

TABLE OF SIGNIFICANT AMENDMENTS MADE TO DRAFT HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY 2021-26

The layout of the new proposed policy is significantly different to the existing policy to provide more transparency and clarity. Listed below are the significant changes and where they are reflected in the proposed policy.

Policy Section No. and Title	Policy Paragraph and Summary of Changes	Reasons
Executive Summary & Definitions	New section to include reference to the Government-issued Statutory Taxi and Private Hire Vehicle Standards published in July 2020	To provide clarity and incorporate the national standards to which all Licensing Authorities must have regard in carrying out their licensing function.
1 Introduction	Section reworded and Paras 1.2 to 1.2.3.3 added to provide overview on Statutory Standards and section 1.7 to include Data Protection	Statutory Standards Data Protection
2 Vehicles and Proprietors	<p>2.1 Types of Vehicle Licence – new section added</p> <p>2.5 Wheelchair Accessible Vehicles - updated to reflect need to increase number</p> <p>2.6 Environmental Considerations - updated to reflect declaration of Climate Emergency and commitment to becoming a carbon neutral borough by 2030.</p> <p>Introduction of all new vehicles to be Euro 6 compliant.</p> <p>2.8 Inspections - updated to reflect the change to current frequency of inspections to annually (includes MOT) and six-monthly (does not include MOT).</p>	<p>To provide additional clarity</p> <p>To reflect the need to increase the number of wheelchair accessible vehicles.</p> <p>To highlight this important issue and pre-empt future changes to policy/vehicle specification requirements in support of the council's carbon neutral commitment.</p> <p>To assist the Council's efforts to reduce air pollution.</p> <p>To reflect introduction of Euro 6 compliance and the high standards required and expected by the council.</p>

	<p>2.13 Smoking – New section to provide clarity and to include the use of vaping/use of e-cigarettes is also not permitted in licenced vehicles</p> <p>2.17 Limousines. Introduction of requirement to licence.</p> <p>2.23 Proprietor Criminal Record Checks – new section requiring vehicle proprietors, who are not also drivers, to provide an acceptable basic disclosure check from the DBS as part of every annual licence application.</p>	<p>The use of e-cigarettes in a licenced vehicle could easily be perceived by the public as smoking, and be damaging to the reputation of the local trade. In addition, it would be difficult for council officers to differentiate vaping ‘smoke’ from tobacco smoke; making enforcement challenging.</p> <p>Statutory standards. Guidance suggests that such requests should be approached on the basis that these vehicles have a legitimate role to play in the private hire trade, meeting a public demand, and not therefore be excluded</p> <p>Statutory Standards</p>
3 Drivers	<p>3.2 Eligibility Criteria and Application Requirements – new requirements for applicants to:</p> <ul style="list-style-type: none"> • Attend disability awareness training and, if required, pass an associated test. • Be suitably proficient in the English language, in terms of oral, reading and written skills. <p>Expansion of safeguarding and CSE awareness training to include County Lines Exploitation awareness and allow further components to be added as may be required</p>	<p>To promote equality and enhance the calibre of licenced driver for the benefit of the travelling public by increasing their knowledge, awareness and understanding of a range of disabilities.</p> <p>Statutory Standards</p> <p>Statutory Standards</p>

	<p>3.3 Age – introduction of minimum age requirement for applicants.</p> <p>3.10 Medical Examination – updated to reflect requirement for annual medical checks for all drivers aged 65 or over (instead of 61) and</p> <p>All others at every driver licence renewal.</p> <p>3.11 Criminal Record Checks – updated, notably to require enhanced disclosure checks every 6 months instead of every 3 years and, in order to facilitate this, all existing drivers not already registered with the DBS Update Service to ensure they are, at their expense, by 1 July 2021 – and face suspension for non-compliance.</p> <p>3.12 Relevance of Convictions and Cautions – updated to refer to the adoption of the statutory standards (as a minimum)</p> <p>3.13 Licensee self-reporting – new section requiring notification to the council within 48 hours of an arrest and release, charge or conviction.</p> <p>3.22 Disability Awareness – new requirement for drivers are required by condition to attend an approved Disability Awareness session and pass an associated test to demonstrate a satisfactory understanding of the matters covered.</p>	<p>Combination of youth and inexperience puts younger drivers at a higher risk of crashing than older drivers and they are more likely to take risks.</p> <p>In accordance with the DVLA Group 2 Medical Standards guidance.</p> <p>To ensure all drivers meet the required Group 2 medical standards.</p> <p>Statutory Standards</p> <p>Statutory Standards</p> <p>Statutory Standards</p> <p>To raise standards and equality through enhanced knowledge and awareness</p>
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4 Private Hire Operators	<p>4.5 Duration of licences – Updated from three years to five years in accordance with legislation.</p> <p>4.6 Criminal Record Checks – updated, notably to require Operators and their staff to provide an acceptable basic disclosure check from the DBS annually and for all existing Operators not already registered with the DBS Update Service to ensure they are, at their expense, by 1 July 2021 – and face suspension for non-compliance.</p> <p>4.14 Use of passenger carrying vehicles (PCV) licensed drivers – new section relating to new conditions to inform customers where a passenger carrying vehicle/driver will be used in place of a private hire vehicle/driver</p>	<p>Deregulation Act 2015</p> <p>Statutory Standards</p> <p>Statutory Standards</p>
5 Application procedures	Removed Appendix F from existing policy and updated to refer to procedures on the website and the on-line renewal process	
6 Determination of Applications	Reworded to reflect on-line application process	
7 Grant and Renewal of Licences	No notable change	N/A
8 Fares	No notable change	N/A
9 Taxi Ranks (a.k.a Stands)	No notable change	N/A
10 Lost Property	Requirement to deliver lost property to council removed and replaced with requirement to notify council and retain for 14 days	Limited resources, for both Police and Council and in light of current pandemic, drivers unable to comply with current process which is burdensome to them
11 Fees	No notable change	N/A
12 Payments	No notable change	N/A
13 Refunds, Transfers and Duplicate Copies	Inclusion of fee requirement for duplicate copies	In line with Medway's fees and charges
14 Disciplinary and Enforcement	No notable change	N/A

<p>Appendix A Vehicle Criteria</p>	<p>15.2 & 20 inclusion of Stretch Limousines</p> <p>16 Type Approval – new section added</p> <p>17 Age Criteria – revised</p> <p>18.1.3 – inclusion of side facing seats</p> <p>18.1.10 - Removal of maximum window tint level set by Council and replaced with Not have tinted/privacy glass unless it is included in the vehicle’s standard manufacturing specification</p> <p>18.1.12 – vehicle write off – new section added</p> <p>21. Emissions – new section added</p>	<p>Statutory Standards</p> <p>For transparency and clarity</p> <p>To reflect introduction of Euro 6 compliance</p> <p>Requirement to licence limousines – Statutory Standards</p> <p>Increasingly difficult for trade to purchase new vehicles as standard with tints lower than currently specified</p> <p>For transparency and clarity</p> <p>To support Council’s efforts to reduce air pollution</p>
<p>Appendix B Licensed Vehicle Conditions</p>	<p>Replaces Appendices B to E in current policy</p> <p>Section 4 First Aid Kit – New section</p> <p>Section 7 Dual Plating – Clarifying Medway Council will not license vehicles that are already licensed by another authority.</p> <p>Section 10 Complaint/compliment</p> <p>Details – new section Section 14 Disability Access - New section</p> <p>Section 15 Smoking is updated to confirm vaping is not permitted</p>	<p>More comprehensive and to provide clarity and transparency</p> <p>In line with requirements for passenger carrying vehicles</p> <p>Vehicle unable to comply with the requirements of two separate licensing authorities and could cause confusion to members of the public and impede the Council’s ability to take enforcement action.</p> <p>Statutory standards</p> <p>Support need to increase number of wheelchair accessible vehicles</p> <p>In support of 2.13 of main policy</p>

	<p>Section 18 CCTV is added to direct those with optional CCTV in their vehicles to the Code of Practice for Surveillance Cameras and Personal Information from the Information Commissioner's Officer</p> <p>Section 28 – Conditions for limousines</p>	<p>In support of 2.14 of main policy</p> <p>Statutory Standards requirement to licence</p>
Appendix C Guidelines Relating to Fitness and Propriety	Significantly updated to reflect national standards	Statutory Standards – designed to raise standards and protect public safety by enhancing the fit and proper person test
Appendix D Licensed Driver Conditions	Replaces Appendices I to K in current policy. Updated to reflect new/amended policy requirements outlined above	
Appendix E Penalty Points	Amended to align policies for shared service	Consistent approach to compliance/enforcement
Appendix F Private Hire Operator Conditions	<p>Section 3 Sub contracting – new addition to reflect change in legislation</p> <p>Section 4 Bookings - updated to require Operators to keep more extensive records of bookings</p> <p>Section 5 Vehicles –</p> <p>Section 7 Restricted Private Hire Drivers and Vehicles – new section added</p> <p>Section 8 Disclosure of Convictions – Amended notification period from 14 days to 7 to align policies for shared service</p> <p>Section 11 Limousine Operators – new section following implementation of requirement to licence</p>	<p>Deregulation Act 2015</p> <p>Statutory Standards</p> <p>Requirement to retain more comprehensive vehicle details</p> <p>To provide clarity and ensure that only work authorised by a restricted PH licence is passed to restricted PH drivers</p> <p>Consistent approach to compliance/enforcement</p> <p>Statutory Standards</p>

	<p>Section 16 – Public Safety and Child Sexual Exploitation – New section</p> <p>Section 17 Complaints – updated details of requirements placed upon Operators to report concerns and complaints about their drivers, etc. to the council</p> <p>Section 19 Staff – new section relating to new requirements for Operator staff to have DBS checks and Operators to have a policy on employing ex-offenders</p> <p>Section 20 - Use of passenger carrying vehicles (PCV) licensed drivers – new section to support 4.14 of main policy</p>	<p>To raise standards through enhanced knowledge and awareness</p> <p>Statutory Standards</p> <p>Statutory Standards</p> <p>Statutory Standards</p>
Appendix G Compliance and Enforcement Policy	<p>Section 4 – Appearance before Committee – New section added</p> <p>Section 5 – Suspension and Revocation – New section added</p>	<p>For transparency and clarity</p> <p>For transparency and clarity</p>