
Draft Hackney Carriage and Private Hire Licensing Policy

Committee considering report:	Licensing Committee
Date of Committee:	20 January 2025
Portfolio Member:	Councillor Justin Pemberton
Report Author:	Mark Groves
Forward Plan Ref:	C4273

1 Purpose of the Report

- 1.1 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”, and updated [revised best practice guidance](#) issued by the Department for Transport on the 17 November 2023.

2 Recommendations

- 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 21 January 2025 to the 25 April 2025 and that it will be promoted as set out in paragraph 4.12.
- 2.3 **RECOMMENDS** that on conclusion of consultation and consideration of responses, the matter to return for further consideration to a future 2025 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.

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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 Service, and they will be advised by colleagues in the Performance, Research and Risk Team on the consultation process.
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.• Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022.• 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.• Transport Act 1980
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 to the high standards set by the Council. The Council sets these 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:	There are no property implications associated with the drafting of the policy or the consultation that will be undertaken.
Policy:	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

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	<p>and update their policies in relation to hackney carriage and private hire licensing which this report seeks to do.</p> <p>The DfT issued revised best practice guidance on the 17 November 2023.</p> <p>West Berkshire does not currently have a single policy for this regime, but terms and conditions are attached to individual licences. This document seeks to consolidate all this information into a single policy.</p>			
	Positive	Neutral	Negative	Commentary
Equalities Impact:				
<p>A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?</p>		✓		<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 and 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 January 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>

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<p>B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?</p>		✓		<p>This report seeks to go out to consultation. Any comments on 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>
<p>Environmental Impact:</p>		✓		<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>
<p>Health Impact:</p>		✓		<p>There are no specific health impacts associated with the policy or the consultation.</p>
<p>ICT Impact:</p>		✓		<p>The consultation will be published on the PPP website and the West Berkshire consultation portal.</p>
<p>Digital Services Impact:</p>		✓		<p>The consultation will be published on the PPP website and the West Berkshire consultation portal.</p>
<p>Council Strategy Priorities:</p>		✓		<p>The policy seeks to deliver on or support the following Council priorities:</p> <ul style="list-style-type: none"> • Tackling the climate and ecological emergency • A prosperous and resilient West Berkshire • Thriving communities with a strong local voice.
<p>Core Business:</p>		✓		<p>The assessing and issuing of licences associated with the taxi trade constitutes business as usual for the licensing authority. The policy will provide clear and consistent guidance for all involved in the</p>

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				process.
Data Impact:		✓		<p>The policy sets out how the Council will deal with data and imposes requirements on the trade as to how they need to deal with it.</p> <p>Data collected during the consultation process will be dealt with in accordance with the privacy notice for consultation and engagement.</p>
Consultation and Engagement:	<p>Consultation will take place with all those in paragraph 4.9 and any other stakeholders the Committee agrees to add. Those consulted directly will be via email, website and letter from 21 January 2025 to 25 April 2025.</p> <p>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>It is also proposed that a consultation event(s) take place with the taxi trade via the Taxi Trade Liaison Group.</p>			

4 Background

- 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. 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 and a convictions policy. This policy seeks to consolidate all of this information into a single document.
- 4.2 The Statutory Standards set out a range of measures to protect taxi and private hire vehicle passengers and in particular those most vulnerable. 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. An initial report on the statutory standards was brought to the October 2020 Licensing Committee meeting.
- 4.3 The DfT then issued [revised best practice guidance](#) on the 17 November 2023. The new guidance states that:

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- a. Councils must take action against drivers who discriminate against people with disabilities and guide dog owners, issuing fines and suspending licences where required.
 - b. Private Hire Vehicle (PHV) Operators are encouraged to identify a passenger's accessibility needs before they take a booking to ensure an appropriate vehicle is provided.
 - c. Councils should incentivise the uptake of wheelchair accessible vehicles (WAVs) and ensure they can be used easily and safely by a range of passengers. Some WAVs may not be suitable for other disabled passengers and, when issuing licences, licensing authorities should ensure their area has the right mix of vehicles to suit their community.
 - d. Training and assessing drivers should focus on taking a defensive approach to driving, such as recognising the impact of speeding, or driving while distracted or fatigued, particularly where there have been passenger complaints.
 - e. The guidance also seeks to support industry by removing undue burdens. For instance, given the reliability and ease of satnav systems, PHV drivers should not be required to undertake navigational skills tests for pre-booked journeys, while licensing fees should be reviewed regularly to ensure they are appropriate.
- 4.4 In addition to the DfT guidance this draft policy is also based on a number of documents including the Hackney Carriage and Private Hire Licensing Criminal Convictions Policy adopted in June 2019.
- 4.5 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.
- 4.6 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 4.9 in the report below.

Proposals

- 4.7 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 operator's 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) Berkshire West Safeguarding Children's Partnership;
 - (e) West of Berkshire Safeguarding Adults Board;
 - (f) Local residents and community associations, together with individual residents;
 - (g) Parish and Town Councils;

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- (h) Thames Valley Police;
- (i) All Members of West Berkshire Council;
- (j) Meter Agents;
- (k) West Berkshire authorised vehicle testing Garages.

4.8 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.

4.9 It is proposed that the consultation run for a twelve-week period from the 21 January 2025 to 25 April 2025. 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 4.9 above and any additional groups identified at the meeting, to seek their views on the draft policy.

4.10 The consultation will be supported by a media campaign. It is also proposed that a special Taxi Trade Liaison Group meeting(s) be arranged to discuss the revised draft policy with the trade.

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

5 Other options considered

5.1 None the council is required to have a policy in place.

6 Conclusion

6.1 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.

6.2 The Council welcomes comments on the draft policy.

7 Appendices

7.1 Appendix A – Draft Hackney Carriage and Private Hire Licensing Policy 2025- 2030

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

Outcome of the 2022 Consultation

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 Scrutiny Commission or associated Committees, Task Groups within preceding six months
- Item is Urgent Key Decision
- Report is to note only

Wards affected: All

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