

To: LICENSING AND SAFETY COMMITTEE
DATE 01 February 2024

Hackney Carriage and Private Hire Licensing Policy Service Lead – Public Protection

1 Purpose of Report

- 1.1 To consider proposed modifications to the recently adopted Hackney Carriage and Private Hire Licensing Policy in light of the [revised best practice guidance](#) issued by the Department for Transport on the 17 November 2023.

2 Recommendations

- 2.1 That the Committee:
- i. **RESOLVES** that authority be delegated to the Service Lead - Public Protection in consultation with the Borough Solicitor and Chairman and Vice Chairman of the Licensing and Safety Committee to amend the policy in line with 5.6 (b) and (d) below.
 - ii. **RESOLVES** that the proposed actions at 5.6 (c) and 5.6 (e) be approved.

3 Reasons for Recommendations

- 3.1 To align with the DFT Statutory Standards of Vehicle Licensing requirements and recent legislative changes.
- 3.2 To reduce the risk of successful challenges to decisions made by the Council by having an up to date and robust policy 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 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. This led to a revision of the then Bracknell Forest Council Guidance Notes and Conditions for Hackney Carriage and Private Hire Vehicle Owners, Operators and Drivers.
- 5.2 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.
- 5.3 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.

- 5.4 The draft policy was consulted on between the 08 July 2022 and the 30 September 2022. Following the consultation and discussion at the 19 October 2023 Licensing and Safety Committee Full Council adopted a new [Hackney Carriage and Private Hire Licensing Policy](#) on the 29 November 2023. It was reported at that Council meeting that [revised best practice guidance](#) to help local licensing authorities carry out their taxi and private hire vehicle licensing functions had been issued on the 17 November 2023. It was reported that Officers were considering this guidance and would present any proposed further modifications at the February 2024 Licensing and Safety Committee meeting.
- 5.5 The new guidance states that:
- a) Councils must take action against drivers who discriminate against people with disabilities and guide dog owners, issuing fines and suspending licences where required.
 - b) Private Hire Vehicle (PHV) Operators are encouraged to identify a passenger's accessibility needs before they take a booking to ensure an appropriate vehicle is provided.
 - c) Councils should incentivise the uptake of wheelchair accessible vehicles (WAVs) and ensure they can be used easily and safely by a range of passengers. Some WAVs may not be suitable for other disabled passengers and, when issuing licences, licensing authorities should ensure their area has the right mix of vehicles to suit their community.
 - d) Training and assessing drivers should focus on taking a defensive approach to driving, such as recognising the impact of speeding, or driving while distracted or fatigued, particularly where there have been passenger complaints.
 - e) The guidance also seeks to support industry by removing undue burdens. For instance, given the reliability and ease of satnav systems, PHV drivers should not be required to undertake navigational skills tests for pre-booked journeys, while licensing fees should be reviewed regularly to ensure they are appropriate.
- 5.6 It is accepted that the policy needs to be an organic document that needs to be subjected to regular review and updating in light of changes to legislation and guidance and social and economic changes. In respect of the matters set out above the policy adopted in November 2023 which came into effect on the 01 December 2023:
- a) States at paragraph 13.3 'If you have been issued a certificate of exemption from carrying assistance dogs or providing wheelchair assistance you must ensure that that notice is correctly placed on the nearside of the front windscreen.'

At paragraph 16.2 'Drivers must comply with the requirements of the Equality Act 2010 and The Taxis and Private Hire Vehicles (Disabled Persons) Act 2022. This includes carrying assistance dogs with their passenger and providing mobility assistance to disabled and wheelchair using passengers (in the case of a listed wheelchair accessible vehicle). This does not apply to drivers who have been granted an exemption from those requirements by the Council. Details of the exemption requirements and processes are available on the website.'

At paragraph 18.2 'When driving a hackney carriage you must carry an assistance dog and allow it to remain with its owner unless you have a certificate of exemption issued by the Council. You must not make any additional charge for doing so. When you are carrying an assistance dog you must allow it to be carried wherever the owner requires i.e. you cannot insist on the dog being separated from the owner or the owner and dog sitting in a particular seat (Section 168 Equality Act 2010).

And at paragraph 19.2 'When your operator has accepted a booking for a passenger with an assistance dog (whether or not the existence of the dog has been communicated to you), you must carry that assistance dog and allow it to remain with its owner unless you have a certificate of exemption issued by the Council. When you are carrying an assistance dog you must allow it to be carried wherever the owner requires i.e. you cannot insist on the dog being separated from the owner or the owner and dog sitting in a particular seat (Section 170 Equality Act 2010).'

The Penalty Points Scheme sets out that drivers who fail to carry assistance dogs without exemption, make additional charges for carrying assistance dogs and or fail to apply for or provide an exemption certificate on medical grounds for not being medically fit to carry an assistance dog will be awarded four penalty points per offence.

In light of the above no additional changes are proposed.

- b) Does not currently encourage Private Hire Vehicle (PHV) Operators to identify a passenger's accessibility needs before they take a booking to ensure an appropriate vehicle is provided.

Proposed Revision: *It is therefore proposed that section 83 Private Hire Operator Conditions at section 18 be updated to include a requirement to this effect.*

- c) States that the Council currently licences four different types of vehicle: Wheelchair Accessible Vehicles (WAVs), Non-Wheelchair Accessible Vehicles, stretched limousines and novelty vehicles.

Proposed Action: *It is proposed that some additional work is done to look at the make-up of the local fleet and compare that with some demographic data to ensure that the fleet has the right mix of vehicles.*

- d) Includes a requirement that 'If a licensee is subject to enforcement action in relation to their driving, more than once within a period of twelve calendar months, including road traffic convictions, they will be required to undertake

the practical driving assessment within three calendar months. The licence may be suspended until such time as this test has been passed'. (section 53.4)

Drivers are required to 'You must declare all convictions, cautions, fixed penalty notices, CBO's (Criminal Behaviour Orders), CPNs (Community Protection Notices), requirements to attend a speed awareness course, injunctions, restraining orders to Bracknell Forest Council on your initial application form.

Section 78 Hackney Carriage and Private Hire Licensing Convictions Policy sets out exclusion periods relating to various motoring offences.

Section 53 of the policy sets out the requirements around the Practical Driving Assessment. It states that any new applicants (including any drivers whose licences have lapsed) must take and pass the appropriate practical driving assessments. Applicants can select an assessor from a list approved by the Council. This section (at paragraph 53.4) states that 'If a licensee is subject to enforcement action in relation to their driving, more than once within a period of twelve calendar months, including road traffic convictions, they will be required to undertake the practical driving assessment within three calendar months. The licence may be suspended until such time as this test has been passed.'

Proposed revision: *It is proposed that section 53 is reviewed to ensure that it is more explicit in terms of an emphasis on a defensive approach to driving.*

- e) Following a consultation and lengthy discussion at the last meeting it was agreed that all drivers, except home to school drivers, undertake a knowledge test.

Proposed Action: *It is proposed that in light of the revised guidance the requirement for private hire drivers to undertake this test be revisited.*

- 5.7 It is proposed that the current policy is reviewed in light of the revised guidance and the discussion at this meeting and that it be amended by the Service Lead in consultation with the Borough Solicitor and the Chairman and Vice Chairman of this Committee.

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.

In 2020 the government issued Statutory Taxi and Private Hire Vehicle Standards, which licensing authorities must give due regard to when setting taxi and private hire vehicle licensing policies. Alongside this, the Department for Transport issue non-statutory best practice guidance, which addresses a range of issues outside the remit of the statutory standards. The best practice guidance was updated on 17th November 2023.

The Council currently has a policy which has been further reviewed. The proposed actions as set out in this report are in compliance with the updated practice guidance.

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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