

Licensing and Safety Committee

25 March 2026

Post Consultation Review of the Hackney Carriage and Private Hire Licensing Policy

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Summary

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

1. Recommendations

- 1.1. The Committee is asked to consider the draft policy and provide comments or recommend amendments to the Assistant Director, Legal and Governance and the Portfolio Holder for Community Safety, Highways and Enforcement, for consideration.

2. Budget and policy framework

- 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 must be approved and come into effect on 1 May 2026.
- 2.2. Approval of the Hackney Carriage and Private Hire Licensing Policy is an executive function. On 18 November 2025 the Cabinet granted delegated 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.

3. Background

- 3.1. 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.

- 3.2. 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 the 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.
- 3.3. 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.
- 3.4. Policy requirements that are unduly stringent could restrict the availability of taxi and private hire services and consequently be detrimental to an integrated transport ecosystem. 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.
- 3.5. A successful balance will help the taxi and private hire trade develop successfully whilst providing safety and assurance to the public.
- 3.6. The existence of a policy has proved to be an effective tool for achieving this balance and for establishing and maintaining standards, protecting public safety, and ensuring consistency and transparency.

4. Options

- 4.1. That Members recommend relevant amendments for approval by the Assistant Director, Legal and Governance, in consultation with the Portfolio Holder for Community Safety, Highways and Enforcement.

5. Advice and analysis

- 5.1. The draft Hackney Carriage and Private Hire Policy can be found at Appendix A.
- 5.2. All responses from the consultation have been incorporated into a table with comments from the Licensing Team as to whether they recommend any changes. The table can be found at Appendix B.

6. Risk management

- 6.1. 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 documented giving clear and compelling reasons for such departure.

Risk	Description	Action to avoid or mitigate risk	Risk rating
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
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

7. Consultation

7.1. A six week consultation took place between 2 December 2025 and 13 January 2026, where the following were consulted:

- 7.1.1. The local trade association
- 7.1.2. Taxi and private hire trade
- 7.1.3. Kent police
- 7.1.4. Medway Council Highways
- 7.1.5. Medway Council school contract teams
- 7.1.6. Medway Council town centre management
- 7.1.7. Borough councillors
- 7.1.8. Parish councils
- 7.1.9. The Kent and Medway Regulatory Licensing Steering Group
- 7.1.10. Members of the public through the website

7.2. The consultees and methodology for this consultation were as previously outlined to, and approved by, Cabinet on 18 November 2025.

8. Climate change implications

8.1. [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.

8.2. 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 footprint.

8.3. The licensed vehicle fleet in Medway consists of a mix of different fuel types, petrol, diesel, electric and hybrid. The cost of a vehicle is a considerable financial outlay and thus having specific requirements must be carefully considered. Many vehicle owners have already made a self-informed decision to operate hybrid or electric vehicles, probably on the basis of operating costs.

8.4. It's proposed that consideration of the vehicle fuel types that may be licensed in the future, is carried out either as part of a standalone consultation or part of policy harmonisation following local government organisation.

9. Financial implications

9.1. The cost of the consultation and publishing of the updated policy was met from within existing budgets.

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

10. Legal implications

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

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

10.3. Article 1 of the First Protocol Human Rights Act 1998, states

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

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Appendices

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

Appendix B – Table of responses

Appendix C – Cost breakdowns from Trade Union

Background papers

None