

# LICENSING COMMITTEE



Report subject	<b>Consideration of revised Taxi and Private Hire Policies</b>
Meeting date	12 December 2024
Status	Public Report
Executive summary	<p>The council's current licensing policies for private hire and taxis were adopted in June 2021 following the formation of BCP Council. There are separate driver, vehicle and operator policies. Since they were implemented there have been changes in best practice guidance and the statutory standards issued by the Department of Transport have been updated.</p> <p>Whilst there is no statutory requirement to undertake a review of the taxi policies, the current policy review date is 2025.</p> <p>The focus of the policies is to protect and safeguard children and vulnerable adults, however all passengers will benefit from the standards required of our drivers and operators.</p> <p>The vehicle policy aims to ensure licenced vehicles are kept maintained and safe so that they do not pose a risk to passengers or other road users.</p>
Recommendations	<p><b>It is RECOMMENDED that:</b></p> <p><b>Members consider the draft policy put forward for approval and either</b></p> <ul style="list-style-type: none"><li><b>I. Agree the draft policy as presented or</b></li><li><b>II. Amend the draft policy presented and agree a final version of the draft policy ready for consultation.</b></li></ul>
Reason for recommendations	<p>The Statutory standards for taxis and private hire vehicles published by Department for Transport recommends that Licensing Authorities should have a cohesive taxi and private hire policy document with a minimum review of every 5 years. The policies were introduced in 2021 and are due for review in the new year, in addition best practice guidance and statutory standards have been amended since the policies were implemented.</p>

Portfolio Holder(s):	Councillor Kieron Wilson – Housing and Regulatory Services
Corporate Director	Jillian Kay – Director for Wellbeing
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Wards	Council-wide
Classification	For Decision

## Background

1. Hackney carriage (taxi) and private hire vehicles have an important role to play in an integrated transport system. They provide services in situations where public transport is either not available, or outside “normal” hours for example in the evenings or at weekends, or for those with mobility difficulties.
2. Section 177 of the Policing and Crime Act 2017 enables the Secretary of State for Transport to issue statutory guidance on exercising taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using these services.
3. The Department for Transport (DFT) published such statutory guidance in July 2020 [Statutory taxi and private hire vehicle standards - GOV.UK](#). This was updated in 2022.
4. Local Authorities must have regard to these standards when exercising Taxi Licensing functions.
5. DFT recommends that all licensing authorities should have a publicly available policy document that brings together their procedures on taxi and private hire licensing. Licensing authorities should also review their licensing policies every five years but should consider interim reviews if there are significant issues arising within their area.
6. The current BCP Council Taxi and Private Hire Driver, Vehicle and Operator policies were developed following the formation of BCP Council and came into force in 2021.
7. The statutory guidance is expected to be implemented unless there is compelling local reasons not to. The guidance supports the view that taxis and private hire vehicles (PHV) are a high risk environment and as such they focus on protecting children and vulnerable adults.
8. Since the current Policies came into force the Department for Transport updated the Best Practice guidance for licensing authorities in England for Taxi and private hire licensing. [Taxi and private hire vehicle licensing best practice guidance for licensing authorities in England - GOV.UK \(www.gov.uk\)](#)
9. It is recognised that it is costly to become a licenced driver or to purchase and licence a vehicle. We must balance the need to maintain standards within BCP to protect and safeguard passengers and other road users, meet our corporate

aspirations relating to climate change against the need to attract and retain licenced vehicles. Since the introduction of the Policies in 2021 the impacts of Covid have been apparent with a reduction in the number of licenced drivers and vehicles.

### **Draft Policy development**

10. At the Licensing Committee meeting on 7th December 2023 the forward plan was agreed and membership of workshops to review the existing policy was agreed.
11. The workshops took place on 23 January 2024 and 20 February 2024 Cllrs Farquhar, Chapmanlaw were in attendance together with the legal officer, taxi trade representatives Mr Lane and Ms Smith and licensing officers. The existing policies were discussed in relation to the current legislation and best practice documents. Suggested amendments were put forward.
12. There were improvements suggested to consolidate content and expand in some subject areas.
13. Officers then made suggested amendments to a draft version of the policy these were circulated to all workshop representatives and the drafts and proposed changes were then discussed at a further workshop which was held on 2 July 2024.
14. The revised draft policies with tracked changes are attached at Appendix A – C and we will set out the main proposed changes for each policy below.
15. We have invited the representatives from the BCP Taxi and Private Hire Association who took part in the Policy workshops to be at this meeting to answer any questions which may arise.

### **Driver Policy**

16. The suggested amendments are listed below, most are minor changes to wording or clarifications to requirements.
17. Having regard to the Department for Transport Statutory guidance: Statutory taxi and private hire vehicle standards updated in November 2022 it is suggested that the current convictions policy as set out in Appendix C of the current Policy is deleted and replaced with the statutory guidance annexe - assessment of previous convictions. This will support consistency and transparency in committee decisions on the fitness of licence holders and will keep abreast of changes as they occur without having to amend the policy.

<b>Section/paragraph</b>	<b>Proposed amendment</b>
3.1	Updated to reflect updated policy
6.3	New paragraph – communication of changes to policy to licence holders
7.5	Minor change – remove word
7.6 and 7.7	Minor change to description of the knowledge test
7.9	Updated wording to reflect ongoing

	requirement
7.14	New paragraph to clarify reapplication timescales
8.5	Removed reference to appendix C and added link to statutory guidance
8.6	Updated wording to reflect ongoing requirement
8.7 and 8.8	Clarification to requirements on submission of DBS certificates and update service requirements and failure to maintain this.
8.9	Clarify convictions standards considered when assessing fitness
8.11	Removed reference to 6 monthly check as DBS status is checked every 2 weeks by officers
8.12	Replaced the word should with must for fit and proper criteria
8.16	Minor amendment to wording
8.18	Minor amendment to wording
9.3	Confirm responsibility to update email address
9.4	Minor amendment to wording
9.5	Updated wording to reflect ongoing requirement
9.8	Reference for convictions amended
9.9 and 9.10	Add word expired
10.3	Removed requirement for safeguarding training prior to knowledge test
10.4	New guidance on when to undertake safeguarding training
10.5	deleted
10.7	New paragraph relating to school passenger transportation
11.2	Clarity around medical certificate acceptance
11.3	New guidance on when to undertake medical
11.5	Minor amendment to wording
12.1	Minor amendment to wording

13	Added new headings for clarity
13.2	Clarity around driver training for wheelchair accessible vehicles
13.3	Reference added regarding medical exemption
13.6 and 13.7	Minor amendment to wording
14.1.1	Added clarify around warning light at daily checks
14.2	Minor amendment to wording
15.2	Replaced should with must and word smart within list
15.2.D	Wording amended
20.2 and 20.3	New guidance and information regarding complaint handling and phased approach taken to enforcement
20.4	Wording amended for clarity
20.4 (deleted)	deleted
20.7	Removed reference to deleted appendix and updated with links to guidance
Appendix A section 2	Minor amendment to wording
Appendix A section 4	Amendment to legislation corrected
Appendix A section 5	Amendments to found property made to take to police station if not claimed
Appendix A section 6	Added by email
Appendix A section 12	Added or messages
Appendix A section 15	Amended reporting time from 1 to 3 days and to report via email only
Appendix B	Amended wording of headings
Appendix B section 15 and 16	Minor amendment to wording
Appendix C	deleted

## Operator Policy

18. The suggested amendments are listed below, most are minor changes to wording or clarifications to requirements.
19. There are new requirements contained within Appendix A in relation to safeguarding and reporting of complaints suggested to improve the ability of the Licensing Authority to address concerns about driver behaviours and raising awareness and reporting of safeguarding concerns.

<b>Section/paragraph</b>	<b>Proposed amendment</b>
3.1	Updated to reflect updated policy
6.3	New paragraph – communication of changes to policy to licence holders
7.11	Minor amendment to wording
7.13	Minor amendment to wording
8.2	Amended wording around DBS requirements and right to work
8.5 and 8.6	Minor amendment to wording
8.11	New paragraph to clarify reapplication timescales
9.2 and 9.3	Minor amendment to wording
9.4	Removed reference to appendix B and added link to statutory guidance
9.5	Clarify convictions standards considered when assessing fitness
9.7	Replaced should with must for fit and proper criteria
14	Added or Sub Committee to all sections
15.2 and 15.3	Correct error replaced driver with operator and delete unnecessary wording
15.5	Clarify delegated actions to manager
15.6	Correct error replaced driver with operator and error with appendix reference
15.7	Clarify previous convictions assessment
Appendix A section 1.3	Deleted as duplicated in following sections and confusing
Appendix A section 1.6	Add requirement of lot term oversees absence of drivers
Appendix A section 1.8	New requirement to provide information to the licensing authority on an annual basis
Appendix A section 2.1	Deleted sub section f
Appendix A section 3	Additional requirements for safeguarding and DBS for employees
Appendix A section 4	New content relating to the recording and reporting of complaints to the Licensing Authority

## Vehicle Policy

20. The suggested amendments are listed below.

21. It is suggested in Section 16 that we remove current quantity restrictions on the number of hackney carriage licences issued in the Poole and Bournemouth Zones. These restrictions historically prevented anyone from applying for a new hackney carriage licence within the zones. The Policy in 2021 released 15 new licences per year in each zone for wheelchair accessible vehicles only – at that time there was a significant waiting list for new licences in both Poole and Bournemouth.

22. Since 2021 of the 120 new licences made available, 21 new hackney carriages have been licenced. There is currently no waiting list. All those who had expressed interest in a new licence have been offered the opportunity but there has been a very low take up of this.

23. The current three hackney carriage zones are not proposed to be amended.

Appendix D setting out the requirements and use of CCTV and dashcams has been significantly updated to reflect current guidance by the Information Commissioners office.

Section/paragraph	Proposed amendment
1.2	Guidance reference updated
1.3	Deleted unnecessary wording
3.1	Updated to reflect updated policy
6.3	New paragraph – communication of changes to policy to licence holders
7.1	Delete reference
7.5 – 7.17	Updated content relating to card payments
7.18	Heading title changed and reference to Appendix A
8.2	Amendment to wording for clarity
8.3	Additional information included to clarify revocation of licence if MEC not completed
8.4, 8.5 and 8.6	Wording amended for clarity
9.2	Updated wording to reflect ongoing requirement
9.4	deleted
10.2	Amendments to accompanying documents
11.1	Deleted and renumbering
11.2	New information regarding wheelchair

	accessible vehicle driver requirements
11.3	Additional wording about keeping email up to date
11.5	Minor amendment to wording
11.5 (current number)	deleted
11.6	Amended wording for clarity
12.4	Removed reference to deleted Appendix
12.6	Previous criminality assessment link provided
13.9	Amended wording around Dashcams
14.1	Amended wording to clarify space standard for reference wheelchairs
14.2 -14.6	Amended wording for clarity
15.7	Amended reference
16	Amended section title –
16.1 (new)	New wording to reflect no unmet need
16.2 (current number)	Deleted wording
16.3	Amended wording any new licences will be for Wheelchair Accessible Vehicles only
16.4	Amended wording regarding replacement of existing licence hackney carriages
16.5	Amended wording for clarity
16.5 and 16.6 (current numbers)	deleted
17.1	Updated wording to reflect ongoing requirement
17.2	Livery standards clarified must be fixed
17.3	deleted
18.2	Amended for clarity
18.4	Wording changed from should to must
18.5	New wording around purpose built vehicle roof sign
19.1	Driver badge visible to passenger
19.4	deleted
20.5	Amended or clarity next paragraph deleted
21.1	Added word same



21.2	Updated wording to reflect ongoing requirement
21.3	Amended for clarity
21.4	New paragraph to not allow dual plating
22.1	Amended for clarity
22.3	Deleted and replaced for clarity
22.4	Amended receipt information
22.5, 22.6 and 22.8	Deleted
22.7	Retained and renumbered
23.2	Amended for clarity
24.1	Driver badge visible to passenger
24.2	Minor amendment
24.5 (current)	deleted
25.3	Minor amendment
26.2	Minor amendments
27.7	Bullet points deleted – this ensures any changes to document requirements do not result in policy change being required
30.1, 30.2	Amended for clarity and remove reference to driver
Appendix A current sections 1 and 2	deleted
Appendix A new section 1	New heading Speciality Private Hire Vehicles
Appendix A Note	Amended wording
Appendix A section 4	deleted
Appendix B	New appendix Private Hire Vehicle plate exemptions
Appendix C (new)	Formally appendix B
Appendix C (current)	Convictions Policy deleted
Appendix D	Amended title and new wording to provide context and information about regulatory body
Appendix D Summary of CCTV and Dashcam Requirements	New content to summarise the requirements
Appendix D section 3 (current)	deleted
Appendix D Use of Information Recorded by the CCTV system	Current content sections 2-4 deleted and replaced with new sections 29 to 31

Appendix D The Data Controller new sections 32 to 35	All current content deleted and replaced
Appendix D Data Processor (current section 1 and 2)	Replaced new section 36. Current number 2 deleted
Appendix D new section Signage requirements for CCTV and dashcams	New content sections 40 - 42
Appendix E Advertising and signs guideline	New paragraphs 1 and 2 and amended paragraph 3
Appendix E External	All deleted
Appendix E Private Hire Operator on any vehicle	Bullet points amended to reflect clearer guidance and signage requirements
Appendix E All Vehicles	deleted
Appendix E Third Party Advertising	Amended wording and bullet point added to reflect signage requirements
Appendix E section 4	Added word

### **Options Appraisal**

24. Members are asked to consider the proposed draft policy and either
  - a. Agree the draft policy as presented, or
  - b. Amend the draft policy and agree a final version of the draft policy.
25. Once the final version of the draft policy has been agreed it will be subject to full public consultation for 8 weeks it is proposed to present consultation feedback and any proposed amendments to the draft document to Licensing Committee in 2025.
26. Members may wish to consider the content of any consultation and propose questions they feel should be asked as part of this consultation.

### **Summary of financial implications**

27. Any fees incurred will be absorbed within current budgets. Any costs associated with the review process will be covered by the income from the fees

### **Summary of legal implications**

28. Hackney Carriage and Private Hire Licensing Policies are not statutory. This means that there is no requirement for the Council to adopt one, however it is good practice to do so as it sets out the Council's approach to issuing licences and enforcement. Decisions made in accordance with the policy are more likely to be upheld in the event of an appeal. A good policy ensures consistency of approach by the council thus ensuring fairness and transparency for both the trade and public alike

### **Summary of human resources implications**

29. There are no implications on human resources the current licensing team will continue to implement the policy within current resource levels

### **Summary of sustainability impact**

30. From 1 January 2025 all licenced vehicles will meet the minimum emission standards.
31. The current policy requires that any vehicle that does not meet Euro 6 emission standard would not be renewed after 31 December 2023. As licences are issued for a year the last vehicles which do not meet this emission criteria had to be replaced or their licence would expire by the end of December 2024.
32. Currently there are 924 vehicles licenced by BCP Council.

### **Summary of public health implications**

33. The policies currently and as proposed focus on protecting and safeguarding children and vulnerable adults

### **Summary of equality implications**

34. A full Equality Impact Assessment will be carried out during the course of the consultation period and consideration of all responses and will be presented to the Equalities Panel prior to the final draft being presented to the Licensing Committee for approval in 2025.

### **Summary of risk assessment**

35. There is a risk of judicial review should any new policy be challenged. The Committee must ensure that any decisions are made with reference to the public sector equality duty.

### **Background papers**

BCP Council Taxi and Private Hire Vehicle, Driver and Operator Policies [Hackney carriage and private hire policies | BCP](#)

### **Appendices**

Appendix A - Draft BCP Council Taxi and Private Hire Driver Policy

Appendix B - Draft BCP Council Taxi and Private Hire Operators Policy

Appendix C - Draft BCP Council Taxi and Private Hire Vehicle Policy