

Licensing Committee Meeting	
Meeting Date	14 th July 2025
Report Title	Hackney Carriage and Private Hire Licensing Policy 2025 - 2030
EMT Lead	Emma Wiggins, Director of Regeneration and Neighbourhoods
Head of Service	Charlotte Hudson, Head of Housing and Community Services
Lead Officer	Johanna Thomas, Licensing Team Leader
Classification	Open
Recommendations	<ol style="list-style-type: none"> 1. Members to consider each of the recommendations made in the evaluation grid attached as Appendix III to this report, and request officers to update the draft policy document at Appendix 1 accordingly, prior to formal approval. 2. That following the policy being updated, this committee recommends the policy to the Policy and Resources Committee for adoption, with a commencement date of 15 September 2025. 3. That Members delegate any future amendments to appendices of the Statement of Hackney Carriage and Private Hire Licensing policy which are of a minor nature to the Policy & Communities Manager. 4. Members to agree the detail of the biannual tariff increase to be included in the update to the draft policy document at Appendix 1, prior to formal approval.

1 Purpose of Report and Executive Summary

- 1.1 This report is to present members with consultation responses received in respect of the draft 'Statement of Hackney Carriage and Private Hire Licensing Policy.'
- 1.2 The report includes an evaluation of each response and gives an officer recommendation as to whether or not to amend the draft policy statement and, if so, in what way and to what extent. Member input is sought in finalising the policy statement for publication and implementation.

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.
- 2.3 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 Best Practice guidance issued by the Department of Transport, the Regulator’s Code, and any other relevant matters.
- 2.4 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>
- 2.5 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 2025 revised 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.

4 Consultation Undertaken

- 4.1 A consultation period of 12 weeks ran from 26 February 2025 to 28 May 2025. Methods of consultation included advertising on the council’s website, by way of direct emails, and where this was not possible, postal mailshots as well as advertising in local newspapers and a face-to-face meeting with the trade.

Newsletters reminding drivers and operators to participate in the consultation were also sent out by email.

4.2 The following responses to the consultation were received:

- a) Ward Councillor – 1
- b) Operators – 6
- c) Drivers – 2
- d) KCC Transport – 1
- e) National Private Hire and Taxi Association – 1

4.3 All responses that have been received have been entered onto a grid for consideration.

4.4 Licensing Officers, in consultation with the Policy & Communities Manager have conducted an evaluation of each response and where not mentioned in this main report have given comments and recommendations as to whether or not to amend the policy statement, and if so, in what way and to what extent.

4.5 The grid is attached as **APPENDIX III**. The main issues raised for members to consider are detailed as follows:

4.6 Date for transition to ultra-low emission electric vehicles

The issue that raised the most concerns related to the date set within the current policy for the transition of the trade to ultra-low emission electric vehicles (ULEV):

2.5 *From 1 April 2027, all new vehicle licence applications must be for vehicles that are ultra-low emission (ULEV) i.e.: less than 75 grams of CO₂. 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).*

Concerns raised mirrored those expressed by the trade in response to the consultation for the 2022 Policy, namely:

4.6.1 The lack of charging infrastructure in place at the current time

4.6.2 The limited range (in terms of distance that can be travelled from a single charge) of electric vehicles.

4.6.3 The limited choice of electric vehicles available

4.6.4 The cost of buying electric vehicles.

- 4.6.5 The potential effect this could have both to the licensed trade and to the travelling public of Swale.

And added a new point of concern:

- 4.6.6 Lack of garages and trained mechanics with the ability to deal with repairs for ULEVs.
- 4.7 When members agreed the 2022 policy there was an expectation that infrastructure, technological advancements, price, and availability of ULEVs would be more conducive to progressing towards a ULEV taxi fleet. It is fair to say that advancements have not progressed as quickly as expected coupled with misinformation and consumer apprehension, while sales of fully electric cars are increasing, they still only account for 4.5% of the 34 million cars on UK roads.
[How many EVs are there in the UK - EV market statistics 2024 - Zapmap](#)
- 4.8 In January 2024 the Government revised the date to ban sales of new petrol and diesel cars putting it back to 2035. Following the general election and the change in Government the original 2030 date was reinstated for the ban.
- 4.9 However, the House of Lords Environment and Climate Change Committee published in February 2024 reported that progress for the transition to electric vehicles is not happening fast enough, and major barriers remain. They urged the Government to take steps to accelerate progression, and suggested measures to tackle the price disparity between electric vehicles and petrol and diesel vehicles; speeding up the rollout of charging infrastructure; and ensuring charging is reasonably priced (<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/>).
- 4.10 The current Government target for net zero emissions is 2050. In March, this year Swale Borough Council by way of the revised Climate and Ecological Emergency Action Plan amended their own net zero target from 2030 to 2045.
- 4.11 At the Licensing Committee meeting held on 11th February 2025 Members welcomed the consultation process to inform decisions. In addition to comments included in the consultation grid, Members should consider the following points when considering whether the existing proposal for all new vehicle applications to be ULEVs from 1st April 2027 is realistic:
- 4.11.1 The Hackney Carriage and Private Hire Licensing Policy can be reviewed and updated at any point should Members wish to consider postponing this decision to a later date. However, the proposed vehicle requirement is set to be implemented in 21 months' time so members may feel it more appropriate to agree a firm date now and review the date at the next policy revision in 2030.
- 4.11.2 Swale saw a reduction in the number of licenced divers following the pandemic from approximately 450 in 2017 to 293 in 2021. Over the past 4 years we have

seen a small increase to 324 licenced drivers but have not recovered the pre-pandemic numbers. The national statistics are showing a downward trend since 2017. If drivers and operators view Swale's vehicle licensing requirements as too stringent operators may downsize their business by not plating new vehicles when their current vehicles reach the age by which they can no longer be licenced, or operators and independent drivers may decide their business is no longer viable and cease to trade. This would have a detrimental effect on the borough's travelling public.

- 4.11.3 Operators may choose to licence with another local authority for the private hire work they undertake in this borough. Unless the alternative authority is happy to put in place an agreement that Swale licensing officers enforce on their behalf, Swale could find itself with a private hire trade that we cannot enforce against unless or until legislation changes which gives us the right to do so.
- 4.11.4 Operators may choose to no longer licence vehicles with 7 or 8 seats which must be wheelchair accessible. This would greatly disadvantage that part of the travelling public of Swale who rely on wheelchair accessible taxis as their only mode of transport.
- 4.12 Licensing are currently undertaking a benchmarking exercise with a view to revising taxi licensing fees which have remained static since 2017. With this in mind Members could consider whether a lower licence fee should be offered for ULEVs
- 4.13 In light of the above points and comments from the Taxi trade, Licensing Have consulted DMT and in particular the head of Environment and Leisure Commissioning and would propose Members consider revising the date by which all applications for new licenced vehicles must be ULEV to 2030, with the suggestion that this date is looked at again in 5 years' time when a new draft policy for 2030-2035 is presented to the Licensing Committee.

- Table of statistics showing year on year reduction in licenced vehicles and drivers since 2017 (Source: [taxi0101.ods](#))

4.14 Restricted Private Hire Licences

The revised policy proposes a restricted private hire driver licence as a response to the DfT Guidance which suggests local authorities should consider the removal of the topographical test for applicants for private hire driver licences and in response to requests from applicants and operators.

If Members agree to the introduction of a Restricted Private Hire licences operators would be able to apply for a restricted private hire vehicle licence and put forward new applicants for restricted private hire driver licences. These vehicles and drivers would be restricted to working on specific contract work for example: client transport services operated under contracted to a Local Authority (generally school runs) or specialised executive contract work. Evidence of a

contract for this kind of work would be required at the point of application. Applicants for the restricted private hire driver licence would sit the street knowledge test but would not be required to sit the routes and places sections of the test as they would be regularly driving the same specified routes. They would not be permitted to work on general prebooked private hire fares outside of the specified contract work. It would be a condition of their licence that they can only drive a vehicle that has a restricted private hire plate, and this vehicle can only be used for the contract work and not for general private hire work. The plates for the vehicle would be distinctive to differentiate between Restricted Private Hire and Private Hire Vehicles. An operator may licence an Executive vehicle as restricted private hire and the vehicle would be exempt from displaying the plate on the vehicle. A driver with a dual licence or private hire only licence may drive a restricted private hire vehicle but only for the purposes of the contract work and not for general private hire jobs.

- 4.15 Whilst the DfT Guidance suggested the removal of the topographical test for all private hire applicants, Licensing Officers have grave concerns as to the effect this would have on the taxi trade both in the short and long term and have put forward the proposal for restricted private hire licences as a compromise to assist the diverse business models of taxi firms, while ensuring drivers for general prebooked private hire work have the knowledge of the borough they would need should satellite navigation systems loose connection or fail to recalculate a reliable alternate route if required.

A long-term concern in removing the topographical test for all private hire only applicants is that we would see a decrease in applicants for the dual badge which would leave operators short of drivers for the hackney fleet. This could then lead to a shortage of taxis available for immediate hire which would have a detrimental effect on the traveling public, in particular those traveling to Swale by train and wanting to continue their journey in a taxi, and within the night-time economy effecting those wishing to travel home safely after visiting the borough's pubs and clubs.

- 4.16 Comments received during the consultation period raised concerns from Kent County Council Transport and a taxi operator that applicants would not be able to provide evidence of a contract with Kent County Council at the time of application as they would need to have licences in place prior to commencing the application process for a client transport services contract with KCC. The draft policy has been amended so that the licences can be issued pending evidence of a contract and suspended should that evidence not be provided.

Other concerns raised included:

- 4.16.1 Whether as the use of the vehicle will be restricted the licence fee would be reduced.
- 4.16.2 Concerns that the restricted licences could be easily abused and be difficult to enforce.

In response to these concerns, the Licensing team propose to consider the fee as part of the bench marking exercise they are currently undertaking. Driver's badges and vehicle plates would be distinct and noticeably different from standard private hire plates, dual and private hire only badges, easily discernible to licensing officers, other taxi drivers, and members of the public. Executive vehicles although exempt from having to display their external plate, must have the internal plate positioned where it is visible to their passenger and the driver must wear their badge.

To assist with the enforcement of restricted private hire licences, the following two offences have been added to the Penalty Points Tariff under Appendix G paragraph 2.2 of the draft policy and have been awarded the maximum 10-12 points.

Driving a standard private hire vehicle when licenced as a restricted private hire only driver
Permitting the use of a restricted private hire vehicle for work other than the contract work permitted by the licence

4.17 Hackney Carriage (Taxi) Fares

At the extraordinary meeting of the Licensing Committee on 12th May Members resolved:

(1) That the current maximum scale of fares for licensed hackney carriages operating within the borough (taxi tariff) remained, taking into consideration comments received during the statutory consultation, and the soilage charge be increased.

(2) That the agreement to automatically annually increase the taxi tariff based upon the National Rail fares increase be amended so this is carried out biannually

[Agenda for Licensing Committee on Monday, 12 May 2025, 7.00 pm](#)

On point (2) the Licensing team would like to seek clarification from members whether as the proposed increase was declined this year the biannual increases would begin in 2026 (two years from the last increase) or in 2027 (two years from the decision).

In addition, Officers would request a steer from members as to whether the increase would be accumulative, based on the percentage increase for two years National Rail Fare increases or simply for the current year.

5 Alternative Options

5.1 If the modified proposals for the Swale Hackney Carriage (Taxi) and Private Hire Licensing Policy are not considered suitable then Members could:

- a) revert to the original taxi policy or;
- b) request that licensing officers look at the draft proposals again and return to this committee with a further draft at a later date.
- c) Members could choose to adopt the modified proposals contained within the draft policy with the exception of those relating to vehicle specifications whereby they could choose to retain the date of 1st April 2027 set within the current taxi policy relating to new vehicle applications being for ULEVs or adopt their own preferences.
- d) Members could choose to adopt the modified proposals contained within the draft policy with the exception of the proposal for Restricted Private Hire Licences or adopt their own preferences.

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>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</p>

	<p>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 the notification requirements and the process if unresolved representations are made to any proposed changes.</p>
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	<p>The draft policy has considered environmental sustainability with regards to emissions from vehicles and the council's commitment to be carbon neutral by 2045.</p>
Health and Wellbeing	<p>The health of the residents of the borough could be improved by addressing vehicle emissions. Also, by ensuring public safety.</p>
Safeguarding of Children, Young People and Vulnerable Adults	<p>Licensing regimes are largely designed to protect public safety. The DfT Statutory Standards 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	<p>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.</p>
Equality and Diversity	<p>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</p>

	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
- Appendix II: Summary of proposed changes to the policy
- Appendix III: Consultation Grid

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>