



Report to Licensing (Regulatory) Committee

Date:	18 July 2024
Title:	Taxi and Private Hire Best Practice Guidance and Policy Review
Cabinet Member(s):	CLlr Mark Winn, Cabinet Member for Homelessness & Regulatory Services
Author:	Jo Bowles, Senior Licensing Officer
Ward(s) affected:	none specific
Recommendations:	The Licensing Committee is asked to note the content of the report and to approve the recommended areas referenced within the report for public consultation.

1. Background

- 1.1 Buckinghamshire Council's [Hackney Carriage and Private Hire Licensing Policy](#), "Policy", is an important document that demonstrates the Council's commitment to securing public safety, provides clarity for applicants and licence holders, assists decision making, facilitates enforcement activities and helps safeguard against legal challenge. The Policy supports the Council's key priorities of protecting the vulnerable, improving the environment and promoting the local economy.
- 1.2 The role of licensing the hackney carriage (taxi) and private hire industry is to make sure that the travelling public are provided with a safe and accessible means of transport. Public safety is the most important consideration when making licensing decisions for drivers, vehicles, and operators. Evidence supports the view that taxi and private hire services can be a high-risk environment for drivers, passengers, and the public. Drivers may be at risk of abuse or assault from customers. Drivers, private hire operators and their call handlers may have contact with children or vulnerable people and they may receive information that could be exploited for criminal purposes. In some circumstances, taxis and private hire vehicles may present a danger to other road users. The purpose of the Policy is to set out the application and decision making process in respect of application or Private Hire and Hackney Carriage Drivers' Licences, Hackney Carriage and Private Hire Vehicle Licences and Private Hire Operator's Licences.

- 1.3 Taxi and private hire vehicles play a valuable role in transporting vulnerable members of the community such as children and vulnerable adults, including disabled people. Many children, including those with special educational needs, rely on taxis and private hire vehicles for home to school transport. Taxi and private hire services are an important part of the transport network in Buckinghamshire. They are essential for passengers with disabilities and residents of rural communities. They also play an important social role in enhancing the public transport system and facilitating social inclusion.
- 1.4 The Department for Transport (DfT) issued its [best practice guidance on taxi and private hire vehicle licensing](#) (BPG) in 2006 to assist local authorities who have responsibility for the regulation of this sector. The guidance was updated again in 2010 and, following consultation with stakeholders in 2022/23, the latest version of the BPG was published on 17 November 2023.
- 1.5 In 2020, in accordance with The Police and Crime Act 2017, the Government issued, for the first time, [Statutory Taxi and Private Hire Vehicle Standards](#) (Statutory Standards) to safeguard the most vulnerable in society. The primary purpose of the Statutory Standards is to guide licensing authorities on how to carry out their functions with a view to protecting children and vulnerable persons from harm. These standards also created measures to protect the safety of all passengers. Licensing authorities must give due regard to the Statutory Standards when setting their taxi and private hire licensing policies and procedures. Accordingly, the recommendations were incorporated into Buckinghamshire Council's current Policy, first adopted in 2021.
- 1.6 The new 2023 BPG complements the Statutory Standards, covering a range of issues. The BPG does not seek to cover the whole range of possible licensing requirements. Instead, it seeks to concentrate on those issues that have caused difficulty in the past or that seem of particular significance. The BPG is intended to assist licensing authorities, but remains only guidance, and unlike the Statutory Standards, licensing authorities are not legally obliged to have regard to BPG. It is the responsibility of individual licensing authorities to make decisions on their own policies and procedures, by applying relevant law along with any other guidance and considerations. The Department for Transport is not responsible for interpreting the law – that is a matter for the courts. Decisions made by a local authority remain a matter for that authority. Licensing authorities should seek their own legal advice on issues that are particularly relevant to them.
- 1.7 The Statutory Standards states that, *Authorities should produce a 'cohesive policy document' that brings all procedures together (including a convictions policy). When formulating policies, the overriding objective must be to protect the public. Policies should be reviewed every five years; with interim reviews should significant issues arise and annual performance reviews.* Therefore, given the release of the latest

BPG in November 2023, the Licensing Service considers it appropriate to instigate a review of the current Policy.

- 1.8 The BPG makes several recommendations around such issues as promoting accessibility, enforcement, licence holder requirements and vehicle suitability. By reviewing the existing policy in line with the update Best Practice Guidance, the authority will ensure that Buckinghamshire Council licensed vehicles, drivers and operators are all held to the highest possible standards.
- 1.9 This report provides an overview of the BPG, summaries work that has been carried out by the Licensing Service to date with stakeholders and identifies key policy areas recommended for further review and public consultation.

2. Main content of report

- 2.1 Buckinghamshire Council implemented its first Hackney Carriage and Private Hire Licensing Policy in September 2021, following adoption by Full Council in February 2021. In accordance with the Policy, the council is committed to keep its content under review, at least every 5 years. Consequently, the Policy was not due for review until 2026. Whilst minor amendments may be made to the Policy without the requirement for formal review, the new BPG is at variance with a number of key areas of the Council's current Policy and it is considered appropriate to instigate an early review of the Policy. Whilst it is intended that this review focus primarily on the content of the BPG, it is only appropriate that other matters outside the scope of the BPG may also be considered as part of the Policy review.
- 2.2 The BPG is centred around ensuring public safety, accessibility and high standards of service. Local authorities are expected to:
 - Uphold robust safety standards, particularly concerning the safeguarding of children and vulnerable adults
 - Ensure drivers are fit and proper to hold licenses, which includes assessing their background and behaviour
 - Promote accessibility so that services cater to all users, including those with disabilities
 - Encourage the use of clean, environmentally friendly vehicles to reduce emissions and pollution
- 2.3 Local authorities are tasked with integrating these themes into their licensing functions to foster a reliable and trustworthy taxi and private hire vehicle sector. The BPG serves as a framework rather than prescriptive legislation, allowing the authorities the flexibility to adapt to local needs while aligning with national standards. A detailed review of the BPG has been provided in table summary form,

with recommended topics for consultation highlighted in Appendix 1. For each area of guidance there is indication of Buckinghamshire Council's current approach and where there is variance an officer comment with suggested response.

- 2.4 Following the publication of the BPG, the Licensing Service has instigated a number of workshops with key stakeholders:
- Hackney carriage representatives
 - Private hire representatives
 - Private hire executive representatives
 - Passenger groups, including those in wheelchairs
 - Officers working within the Licensing Service
- 2.5 The purpose of these workshops was to share the content of the BPG with various representative groups from the trade, passenger user groups and officers and explore areas of current Policy, mainly those related to BPG but also other areas, with a view to focusing ongoing discussions and public consultation. A summary of themes that emerged from the workshops is shown in Appendix 2.
- 2.6 Key areas for public consultation have been identified from the workshops and ongoing dialogue with trade representatives at the regular taxi working group meetings.
- 2.7 Based on the workshops and in view of the BPG being recommendation only, it is considered that a consultation on the principles is more appropriate. This will provide more information about how the recommendations are viewed and/or could be implemented in the Buckinghamshire area. This will then allow the committee to fully consider the BPG and other relevant factors.

Driver medicals

- 2.8 The BPG recognises that it is appropriate for taxi and private hire drivers to be subject to more stringent medical standards than normal car drivers because:
- “they carry members of the general public who have expectations of a safe journey
 - they are on the road for longer hours than most car drivers
 - they may have to assist disabled passengers and handle luggage” (BPG, 6.6)
- 2.9 The BPG recommends that licensing authorities apply the Group 2 medical standards, required for an entitlement to drive lorries (category C) and buses (category D), as per current Council Policy.. However, the BPG goes on to recommend that the DVLA's medical examination report (D4) is used as a template for licensing authorities to gather the relevant information. The current Policy requires drivers to use the Council's issued form. Although the D4 form can also be

used. The D4 report is the DVLA medical examination form that is used to assess medical fitness bus and lorry drivers. It includes a vision assessment and medical assessment. The D4 form works well alongside [the Assessing fitness to drive](#) document, making it easier to determine if an applicant meets the Group 2 standards. The Buckinghamshire Council issued form is a simpler, customised form designed to obtain the required information required from applicants for hackney carriage and private hire driver licences to determine whether they meet the group 2 standards. It is also recommended that the medical examination report does not need to be completed by the applicants/licence holders registered GP, it can be completed by any GMC registered medical professional on the caveat that they have access to the individual's full medical history. The current Policy requires that ordinarily the medical report should be signed by the driver's own registered medical practice, and only exceptionally with consent of the Council may this be signed by an alternate GMC registered doctor.

- 2.10 Trade representatives have reported inconsistencies in the availability of GP appointments and large discrepancies between the costs charged for these examinations.
- 2.11 Group 2 licensing entitlement is valid for a maximum of 5 years and must be renewed every 5 years with a medical declaration until the age of 45 when an assessment is required again. From the age of 45 an assessment is required every 5 years until the age of 65 when the requirement is an annual medical assessment. The current Policy requirements are that driver applicants have to provide a new medical assessment every 3 years upon renewal until the age of 65 years and annually thereafter.
- 2.12 ***It is recommended that the Council consult on whether the D4 form should be used for all driver medicals and the requirement for it to be completed by their own GP should be relaxed to allow any GMC registered doctor to complete the medical.***
- 2.13 ***It is recommended that the Council consult on whether to change the current Policy requirements for drivers to provide medicals every 3 years until the age of 65 years and annually thereafter.***

Driving experience

- 2.14 The Department for Transport (DfT) believe that it is not appropriate to set a maximum age limit for taxi and private hire drivers. The existing policy already reflects this. However, the current Policy requires applicants to have a minimum of 3 years continuous driving experience. The statutory requirement is that applicants must have been authorised to drive for at least 12 months before applying for a licence, (section 51(1)(b) Local Government (Miscellaneous Provisions) Act 1976). The BPG (6.8) suggests that policies that set minimum age limits beyond the

statutory requirement are inappropriate, a view that has been reflected by some members of the trade at the workshop engagement sessions.

- 2.15 ***It is recommended that the Council consult on whether to relax the minimum 3-year driver experience policy with the effect that younger drivers would be able to apply for licences.***

Intended use policy

- 2.16 In accordance with the law, once licensed, a hackney carriage can also operate effectively as a private hire vehicle, carrying out pre-booked journeys within and outside the district. Some licensed hackney carriages take advantage of this, working solely or predominantly on private hire contracts outside the district, rather than making themselves for immediate hire within the licensed district. The BPG (6.12) recommends that licensing authorities should require applicants for hackney carriage driver licenses to declare that they intend to work predominantly within the authority's area. There is suggestion within the BPG that the residential address provided by the applicant should be considered when assessing the likelihood of this declaration being adhered to when assessing a driver licence application. This is something that Buckinghamshire Council does not currently have in place, but representatives from the hackney carriage trade have raised this as a concern and requested that it should be mandated that applicants for hackney carriage driver licences demonstrate that they live locally.
- 2.17 There are currently 927 individuals that hold either a hackney carriage or dual (hackney carriage and private hire) drivers licence, 876 (95%) live in the Buckinghamshire Council area, with just 51 (5%) living outside of the county.
- 2.18 ***It is recommended that the Council consult on a new policy expectation that applicants for hackney carriage driver licences be resident within Buckinghamshire Council's area.***

Certificates of Good Conduct (COGC) and/or Police Certificates

- 2.19 Buckinghamshire Council's current Policy and the Statutory Standards require an applicant or licensee that has been absent from the UK for a continuous period of 3 months since the age of 18 to provide a COGC from the country(ies) they have resided in. Since this policy approach has been introduced the service has encountered a number of problematic issues, summarised below:
- The length of time it can take to obtain these from the country concerned, which may take many months, meaning a driver may not be able to work for a considerable period of time. In some instances, it may not be possible to obtain a certificate, for example from war torn countries and those experiencing natural emergencies.

- Some drivers have found themselves unexpectedly out of the UK for extended periods beyond 3 months e.g. because of Covid-19 lockdowns, sudden family bereavements, floods and other natural disasters.
- There is no standard certificate format, leading to considerable variation in style and wording, even those issued in the same territory. This in turn leads to difficulties validating certificates and identifying whether they are genuine.
- Even once issued, it can take a long time to verify certificates e.g. Pakistan High Commission requires two points of attestation to verify certificates are genuine which can take weeks.
- Ascertaining whether certificates are suitable e.g. Ireland issue a “Police Certificate” but also have a separate “Garda vetting”, the latter are similar to the Enhanced DBS checks in the UK for persons having unsupervised access to adults and children. Only registered organisations are eligible to conduct Garda vetting checks. A recent certificate issued by an Indian police force stated that the information was not to be used for purposes other than those related to immigration.
- Discrepancies in time scales. Drivers will often obtain a certificate before they leave a foreign country which could be weeks or months before they actually leave.
- Challenges faced by drivers where many years may have passed since the relevant period occurred e.g. older drivers applying for the first time, their period out of the country may have been many years ago. Some countries will not issue COGC to foreign nationals after a certain period of time.
- To a large extent the policy relies on honesty of the driver/applicant to declare that they have spent time overseas. Whilst in some cases it may be obvious from immigration documents, it will not always be the case. There is a very real risk that a driver with a criminal history overseas is not going to declare their period of living abroad.

2.20 The policy could be amended to reflect the Home Office requirement for those applying for entry clearance to the UK (visas), that a COGC is required from any country where an individual has lived for 12 months or more (whether continuously or in total) in the last 10 years whilst aged 18 or over. This is arguably a more proportionate approach.

2.21 ***It is recommended that the Council consult on whether the current requirement to produce a COGC or Police Certificate where an applicant has been continuously absent from the UK for a period of 3 months should remain, or whether the policy be amended in line with Home Office requirements that a COGC is required from***

any country where an individual has lived for 12 months or more in the last 10 years whilst aged 18 years or over.

Vehicle Age Limits

- 2.22 The BPG recommends (8.4) that licensing authorities should not impose age limits for the licensing of vehicles which it suggests may be inappropriate, counterproductive and financially detrimental to the trade and passengers. Instead, it is proposed that authorities should consider more targeted requirements to meet policy objectives on emissions, safety rating and increasing wheelchair accessible provision.
- 2.23 The current Policy imposes an upper maximum age limit of 10 years for licensed vehicles, after which age vehicle licence applications will not be accepted. Exceptions apply to applications in respect of ultra low (less than 75 grams of CO₂ per kilometre) or zero emission vehicles and wheelchair accessible vehicles (WAVs), which will be accepted up to the age of 15 years.
- 2.24 The reason for imposing a maximum age limit can be summarised briefly as follows:
- **Vehicle Safety:** Older vehicles may not meet current safety standards, are more likely to fail MOTs, may be more prone to breakdowns, all of which could compromise passenger safety.
 - **Environmental Concerns:** Newer vehicles typically adhere to more stringent emission standards, helping to reduce pollution and improve air quality. Vehicles first registered since January 2011 must meet Euro 5 emission standards and vehicles registered since September 2015 must meet Euro 6 emission standards. Introducing a 10-year maximum age limit in 2021 ensured that all Council licensed vehicles would meet at least Euro 5 emission standards, with the exception of some WAVs.
 - **Consistency and Standards:** Setting an age limit helps maintain a modern and uniform fleet, which can enhance the overall image and standards of the taxi service.
- 2.25 The Policy also sets a minimum age limit of 5 years for newly licensed vehicles. The rationale for this policy is to ensure that on first licensing vehicles are generally of a high standard, and then once licensed the vehicles would be maintained to a higher standard by virtue of being licensed until reaching the upper age limit. In addition, the minimum age limit would ensure that newly licensed vehicles, as a minimum, meet the Euro 6 emission standards. However, as a consequence of the financial impact of the Covid-19 pandemic on the local taxi and private hire trade, to help the trade recover, the minimum age policy was put on hold to allow the local trade to licence older vehicles (and cheaper) vehicles.

2.26 The BPG recommended removal of arbitrary age limits raises a number of important questions and it is recommended that these questions be subject to public consultation.

2.27 ***It is recommended that the Council consult on whether:***

- a) A minimum age should apply to newly licensed vehicles.***
- b) A maximum age limit should apply to vehicles.***
- c) If a maximum age limit is imposed, should there be exceptions for some vehicles such as ULEV or zero emissions and wheelchair accessible vehicles?***
- d) Should older vehicles be subject to more frequent testing and if so how often?***

Emissions

2.28 The UK is committed to a 2050 net zero target with the sale of new petrol and diesel cars and vans being phased out. By 2035 all new cars and vans sold will need to be zero emissions.

2.29 The Council's current Policy states, "It is the aim of the council that all licensed vehicles will have ultra-low or zero emissions by 2030 and this policy will be kept under review with this target in mind."

2.30 ***Given the delayed ban on the sale of diesel and petrol vehicles, it is recommended that the Council take the opportunity to review the current Policy approach to emission standards and consult on whether the requirement that all licensed vehicles be zero or ultra-low emission by 2030 is still appropriate.***

2.31 ***It is further recommended that consultation include the following matters:***

- a) Should the implementation date be extended to 2035, in line with Government policy, or an alternate date be considered?***
- b) Should the policy only apply to newly licensed vehicles, allowing existing licensed vehicles to continue to be licensed?***
- c) What incentives are available to encourage and support the trade to make the transition to zero/ultra-low emission?***
- d) Will the appropriate infrastructure be in place to support a fully zero or ultra-low emission fleet by the target date?***
- e) Would it be appropriate to consider introducing a Policy forthwith that all licensed vehicles meet Euro 6 standards as a minimum, effectively meaning only vehicles first registered since September 2015 will be licensed?***
- f) Whether certain types of vehicles should be considered exempt from any policy on emissions, such as:***

- ***Wheelchair accessible vehicles, where there may be limited choice or availability, particularly ultra-low or zero emission vehicles.***
- ***“Classic or vintage” cars, which pre-date latest emission standards.***

Wheelchair Accessible Vehicles (WAVs)

- 2.32 The current Policy stipulate that applications for new hackney carriage licences will only be considered in respect of vehicles that are wheelchair accessible. Holders of hackney carriage licences that were previously non-WAV (saloon style) under legacy council arrangements have been allowed to continue to hold licences for saloon style vehicles. This approach has the advantage of providing a mixed fleet of WAV and non-WAV hackney carriages, which is generally considered the best approach to meet the varied needs of the travelling public. However, in practice that has been little migration since unitary and hackney carriage drivers have generally continued to remain working in their legacy areas. As a consequence, there are high concentrations of hackney carriage WAVs in some areas, whilst in others there are very little hackney carriage WAVs working.
- 2.33 There are also very few new hackney carriage vehicle licences being sought, the main reason for this is likely to be the significant additional costs involved in acquiring this style of vehicle, particularly when considering a WAV that is also ultra-low emission or zero emission. The cost is mitigated to some extent by virtue of the current policy which allows WAVs to be licensed until 15 years, rather than the usual 10 years.
- 2.34 In terms of private hire vehicles, there is limited scope available to influence the uptake of WAVs. Private hire operators with WAVs within their fleet are predominantly those that hold contracts with the Council to provide transport services, which may include a requirement for specialist vehicles.
- 2.35 It is also important to consider that there is a wide array of wheelchairs that come in many different shapes and sizes. Manual wheelchairs tend to be lighter and smaller but passengers may require greater assistance from the driver to help them board and alight. Conversely, motorised wheelchairs tend to be heavier and bulkier, necessitating vehicles with stronger lifts or ramps and more secure tie-down points. Whilst the most suitable WAVs should offer flexible seating arrangements, ample space, and robust safety features to accommodate the varied dimensions and weights of different wheelchairs, in practice this is not always achievable.
- 2.36 The Licensing Service together with a representative group of local wheelchair using passengers met to explore these various issues with a view to developing the best policy approach. It is recommended that additional public consultation in this area would be beneficial in supporting this work.
- 2.37 ***It is recommended that the Council consult on:***

- a) *Whether it is appropriate for the Council to continue to require that all new hackney carriage vehicles must be wheelchair accessible.*
- b) *What specification requirements should wheelchair accessible vehicles be required to meet? For example, should the ability to accommodate the standard reference wheelchair be used as the qualifying criteria? Should both rear and side loading vehicles be permitted?*
- c) *Should grandfather rights in relation to existing saloon hackney carriage vehicles continue to apply or should these be phased out?*
- d) *How could the Council incentivise the uptake of suitable wheelchair accessible vehicles both within the hackney carriage and private hire trade?*
- e) *Should the Council consider introducing dedicated taxi ranks and stands for use by WAVs only?*

Vehicle identification and signage

- 2.38 The BPG recommends that licensing authorities should seek to clearly differentiate private hire vehicles from hackney carriages to avoid members of the public from being confused between the two different styles of operation. To this end it is recommended that no livery requirements are imposed on private hire vehicles as distinguishing features may lead members of the public to believe the vehicle is a hackney carriage. The BPG recommends that private hire vehicle signage requirements should be limited to the mandatory disc or plate and a “pre-booked only” door sign, together with a discreet sign showing the operator details should this be requested. The Council’s current Policy requires, in addition to the mandatory licence plate, private hire vehicles to display the vehicle’s licence number on the door signs, and window cards with the licence details in the front and rear windows. The Licensing Service believes that it is important that members of the public are able to readily identify all licensed vehicles so they can report concerns, and this is greatly assisted by the display of door signs that include the vehicle licence number.
- 2.39 Under current Policy, hackney carriages are required to display a roof sign displaying the word “taxi” but are not required to display door signs. Hackney carriages are required to display a licence plate and window cards, which are a different colour to private hire vehicles.
- 2.40 There are currently no other policy livery requirements in respect of private hire or hackney carriage vehicles for example in terms of specific colour or branding.
- 2.41 Additionally, private hire vehicles used solely for ‘executive’ style work, typically for corporate type clients, may apply for exemption from the requirement to display the usual licence plate, door signs and window cards. Applications for exemption must

be supported with additional evidence to demonstrate that the vehicle is used for executive style work. These vehicles are issued with discrete window cards for display in the rear window. The legislation does permit licensing authorities discretion to completely exempt vehicles from the requirement to display any form of licence plate or disc, however the BPG recommends that this only be allowed in exceptional circumstances and that the vehicle is not used for 'normal;' private hire work. Representatives of operators of executive status vehicles have requested that the current Policy be relaxed to allow their vehicles to be used for the occasional journey that does not pertain to a 'corporate' or 'business account' customer.

2.42 *It is recommended that Council consult on whether changes should be made to the current Policy approach on vehicle identification. Recommended matters to be considered include:*

- a) Should hackney carriage vehicles be required to display door signs?***
- b) Should hackney carriages have additional livery requirements, for example specific colour or branding?***
- c) Should private hire vehicles be permitted to have additional branding/advertising other than discrete signage showing operator?***
- d) Does the presence of the vehicle licence number on private hire door signs provide greater assistance in identifying a private hire vehicle as opposed to a simple 'prebooked only' sign? Should private hire vehicles with executive status be permitted to carry out the occasional pre-booked journey for non 'corporate' or 'business account' customers?***

Fire extinguishers and first aid kits

2.43 In accordance with the BPG, the National Fire Chief Council recommends that if licensing authorities require fire extinguishers in licensed vehicles that they should ensure that suitable and sufficient training is provided to the drivers. The advice is that if licensing authorities elects not to require training or drivers on the safe way to tackle a vehicle fire, vehicles should not be required to carry fire extinguishers and drivers should be advised to get out and stay out of the vehicle and call 999, rather than attempting to put a fire out.

2.44 Currently licensed vehicles are required to have fire extinguishers, but no training is provided. There appears to be no evidence that suggests that the provision of a fire extinguisher is necessary in a regular licensed vehicle. Furthermore, providing training is very onerous and costly for the trade.

2.45 Comments from Buckinghamshire Fire and Rescue support this view as they have advised that from a fire safety point of view, fire extinguishers are in the first instance to assist people to escape in a fire situation. Consideration also needs to be given to how extinguishers would be used and by whom. If the drivers had received

the necessary training, are they able to evaluate when it is right to use the extinguisher and if it is the passenger, are they going to be putting themselves in danger having had no training?

- 2.46 Advice available says that a dry powder extinguisher is the most suitable for vehicle fires, but these are not recommended for use in enclosed spaces. However, this does not take into account the increased number of licensed vehicles that are electric or hybrid and fires in these vehicles are a different proposition and conventional extinguishers are unlikely to be able to deal with these types of vehicle fires.
- 2.47 Whilst the carrying of first aid kits in licensed vehicles is not referenced in the BPG, it is a requirement of Buckinghamshire Council that these be carried in licensed vehicles, and similar considerations could apply as per the requirement for fire extinguishers. A mandatory requirement to carry first aid kits without an accompanying requirement to also undertake at least basic first aid training could be considered to render the requirement for fire aid kits anomalous or superfluous. Furthermore, to date there appears to be a lack of evidence to support the benefit of mandating first aid kits, however compliance with this requirement results in additional costs to the vehicle licence holder.
- 2.48 ***It is recommended that the Council consult on whether changes should be made to the current policy requiring licensed vehicles to carry fire extinguishers.***
- 2.49 ***It is recommended that the Council consult on whether changes should be made to the current policy requiring licensed vehicles to carry first aid kits.***

CCTV

- 2.50 The Statutory Standards state that all licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users. The BPG view is that CCTV in vehicles can enhance both driver and passenger safety.
- 2.51 The current Council Policy allows CCTV in vehicles at the discretion of the vehicle proprietor. It is recommended that this matter is included in the public consultation as previously mixed views were shared.
- 2.52 It should be noted that a requirement for CCTV in vehicles would need further consideration of the data protection implications and compliance requirements for licensees before a final decision is made.
- 2.53 ***It is recommended that views be sought on whether the Council should look to mandate CCTV or stipulate requirements in terms of specification or access. The***

results of the consultation will help determine whether further exploration is required in this area, such as the completion of a data impact assessment.

- a) Should the council consider imposing a mandatory requirement that all licensed vehicles are fitted with CCTV?***
- b) If CCTV is installed/mandated where should they be positioned within the vehicle?***
- c) How long should CCTV be set to record and how long should recordings be retained?***
- d) In what circumstances should these recording be made available to the Police or an authorised officer from the council?***
- e) How do customers feel about images being recorded whilst they are traveling in a licensed vehicle?***

Euro NCAP safety rating

- 2.54 The European New Car assessment Programme (NCAP) is a voluntary vehicle safety rating system, which provides consumers with information regarding the safety of passenger vehicles. Euro NCAP publishes safety reports on new cars, and awards 'star ratings' from 1 to 5 based on the performance of vehicles in a variety of crash tests. Including front, side and pole impacts, and impacts with pedestrians.
- 2.55 The Euro NCAP safety rating helps consumers compare the safety potential of different models and is based on assessment in 4 important areas: adult occupant protection, child occupant protection, vulnerable road user protection and safety assist.
- 2.56 The BPG suggests that licensing authorities consider the safety benefits to passengers, drivers and pedestrians of vehicles which have received a higher NCAP star rating, where assessed alongside the potential impacts on the availability of vehicles for passengers.
- 2.57 Officers have some reservations in relation to this suggestion as the safety rating scheme is voluntary and does not cover all vehicles and manufacturers. It is important to note that it also appears to contradict the guidance in section 8.1 of the BPG (principle of enabling as many different types of vehicles as possible to be licensed).
- 2.58 It should be noted that it is not possible for Euro NCAP to test every new car that comes onto the market, nor can it test all variants of each car offered by the manufacturer. In order to provide a broad range of consumer information, each year a selection is made of the most popular and interesting models. In most cases

these are new cars that just enter the market, however Euro NCAP can also test cars that are already on sale.

- 2.59 Every member organisation of Euro NCAP sponsors the assessment of at least one car model per year. They may choose a vehicle which is of relevance to their own domestic market or one which is particularly important in a certain market segment. In addition, vehicle manufacturers can sponsor their own cars.
- 2.60 It is also worth noting that the rating essentially only reflects the safety of the vehicle at the point of manufacture. The vehicle's safety conformity could be compromised over time, e.g. if involved in an accident, the NCAP rating could therefore lead to the risk of misplaced trust.
- 2.61 There are also potential additional financial burdens for the trade, and by extension additional costs to passengers, as this approach would limit the number of vehicles available for licensing.
- 2.62 ***It is recommended that the Council consult to seek views on the Euro NCAP safety rating as a basis for determining suitability of vehicles for licensing so the pros and cons can be fully considered.***

Staff Training

- 2.63 The BPG recommends that all staff in customer facing roles and people managing service delivery undertake disability awareness training. The Council's Policy already requires licensed operators to undertake the same safeguarding and disability awareness training as licensed drivers. Staff working for private hire operators are equally likely to have contact with customers who may have certain disability needs or be a position to identify safeguarding concerns.
- 2.64 ***It is recommended that the Council consult to seek views on whether all operating staff with customer facing roles should be required to attend the same routine disability and safeguard awareness training as licensed operators.***

Landline numbers

- 2.65 The current Policy requires private hire operators to have a local landline number. The purpose of this policy is principally to demonstrate that the operator is based within Buckinghamshire Council's boundaries. However, by 31 January 2027 the Public Switched Telephone Network will be closed and every phone line in the UK will have moved to a fully digital network that uses Internet Protocol (IP) across a fibre based service.
- 2.66 Therefore given the widespread use of mobile phones, freephone numbers, non-geographic numbers and online bookings it is not always possible or practical for operators to comply with the landline requirement. All private hire operators are required to provide evidence of a physical operating base within the Council's

boundaries by way of lease, land registry or similar documents. The requirement to have a landline, particularly for small operators, is arguably overly burdensome.

- 2.67 ***It is recommended that the Council consult to seek views on removing the policy requirement for a local landline number, especially in light of the move to a fully digital network by 31 January 2027.***

Executive operators

- 2.68 The Council recognises a class of executive status vehicles which are currently exempt from the requirement to display a plate. For such vehicles, more discreet executive plates or discs are issued. This status is only given to those vehicles and operators which carry out work of a corporate or executive nature, which is specifically defined within the existing Policy.

- 2.69 To help facilitate applications for executive style vehicles, representatives of local executive operators have raised a suggestion that the Council should look to introduce a separate type of operator licence for executive style operators.

- 2.70 ***It is recommended that the Council consult to seek views on introducing a specific style of vehicle operating licence for operators of executive vehicles.***

Other matters

- 2.71 A large proportion of the BPG focuses on accessibility, there are around 13.9 million disabled people in the UK, which equates to 20% of the population. Disabled people are particularly reliant on taxi and private hire vehicle services, whether this be because they do not have access to a private care, unable to use public transport or because the built environment is insufficiently accessible to meet their needs. Access to an affordable and accessible taxi or private hire vehicle service can make all the difference and allow these individuals to live their lives the way they want to.
- 2.72 Further workshops with stakeholders will be held, particularly focussing on passengers and the public, including those with disabilities in addition to wheelchair users such as those with restricted mobility, hearing or sight impairments. Further liaison and engagement are also planned to seek views and input from colleagues and agencies who may have an interest in this area, including Thames Valley Police, Transport Planning, Highways, Environmental Health, Public Health and ASC and CSC.
- 2.73 Appendix 4 of the current Policy sets out the Council's approach to applying the 'fit and proper' test. In accordance with legal requirements, only those persons who the Council consider fit and proper are able to hold licences, although the term is not defined within the legislation. Appendix 4 of the Policy details various categories of criminal type behaviour that will be taken into account when determining an individual's suitability to hold a licence. A risk assessment style approach is taken, for the most serious crimes or where there is a pattern of repeat offending a licence will generally never be granted, for less serious criminal behaviour and/or the risk of

reoffending is demonstrated through the passage of time a licence may be granted. The approach taken reflects that in the Statutory Standards and the content is based on the [Guidance on determining the suitability of applicants and licensees in the hackney carriage and private hire trades](#), (Safe and Suitable Guidance) produced by the Institute of Licensing (IOL) in 2018, with support from the Local Government Association and others. The Licensing Service has applied the Policy approach robustly and it has proved largely successful as demonstrated by regular endorsement by the Courts supporting decisions made by the Council at appeal hearings. However, there are several aspects of this particular policy that have been highlighted as problematic by the local trade representatives and officers, particularly in relation to DVLA penalty points for motoring offences where the Council takes a more stringent approach. The trade have asked that this area of the Policy be reviewed however the service is also aware that IOL is currently reviewing its safe and suitability guidance. It is recommended that consultation on Appendix 4 of the Policy be reserved to such time as the IOL has completed its review and published further guidance.

- 2.74 The Policy aims to deliver benefits in terms of improving public safety as well as ease of operation for the taxi trade. It is important that the Council balances the impacts of any proposed changes on those who may be negatively affected, with the improvements to public safety and the benefits to service users and the taxi trade that the revisions to the policy would bring.

3. Next steps and review

- 3.1 Public consultation September to October alongside further stakeholder engagement sessions
- 3.2 Report to Licensing Committee with proposed revisions to the Policy for consideration. TBC
- 3.3 Adoption by Licensing Committee or Full Council. TBC
- 3.4 Policy implementation. TBC

4. Legal and financial implications

- 4.1 Under section 177(1) of the Policing and Crime Act 2017, the Secretary of State for Transport has issued statutory guidance on the standard to be applied for authorities exercising taxi and private hire licensing functions to protect children and vulnerable individuals who are over 18 from harm when using these services. Under section 177(4), licensing authorities “must have regard” to these standards when exercising

their functions. “Having regard” is more than having a cursory glance at a document before arriving at a preconceived conclusion, and any failure to adhere to the standards without sufficient justification could be detrimental to the authority’s defence. In accordance with the standards, licensing authorities are expected to make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing, which is reviewed every 5 years, with interim reviews should significant issues arise in the local area. The review that is being proposed will bring forward the 5 year review planned for 2026.

- 4.2 The Department for Transport’s Best Practice Guidance on taxi and private hire vehicle licensing is non-statutory and is published with a view to providing a steer to licensing authorities in areas that the Government either considers important or have been identified as problematic. Decisions made by a local authority remain a matter for that authority. Licensing Authorities should seek their own legal advice on issues that are particularly relevant to them. The Department for Transport is not responsible for interpreting the law, that is a matter for the court. The current Policy takes account of the Department for Transport Best Practice Guidance which was issued in July 2020.
- 4.3 The BPG recommends that councils consider, and in some cases consult on, the various issues. This is therefore a departure from previous consultations which focused on the Policy wording itself. Consultation on the principles will therefore allow the council to obtain views which can be taken into account before making any decision on whether to change some of the Policy requirements in accordance with the BPG and is in line with the requirements for an appropriate consultation. It is suggested that there is further consideration of how to progress the review of the Policy once responses are received to ensure that if any further consultation is appropriate this can be done.
- 4.4 Taxi and private hire fees are kept under annual review and a full review is undertaken regularly and at least every 3 years to ensure that fees and charges are set at a cost neutral level. There may be future cost implications to the Council from new policy requirements, however any additional costs incurred, or savings made will be reflected in future adjustments to fee levels. The Council is legally obliged to ensure licence fee levels are set on a cost recovery basis. There are no anticipated net impacts on the Council’s medium term financial plan.

5. Corporate implications

- Protecting the vulnerable – taxi and private hire vehicles play a valuable role in transporting vulnerable members of the community such as children and those with physical disabilities. Many children, including those with special educational needs,

rely on taxis and private hire vehicles for school transport. This policy review presents an opportunity to ensure that the required standards of the Council's Client Transport Services and private hire and taxi licensing remain aligned. The policy also allows the Council to set out its expectations in terms of vehicle requirements, including accessibility requirements.

- Property – N/A
- HR – N/A
- Climate change – measures to encourage the use of low emission vehicles will be considered in this Policy review.
- Sustainability – the provision of public transport reduces the need for car ownership. A policy that promotes higher quality transport options is more likely to be desirable to passengers and further reduce the need for vehicle ownership
- Equality – An Equalities Impact Assessment was carried out when the Policy was first adopted in February 2021. This EQIA will be reviewed prior to any public consultation on the content of the current Policy and updated in relation to the BPG recommendations to ensure that all equalities issues are considered prior to any decision. Any other equalities matters eg consideration of requirements for WAVs will include details about equalities issues.
- Data –existing data protection policies, including relevant privacy policies, will be kept under ongoing review to ensure they complement any changes to the current Policy and where there may be changes to the processing of information, including collection and use of such information, this will be considered separately to ensure that data protection legislation is complied with as regards such processing.
- Value for money – the work involved in reviewing the current Policy is incorporated into officers' existing workloads and no additional resources are anticipated.

6. Key documents

Buckinghamshire Council - [Hackney Carriage and Private Hire Licensing Policy](#)

Department for Transport - [Best practice guidance on taxi and private hire vehicle licensing](#)

Department for Transport - [Statutory Taxi and Private Hire Vehicle Standards](#)

Institute of Licensing - [Guidance on determining the suitability of applicants and licensees in the hackney carriage and private hire trades](#)