
Draft Hackney Carriage and Private Hire Licensing Policy

Committee considering report:	Licensing Committee
Date of Committee:	22 September 2025
Portfolio Member:	Councillor Tom McCann
Date Portfolio Member agreed report:	11 September 2025
Report Author:	Mark Groves

1 Purpose of the Report

- 1.1. To consider the draft policy following the consultation undertaken which has been prepared in response to the Department for Transport's guidance on "Statutory Taxi and Private Hire Vehicle Standards". This guidance requires local authorities to adopt a policy and then review, revise and update the policy in relation to hackney carriage and private hire licensing.

2 Recommendations

The Committee

- 2.1 Considers the comments received during the 2025 consultation set out in Appendices B and C and the resulting changes to the Draft Hackney Carriage and Private Hire Licensing Policy.
- 2.2 Adopts the amended Draft Hackney Carriage and Private Hire Licensing Policy.

Should the Committee consider that further changes should be made to the Draft Hackney Carriage and Private Hire Licensing Policy, it is asked to:

- 2.3 Confirm the changes to be incorporated.
- 2.4 Confirm whether it considers that any further consultation should be undertaken and if so the duration of that consultation prior to it being further considered and adopted.
- 2.5 Delegates authority to the Service Lead – Public Protection in consultation with the Chairman and Vice Chairman of the Committee to agree the incorporation of the changes and the adoption of the final Hackney Carriage and Private Hire Licensing Policy.

- 2.6 Delegates authority to the Service Lead – Public Protection in consultation with the Chairman and Vice Chairman of the Committee the authority to agree any transitional arrangements to effect implementation.
- 2.7 The Committee receives an update on implementation as part of the Annual report along with any proposed updates or changes to the Policy.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	<p>The costs of drafting of the policy and the ensuing consultation were met from within existing budgets as would any future consultations or amendments to the policy.</p> <p>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.</p>
Human Resource:	<p>There are no HR implications associated with the drafting of the policy. The consultation was undertaken by existing resources within the Public Protection Service who were supported by colleagues in the Performance, Research and Risk Team.</p>
Legal:	<p>West Berkshire District Council is acting within the rights of a local authority to establish a comprehensive taxi and private hire licensing policy. In doing so, the Council has a duty to protect the public, uphold safety standards, and support a professional and accountable transport service. While national legislation and statutory guidance provide minimum requirements, it is both lawful and appropriate for licensing authorities to adopt higher standards where justified, particularly where these are shaped by meaningful consultation and democratic oversight, both of which have taken place in the development of this policy.</p> <p>This policy is firmly grounded in the historic and statutory framework that governs taxi licensing, including the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. It also aligns with more recent legislation, including the 2022 Acts relating to safeguarding and equality, reflecting evolving expectations around safety, fairness, and inclusion.</p> <p>In addition to these core statutes, the policy recognises broader legal responsibilities, including those under data protection, immigration, criminal records disclosure, public health, road</p>

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	<p>safety, and transport regulation. These duties have been carefully considered to ensure a licensing framework that is lawful, proportionate, and fit for purpose.</p> <p>This policy was shaped by extensive public consultation and active engagement with key stakeholders. All feedback was carefully considered and informed the final content. The policy also underwent a democratic approval process within the Council and, where relevant, an equality impact assessment to ensure compliance with the Public Sector Equality Duty.</p> <p>The Council remains committed to monitoring and reviewing the policy at appropriate intervals to reflect changes in legislation, guidance, and local needs. This approach ensures that our licensing standards remain not only legally compliant but responsive to the evolving needs of our communities.</p>
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 has been 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>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>

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	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 Hackney Carriage and Private Hire Vehicle 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.</p>
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?	✓			<p>The report has been out to consultation. Any comments on equalities issues raised as part of the consultation have been provided to legal for comment and will be made known 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 6 emissions standards if they are being submitted for grant or renewal of a licence.</p>
Health Impact:		✓		<p>There are no specific health impacts associated with the policy or the consultation.</p>
ICT Impact:		✓		<p>The policy will be published on the PPP website and the West Berkshire Council website.</p>

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Digital Services Impact:				The policy will be published on the PPP website and the West Berkshire Council website.
Council Strategy Priorities:	✓			<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.
Core Business:		✓		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 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>Any data collected as part of the applications and consultations processes will be dealt with in accordance with our privacy statement.</p>

Consultation and Engagement:	<p>The consultation on the draft policy was posted on the West Berkshire Council's Consultation Hub on the 18 March 2025. The consultation ran from the 18 March to 18 May 2025. A notification was also sent out to the 2504 people on the Community Panel in the week commencing the 24 March 2025. A Facebook message was posted on the 19 March 2025 and a reminder that the consultation was closing was posted on the 11 May 2025 and 15th May 2025. A press release was issued on the 19 March 2025.</p> <p>In addition, the licensing team wrote to a number of individuals and organisations as agreed by the Licensing Committee. Reminder emails were sent to the trade on the 08 May 2025 and the 16 May 2025.</p> <p>Three meetings took place with the trade on the 07 April, 28 April and 12 May 2025.</p> <p>During these meetings with the trade officers went through the policy in detail. The comments provided by the trade were considered by the licensing team and agreement was made to amend some parts of the policy. Some amendments could not be made due to legislative requirements or recommendations set out by the DfT in their guidance.</p> <p>In addition, there were some amendments that the licensing team felt strongly that should not be made. The consultation responses raised have been tabulated (Appendix 2) with comments made against each to state if agreed and completed, if not agreed with reasons for the decision proposed by Officers These have been shaded green where officers have implemented changes to the policy and amber for further member discussion and a decision to be made.</p>
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4 Background

- 4.1 Hackney Carriage (aka Taxi) and Private Hire businesses provide a critical public function. From support to the wider daytime and nighttime economy to provision of vital transport for children attending school and disabled and vulnerable adults and children. There have been significant pressures on the trade especially during and in the immediate aftermath of Covid19 and as a result of changes to the way that people now work with the rapid rise in digital communication routes.
- 4.2 The effective regulation of the taxi and private hire trade is critical to both public safety and public confidence. Without that public confidence the industry would not have any prospect of economic viability. This is a view shared by both officers and the trade.
- 4.3 Local authorities are currently tasked with the job of regulating the taxi and private hire trade at a local level. There is a wide range of discretion as to how this is achieved, and this includes the development and implementation of a local policy and licence

conditions. Over the years there has been a significant amount of case law following legal challenges around the country but on the whole the courts have concluded that that as long as any policy or conditions are reasonable in their aims and expectations and that development involves consultation that the local authority does have a wide discretion.

- 4.4 In November 2022 the Department for Transport (DfT) updated and issued new guidance in relation to hackney carriage and private hire licensing in the "[Statutory Taxi and Private Hire Vehicle Standards](#)" which had been published in July 2020. 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 this information into a single document.
- 4.5 The Statutory Standards set out a range of measures to protect taxi and private hire vehicle passengers, and particularly 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.
- 4.6 The DfT then issued [revised best practice guidance](#) on the 17 November 2023. The new guidance states that:
 - 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.
- 4.7 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 which was adopted in June 2019, and which has undergone an amendment to include

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all current West Berkshire Council licensed dual and private hire drivers convicted of any offences mentioned and not just applicants as in the current version.

- 4.8 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.
- 4.9 The Council undertook consultation on the Draft Policy which ran from the 18 March 2025 to the 18 May 2025. A total of 80 responses were received to the formal consultation: Two from officers, two from parish or town councils/councillors, one from a meter agent and one from a resident. The remaining 74 were from the trade being six private hire operators, 20 dual drivers and 48 Cabco drivers (these drivers also signed the representation submitted by Cabco). Many of the trade responses are variations on 11 matters that they have raised in point 4.11 below.
- 4.10 The responses, along with Officer observations did amount to some several hundred pages of tabulation and these have been made available to Members of the Committee as background papers. For the purpose of this report we have sought to summarise the two strands of the consultation i.e. meetings with the trade and written responses at Appendices B and C respectively.
- 4.11 The comments raised by the trade centred on:
- Age of vehicles – Comment by the trade and officer response can be found in Appendix B
 - DBS/Certificates of Good Conduct – Comment by the trade and officer and response can be found in Appendix C
 - Repeat testing requirements - Comment by the trade and officer response can be found at response in Appendix C
 - Motoring convictions - Comment by the trade and officer and legal response can be found at response in Appendix C
 - Penalty point system – Comment by the trade and officer response can be found at response in Appendix C
 - Engine Idling - Comment by the trade and officer response can be found at response in Appendix C
 - Daily vehicle checks - Comment by the trade and officer response can be found at response in Appendix C
 - Tyre tread depth - Comment by the trade and officer response can be found at response in Appendix C
 - Advertising and the use of 'Cab' - Comment by the trade and officer response can be found at response in Appendix C

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- Operators record submissions – This is not being taken forward by officers at this time but may be considered again in the future.
- Driver worker hours - Comment by the trade and officer response can be found at response 5 in appendix C

4.12 There was one other issue raised during the consultation regarding protected plates. Protected plates are the original plates that that were granted to Newbury Borough licence holders which are protected from having to be wheelchair accessible under grandfather rights. This is seen as anti-competitive by some members of the trade. Both these points have been considered and legal advice sought, and the view of Officers is that this should be considered as a separate matter by Committee given the complexity of the issue and should not form part of the policy amendments at this time.

4.13 The purpose of this report is to provide the Committee with the opportunity to give any comments on the draft policy following the consultation. Members of the Committee were consulted on the content of the Policy as a matter of course.

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 regarding 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 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.

Proposal

- 5.9 The Committee is asked to consider whether any further consultation should be undertaken and if so the duration of that consultation prior to it being further considered and adopted.
- 5.10 Following consideration of all representations received during the consultation that members adopt the draft Hackney Carriage and Private Hire Licensing Policy subject to any changes incorporated by the Committee.

6 Other options considered

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

7 Conclusion

- 7.1 As has been previously stated Officers are grateful for the engagement of the sector on the development of this policy. It is critical that not only is any policy clearly defined but that it is effective at an operational and implementation level. It also needs to strike a balance between effective and sensible public safety measures whilst not placing unreasonable burdens on the sector.
- 7.2 We have considered very carefully the points raised by the trade as can be seen from the background papers and this report. We have sought to give Members enough detail to determine the policy whilst acknowledging that once in operation there may be need for further adjustments. In the view of officers, the draft policy before the Committee 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 whilst striking the balance set out at 7.1 above.
- 7.3 It is proposed that as part of the annual report to the Committee that we give an update on the practical implementation of the policy and where necessary propose any amendments.

8 Appendices

- 8.1 Appendix A – Draft Hackney Carriage and Private Hire Licensing Policy 2025 - 2030
- 8.2 Appendix B – Summary of consultation trade meetings and officer comments
- 8.3 Appendix C – Summary of written consultation responses and officer comments

Background Papers:

- Town Police Clauses Act 1847
 - Local Government (Miscellaneous Provisions) Act 1976
 - Equalities Act 2010
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- Data Protection Act 2018
- Existing Hackney Carriage and Private Hire Licensing Criminal Convictions Policy
- Taxi and private hire best practice guidance for local authorities in England
Statutory taxi and private hire standards

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 one of the Council's Scrutiny Committees or associated Task Groups within the preceding six months ☐

Item is Urgent Key Decision ☐

Report is to note only ☐

Wards affected: All
