



Report to Licensing Committee

Date: 14th October 2020

Title: Buckinghamshire Council Taxi and Private Hire Licensing Policy

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Recommendations:

1. To note and comment on the content of the report
2. To agree the commencement of a public consultation on the new Buckinghamshire Council Taxi and Private Hire Licensing Policy

Background

- 1.1 The Council is committed to adopting a new taxi and private hire vehicle licensing policy to support the alignment of the licensing regimes of the former Districts. As reported to the Licensing Committee on 1 July 2020, the adoption of a new policy presents an opportunity to ensure Buckinghamshire Council licensed vehicles, drivers and operators are all held to the highest possible standards along with consistency for both drivers and the public.
- 1.2 Officers from the Licensing Service have drafted a new policy in collaboration with the Council's policy team. The new policy (see appendix 1) has been benchmarked against existing policies and the new Statutory Taxi and Private Hire Vehicle Standards (published July 2020) (see appendix 2). Measures proposed in the new policy will impact on the existing licensed trade to varying degrees depending on the legacy area within which they currently operate and on their own current operational arrangements (e.g. current age and specification of vehicles), with some potentially more significantly affected than others. New entrants to the trade will also be impacted as a result of higher standards required of vehicles, drivers and operators. The policy also considers the application of "grand father" rights in respect of the existing trade. The more potentially controversial aspects of the new policy are set out in section 2 of this report.

- 1.3 Pre-engagement consultation with stakeholders has been carried out including an online survey, which ran from the 7th - 27th September, and the associated communications plan which included targeted communication with the taxi licensing trade. Licensing Committee member workshops were held on 15th and 16th September and the responsible Cabinet Member and the Chair of the Licensing Committee have also been fully engaged throughout the process. A progress update paper was presented at the Environment & Localism Select Committee on the 24th September. Feedback received throughout this engagement period has been incorporated into the proposed policy
- 1.4 A key policy issue concerns hackney carriages and the proposal that the five current geographical hackney zones, with their own Byelaws, vehicle specifications and wheelchair accessibility, ranks, limitation policy (in respect of Aylesbury Town), licence fee and fares and should be removed and replaced with one single new hackney zone across the Buckinghamshire Council area

Main content of report

2.1 Pre-engagement survey

- 2.1.1 A pre-engagement survey was undertaken between the 7th and 27th September 2020. Information on the survey was provided to key stakeholders, including the taxi licensing trade, via email, social media and member and residents newsletters. A total of 583 responses were received with 58% of responses received from residents and 36% of responses from the licensed trade, providing a good range of responses across the key stakeholder groups. A copy of the summary public survey results is attached as appendix 3. The findings of the survey have aided the formation of the new policy and are referenced throughout this report.

1.2 Statutory Standards

- 2.2.1 In accordance with the Policing and Crime Act 2017, the Department for Transport published new standards for taxi and private hire vehicles in July 2020 with the aim of safeguarding children and vulnerable adults from abuse and exploitation. Councils must have regard to these new standards and it is expected that they will be adopted unless there is compelling local reason not to. The majority of these standards have already been adopted by the former District Councils such as enhanced DBS checks, English language testing and information sharing with the police and other local authorities. However there will be some new challenges presented by the standards which are not current policy requirements but have been included in the new policy. These include:

- Policy to be reviewed every 5 years and annual performance reviews

- Retrospective application of the new policy in some areas (e.g. English language testing and criminal convictions policy)
- 6 monthly DBS checks and subscription of drivers to the DBS Update Service (currently, driver DBS checks are performed every 3 years on licence renewal)
- Annual DBS checks for vehicle owners where they are not licensed drivers
- CCTV in vehicles. The standards advocate local consultation to determine whether CCTV would have a net positive or adverse impact on safety. The Council needs to be mindful that should it mandate CCTV, or dictate conditions as to its installation and use, then in accordance with ICO guidance, it is likely to be deemed a data controller under the Data Protection Act.
- Annual basic DBS checks for operators where they are not licensed drivers (these are currently carried out every 5 years on renewal of the licence, or 3 yearly for driver/operators), basic DBS checks on all staff responsible for bookings.

2.2.2 It remains acceptable for the Council to adopt a differing local policy but in instances where the Council choose not to follow the statutory standards it is expected to state why. With respect to the new policy this is essentially only applicable in one key area which relates to decision making where grant of a licence may be contentious. The statutory standards are clear that regardless of the decision making model adopted, the objective must be to separate the investigation of licensing concerns and the management of the licence process. The policy proposes that a panel of delegated expert officers and a manager (where appropriate in consultation with legal services) review licence investigations and make contentious licence decisions where there is a breach of, or non-compliance with, policy requirements. This model reflects the approach currently taken within all the legacy District areas and has been shown to be robust, consistent and efficient. In addition the effectiveness of this approach has been evidenced by consistent successful appeal outcomes in the Courts across the legacy areas (a majority of taxi licensing decisions are appealed through the magistrate's court where there is a perceived negative impact on the applicant). Buckinghamshire Council is now one of the largest taxi licensing authorities in the country, licensing in the region of 3500 drivers and 2500 vehicles. As a result there is a need to make timely, consistent and robust licence decisions that fulfil the Council's obligations and achieve the correct outcome for the traveling public, whilst also ensuring that the process in itself does not create additional cost and delay for the trade. There is a clear need for member involvement, scrutiny and accountability in this area and, as proposed, the Licensing (Regulatory) Committee will have full oversight of all contentious licence decisions

made via a regular reporting and review mechanism, enabling discussion, consideration and review of the consistency and robustness of decisions taken.

2.2.3 A separate report on the implementation of the statutory standards will be presented to the Licensing (Regulatory) Committee in early 2021 to enable focused consideration of the new standards and their application within the new Buckinghamshire Council Taxi and Private Hire Licensing Policy. The timing of this report is linked to the decision making process for the Policy.

2.3 Other key policy changes:

2.3.1 Beyond the statutory standards, the policy introduces further robust measures which will be new to some or all of the former District areas. These include:

- Vehicle emissions policy: ultra low or zero emission vehicles by 2030. New licences for vehicles exceeding Euro 6 and renewals for vehicles exceeding Euro 5.
- New vehicles to be less than 5 years old and vehicle licences ceasing once the vehicle is 10 years old (limousines / prestigious vehicles and low emission vehicles 15 years).
- Disability awareness training for drivers and operators. Specific training for all drivers of Wheelchair Accessible Vehicles (WAVs).
- English language testing for all drivers – new applicants and those who have not previously been tested.
- Compulsory Safeguarding training for operators, with refresher training for drivers and operators every 3 years.
- Knowledge test for operators (knowledge test for operators will cover legislative and policy requirements rather than local geographical area knowledge)
- Drug testing of drivers in appropriate circumstances or where there is cause for concern

2.3.2 The adoption of the new policy as drafted will ensure that Buckinghamshire Council not only meets its statutory obligations, but will help promote the highest standards to secure public safety and promote a cleaner environment. Elements of the policy will inevitably place a higher financial burden on the trade, notably in terms of the proposed vehicle age limits and the mandate of CCTV in vehicles. Additional testing, assessment and record keeping requirements introduced by the new statutory standards will also place additional burdens on the trade and on Licensing Services resources. It should be noted that policy changes which increase the work required within Licensing Services will be reflected in the licensing fees charged to the trade.

However, these additional burdens should be balanced with the overriding aim of protecting public safety.

2.3.3 It is not currently possible to provide an indication of the financial impact policy changes may have on the taxi trade ahead of the public consultation on the policy. Most changes to taxi licensing fees and charges also require public consultation and as such any proposed changes to the existing charging structures will be presented to Licensing (Regulatory) Committee to review ahead of a further public consultation process. It is proposed that this separate report will come forward at a time that aligns, as far as possible, with the approval process for the Policy itself.

2.3.4 Alongside adoption of a new policy, there are some key areas of contention and complexity that have been considered as the Council moves to align policy areas of the former Districts:

2.4.1 **Hackney Carriage Zones**

There are currently 5 separate hackney carriage zones in the Buckinghamshire Council area, with separate requirements in respect of vehicle specifications, fares payable and areas where they are permitted to stand and ply for hire. In addition, Aylesbury Town currently has a limitation policy of 50 hackney carriage vehicles. The policy proposes to remove these zones which will mean that hackney carriage vehicles will be free to ply and stand for hire across the entire Buckinghamshire Council area.

2.4.2 To provide some context around this decision the DfT Taxi and Private Hire Vehicle Statistics, England: 2019 show that in England, outside London, since 2005 the number of licensed private hire vehicles has increased by 66% compared to only a 16% increase in taxis (hackney carriages). Furthermore between 2017 and 2019 whilst there was 12.8% increase in the number of licensed private hire vehicles, the number of licensed taxis (hackney carriages) declined by 6.1% (for the South East for the same period licensed private hire vehicles increased by 7.3% and licensed taxis declined by 5.7%). These figures are indicative of a changing market which is likely driven by the use of smartphone apps for the private hire trade enabling customers to easily book, track and trace a private hire vehicle rather than utilising the traditional taxi rank option to travel when out and about.

2.4.3 The DfT Statistics also show that nationally only 30% of local authorities continue to impose limits on hackney carriage numbers that can operate within a zoned area. Numerical limits on hackney carriages can only be imposed lawfully if the Council is satisfied that there is no significant demand which is unmet. To meet this legal test the Council is required to carry out routine surveys. The DfT Best Practice Guidance recommends that limits should be avoided and the number of licensed taxis should be left to market forces. However where limitation policies are adopted they should be reviewed at least every 3 years. The Aylesbury Town limitation policy of 50 has

been in place for many years now and is overdue for review. The current number of licensed hackney carriages is below 50 and there is no recent evidence of demand to take up the available licences.

- 2.4.4 The formation of the new Buckinghamshire Council unitary authority by government on the 1st April 2020 was based on the opportunities that this would present in terms of the rationalisation and streamlining of services, as well as the provision of joined up services for residents. The creation of the new Council provides an opportunity for a coherent and more joined up approach on taxi and private hire licensing across the Buckinghamshire Council area, enabling greater innovation in service provision for residents and informed strategic decision making in terms of the direction of travel for the future.
- 2.4.5 The new policy proposes the removal of all existing hackney carriage zones enabling hackney carriages to operate across the entire Buckinghamshire area. The limitation on the availability of hackney carriage vehicle licences in the Aylesbury town area is directly associated with the existence of the zone in which the restriction applies. Removal of this zone would therefore have the immediate effect of removing any associated limitations on taxi licence numbers.
- 2.4.6 The key considerations in making this decision have been a desire to ensure that how we operate in the future reflects the key priorities of the new Buckinghamshire Council in terms of protecting the environment and promoting the local economy for businesses and residents. Creating a single zone enables hackney carriages to operate across the Council area and respond flexibly to meet demand. Hackney carriages travelling across the Buckinghamshire Council area would be more able to pick up a fare on a return journey, limiting the amount of time spent travelling unoccupied and increasing earning potential. A single zone will assist the implementation of a single set of standards and tariffs simplifying the system for the taxi users and for the licensed trade.
- 2.4.7 The policy proposes that all new, additional licensed hackney carriage vehicles must be wheelchair accessible vehicles (WAVs). Whilst this measure is primarily intended to ensure an adequate provision of WAVS within the mixed taxi and private hire fleet, it is also likely to limit in part the number of new entrants to the market because of the additional financial outlay required. This should go some way towards balancing concerns regarding an influx to the market for the existing trade. Existing hackney carriage providers will be able to replace their vehicle with a similar type vehicle at the point it reaches the maximum vehicle age limit, ensuring the long term provision of a mixed fleet. Where the existing vehicle is a 'black cab or similar type specification' hackney carriage providers will be able to replace the vehicle with a different type of WAV if they wish to do so.

2.4.8 The DfT Taxi and Private Hire Vehicle Licensing Best Practice Guide (March 2010 edition) recommends the abolition of zones and states that the primary reason for this is to benefit the travelling public. The guidance states that zoning tends to diminish the supply of taxis and the scope for customer choice and that the provision of separate zones for customers can be both confusing and frustrating. In addition the abolition of zones can reduce costs for the local authority, for example through simpler administration and enforcement, as well as promoting fuel efficiency through more occupied taxi journeys (where a fare can be picked up for a return journey).

2.4.9 The possible advantages and disadvantages to the creation of a single hackney carriage zone are summarised below:

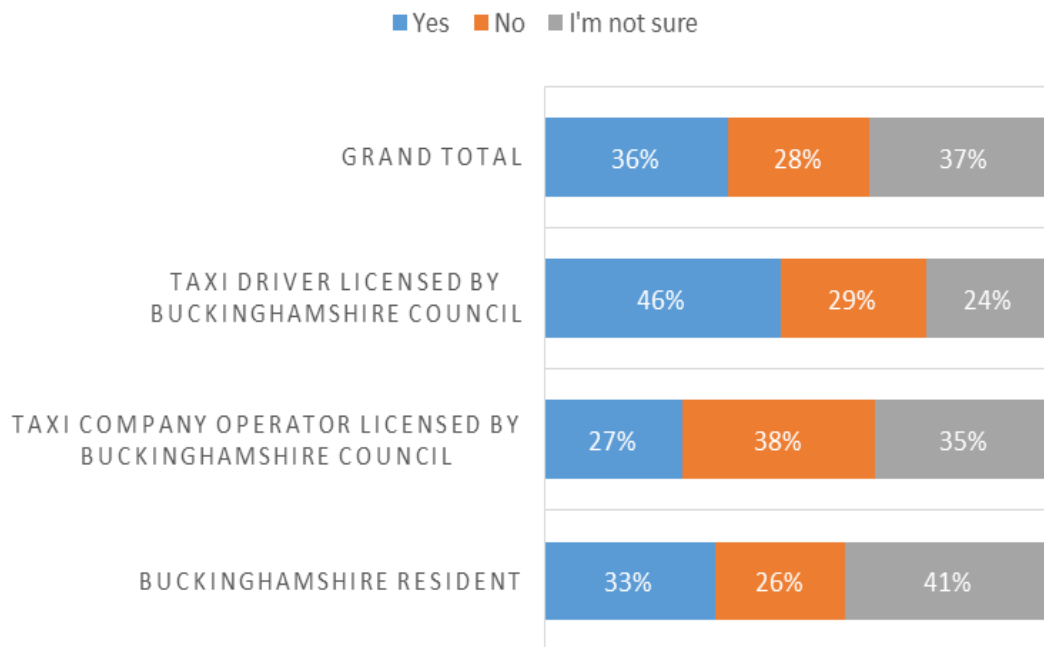
Possible advantages to operating a single hackney carriage zone	Possible disadvantages to operating a single hackney carriage zone
Provides greater customer choice and parity across the Buckinghamshire Council area encouraging flexibility and competition and associated benefits for the travelling public.	Hackney carriages may migrate to most densely populated areas possibly limiting services available in other parts of the Buckinghamshire Council area
The Department of Transport consider the one zone approach to be best practice.	Potential for increased traffic movements and congestion in busy town areas especially during periods of high demand at peak times. Could lead to increases in road traffic pollution at certain times.
Could lead to greater availability of hackney carriage vehicles in some busy areas at peak times. Could result in fewer or shorter taxi queues in some busy areas at peak times.	Could lead to a reduction in available work and income for existing trade members as a result of the ability of taxis from outside existing zones to operate throughout the Buckinghamshire Council area and for new people and vehicles to enter the trade in previously limited areas.
May be beneficial to hackney carriage owners and drivers who are currently excluded from operating outside their current zones.	Possible reduction in number of WAVs available in some areas dependent on vehicle migration.
Could encourage new drivers and vehicle owners to enter the trade and provide new employment opportunities.	

Possible advantages to operating a single hackney carriage zone	Possible disadvantages to operating a single hackney carriage zone
Would provide greater freedom and the ability for hackney carriage trade members to operate throughout the Buckinghamshire Council area as opposed to just one zoned area.	
There is the potential for an increase in income for some members of the hackney carriage trade as a result of a lifting of restrictions.	
Would be beneficial to the enforcement regime.	
Could support crime and disorder reduction by assisting in the efficient transport of pedestrians in town and city centres and help promote the safe night time economy.	
One set of hackney carriage fares/tariffs would give greater uniformity and parity for the travelling public	
The imposition of a single set of hackney carriage tariffs could be beneficial to some members of the existing hackney carriage trade where tariffs are currently lower than other areas.	
Would remove some existing confusion and complexity and provide a simplified and more uniform system of hackney carriage licensing.	
Possible increase of WAVS available across Buckinghamshire area, particularly in areas where provision is currently low.	

2.4.10 Pre-engagement feedback around the retention or removal of hackney carriage zones was mixed with 41% of responders indicating that they felt that the existing



zones should be retained, 27% indicating that they should not be retained and 32% unclear on either option. The removal of hackney carriage zones is a complicated issue and will likely have both positive and negative impacts. The responses in this area are indicative of the complexity of this decision. When asked, “do you think the Council should keep separate taxi operating zones” the survey answers were as follows (responses from other groups on this question were too low to be meaningful and as such have been excluded):



Overall the majority of respondents (37%) didn't know whether we should retain separate taxi operating zones or not, although this was closely followed by those who answered 'Yes' (36%) who favoured keeping separate zones, and those who answered 'No' (28%) who supported the creation of a single zone.

- 2.4.11 Taxi Drivers were strongly in favour of retaining separate zones (46%), whilst residents were not sure (41%) and taxi company operators were in favour of creating a single zone. (38%). 18% of respondents who answered 'Yes' and 5% who answered 'No' to retaining separate zones were confused by the question and these answers have been excluded. However this could mean that other respondents who didn't leave a further comment on their answer may also not have understood the implications of the question.
- 2.4.12 Where there was a clear view that existing zones should be retained comments received indicated concerns around local knowledge of drivers, competition and loss of trade such as:

Otherwise the scope to ply for hire is too large and you lose control of numbers of taxis working each area.

'Drivers from other zones will not necessarily know the other areas. Drivers should be able to work in a zone that they know and have a knowledge test for without SatNav.'

'Having vehicles in adhoc places could also make it difficult for disabled customers to a) find b) get into vehicles.'

Retain existing zones

'My fear is that if the Zones were abolished there would be a large concentration of cabs in certain places and none at others. There should however be unification of rules and fares'

'I don't trust drivers to use their own initiative about where it is appropriate to park/wait. To remove taxi zones would open them up to blocking high traffic areas where they may feel they can pick up more customers. This would be making it more difficult for pedestrians and other drivers. Parking enforcement is difficult and expensive to manage, asking readily identifiable vehicles only park in a allocated zone makes it much easier to monitor.'

2.4.13 Where there was a clear view that existing zones should be removed comments indicated support for an open market operating across the Council area, increased customer choice, standardisation and value for money such as:

'All zones, should all have the same rules. If all the zones have different rules then it's confusing. The more complicated you make it the harder it is for the public/companies.'

'It's unfair for a taxi who picks up a fare in Aylesbury, say, to Wycombe to have to drive back to Aylesbury Vale before they can pick up another fare. If taxis can operate right across London I don't see why they can't operate across our much smaller unitary authority.'

Create single zone

'Rules should be unified across the county, it is ridiculous to have separate ones in separate areas.'

'Simplifies the set up and stops some companies operating as monopolies'

'We are supposed to be one county and council'

'Market consolidation would be a good thing'

'Better for the taxi driver and no difference for the passenger'

2.4.14 Of the 62 responses received from hackney carriage drivers on this issue 69.3% of them felt that the existing zones should be retained, 19.4% felt they should be removed and 11.2% were unsure. Hackney carriage drivers indicated concerns that rank space in the major towns was insufficient and that removing existing zones would create an influx of vehicles to these areas. They also felt that local knowledge was important when working in a particular area.

2.5 Taxi rank use and provision

The public survey asked responders whether they were users of taxi ranks and where they felt provision was lacking. Of those that responded to the survey 45% were users of taxi ranks. This response was reasonably consistent across all areas other than in South Bucks where only 16% of responders said that they currently use ranks which likely reflects the more limited rank provision in this area.

Do you use taxi ranks?	Yes	Not		Count
		No	Answered	
Aylesbury Vale area	48%	51%	1%	192
Chiltern area	52%	48%	0%	31
South Bucks area	16%	84%	0%	19
Wycombe area	53%	47%	0%	74
Not Answered	40%	59%	1%	230
Grand Total	45%	55%	1%	546

119 responders provided information on locations where they would like to see a taxi rank and a number of these identified train stations as potential additional rank locations including, Beaconsfield, Gerrards Cross, Haddenham, Marlow and Wendover as well as Stoke Mandeville Hospital. Information on taxi ranks will be shared with the Council's Highways team as well as Chiltern Railways and the NHS to review and consider next steps in relation to additional rank provision.

2.6. Vehicle specifications and Wheelchair Accessible Vehicles (WAVs):

The decision to remove the current separate hackney carriage zones will likely influence the provision of WAVs for the travelling public. The legacy district areas currently have different requirements in relation to vehicle specifications and wheelchair accessible vehicles:

Current vehicle specification:

Vehicle type	Aylesbury	Wycombe	Chiltern	South Bucks
Hackney Carriage	Purpose built (black or white 'London cab' type or similar), all must be WAVs	Saloon car, hatchback car or other suitable vehicle. All new, additional licensed vehicles must be WAVs	Saloon car, hatchback car or other suitable vehicle. All new, additional licensed vehicles must be WAVs	Saloon car, hatchback car or other suitable vehicle. All new, additional licensed vehicles must be WAVs

Current wheelchair accessible vehicles by type:

% or vehicles that are WAVS	Aylesbury	Wycombe	Chiltern	South Bucks
Hackney Carriage	100%	48.3%	1.4%	1.2%
Private Hire Vehicle	4.4%	6.7%	1.4%	1.25%

- 2.6.1 To provide some context to this decision in England in 2019, 16% of all licensed vehicles were wheelchair accessible. 58% of all hackney carriages were wheelchair accessible while 2% of private hire vehicles were wheelchair accessible. In Buckinghamshire in 2019 7.2 % of all licensed vehicles were wheelchair accessible 24.7% of all hackney carriages were wheelchair accessible and 4.5% of private hire vehicles were wheelchair accessible.
- 2.6.2 Significantly more disabled people responded to the pre-engagement survey (17%) than there are in the general population (4%). However this could be due to the way data was captured as responders were asked whether they had a disability or 'long term' health condition. It may also reflect the completion rate of the survey by service users of home to school transport services who were engaged as key stakeholders in the process.
- 2.6.3 Buckinghamshire has an aging population with 26.7% of the population over the age of 65 (at the last census in 2011) which was slightly above the national average. The Joint Strategic Needs Assessment for Buckinghamshire (2016-2020) indicates a 44.4% increase between 2015 and 2025 in the percentage of the population aged 80 and over with the proportion of working age adults falling. Taxi and private hire vehicles provide an important service to disabled, elderly and vulnerable passengers who may be unable to access other forms of transport easily. The taxi policy aims to

ensure that there is sufficient variety of vehicles within the fleet to adequately meet the demands of all users.

- 2.6.4 As a benchmark, according to the Disabled Persons Transport Advisory Committee (DPTAC), a proportion of less than 25% WAVs within the fleet would be unlikely to meet the necessary levels of service. A mixed fleet of WAVs and other vehicle types is most likely to meet the needs of disabled passengers.
- 2.6.5 The policy proposes that all new, additional hackney carriages must be wheelchair accessible vehicles. Existing hackney carriage providers will be able to replace their vehicle with a similar type vehicle at the point it reaches the maximum vehicle age limit ensuring the long term provision of a mixed fleet. Where the existing vehicle is a 'black cab or similar type specification' hackney carriage providers will be able to replace the vehicle with a different type of WAV if they wish to do so. This requirement should limit the number of new entrants to the market providing a degree of protection to the existing hackney carriage trade whilst also enabling competition and the natural application of market forces. The provision of WAVs and the required level of mixed fleet vehicles will be kept under review. There is a requirement to review the new Policy every 5 years and more often if there are significant local or national changes to the market.
- 2.6.6 The removal of existing hackney carriage zones will enable hackney carriage vehicles to operate across the Buckinghamshire Council area. This open market approach should increase the availability of wheelchair accessible vehicles for users, balancing up to some extent the differences in legacy Council area WAV availability for users.

2.7 CCTV

The new DfT standards for taxi and private hire vehicles advocate local consultation to determine whether CCTV would have a net positive or adverse impact on safety. The licensing service has received a number of enquiries from the trade requesting that they can install and use CCTV in vehicles and at the current time this is allowed, and guidance provided where it is requested, in all legacy areas. Only 4% of local authorities currently mandate CCTV (DfT Taxi and Private Hire Vehicle Statistics 2019) although most allow it. Where the Council mandates the use of CCTV or dictates conditions as to its installation and use, then in accordance with ICO guidance, it is likely to be deemed a data controller under the Data Protection Act.

- 2.7.1 The current policy proposes to mandate the use of CCTV in taxi and private hire vehicles from April 2023 as it both promotes and protects the safety of the travelling public and the taxi trade as well as facilitating enforcement activity where required. An implementation date of April 2023 provides the licensed trade with notice of intention to mandate the use of CCTV in vehicles and time to plan and prepare for this change. It also enables technology in this field to develop further, potentially increasing choice and reducing costs to the trade.

2.7.2 Public survey results show that 59% of responders felt that having CCTV installed in vehicles was extremely or fairly important with 24% indicating that it was neither important or unimportant to them. The number of individual comments received in relation to the installation of CCTV was relatively low. However there was generally support for mandating its use whilst recognising that there may be a significant financial investment from the trade required. This should be carefully considered alongside the impact of other policy changes. Responders said:

‘CCTV solves all complaints in an instant - protects the driver and passenger.’ (taxi operator)

‘I think vehicle(s) should have CCTV cameras so both driver and passengers are safe...’ (taxi driver)

Mandate CCTV in vehicles

‘Serving (the) general public isn't always easy as individuals differ in their levels of behaviour and good manners so drivers need to be able to deal with this appropriately. Bearing this in mind, perhaps CCTV would help to safeguard operators and customers alike.’ (resident)

‘CCTV offers security to all parties and would be a great addition. At £200 average for decent equipment, when you have a fleet of 50 vehicles it's a big financial commitment especially in the current time when work is 90% down and unlikely to recover until Summer 21.’ (taxi operator)

2.8 Vehicle age

Currently vehicle specifications and in particular the age of a vehicle that can be licensed as a hackney carriage or private hire vehicle differ across the legacy areas.

Current vehicle age requirements:

Age limit	Aylesbury	Wycombe	Chiltern	South Bucks
Hackney Carriage	15 years	10 years	none	7 years on first licence, 10 on renewal
Private Hire Vehicle	10 years	10 years	none	7 years on first licence, 10 on renewal

2.8.1 As previously highlighted, in the Aylesbury Vale area hackney carriages are currently ‘black cab or similar’ specification. Historically the higher age limit specified for these vehicles has reflected the higher initial financial outlay required to lease or purchase

these vehicles and their projected life span where they are appropriately maintained.

2.8.2 The public survey results confirmed that the requirement for vehicles to be safe and roadworthy was extremely important with 90% of responders stating this to be the case. The need for vehicle interiors to be clean, tidy and presentable was also considered to be important with 96% of responders rating this as fairly or extremely important. In addition 91% of responders said that it was fairly or extremely important that vehicle exteriors are also in a good condition. These results show a clear view that the overall safety, condition and standard of licensed vehicles should be high.



Thinking about taxi vehicles, how important are each of the following points to you?	Extremely important	Fairly important	Neither important or unimportant	Fairly unimportant	Extremely unimportant
Vehicles are safe and roadworthy	90%	8%	0%	0%	0%
Vehicle interiors are clean, tidy and presentable	68%	28%	3%	0%	1%
Vehicles can be clearly identified as 'taxis'	66%	20%	8%	3%	2%
Vehicle exteriors are in good condition	53%	38%	5%	2%	1%

2.8.3 The policy proposes to set age limits for licensed hackney carriage and private hire vehicles to a maximum of 5 years old on first licence with any licence ceasing when the vehicle is 10 years old. Vehicles deteriorate due to a combination of age and use and are constantly being improved by manufacturers. In addition improved standards are regularly imposed by the Government such as Euro 5 and Euro 6 emission standards which are reflected in the policy requirements. Newer vehicles are safer, less environmentally damaging and less likely to break down. A younger fleet should reduce the need for frequency of vehicle testing to every 12 months as well as reducing the level of enforcement activity required.

2.8.4 There is a need to consider the provision of grandfather rights for the trade and in particular for those driving current hackney carriage vehicles in the Aylesbury Vale area which are of 'black cab or similar' specification. A grandfather right is a provision in which an old rule continues to apply to some existing situations while a new rule will apply to all future cases. The suggested approach is that the licence on any vehicle older than 10 years on the 1st April 2023 will expire and cease to exist. This lead in time enables the existing licensed trade to plan and prepare for a change in fleet. This will be the case for all vehicles other than the following exceptions which will be licensed up to their 15th year; previous Aylesbury Vale hackney carriage vehicles of black cab type or similar specification, ultra low emission vehicles and prestigious/limousine vehicles.

2.9 Consultation

Once agreed, the public consultation on the draft Taxi and Private Hire Licensing Policy will run for 6 weeks. A communication plan to engage key stakeholders including residents and the taxi trade will accompany the consultation. The purpose of the consultation at this stage is to engage with a full range of representative stakeholders on the content of the policy, whether it is clear and reflects the feedback received through pre-engagement consultation and whether we have laid out the right approach for taxi and private hire licensing in Buckinghamshire for the future.

3.0 Next steps and review

- 14 October 2020. Licensing (Regulatory) Committee. Consideration of final version of policy.
- November/December. 6 week public consultation.
- Date TBC. Report to Informal Cabinet to consider the new policy.
- February 2021. Report back to Licensing (Regulatory) Committee and move to adopt new policy.
- Date TBC. Report to Full Council to adopt the new policy
- April 2021. Policy implementation.

3.1 In conjunction with the above, the Council will potentially need to consider other matters such as resolutions pertaining to Private Hire and Hackney Carriage licensing areas, the adoption of new Byelaws, new fees and fare structures, and the appointment of taxi ranks. The Licensing (Regulatory) Committee will continue to be advised on such matters.

4.0 Key documents:

DfT Taxi and private Hire Vehicle Statistics England: 2019

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/833569/taxi-and-phv-england-2019.pdf

DfT Taxi and Private Hire Vehicle Licensing: best practice 2010

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/212554/taxi-private-hire-licensing-guide.pdf

- Other options considered

There are no specific statutory time scales imposed on the Council to align taxi and private hire licensing policies. Maintaining and applying four different policies however is burdensome on the trade, Council Members and Officers. The adoption of a new policy, for the new Council area, presents a timely opportunity to review best practice and adopt the highest standards for Buckinghamshire's taxi and private hire trade.

- Legal and financial implications

The new statutory standards now mandate the provision of a taxi and private hire licensing policy document. A written policy document helps assist decision making and provides safeguards against legal challenge.

The additional costs of drafting the new policy have been met by funds allocated to the transformation work streams prior to vesting day. 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.

- 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 are aligned. The policy also allows the Council to set out its expectations in terms of vehicle requirements, including accessibility requirements.
- Property – there are implications for the Council in respect of testing arrangements for vehicles. The Council is able to determine the frequency, manner and location of vehicle testing. Presently this varies between areas as to whether these tests are performed at Council or external facilities. A Council review is ongoing and various options are being explored, which includes the potential use of the new Pembroke Road facility for increased vehicle testing.
- HR – N/A
- Climate change – measures to encourage the use of low emission vehicles have been considered in the new policy.

- 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 equality impact screening assessment has been carried out and indicates that a full equalities impact assessment is required. This work is ongoing and will be presented to Licensing (Regulatory) Committee in February 2021.
- Data – a review of the existing data protection policies in place is required ahead of implementation and is now in process.
- Value for money – a unified policy reduces financial burdens on the Council with savings in Member and Officer time: consultations, committee meetings, enforcement and application processing. There are savings in advertising costs of statutory public notices required for changes to fees and hackney carriage fares. The trade benefit with one licensing regime for the whole Council area, rather than up to four under the current arrangements.

