

REVIEW OF STATEMENT OF HACKNEY CARRIAGE & PRIVATE HIRE POLICY

Licensing Committee – 16 January 2024

Report of: Chief Officer Planning & Regulatory Services

Status: For Decision

Key Decision: No

Executive Summary:

This report presents the 'Statement of Hackney Carriage and Private Hire Policy' following a 7 week consultation. The purpose of the Policy is to define how the Council will exercise and administer applications submitted under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

The Policy sets out the expectations of the Council when licensing drivers, vehicles and operators.

Portfolio Holder: Cllr. Margot McArthur

Contact Officer: Susan Lindsey Ext. 7491

Recommendation to Licensing Committee:

That the revised Statement of Hackney Carriage and Private Hire Policy 2024-2029 (attached as **Appendix A**) be adopted as from 1 April 2024.

Reason for recommendation:

While it is not a legal requirement, it is best practice for a Licensing Authority to have a Statement of Hackney Carriage & Private Hire Policy.

It is important for the Licensing Department to obtain the views of interested parties on the proposed Policy and use these views to formulate any changes to the existing Policy. There have been a number of changes to the Policy which is outlined in the contents of this report, however no changes to this proposed Policy have been made since the last Licensing Committee in September 2023.

Introduction and Background

- 1 The Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 put a duty on the Council, acting as the Licensing Authority (LA), to determine the suitability of licensed drivers, vehicles and operators, with a view to public safety.
- 2 There is no legal requirement for the Council to have a Statement of Hackney Carriage and Private Hire Policy (SHCPHP).
- 3 The purpose of the policy is to outline the approach that Sevenoaks will take when dealing with applications made under The Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976; the document covers the following:
 - a) How the Licensing Authority (LA) will use its regulatory powers in relation to applications, enforcement and complaints.
 - b) How the Council will assess the suitability of licensed drivers, vehicles and operators
 - c) The LA's approach to regulation and expected standards.
 - d) The scheme of delegation
- 4 The last revision of the SHCPHP took place in March 2021.
- 5 The SHCPHP 2024-2029 can be reviewed and updated at any time during the life of the document. The Council keeps the SHCPHP under constant review to support the trade and continually improve public safety.
- 6 The new SHCPHP 2024-2029 for the District is proposed to commence from 1 April 2024.
- 7 As of the start of December 2023 Sevenoaks licenced 298 drivers, 267 vehicles and 39 operators. This includes both Hackney Carriage and Private Hire.

Proposal and Reasons

- 8 On 20th September 2023 the Licensing Committee agreed that the proposed draft SHCPHP 2024-2029 be approved for public consultation. **Appendix A**
- 9 A 7 week public consultation took place between 21st September and 12th November 2023.
- 10 The proposed amendments include the following main changes to Policy:
 - a) To formalise in policy the introduction of the Equo Safeguarding training for all new and existing drivers.

- b) To formalise in policy the new HMRC rules for taxi and private hire drivers and operators.
 - c) To formalise in policy online right to work checks.
 - d) To formalise in policy the inclusion of driver 'suspensions' as well as refused and revoked drivers through the NAFN (NR3) central database.
 - e) To include in policy a process whereby authorisations be given for continued work where all documentation for a licence has been submitted, assessed and validated but not yet processed.
 - f) To include in policy that all new licensed vehicles (other than stretched limousines and wheelchair accessible vehicles) must meet or exceed Euro 5 and Euro 6 emission standards.
 - g) Hybrid, electric and LPG vehicles to be licensed for up to 15 years.
 - h) To remove the 6 year maximum age of a vehicle when first presented for licensing.
 - i) To formalise in policy the responsibilities placed upon drivers under the Equalities Act 2010.
 - j) To mandate the use of card payment machines (as an addition to taking cash payments) in Hackney Carriage Vehicles by way of adding a condition to each licence.
- 11 The Sevenoaks Trade (through their Union representative) requested a meeting with Officers to discuss some of the issues they experience when using card payment facilities. This meeting was held on Thursday 2nd November and notes from that meeting are attached to this report at **Appendix B**
- 12 18 responses were received during the consultation period and are attached to this report at **Appendix C**
- 13 The majority of these responses relate to the proposed implementation of mandatory card payment machines in licensed vehicles. The main areas of concern raised in relation to this subject are summarised below:
- a) Lack of phone signal in certain areas within the Sevenoaks District
 - b) Additional cost to driver
 - c) Customer aggression when card payments declined
 - d) Additional time it takes to sort out card issues at peak times
 - e) More time requested to report and replace broken card readers to Local Authority.

- 14 Officer comments in relation to Shareb Affiliates response to the consultation are attached at **Appendix D**

Conclusions

- 15 Officers recommend that all changes proposed to the draft Policy (shown in red at **Appendix A**) are agreed, unless Members are minded to make changes following the content of responses to the consultation.
- 16 Officers would like to bring to Members attention that the implementation of mandating card payment facilities in Hackney Carriage Vehicles is to address complaints previously received where customers were unable to utilise any licensed vehicles on a local rank as fares were refused by the trade due to the customer wishing to pay by card. It is recognised by Officers that many more Hackney Vehicles now have card payment facilities, but the mandating of this will assist Officers when enforcing, should complaints of fare refusals be received. Officers do not consider it acceptable for a Hackney Carriage fare to be refused as a result of the customer wishing to pay by card.
- 17 Kent Police have informed Licensing Officers that they are in full support of licensed vehicles having card payment facilities.

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 – Consultation Responses

Appendix D – Officer comments in relation to Shareb Affiliates' consultation response

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