

**Table of Amendments and Insertions to the draft Swale BC Hackney Carriage and Private Hire Licensing Policy 2025 -2030 incorporating changes included in the DfT Best Practice Guidance issued November 2023**

| <b>Policy Section No and Title where applicable</b> | <b>Current wording within policy</b>  | <b>Amended or inserted wording to be used within policy</b>  |
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| Throughout the whole Policy and Appendices          | Throughout the whole Policy and Appendices there have been minor amendments due to typographical errors or to improve grammar.      | The majority of amendments to the policy are to incorporate the DfT 2023 Best Practice Guidance to which all licensing authorities must have regard in carrying out their licensing functions and to provide greater clarity or to use clearer language  |
| 1.1.2 Legislation                                   | Various taxi licensing legislation  | Additional Acts relating to taxi licensing included for clarity <ul style="list-style-type: none"> <li>• The General Data Protection Regulations 2018</li> <li>• The Deregulation Act 2015</li> <li>• Human Rights Act 1998</li> <li>• Road Traffic Acts</li> <li>• The Police and Crime Act 2017</li> <li>• The Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022</li> <li>• The Taxis and Private Hire Vehicles (Disabled Persons) Act 2022</li> </ul> |
| 1.2.3   | In 2010 the DfT's Guidance was updated, and this policy revision takes the 2010 version into account                                | In November 2023 the DfT's Guidance was updated, and this policy revision takes the 2023 version into account.   |
| 1.2.5   | a) Adopting the standards set out within the Statutory Taxi and Private Hire Vehicle Standards, where they are not already in place | a) Adopting the DfT's 2023 Guidance where it is considered applicable and necessary.   |

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| 1.2.7               | <p>The Council sees the licensing process as an integral part to its approach to achieving its strategic and corporate objectives which encompasses the visionary goals of:</p> <ol style="list-style-type: none"> <li>a) Keeping Swale safe</li> <li>b) Engaging and empowering communities within the Borough</li> <li>c) Driving the economic development of the Borough</li> <li>d) Ensuring a strong customer focus and delivering quality frontline services</li> </ol> | <p>Amended in line with the Swale BC Corporate Plan 2023 – 2027</p> <p>Visionary goals are now:</p> <ol style="list-style-type: none"> <li>a) To enable our residents to live, work and enjoy their leisure time safely in our borough and to support community resilience</li> <li>b) Working with businesses and community organisations to work towards a sustainable economy which delivers for local people</li> <li>c) To provide a cleaner, healthier, more sustainable and enjoyable environment, and to prepare our borough for the challenges ahead</li> <li>d) Working within our resources to proactively engage with communities and outside bodies to deliver in a transparent and efficient way</li> </ol> |
| New paragraph 1.2.9 |   | <p>Inserted for clarity</p> <p>1.2.9 Definitions of the various licences issued are:</p> <ul style="list-style-type: none"> <li>• Hackney Carriage – A vehicle licensed by the authority to ply for hire. It must have no more than 8 passenger seats. It may stand at ranks, be hailed on the street by the public or undertake pre-booked work.</li> <li>• Private Hire vehicle – A vehicle licensed by the authority to undertake pre-booked work. It must have no more than 8 passenger seats. It may stand at ranks. Bookings must be made in advance via a private hire operator licensed by the same authority. It cannot ply for hire.</li> </ul>   |

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|             |  | <ul style="list-style-type: none"> <li>• Restricted Private Hire vehicle – Private Hire vehicles with conditions applied restricting their use.</li> <li>• Limousine – Limousine means a luxury vehicle of high quality which may be driven by a chauffeur and with a partition between the driver and passenger compartment.</li> <li>• Private Hire Operator – A private hire operator licence is required to permit the taking of private hire bookings and the despatch of private hire vehicles. A licence can be issued to an individual or a company.</li> <li>• Dual Hackney Carriage/Private Hire Driver licence – The individual is licenced to drive both Swale-licensed hackney carriages and private hire vehicles.</li> <li>• Private Hire Driver licence – The individual is licenced to drive private hire vehicles only.</li> <li>• Restricted Private Hire Driver licence – The individual is licenced to drive restricted private hire vehicles only.</li> </ul> |
| 1.3.2       | Licensing objectives   | <p>Additional objectives added:</p> <ul style="list-style-type: none"> <li>e) The safeguarding of children, young and vulnerable persons</li> <li>f) Encouraging environmental sustainability</li> </ul>  |
| 2. Vehicles | <p>2.5.1<br/> Within the Borough of Swale, both hackney carriages and private hire vehicles are required to display licence plates that are permanently fixed externally on the rear of the vehicle with Hackney plates being white, private hire being yellow. This is a key feature in helping to identify vehicles that are</p> | <p>Within the Borough of Swale, both hackney carriages and private hire vehicles are required to display licence plates that are permanently fixed externally on the rear of the vehicle with Hackney plates being white, private hire being yellow and restricted private hire plates being green. This is a key feature in helping to identify vehicles that are</p>  |

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|                   | <p>properly licensed. The plate details Swale Borough Council as the Licensing Authority, the vehicle make, colour and registration mark, the number of passengers the vehicle can carry and the expiry date of the licence.</p> <p>2.5.4 New paragraph</p> | <p>properly licensed. The plate details Swale Borough Council as the Licensing Authority, the vehicle make, colour and registration mark, the number of passengers the vehicle can carry and the expiry date of the licence.</p> <p>2.5.4 A private hire vehicle can be licenced by Swale Borough Council as private hire or as restricted private hire, this Council does not permit the issue of two licences for one vehicle. This is to avoid confusion and non-compliance with the conditions of a restricted private hire vehicle licence and a restricted private hire drivers licence.</p>  |
| <p>3. Drivers</p> | <p>3.1.1 – 3.1.4</p>  | <p>Added for clarity and to include a new category of driver licence i.e. Restricted Private Hire Driver licence</p> <p>3.1.1 In order to drive a hackney carriage or private hire vehicle, the driver must also be licensed by the same Council.</p> <p>3.1.2 Swale issue Dual Hackney Carriage and Private Hire Driver licences. This enables the holder to drive Swale-licensed hackney carriages and/or private hire vehicles.</p> <p>3.1.3 A Restricted Private Hire Driver’s licence may also be issued for the purpose of carrying out school contract runs, or other limited and specified work, only in a Swale-licensed restricted private hire vehicle. Restricted private hire licences are, in effect, private hire licences that are subject to additional conditions restricting</p> |

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|  |   | <p>the type of work that they can carry out. Those applying for a restricted private hire licence will therefore, unless otherwise specified, be subject to the same requirements and provisions that apply to other private hire applicants and licence holders.</p> <p><b>3.1.4</b> Conditions cannot be imposed on Hackney Carriage drivers' licences but where a licence is issued for a dual Hackney Carriage and Private Hire licence the conditions set out in <b>Appendix F</b> apply. Additional conditions for Restricted Private Hire Drivers are also set out in Appendix F</p>  |
|  | <p>3.3.2 Hackney Carriage drivers require a greater knowledge than Private Hire drivers because their vehicles can be hired immediately at ranks or on the street. Whilst the Council recognises that as Private Hire vehicles must be pre-booked, therefore affording a Private Hire driver the opportunity to research the required route, it will still be necessary for any prospective driver to pass the Street Knowledge Test albeit with a lower pass mark.</p> | <p>3.3.2 Hackney Carriage drivers require a greater knowledge than Private Hire drivers because their vehicles can be hired immediately at ranks or on the street. The DfT 2023 Guidance suggests that applicants for a private hire only licence should not have to undertake a topographical test. However, this causes the Council some concern. Whilst the Council recognises that as Private Hire vehicles must be pre-booked, therefore affording a Private Hire driver the opportunity to research the required route, it will still be necessary for any prospective driver to pass the Street Knowledge Test albeit with a lower pass mark.</p> |

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|                                   |  | <p>3.3.3 Those applicants applying for Restricted Private Hire licence who will undertake school run contracts or other limited and specified work will not be required to undertake the topographical part of the Street Knowledge Test but must pass all other sections of the test.</p>  |
| 3.9 Grant and renewal of licences | <p>3.9.1 Drivers' licences are normally granted for a period of three years. However, they may be issued for a lesser period of time if in the opinion of a medical practitioner who conducted the medical examination advised it would be more appropriate to do so.</p> <p>3.9.6 New paragraph</p> | <p>To allow for greater flexibility in licence periods for drivers over 65:</p> <p>3.9.1 Drivers' licences are normally granted for a period of three years. However, they may be issued for a lesser period of time if in the opinion of a medical practitioner who conducted the medical examination advised it would be more appropriate to do so. Requests for the issue of an annual licence will also be considered from drivers once they reach 65 years of age</p> <p>3.9.6 A licence will normally remain in force until expired, revoked or suspended. If a licence holder wishes to surrender their licence they should contact the Licensing Authority at the earliest opportunity as there will be circumstances where this may not be possible, for example, the Licensing Authority will not accept a surrender of the licence where concerns have been raised which could lead to enforcement action.</p> |
| 3.13 Disability training          | New paragraph  | Inserted in line with the DfT 2023 Guidance   |

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|                     |  | <p>3.13 Disability Training</p> <p>3.13.1 The Dft 2023 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.</p> <p>3.13.2 Swale will therefore require that new applicants and existing drivers undertake training provided by an external company to learn or refresh skills which will include a module on drivers' responsibilities to passengers with disabilities.</p> |
| 4.8 Sub-contracting | <p>4.8.1 In accordance with the Deregulation Act 2015, a Private Hire Operator is permitted to subcontract a booking to another operator who is licensed in a different licensing district.</p>  | <p>Reworded for greater clarity</p> <p>4.8.1 Section 55A of the Local Government (Miscellaneous Provisions) Act 1976, inserted by the Deregulation Act 2015, permits operators licensed by the Council to sub-contract a private hire booking to another operator licensed by the Council.</p>   |
| 5.1 Fares           | <p>5.1.1 Fare rates are reviewed following discussions with the trade or any section of the trade. The fares will not normally be reviewed more than once a year unless there are exceptional circumstances which would justify a further increase, for example a particularly sharp increase in petrol/diesel prices.</p> <p>5.1.2 When determining the level of fares consideration will be given as to what it is reasonable to expect the travelling public to</p> | <p>Paragraphs amended or deleted in line with a decision of the Licensing Committee of Swale BC on 4<sup>th</sup> October 2022:</p> <p>Amended</p> <p>5.1.1 Fare rates are automatically increased annually, and the increase is based upon the National Rail fare increase, subject to the required statutory consultation. This approach provides certainty to the taxi</p>  |

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|             | <p>pay as well as the need to give drivers an incentive to provide a cost-effective service at the times it is needed.</p> <p>5.1.5 In reviewing the fare tariff the Council will consult with the trade and follow the appropriate procedures in the Local Government (Miscellaneous Provisions) Act 1976.</p> | <p>trade that there will be an increase to the tariff and also consistency for the travelling public that the fare increase will be in line with the National Rail increase which is based on CPI other than when government has deemed that a differing increase is appropriate. The fares will not normally be reviewed more than once a year unless there are exceptional circumstances which would justify a further increase, for example a particularly sharp increase in petrol/diesel prices.</p> <p>Paragraph 5.1.2 deleted</p> <p>Amended</p> <p>5.1.5 In reviewing the fare tariff the Council will follow the appropriate procedures in the Local Government (Miscellaneous Provisions) Act 1976.</p> <p>It is also intended that the soilage charge on the existing tariff will be increased from £50 to £85</p> |
| 5.4 Refunds | <p>5.4.1 In the case of any licence where the licence holder surrenders their licence prior to the expiry date, there will be no refund in respect of the unexpired portion of the licence fee.</p>   | <p>Amended to be fairer to licensees</p> <p>5.4.1 In the case of any licence where the licence holder surrenders their licence prior to the expiry date, refunds will be given on a pro-rata basis in respect of the unexpired portion of the licence fee.</p>  |



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| <p>Appendix A<br/>2. Age of vehicles</p> | <p>2.1. All vehicles will be licensed for up to 10 years from the date of first registration with the exception of purpose built and multi-seat vehicles with wheelchair accessibility which can be licensed for up to 15 years from first registration.</p> <p>2.2. Vehicles will be no more than 8 years old at the time of presenting as a new vehicle for a 10 year licence and no more than 12 years old at the time of presenting as a new vehicle for a 15 year licence and must be in a pristine condition.</p> | <p>Amended for greater clarity and to include the ability for the 'life' of a licensed vehicle to be extended on a case-by-case basis.</p> <p>2. Age</p> <p>2.1. All vehicles that are licensed for 4-6 passengers will be licensed for up to 10 years from the date of first registration.</p> <p>2.1.2 Purpose built and multi-seat vehicles that are licensed for 7-8 passengers and which must have wheelchair accessibility, will be licensed for up to 15 years from first registration.</p> <p>2.2. Vehicles will be no more than 8 years old at the time of presenting as a new vehicle for a 10 year licence and no more than 12 years old at the time of presenting as a new vehicle for a 15 year licence and must be in a pristine condition.</p> <p>2.3. Requests for an extension to the maximum age beyond which a vehicle will not normally be licensed will be considered on a case-by-case basis.</p> |
| <p>Appendix A<br/>4. Body</p>            | <p>Signage</p> <p>4.8 Signs are not mandatory on Private Hire vehicles but can be fitted if desired. It is suggested best practice to do so. The size</p>   | <p>Amended</p> <p>4.8 In line with the 2023 DfT Guidance, Private Hire vehicles are to be fitted with permanent signage on the front doors stating "Pre-booked only".</p>   |

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|  | and style will be subject to the approval of an authorised officer.  |  |
| Appendix A<br>23. <b><u>Conditions that apply to Restricted Private Hire Vehicles only</u></b> | New paragraphs<br><br>Sections 23 to 29 renumbered 24 to 30 accordingly  | <p><b>23.1</b> A restricted private hire vehicle will only be licenced for contracted school runs or on written agreement with Swale Borough Council Licensing for specialised contract work for executive car hire.</p> <p><b>23.2</b> Applications for new and renewal restricted private hire vehicle licences must be accompanied by evidence of a school run contract between a Swale licenced private hire operator and the local education authority unless a written agreement with Swale Borough Council Licensing for specialised executive car hire is in place.</p> <p><b>23.3</b> Restricted private hire vehicles are not permitted to be fitted with a taximeter.</p> |
| Appendix A<br>26. Advertising<br><br>Renumbered 27 Advertising                                 | 26.1 Third party advertising is not permitted on vehicles including radio stickers, football stickers or any other signs with the exception of the vehicle producer / supplier details. However, the name of the taxi company must be displayed on the front doors of all Hackney vehicles and Proprietors are allowed to also display company details on the rear of vehicles. Door signs are not mandatory on Private Hire vehicles. | Amended as door signs for Private Hire vehicles to state 'Pre-booked only' are now mandated<br><br>27.1 Third party advertising is not permitted on vehicles including radio stickers, football stickers or any other signs with the exception of the vehicle producer / supplier details. However, the name of the taxi company must be displayed on the front doors of all Hackney vehicles and Proprietors are allowed to also display company details on the rear of vehicles. Private Hire vehicles must state 'Pre-booked only' on the front doors.  |

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| <p>Appendix C<br/>6. DBS checks</p>   | <p>6.1.9 Licences will not be issued until such times as the Council has sight of a satisfactory returned DBS check. Swale Council will not issue temporary badges as a result of delayed checks. It will be the driver's responsibility to make sure they have joined the DBS Update Service to be able to renew their licence on time.</p> <p>6.1.16 When a driver is applying for the renewal of their licence where a DBS check is required, attention is drawn to the fact that the badge renewal will not be issued until such times as the Council has sight of the original satisfactory DBS check. Should there be a period of time between the expiry of the existing badge and the return of the DBS check, drivers will not be able to work and will be required to return their badge to the Council within 5 working days of the expiry date.</p> | <p>Amended (due to extreme delays with the return of checks from the DBS service. This only applies to applicants who require a manual DBS check. Most individuals are signed up to the DBS update service which allows the council to undertake online checks every six months).</p> <p>6.1.9 Licences will not normally be issued until such times as the Council has sight of a satisfactory returned DBS check. However, Swale Council may issue temporary badges as a result of the long turn round time within the DBS service in returning some checks. The issue of a temporary badge will be considered on a case-by-case basis.</p> <p>6.1.16 Deleted as no longer applies.</p> |
| <p>Appendix D<br/>Guidelines relating to relevance of previous convictions, offences, prosecutions and cautions</p> | <p>16.2. In particular, an application will normally be refused where the applicant has 6 or more penalty points on his DVLA licence (whether or not the applicant was convicted by a court for the offences for which the points were imposed) or where the applicant has more than one offence, conviction prosecution or caution for this type of offence within the last 6 months.</p> <p>24. The Rehabilitation Period of Sentences</p>  | <p>Amended</p> <p>16.2. In particular, an application will normally be refused where the applicant has more than 6 penalty points on his DVLA licence (whether or not the applicant was convicted by a court for the offences for which the points were imposed) or where the applicant has more than one offence, conviction prosecution or caution for this type of offence within the last 6 months.</p>   |

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|   |  | 24. Completely amended to align with government legislation that came into force on 28 <sup>th</sup> October 2023  |
| Appendix E<br>Driver Knowledge Tests                      |  | Complete Appendix revised to reflect changes to how Street Knowledge Tests are conducted.  |
| Appendix F<br>Private Hire Driver's Licence<br>Conditions | New section added<br><br>5. Conditions Applicable to Restricted Private Hire Drivers | <p><b>5.1</b> The holder of a restricted private hire driver's licence shall comply with the above listed conditions 1 to 4 with the exception of condition 3.3 relating to the use of a taxi meter. Conditions 1 to 4 should be read in conjunction with the Code of Conduct set out in <b>APPENDIX H</b>.</p> <p><b>5.2</b> Restricted private hire drivers are only licenced to drive Swale licenced restricted private hire vehicles and in accordance with the conditions imposed on a restricted private hire vehicle.</p> <p><b>5.3</b> Applications for new and renewal restricted private hire driver licences must be accompanied by evidence of a school run contract between a Swale licenced private hire operator and the local education authority unless a written agreement with Swale Borough Council Licensing for specialised executive car hire is in place.</p> <p><b>5.4</b> To ensure continued compliance with condition 5.3 restricted private hire badges will be issued for one year and require evidence of the continuation of the local education authority</p> |

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|  |                     | school run contract or written agreement with Swale Borough Council Licensing for specialised executive car hire. Where the driver is under 65 years of age the driver will only need to provide a new medical every 3 years.   |
| Appendix I<br>Private Hire Operators Licence<br>Conditions | New paragraph added | <p><b>12. Restricted Private Hire Operators and Drivers</b></p> <p><b>12.1</b> Operators will only assign bookings to restricted private hire drivers and restricted private hire vehicles in accordance with the conditions specifying the restrictions for use for these licences .</p> |
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