

Draft Hackney Carriage and Private Hire Licensing Policy Consultation Responses

Public Protection Manager

1 Purpose of Report

- 1.1 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.
- 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 draft policy (Appendix B) 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 draft policy for consultation was agreed by Members of the Committee at the 23rd June 2022 meeting. Members agreed that the consultation should run from 08 July to 30 September 2022. Members agreed that in addition to the public consultation the documents should be shared with members of the trade and other interested parties identified in the report to the Committee.
- 1.5 The purpose of this report is to provide the Committee with the outcome of the consultation on the draft policy. Members of the Committee will be asked to consider all the responses received and suggest any changes to the policy that they would like to take forward. Members are also asked to raise any additional specific queries they would like to have clarified.
- 1.6 Legal advice will then be sought on these recommendations and the matters raised by the respondents during the consultation.
- 1.7 Responses to the consultation and queries and an amended draft policy will be brought back to the February 2023 Committee meeting. The Committee will then be asked to make a recommendation that full Council adopt the policy with or without modifications.

2 Recommendations

The Licensing and Safety Committee to:

- 2.1 **CONSIDER** the representations as outlined in Appendix A and Annex A to this report.
- 2.2 **RECOMMEND** any changes to be incorporated into the second iteration of this report arising from the consultation.
- 2.3 **IDENTIFY** any additional matters requiring clarification.

- 2.4 **AGREE** that that the outcome of the above recommendations be returned for further consideration by the Licensing and Safety Committee at the 02 February 2023 meeting prior to a recommendation being made to Full Council that the policy be adopted.

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 were published by the Department for Transport 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.
- 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 draft policy document being developed.
- 5.8 The draft policy has been developed in conjunction with West Berkshire and using each of the authority's 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 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 were incorporated into the consultation 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 Members of the Licensing and Safety Committee on 23 June 2022 agreed to a consultation being undertaken on the draft policy subject to the inclusion of any changes proposed at that meeting. Members also agreed that the consultation should run for a 12 week period from the 08 July 2022 to 30 September 2022. It was decided that the consultation document be published on the Public Protection Partnership website and that officers should write to the parties listed in 5.10 above to seek their views on the draft policy.
- 5.13 A special Taxi Trade meeting was held on 25 July and Members and officers also met with Home to School Transport providers and the Home to School Support Service Manager on the 8 August 2022. The policy was also discussed with the trade at the scheduled Taxi Trade Liaison Group meeting on the 03 October 2022.
- 5.14 Consultation responses are detailed in Appendix A and Annex A attached to this report. A total of 27 responses were received to the formal consultation. Of those respondents:
- 19 identified themselves as a BFC Licensed Hackney Carriage driver;
 - 3 identified themselves as BFC Licensed Hackney Carriage/ Private Hire Driver;
 - 2 as BFC Licensed Operators;
 - 1 as a BFC Officer;
 - 1 as member of the taxi trade;
 - and one response was signed by 42 Members of the trade.
- 5.15 Members are asked to consider the responses received and place appropriate weight to them and give specific guidance on what they would wish to see as the resulting outcome. Responses will then be referred to legal advisors for guidance with the recommendations being brought back to the next meeting of the Committee in February for agreement prior to being put before Full Council.

6 Consultation and Other Considerations

Legal Advice

- 6.1 Legal advice on the responses received will be requested following the outcome of the Committee meeting. The Monitoring Officer has confirmed that the final policy should be signed off by full Council.

Financial Advice

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

Other Consultation Responses

- 6.3 Consultation responses are reported in Appendix A and Annex A.

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.

Background Papers

[Statutory Taxi and Private Hire Vehicle Standards](#)

[Statutory Taxi & Private Hire Vehicle Standards Report 22 October 2020](#)

[Hackney Carriage and Private Hire Licensing Policy Report 23 June 2022](#)

[Existing Guidance Notes and Conditions for Hackney Carriage and Private Hire Vehicle Owners, Operators and Drivers](#)

Contact for further information

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