

TITLE	Taxi and Private Hire Policy Review
FOR CONSIDERATION BY	Licensing and Appeals Committee on 19 October 2022
WARD	None Specific
LEAD OFFICER	Director, Place and Growth - Steve Moore

OUTCOME / BENEFITS TO THE COMMUNITY

The Hackney Carriage and Private Hire Licensing Policy (“the policy”) outlines a set of proposed standards and procedures to be used to process and determine applications for driver, vehicle and operator licenses by Wokingham Borough Council (“the Council”).

The proposed policy is based on the principle that anyone using a licensed vehicle must be able to trust the driver; be assured the vehicle is safe; and trust any operator or driver to keep their information safe.

RECOMMENDATION

That Licensing and Appeals Committee:

- 1) **APPROVES** the revised policy; and
- 2) Delegates to the Director of Place and Growth in consultation with the Lead Member of the Executive to release the revised policy for public consultation.

SUMMARY OF REPORT

- a) The Licensing and Appeals Committee recommended several amendments to the draft policy at its last meeting on 23 June 2022, and these amendments have been incorporated into the policy attached to this report
- b) The Department for Transport (DfT) recommends licensing authorities to have a policy 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
- c) In July 2020, DfT issued [Statutory Taxi & Private Hire Vehicle Standards](#) which state that licensing authorities must use their licensing powers to protect children and vulnerable adults.
- d) West Berkshire and Bracknell Forest councils have already commenced public consultation, so the Council can set its own timeline for consultation

Background

1. The Council is the Licensing Authority responsible for regulating the Hackney Carriage and Private Hire trades operating in the Borough.
2. Unlike Hackney Carriages, Private Hire Vehicles are only permitted to pick up pre-arranged bookings and are not permitted to be hailed to stop by a passenger who has not pre-booked. However, in this report “taxi licensing” is intended to mean both Hackney Carriages and Private Hire Vehicles.
3. The Department for Transport (DfT) recommends 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.
4. In July 2020, DfT issued [Statutory Taxi & Private Hire Vehicle Standards](#) (“the 2020 Standards”) which state that licensing authorities must use their licensing powers to protect children and vulnerable adults. This Council has previously implemented a number of the recommendations in [its existing policy](#) on its own volition but the 2020 standards provide the opportunity to further tighten the current licensing scheme.
5. At [Licensing and Appeals Committee on 6 October 2020](#) members considered a report which set out the need to review the existing policy in line with the 2020 Standards. Members agreed to receive further reports detailing changes to the policy and licence conditions to comply with the 2020 Standards.
6. The policy aims to protect the public and build public confidence in the licensed taxi trade, by promoting safeguarding children and vulnerable adults and the prevention of crime and disorder, vehicle safety, comfort and accessibility, environmental sustainability, Wokingham Borough as a place to live, work and visit

Analysis of Issues

7. At the Licensing and Appeals Committee on 23 June 2022, it was resolved that:
 - The proposed changes as discussed during the meeting be incorporated in the draft policy
 - Members will be sent a copy of the revised draft policy, prior to its submission to the relevant Executive Member and prior to it being submitted for consultation
 - The final draft policy will be approved for consultation by the Executive Member for Environment, Sport and Leisure; and
 - The Director for Place and Growth will work in partnership with neighbouring Licensing Authorities to achieve a similar timeline to any public consultation and policy review in neighbouring boroughs, to achieve consistency of practice between areas.

8. In response to these resolutions, officers have incorporated the changes discussed in the revised policy and have also made improvements to the formatting of the policy.
9. This draft policy was commissioned in 2021 in collaboration with the Public Protection Partnership in West Berkshire and Bracknell Forest Councils but is now a stand alone policy which Wokingham can amend as it sees fit and set its own timeline for consultation as it has left the Public Protection Partnership and West Berkshire and Bracknell Forest councils have already commenced public consultation.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe funding pressures, particularly in the face of the COVID-19 crisis. It is therefore imperative that Council resources are focused on the vulnerable and on its highest priorities.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	Nil		
Next Financial Year (Year 2)	Nil		
Following Financial Year (Year 3)	Nil		

Other financial information relevant to the Recommendation/Decision

There are no financial implications other than budgeting for public consultation which will be covered within existing budgets.

Cross-Council Implications

School Transport have an interest in the licensing policy and will be briefed throughout the draft stage, and public consultation.

Public Sector Equality Duty

Self-employed people of Black, Asian and Minority Ethnicity are strongly represented among drivers and operators in the taxi and private hire trade. Customers of the trade are strongly represented by young women, people with disabilities and older people, and generally by people who do not own a car. For these reasons, it is important to ensure that this remains a profitable sector. An equalities impact statement is not required at this stage but will be required following public consultation prior to implementation of a new policy.

Climate Emergency – *This Council has declared a climate emergency and is committed to playing as full a role as possible – leading by example as well as by exhortation – in achieving a carbon neutral Wokingham Borough by 2030*

There is no identifiable impact on the Council's carbon neutral objective.

List of Background Papers

- Department for Transport (DfT) [Taxi and Private Hire Vehicle Licensing Best Practice Guidance \(March 2010\)](#)

- DfT [Statutory Taxi and Private Hire Vehicle Standards \(July 2020\)](#)
- **Appendix A** Principal changes contained in the 2020 Standards
- **Appendix B** Draft Hackney Carriage and Private Hire Licensing Policy (see attached document)

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Appendix A

The principal changes contained in the 2020 Standards

- a) Fit and proper test. There is still no statutory definition of what amounts to a 'fit and proper' person for the purposes of the legislation, but there is now much more robust guidance in the new standards
- b) Administration. There should be sufficient training and adequate resource for all those involved with making licensing decisions. Any functions that are delegated should be set out in a clear scheme of delegation and whilst less contentious matters can be resolved by authorised officers, it is recommended that more serious matters are dealt with by committee
- c) Whistleblowing. It is recommended that authorities have effective internal procedures for staff to raise concerns and procedures in place for any concerns to be dealt with openly and fairly
- d) DBS checks. Subscription to the DBS Update Service by drivers and operators at their own expense and the records reviewed every six months.
- e) Overseas convictions – certificates of good character should be obtained where an applicant has previously lived outside the UK for more than 3 months
- f) Convictions policies. All authorities should have a clear policy that takes a particularly cautious view of any offences against individuals with special needs, children and other vulnerable groups, particularly those involving violence, those of a sexual nature and those linked to organised crime
- g) Complaints against licensees. All authorities should have robust complaint recording systems and take action if necessary
- h) Mandatory safeguarding awareness training for all drivers. Training should include 'County Lines' drug trafficking awareness
- i) Literacy and numeracy. All licence holders to demonstrate proficiency in English language. Drivers should be able to provide correct change and produce a legibly written receipt upon request
- j) Enforcement. Suspension and revocation of driver licences. The guidance clarifies situations in which revocations and suspensions may be used. Drivers should be made aware of relevant policies
- k) Local consultation. It suggests it is good practice to consult when proposing significant changes in local licensing rules. Consultation should include passengers and trade groups.

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