

To: **Licensing and Safety Committee**
23 June 2022

Hackney Carriage and Private Hire Licensing Policy **Public Protection Manager**

1 Purpose of Report

- 1.1 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.
- 1.2 This has led to a revision of the existing Bracknell Forest Council Guidance Notes and Conditions for Hackney Carriage and Private Hire Vehicle Owners, Operators and Drivers. The revised policy is based on these documents, but there are significant developments and changes to accommodate the new guidance and other legislative changes.
- 1.3 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.
- 1.4 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 at Item 5.10 in the report below.

2 Recommendations

- 2.1 That the Committee:
 - i. **AGREES** that Officers should consult on the draft Hackney Carriage and Private Hire Licensing Policy set out in Annex A subject to any changes made at this meeting of the Committee, and
 - ii. **RECOMMENDS** that on conclusion of consultation and consideration of responses, the matter to return for further consideration to the 20 October 2022 Licensing and Safety Committee prior to a recommendation being made to Full Council around the adoption of the policy.

3 Reasons for Recommendations

- 3.1 To comply with the DFT Statutory Standards of Vehicle Licensing requirements.
- 3.2 To ensure openness and transparency in the Council’s decision making.
- 3.3 To ensure that those persons affected by the policy have the opportunity to have an input into it.
- 3.4 To reduce the risk of successful challenges to decisions made by the Council if a robust policy were not in place.

4 Alternative Options Considered

4.1 Not Applicable

5 Supporting Information

- 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.
- 5.4 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.
- 5.6 Members agreed at the October 2020 Committee meeting to further reports detailing changes to conditions contained in the existing Guidance Notes and Conditions for Hackney Carriage and Private Hire Vehicle Owners, Operators and Drivers to comply with the statutory standards.
- 5.7 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 As a result of this there has been a complete review of the Guidance Notes with a new Policy document being developed.
- 5.8 The draft Policy has been developed in conjunction with West Berkshire and using each of the Authorities best practices and processes where appropriate and improving on these as deemed necessary. Where timescales are not prescribed in legislation the timescales set out in Government Guidance have been put forward in the draft documents. Members will note that there is some red text in the document which highlights areas where Members are specifically being asked for a view on which option, if any, should be included in the draft consultation document.
- 5.9 A briefing for Members was held on 17 May 2022 in relation to the draft policy and matters arising from that briefing have been incorporated into this final draft.
- 5.10 Before determining the policy for any five year period, it is good practice to consult with the trade and persons who may be affected by it including:
- Persons or bodies representative of holders of local hackney carriage, private hire driver vehicle and operators licences together with individual licensees;
 - Persons or bodies representative of businesses and residents in its area;
 - Home to School Transport Contract teams in the Authority;
 - Safeguarding Team of Bracknell Forest Council;
 - Local residents and community associations, together with individual residents;
 - National Federation of Community Organisations;
 - Parish and Town Councils;

- Thames Valley Police;
- All Members of Bracknell Forest Council.

- 5.11 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.
- 5.12 It is proposed that the consultation run for a 12 week period from the 07 July 2022 to 29 September 2022. The consultation document will be published on the Public Protection Partnership website and the Bracknell Forest consultation portal. Officers will write to the parties listed in 5.10 above and any additional groups identified at the meeting, to seek their views on the draft policy. The consultation will be supported by a media campaign. A special Taxi Trade meeting has been arranged for the 07 July to discuss the draft policy with the taxi trade.
- 5.13 Officers are recommending that the outcome of the consultation will be reported back to the October Licensing and Safety Committee for discussion. The Committee will then make a recommendation to Full Council on the 30 November 2022.
- 5.13 For reference Officers are proposing to run a similar consultation on the West Berkshire Taxi Policy over similar timescales. It might therefore be useful to share the outcome of the two consultations with both authorities to assist considering examples of best practice and aligning the policies where it is appropriate to do so.

6 Consultation and Other Considerations

Legal Advice

- 6.1 The legal implications are identified within the report.

Financial Advice

- 6.2 There are no significant financial implications arising from the recommendation in this report.

Other Consultation Responses

- 6.3 Not applicable

Equalities Impact Assessment

- 6.4 The policy has been drafted to take into consideration the Equalities Act 2010 and the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022.

Strategic Risk Management Issues

- 6.5 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.

Climate Change Implications

- 6.6 The recommendations in Section 2 above are expected to reduce emissions of CO₂

The reasons the Council believes that this will reduce emissions is that 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.

7 CONSULTATION

7.1 Consultation will take place with all those in point 5.10 and any others the Committee would like added via email, website and letter from 07 July to 29 September 2022.

Background Papers

Statutory Taxi & Private Hire Vehicle Standards Report 22 October 2020

Existing Guidance Notes and Conditions for Hackney Carriage and Private Hire Vehicle Owners, Operators and Drivers

Contact for further information

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