

<b>Report title</b>	<b>Review of Hackney Carriage and Private Hire Licensing Policy and Guidance</b>
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<b>Department</b>	Environmental Services
<b>Exempt?</b>	No

**Purpose of report:**

- **To resolve**

**Synopsis of report:**

**This report introduces the updated draft taxi licensing policy (2025 – 2030), which has been prepared for consultation.**

**Recommendation that:**

- i) the revised Hackney Carriage and Private Hire licensing policy be approved for public consultation; and**
- ii) the results of the consultation be brought back to this Committee for further discussion in January 2025 with a view to approval of the policy accordingly**

**1. Context and background of report**

- 1.1 Hackney carriages and private hire vehicles are an important part of the local transport network. They operate in highly regulated markets where public safety is paramount. Licensing covers key areas such as the fitness of drivers, accessibility requirements, vehicle standards and taxi fare regulation.
- 1.2 Unlike other licensing regimes, there is no statutory requirement for local authorities to set hackney carriage and private hire policies. However, the Department for Transport’s ‘best practice guidance’ does recommend that authorities adopt a policy as they are an integral part of the decision-making process.
- 1.3 The guidance also states that... *“the primary and overriding objective of licensing must be to protect the public. Licensing authorities should also be aware that, as well as ensuring taxi and private hire vehicle services are safe, the public have a reasonable expectation that the services available will be accessible and affordable”*.
- 1.4 The purpose of the policy is to set out and inform the trade of the Council’s requirements and allows the public to know what standards they can expect of the trade.
- 1.5 Runnymede Borough Council’s existing Hackney Carriage and Private Hire policy was approved by this Committee on 15 January 2020 with effective dates from 2

March 2020 until 31 March 2025. It was last updated in January 2023 (regarding Group 2 Medicals). The draft policy which is subject of this report is proposed to be effective from 1 April 2025 to 31 March 2030, as attached at Appendix A.

- 1.6 This draft policy brings together in one document the Council's policy standards, the current conditions, bylaws and requirements. It has been constructed in a manner which best explains the reasoning behind the conditions and the Council's requirements.

## **2. Report and options considered and recommended**

- 2.1 Whilst similar in content to the existing policy, the draft policy contains revisions, deletions and additions to allow for changes in guidance and in light of practical experience in administering the regime.
- 2.2 Each part of the policy deals with a different subject area, as outlined in the Contents and Appendices as shown below;

Part 1 Foreword

Part 2 Introduction and scope

Part 3 Licensing principles, objectives and general considerations

Part 4 General administrative issues

Part 5 Driver licensing

Part 6 Vehicle licensing

Part 7 Operator licensing

Part 8 Scheme of Hackney carriage fares

Part 9 Taxi licensing fees and charges

Appendix A Consultation

Appendix B The Borough of Runnymede

Appendix C Requirements for Hackney carriage and private hire driver Licences

Appendix D Policy relating to the relevance of convictions, cautions and driving licence endorsements

Appendix E Knowledge test policy

Appendix F Private hire drivers and vehicle licences - conditions and requirements

Appendix G Hackney carriage drivers and vehicles licensing - conditions, requirements and bylaws

Appendix H Authorised plate designs

Appendix J Private hire vehicle plate exemptions

Appendix K Private hire operator's licence conditions

Appendix L Table of Hackney carriage fares

- 2.3 The areas which have been amended, deleted or added in comparison with the existing policy are shown as 'tracked changes',
- 2.4 To assist Members in navigating the revised policy, details of the main amendments contained within each Part or Appendix are shown below.
- 2.5 The policy has been edited for clarity and consistency, with duplications and errors deleted/amended. As such, smaller, inconsequential amendments are not detailed below.

<b>Part 3</b>	<b>Licensing principles, objectives and considerations</b>
3.27	New section added summarising general duties within the <u>Crime and Disorder Act 1998 and Equality Act 2010</u> , as per Department for Transport (DfT) Taxi and Private Hire Vehicle Licensing Best Practice Guidance (updated November 2023).
3.30	New section added on <u>Tax Registration Check</u> . HMRC introduced a tax check for renewal applications for drivers of taxis and private hire vehicles, and for operators of a private hire vehicle business in April 2022. This was to address part of the hidden economy by helping applicants for taxi and PHV driver and operator licences to understand their tax obligations and by making access to the licences they need to trade conditional on completing a tax check.
<b>Part 4</b>	<b>General Administrative Issues</b>
4.21	Content deleted as was duplication of 4.28
4.38	Updated section on <u>National Register of Taxi Licence refusals, revocations and suspensions</u> as per the Statutory Guidance on Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 (updated April 2023). The changes have also been reflected in the National Anti-Fraud Network (NAFN) Guidance and DfT Best Practice Guidance. This places duties on licensing authorities in England to share safeguarding and road safety concerns about taxi and private hire vehicle drivers with each other.
4.63	New section added on <u>Compliance and enforcement</u> in line with the DfT Best Practice Guidance and benchmarking with other Surrey Taxi Licensing Policies which currently include sections on compliance and enforcement powers.
<b>Part 5</b>	<b>Driver Licensing requirements</b>
5.15a	Added a <u>Work Area Declaration</u> requirement as DfT Best Practice Guidance recommends that licensing authorities should require an applicant for a taxi driver licence to declare that they intend to work predominately within the licensing authority's area.
5.38 – 5.40	Updated the <u>Certificate(s) of Good Conduct / DBS equivalents</u> to include living and working overseas, and a shorter time period abroad of 3 months (revised from 6 months), as per the Statutory Taxi and Private Hire Vehicle Standards (updated November 2022).
5.60a	Added a <u>declaration of change in medical fitness</u> for renewal applications as it is considered necessary for the accurate assessment of such applications.
5.109a 5.109b	<u>Language proficiency</u> has been added as the DfT Best Practice Guidance recommends that both oral and written English language skills should be tested. It is also acknowledged that reasonable adjustments will be provided for a Knowledge Test in cases of disability.
5.153	Added to highlight the importance of a holistic assessment of all information available when determining any action against drivers.
<b>Part 6</b>	<b>Vehicle Licensing</b>
6.39a	Added details on <u>carrying children safely</u> , as per the updated DfT Best Practice Guidance.

6.61 – 6.64 <b>and</b> <b>App F</b> (iii) <b>and</b> <b>App G</b> (iii)	<u>Fire Extinguisher</u> requirements deleted as the Highway Code advises that should a vehicle catch fire the occupants should get out of the vehicle quickly and to a safe place rather than attempting to firefight. The National Fire Chief Council (NFCC) recommends that licensing authorities that require fire extinguishers to be provided in vehicles, should ensure that suitable and sufficient training is undertaken by drivers. The NFCC’s advice is that if a licensing authority elects not to require drivers to undertake training on the safe way to tackle a vehicle fire, vehicles should not be required to carry fire extinguishers and drivers should ‘get out and stay out’ of the vehicle.
6.86 – 6.87	Updated <u>environmental policy approach</u> in reference to the RBC Climate Change Strategy
6.99b	<u>Installation and use of in-vehicle CCTV</u> updated in line with the Statutory Taxi and Private Hire Vehicle Standards (updated November 2022).
<b>Part 7</b>	<b>Operator Licensing</b>
7.13e	Added <u>Health and Safety management arrangements</u> for staff, including in relation to lone working as per the DfT Best Practice Guidance on protection of (lone) workers.
7.38	Recommendation on <u>disability awareness training for PH Operator staff</u> in customer facing and managing service delivery roles as per the DfT Best Practice Guidance.
7.46 - 7.48	Deleted specific details required in a <u>Hiring Record</u> as this is referenced and included in Appendix K (i – xv).
7.57 7.57a <b>and</b> <b>App K</b> (no. 10)	There are conflicting legal views about whether an <u>Operator’s base</u> has to be a physical premises located within the boundary of the Authority. The increasing popularity of app-based Private Hire Operations who may wish to work outside the Borough, or via “virtual offices” was not considered as an operating model in the legislation and does not reflect modern society. This section has been updated to state that we will consider applications for PH Operators located outside the Borough, which is proportionate given the additional requirements also added in this section. This is also a generally accepted operating model by other Boroughs within Surrey.
<b>Part 8</b>	<b>Scheme of Hackney Carriage Fares</b>
8.4	Updated <u>Frequency of Fare review</u> in line with updated DfT Best Practice Guidance.
<b>App B</b>	<b>The Borough of Runnymede</b>  The information regarding the Borough of Runnymede and maps have been updated as per the latest information available.
<b>App D</b>	<b>Policy relating to the relevance of convictions, cautions and driving licence endorsements</b>  This has been substantially updated to reflect the Department for Transport recommendations on the assessment of previous convictions in the <u>Statutory taxi and private hire vehicle standards</u> . This draws on the work of the Institute of Licensing, in partnership with the LGA, the National Association of Licensing Enforcement Officers (NALEO) and Lawyers in Local Government, in publishing its guidance on determining the suitability of taxi and private hire vehicle licensees.

	<p>This places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain a licence.</p> <p>In considering an individual’s criminal record, licensing authorities must consider each case on its merits, but they should take 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. These National Standards achieve consistency with a clear policy for the consideration of criminal records and mitigate the risk of successful legal challenge.</p>
<b>App E</b>	<p><b>Knowledge test policy</b></p> <p>2. <u>Language proficiency policy</u> has been updated as the per DfT Best Practice Guidance and to align with the Part 5 policy amendment at 5.109a above.</p> <p>4. Disqualification in relation to <u>cheating</u> has been added.</p> <p>All references to a “hard copy” study/information/taxi pack have been deleted as all of the relevant information is available online, for no charge.</p>
<b>App F (ii) and App G (ii)</b>  <b>App F and App G</b>	<p><b>Private hire drivers and vehicle licences - conditions and requirements</b> <b>Hackney Carriage drivers and vehicles – licensing conditions, requirements and bylaws</b></p> <p>(j) Added clarity that if an imported vehicle doesn’t meet European and UK vehicle safety standards, it will require certification of modification and testing under the IVA (Individual Vehicle Approval) scheme.</p> <p>Re-formatted so that Equality Act 2010 Guidance is moved to the end of each section, in order to keep conditions, requirements (and bylaws) separate from the Guidance.</p>
<b>App L</b>	<p><b>Table of Hackney carriage fares</b></p> <p>Updated as per the latest fare review, which came into force April 2024.</p>

2.6 A number of guidance documents and statutory standards were consulted on when carrying out the policy revision. These can be found at Background papers (number 12 of this report below).

### 3. Policy framework implications

3.1 The draft policy introduces changes to enhance the safety of the travelling public. These changes have been assimilated into the policy in a seamless manner which does not affect the reason or purpose of the policy.

### 4. Resource implications/Value for Money

4.1 The process of developing, updating, consulting on and introducing any new policy is time consuming, although costs are recoverable through licensing fees.

### 5. Legal implications

- 5.1 The consultation period for the draft policy is not prescribed. However, Officers consider that a period of 10 weeks (24 September – 3 December 2024), will give consultees sufficient opportunity to respond.
- 5.2 The Council actively encourages feedback as part of the transparency agenda. Therefore, the draft policy will be publicly available on the Council's website and will also be publicised on social media via the RBC Communications team.
- 5.3 It is proposed to present the draft policy and consultation results to this Committee for further consideration when it meets on 8 January 2025.

## **6. Equality implications**

- 6.1 An Equality impact screening assessment was carried out before the existing Policy was introduced and will be updated post consultation, and reviewed by the Council's Equalities Group, prior to presentation to this Committee.

## **7. Environmental/Sustainability/Biodiversity implications**

None identified

## **8. Risk Implications**

None identified

## **9. Other implications**

- 9.1 This consultation will be circulated as widely as possible with particular emphasis on gaining the views of the public who are the main users of Hackney carriage and private hire vehicles, and the existing trade.
- 9.2 Following an initial consultation exercise in September 2022, the Institute of Licensing recently launched a new consultation on their draft revised **Suitability Guidance for taxi and private hire licensing**. The draft guidance is designed to compliment the statutory guidance published by the Department for Transport and seeks to ensure licensing authorities have regard to a number of additional factors, including an applicant or licence holder's previous history and its impact on the fit and proper test and consideration of any prior convictions, whereby the nature of the offence could mean the applicant may 'never' be granted a licence. This consultation is open until 30 September 2024, and once the guidance is published, it will be reviewed to ensure that the Runnymede Taxi Licensing Policy adequately determines the suitability of taxi and private hire licence drivers and operators.

## **10. Timetable for Implementation**

- 10.1 The proposed timetable for the introduction of the revised Hackney Carriage and Private Hire (Taxi) Licensing Policy and Guidance is;
- Step 1 – Whilst there is no statutory consultation period, consult all interested parties between 24 September – 3 December 2024 (10 weeks);
  - Step 2 – Results of the consultation be brought back to this Committee for further discussion in January 2025;
  - Step 3 – Policy is adopted and comes into effect 1 April 2025.

## **11. Conclusions**

- 11.1 The draft policy gives the Council a broad framework of regulation with clear direction regarding the regulation of the trade. It is not considered by Officers to be onerous or inflexible. Most importantly it is the safety of the public which is the primary consideration and this should be at the forefront of the Council's Policy for regulating the Hackney carriage and private hire trade.

## 12. Background papers

Runnymede's Hackney carriage and private hire licensing policy (2020 – 2025)

<https://www.runnymede.gov.uk/taxi-licenses/hackney-carriage-private-hire-drivers-licence>

Department for Transport taxi and private hire vehicle licensing best practice guidance for licensing authorities in England (updated November 2023)

<https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance/taxi-and-private-hire-vehicle-licensing-best-practice-guidance-for-licensing-authorities-in-england#the-role-of-licensing-authorities>

Statutory Taxi and Private Hire Vehicle Standards (updated November 2022)

<https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards/statutory-taxi-and-private-hire-vehicle-standards>

Equality Act 2010

<https://www.legislation.gov.uk/ukpga/2010/15/contents>

Statutory guidance - Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 (updated April 2023)

<https://www.gov.uk/government/publications/taxis-and-private-hire-vehicles-safeguarding-and-road-safety-act-2022/taxis-and-private-hire-vehicles-safeguarding-and-road-safety-act-2022>

## 13. Appendices

Appendix A - revised Hackney Carriage and Private Hire (Taxi) Licensing Policy (tracked changes in red)