

Licensing Committee

23 July 2024



Title	Hackney Carriage and Private Hire Policy 2024-2029
Purpose of the report	To make a decision
Report Author	Lucy Catlyn, Principal Licensing Officer
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	n/a
Corporate Priority	Environment
Recommendations	<p>Committee is asked to:</p> <ul style="list-style-type: none"> • Approve the Hackney Carriage and Private Hire Policy 2024-2029 for consultation
Reason for Recommendation	The Licensing Authority must update their Hackney Carriage and Private Hire Policy. The proposed changes will further increase public safety.

1. Summary of the report

What is the situation	Why we want to do something
<ul style="list-style-type: none"> • The last update of the policy was in 2022 where a small amendment was made. The Policy needs to be updated. 	<ul style="list-style-type: none"> • The Policy must be updated to consider the Statutory Standards and Best Practice Guidance issued by the Department for Transport to safeguard the public.
This is what we want to do about it	These are the next steps
<ul style="list-style-type: none"> • The Licensing Committee is asked to approve the draft Policy for consultation as it has been granted or make amendments. 	<ul style="list-style-type: none"> • Once approved by Licensing Committee a public consultation will be initiated.

1.1 This report seeks to obtain Licensing Committee's approval to consult on the Revised Hackney Carriage and Private Hire Policy.

- 1.2 The Council in its role as the Licensing Authority for the hackney carriage and private hire vehicle trades has a paramount obligation to ensure the safety of the public.
- 1.3 The revised Policy has been drafted to incorporate the Statutory Standards and Best Practice Guidance issued by the Department for Transport.

2. Key issues

- 2.1 The Department for Transport (DFT) recommends in the Statutory taxi and private hire standards that all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This should include but not be limited to policies on convictions, a fit and proper person test, licence conditions and vehicle standards.
- 2.2 The existing policy does not include the changes from the Statutory taxi and Private Hire Standards or the updated Best Practice Guidance. The policy has been rewritten to be in line with this. It is not possible to list all the changes, however the significant changes of note are: -
- 2.3 Summary of Key Changes: -
 - (a) Removal of forms which are currently given out with licenses with conditions and instead have the one policy with the conditions attached. This will make the process more streamlined and easier for applicants/existing trade to understand the requirements.
 - (b) The Council will no longer issue any Private Hire (PH), Hackney Carriage or Private Hire Operator licence until all documentation has been submitted e.g. medical and DBS.
 - (c) Relaxation of Window Tinting requirements to allow factory fitted windows.
 - (d) Introducing a time limit for new drivers to complete their application of six months. This is to provide clarification on the process as it has been a recurring issue where new applicants can take extensive lengths of time to complete the process and not contact the Council for months on end.
 - (e) Introducing clarification where current medicals are not in place that the Council may suspend the licence for public safety.
 - (f) Applicants for the grant of a vehicle licence where they are not a holder of a current driver licence issued by the Council will be required to provide a basic DBS certificate.
 - (g) Removal of the requirement to carry a first aid kit and fire extinguisher.
 - (h) Drivers to register on the online DBS update service. If they fail to do so or maintain subscription during the period the licence is in force the licence may be suspended or revoked. A licence will not be granted or renewed in the absence of a current Enhanced DBS Disclosure Certificate. Should drivers not have a DBS in place there will be no 'grandfather rights'. Checks will be carried out every six months at a minimum.

- (i) No longer accepting third party DBS's completed for other job roles e.g. Surrey School runs.
- (j) Lowering of age and time limits for statement of good conducts. These will now be required if the applicant has spent three or more continuous months living outside the UK (previously six months). This will be from age 10 (previously as an adult).¹
- (k) Disability awareness training. Refresher training will be required every three years. All existing drivers to complete this by 1 October 2025. New Drivers will need to complete.
- (l) New and existing drivers to complete safeguarding, child sexual abuse and exploitation and county lines training. Existing Drivers to complete refresher training every three years – all existing drivers to retake this by 1 October 2025.
- (m) New and existing drivers to undertake training and/or assessment focussed on attitudes and behaviours. Existing Drivers to complete refresher training every three years – all existing drivers to complete this by 1 October 2025.
- (n) Update to policy and penalty points to notify the Council, in writing, of any motoring or criminal convictions within 48 hours of conviction or caution during period of current licence.
- (o) Introduction of 12 penalty points for failure of hackney carriage driver, private hire driver to provide a pass certificate in respect of Disability awareness training and/or Driver conduct, attitude, and behaviour training by 1 October 2025.
- (p) New Convictions policy in line with statutory guidance and Institute of Licensing guidance. "Where an applicant has seven or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed."²
- (q) Revision of emissions policy. We currently have a 10-year age limit for non-wheelchair accessible and 12 for wheelchair accessible. If a driver currently has a ULEZ compliant car then their age limit of when it will be last licensed will now be extended to 15 years old.

To further support the uptake of Ultra- Low and Zero Emission vehicles, there is no minimum engine size for hybrid/LPG, electric or other alternatively powered vehicles.

Further information is detailed at **Appendix B**.

From 1 October 2025	From 1 October 2028	From 1 October 2028
New - will only be granted to ULEZ compliant vehicles. The maximum a license will be	New non-wheelchair accessible vehicle-licence will only be granted if the vehicle is	New wheelchair accessible - will only be granted to ULEZ and/or electric compliant

¹ [Statutory taxi and private hire vehicle standards - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/statutory-taxi-and-private-hire-vehicle-standards)

² Section 4.42 on Institute of Licensing – Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades [guidance-on-suitability-online-pdf-2.pdf \(instituteoflicensing.org\)](https://www.instituteoflicensing.org/guidance-on-suitability-online-pdf-2.pdf)

granted is when the vehicle is 15 years old.	zero emissions (electric) with no age limit	vehicles. The maximum a license will be granted is when the vehicle is 15 years old.
Renewal of currently licensed vehicles at the time of this policy being adopted - The maximum a license will be granted is when the vehicle is 15 years old.	Renewal of currently licensed vehicles at the time of this policy being adopted - The maximum a license will be granted is when the vehicle is 15 years old which must be ULEZ compliant	Renewal wheelchair accessible - The maximum a license will be granted is when the vehicle is 15 years old which must be ULEZ compliant

3. CCTV

- 3.1 At present the Licensing Authority does not mandate CCTV in licensed vehicles. If we were to mandate the need for CCTV it would need to be implemented on evidence and kept under constant review.
- 3.2 The Licensing Authority have consulted with Surrey Police who has advised that "CCTV is a powerful tool in the prevention and detection of crime. At this stage there are no significant levels of crime committed in taxis over and above other crime so there is currently no case for mandatory installation however it should be highly recommended to all taxi operators as an effective tool to protect both the driver and passenger. This should be kept under review however as if there is a spike in incidents then mandatory installation should be reconsidered".
- 3.3 The Licensing Authority propose to keep the requirement to have CCTV as a voluntary choice. This will be kept under review and a change of policy will be brought to the Licensing Committee should circumstances change.

4. Window Tinting

- 4.1 A local issue has been brought to the Licensing Authority's attention of vehicles being fitted with privacy glazing as standard which do not meet the current policy criteria. This is creating problems of applicants not being able to licence vehicles and having to replace factory fitted glazing, often at significant cost.
- 4.2 The Licensing Authority have spoken to Surrey Police, and they have advised that "we do not have any reports from the public around concerns of taxi's having tinted windows. If the vehicle complies with traffic law around tinting there are no objections from the police with regards to amending the policy to comply with DFT best practice".
- 4.3 The Licensing Authority is proposing a minor change to the Council's Licensing Policy which seeks to allow 'privacy glass' to be permitted.
- 4.4 Many vehicles are still fitted with this style of glazing with it having been allowed under the previous policy. The Licensing Authority does not believe that safety is compromised.

- 4.5 Should this be agreed, it will improve the range of vehicles available for licensing and to reduce costs to the licensed trade should glazing installed in a vehicle at the time of manufacture not meet the Council's specification.
- 4.6 In addition to the above, most Councils are moving away from window tinting requirements as they do not consider it necessary.

5. Options analysis and proposal

- 5.1 Option one: approve the policy as drafted. This is the preferred option.
- 5.2 Option two: make changes to the policy as drafted.
- 5.3 Option three: make no changes to the policy.
- 5.4 Not updating the policy will mean that the Council does not have a policy which is drafted with the Best Practice Guidance and Statutory Standards in mind. It is imperative that the current Policy is brought up to date and failure to do this could result in the Council not having a robust and up to date policy which will compromise public safety and confidence in the Council. All Councils are expected to review their policies in line with government guidance.

6. Financial management comments

- 6.1 There are no financial implications for the Council as a result of this change.
- 6.2 For the trade however, the cost of replacing glazing in vehicles can amount to many thousands of pounds. Therefore, if the policy is approved to allow factory fitted glass this would save the trade money.
- 6.3 In addition, the trade is required to complete extra tests, however these are being put forward in line with the Department for Transport expectations.

7. Risk management comments

- 7.1 By updating the policy as outlined it will minimise risk to public safety and any challenges on licensing issues for taxi and private hire licensing.

8. Procurement comments

- 8.1 There are no procurement issues associated with this report.

9. Legal comments

- 9.1 The Statutory Taxis and Private Hire Vehicles Standards was issued under the Policing and Crime Act 2017 and came into effect on 20 July 2020. The Act enables the Secretary of State for Transport to issue statutory guidance on exercising Taxi and Private Hire licensing functions to protect children and vulnerable adults from harm when using these services. The Act places a statutory duty on public authorities that have licensing functions under taxi and private hire vehicle legislation to have regard to any such guidance. These functions include developing, implementing, and reviewing their taxi and private hire vehicle licensing regimes.
- 9.2 The Statutory Standards and Best Practice Guidance sets out a framework of policies that licensing authorities must have regard to when exercising their functions. The overriding consideration in relation to licensing hackney carriages and private hire vehicles is public safety.
- 9.3 The Standards require local authorities to take them into account and if a decision is made to depart from the Standards, authorities are required to give

clear reasons for the departure. If the Council does wish to depart from the Standards, it should also document reasons for the departure.

- 9.4 The Standards have informed the amendments to the Council's policy. The newly drafted policy sets out the Council's approach to hackney carriage and private hire licensing to provide transparency and consistency for both those working in the industry, passengers, other road users and members of the public.
- 9.5 Under section 1 of the Equality Act 2010 local authorities must have due regard to the need to exercise their functions in a way that is designed to eliminate discrimination, harassment, victimisation, and advance equality of opportunity. Under section 149 of the Equality Act 2010 there is a public sector equality duty, which requires local authorities to eliminate discrimination, harassment, and victimisation and to advance equality of opportunity when exercising their functions. The Council's newly drafted Hackney Carriage and Private Hire Licensing Policy has regard for the public sector equality duty and the need to protect the needs of disabled people and those with a relevant protected characteristic.
- 9.6 There is no law that requires the Council to adopt the Statutory Standards. However, there is a strong expectation that local authorities will do so, and there is a risk of legal challenge, and reputational risk, in the event where an incident occurs which could have been prevented from happening if the Council had adopted these new Standards.
- 9.7 A proper consultation on the proposal to implement this new Council policy will minimise the risk of legal challenge if the new policy is subsequently implemented.

10. Other considerations

- 10.1 Refresher training will add further to increasing public safety in respect of Child Sexual Exploitation and County Lines. We have approximately 100 drivers in total. The costs are minimal to the trade.
- 10.2 Existing drivers to undertake training and/or assessment focussed on attitudes and behaviours. Existing Drivers to complete refresher training every three years – all existing drivers to complete this by 1 October 2025.

11. Equality and Diversity

- 11.1 An equality and diversity assessment has been carried out and no issues have been identified.

12. Sustainability/Climate Change Implications

- 12.1 The current policy has been drafted in line with input from the Council's Pollution and Climate team.
- Environment – improving transportation in the Borough through a well-regulated private hire service.
 - Community – ensuring that all taxi and private hire vehicle users are still able to travel safely.
 - Emissions will be reduced.

13. Timetable for implementation.

23 July 2024	Licensing Committee for approval on consultation on draft policy
26 July-26 August 2024	1-month Public Consultation
25 September 2024	Licensing Committee for approval of final policy to consider any comments

14. Contact

14.1 Lucy Catlyn, 01784 444295, l.catlyn@spelthorne.gov.uk or licensing@spelthorne.gov.uk

Background papers:

- Department for Transport Statutory Taxi and Private Hire Vehicle Standards: [Statutory taxi and private hire vehicle standards - GOV.UK \(www.gov.uk\)](http://www.gov.uk)
- Department for Transport Taxi and Private Hire Vehicle Licensing Best Practice Guidance for Licensing Authorities in England: [Taxi and private hire vehicle licensing best practice guidance for licensing authorities in England - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Appendices:

Appendix A- Draft Hackney Carriage and Private Hire Policy 2024-2029

Appendix B – Sustainable Taxi and Private Hire Information