

# Licensing Committee



4 December 2024

<b>Title</b>	Hackney Carriage and Private Hire Policy 2024-2029
<b>Purpose of the report</b>	To make a decision
<b>Report Author</b>	Lucy Catlyn, Principal Licensing Officer
<b>Ward(s) Affected</b>	All Wards
<b>Exempt</b>	No
<b>Exemption Reason</b>	n/a
<b>Corporate Priority</b>	Environment
<b>Recommendations</b>	<p><b>Committee is asked to:</b></p> <ul style="list-style-type: none"> <li>• Approve the Hackney Carriage and Private Hire Policy 2024-2029 following consultation</li> <li>• Recommend to Council for the scheme of delegations to include the Chair of Licensing with Senior Environmental Health Manager to make minor amendments to the policy.</li> </ul>
<b>Reason for Recommendation</b>	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"> <li>• The Policy has had a public consultation and several comments have been received by the Trade</li> <li>• Licensing Committee now needs to approve the Policy in light of the comments submitted by the Trade and responses by Spelthorne's officers.</li> </ul>	<ul style="list-style-type: none"> <li>• The Policy must be updated to consider the Statutory Standards and Best Practice Guidance issued by the Department for Transport to safeguard the public.</li> </ul>
This is what we want to do about it	These are the next steps
<ul style="list-style-type: none"> <li>• The Licensing Committee is asked to approve the Policy for adoption as it has been drafted or make amendments.</li> </ul>	<ul style="list-style-type: none"> <li>• Once approved by Licensing Committee the policy will come into effect.</li> </ul>

- 1.1 This report seeks to obtain Licensing Committee's approval to finalise the Revised Hackney Carriage and Private Hire Policy following public consultation.
- 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.

## 3. Comments received about the 'Hackney Carriage and Private Hire Policy (2024-2029)' from the licensed trade during the consultation.

- 3.1 The Licensing Authority has received from the existing hackney and private hire trade seven comments during the public consultation. These are attached at **Appendix B**. Most of the comments are on emissions which are outlined at section 4 separately to the other comments received which are below:
- 3.2 **Not permitting third party Disclosure and Barring Checks (DBS)** e.g. by Surrey County Council for school run work.
  - The Licensing Authority is not permitted to have the same DBS Enhanced check. A letter from the Home Office confirming the position is attached at **Appendix D**.
- 3.3 **Lowering of age and time limits for statements of good conduct.**
  - The relevant part of the government statutory standards is attached at **Appendix E**. This outlines a suggestion where an applicant has previously spent three or more continuous months outside of the UK the Disclosure and Barring Service Check (DBS) may not be a complete picture of a criminal record. The standards state that an extended period outside the UK before the age of 18 may be less relevant, however it is for the Licensing Authority to consider its decision on each case by its own merits.
  - The Licensing Authority proposes to implement at 8.9 of the draft policy the following to safeguard the public: *"...if you, from the age of 10 years, spent **3 or more continuous months** living outside the United Kingdom, evidence of a criminal record check from the country/countries covering the relevant period is required. This will normally be in the form of a 'Certificate of Good Conduct' issued through the relevant embassy or consulate, which details any convictions or other matters arising against the applicant while resident in that country. It is your responsibility to obtain such documents and to pay any fees. This requirement is in*

*addition to the DBS disclosure. Where you are unable to obtain the above, you must give a statement outlining the reasons and provide references from appropriate bodies as to your conduct in the country that satisfy us. This includes any time spent overseas during the course of a licence. “*

**3.4 New policy on no longer issuing any Private Hire, Hackney Carriage, or Private Hire Operator licence until all documentation has been submitted (e.g. medical and DBS).**

- The Council will always try to remind drivers when documents are due, however there is no statutory requirement to do so, further, businesses should not rely on the Council to remind them.

**3.5 Disagreement over tests imposed by new policy.**

- The tests that have been outlined in the policy are in line with the statutory Government requirements.

**3.6 Comment asking for disabled wheelchair vehicles to have extra licensing years.**

- This comment appears to be a request for vehicles to be licensed for longer than 15 years of age if they are wheelchair accessible. It is proposed to keep the 15-year limit for all vehicles, whether they are wheelchair accessible or not due to public safety.

**4. Comments on Electric Vehicle received from the trade**

4.1 Most of the comments are surrounding the emissions and vehicle policy changes proposed for electric vehicles for new cars from 1 October 2028. These are attached at **Appendix B**. The main comments together with the Council's response below:

<b>Comment</b>	<b>Response from Council</b>
Cost of purchasing vehicles	Although new vehicles carry a premium on petrol/diesel alternatives, the second-hand vehicle market indicates electric vehicles are becoming much more affordable. E.g. a new Tesla Model 3 electric car costs £39,990, however the same car that is 4-years old can be purchased second hand for £14,000. <sup>1</sup>  The majority vehicles that are presented for Licensing are second hand. There is a handful of Chauffeurs who present new vehicles.
Restrictions on charging and time it takes to charge.	Depending on the speed of the charger that is being used it will dictate how long it takes to charge. This can be typically range from an overnight charge at home to a rapid 30-minute charge at a rapid charger. <sup>2</sup>

<sup>1</sup> [5 Brilliant new EVs... and 5 equally brilliant second hand alternatives - Fully Charged Show](#)

<sup>2</sup> [Electric Vehicle Infrastructure Strategy 2023 -2030 - Spelthorne Borough Council](#)

	It is anticipated that drivers could also charge at home if they have off street parking and more infrastructure will be in place as time goes on.
Replacement of batteries	Typically, manufacturers offer an 8 year/100,000-mile battery warranty, these vary from manufacturers. Battery replacements are typically not needed in line with this, and they are expensive, but it is hoped it is very rare you would have to replace a battery. The cost would depend on which vehicle it is. <sup>3</sup>
Limits the vehicles and how many passengers can take. A comment states there are no zero-emission MPVs (multi-purpose vehicles) available	As we understand this is incorrect as all vehicles of all classes are now being offered as electric cars.  There are multi-purpose vehicles available that hold 6 plus passengers
Limited impact on environment due to the low number of licensed vehicles operating from the Spelthorne area.	Although the overall numbers are low, the Council has declared a climate emergency and must consider Spelthorne's air quality management area. Licencing authorities must consider electrification and climate impacts in line with Government Best Practice Guidance.

4.2 Further supplementary information for consideration is at **Appendix C**.

## 5. Options analysis and proposal

5.1 There are both advantages and disadvantages associated with the inclusion of policy on electric vehicles in this 2024 review of the Hackney Carriage and Private Hire Policy. The proposed policy is a requirement for new vehicles to be fully electric from 1 October 2028.

5.2 **Option A (Recommended):** To approve the policy as drafted. Recommend to Council for the scheme of delegations to include the Chair of Licensing with Senior Environmental Health Manager to make minor amendments to the policy.

5.3 **Option B:** make changes to the policy as drafted with the same amendment to the delegation.

5.4 **Option C:** - To not approve the Hackney Carriage and Private Hire Policy 2024-2029.

5.5 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.

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<sup>3</sup> [Electric Car Battery Life: How Long They Last and What to Know \(caranddriver.com\)](https://www.caranddriver.com/electric-car-battery-life/)

## **6. Financial management comments**

- 6.1 There are no financial implications for the Council resulting from this change.
- 6.2 For the trade the cost of replacing glazing in vehicles (for compliance with existing window policies) can amount to several 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.
- 6.4 Higher costs to the licenced trade associated with licensing their vehicles have direct implications as the trade would transfer these costs to the public through higher fares being charged, this could be particularly relevant where vehicles are hired from companies located outside of the Spelthorne area.

## **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.
- 7.2 Should the Council adopt an emissions policy that from 1 October 2028 all new vehicles must be electric as per the draft policy it could potentially result in drivers leaving Spelthorne and obtaining Licenses elsewhere. If this happens then it could result in either:
  - (a) Either no or few vehicles and drivers available.
  - (b) Longer wait for the public to get a vehicle.
  - (c) Potentially higher costs to the public to get a vehicle.
  - (d) More vehicles being driven in Spelthorne that are not licensed by Spelthorne.

## **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 Having reviewed the comments to the proposed policy at Appendix B, it should be noted that there is a possibility of judicial review of the policy, in relation to its approach to the licensing of electric vehicles. A proper consultation on the proposal to implement this new policy will minimise the risk of legal challenge if the policy is implemented. In addition to the Council following the correct process in implementing this policy, it will strengthen its position by having good reasons for implementation.

## **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 an issue has been identified that people who rely on taxis as a mode of transport (to hospital etc). They may be detrimentally affected by drivers leaving and getting licenced elsewhere by a Council who does not have a 2028 Electric Vehicle policy for all new taxi licenses. This could mean there is a longer wait for a taxi, no availability or a higher cost.

## **12. Sustainability/Climate Change Implications**

- 12.1 The current policy has been drafted in line with input from the Council's Pollution and Sustainability and Climate team.
- 12.2 Following the governments best practice guidance, the sustainability and climate change team worked in collaboration with the licensing team to produce policy changes on emissions and electric vehicles. This is in keeping with the Council's

climate change strategy key action 23 to “*Deliver EV taxi programme to encourage taxi companies and drivers to invest in electric fleets*”. Additionally, the policy reflects the Councils commitments in declaring a climate emergency and reflects the corporate priority for the environment.

**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
4 December 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](mailto:l.catlyn@spelthorne.gov.uk) or [licensing@spelthorne.gov.uk](mailto:licensing@spelthorne.gov.uk)

**Background papers:** There are none

**Appendices:**

- Appendix A- Draft Hackney Carriage and Private Hire Policy 2024-2029
- Appendix B– Comments to Consultation
- Appendix C – Emissions Supplementary Information
- Appendix D – Home Office Letter
- Appendix E – Statutory Standards

**Documents referenced within this report**

- Department for Transport Statutory Taxi and Private Hire Vehicle Standards: [Statutory taxi and private hire vehicle standards - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards)
- 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 \(www.gov.uk\)](https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance-for-licensing-authorities-in-england)