

<b>Licensing Committee Meeting</b>	
<b>Meeting Date</b>	11 <sup>th</sup> February 2025
<b>Report Title</b>	Hackney Carriage and Private Hire Licensing Policy 2025 - 2030
<b>EMT Lead</b>	Emma Wiggins, Director of Regeneration and Neighbourhoods
<b>Head of Service</b>	Charlotte Hudson, Head of Housing and Community Services
<b>Lead Officer</b>	Johanna Thomas, Licensing Team Leader
<b>Classification</b>	<b>Open</b>
<b>Recommendations</b>	<ol style="list-style-type: none"> <li>1. Members to consider the draft revised Hackney Carriage and Private Hire Licensing Policy and advise on any relevant amendments.</li> <li>2. Members to note the consultation process as outlined and to instruct officers to proceed with the same.</li> <li>3. Members to agree the increase in the soilage charge to be added to the new tariff, which will be consulted upon in accordance with the statutory requirements later this month.</li> </ol>

## **1 Purpose of Report and Executive Summary**

- 1.1 To present Members with a draft of the revised Hackney Carriage and Private Hire Licensing Policy and to advise on the proposed consultation methodology to be used.

## **2 Background**

- 2.1 The overarching aim of the taxi and private hire licensing regime is to protect the public by ensuring that all drivers, vehicles and operators are licensed and regulated by authorities in accordance with statutory provisions, primarily set out in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 and, where they exist, local policy considerations.
- 2.2 The aim of the licensing function is to provide a safe environment for those using licensed vehicles and also for ensuring that drivers are knowledgeable and understand their responsibilities to the travelling public e.g., particularly around safeguarding for vulnerable children and adults. Hackney carriages (taxis) and private hire vehicles, their drivers and their operators also have an important role to play in an integrated transport system. They are able to provide services in situations where public transport is either not available, outside “normal hours” such as the evening or at weekends, or for those with mobility difficulties.

- 3.3 Although it is not a statutory requirement, the Council has published a hackney Carriage and Private Hire Licensing Policy (approximately) every three years since 2014; taking into account the current Best Practice guidance issued by the Department of Transport, the Statutory Standards of 2020, and any other relevant matters.
- 3.4 The current edition of the Swale BC Hackney Carriage and Private Hire Licensing Policy 2022 – 2027 is available to view at <https://swale.gov.uk/news-and-your-council/strategies-and-policies/taxi-policy>
- 3.5 The DfT issued new Best Practice Guidance in November 2023. Because of the implications within the Guidance, it is necessary to bring forward a new edition of the Swale BC Hackney Carriage and Private Hire Licensing Policy which is intended to run from 2025 – 2030.

### **3 Proposals**

- 3.1 This revised draft policy seeks to incorporate the recommendations of the 2023 DfT Best Practice Guidance where it is considered appropriate to do so.
- 3.2 All proposed changes have been incorporated into the draft policy attached as **APPENDIX I** and a summary of these is set out in a table as **APPENDIX II** for ease of reference. A summary of the DfT Best Practice Guidance is attached as **APPENDIX III**.
- 3.3 There are a number of topics of particular interest which Members will want to consider, and which are:
- Disability Awareness for Drivers
  - Topographical Tests for Private Hire Driver applicants
  - Vehicle Ages
  - Environmental Considerations

These are dealt with below:

#### **3.3.1 Disability Awareness for Drivers**

The DfT Best Practice Guidance states that drivers should be trained in disability awareness and/or have their knowledge and skills assessed. Drivers should be encouraged, through targeted and general communications, to uphold the highest standards of customer service.

The licensing team intend to use a bespoke taxi training company Blue Lamp who have devised a course for new and existing drivers based on the best practice guidance in this respect.

The course is aimed at new and existing drivers to prepare them to become a taxi or private hire driver, or to refresh their skills in the following areas:

Reducing Driving Risk  
Raising Awareness of Distractions  
Improving Passenger Safety  
Responsibilities to Passengers with Disabilities  
Improving Customer Services (non-driving issues)  
Highway Code Refresher  
Update on Traffic Law

The course lasts 3 hours and is delivered virtually via Zoom. The cost of the course is £40, and the driver will receive an eCertificate upon successful completion along with a course booklet to consolidate the learning.

Whilst this is an additional cost to drivers, the licensing team are of the opinion that it is justifiable by what drivers will either learn or have skills refreshed.

New applicants will be need to complete the training as part of the application process to become a Swale licenced driver. Existing drivers will be required to complete the training once as part of the process when they next renew their licence

This is detailed at paragraph 3.13 of the revised policy.

### 3.3.2 Topographical Tests for Private Hire Driver applicants

The DfT guidance states that whilst taxi drivers need have a good working knowledge of the area for which they are licensed because taxis can be hired immediately, and that therefore local authorities should require that an applicant for a drivers' licence should pass a topographical test of knowledge before they are licensed, the same is not true for Private Hire Drivers who undertake pre-booked journeys and who will be able to research their journey if necessary.

It is appreciated that anecdotally private hire operators tell us that there is a shortage of drivers for them to fulfil their bookings and removing the topographical part of the SKT would be one way to alleviate this.

However, the licensing team have grave concerns as to how this would affect the taxi trade both in the short and long term if it was decided to remove the topographical part of the SKT.

Whilst we acknowledge that drivers can use sat nav systems, there are times when these drop out and are unavailable. Or when a driver is stuck in a traffic jam and is trying to seek an alternative route, the sat nav just recalculates the same route again, which is no good to either the driver or the passenger who may miss an appointment etc because the driver has no knowledge of any alternative route.

Of more concern in the long term is what operators would do regarding licensing of vehicles. A taxi can only be driven by a dual licensed driver, so whilst they

would be able to employ more people who hold private hire driver licences only if the best practice guidance recommendation was adopted, they may not necessarily have sufficient private hire vehicles in which to place them. The operator could therefore choose to decrease the number of licensed taxis within their fleet and increase the amount of private hire vehicles. Whilst this would be of great help to anyone pre-booking a taxi journey, this could mean that the amount of taxis available for immediate hire could diminish to a degree that it would have a serious impact on the safety of the public within the borough, particularly within the night-time economy and particularly vulnerable women and girls who need to be assured that they can get home safely at the end of the evening.

There are also a lot of passengers who arrive within Swale from trains and if they cannot access a taxi from the ranks this could be seriously detrimental. There is already an issue at Sittingbourne Station rank as this is privately owned by Southeastern trains and the number of permits that they will issue to Swale taxi drivers has been limited which already means that at certain times of the day it is virtually impossible to hire a taxi from there.

One solution is to revisit the idea of introducing a new category of private hire drivers' licences being a 'restricted' licence which could be used for drivers who would only undertake 'school runs' or other specific contract work. This was considered by Members of the General Licensing Committee in January 2021 - <https://services.swale.gov.uk/meetings/ieListDocuments.aspx?MIId=2317>

At that meeting Members decided the following:

*Resolved:*

*(1) That after consideration, introducing a new category of Private Hire Drivers' licence, being a restricted licence for school run contracts only, without the need to undertake the elements of the current Street Knowledge Test relating to routes and locations is not agreed.*

*(2) That after consideration, removing the requirement of testing knowledge of routes and locations for all applicants sitting the current Street Knowledge Test to obtain a Private Hire Drivers' licence be not agreed.*

However, in the light of the recommendations of the Best Practice Guidance the licensing team consider this option is a practical way forward for operators without putting the safety of the travelling public at risk and have therefore introduced Restricted Private Hire licences which would be for school run contracts and other specialised private hire work only into the draft revised policy.

This is detailed at paragraphs 3.1.1. – 3.1.4 and also in Appendix E of the draft policy which has been rewritten in its entirety to reflect this and the way that we now run Street Knowledge Tests.

A licenced restricted private hire driver would only be permitted to operate a vehicle licenced with Swale Borough council for restricted private hire work.

Conditions would be imposed on both the driver and vehicle licences. Conditions applicable to restricted private hire vehicles are detailed at Appendix A 23.1 -23.3 and for restricted private hire drivers at Appendix F 5.1 – 5.4 of the draft policy.

A condition for taxi operators assigning restricted private hire work is detailed at paragraph Appendix I12.1 of the draft policy.

### 3.3.3 Vehicle Ages

The DfT Guidance states that the setting of an arbitrary age limit on vehicles may be inappropriate, counterproductive and result in higher costs to the trade and ultimately passengers. They state that licensing authorities should not impose age limits and should instead consider more targeted requirements within the policy.

Whilst the licensing team recognise the thinking behind the DfT guidance we are not happy to dispense with age limits and feel that to protect the integrity of the fleet, age limits should remain.

There will be a difference in the condition of vehicles that are owned by operators, and which may be driven by multiple drivers, and those vehicles that are owned by an independent driver.

We have therefore retained the current age criteria within the draft policy. Any requests for an extension to licence a vehicle beyond the age limit is considered on a case-by-case basis.

### 3.3.4 Environmental Considerations

The DfT Guidance states that licensing authorities should carefully and assess the impact of vehicle emission requirements to enable the taxi trade to plan for the future. The trade will need to be fully prepared for the end of the sale of new petrol and diesel cars and the need to transition to zero emission vehicles.

The current and draft policy both state the following:

- 2.3 From 1 April 2023, all vehicle licence applications for newly licensed vehicles (i.e. all applications other than those to 'renew' an existing vehicle licence for the same vehicle by the same holder) must be for low emission vehicles (LEV) - either all electric, electric/fuel hybrid or Euro 6 diesel and Euro 6 petrol compliant. Older vehicles have over 3 times and some as much as 6 times the permitted emissions limit of Euro 6 diesel and petrol.
- 2.4 From 1 April 2023, all Euro 6 diesel and Euro 6 petrol vehicles will be licensed for a maximum period not to exceed 1 April 2033. Wheelchair and Executive vehicles are exempted from this requirement.
- 2.5 From 1 April 2027, all new vehicle licence applications must be for vehicles that are ultra-low emission (ULEV) ie: less than 75 grams of CO<sub>2</sub>. ULEV includes battery electric vehicle (BEV), extended range electric vehicle (E-

REV) plug-in hybrid electric vehicle (PHEV) or fuel cell electric vehicle (FCEV-hydrogen vehicle).

The decision for this ruling was debated at length at a meeting of the Licensing Committee of 4<sup>th</sup> October 2022

<https://services.swale.gov.uk/meetings/documents/s24300/Report%20v0.5%20-%20Taxi%20Policy.pdf>

Amongst the concerns raised regarding when to introduce a mandatory condition ULEV vehicles were:

- The lack of charging infrastructure in place at the current time
- The limited range (in terms of distance that can be travelled from a single charge) of electric vehicles
- The limited choice of electric vehicles available
- The cost of buying electric vehicles
- The potential effect this could have both to the licensed trade and to the travelling public of Swale.

In October 2022 there was an expectation and reliance that, as time moves forwards and prior to the implementation of the proposed EV policy requirements:

- EV charging points will become widely available and accessible locally and nationally.
- EV charging technology will improve to allow EV's to be charged much faster, such that the time taken to re-charge an EV will be closer to that taken to re-fuel a petrol/diesel vehicle.
- EV battery technology will improve to provide greater journey ranges between charges.
- The cost of electric vehicles will reduce, and the choice of vehicles will continue to expand.

However, the House of Lords Environment and Climate Change Committee published in February 2024

(<https://committees.parliament.uk/committee/515/environment-and-climate-change-committee/news/199773/the-uks-electric-vehicle-strategy-needs-a-rapid-recharge-says-lords-committee/>) stated the following:

“A successful transition to electric vehicles (EVs) is essential if the Government is to meet its legally binding net zero target by 2050.

The Government has committed to end the sale of new petrol and diesel vehicles by 2035 and there has been some welcome progress towards this target. The Government's Zero Emission Vehicles mandate, requiring manufacturers to sell an increasing proportion of EVs each year, was introduced in December 2023. There has also been some progress in the rollout of the UK's charging

infrastructure and the recent publication of strategies to enhance UK innovation and manufacturing.

However, progress is not happening fast enough, and major barriers remain.

- EVs make up about only 3 per cent of all cars currently on UK roads.
- EVs are still more expensive than their petrol and diesel counterparts. The availability of public charge points across the UK is highly variable.
- Many consumers face considerable anxiety around whether and where they will be able to charge EVs reliably, affordably, and quickly.
- We heard calls from a range of witnesses for clearer communication and more leadership from the Government.
- The concern the Government expressed to us about the scale of misinformation has not been matched by commensurate urgency in tackling it.

Faced with conflicting claims and alarmist headlines, consumers need a go-to source of comprehensive, clear and balanced information so they can make informed decisions about their vehicles.

The transition to EVs offers a host of other benefits, including reducing noise and improving air quality.

The Committee is calling on the Government to:

- a) Tackle the disparity in upfront costs between electric and petrol and diesel cars, by introducing targeted grants to support consumers buying affordable models.
- b) Turbo-charge the charging infrastructure rollout by reviewing outdated and disproportionate planning regulations and tackling delays in the rollout of key public funding programmes.
- c) Ensure charging is reasonably priced, convenient, and reliable by equalising VAT rates for domestic and public charging.
- d) Invest in UK recycling to ensure that recycling is undertaken by responsible operators, and that the UK is able to recoup as many of the critical materials contained in EV batteries as possible for its own domestic production.”

No doubt the taxi trade of Swale will have their own opinions on this important subject and their views will be reflected to Members after the public consultation so that they can decide whether the existing proposals to moving to an all ULEV taxi fleet are realistic or whether there is a need to amend them.

It is proposed that the date by which all new vehicle applications must be for Ultra Low Emission Vehicles remains the 1<sup>st</sup> April 2027 as per the current policy, but subject to change following any relevant responses to the consultation.

### 3.3.5 Hackney Carriage (Taxi) Fares – Soilage Charge

At a meeting of the General Licensing Committee on 4<sup>th</sup> October 2022 –

<https://services.swale.gov.uk/meetings/documents/s24281/Taxi%20Tariff%20report%20-%20v0.7.pdf>

Members agreed that there should be an automatic annual increase to the taxi tariff and that the increase should be based upon the National Rail fares, subject to a statutory consultation. This was included in the current policy and the increase to the tariff was applied in 2023 and 2024.

However, no provision was made for an increase in the charge to passengers if they are responsible for soiling the vehicle to the extent that it has to be cleansed before re-use.

The current fee set at a maximum of £50 has been in place for more than 10 years and does not take into account current valeting fees and additional charges for heavily soiled upholstery and odour removal.

The soilage fee set by other local Councils varies with four setting the limit at £50 or under, four setting a limit of £100, one at £125 and two stating that it is a matter between the driver/company and the customer.

We would like to propose an increase to £85 and to include the wording “a matter between the driver/company and the customer not exceeding £85”

If Members are in agreement we would like to propose that this increase is added to the new tariff before it goes out to public consultation this month.

## **4 Alternative Options Considered and Rejected**

4.1 If the modified proposals are not considered suitable then Members could:

- a) revert to the original taxi policy or;
- b) Propose amendments to be made to the draft policy before it is sent out to consultation; or
- c) request that licensing officers look at the draft proposals again and return to this committee with a further draft at a later date.

4.2 If Members do not agree with the proposed increase to the tariff soilage fee then Members could:

- a) Decide not to increase the soilage fee;
- b) Propose a different amount for the increase.
- c) Remove the soilage fee from the tariff altogether and replace with the following statement, “a matter between the driver/company and the customer”.

## **5 Consultation Undertaken or Proposed**



- 5.1 A consultation period of 12 weeks is proposed to run between 20<sup>th</sup> February and 22<sup>nd</sup> May. Methods of consultation will be via the councils' website, social media pages, newspaper advertisements, by letter, direct email, newsletters, online surveys and face to face meetings with the taxi trade.
- 5.2 It is proposed to consult with the following:
- a) All of the hackney carriage and private hire trade
  - b) Kent Police
  - c) Kent County Council Traffic & Road Safety
  - d) Kent County Council Highways department
  - e) Kent County Council (Schools contracts)
  - f) Driver and Vehicle Standards Agency (DVSA)
  - g) Local businesses and their representatives
  - h) Local Residents and their representatives
  - i) Ward Councillors, Town and Parish Councils
  - j) The National Private Hire Association
  - k) The National Taxi Association
  - l) Public Health Kent
  - m) Citizens Advice
  - n) Age UK
  - o) Swale Council Environmental Health Department
  - p) Swale Council Engineers
- 5.3 All incoming responses will be collated and entered onto a grid for consideration.
- 5.4 The Community Services Manager in consultation with licensing officers and possibly officers from the Environmental Health department will conduct an evaluation of each response and give a recommendation as to whether or not to amend the policy statement and, if so, to what extent.
- 5.5 The grid and recommendations will be reported to a future meeting of the Licensing Committee for further consideration and then to Policy and Resources Committee.
- 5.6 Any proposed variations recommended by Members of the Licensing Committee or Policy and Resources Committee will then be incorporated into the revised Hackney Carriage and Private Hire Licensing Policy to create the final draft.
- 5.7 Following consideration of the outcome of the consultation process and subsequent recommendations, it is proposed that the amended Policy will then be approved for adoption by the Chair of Policy Development and Review Committee and the Chair of Licensing Committee without further need to report back to the Licensing Committee as a whole if Members agree to such a proposal.
- 5.8 The consultation to increase the tariff soilage charge will be completed as part of the tariff increase and will follow the consultation process set out in Section 65 of the Town Police Clauses Act 1847 and Local Government (Miscellaneous

Provisions) Act 1976. If there are any unresolved representations to the tariff changes they will be presented to a future meeting of the Licensing Committee for consideration.

## 6 Implications

Issue	Implications
Corporate Plan	<p>The service is an important regulatory function undertaken to ensure the safety of the travelling public of Swale as well as its licensed drivers.</p> <p>There are links to:</p> <p>Community - To enable our residents to live, work and enjoy their leisure time safely in our borough and to support community resilience.</p> <p>Economy - Working with our businesses and community organisations to work towards a sustainable economy which delivers for local people.</p> <p>Environment - To provide a cleaner, healthier, more sustainable and enjoyable environment, and to prepare our borough for the challenges ahead.</p> <p>Running the Council - Working within our resources to proactively engage with communities and outside bodies to deliver in a transparent and efficient way.</p>
Financial, Resource and Property	<p>The cost of consultation and publishing an updated policy will be met from within existing budgets. It is the intention that the cost for taxi drivers to complete disability awareness training will be met by the individual drivers. The Hackney Carriage and Private Hire Policy is not envisaged to place any new financial pressures on the Council.</p>
Legal, Statutory and Procurement	<p>There is no legal requirement for a policy, however it is best practice. The Department for Transport's statutory standards make a clear recommendation that licensing authorities should publish a single licensing statement or policy for taxi and private hire vehicle licensing that brings together all their procedures in one place.</p> <p>Rights of appeal are granted to all applicants and licensees who are aggrieved by any licensing decisions.</p> <p>Changes to the table of fares published by the Authority must be made in accordance with the procedure set out in s.65 Local Government (Miscellaneous Provisions) Act 1976. That sets out</p>

	the notification requirements and the process if unresolved representations are made to any proposed changes.
Crime and Disorder	<p>The licensing role of the Council is important in improving the safety, security and welfare of the Borough's residents, visitors and business community by ensuring an adequate supply of properly licensed taxis as a safe mode of transport for the public, particularly when other public transport is unavailable and ensuring the safety of drivers.</p> <p>A published policy setting out how the council will achieve these aims is seen as an important regulatory tool.</p>
Environment and Climate/Ecological Emergency	The draft policy has considered environmental sustainability with regards to emissions from vehicles and the council's commitment to be carbon neutral by 2030.
Health and Wellbeing	The health of the residents of the borough could be improved by addressing vehicle emissions. Also, by ensuring public safety.
Safeguarding of Children, Young People and Vulnerable Adults	<p>Licensing regimes are largely designed to protect public safety. The DfT Statutory Standards and The Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 go even further to protect public safety, especially children, young people and vulnerable adults and these have been incorporated into this policy revision.</p> <p>Air quality is also an important aspect of protecting children and vulnerable adults and therefore imperative that the licensing of vehicles contributes to improving the air quality in the borough.</p>
Risk Management and Health and Safety	Whilst each individual application will be judged on its own merits, a documented policy ensures a transparent and consistent approach to licensing that reduces the opportunity for challenge through the Courts. Challenges to a particular decision are more likely to fail if the Council can demonstrate that it has adhered its published policy and there was no reason to depart from it. Any departure will be based on material evidence and will be documented giving clear and compelling reasons for doing so.
Equality and Diversity	This policy includes provisions for licence holders to meet requirements contained in the Equality Act 2010 and The Taxis and Private Hire Vehicles (Disabled Persons) Act 2022. An Equality Impact Assessment will be conducted after the public consultation.
Privacy and Data Protection	All applications processes will be in line with privacy and data protection regulations

## 7 Appendices

7.1 The following documents are to be published with this report and form part of the report:

- Appendix I: Draft Swale BC Statement of Hackney Carriage and Private Hire Licensing Policy 2025 - 2030
- Appendix II - Summary of amendments to the current Swale BC Hackney Carriage and Private Hire Licensing Policy
- Appendix III - Summary of the DfT Best Practice Guidance 2023 and implications for Swale BC

## **8 Background Papers**

All relevant legislation as outlined at paragraph 1.1.2 of the draft Swale BC Hackney Carriage and Private Hire Licensing policy, most particularly The Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976

The DfT Statutory Taxi & Private Hire Vehicle Standards 2020

The DfT Best Practice Guidance 2023

The Energy Saving Trust – A step-by step guide to local authorities on transitioning the taxi trade to electric vehicles <https://energysavingtrust.org.uk/wp-content/uploads/2022/10/Transitioning-the-taxi-trade-to-electric-vehicles-A-step-by-step-guide-for-LAs.pdf>