

# Consultation for Hackney Carriage and Private Hire Licensing Policy



**Report to:** Licensing Committee

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## Executive Summary

**A** The DfT published the Statutory Taxi and Private Hire Vehicle Standards setting out minimum standards for licensing authorities to apply with regards to certain aspects of taxi and private hire licensing. It is recommended that Licensing Authorities should have a single, overarching and cohesive policy document that brings together all current taxi and private hire policies and procedures.

## Recommended that:

- A** The Licensing Committee approve the proposed draft Hackney Carriage and Private Hire Licensing policy (attached at Appendix A) for consultation.
- B** A further report to be presented to this committee which shall set out any representations received following a 6-week consultation.

## Reason for decision

**A** This policy must be consulted upon as part of the review process. If there are relevant representations made this committee will have opportunity to consider those before referral to Full Council.

## Other Options

**A** The Council may not want a taxi licensing policy but should provide its reasoning why it chooses not to follow the national recommendation.

## **Background**

1. The Council is responsible for licensing hackney carriage and private hire drivers, vehicles as well as private hire operators. In undertaking those responsibilities, the Council has regard to the legislation in place including case law, relevant guidance, best practice documentation and its own policies and procedures.
2. On 21 July 2020 the Department for Transport (DFT) published “Statutory Taxi and Private Hire Vehicle Standards.” The publication of these standards was long-awaited and follows an extensive period of consultation by the Department for Transport following a number of high-profile incidents and issues highlighting the risk to members of the public and to drivers. The standards reflect the significant changes within the industry in recent years, and lessons learned in respect of safeguarding children and vulnerable adults, and cases of child sexual abuse and exploitation (CSAE).
3. The Policing and Crime Act 2017 made provisions for 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. Although the focus of the standards produced, is on protecting children and vulnerable adults, it is expected that any passengers of these licensed vehicles will benefit from the recommendations, which aim to better regulate the taxi and private hire vehicle sector. It is felt that these issues are, in part, a result of the significant differences in standards applied to the licensing of drivers and vehicles across the country.

## **Issues/Proposals**

4. Harlow Council has several policies, procedures and relevant licence conditions that relate to the licensing of Hackney Carriage Vehicles and Drivers, as well as Private Hire Drivers, Vehicles and Operators.
5. A draft, single cohesive policy has been created. The document lays out the foundations of taxi and private hire licensing, and includes several recent requirements already been introduced by this committee in line with the guidance, whilst the Appendices within the policy list out all licence conditions.
6. The draft policy is attached at Appendix A, inserted text for the new policy is written in purple, with any pre-existing text such as licence conditions in black.
7. The policy also suggests some minor amendments to licence conditions (shown in purple on Appendix A).
8. The draft policy draws together information from other policies to locate them in a single document. Policies that have been combined into the cohesive document include the General Enforcement Policy for Hackney Carriage and Private Hire Licensing, National

Register of Refusals, Revocations and Suspensions (NR3S) policy, Stretched Limousines Additional Conditions, as well as the separate conditions for each licence type.

9. Noteworthy items included in the draft policy:
  - New: aims and objectives
  - New list of consultees
  - Updated necessary conditions: reporting of Convictions, Cautions etc. includes all Warnings or Orders within criminal law (e.g. Anti-Social Behaviour Order)
  - Updated necessary conditions: reporting of Convictions, Cautions etc. for clarity includes fixed penalty notice which results in penalty points being endorsed on the licence holders UK driving licence.
  - Updated necessary conditions: Carriage of Persons with a disability, including wheelchairs and Assistance Dogs.
  - Updated driver conditions: vehicle to be checked regularly for lost property and to be returned to local operator office.
  - Appendix E: Updated PH driver condition: shall not carry fewer persons than the vehicle is licensed to carry without reasonable excuse.
  - Appendix G: Updated operator condition: "The licensed Operator shall not dispatch any driver to drive any Harlow licensed private hire vehicle unless that person has a current private hire driver's licence issued by Harlow Council."
  - Appendix G: Updated operator condition: to include the word hackney carriage for words not permitted in advertising. Separation of one condition into two, to distinguish between what is displayed on a on vehicle, and general advertising.
  - Appendix H: Updated PHV condition: removal of BHP requirement.
  - Appendix J: Updated HC vehicle condition: removal of a minimum light transmittance in windows and replaced with tinted windows may be fitted only when supplied as standard by the original manufacturer.
  - Appendix K: Guidance for applicants - new and current.
10. Any changes to licensing policy will come into immediate effect for new applicants once adopted. Existing licence holders shall be required to meet any new criteria regarding reporting of criminal convictions with immediate effect. For any other changes, a reasonable implementation period shall be specified or by condition upon licence renewal.
11. A public consultation shall be undertaken on the draft policy document.
12. All licence holders will be written too, to invite views on the draft policy, with facility to make any comments in writing to the Licensing Team.
13. Consultation will also be undertaken with other stakeholders such as disability access groups, safeguarding and transport professionals/bodies.
14. The draft policy will be available to be viewed on the council's consultations webpage.

15. The consultation shall run for 6-weeks. Any relevant representations made will be included in a further report to this committee for consideration before referral to Full Council for adoption.

## **Implications**

### **Equalities and Diversity**

An Equality Initial screening has been carried out. An Equality Impact Assessment will be required before policy adoption.

### **Climate Change**

None specific.

### **Finance**

There are no direct financial implications arising from this report.

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### **Governance**

The Statutory Taxi and Private Hire Vehicle Standards set out minimum standards for licensing authorities includes that Licensing Authorities should have a publicly available cohesive single document. The proposed policy brings together a number of existing policies and pays due regard to the Standards. The final policy for adoption will be brought back to Committee in line with delegations.

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## **Appendices**

Appendix A - Draft Hackney Carriage and Private Hire Licensing Policy

## **Background Papers**

[Statutory taxi and private hire vehicle standards - Department for Transport](#)

[Harlow Council webpage - Convictions Policy](#)

## **Glossary of terms/abbreviations used**

DfT	- Department for Transport
The guidance	- Department for Transport Statutory Taxi and Private Hire Vehicle Standards