

To: LICENSING AND SAFETY COMMITTEE
DATE 19 October 2023

Hackney Carriage and Private Hire Licensing Policy Executive Director: Delivery

1 Purpose of Report

- 1.1 To consider the draft policy following the consultation undertaken in 2022 and to agree any modifications arising from that consultation and agree the way forward in terms of the adoption of the policy.

2 Recommendations

2.1 That the Committee:

- i. **CONSIDERS** the comments received during the 2022 consultation and the resulting changes to the Draft Hackney Carriage and Private Hire Licensing Policy.
- ii. **CONSIDERS** if any additional further modifications should be made to the draft policy.
- iii. **CONSIDERS** whether any further consultation is needed on the amended draft policy at **Appendix A** to this report.
- iv. **CONSIDERS** the recommendations at **Appendix C** to this report on replacing the current 'age of vehicle' requirements.
- v. **RESOLVES** that any conditions appertaining to emissions policy be reviewed in the light of any new emissions standards.
- vi. Subject to the above the Committee **RECOMMENDS** to Full Council that the Policy be adopted subject to the changes to the policy incorporated by the Committee,

3 Reasons for Recommendations

- 3.1 To comply with the DFT Statutory Standards of Vehicle Licensing requirements and recent legislative changes.
- 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 had an opportunity to 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 To undertaken further consultation on the draft policy.

5 Supporting Information

- 5.1 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.
- 5.2 This 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. It was agreed at the time that the existing policy be updated to reflect these and any other recent legislative changes including The Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 and The Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 and that the draft revised policy be consulted on.
- 5.3 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. 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.
- 5.4 The Statutory Standards promote the existence of a Taxi Licensing Policy and states that 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. The guidance also suggest that the policies should be reviewed every five years.
- 5.5 A draft Hackney Carriage and Private Hire Licensing Policy was developed and brought to the [23 June 2022 Licensing and Safety Committee](#). The draft policy incorporated best practice from across England and Wales and was drafted to underpin the overriding aim and purpose of hackney carriage and private hire licensing, which is public safety.
- 5.6 Members requested that a number of changes be made to the draft policy prior to it being consulted on. These included:
- Updating the data about the Borough;
 - The age of vehicle requirements in the current policy to be replaced with the need to meet the Euro 5 or Euro 6 emissions standards where vehicles were being submitted for grant or renewal of a licence;
 - Safeguarding and Disability Awareness Training should be undertaken every three years. The frequency was designed to reflect the importance of the training as well as the fact that guidance on these matters was regularly being amended;
 - The issuing of a short term licence where the application had not been granted prior to the current licence expiring should be permitted;
- 5.7 The consultation ran from the 08 July 2022 to the 30 September 2022. 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. In addition to the consultation

workshops were also set up with the taxi trade and home t school transport providers. The outcome of the consultation is set out in Appendix B to the report.

- 5.8 The respondents confirmed that the policy was easy to understand (96% agreed or strongly agreed), that it provided enough protection for children and vulnerable people (92%) and 84% agreed with the proposals around vehicle emissions. There was unanimous agreement that the respondents did not agree with the requirements around training.
- 5.9 The comments raised by the trade centred on:
- Frequency of MOTs and inspection regimes;
 - Requirements to wear arm bands for drivers;
 - Replacing existing taxi signage;
 - costs associated with the policy including training;
 - frequency of medical examinations;
 - comments about Uber and the fact that the policy cannot be applied to their drivers;
 - requirements around wheelchair accessible vehicles;
 - enforcement issues for unauthorised vehicles.

These have been considered in amendments to the policy.

- 5.11 The Committee is asked to consider the responses received to the consultation, the ensuing changes and any further modifications that they would like to see made to the policy.
- 5.12 The Committee must then consider whether or not any further consultation should be undertaken and if so the duration of that consultation prior to it being further considered and adopted.
- 5.12 One matter to be determined is the replacement (if any) for the current 'age of vehicle' policy. The proposals to replace with an emissions based policy sre set out for consideration in Appendix C to this report.
- 5.13 If the Committee is content with the policy following consultation then the Committee is to determine whether the policy is recommended to Full Council for consideration / approval.

6 Consultation and Other Considerations

Legal Advice

- 6.1 The Local Government (Miscellaneous Provisions) Act 1976 permits the Council to set Policy / Conditions with respect to the granting of any licence for vehicles, drivers and operators under the Hackney Carriages and Private Hire licensing regimes.

The Council currently has a policy which has been reviewed for the reasons set out in this report.

Following consideration by the Licensing and Safety Committee the final policy should be approved by Full Council.

Financial Advice

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

Other Consultation Responses

- 6.3 See Appendix B

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 The methodology and outcome of the consultation is set out in the report.

Background Papers

Statutory Taxi & Private Hire Vehicle Standards Report 22 October 2020

Contact for further information

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