

To: Council
29 November 2023

Hackney Carriage and Private Hire Licensing Policy Executive Director of Delivery

1 Purpose of Report

- 1.1 To adopt the draft policy following the consultation undertaken in 2022 and the discussion at the Licensing and Safety Committee in October 2023.

2 Recommendations

That Council

- 2.1 **RESOLVES** to adopt the policy subject to any changes agreed by Council.
- 2.2 **RESOLVES** that the policy comes into effect on the 1st December 2023.
- 2.3 **RESOLVES** that the Licensing and Safety Committee keep the policy under review and amend / update as necessary.

3 Reasons for Recommendations

- 3.1 To comply with the [DFT Statutory Standards of Vehicle Licensing](#) requirements and recent legislative changes. It should be noted that revised best practice guidance to help local licensing authorities to carry out their taxi and private hire vehicle licensing functions was issued on the 17th November 2023. Officers will consider the guidance and present any proposed further modifications at the February 2024 Licensing and Safety Committee meeting.
- 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 (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.
- 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 suggests that the policies should be reviewed every five years.
- 5.5 It should be noted that revised best practice guidance to help local licensing authorities to carry out their taxi and private hire vehicle licensing functions was issued on the 17 November 2023. Officers will consider this guidance and if necessary will present a report to the February 2024 Licensing and Safety Committee setting out proposed additional modifications.
- 5.6 A draft Hackney Carriage and Private Hire Licensing Policy was discussed at 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.
- 5.7 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.
- 5.8 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; three identified themselves as BFC Licensed Hackney Carriage/ Private Hire Driver; two as BFC Licensed Operators; one as a BFC Officer; one 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 to school transport providers. The outcome of the consultation is set out in Appendix 2 to the report.
- 5.9 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.

5.10 The comments raised by the trade centred on:

- a) Frequency of MOTs and inspection regimes.
- b) Requirements to wear arm bands for drivers.
- c) Replacing existing taxi signage.
- d) costs associated with the policy including costs associated with training.
- e) frequency of medical examinations.
- f) comments about Uber and the fact that the policy cannot be applied to their drivers.
- g) requirements around wheelchair accessible vehicles.
- h) enforcement issues for unauthorised vehicles.

5.11 These were considered in amendments to the draft policy that was taken to the [October 2023 Licensing and Safety Committee](#) meeting.

5.12 The Committee considered the responses received to the consultation and the ensuing changes and were asked to identify any further modifications that they would like to see made to the policy.

5.13 The Committee agreed to recommend to Full Council that:

- I. In relation to point a) above the requirements around MOT testing and the Council vehicle inspections will be as follows: Vehicles up to 5 years old from the date of first registration at DVLA will be subject to an annual inspection. Once a licensed vehicle reaches 6 years old from date of first registration it will be subject to 6-monthly inspections thereafter. This amendment seeks to balance the requirements around public safety with the financial implications for the trade. (paragraph 17.10 of the revised draft policy)
- II. References to the need to wear armbands (point b)) be removed.
- III. The requirements to include the Council logo on the 'top hat' be removed. (see point c))
- IV. While they noted the comments about the frequency of training (point d)) they supported the decision made by the Committee in June 2022 to require training to take place every three years. They accepted that while there would be a cost to the trade in respect of the time taken to undertake the testing the costs of the test were included in the application fee. (paragraph 57.1 and 58.1 of the revised draft policy). They also supported the previous decision to remove the requirement to undertake first aid training. (already removed from the draft policy)
- V. In terms of the frequency and standard of medical examinations (point e)) the Committee supported the proposals in the revised draft policy (see section 51). The current guidance notes required the submission of a [Group 2](#) medical. It is common practice amongst licensing authorities to require this standard to ensure that drivers are fit to drive, with no underlying health problems. The only change to the policy is around the frequency of the testing. The policy has been aligned with the DVLA requirements for Group 2 licences which must be renewed every 5 years or at age 45, whichever is the

earlier. The current guidance notes required renewal every 5 years or at age 50 i.e. one additional medical for those under 45 years of age.

- VI. In terms of Uber (point f)) they will be subjected to the policy requirements in the authority that they are licenced. This is not a matter that Bracknell Forest Council can influence.
- VII. In terms of point g) around wheelchair access and vehicles the policy has been drafted to take into consideration recent legislative changes including the requirements of [The Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022](#).
- VIII. In terms of point h) which relates to enforcement action this is an operational issue and would not be addressed in the policy.
- IX. At the meeting the trade asked that consideration be given to amending the age of first registration to the Euro 6 standard. This was not agreed by the Committee and they requested it remain at five years. (paragraph 12.3 of the revised draft policy)
- X. It will be a mandatory requirement that vehicles accept electronic payments and that this capability must be in place within three months of the policy being adopted. (Paragraph 26.1)
- XI. The Committee discussed the Age of Vehicles issue in detail. They agreed to support the proposals as set out in paragraph 12.4 of the revised draft policy which aligned with the Council's climate policy aspirations. The revised draft policy proposed that:

“For any vehicle renewing in 2027/28 – the vehicle must be compliant with Euro 5 emissions standards. Vehicles will therefore be a maximum of 16 years old.

For any vehicle renewing in 2029/30 – the vehicle must be compliant with Euro 6 emissions standards. Vehicles will therefore be a maximum of 15 years old.

Where vehicles do not meet the relevant emissions criteria, the proprietor may have the vehicle adapted/ modified to meet the standard and provide evidence of this; or replace the vehicle with one that meets the emission standard.”

- 5.14 The other significant change to this iteration of the report is around dress code for drivers where it was felt that the previous iteration was too prescriptive. (See Section 10 of Appendix C Taxi Drivers' Code of Conduct).
- 5.15 Subject to the inclusion of the changes in paragraphs 5.13 the Committee recommended the policy to Full Council for 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 2

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 and Ecological Impacts

- 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.

Health & Wellbeing Considerations

- 6.7 There are no specific health and wellbeing considerations associated with this report.

Background Papers

Statutory Taxi & Private Hire Vehicle Standards Report 22 October 2020

Contact for further information

Julia O'Brien 01635 519849, Licensing Manager - Public Protection Partnership
Julia.obrien@westberks.gov.uk