

## **Cabinet**

**18 November 2025**

### **Review of the Hackney Carriage and Private Hire Licensing Policy**

Portfolio Holder: Councillor Alex Paterson, Portfolio Holder for Community Safety, Highways and Enforcement

Report from: Bhupinder Gill, Assistant Director, Legal and Governance

Author: Emily Lane-Blackwell, Licensing Manager

#### **Summary**

The purpose of this report is to present a draft of the revised Hackney Carriage and Private Hire Licensing Policy and the proposed consultation methodology.

#### **1. Recommendations**

- 1.1. The Cabinet is asked to consider the draft policy for consultation and advise on relevant amendments.
- 1.2. The Cabinet is asked to note the consultation methodology as outlined in the report and provide comments in respect of the same.
- 1.3. The Cabinet is requested to instruct the Licensing Manager to carry out the consultation in line with the approved methodology.
- 1.4. The Cabinet is asked to agree that the post consultation report and draft policy be presented to the Licensing and Safety Committee for consideration and comment.
- 1.5. The Cabinet is asked to agree to delegate authority to the Assistant Director, Legal and Governance, in consultation with the Portfolio Holder for Community Safety, Highways and Enforcement, to consider any comments received and determine any changes to the policy.

#### **2. Suggested reasons for decision(s)**

- 2.1. The Hackney Carriage and Private Hire Licensing Policy must be reviewed every 5 years. The last review was carried out in 2020/21, with the current policy coming into effect on 1 May 2021. The new policy requires approval by Cabinet to come into effect on 1 May 2026.

### 3. Budget and policy framework

- 3.1. Approval of the Hackney Carriage and Private Hire Licensing Policy is an executive function, therefore, this report has been submitted to Cabinet for consideration and approval.

### 4. Background

- 4.1. The overarching aim of the taxi and private hire licensing regime is to protect the public by ensuring that all drivers, vehicles and operators are licensed and regulated by local authorities in accordance with statutory provisions, primarily set out in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 and, where they exist, local policy requirements.
- 4.2. Although it is not a statutory requirement, the Council has published a Hackney Carriage and Private Hire Licensing Policy since April 2016, taking into account Government's Statutory Taxi and Private Hire Vehicle Standards, the Best Practice Guidance issued by the Department for Transport, the Regulators' Code, the policies of other local authorities and any other relevant matters.
- 4.3. Hackney carriages (taxis) and private hire vehicles, their drivers and their operators have an important role to play in an integrated transport system. They provide services in situations where public transport is either not available, outside 'normal' hours such as in the evenings or at weekends, or for those with mobility difficulties.
- 4.4. Policy requirements that are unduly stringent could restrict the availability of taxi and private hire services and consequently be detrimental to public safety. It is therefore important to try and ensure that policy requirements are justified by the risks they aim to address and balanced against potential negative outcomes.
- 4.5. A successful balance will help the taxi and private hire trade develop successfully whilst providing safety and assurance to the public.
- 4.6. The existence of a policy has proved to have been an effective tool for achieving this balance and for establishing and maintaining standards, protecting public safety, and ensuring consistency and transparency.

### 5. Options

- 5.1. That Cabinet request relevant amendments to the draft policy prior to consultation.
- 5.2. That Cabinet approve the draft revised Hackney Carriage and Private Hire Policy and proposed consultation methodology and instruct officers to consult in line with that methodology.

## 6. Advice and analysis

- 6.1. An in-depth review of the policy has been carried out by the Licensing Manager to highlight areas of the policy which need revision or removal.
- 6.2. Many of the amendments are to update the wording for requirements that were imposed in 2021. The 2021 policy set deadlines for our existing licence holders to obtain the appropriate training, or documentation. These deadlines are now in the past and have been met by our existing licensed trade.
- 6.3. All proposed changes have been incorporated into the draft policy, which can be found at Appendix A to the report.
- 6.4. A table showing the main changes and the reasons for them can be found at Appendix B to the report.

## 7. Risk management

- 7.1. Whilst each individual application will be judged on its own merits, a documented policy ensures a transparent and consistent approach to licensing that reduces ambiguity and the opportunity for challenge through the Courts. Challenges to a particular decision are more likely to fail if the Council can demonstrate that it has adhered to its published policy and there was no reason to depart from it. Any departure from the policy will be based on material evidence and will be documented giving clear and compelling reasons for such departure.

<b>Risk</b>	<b>Description</b>	<b>Action to avoid or mitigate risk</b>	<b>Risk rating</b>
Reputation of Council damaged	The public, licensed drivers, proprietors and operators form a bad opinion of the Council for disproportionate decisions.	Sound decisions made seeking legal/licensing advice where appropriate and adhering to the legislation, policy and guidance	DIV
Safety of the public put at risk	A risk is posed when a driver, vehicle or operator is permitted to work when not fit and proper.	Detailed fit and proper testing written within the policy and adhered to during processing. Evidence based decisions made seeking legal/licensing advice where appropriate and adhering to legislation, policy and guidance. Departing only where compelling reasons to do so.	CII

<b>Risk</b>	<b>Description</b>	<b>Action to avoid or mitigate risk</b>	<b>Risk rating</b>
Legal challenges against decisions	Appeals submitted following officer or committee decisions.	The existence of a policy helps provide transparency of expectations, standards and requirements, ensuring a fair and consistent approach. Rights of appeal exist for applicants/licence holders aggrieved by decisions.	CII

## 8. Consultation

8.1. It is proposed to consult with the following:

- The Local Trade Association.
- Taxi And Private Hire Trade.
- Kent Police.
- Medway Council Highways.
- Medway Council School Contract Teams.
- Medway Council Town Centre Management.
- Borough Councillors.
- Parish Councils.
- The Kent and Medway Regulatory Licensing Steering Group
- Members of the public through the website.

8.2. A consultation of at least four weeks is proposed. Licensing consider that the run up to Christmas is a busy time for many, especially our trade, so we can offer a six week consultation which would provide more time for reviewing and responding.

8.3. The methodology of the consultation will be via the Council website and direct emails.

8.4. All incoming responses will be collated and evaluated. The Licensing Manager will provide a recommendation relation to each response, as to whether or not to amend the policy and if so, to what extent.

## 9. Climate change implications

9.1. [The Council declared a climate change emergency in April 2019](#) - item 1038D refers to and has set a target for Medway to become carbon neutral by 2050. In working towards achieving this ambitious target, the Council must consider the environmental impacts arising from its licensed taxis and PHVs and seek to help reduce the resultant carbon footprints. It is Licensing's intention that a mid-term review will be carried in relation to the climate change implications of the trade and the preventative measures that could be put in place.

## 10. Financial implications

10.1. The cost of the consultation and publishing of the updated policy will be met from within existing budgets.

10.2. The Hackney Carriage and Private Hire Licensing Policy is not envisaged to place any new financial pressures on the Council.

## 11. Legal implications

11.1. There is no legal requirement for a policy, however it is best practice.

11.2. Rights of appeal are granted to all applicants and licensees who are aggrieved by any licensing decision.

11.3. Under the Human Rights Act 1998, members must consider the hackney carriage and private hire drivers' right to 'enjoyment of possession' under Article 1 of the First Protocol – Protection of Property and in determining a policy regarding the licensing of these individuals must balance this right with the need to protect the public.

## Lead officer contact

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## Appendices

Appendix A – Draft Hackney Carriage and Private Hire Policy 2026-2031

Appendix B – Table of changes

## Background papers

None