

REVIEW OF STATEMENT OF HACKNEY CARRIAGE & PRIVATE HIRE POLICY

Licensing Committee – Wednesday 20 September 2023

Report of : Chief Officer Planning & Regulatory Services

Status : For Decision

Key Decision : No

Portfolio Holder : Cllr. Margot McArthur

Contact Officer : Susan Lindsey Ext. 7491

Recommendation to Licensing Committee:

The draft policy as set out as Appendix A be approved for public consultation.

Reason for recommendation:

The Sevenoaks District Council Hackney Carriage & Private Hire Policy has been reviewed and re-drafted by Officers, and members of the Licensing Committee are asked to consider this revised policy, provide feedback and approve that the policy is published for a 6 week public consultation. The draft policy will then be reconsidered in light of the consultation feedback and brought back to a future meeting of the Licensing Committee for final consideration and approval.

Licensing Authorities should review their licensing policies every five years, but should also consider interim reviews should there be significant issues arising in their area.

Introduction and Background

1. As a Licensing Authority we are entitled, but not required, to adopt a policy on taxi licensing. The policy is viewed as being an integral part of the decision-making process enabling consistency and transparency. It is there to guide the licensing authority, but each case must still be considered on its own merits.
2. The Council's existing taxi licensing policy needs to be updated and, therefore, a review has taken place and a new policy has been drafted.
3. The proposed policy has been drafted taking into account issues raised since the last review, however it must be stressed that this is in draft form currently and a full public consultation should be undertaken. It is essential that the trade and other interested parties have the opportunity to fully consider and contribute to the new policy.
4. It is recommended that the draft policy is published for a full consultation for 6 weeks enabling time for the trade, general public, and other interested parties to fully consider the proposals and respond if needed. Officers will ensure that all existing Operators, Drivers and Vehicle Proprietors are aware of the consultation and have the opportunity to respond.
5. Following the consultation, Officers will review all feedback received and return to Committee with an amended draft policy as appropriate, for the Committee to consider and approve.

Sevenoaks District Council Hackney Carriage and Private Hire Licensing Policy

6. Listed below are the main areas of change within the new draft policy. Inconsequential minor amendments have not been listed but are still shown in red within the draft policy document.

(3) Hackney Carriage and/or Private Hire Driver Licence – new and renewal applications

7. The Council have introduced Safeguarding Training for all new and existing drivers. This training covers 3 modules: disability awareness, county line gangs, child exploitation. All new drivers must pass all three modules prior to being licensed, all existing drivers are being invited to undertake this training at the time of licence renewal.
8. New HMRC rules for taxi and private hire drivers and operators came into force in April 2022. The new rules mean if you're an individual, company or any type of partnership, you must complete a HMRC tax check if you're (a) renewing a licence, (b) applying for the same type of licence you previously held, that stopped being valid less than a year ago, and (c) applying for the same type of

licence you already hold with another licensing authority. The local authority cannot issue a licence without this tax check.

9. An online check to prove evidence of right to work in the UK has been introduced. This is done through a share code.

(3.5) Criminal record

10. On 27 April 2022 Statutory Guidance was updated to support compliance with the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022. This requires licensing authorities to input into a central database (NR3) instances where the authority has refused, suspended, chosen not to renew or revoked a taxi or private hire driver licence. Officers have already been making these checks on all new and renewal applications, but this updated guidance now includes driver suspensions, as well as refusals and revocations. The Policy has, therefore, been changed throughout to reflect the additional 'suspension' requirement (including at Appendix 10 : Policy in respect of requests for information, disclosure of information, and use of information as a result of an entry on NR3).

(3.6) Renewal of licences

11. Where a driver or vehicle proprietor has submitted all associated documentation in relation to an application and this documentation has been assessed and validated, but has not yet been processed and the licence has reached its expiry; written confirmation will be provided to allow that driver to continue work whilst the administrative process is carried out. This matter was raised in the case *Cartledge v Gelding Borough Council*.

(4.1) Environmental considerations

12. Officers have been working with Kent Council and other Kent Authorities with a view to encouraging the uptake of hybrid, electric and LPG vehicles within the trade.
13. In April 2023 a trade survey was carried out Kent-wide : the results of which are attached at **Appendix C**.
14. In support of the Council's commitment in working towards achieving net zero carbon emissions it is proposed to introduce specific wording within policy that all new licensed vehicles (other than stretched limousines and Wheelchair Accessible Vehicles) will have to meet or exceed the Euro 5 and Euro 6 emission standards.
15. As an incentive for the trade to look at purchasing low emission vehicles it is also proposed that hybrid, electric and LPG vehicles can be licensed for up to 15

years (rather than the current limit of 10 years).

16. Section 4.1 of the policy has been re-worded to update the Council's position in relation to environmental considerations and it is proposed that the Council will keep this matter under review.

(4.5) Accessibility

17. This section of the policy has been updated in relation to the responsibilities placed upon drivers under the Equalities Act 2010, and the maintenance by the Authority of a list of wheelchair-accessible vehicles in accordance with section 167 of that Act.

Appendix 1 - Statement of policy about relevant convictions

18. Statutory Taxi & Private Hire Vehicle Standards issued by the Department for Transport in July 2020 changed the wording of the 'fit and proper' question which should be posed when considering whether an applicant or licensee is 'fit and proper'. The policy has been updated to reflect this new wording.

Appendix 5 and Appendix 5B - Specifications relating to Hackney Carriage and Private Hire Vehicles

19. It is proposed to remove the 6 year maximum age of a vehicle when first presented for licensing.
20. It is a requirement that all new vehicles pass the Council's MOT compliance test to ensure they meet the required level of safety for public use. Once licensed, 6 monthly MOT compliance checks are undertaken to ensure vehicles remain safe. Vehicles can remain licensed until they are 10 years old (or 15 years in the case of wheelchair accessible vehicles and the proposed hybrid, electric and LPG vehicles).
21. It is considered that a vehicle with (for instance) low mileage, but over 6 years old can still meet the standards required for it to be considered safe to transport members of the public.
22. The removal of the maximum age of 6 years when first licensed will benefit the trade with a greater choice of vehicles, will assist financially and encourage the start-up of new local business.

Mandating the use of card payment machines or cashless payment facilities in Hackney Carriage Vehicles

23. Historically, cash payments were the preferred payment method for customers; however, in recent years this has shifted, and it is now common for people not

to carry cash, relying solely on card payments, or preferring to use Apple Pay or Google Wallet via their smartphone.

24. A number of complaints from members of the public have been received in relation to the lack of hackney carriage vehicles offering card payment facilities or alternative cashless options.
25. No complaints have been received in relation to private hire vehicles, and it is considered that this is due to the fact that these journeys are pre-booked and payment options (including app based systems) are agreed prior to the journey taking place.
26. It is proposed to mandate the provision of card payment machines in all Hackney Carriage Vehicles by way of adding the following conditions to each licence:
 - a. The proprietor shall ensure that passengers are able to make payment by debit card or credit card via a contactless card payment facility.
 - b. The proprietor shall ensure that all drivers of the vehicle are trained on how to use the card payment system and are aware that passengers must be able to make payment in this manner.
 - c. Where a fault in the card payment system is identified, the proprietor must notify the Council's Licensing Team and arrange repair/replacement within 48 hours.
27. Failure to arrange repair or replacement within 48 hours will incur 2 penalty points each day after the initial 48 hours.
28. It should be noted that the provision of card payment machines are in addition to existing cash payment options, and not a replacement for taking cash.
29. It is considered that the implementation of card payment machines will have numerous benefits to both the trade and the travelling public
 - a. Public safety : leaving a customer without a ride purely because they don't have cash can leave them vulnerable, especially at night.
 - b. Driver safety : less cash in the vehicle
 - c. Drivers will not lose custom (it is understood HC drivers are refusing fares when customers do not have cash)
 - d. Hackney Carriage Drivers can only refuse a fare if they have a 'reasonable excuse' : this usually means that a customer is displaying signs of aggression or intoxication. It is considered that to refuse a fare from a customer who does not have cash, is not a reasonable excuse.
30. Two main areas of concern that have been raised following communication with the trade on this subject are:

- a. The cost to the driver
 - b. Problems if no online coverage is available at the time of taking payment
31. Card payment machines can be purchased for a single up-front cost (around £30-£40), there are no subscription costs but a small transaction fee will be charged (around 1.7% - which, on a £15 fare equates to under 26p). It is considered the cost of this transaction fee is far less than the loss of income from a refused journey.
32. Card payment machines which allow payment to be taken 'off-line' are available. These machines store payment data for up to 72 hours until such time as signal is available, when they process the payment.

Key Implications

Financial

None directly arising from this report

Legal Implications and Risk Assessment Statement

The legal implications are as set out in this report.

Equality Assessment

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 dependent upon their personal needs. The results of this analysis are set out immediately below.

Sevenoaks Council is committed to social inclusion and ensuring a wide variety of vehicle types are available for disabled residents to avoid discrimination in terms of travel arrangements.

The Sevenoaks Statement of Hackney Carriage and Private Hire Policy has been updated in relation to the responsibilities placed upon drivers under the Equalities Act 2010, and the maintenance by the Authority of a list of wheelchair-accessible vehicles in accordance with section 167 of that Act.

Implementation of Disability Awareness training is being rolled out to all existing drivers and all new applicants must pass this training prior to a licence being issued.

Sevenoaks District Council is committed to taking appropriate action against any licensed driver failing to carry out their duties imposed upon them under the Equality Act 2010.

Net Zero Implications

Members are reminded of the Council's stated ambition to be Net Zero with regards to carbon emissions by 2030. The decisions recommended in this paper directly impact on this ambition. The impact has been reviewed and there will be a decrease on carbon emissions produced in the district as a result of this decision.

Any decision to extend the licence life of a hybrid, electric or LPG licensed vehicle to 15 years, rather than the current 10 years, may encourage proprietors to look at the purchase of low/zero emission vehicles having a positive impact on air quality in the district.

Appendices

Appendix A – Proposed Statement of Hackney Carriage & Private Hire Policy

Appendix B – Current Statement of Hackney Carriage & Private Hire Policy

Appendix C – Kent Taxi & Private Hire Survey

Background Papers

[Cartledge v Gelding Borough Council](#)

[Equality Act 2010 taxi and private hire provisions](#)

[Statutory Taxi and Private Hire Vehicle Standards](#)

Richard Morris
Chief Officer Planning & Regulatory Services