
Draft Hackney Carriage and Private Hire Licensing Policy

Committee considering report:	Licensing Committee
Date of Committee:	04 July 2022
Portfolio Holder:	Councillor Tom Marino
Report Author:	Julia O'Brien
Forward Plan Ref:	N/A

1 Purpose of the Report

To consider the draft policy which has been prepared in response to the Department for Transport's guidance on "Statutory Taxi and Private Hire Vehicle Standards" prior to it being consulted on. This guidance requires Local Authorities to review, revise and update their policies in relation to Hackney Carriage and Private Hire Licensing.

2 Recommendations

That the Licensing Committee:

- 2.1 **AGREES** that Officers should consult on the draft Hackney Carriage and Private Hire Licensing Policy set out in Appendix A subject to any changes made at this meeting of the Committee.
- 2.2 **AGREES** that the consultation should run from the 06 July to the 28 September 2022 and that it will be promoted as set out in paragraph 5.12.
- 2.3 **RECOMMENDS** that on conclusion of consultation and consideration of responses, the matter to return for further consideration to the 07 November 2022 Licensing Committee for adoption.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	The costs of drafting of the policy and the ensuing consultation will be met from within existing budgets. Licence fees are set on a cost recovery basis. Any changes to the fee structure arising from the policy will be considered as part of the annual fee setting process.

Human Resource:	<p>There are no HR implications associated with the drafting of the policy or consultation on the policy. The consultation will be undertaken by existing resources within the Public Protection Service and they will be advised by colleagues in the Performance, Research and Risk Team.</p>
Legal:	<p>The legal framework is set out in the report. The policy is based on a number of pieces of legislation including:</p> <ul style="list-style-type: none">• Town Police Clauses Act 1847;• Local Government (Miscellaneous Provisions) Act 1976;• Equalities Act 2010;• Data Protection Act 2018,• Immigration Act 2016;• Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975;• Health Act 2006;• The Road Vehicles (Construction and Use) Regulations 1986;• Road Traffic Act 1988.
Risk Management:	<p>The purpose of the licensing regime is to protect users of taxi and private hire vehicles but also to ensure that those operating within the regime do so on a level playing field. The Council sets those standards locally and it is imperative that there is clarity and that the standards are applied universally. It is also important that those licensed by the Council are consulted on the terms of the licensing arrangements.</p> <p>Having a robust policy in place that has been widely consulted on will minimise the risk of challenge to the Council.</p>
Property:	<p>There are no property implications associated with the drafting of the policy or the consultation that will be undertaken.</p>
Policy:	<p>In July 2020 the Department for Transport issued new guidance in relation to hackney carriage and private hire licensing namely: "Statutory Taxi and Private Hire Vehicle Standards". This required local authorities to review, revise and update their policies in relation to hackney carriage and private hire licensing which this report seeks to do.</p> <p>West Berkshire does not currently have a single policy for this regime but terms and conditions attached to licences. This</p>

	document seeks to consolidate all this information into a single policy.			
	Positive	Neutral	Negative	Commentary
Equalities Impact:				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		✓		<p>The draft policy takes cognisance of both the Equalities act 2010 and the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 which aims to ensure that disabled people can use taxi and PHV services with confidence that they will not be discriminated against.</p> <p>Nationally young women are one of the largest groups to use taxis. Other groups, such as those who are disabled and those who are elderly may also use taxis more frequently. Any change to policy suggested could impact these groups. Any comments pertaining to equality will be reported back to the November Licensing Committee meeting.</p> <p>Should any persons wish to receive the consultation documents in an alternative format we will provide this to them</p>
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		✓		<p>This report seeks to go out to consultation. Any comments in equalities issues raised as part of the consultation will be reported back to the Committee prior to a decision being taken on the adoption of the policy.</p>
Environmental Impact:		✓		<p>The draft policy, if approved, includes revised standards which will require vehicles to meet the Euro 5 or Euro 6 emissions standards if they are being submitted for grant or renewal of a licence.</p>

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Health Impact:		✓		There are no specific health impacts associated with the policy or the consultation.
ICT Impact:		✓		The consultation will be published on the PPP website and the West Berkshire consultation portal.
Digital Services Impact:		✓		The consultation will be published on the PPP website and the West Berkshire consultation portal.
Council Strategy Priorities:	✓			<p>Support businesses to start, develop and thrive in West Berkshire</p> <p>Ensure sustainable services through innovation and partnerships.</p> <p>The policy is underpinned by the overriding aim and purpose of Hackney Carriage and private hire licensing, which is public safety.</p> <p>The policy will also protect those members of the trade who are decent, upstanding, honest and hard- working individuals to thrive and sets out ways to deal with those individuals who fail to conform to those standards.</p>
Core Business:		✓		Business as Usual
Data Impact:		✓		The policy sets out how the Council will deal with data and also imposes requirements on the trade as to how they need to deal with it.

Consultation and Engagement:	<p>Consultation will take place with all those in paragraph 5.10 and any other stakeholders the Committee agrees to add. Those consulted directly will be via email, website and letter from 06 July to 28 September 2022. We will also be undertaking a public consultation using the PPP website and the West Berkshire Council consultation portal. The consultation exercise will be supported via a media campaign and targeted advertising of the consultation.</p> <p>A consultation event will also take place with the taxi trade via the Taxi Trade Liaison Group meeting on 18 July 2022.</p>
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4 Executive Summary

- 4.1 In July 2020 the Department for Transport issued new guidance in relation to hackney carriage and private hire licensing namely: “Statutory Taxi and Private Hire Vehicle Standards”. This required local authorities to review, revise and update their policies in relation to hackney carriage and private hire licensing. West Berkshire Council does not currently have a policy in relation to taxi licensing but has terms and conditions in relation to each licence type. This policy seeks to consolidate all of this information into a single document.
- 4.2 This draft policy is based on a number of documents including the Hackney Carriage and Private Hire Licensing Criminal Convictions Policy adopted in June 2019 but there are significant developments and changes to accommodate the new guidance and other legislative changes.
- 4.3 The draft policy incorporates best practice from across England and Wales and is underpinned by the overriding aim and purpose of hackney carriage and private hire licensing, which is public safety.
- 4.4 The purpose of this report is to provide the Committee with a chance to give initial comments on the draft policy prior to consultation. Members of the Committee will be consulted on the content of the Policy as a matter of course. Members may also wish to add details of any proposed consultees to the list as set out in paragraph 5.10 in the report below.

5 Supporting Information

Introduction

- 5.1 The Statutory Standards published on 21 July 2020 set out a range of measures to protect taxi and private hire vehicle passengers and in particular those most vulnerable.
- 5.2 Government advice is that licensing authorities should work together to ensure that, above all else, the taxi and private hire vehicle services the public use are safe.

- 5.3 The Department for Transport will monitor licensing authorities' responses to the Statutory Standards and all authorities are expected to provide updates as to how they intend to implement and develop the standards.

Background

- 5.4 Members received a report in regard to the Statutory Standards in October 2020 setting out the main items contained in it that had to be considered.
- 5.5 Members agreed the Hackney Carriage and Private Hire Licensing Criminal Convictions Policy at the 24 June 2019 Committee meeting. In accordance with the DfT guidance officers are proposing to build on that document in order to comply with the statutory standards.
- 5.6 The Statutory Standards promote the existence of a Taxi Licensing Policy. Authorities should produce a 'cohesive policy document' that brings all procedures together (including a convictions policy). When formulating policies, the overriding objective must be to protect the public. Policies should be reviewed every five years.
- 5.7 The draft Policy has been developed in conjunction with Bracknell Forest Council and using each of the authorities' best practices and processes where appropriate and improving on these as deemed necessary. Where possible Officers are seeking to align the policies as has been previously requested by Members.
- 5.8 Where timescales are not prescribed in legislation the timescales set out in Government Guidance have been put forward in the draft document. Members will note that there is some red text in the document which highlights areas where Members are specifically being asked for a view on which option, if any, should be included in the draft consultation document.
- 5.9 A briefing for Members was held on 17 May 2022 in relation to the draft policy and matters arising from that briefing have been incorporated into this iteration of the draft policy.

Proposals

- 5.10 Before determining the policy for any five year period, it is good practice to consult with persons who may be affected by it including:
- (a) Persons or bodies representative of holders of local hackney carriage, private hire driver vehicle and operators licences together with individual licensees;
 - (b) Persons or bodies representative of businesses and residents in its area;
 - (c) Home to School Transport Teams in the Authority;
 - (d) West Berkshire Safeguarding Children Board
 - (e) West Berkshire Safeguarding Adults Board;
 - (f) Local residents and community associations, together with individual residents;
 - (g) Parish and Town Councils;
 - (h) Thames Valley Police;
 - (i) All Members of West Berkshire Council;

- (j) Meter Agents;
- (k) West Berkshire authorised vehicle testing Garages

5.11 The views of all consultees should be given appropriate weight when the policy is determined. Beyond the statutory requirements, it is for the licensing authority to decide the full extent of its consultation.

5.12 It is proposed that the consultation run for a 12 week period from the 06 July 2022 to 28 September 2022. The consultation document will be published on the Public Protection Partnership website and the West Berkshire consultation portal. Officers will write to the parties listed in 5.10 above and any additional groups identified at the meeting, to seek their views on the draft policy. The consultation will be supported by a media campaign. A special Taxi Trade meeting has been arranged for the 18 July to discuss the draft policy with the taxi trade. Officers are working with the Corporate Consultation Team to identify ways of ensuring that additional targeted consultation takes place including for example promoting the consultation on the taxi ranks.

5.13 Officers are recommending that the outcome of the consultation will be reported back to the November Licensing Committee for discussion. The Committee will consider the consultation and will then be asked to adopt the policy with or without amendments.

5.14 For reference Officers are proposing to run a similar consultation on the Bracknell Forest Taxi Policy over similar timescales. It might therefore be useful to share the outcome of the two consultations with both authorities to assist considering examples of best practice and aligning the policies where it is appropriate to do so.

6 Other options considered

None. The Council is required to have a policy in place.

7 Conclusion

7.1 The draft policy incorporates best practice from across England and Wales and is underpinned by the overriding aim and purpose of hackney carriage and private hire licensing, which is public safety.

7.2 The Council welcomes comments on the draft policy.

8 Appendices

Appendix A – Draft Hackney Carriage and Private Hire Licensing Policy 2022- 2027

9 Background Papers:

Town Police Clauses Act 1847;
The Local Government (Miscellaneous Provisions) Act 1976;
The Equalities Act 2010;
Data Protection Act 2018,
Existing Hackney Carriage and Private Hire Licensing Criminal Convictions Policy
Hackney Carriage and Private Hire Statutory Standards report October 2020

Subject to Call-In:

Yes: ☒ No: ☐

Wards affected: All

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