

## REVISED DRAFT TAXI AND PRIVATE HIRE LICENSING POLICY

**Council - 16 February 2016**

Report of                      Chief Officer, Environmental and Operational Services

Status:                      For Decision

Also considered by      Licensing Committee - 5 January 2016

Key Decision:              No

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**Executive Summary:** The draft policy attached as Appendix A was prepared in conjunction with members of the Taxi Liaison Group and their views were sought on the Local Authority's strategy to improve the number of wheelchair accessible vehicles within the Hackney Carriage fleet. At the Licensing Committee on 29 September 2015 Members approved consultation on this document with the taxi trade, the Access Group for Sevenoaks District and resident of the District via the Council's website. The draft taxi licensing policy was consulted on from 12 October until 11 December 2015. This authority is required to regularly review its Taxi Licensing Policy and the last policy was published January 2012.

This report summarises the responses that have been received and makes recommendations for the Licensing Committee to propose to full Council on 16 February 2016 regarding adoption of the policy.

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**This report supports the Key Aim of Safe and Caring Communities and Dynamic and Sustainable Economy**

**Portfolio Holder**      Cllr. Firth (Legal and Democratic)

**Contact Officer**      Mrs. Claire Perry Ext. 7325/07970 731616

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**Recommendation to Licensing Committee:** That the Taxi and Private Hire Licensing Policy be recommended for adoption by Full Council.

**Recommendation to Council:**

That the Taxi and Private Hire Licensing Policy be adopted.

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**Reason for recommendation:** To enable the Council to put in place a robust policy to ensure the public are protected and that there is accessibility for all users of taxis and private hire vehicles.

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## Background

- 1 Sevenoaks District Council has responsibility for licensing Hackney Carriage and Private Hire vehicles, drivers and operators within the District of Sevenoaks. The existing policy was published in January 2012 and it is due to be revised and updated in line with the introduction of the Council's online forms.
- 2 The policy will remain in existence for a period of five years, during which time it shall be kept under review and revised as appropriate or after any significant legislative change.
- 3 Consultation took place for a 9 week period and consultees included all current licensees, interested parties and Sevenoaks Access Group. The list of consultees is outlined in section 2.3, page 5 of the policy.
- 4 There are a number of changes regarding the revised policy and these have been summarised in the table below.

<b>Policy section, page number or subject</b>	<b>Requirement in current policy</b>	<b>Recommendation in revised policy</b>
1, 4	DVLA mandate – not currently in place	DVLA mandate – all new and renewal drivers will be required to sign this mandate as there is no longer a paper part to the driver's licence for Officers to check
2.4, 6	Original documents	Online forms have been included in the policy and the documents that will be required in scanned and hard copy outlined.
3, 7	DBS	A provision for applicants to submit a DBS within 1 month which has been provided by another registered body or to sign up to the DBS online service.
4.5, 15	WAVs – there is no provision regarding them.	WAVs – the Council will consult on a strategy to increase the number of WAVs within the Hackney Carriage

		fleet.
4.13, 19	Seating capacity	The minimum requirement of 4 seats has been removed. There is no longer a minimum number of seats stipulated.
5.3, 21	Drivers licence – 3 years Vehicle licence – 1 year Operators licence – 3 years	Drivers licence – 3 years Vehicle licence – 1 year Operators licence – 5 years (this has been changed due to a legislative change)
9, 24	Taxi Liaison meetings take place	There is a requirement within the policy for Taxi Liaison meetings to take place
Appendix 1, 26		There have been changes to the length of time that must elapse with some relevant conviction before an applicant will be considered to be licensed.
Appendix 2, 34	Internal vehicle plates had to be in the rear window or quarter window of the vehicles	The internal plate must now be located in the front windscreen.
Appendix 4, 40	No dress code	A voluntary dress code has been introduced.
Appendix 5, 41 Age of vehicle	Will not licence over 10 years old	Wheelchair accessible vehicles will not licence over 15 years old
4.1, 13 CC of vehicles	1500 minimum	1400 minimum
Appendix 5A, 49 Lost property	Hand in to the Police	Notify Licensing Authority and hand in to them
Appendix 2, 34 Category C insurance write offs	Not included	Will not be accepted

Appendix 5, 44 Disability training	Not included	To be introduced
Safeguarding training	Not included	To be introduced
3.1, 8 Refunds for invalid/not completed applications	Not included	No refunds will be provided
4.3, 14 Roof lights	Not included	Added - If the vehicle is available for hire the roof light must be illuminated.
4.8, 17 Insurance	Not included	Requires all proprietors to provide evidence of continuous insurance cover throughout the period of the licence.
4.14, 19 Seating dimensions	Not included	Minimum standards introduced
3, 8 Good conduct letter for new applicants	Not included	Requirement for all applicants resident in the UK for less than 5 years
3.4, 10 Diabetic drivers	Not included	Group 2 medical standards now include the licensing of drivers with insulin treated diabetes.
10, 24 Departure from the policy	Not included	There may be instances whereby the Council may need to consider applications outside the policy. Where it is necessary to depart substantially from this policy, clear and compelling reasons for doing so will be given. Any such decision may be referred to the Licensing Committee.

- 5 Two meetings were held with the taxi trade in August and September to discuss the introduction of a strategy to increase the number of wheelchair accessible vehicles within the Hackney Carriage fleet.
- 6 This strategy must be introduced in order for the Council to have a plan to increase the existing number of Hackney Carriage wheelchair accessible vehicles (WAVs) which is currently 4 in a fleet of 204 vehicles. [< 2%] Sevenoaks District Council believes there should be equality for all users of the taxi transport system. With this lack of accessible vehicles there is clearly an issue that the District Council must address and rectify.
- 7 The District Council recognises that there is a greater financial burden to proprietors in providing wheelchair accessible vehicles and therefore consultation was carried out with the trade and a number of options were suggested some with a lead in period.
- 8 All 48 Maidstone Borough Council vehicles are wheelchair accessible vehicles. There is a limit on the number of Hackney Carriage vehicles determined by an Unmet Demand Survey paid for by the Hackney Carriage trade.
- 9 Currently 23% of the Tunbridge Wells Hackney Carriage vehicles (107) are wheelchair accessible. There is a limit on the number of Hackney Carriage vehicles determined by an Unmet Demand Survey paid for by the Hackney Carriage trade.

### **Responses from the consultation**

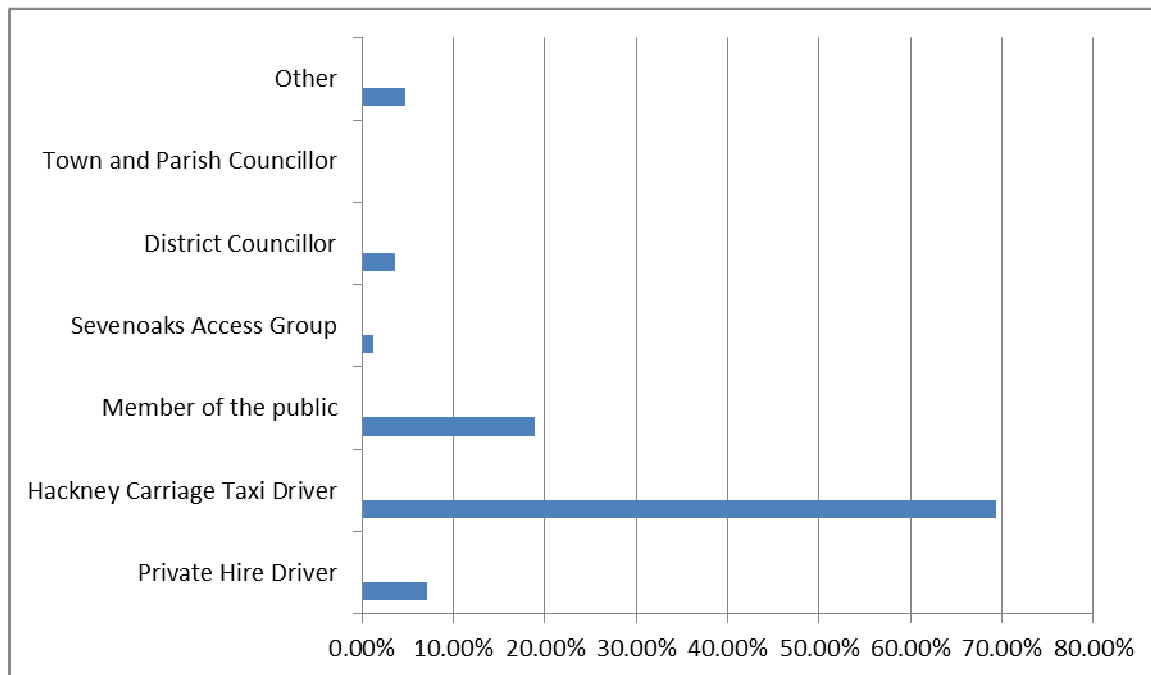
- 10 The survey that was sent out is attached as Appendix B to this report. The consultation was carried out in a new format to the previous consultations involving the taxis trade. It is pleasing to note of the increase in responses.
- 12 **Results from the consultation survey on Sevenoaks District Council draft Taxi and Private Hire Licensing Policy**

The survey ran from 12<sup>th</sup> October to 11<sup>th</sup> December 2015, and was available both online and in hard copy.

Most people submitted responses online; a total of 4 e-mails were received from individuals offering comments on the policy.

### **Profile of respondents:**

- 92 people responded as individuals
- 3 were representing another group, two of which were identified as follows: local Sevenoaks residents (although no specific group was named), and the National Taxi Association
- 62 gave licence badge numbers

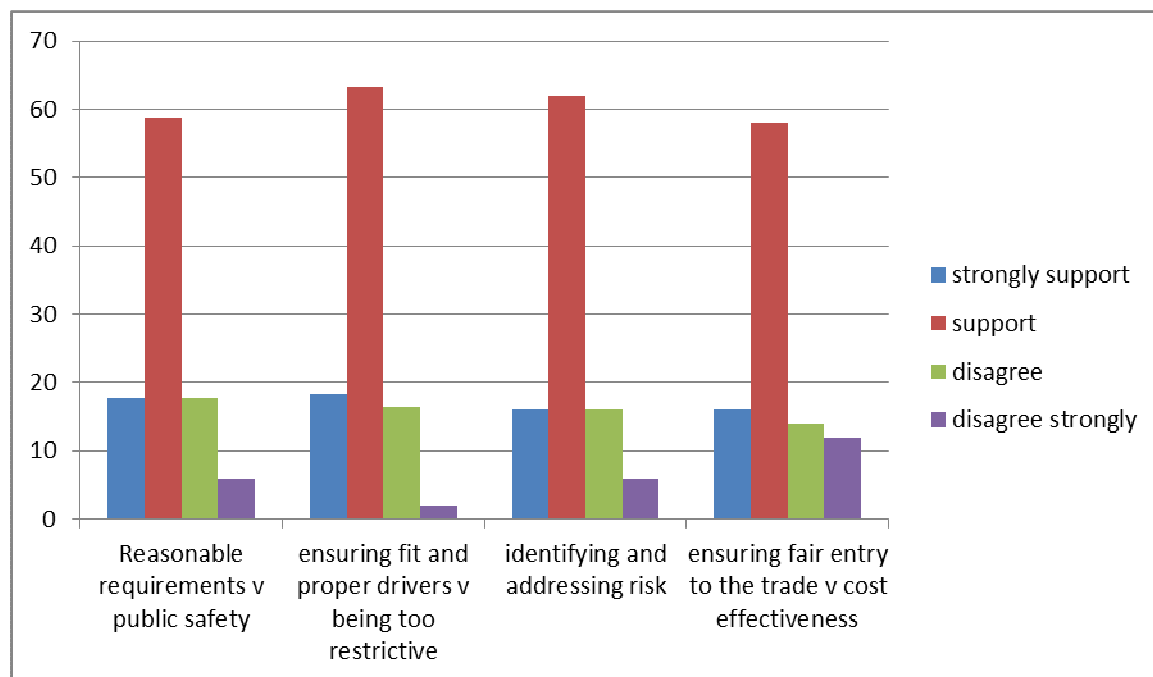


Other categories of respondents identified themselves as: Beeline Taxis Sevenoaks Director, an ex-taxi driver, two operators.

**13 The first part of the survey requested views as to whether we had achieved the right balance in the policy between a range of requirements as identified below:**

- Making reasonable requirements from drivers and ensuring public safety
- Ensuring fit and proper drivers while not being too restrictive
- Identifying and addressing risk
- Ensuring the balance between fair entry to the trade and cost effectiveness

52 responses were received on this section:



The majority of responses believe the Council's policy has found the right balance between reasonable requirements vs public safety, ensuring fit and proper drivers vs being too restrictive, identifying and addressing risk and ensuring fair entry to the trade vs cost effective.

#### 14 We asked for views on the levels of support for the voluntary dress code and on training on disability and safeguarding



37 respondents strongly supported/supported voluntary training on disability and safeguarding; 14 did not



31 respondents strongly supported/supported a voluntary dress code, 19 did not

Again the majority of respondents were in favour of the voluntary dress code. To respond to a comment below, the Council cannot legally enforce a dress code as they are unable to add conditions to a Hackney Carriage Driver's licence.

**Safeguarding training** - the Council is finalising arrangements to roll out voluntary training in February, March and April for safeguarding and child exploitation. We would expect all our professional drivers who are licensed within Sevenoaks District Council's area to attend this free training.

15     **Additional comments on these questions included the following:**

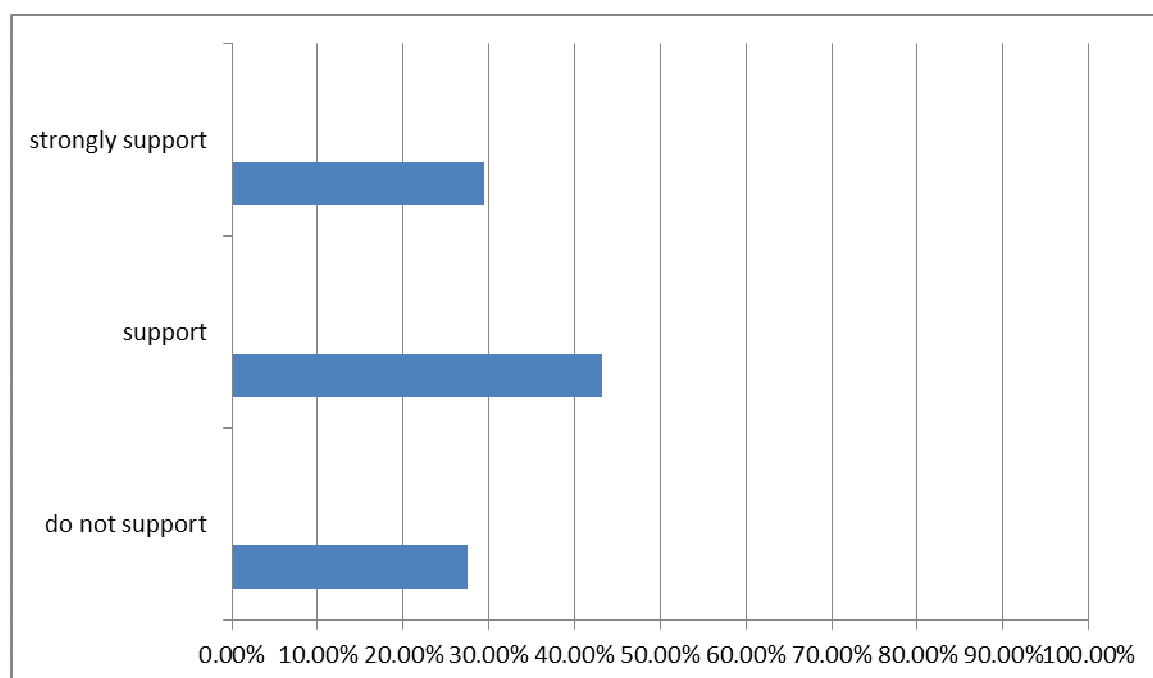
*“If you’re not aware of how to deal with persons who suffer disability, and are unaware of safeguarding children and vulnerable adults in my opinion you should not be in the trade. It is not something that should have a retrospective remedy”*

*“As previously stated at the meeting, I am not sure a “voluntary” dress code will work? There either needs to be a dress code or not, voluntary is not enforceable and can never be challenged, after all it’s voluntary!”*

*“Over recent years, standards in both have fallen. I believe there should be a minimum stated standard of dress code, i.e. smart casual, and a minimum level of knowledge and ability to be able to offer a decent service for all clients, able bodied or otherwise”.*

*“Do not really feel this applies to the taxi trade, as that policy would be primarily to safeguard vulnerable adults from neglect and abuse, which I believe would be very unlikely”.*

16     **We asked for respondents to indicate their overall level of support for the policy: (52 responses)**



72.55% of respondents either **strongly supported or supported** the policy; 29.41% did not.



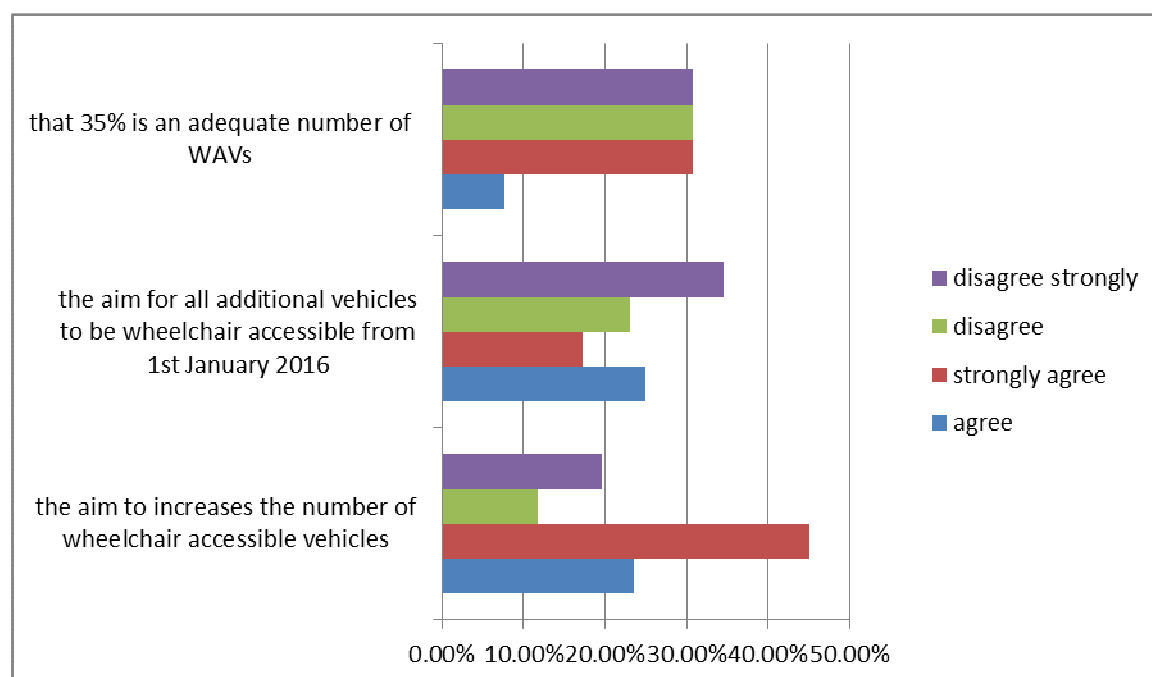
**17 Additional comments on the policy included the following:**

*“The proposed grandfather rights seem to be a commitment to failure. The facts of life in the UK are that increasing numbers of people are disabled and need to travel; public sector policies pertaining to provision of Hackney Carriage licences need to reflect the changing needs of the population. Implementation of the grandfather rights as proposed will increase the time it will take to reach the 35% by four or five fold. I also question the legality of the proposed grandfather rights under the Equality Act; this Act places an onus on service providers to the public to pro-actively meet the needs of the disabled; if the taxi drivers insist on grandfather rights they will be contravening this Act”.*

*“I think that it would be better to gradually phase the ideas in, for new drivers only, it will eventually cover 100 percent of drivers. Your proposal gives no way of proportional distribution of taxis within the Sevenoaks area, i.e. there could be 8 wheelchair taxis in Sevenoaks, and only 1 in Swanley, or vice versa. It also doesn’t consider that there may be lots of wheelchair cabs available in the daytime, but not at night, or more available in the week and not weekends”.*

**18 We asked for responses on our proposal to aim for 35% of wheelchair accessible vehicles (WAVs).**

**52 responses were received for this question**



60% of the respondents either disagreed strongly or disagreed with a target of 35%.

Just over 50% of the respondents did not agree with the aim for **all additional** vehicles to be wheelchair accessible from 1<sup>st</sup> January 2016.

However, over 65% of respondents supported the aim to increase the number of wheelchair accessible vehicles.

- 19 There were **27 additional comments** on this section, some of which are included below. Other comments focused on the perceived lack of passengers with disabilities in the district (therefore suggesting the need was not there for more WAVs), and that a target of 35% WAVs was disproportionate.

*"I work for Beeline taxis and the number of requests for wheelchair accessible vehicles is minimal. Speaking to a number of customers I take, the main demand is for saloon cars, as many of them are elderly and are unable to get into any vehicles that are higher. Another reason we don't have the calls is that Dial a Ride charge 60p per mile for wheelchair users to travel. I recently picked a customer up who uses Dial a Ride to go to Blackheath (has fold down wheelchair) and pays £22 for a return trip. So I don't believe there will ever be the work to cover".*

*"Obviously, we have to have more WAV's. However, as a company that complete around 600 jobs each and every day, the amount of phone calls we get is less than 1% of the total jobs. In fact, the bulk of our work requires saloon cars for taking elderly and disabled people. These passengers are unable to get in to a vehicle that is any higher than a saloon so we feel that the percentage is excessive. The problem with making all hackney carriages WAV's from 1st September 2016 is that many drivers will either try to change their vehicle before this date or swap their licences to private hire".*

*"Any such restriction should be limited to companies only. The law may limit new independent drivers who cannot afford to invest in such a vehicle. My proposal would be any company who has 4 or more vehicles operating, should have at least 1 WAV (i.e. 25%)".*

*"The need for accessible hackney carriages is obvious as not a single hackney carriage having a Station Licence is accessible. This situation is clearly untenable and potentially is in violation of the Disability Discrimination Act"*

*"I agree with the aim to increase the (number of) WAVs, but believe it should be optional. To promote this the council should provide incentives such as lower MOTs for WAV. I disagree to the plans to enforce new licensees to purchase WAV as the costs associated with being able to trade is at a high and WAV are quite pricy then ordinary cars. The rank is very crowded at present and larger vehicle with WAV will make it quite difficult to find space at the station".*

**20 We asked respondents to choose three options from a list provided by the council and the trade for increasing the number of WAVs in the district:**

Answer Choices (47 responses in total)	Responses
The offer from South East Rail: if a taxi driver already has a permit at the station and they upgrade their vehicle to be wheelchair accessible, they would get a Meteor permit free for a year.	42.55% 20
This was proposed by Sevenoaks District Council: From 1st January 2016 all additional hackney carriage licenses must be wheelchair accessible. That is those that require the issue of a new Hackney Carriage plate number. (This does not apply to replacement vehicles, change of ownership of vehicles or vehicles that are replacing damaged vehicles).	31.91% 15
This was proposed by Sevenoaks District Council: From 1st January 2018 all vehicles that reach the end of the life with respect to being eligible for licensing as a licensed vehicle (i.e. it is 10 years since the date of its first registration) must be replaced by a wheelchair accessible vehicle. (This does not apply to change of ownership of vehicles or vehicles that are replacing damaged vehicles or a total loss)	25.53% 12
This was proposed by members of the taxi and private hire trade: As from 1st September 2016 all new taxi drivers entering into the industry will need to purchase a wheelchair accessible vehicle if they wish to operate as an owner driver.	38.30% 18
This was proposed by members of the taxi and private hire trade: All existing plates before 1st December 2015 should be exempt from wheelchair accessible obligations under Grandfather rights. This will allow the Council to monitor all new drivers/vehicles coming into the industry.	34.04% 16
This was proposed by members of the taxi and private hire trade: Owners of Hackney Carriage vehicles that are subject to their plates being renewed should be allowed to choose the vehicle they wish to work with (i.e. car or wheelchair accessible vehicles) under Grandfather rights.	42.55% 20
This was proposed by members of the taxi and private hire trade: The change of car ownership from Private Hire driver to a driver for a Hackney Carriage vehicle should be allowed after 1st September 2016. Once a driver has lost his entitlement to the Grandfather rights s/he will be classed as a new driver entering into the industry and subject to purchase a purpose built vehicle. Once the vehicle has finished its life span of 10 years the plate is subject to renewal to a wheelchair accessible vehicle.	12.77% 6

Answer Choices (47 responses in total)	Responses
This was proposed by members of the taxi and private hire trade: All Hackney Carriage plates purchased before 1st September 2016 will be allowed under Grandfather rights to purchase a vehicle of their choice, either a saloon car or wheelchair accessible vehicle.	40.43% 19

## 21 Additional comments from respondents for these choices:

*"The proposed grandfather rights will scupper any attempt to increase the number of WAV - these provisions MUST be removed".*

*"None of the above scenarios will deliver the required 35 percent of accessible hackney carriages. South Eastern Trains should be encouraged to allow vehicles without a Station Licence to have one if they are accessible All new vehicles coming in the fleet as Hackney Carriages should be accessible This would need to include vehicles being replaced due to age replacement after accident and replacement after sale of one car with another Unless this becomes policy the Council will never achieve their target as so called grandfather rights will not make anyone replace a non accessible vehicle with an accessible one".*

*"The permit offer would encourage drivers to purchase a WAV and we feel this is a good way to do it. Another idea could be that any driver that doesn't have a permit could have a permit for a year for free or be able to purchase a permit. -The second choice would make sure that the required percentage is reached. However, this could discourage new drivers in to the area. -We feel that drivers should have the chance to choose which vehicle they use for work".*

*"The best possible way of providing and funding a dynamic and 24 hour wheelchair service from the taxi trade is not from the drivers but from the companies the operate in the area. Any firm of more than five cars should include a wheelchair taxi in their fleet and maybe one in ten on larger fleets, this would result Beeline putting right now 5 wheelchair taxis on our the Sevenoaks ranks 24 hours a day. Also to conform with public transport interlocking for a customers journeys I would hope Sevenoaks Council could pressure the Railway companies to prioritise new wheelchair taxis for station permits".*

*"Since the station was remodelled there is a major problem for wheelchairs on the corner by the cash machines in that it is not wide enough to get a wheelchair safely around this corner on the pavement. The only alternative is to go on the road which brings into itself more hazards i.e. traffic, the incline and loosing control going down hill. The other alternative is to use the lift (if it's working) and then have to push your self up hill to get to the taxi stand, No mean feat given the incline."*

*As you state there are only a few WAV's in Sevenoaks which I think can be overcome by getting new drivers to get WAV's or getting the firms to supply one or two more each; company vehicles (Beeline, Victor, Dave's Taxis) have all bought people carriers in recent years so why not WAV's, these are the first numbers dialled to pre-book cabs".*

The three most popular options as a result of the survey are the offer from South-eastern Rail. This may increase the number of wheelchair accessible vehicles who are able to use Sevenoaks Station. However, during a period when South-eastern Rail are trying to reduce the number of permits that are issued to use the forecourt, this will serve to increase the number of permits at the station and will only have an effect in Sevenoaks. Permits are not in operation at Swanley Station.

The other option involves existing drivers maintaining "grandfather rights" when renewing their vehicle to allow them to be exempt from any need to purchase a wheelchair accessible vehicle. This option will not serve to increase the number of wheelchair accessible vehicles.

The final most popular option that all Hackney Carriage plates purchased before 1st September 2016 will be allowed under "Grandfather rights" to purchase a vehicle of their choice, either a saloon car or wheelchair accessible vehicle. This provides the existing trade to delay the need to replace their existing vehicle with a wheelchair accessible vehicle. This may be a viable option as it only delays the replacement with a wheelchair accessible vehicle.

Unfortunately, the preferred options by respondents will not address the need to increase the number of wheelchair accessible vehicles within the Hackney Carriage fleet.

## 22 Equalities Monitoring:

Male: 40  
Female: 4  
Prefer not to say: 3

Number of respondents identifying as disabled: 3  
No disability: 45

Age:

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18 - 24	2.13% 1
25 - 34	17.02% 8
35 - 44	23.40% 11
45 - 54	21.28% 10

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<b>55 - 64</b>	<b>27.66%</b> <b>13</b>
<b>65+</b>	<b>6.38%</b> <b>3</b>
<b><i>Prefer not to say</i></b>	<b>2.13%</b> <b>1</b>

## Other Options Considered and/or Rejected

- 23 The Council could choose to do nothing. However, this would mean that it is not ensuring there is equality and accessibility for all.

## Key Implications

### Financial

- 24 The failure of the Authority to review, consult and publish the Taxi Licensing Policy on a regular basis may result in a Judicial review being brought against the Council.

### Legal Implications and Risk Assessment Statement

- 25 Decisions in relation to a licence are likely to amount to consideration of civil rights and obligations with the result that Article 6 (1) of the Human Rights Act 1998 is engaged.
- 26 Should parts of the industry believe the authority's Taxi Licensing Policy is not sound it would be open to them to undertake judicial review proceedings.

### Equalities Assessment

- 27 Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different groups. The decisions recommended through this paper directly impact on end users. The impact has been analysed and varies between groups of people. The results of this analysis are set out in Appendix C.

## Conclusions

- 28 The Licensing Committee are recommended to recommended to Council to adopt the Policy as laid out in the draft document with the exception of the section on wheelchair accessible vehicles - section 4.5, page 15.
- 29 Members are recommended to include within the Taxi and Private Hire policy measures that will Increase the number of wheelchair accessible

vehicles that form part of the fleet for Hackney Carriage vehicles licensed by Sevenoaks District Council.

30 Officers recommend including:

- a) From 1st September 2016 all additional hackney carriage licenses must be wheelchair accessible. That is those that require the issue of a new Hackney Carriage plate number. (This does not apply to replacement vehicles, change of ownership of vehicles or vehicles that are replacing damaged vehicles).

Please note the date has been amended to just under six months from the adoption of this policy to allow the trade, particularly new entrants, to plan for this change.

- b) From 1st January 2018 all vehicles that reach the end of the life with respect to being eligible for licensing as a licensed vehicle (i.e. it is 10 years since the date of its first registration) must be replaced by a wheelchair accessible vehicle. (This does not apply to change of ownership of vehicles or vehicles that are replacing damaged vehicles or a total loss.)
- c) Whilst the offer from South-eastern Rail is welcomed this is a matter for them to decide upon and is not something that should be included in the Council's policy as it is outside of the Council's control.

**Appendices:**

Appendix A: Draft Statement of Hackney Carriage and Private Hire Policy

Appendix B: Consultation survey on Sevenoaks District Council draft Taxi and Private Hire Licensing Policy

Appendix C: Equality Impact Assessment (online only)

**Background Papers:**

Relevant legislation

Equality Impact Assessment

**Richard Wilson**  
**Chief Officer, Environmental and Operational Services**