the Welsh Government's Recommendations.
- A new requirement of the policy involves the need for renewal drivers to undertake revised training on safeguarding every 3 years (though should be noted no examination will take place, but simply refresher training for the licenced driver).

Vehicle

- New requirement for vehicle proprietors to have an annual DBS check and to meet "Fit and Proper Test".
- To fully adopt the Welsh Government's policy on CCTV and Video Point of Impact Systems (Dash Cams) in Hackney Carriage and Private Hire Vehicles.

- Impose the Welsh Government's recommendations for accessibility conditions on vehicle proprietors of taxis and private hire vehicles.
- Revised Environmental policy for vehicles requiring new vehicles to meet Euro 6 emission.

Operators / Vehicle Proprietors

- "Fit and Proper Test" will also apply both to operators and vehicle proprietors.
- Revised Operator Conditions in line with recommendation from the Welsh Government.

General

- To commit to reviewing Licensing Policy every 5 years in accordance with the DfT's Statutory Standards.

To amend the wording regarding the draft Environmental Policy (Euro-rating)

Considering the consultation responses and the taxi trade meeting held in September 2023, the view from the "taxi" trade was that the proposed draft environmental policy could have a significant effect on the number of wheelchair accessible vehicles. It was highlighted by the trade that in the last 7 years wheelchair accessible vehicles have decreased by an estimated 45%. As such the policy should be amended to stipulate that wheelchair accessible vehicles both Hackney Carriage and private hire vehicles would be exempt from the Euro 6 Emission Standards. The cost of purchasing wheelchair accessible vehicles can be significantly higher than the average saloon vehicle. As such it is felt appropriate not change the current Environmental Policy for Wheelchaired Accessible Hackney Carriage and Private Hires Vehicles.

Proposed Wording of Environmental Policy Pre-Consultation:

- Though not stipulated in Welsh Guidance, the Licensing Authority has also determined to revise its Environmental Policy on all licenced vehicles. All **new** vehicles licenced after the introduction of the policy (proposed to be 1 March 2024) shall meet the Euro 6 emission standard, which was introduced on 1 September 2015.

Amended Wording of Environmental Policy Post Consultation:

1. Environmental Policy

The DfT Guidance asks Licensing Authorities to consider how far their policy can and should support any local environmental policies that they may have adopted, bearing in mind the need to ensure that benefits outweigh costs.

The Council aims to ensure that Hackney Carriages and private hire vehicles assist in the suitable improvement of air quality as such the Council has adopted the following emission standards for Hackney Carriage & private hire vehicles.

- **New Hackney Carriage & Private Hire Vehicles licences** will only be granted on vehicles that meet Euro 6 Standard.
- **Transfer of Hackney Carriage & Private Hire Vehicles licences** will only be granted on vehicles that meet Euro 6 standard.
- **Replacement of Hackney Carriage & Private Hire Vehicle.** An existing vehicle licence holder (a proprietor that has held a current licence before introduction of the policy and has continued to renew this licence) may change the vehicle on that licence if the vehicle meets minimum Euro 5 standards. Vehicle licences granted after the introduction of the policy will only be granted to replace vehicles that meet Euro 6 standard.
- **New, Transfer Replacement of Hackney Carriage and Private Hire Vehicles that are Wheelchair Accessible** will be required to meet Euro 4 standard.

Euro Standard	Date the standard was introduced
Euro 2	January 1996
Euro 3	1 January 2000 until 31 December 2004
Euro 4	1 January 2005 until 31 August 2009
Euro 5	1 September 2009 until 31 August 2014
Euro 6	1 September 2014 (new approvals) September 2015 (most new registrations)

- **It is also important to note** that some vehicle manufacturers introduced the Euro Ratings to their vehicles before the due dates above, so it is possible that a vehicle could be rated as a Euro 5 before the 01/09/2009 depending on the make/model. Details of Euro ratings can be found on vehicle V5 or V5C logbook.
- All **new** vehicles being licenced after 1 January 2027 will be required to be electric or hydrogen fuelled or run on approved renewable fuel (included hybrid). This is in line Newport City Council Climate Change Plan 2022-27 Theme 4: Transport & Mobility.

To Amend the wording of CCTV Policy Post Consultation:

Although Newport City Council did not receive a formal written representation from the Welsh Government regarding the draft Taxi Licensing policy, it is known via recent correspondence that the Welsh Government has recently made minor changes to CCTV best practice guidance previously provided to all local authorities. As such the draft policy has been amended to reflect the Government best practice on CCTV this is specifically around recording audio so the policy is fully in line with the Information Commissioners Office (ICO) best practice and guidance.

To remove from the draft policy Post Consultation:

Newport City Council was proposing to introduce a new condition to private hire drivers' licences that would have meant once a driver had accepted a booking from a Private Hire Operator the driver would legally be required to undertake the booking unless there is a good reason. This was due to increased reports of customers booking a private hire vehicle via an operator, and a driver accepting the job, only for the driver to cancel the job soon after, leaving the customer without transport, causing frustration and significant safeguarding concerns.

There was strong opposition to the condition by the private hire drivers. Research indicated that the evidence and complaints regarding the issue mainly featured around one specific Private Hire Operator and that the levels of complaints had reduced considerably since the policy was first drafted. Officers accepted the views of the drivers due to the reduced problems and it is now proposed to remove the draft condition. Although the Licensing Authority may review such a condition in the future, if evidence proves this is a serious safeguarding concern or the Welsh Government provide further best practice guidance on this issue.

Conclusion

The authority is required to review its compliance with the Statutory Standards and Harmonisation Guidance and implement any required changes or publish reasons why it has decided not to do so. This report and exercise and newly drafted policy is evidence that the authority has taken on board this 'review requirement'.

Financial Summary (Capital and Revenue)

There are no direct costs or financial implications relating to consulting on the draft policy. All Licensing fees and charges are recovered on a cost recovery basis and would feature in a separate report.

	Year 1 (Current) £	Year 2 £	Year 3 £	Ongoing £	Notes including budgets heads affected
Costs (Income)	0	0	0	0	
Net Costs (Savings)	0	0	0	0	
Net Impact on Budget	0	0	0	0	

Risks

Risk Title / Description	Risk Impact score of Risk if it occurs* (H/M/L)	Risk Probability of risk occurring (H/M/L)	Risk Mitigation Action(s) What is the Council doing or what has it done to avoid the risk or reduce its effect?	Risk Owner Officer(s) responsible for dealing with the risk?
Failure to Meet Statuary Guidance	H	L	It is clearly stated in the DfT guidance that if authorities fail to comply with the statutory guidance serious questions could be raised if the authority is conducting appropriate safeguarding practice. the revision of the policy will clearly mean the authority will comply with Government Guidance.	Licensing and Business Compliance Manager
Judicial review	H	L	The Licensing Authority will undertake consultation with the taxi trade, offering trade members to meet and discuss the Policies. The policy has been developed in accordance with Statuary Government Guidance and Welsh Government Guidance.	Licensing and Business Compliance Manager
Licensing Panels depart from taxi legislation/ best practice.	M	L	If the Panel wishes to depart from best practice, they must give good reason for this and obtain advice from the Legal Officer. Members training and members briefing regarding the policy.	Public Protection Services Manager

* Taking account of proposed mitigation measures

Links to Council Policies and Priorities

Ensuring that this work is completed as required will support the following Council Policies and Strategies:

The proposed revised draft policy has clear links to the aims and objectives of Newport City Council's Corporate Plan (relevant themes are "Resilient communities" "Vibrant Newport" and "Safer Newport"). The Hackney Carriage trade not only play an interregional part of public transport landscape but also the success of Night-time economy.

This proposal is line with statutory legislation and guidance that governs Hackney Carriage vehicles.

The emissions standard found within the policy is in line with the Newport City Council Climate Change Plan 2022-27.

Options Available and Considered

The Cabinet Member may decide:

- A. To continue with the existing Hackney Carriage and Private Hire "Taxi" Policy and therefore decide there is no reason to consult on the proposed new version.
- B. To agree the new version of the policy to come into force on the 1 March 2024.
- C. To consider an alternative way of amending the Policy.

Preferred Option and Why

The preferred choice is option B, to agree the new version of the policy to come into force on the 1 March 2024.

Comments of Chief Financial Officer

There are no new financial implications arising from this report. As the report states, all fees relating to licensing are set as part of a separate process.

Comments of Monitoring Officer

The Council is required to ensure that its taxi licensing policies accord with applicable statutory guidance issued from time to time. The proposals in this report accord with the objectives of the UK and Welsh governments to harmonise the conditions applying to taxi drivers and operators. It should be noted that it is open to the Welsh Government to issue separate guidance at a later date which the Council would need to implement.

Having a consistent set of standards across different local authorities will help to ensure a consistent approach to enforcement and therefore help to ensure that uniform standards are adopted across the region.

Comments of Head of People and Business Change

This report aims to advise the Cabinet Member on the proposed changes to the Taxi and Private Hire Vehicle Policy following a public consultation, and to seek their approval to adopt this amended version. The proposed revisions to the Hackney Carriage & Private Hire Licensing Conditions and Policies reflect legislative requirements including the Equality Act 2010, latest DfT Guidance on reflecting local environmental policies within licensing policies, public protection issues and the prevention of crime and disorder.

The revised policy has clear links to the Council's Corporate Plan 2022-27 vision of 'an ambitious, fairer, greener Newport for everyone', and supports its Well-being Objectives including Objective 2 (Newport's Environment and Infrastructure – A city that seeks to protect and enhance our environment whilst reducing our carbon footprint and preparing for a sustainable and digital future).

The principles of the Well-being of Future Generations (Wales) Act 2015 and its five ways of working were considered through ensuring there are clear guidelines that consider the long-term impact; putting an emphasis on prevention and safeguarding; and ensuring relevant parties (trade and public) were engaged through discussion and consultation. This was supported by the undertaking of a Fairness and Equalities Impact Assessment.

There are no staffing or HR implications arising from this report.

Comments of Non-Executive Members

Councillor Thomas:

1. p25 para 1 DBS

mentions 'basic DBS repeated annually', though earlier explains the requirement for DBS is every 6 months.

2. p34 Lost Property

'requirement to hand items into a police station'. Please confirm but I believe the police no longer take possession of lost property.

3. p80 Carriage of Assistance Animals

Could there be a requirement to inform the taxi operator when the licensed driver gains a Medical Exemption?

Response:

1. This refers to undertaking criminal record checks on those persons who wish only would hold a vehicle licence and not drive the vehicle.

Clearly the Government statutory guidance acknowledges that these licence holders are less of a risk as they are not driving members of the public around, hence why the guidance has suggest Vehicle Licence holders should only undertake a basic DBS every 12 months, currently we don't do any check on vehicle licence holders.

Clearly the proposal of doing enhanced DBS every 6 months will only apply to drivers licence who clearly have significant interactions with customers.

2. The Police do still have a little bit of involvement with lost property and will take high value items like money, cards, and phones, but we will be providing the trade the following link to assist them <https://www.gwent.police.uk/ro/report/lp/lost-or-found-property/> . Luckily most private hire operators are able to inform customers of lost property via apps ect very quickly these days. But clearly if a taxi on station picked up somebody and they left wallet with a lot of cash the Police may be able to assist, drivers don't like taking items home with them as this could be defined as theft.
3. I think your point regarding drivers informing their operators they have an exemption is a very valid point, but under the equalities Act there is no requirement, as such would you like to see this in more guidance form to Operators than policy. There may be some form legal argument due to employment law hence why it's not in legislation.

Thank you for reading the Policy in full its much appreciated and support you provide the team; I hope the above answers your questions but clearly happy to discuss with yourself and the cabinet member if required to do so.

Scrutiny Committees

No consultation with Scrutiny Committees is required.

Fairness and Equality Impact Assessment:

- **Wellbeing of Future Generation (Wales) Act**
- **Equality Act 2010**
- **Socio-economic Duty**
- **Welsh Language (Wales) Measure 2011**

Fairness and Equality Impact Assessment:

Attached as Appendix C

Wellbeing of Future Generation (Wales) Act

The sustainable development principle and 5 ways of working set out in the Wellbeing of Future Generations Act have been considered as outlined below:

- Long term: The Taxi Policy will ensure Newport has clear guidelines for taxi firms to consider the long term impact on their business. The policy is required to be reviewed regularly, the DfT standards advocate that any taxi licensing policy is reviewed every 5 years but also consider interim reviews, if there are significant issues arising in the area before that time.
- Prevention: There is an emphasis on prevention as the policy and licensing process ensures that a number of checks and safeguards are in place before a licence is granted. It places notification requirements on individuals to report matters affecting their suitability during the currency of a licence.
- Collaboration: The harmonized measures proposed in the Welsh Government guidance will ensure that there is a consistency across local authorities in Wales in relation to how licensing authorities will approach the licensing of drivers, vehicle proprietors and private hire vehicle operators. Furthermore the adoption of the measures advocated by the Department of Transport's Statutory Taxi and Private Hire Vehicle Standards dated July 2020 will be national reaching across the whole of the UK. Clearly comprehensive consultation will take place as highlighted within the report.

Involvement: As highlighted with the report discussions, engagement sessions will take place during the consultation. Consultation documents will be available in hard copy or via email. All members of the trade will be emailed regarding the consultation alongside how to contact council officers if they have any questions or queries.

Crime and Disorder Act 1998

The fundamentals of "taxi" licensing is to safeguard and protect those who are most vulnerable in society.

Consultation

The consultation for the draft policy took place between 7 July 2023 until 22 September 2023, this was extended till the 22 October 2023. It should also be noted that taxi trade were also consulted regarding the DfT and Welsh Government Best Practice that the proposed policy very much shadows.

Background Papers

Background Papers:

[Department for Transport, Taxi and Private Hire Licensing Guide: Best Practice Guide](#)

Harmonisation of Taxi and Private Hire Vehicle Licensing in Wales –

[Taxi and private hire vehicles: licensing guidance | GOV.WALES](#)

Newport City Council Current Taxi policy : <https://www.newport.gov.uk/documents/Business/Licences-and-permits/Taxi-Licensing-Policy-from-01December2017.pdf>

Dated: 12 March 2024

Appendix A Draft Amended Policy Post Consultation.

Unite the Union

Response to Newport Taxi Policy Consultation/ Proposals

This response is submitted by Unite the Union – Newport Taxi Branch.

Unite the Union is the UK and Ireland's largest trade union representing over 1 million members across all sectors of the economy including transport, manufacturing, financial services, food and agriculture, construction, energy and utilities, information technology, service industries, health, local government and the not-for-profit sector. Unite also organises in the community, enabling those who are not in employment to be part of our Union.

The below details Unite comments and responses on behalf of our members within the taxi trade of Newport City.

The responses have been collated following consultation with our members across the trade in the Newport City authority and represent views across both the hackney and private hire trade.

Page 6: Introduction

The Trade have no objection on 5 years update to policy.

Page 14: Fitness & Propriety – Group 2 medicals

Group 2 medicals must be allowed to be undertaken by any suitable qualified provider. The requirement by the authority that this be taken by the drivers' own GP is excessive and unnecessary.

The group 2 medical has a set of very specific questions in relation to an individuals fitness to hold a undertake driving as a vocation.

The costs of group 2 medicals at GP practices has risen significantly and is putting additional cost pressures on drivers during a difficult time, when the exact same process can be undertaken at independent providers at a fraction of the cost.

This also does not detract from the fact that an individuals own GP will have a responsibility to inform DVLA of any medical conditions that could impact of the individuals ability to hold a licence.

The practice of group 2 medicals being undertaken at a suitable, qualified and authorised practice is permitted across other local authorities, and we have not been made aware of any issues in relation to this.

Page 12: DBS checks

The trade regard 6 monthly DBS checks as excessive, and have concerns about increasing costs at a time when the trade is under immense pressure due to a reduction in customers and the impact of the cost of living crisis. 2

The trade objects to 6 monthly checks and believes 12 monthly checks should remain in place. With regards to the update service, we are aware that all Wales local authorities utilise Powys Council, and therefore the trade should be allowed to utilise the update service through other local authorities as required.

Page 18: Safeguarding training

The trade have no objection to safeguarding training, so long as this is funded by the council, to mandate this has to be taken at the drivers expense is unreasonable.

If the council won't fund this, or seek funding from an external source, the training should be withdrawn.

Page 24: Proprietor Fitness & Propriety

The trade do not agree with the introduction/ changes surrounding proprietor fitness and propriety, and are potentially at odds with the rehabilitation of offenders act 1974.

Page 25: Overseas Criminal Record Check

The requirement for applicants to provide evidence of a criminal record check from the country/countries visited covering the period that the applicant was overseas if they have spent 6 or more continuous months outside the United Kingdom since their tenth birthday is excessive, and even exceeds the minimum requirements needed to obtain a visa for a tier 1 applicant whereby a check only needs to be provided where you have lived for 12 months or more (whether continuous or in total), in the 10 years before your application, while aged 18 or over.

There is a large proportion of BAEM taxi drivers in Newport City, which is reflective of the diverse community that exists there, and this rule is likely to cause barriers for entry to the trade, particularly for those applicants who are refugees, for which obtaining background checks is extremely difficult.

We call on Committee to either disregard this change or implement a more reasonable solution more in line with minimum Government requirements & standards.

Page 27+: Vehicle specification (+Annexe 10 & 11) and Vehicle Emission Standards

Unite notes the local authorities aspiration to have less polluting vehicles operating within the city centre, however this must be achieved in a proportionate and sensible manner which avoids causing detriment to both the trade and the travelling public, something for which we are willing to work with Newport Council to achieve in the future.

We note with concerns aspiration around vehicles standards being accelerated, but it cannot be ignored that there is currently a shortage of affordable or suitable low emission vehicles.

There are currently no suitable or affordable fully electric WAV (wheelchair accessible vehicle) available on the market, and there are few Euro 6 options available too. Currently there are few ULEV (Ultra Low Emission Vehicles defined as having less than 75gCO₂) available, the only notable option being the London Taxi which costs in excess of £65,000.

This is likely to mean that without a suitable grant or scrappage scheme in place, a move to more environmentally friendly vehicle options in the near future is likely to be unattainable. 3

In view of these comments, with reference to all areas of policy change relating to the change to more environmentally friendly vehicles, we call on Committee to retain grandfather rights, and retain lower emission standards at Euro 5 for hackney and Wheel Chair accessible vehicles for the foreseeable future until the market for the necessary vehicles becomes more accessible, at which point the policy should be reviewed in conjunction with the Trade.

This will protect the livelihoods of the trade, but most importantly help to maintain an accessible fleet of vehicles for use by the travelling public.

Unite the Union would also point out that during regular meetings with Lee Waters MS, the aspirational deadline indicated in the white paper has now been dropped until the general market for second hand vehicles improves, with Welsh Government now looking to only bring in legislation that will allow then to mandate a deadline when the time is right.

The trade has indicated that at present a sensible timeline based on current predictions and aspiration would be to set a deadline of 2040, unless legislation is passed by Welsh Government that supersedes this.

Page 34: CCTV

The trade agrees that the use of CCTV should remain optional, and notes the specific requirements set out in annexe 18.

Page 35: Lost Property

There are frequently issues with trying to report lost property and other issues to the police, most likely due to a lack of resources.

Unite call on Newport Council to introduce a facility in house for dealing with and receiving lost property, this would provide a central point for the travelling public to enquire about lost items, and thus offer a better service for both the trade and the public.

Page 35: Signage and Livery

The trade believes the authority should lift the colour code/restrictions for the hackney trade and allow free reign to have any colour so long as the vehicle is fit for purpose. This will be particularly important when we consider the migration to more environmentally friendly vehicles as the cost is already prohibitive in the second hand market, and the trade feels that having to either identify a car of the correct colour or having to factor in respray costs could add further obstacles to upgrading vehicles.

Page 36: Card Payments

The trade believes it should be stressed that the use of card payment machines remains optional.

Page 39: Quantity Restrictions

Unite calls on Newport Council to consider introducing a cap, currently the trade is struggling to make a living with footfall on the ranks and within the city centre not recovering from several disruptive events including the removal of the rank from the bus station and disruption as a result of the Covid Pandemic.

There are currently too many taxis to be accommodated by viable ranks, and this is resulting in fines and conflict, the lack of footfall has also resulted in our members having to work longer hours over 7 days a week to try and make ends meet. 4

In order to protect the integrity of the trade and prevent further dilution of working and living standards we call on the introduction of a cap set at 150 vehicles, accompanied by an independent survey to assess unmet demand and evidence that the cap is needed.

Page 40: Taxi Ranks

We call on Newport to make it mandatory to provide sufficient, viable rank space within the city centre, this provides a better service and provision both for the trade and the travelling public. There should be annual reviews of ranks in order to address changes in habits of taxi users, and ensure that ranks are provided where needed.

Reviews should be carried out in consultation with the trade to address existing or additional ranks.

Page 79: Table of delegation

The trade believes that for speeding/ accumulation of minor speeding convictions, the level should be 9 points before a driver is called into committee.

Page 81: Medical Exemptions

The trade notes the policy on medical exemptions and wants to make clear that there needs to be clear acknowledgment of issues around carrying wheelchairs and animals etc, and where this is the case the authority should make every effort to support the individual and ensure complaints are nullified where a clear exemption is in place.

Page 93: Private Hire Driver Conditions

Updates in this section are at odds with the gig economy style business model implemented by app based ride hailing platform where drivers are generally regarded as self employed and do not have worker status. They therefore have the freedom to work for multiple operators.

Further to this they have the right to reject jobs and put the onus back on the operator to find a replacement driver to undertake a job.

Drivers already get punished by the operator if they reject a job without good reason, but the authority should not be broaching this unless they are addressing drivers directly employed by private hire firms, but generally these drivers won't reject a job as they get paid a standard hourly rate for working rather than receiving a commission for undertaking a journey.

Page 100: Seating plan & luggage compartment

Hackney vehicles must be allowed to utilise the passenger seat without the need for a camera to present, in much the same way as this is allowed in a private hire vehicle

Submission made on behalf of the Unite Union Newport Taxi branch

Please feel to contact the below Unite representatives for further information.

Branch Secretary: Imran Badat

Email: Imran.Badat@XXX

Tel: xxxxx

Regional Officer: Richard Jackson

Email: Richard.Jackson@xxxx

Tel: xxxxxxx

From: Afjol XXXXXXXXXXXXXXX >
Sent: 08 July 2023 12:27
To: NCC - Environment Licensing <Environment.Licensing@newport.gov.uk>
Subject: Re: Taxi policy Consultation

I have familiarised myself to the new policy changes for Hackney Carriage and Private Hire Licensing Policy(s) that is set to take place September 2023.

Although some changes are satisfactory there is a number of issues I would like to address (based on my opinion and on behalf of a handful of other Newport drivers).

Policy Change 1 - "It should also be noted that Newport City Council has determined to introduce a new condition to Private Hire drivers conditions that means once a driver has accepted a booking from a Private Hire Operator the driver must undertake the booking unless without good reason or the Operator determines to cancel the job. Unfortunately it seems more and more drivers are cancelling booking with no good reason this can cause significant safeguarding concerns to very vulnerable passengers." — Regarding this policy, I fully support the matter with the issue of vulnerable passengers being affected due to cancellations however as this is (obviously) an issue raised by Dragon Taxi's and other operators in the same position as Dragon Taxi's apart from Uber, it should be noted that ALL taxi drivers are self employed. Having said that, it should also be worthwhile noting that incidents may occur at any given time, due to this taxi drivers will have to cancel which may be because of family emergency etc. However, as confirmed by many taxi drivers of the Newport Borough, being self employed means we choose when we work and the time that best fits our life. Having said that, for example, if a taxi driver has been working for 4 hours and wishes to do his/hers last job before picking up their kids from school or doing errands, a small trip would be expected/ideal from the driver. But, if the trip is too far or will take too much time then the taxi driver will have to cancel.

The issue is, as taxi drivers, we don't see most of the time with Dragon Taxi's where certain jobs will take us. All we get told is the estimated pick-up location and that's it. Therefore, if the aim is to minimise cancellations and prevent vulnerable customers being affected, Newport Council should work with its Taxi Drivers to Voice their needs to Dragon Taxi's by suggesting to provide details of the drop off location on ALL trips as well as providing information that the customer is vulnerable. If Dragon Taxi's and all other similar companies can make this change, I and other Taxi Drivers are happy for the change to take place. However, if this is not possible majority of Taxi Drivers are in disagreement with this policy due to it affecting us negatively by the licensing team (Newport Council) and the operators (Dragon Taxi's etc). So, on behalf of a handful of taxi drivers and myself, we believe this should be worked both ways by getting Dragon Taxi to make the change and this change is possible because a multi-billion pound company, Uber is doing it so there is no reason for Dragon Taxi's and all other operators to not make this change. Furthermore, providing vulnerability details on the job will further help reduce cancellation.

Policy Change 2 - "Also the Policy stipulates that all new vehicles being licenced after 1st January 2027 will be required to be electric or hydrogen fuelled or run on approved renewable fuel. This is in line Newport City Council Climate Change Plan 2022-27. With regards to this change of policy majority of taxi drivers are in disagreement due to financial concerns where most will not be able to afford an electric vehicle. Please could you confirm if hybrid vehicles are satisfactory within the Climate Change Plan 2022-27? As this may be a better alternative for taxi drivers to choose from due to electric vehicles being expensive.

Newport Council should invest in Electric Charging Points for electric vehicles to recharge all over Newport within a 10-15 minute distance from one another as this will encourage many taxi drivers to make the change to electric completely (thus making the success rate for Newports Climate Change Plan higher). I believe this is really important for Newport Council to do by 2027 (giving the council time to provide charging stations over time across Newport) because not only is electric vehicles an expensive purchase, it is also a time consuming investment due to its long charge times and minimal charging stations in Newport. To conclude this point, I believe (on behalf on many taxi drivers) Newport Council should at least provide 50 - 150 charging stations across

Newport to support the people of Newport with the move to Electric Transportation but also, Taxi Drivers representing Newport Council.

I hope this reaches the team and is considered as these are the concerns of many Newport Drivers. As with concerns I have made suggestions that benefits the council, drivers and operators.

If you would like to discuss this further I am more than happy to.

From: [imfahimXXXXX](#) >

Sent: 08 July 2023 21:56

To: NCC - Environment Licensing <Environment.Licensing@newport.gov.uk>

Subject: Re: FW: Taxi policy Consultation

To NCC

In regards to some points raised in your last email..

Returning jobs.

There are lots of reasons why jobs are returned, some personal and other financial.

To follow through on a job that's been incorrectly priced is not acceptable. Some jobs with Dragon are returned 50 , 60 times. Because its been priced incorrectly. I'm not going to go to blackwood for a job that pays £12.00. Which is 50% lower than it should be.. sometimes dragon agree its been wrongly priced but there's nothing they can do because that's the price quoted.

A lot of different account jobs have discounted fares, which amounts to the same. And these jobs will also be returned by many drivers.

Jobs to far-away. Given a job 5 miles away for 3.50 no way no chance. Jobs that list there 1.8 miles away, you expect but it's 2.8 miles away, as lots of systems calculate distance to jobs as the crow fly. You expect a job in a postcode area. But it's behind you . Going back through traffic jam . Again return job as it will take to long to do and then isn't worth it.

Areas. Some streets/ locations drivers won't go down, due to us being targeted as taxi drivers, yellow triangles make us a target. Areas with high drug users are also a no go for a lot of drivers. Areas renown for customers doing a runner. Areas with excessively high speed bumps that kill your cars suspension.

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Sent: 08 July 2023 21:56

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From: Afjol XXXX >

Sent: 08 July 2023 12:27

To: NCC - Environment Licensing <Environment.Licensing@newport.gov.uk>

Subject: Re: Taxi policy Consultation

I have familiarised myself to the new policy changes for Hackney Carriage and Private Hire Licensing Policy(s) that is set to take place September 2023.

Although some changes are satisfactory there is a number of issues I would like to address (based on my opinion and on behalf of a handful of other Newport drivers).

Policy Change 1 -“It should also be noted that Newport City Council has determined to introduce a new condition to Private Hire drivers conditions that means once a driver has accepted a booking from a Private Hire Operator the driver must undertake the booking unless without good reason or the Operator determines to cancel the job. Unfortunately it seems more and more drivers are cancelling booking with no good reason this can cause significant safeguarding concerns to very vulnerable passengers.” — Regarding this policy, I fully support the matter with the issue of vulnerable passengers being affected due to cancellations however as this is (obviously) an issue raised by Dragon Taxi’s and other operators

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I hope this reaches the team and is considered as these are the concerns of many Newport Drivers. As with concerns I have made suggestions that benefits the council, drivers and operators.

If you would like to discuss this further I am more that happy to.

Kind regards,

Sent from my iPhone

From: N A <nadiyXXXXX>

Sent: Tuesday, October 24, 2023 7:47 PM

To: NCC - Complaints <Complaints@newport.gov.uk>

Subject: disabled access vehicles

Dear Sir/Madam

I have some concerns and complaints to make around the use of disabled access vehicles for public.

My family member has recently become critically ill and they now forever in a wheelchair.

We have many appointments to attend and need a wheelchair accessible vehicle to travel to our appointments and back.

We thought it would be an easy option to book a taxi as we are not in a position to purchase such a vehicle.

I am very disappointed with Newport taxi transport and the ordeals we have encountered.

We book through Dragon Taxis all the time as we know of no other firm. The first time we needed a taxi it was booked but then the taxi did not turn up. We are not able to book these in advance at all and only upto 30 mins before we need it. We are usually told there are s number of them available and then it is booked for us but no taxi turns up, we are then told that it is upto drivers if they take the job or not even though we have made a booking. It is then too late to find a vehicle anywhere else.

One time we did manage to book one but when the driver arrived he told us to put the passenger in their seat when we clearly told them the passenger is disabled and paralysed and we have booked a wheelchair accessible taxi, he then made a big issue that he had ti get ramps out even thought it took him less than a minute. Further to this he then tried to overcharge us when we had already settled the amount with the office.

On another occasion when we could not find a taxi, we went to the taxi rank by the train station and every hackney driver refused to take us because it was a big job with ramps or they didn't have ramps.

We are going for important appointments and for brain scans and rehab treatment and we do not know how we can even get there now.

Where we have got a hackney they have charged us up to £40 for a trip and made up their own amounts.

This is distressing the family to such an extent as it is near impossible to book a wheelchair accessible taxi when needed.

We have paid for these appointments which are then non refundable.

Another example is that 1 hour before we went to the taxi rank asking for a driver as dragon had let us down, but no one wanted our custom.

My elderly father then had to walk and push the manual wheelchair to hospital and he also has heart trouble as he did not want to miss the appointment.

What are we supposed to do ?

Why is a service available when it is never accessible and why last minute are we being let down or robbed of extra money ?

Is there no control or monitoring on these vehicles ?

Every driver refuses to take us or simply charges us more than double.

The refusal to have the transport is more disturbing than the cost.

Please can you help me how I am able to get transport in newport ?

Is there any dedicated company that only works with wheelchairs with a fair policy ?

This has become such a traumatic experience just to travel to appointments.

I would be grateful if you could advise me further as there are many people in the same situation.

Kind Regards

Nadia



Newport City Council
Civic Centre
Newport
South Wales
NP20 4UR

20 October 2023

BY EMAIL: environment.licensing@newport.gov.uk

Dear Alan

RE: Newport City Council Taxi and Private Hire Vehicle Policy Consultation

Bolt is one of the UK's largest private hire vehicle operators, licensed in over 50 authorities across the UK and with over 85,000 drivers on Bolt's platform. More than 8 million passengers use our transport services every year in the UK, reducing private car use and supporting self-employment across the country.

We recognise the priorities raised in the draft licensing policy, including the role of Private Hire Vehicles in mobilising communities and Newport's local economy. Bolt is aligned with the themes raised, including the importance of safe, sustainable and accessible solutions for the cities we operate in. One of our main operating principles is to put our customers first and we were pleased to see customer experience as a key objective.

Safety is of the utmost importance to Bolt. Our platform ensures that we have safety measures in place to protect our drivers and passengers, including a 24/7 emergency safety service and complete GPS data on our drivers. We are also exploring the use of CCTV and audio recording, including the use of in-app signage for passenger visibility. We would welcome your thoughts on rolling these initiatives out.

Sustainability is a priority for Bolt and we are taking the transition to Electric Vehicles seriously. We are actively exploring incentives to support driver transition to Electric Vehicles and have successfully tested this initiative in a number of cities. We are keen to explore other incentives in collaboration with Newport City Council.

The privacy and security of our passengers is important to Bolt and we have stringent measures in place concerning the identification and mitigation of data breaches. For this reason, we are keen to adhere to the Information Commissioner's Office's guidance of reporting any breaches within 72 hours. 72 hours allows for a thorough assessment on whether a data breach has occurred, allowing Bolt to report its findings to the Council accurately.



Bolt's analysis of driver cancellations in Wales indicates that the main reasons for cancelling are related to congestion and passengers not meeting the driver at the agreed-upon location. We believe these issues can and should be addressed through collaboration between Bolt and Newport City Council, rather than penalising the drivers.

Bolt would also be interested in understanding more about the cross border enforcement protocols mentioned in the paper and what the schemes mentioned would look like.

We would be pleased to have a follow up discussion on any of the themes raised in this letter and the next steps in implementing the policy.

Best regards,

A handwritten signature in black ink, appearing to read 'MP', is positioned above the typed name.

Mayuri Pandya
Public Policy Manager
Bolt Services UK Limited

22 October 2023

**Response to Newport City Council Consultation Uber
Submitted by email to environment.licensing@newport.gov.uk**

Dear Licensing Team

We welcome the opportunity to contribute to the consultation on Newport City Council's (NCC) Taxi and Private Hire Vehicle Policy.

Our feedback on the proposed conditions is outlined below, with conditions shared for reference followed by the respective feedback thereafter.

Closed Circuit Television Cameras (CCTV)

We support steps to raise safety standards across the industry. We recognise that there can be safety benefits to installing CCTV. Experience from Uber's global business shows that CCTV can have safety benefits and better investigative outcomes are achieved where CCTV footage is available when complaints are made.

CCTV installation is not a straightforward question from a privacy and data protection perspective, and we would expect NCC to comply with its GDPR obligations and the ICO's guidelines on CCTV and video surveillance should it become mandatory in the future. It is also important to ensure CCTV requirements are affordable to drivers.

It is not clear within this guidance who would be the data controller, and whether NCC would take on this responsibility. However, it would be beneficial for any relevant video footage to be made available to Uber, as this would assist us in investigating safety complaint incidents.

Card Payments

The guidance states that *"Card Payments made under the provision of Private Hire Operators Apps systems can also utilised by a passenger. It should be noted if a Private Hire Operator offers such systems, it will be down to the Passenger not the driver if they wish to use cash, app or card payment system."*

Uber's business model does not enable cash payments and only card payments are permitted as a form of payment at this time. There is currently no option for a cash payment for trips taken using the Uber application.

This part of the guidance would need to be amended to enable operators to determine which forms of payments they accept.

Overseas Criminal Records

We support the principle that licensing authorities must have a clear view of a driver's background in order to properly assess risk and inform their decision-making process before issuing a private hire driver's licence.

We agree that Certificates of Good Conduct (CoGC) are an important source of information when considering the background of prospective private hire drivers who have lived outside the UK. However, we have significant concerns about NCC's guidance requiring a CoGC for any period of six or more months spent outside the UK (including vacations) since the applicant was 10. This goes further than the vast majority of licensing authorities have in their interpretation of DfT's standards. In practice, NCC may find this proves unworkable, as well as having a disproportionate impact on drivers' access to work.

Through direct conversations with drivers at our Green Light Hub in London, we know they currently find the process of obtaining a CoGC confusing and time-consuming. It places an unreasonable burden, and potentially financial costs, on both new and existing drivers; and in some cases, it appears that the requirement may be unachievable. The DfT's website¹ notes that some countries won't issue CoGCs for a period of less than twelve months and some, including Saudi Arabia, Iran and Iraq, won't issue them at all. The process can also vary significantly between countries. Taking Pakistan as an example, applicants for a CoGC may – amongst other requirements – need to submit fingerprints at police stations, and it takes 4-7 months for checks to be conducted and certificates to be issued, with no fast-track system in place.

Importantly, in some cases, to obtain a CoGC drivers are required to surrender original documentation, such as passports or birth certificates, for significant periods when they may

otherwise need them, for example to progress claims for Government support services within the UK.

As a consequence, the requirement poses a major barrier for many private hire drivers to start, or continue, earning. This also has the potential to disproportionately impact PHV drivers from ethnic minority groups. If NCC does decide to implement this standard as proposed in the consultation, further clarity will be needed for drivers to make it viable.

¹ <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

Cross Border Enforcement

Should cross border enforcement policies be considered in the future, we would encourage NCC to consult with the industry, as opposed to the onus being solely on Uber to monitor NCC's website for this information.

Driver Onboarding Training

We welcome NCC mandating safeguarding and disability training for all drivers and already offer these to drivers who use the Uber platform.

Additionally we have implemented training for vulnerable passengers and would encourage NCC to also mandate this level of training across the industry.

Cancellations

The guidance indicates that drivers cannot cancel trips unless there is a "reasonable excuse", which would include: *"the behaviour of prospective passenger including a passenger who is abusive, racist, sexist, foul mouthed, threatening or extremely heavily intoxicated, this is also extended to customers refusing to stop smoking or eating/drinking or have been sick over themselves or soiled themselves in other ways. Or where there were legitimate concerns that the passenger might damage the vehicle."*

Fundamentally, drivers should have the freedom to drive when and wherever they wish and choose which jobs they accept. This is something drivers continually tell us they value about working in the on-demand economy.

This flexibility should include the ability to use multiple apps at a time, including being free from any requirements to display operator-specific livery which impedes this ability, and cancel trips. This creates a more dynamic, flexible supply of vehicles which in turn benefits the travelling public. While we recognise the strength of feeling with regard to cancelled trips, both from the perspective of customers and licensing authorities, it is important to note that the vast majority of trips that are accepted by drivers are fulfilled. We believe that the impact of cancelled trips has become conflated with the legitimate right of drivers to use multiple apps at once. Trips can be cancelled, by either drivers or riders, for a variety of reasons – including safety concerns, for example a dispute or altercation between driver and a rider, or because of personal circumstances.

Lost Property

We would like to recommend that a driver should not return items to a police station, as it has been agreed across England and Wales that police stations no longer accept lost items (with some minor exceptions such as passports, illegal items etc). More information via <https://notlost.com/blog-police-absolving-responsibility-for-lost-property/>

We receive messages regularly from drivers who try to return lost items to police stations and get turned away. We should not be directing drivers to police stations with lost property that will be turned away. This is a bad experience for drivers, riders and may be considered a waste of police time.

Our preference will be for lost property to be returned to the rider by the driver, in instances where for whatever practical reason this is not possible, lost property should be returned to an Uber office where it can be stored securely. Riders can then make arrangements to collect their lost property on their own or have it posted back to them.

Uber is licensed by nearly 60 licensing authorities, all of which except NCC allow drivers to return lost property directly to riders or to an Uber office where it can be collected by the rider.

Ride Sharing/ Car Pooling

At Uber, we are committed to providing a platform where riders can request accessible and inclusive transportation services. As a starting point, we do not request or collect gender data from our riders when they sign up to the app, to ensure that our platform remains free from biases and respects the privacy of all passengers.

The proposed gender-based ride sharing condition may be contradictory to equality rights and potentially discriminatory in nature. While the intention behind such a condition may be to provide passengers with choices, it may inadvertently lead to segregation and unequal treatment based on gender. It is important to consider that transportation services should be accessible and available to everyone, regardless of gender, race, or any other protected characteristic.

Moreover, implementing such a condition would create practical challenges for Uber's operations. Our system is designed to match riders with compatible routes and schedules, with a focus on efficiency, convenience, and environmental sustainability. Introducing a gender-based option could disrupt this efficiency, making it more challenging to provide reliable and timely transportation services to all passengers.

Insurance

The guidance states that *"Operators must ensure that where a vehicle is covered under a fleet insurance policy, drivers are aware of the content of the policy, including its limitations and exclusions. The operator must keep a record, signed by the driver, within each individual's record file when this has been completed. A copy of any individual's records must be produced, on request, to any authorised officer of the Licensing Authority."*

Whilst the operator should be required to ensure the driver has valid insurance to take private hire trips, it is the driver's responsibility to organise their own insurance policies and as such understand the limitations and exclusions. It is not the responsibility of the operator to record the driver's understanding of their own insurance.

Disclosure & Barring Service Checks (DBS)

Due to the size of our business, all of our DBS checks are undertaken by an external provider by the name of Accurate who specialise in employee screening. We store the record of completion containing the date of role commencement, date of checking certificate and date the person ceased to perform the role.

I welcome the opportunity to discuss this feedback in more detail. Should you have any questions, please do not hesitate to contact me via email or phone call.

Yours sincerely

Matthew Freckelton

Head of Cities, UK
Uber

Appendix C Fairness and Equality Impact Assessment