
Draft Hackney Carriage and Private Hire Licensing Consultation Update Report

Committee considering report:	Licensing Committee
Date of Committee:	07 November 2022
Portfolio Member:	Councillor Tom Marino
Report Author:	Julia O'Brien
Forward Plan Ref:	C4273

1 Purpose of the Report

- 1.1 To provide the Licensing Committee with an update on the outcome of the public consultation on the policy and provide an update on the progress that is being made with reviewing the policy with the trade.

2 Recommendations

The Licensing Committee:

- 2.1 To **NOTE** the responses received to the public consultation.
- 2.2 To **NOTE** that once the meetings with the trade have been concluded, the matter will come back to the Licensing Committee and a decision will be taken as to the next steps.

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:	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

	<p>Service and they will be advised by colleagues in the Performance, Research and Risk Team.</p>
<p>Legal:</p>	<p>The legal consultation will be followed up following collation of all consultation responses. 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.
<p>Risk Management:</p>	<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>
<p>Property:</p>	<p>There are no property implications associated with the drafting of the policy or the consultation that will be undertaken.</p>
<p>Policy:</p>	<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. The legal implications of all comments pertaining to equality will be discussed with legal colleagues.</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 is to note some of the consultation responses received so far. Any comments pertaining to 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:	X			There are no specific health impacts associated with the policy or the consultation.
ICT Impact:				The consultation was published on the PPP website and the West Berkshire consultation portal.
Digital Services Impact:				The consultation was 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 was undertaken with those in Appendix A and is continuing with the Taxi Trade. We also undertook a public consultation using the PPP website and the West Berkshire Council consultation portal. The consultation exercise was supported via a media campaign and targeted advertising of the consultation.</p> <p>Consultation meetings have been held with the Taxi Trade, Members and officers which are continuing.</p>
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4 Supporting Information

- 4.1 In July 2020 the Department for Transport (DfT) 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. This has led to a new draft policy being proposed for the West Berkshire Hackney Carriage and Private Hire Trade.
- 4.2 The draft policy incorporates new guidance and legislative changes along with 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.
- 4.3 The draft policy for consultation was agreed by Members of the Committee at the 4th July 2022 meeting. Members agreed that the consultation should run from 13 July to 4 October 2022. Members agreed that in addition to the public consultation the documents should be shared with members of the trade and other interested parties identified in the report to the Committee. The consultation was published on the Council’s Consultation and Engagement Hub and on the Public Protection Partnership website. A notification was also sent out to the 1231 people on the Council’s Community Panel.
- 4.4 The purpose of this report is to update the Committee with the outcome of the consultation on the draft policy previously agreed for consultation by this Committee. This is produced at Appendix A. Members of the Committee will be asked to consider all the responses received and suggest any changes to the policy that they would like to take forward. In addition to responses received via the Hub and website several meetings with the Trade, Members and officers have taken place to go through the policy in detail. These meetings are still ongoing and it is intended we complete these so there is a complete set of responses received by the trade to the draft policy. Members are also asked to raise any additional specific queries they would like to have clarified.
- 4.5 Legal advice will then be sought on these recommendations and the matters raised by the respondents during the consultation.
- 4.6 Responses to the consultation and queries and an amended draft policy will be brought back to the January 2023 Committee meeting for Members to decide if they wish to

make any further amendments to it and also if there is a wish to go out for further consultation with responses being bought back to a further Committee.

5 Proposals

The Licensing Committee

- 5.1 **NOTE** the responses received to the public consultation received to date and make comments as appropriate.
- 5.2 Further Trade meetings will be held to complete the consultation responses and following this legal advice will be obtained with options to come back to the Licensing Committee for a decision to be taken as to the next steps.

6 Other options considered

- 6.1 None

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 the consultation comments received thus far and more to follow on completion of the Trade meetings after which legal advice will be sought.

8 Appendices

- 8.1 Appendix A – Outcome of the Public Consultation
- 8.2 Appendix B – Draft Consultation Document

Background Papers:

Draft Hackney Carriage and Private Hire Licensing Policy

Subject to Call-In:

Yes: No:

- The item is due to be referred to Council for final approval
- Delays in implementation could have serious financial implications for the Council
- Delays in implementation could compromise the Council's position
- Considered or reviewed by Overview and Scrutiny Management Committee or associated Task Groups within preceding six months
- Item is Urgent Key Decision

Report is to note only



Wards affected: All

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