
Outcome of the Consultation on the Protected Hackney Carriage Plate Arrangements

Committee considering report:	Licensing Committee
Date of Committee:	07 September 2026
Portfolio Holder:	Councillor Tom McCann
Report Author:	Mark Groves
Forward Plan Ref:	N/A

1 Purpose of the Report

- 1.1 To present the results of the public consultation undertaken in respect of the protected hackney carriage plate provisions contained within the Hackney Carriage and Private Hire Licensing Policy 2025–2030 and invite Members to agree a way forward.
- 1.2 To outline the legal advice obtained from Counsel regarding the future operation of the pre-2001 vehicle exemption and the associated legal, equality and accessibility considerations.

2. Recommendations

The Licensing Committee is requested to:

- 2.1 Consider the consultation responses, legal advice, equality impacts, accessibility objectives, safeguarding implications and financial impacts on existing proprietors and determine one of the following options:
 - i. Option 1 - Phase out the protected plate exemption for all licences transferred to any party on or after 1 January 2027.
 - ii. Option 2 - Phase out the protected plate exemption for all protected licences renewed on or after 1 January 2029.
 - iii. Option 3 - Retain the exemption but remove the ability to transfer protected plates to immediate family members.
 - iv. Option 4 - Retain the current exemption and continue to permit transfers to immediate family members.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	The costs of running the consultation and legal advice sought were met from within the existing budgets. Discretionary fees and charges relating to licences and registrations are based on cost recovery, and should they not reflect the cost of providing the service, there is a risk of generating a surplus or deficit.
Human Resource:	There were no staffing implications associated with the consultation which were undertaken within existing resources within the Public Protection Service advised by colleagues in the Performance, Research and Risk Team. The issuing of all hackney carriage licences are considered as business as usual for officers within the Licensing Team.
Legal:	West Berkshire District Council is acting within the rights of a local authority to establish and update 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, whilst ensuring compliance with the most recent legislation. 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. 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. In addition to these core statutes, the policy recognises broader legal responsibilities, including those under data protection, immigration, equalities (Equality Act 2010), 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. In relation to 'protected plates' in the policy it was determined to undertake a review of the current position within 6 months of

Outcome of the Consultation on the Protected Hackney Carriage Plate Arrangements

	the policy being adopted at the December 2025 Licensing Committee meeting. This undertaking has now been fulfilled. The Public Protection Partnership deemed it prudent to instruct Counsel on the matter to ensure the policy is lawful particularly in the light of the Equality Act 2010.
Risk Management:	The purpose of the licensing regime as set out in the Hackney Carriage and Private Hire Licensing Policy 2025 – 2030 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. The overarching consideration is for the safety of the public. There is a potential risk of legal challenge whether the Council removes or retains the protected plate exemption, although that risk is likely to be manageable if appropriate process and justification are in place. If the exemption is removed or phased out, affected proprietors may argue that the change has an adverse impact on their livelihood and constitutes unfairness, particularly where longstanding reliance has been placed on the existing regime. However, such a challenge would be mitigated where the Council provides a reasonable transitional period, undertakes proper consultation, and clearly justifies the policy change by reference to legitimate aims such as equality of access and modernisation of the fleet. Conversely, if the exemption is retained, there is a risk of challenge on the basis that it creates an unjustified competitive advantage for a limited group of proprietors and fails to properly advance the needs of disabled passengers, potentially engaging public law and equality considerations. In either scenario, the key legal risk will turn on whether the Council can demonstrate that it has acted rationally, proportionately, and in accordance with its public sector equality duties, with robust evidence and consultation underpinning its decision.
Property:	There are no property implications associated with the consultation, the Policy and any potential amendments to it.
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 and

Outcome of the Consultation on the Protected Hackney Carriage Plate Arrangements

	update their policies in relation to hackney carriage and private hire licensing which this report seeks to do. The DfT issued revised best practice guidance on the 17 November 2023. The Hackney Carriage and Private Hire Licensing Policy 2025-2030 was approved by the Licensing Committee on 15 December 2025 subject to some minor amendments being delegated to Officers in consultation with the Chairman and Vice Chairman. The decision was also subject to an agreement to undertake a review of the application of the policy with respect to 'protected plates' within the next six months with a view to implementing any changes proposed at the time of the first annual review. This undertaking has now been fulfilled.			
	Positive	Neutral	Negative	Commentary
Equalities Impact:				

Outcome of the Consultation on the Protected Hackney Carriage Plate Arrangements

A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?	X			The 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. 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. A number of comments were received during the consultation relating to: • The number of and demand for Wheelchair Accessible Vehicles (WAVs) • The need to consider other disabilities when setting any policies relating to WAVs. • The concern that some residents, including older residents, who have mobility issues finding it difficult to get into WAVs • The concern that the existence of the protected plates discriminates against wheelchair users. • Concerns that there is inherit age discrimination associated with the issuing of the protected plates. • The fact that the plates restrict fair competition and creates an uneven playing field within the trade sometimes associated with the age and race of the plate holders. • Printed plates are obviously a form of discrimination and should be illegal.
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Outcome of the Consultation on the Protected Hackney Carriage Plate Arrangements

B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?	X			The decision reached must take into account The Equality Act 2010 to legally protects individuals with protected characteristics from discrimination, harassment, and victimisation in the workplace and wider society. The removal of protected plates will ensure that all taxi and private hire vehicles are wheelchair accessible Please see Equality Impact Assessment at Appendix C.
Environmental Impact:		x		Members are asked to consider the environmental impact of the four options in coming to a conclusion.
Health Impact:		x		There are no specific health impacts associated with the proposed consultation.
ICT Impact:		x		The outcome of the consultation has been published on the PPP website and the West Berkshire Council website.
Digital Services Impact:		x		The outcome of the consultation was published on the PPP website and the West Berkshire Council website.
Council Strategy Priorities:	x			The Hackney Carriage and Private Hire Licensing Policy as adopted in December 2025 seeks to deliver on or support the following Council priorities: • Tackling the climate and ecological emergency • A prosperous and resilient West Berkshire • Thriving communities with a strong local voice.
Core Business:		x		The assessing and issuing of licences associated with the taxi trade constitutes

Outcome of the Consultation on the Protected Hackney Carriage Plate Arrangements

				business as usual for the licensing authority. Any amendments arising from the consultation will provide clear and consistent guidance for all involved in the process.
Data Impact:		x		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.
Consultation and Engagement:	The methodology and outcome of the consultation is set out in Appendices A and B			

4 Background

- 4.1 On 15 December 2025 the Licensing Committee adopted the Hackney Carriage and Private Hire Licensing Policy 2025–2030.
- 4.2 During consideration of the policy, Members resolved that the protected plate provisions should be reviewed within six months and any proposed amendments be brought back to Committee.
- 4.3 On 24 March 2026 the Licensing Committee approved public consultation on the future of protected plate arrangements.

5. Protected Plate Review

Consultation Process

- 5.1 A seven-week consultation was undertaken between 27 March and 15 May 2026.
- 5.2 Consultation was promoted through:
 - The Council's website.
 - Direct communication with the licensed trade.
 - Social media.
 - Distribution to all Parish Councils.
 - Council press releases.
- 5.3 The consultation sought views on four possible options relating to the future operation of protected licences.

Legal Advice

- 5.4 Prior to the consultation being undertaken the Council obtained independent legal advice from Counsel specialising in licensing and local government law.

Outcome of the Consultation on the Protected Hackney Carriage Plate Arrangements

- 5.5 Counsel advised that the original rationale for exempting pre-2001 vehicles from wheelchair accessibility requirements was understandable when introduced. However, over twenty years have now elapsed and the justification for maintaining a permanent exemption has weakened significantly.
- 5.6 Counsel advised that the Council must consider:
- The Equality Act 2010.
 - The Public Sector Equality Duty.
 - Accessibility needs of disabled persons.
 - Fairness and consistency across the licensed trade.
- 5.7 Counsel noted that protected plate holders are currently treated differently from other proprietors as they are exempt from accessibility requirements applicable to the remainder of the hackney carriage fleet.
- 5.8 Particular concern was expressed regarding the transferability of protected plates. Whilst transitional protections for existing licence holders may be justifiable, extending those rights to family members or successors creates ongoing distinctions between licence holders which may become increasingly difficult to objectively justify.
- 5.9 Counsel advised that the most legally robust approaches would be:
- Removal of the exemption on transfer after a specified date; or
 - Removal of the exemption after a reasonable transitional period.
- 5.10 Counsel advised that retention of the exemption indefinitely is the least legally defensible option.
- 5.11 Counsel further advised that provided Members conscientiously consider consultation responses, accessibility needs and equality impacts, there is no significant risk of successful legal challenge arising solely from removal or phased withdrawal of the exemption.
- 5.12 Counsel indicated that greater legal risk could arise if insufficient regard is given to the needs of disabled persons and the Council's accessibility objectives.

Consultation Findings

5.13 Thirty-eight responses were received with the make-up of the respondents set out below:

- 12 proprietors;
- 1 proprietor/driver;
- 8 drivers;
- 16 members of the public;
- 1 taxi user.

Option 1

Removal upon transfer from 1 January 2027

- 56.7% support
- 40.0% oppose
- 3.3% neutral

Those supporting the proposal cited:

- Improved accessibility.
- Greater equality.
- A fairer licensing regime.

Those opposing the proposal highlighted:

- The value of maintaining a mixed fleet.
- Financial implications for protected plate holders.
- Implementation and enforcement concerns.

Option 2

Removal upon renewal from 1 January 2029

- 46.7% support
- 50.0% oppose
- 3.3% neutral

Supporters viewed the proposal as a proportionate approach to improving accessibility and fairness.

Opponents emphasised:

- Passenger preference for saloon vehicles.
- Customer choice.
- The benefits of maintaining a mixed vehicle fleet.

Several respondents suggested retention of existing rights for current licence holders whilst preventing future transfers.

Option 3

Retain exemption but remove family transfers

- 16.7% support
- 76.7% oppose

Opposition came from two distinct perspectives:

- Those seeking stronger measures to improve accessibility.
- Existing proprietors concerned about family succession rights and the financial value of protected plates.

Option 4

Retain current arrangements

- 20.0% support
- 76.7% oppose

Respondents opposing this option cited:

- Fairness concerns.

Outcome of the Consultation on the Protected Hackney Carriage Plate Arrangements

- Accessibility considerations.
- Perceived competitive advantages enjoyed by a limited number of licence holders.

Supporters considered existing transfer rights should remain in place and argued that the value of protected plates should continue to be preserved.

5.14 Option 1 attracted the greatest level of support amongst respondents.

5.15 Both retention options attracted substantial opposition.

Financial Impact on Licence Holders

5.16 The protected plate exemption primarily relates to wheelchair accessibility requirements; however, Members should recognise that accessibility is also a safeguarding issue.

5.17 Wheelchair users, elderly passengers, people with mobility impairments and some vulnerable adults may be dependent on the availability of accessible vehicles to travel safely and independently.

5.18 Where an accessible vehicle is unavailable, vulnerable passengers may experience:

- Increased waiting times;
- Reduced availability of transport services;
- Greater dependence on carers or family members;
- Increased risk of social isolation;
- Missed medical appointments;
- Reduced access to employment, education and community services.

5.19 The continuation of the protected plate exemption may therefore reduce the speed at which the hackney carriage fleet becomes fully accessible and could limit the availability of suitable vehicles for disabled passengers.

5.20 Conversely, the phased removal of the exemption would support the Council's objective of increasing the proportion of accessible vehicles within the licensed fleet and improve the overall availability of services for disabled and vulnerable passengers.

5.21 Members should recognise that any withdrawal of the protected plate exemption may result in financial implications for affected proprietors.

5.22 Wheelchair Accessible Vehicles are generally more expensive to purchase than conventional saloon vehicles and may also result in increased costs associated with:

- Vehicle finance;
- Insurance
- Training;
- Maintenance;
- Repairs;
- Specialist equipment servicing.

5.23 Proprietors have also highlighted that protected plates may carry a perceived commercial value arising from the flexibility of operating saloon vehicles.

- 5.24 However, hackney carriage licences do not create permanent property rights and licensing authorities may amend licensing requirements where necessary to promote public safety, accessibility and equality objectives.
- 5.25 Both Option 1 and Option 2 provide transitional arrangements intended to minimise financial impacts whilst enabling progression towards a more accessible fleet.

6. Conclusion

- 6.1 Members are invited to consider the results of the public consultation, the independent legal advice received from Counsel, and the Council's duties under the Equality Act 2010 and Public Sector Equality Duty.
- 6.2 The consultation demonstrated limited support for retaining the current arrangements, with the highest level of support expressed for the removal of the protected plate exemption upon transfer of a licence. The responses also indicate a recognition of the need to improve accessibility within the hackney carriage fleet whilst balancing the potential financial impact on existing licence holders.
- 6.3 Counsel's advice is clear that the legal justification for maintaining a permanent exemption has weakened significantly over time and that indefinite retention of the exemption is the least legally robust option. Members must also have regard to the needs of disabled and vulnerable passengers and the Council's wider accessibility objectives when determining the future of the scheme.
- 6.4 A phased withdrawal of the exemption, whether through removal on transfer or after a defined transition period, would support the progressive increase in wheelchair accessible vehicles within the fleet while providing proprietors with time to adapt to the changes. Such approaches are also considered by Counsel to be the most legally defensible options.
- 6.5 Members may also wish to consider an alternative approach whereby existing protected plate holders retain the exemption for the duration of their ownership, but the exemption ceases upon any transfer of the licence to a third party. This would preserve the current position for existing proprietors whilst ensuring that the exemption is gradually phased out over time.
- 6.6 The Committee is therefore asked to determine which option best balances the objectives of accessibility, equality, fairness within the licensed trade, and the legitimate interests of existing licence holders.

7 Appendices

- A. Consultation Document
- B. Outcome of the Consultation
- C. Equality Impact Assessment

8 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
- Hackney Carriage and Private Hire Licensing Policy 2025 - 2030

Subject to Call-In:

Yes: ☒ No: ☐

Wards affected: All

Officer details:

Name: Mark Groves
Job Title: Licensing Operations Manager
Tel No: 01635 519184
E-mail: mark.groves1@westberks.gov.uk
