
Draft Hackney Carriage and Private Hire Licensing Policy

Committee considering report:	Licensing Committee
Date of Committee:	15 December 2025
Portfolio Holder:	Councillor Tom McCann
Report Author:	Julia O'Brien

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 **APPROVES** the draft Hackney Carriage and Private Hire Licensing Policy as at **Annex A**.
- 2.2 **DELEGATES** authority to the Service Lead – Public Protection in consultation with the Chairman and Vice Chairman of the Licensing Committee to agree any transitional arrangements to bring about effective implementation.
- 2.3 **DELEGATES** authority to the Service Lead – Public Protection in consultation with the Chairman and Vice Chairman of the Licensing Committee to make any minor revisions to the policy arising from future changes to the Department for Transport Guidance and any relevant changes to legislation.
- 2.4 **RECEIVES** an update on implementation as part of the Annual report along with any proposed updates or changes to the policy.
- 2.5 **AGREES** to undertake a review of the application of the policy with respect to 'protected plates' (Section 20 of Appendix C) within the next six months with a view to implementing any changes proposed at the time of the first annual review.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	The costs of drafting of the policy and the consultation were 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. There are currently no proposals to make any additional changes to the fee other than those contained in the proposed fees brought to the previous Licensing Committee meeting/
Human Resource:	There are no HR implications associated with the drafting of the policy or consultation on the policy. The consultation was undertaken by existing resources within the Public Protection Service advised by colleagues in the Performance, Research and Risk Team.
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 Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022.</p> <p>In addition to these core statutes, the policy recognises broader legal responsibilities, including those under data protection, immigration, equalities, criminal records disclosure, public health, road 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</p>

	<p>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 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>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:				

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A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?	x			<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 have a disability 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?	x			<p>The draft policy 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:	x			<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:		x		<p>There are no specific health impacts associated with the policy or the consultation.</p>
ICT Impact:		x		<p>The policy will be published on the PPP website and the West Berkshire Council website.</p>
Digital Services Impact:		x		<p>The policy will be published on the PPP website and the West Berkshire Council website.</p>

Council Strategy Priorities:	x			<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:		x		<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 process.</p>
Data Impact:		x		<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>
Consultation and Engagement:	<p>During the consultation a number of meetings took place with the trade to go through the policy. 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 published on the Council website.</p>			

4 Introduction

- 4.1 The Department for Transport (DfT) Statutory Standards were published on 21 July 2020 and set out a range of measures to protect taxi and private hire vehicle passengers and in particular those most vulnerable.
- 4.2 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.

- 4.3 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.
- 4.4 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.
- 4.5 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.
- 4.6 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.
- 4.7 Where timescales are not prescribed in legislation the timescales set out in Government Guidance have been put forward in the draft document.
- 4.8 Taxi and Private Hire businesses provide a critical public and societal function. From support to the wider daytime and nighttime economy to the 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.

5 Background

- 5.1 The effective regulation of the taxi and private hire trade is critical both to 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.
- 5.2 Local authorities are currently tasked with the job of regulating the taxi and private hire trade at 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.
- 5.3 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 of this information into a single document.

- 5.4 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.
- 5.5 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.
- 5.6 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 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.
- 5.7 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.
- 5.8 The Council undertook consultation on the Draft Policy and this 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 5.10 below.

5.9 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.

5.10 The comments raised by the trade were many but included many centred on:

- Age of vehicles
- DBS/Certificates of Good Conduct
- Repeat testing requirements
- Retrospective application of changes to the convictions policy appertaining to Motoring convictions
- Penalty point system
- Engine Idling
- Vehicle standards
- Advertising and livery
- Operators record submission
- Driver worker hours

5.11 There was another issue raised during the consultation with regard to 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. Particular concerns arise with respect to the rights being able to be transferred to other family members as well as some vehicles being leased. This is seen as anti-competitive by some members of the trade. Both these points have been considered and legal advice sought. It is proposed that this should be considered separately by Committee given the complexity of the issue and should not form part of the policy amendments at this time.

5.12 A full summary of all the responses can be found here:
westberks.gov.uk/media/63176/Outcome-of-the-Draft-Hackney-Carriage-and-Private-Hire-Licensing-Policy-2025-2030/pdf/Outcome_of_the_Draft_Taxi_Policy_Consultation.pdf?m=1747845883807

6 Proposal

6.1 The Committee is asked to consider the draft policy and noting that many hours of consultation has been conducted resulting in many amendments and to adopt the draft Hackney Carriage and Private Hire Licensing Policy.

6.2 Should the Committee consider that further changes should be made to the Draft Hackney Carriage and Private Hire Licensing Policy, it is asked to confirm the changes it wishes to be incorporated and whether it considers that any further consultation should

be undertaken. If so, the duration of that consultation prior to it being further considered and adopted. The Committee is then asked to delegate to the Service Lead – Public Protection in consultation with the Chairman and Vice Chairman of the Committee the incorporation of the changes and the adoption of the final Hackney Carriage and Private Hire Licensing Policy as well as any transitional arrangements to effect implementation.

- 6.3 The Committee is asked to delegate 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.
- 6.4 The Committee will receive an update on implementation as part of the Annual report along with any proposed updates or changes.

7 Other options considered

- 7.1 In considering the consultation, the Committee may ask for further changes incorporated. In this event, the Committee is asked 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.

8 Conclusion

- 8.1 As has been stated above we are grateful for the engagement of the many professionals operating within the licensed 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.
- 8.2 Officers have considered very carefully the points raised by the trade as can be seen from the background papers and this report. Officers have sought to give Members enough detail to determine the policy whilst acknowledging that once in operation there may be a 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 5.1 above.
- 8.3 It is proposed that as part of the annual report to the Committee Officers provide an update on the practical implementation of the policy and where necessary propose any amendments.

9. Appendices

- 9.1 Annex A – Draft Hackney Carriage and Private Hire Licensing Policy 2025 - 2030

10 Background Papers:

- Town Police Clauses Act 1847
- Local Government (Miscellaneous Provisions) Act 1976
- Equalities Act 2010
- Data Protection Act 2018
- Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022
- 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 vehicle standards
- [Draft Hackney Carriage and Private Hire Licensing Policy 2025-2030 - West Berkshire Council](#)

Subject to Call-In:

Yes: ☒ No: ☐

Wards affected: All

Officer details:

Name: Julia O'Brien
Job Title: Principal Officer-Licensing
Tel No: 01635 519848
E-mail: julia.obrien@westberks.gov.uk
