

Regulatory Services Committee

Review of Hackney Carriage and Private Hire Policy 2022

REGULATORY SERVICES COMMITTEE

PART I

Review of Hackney Carriage and Private Hire Policy 2022 (Following updated guidance / changes to vehicle emissions and age) (DoF)

1 Summary

- 1.1 The Hackney Carriage and Private Hire Policy 2022 (“the Policy”) has been reviewed by officers as scheduled (non-statutory requirement).
- 1.2 In June 2025 officers presented the draft changes of the Policy to the Regulatory Service Committee (“the Committee”) and requested their support to commence a public consultation which was agreed.
- 1.3 A public consultation on the draft policy was undertaken from 1 August until 26 September. Officers also organised an event at Three Rivers House for all licenced operators on 12 September whereby views on the draft policy were discussed.
- 1.4 The public consultation received 9 representations in total.
- 1.5 In summarising the responses, the majority agreed to the draft changes to the emission and age standards of licenced vehicles, although concerns were raised regarding the cost implications of tightening standards further. Other responses received agreed about the use of saloon vehicles as Hackney Carriages and the introduction of an initial cap of three vehicles. A more detailed summary of the responses received can be found at **Appendix 4**.
- 1.6 Following the consultation, officers are seeking a change to the renewal age of vehicles which can be licenced by the authority, from no more than 12 years to no more than 15 years for vehicles which are purpose-built or fully wheelchair accessible vehicles (whether Hackney Carriage or private hire). Additionally, officers consider it reasonable to push back the date the Euro 6 emission standard is applied to new vehicle licences to September 2026, rather than April 2026.
- 1.7 Officers are now seeking agreement to the changes to the Policy, found at **Appendix 3**.

2 Recommendation

- 2.1 That members of the Committee:
 - 2.1.1 Agree the revised Policy found at Appendix 3 and recommend that Full Council adopt the revised Policy (Option 1); or,
 - 2.1.2 Agree to make minor revisions to the revised Policy and recommend that Full Council adopt the revised Policy (Option 2)
 - 2.1.3 That public access to the report be immediate.

3 **Proposed Changes:**

3.1 The Policy in its current form (**Appendix 1**) has been a vital tool for officers to ensure that the trade and public are safeguarded from harm and to assist decisions when seeking to suspend, refuse or revoke licenced drivers.

3.2 The proposed changes to the Policy are set out below:

Updated guidance from DfT:

3.3 The Policy in its current form already incorporates the majority of the updated guidance. The key changes to the Policy include:

- **Section 20** - The DfT guidance is clear on the necessity of enforcement to maintain high standards of public safety. All enforcement schemes need to be proportionate and transparent.
- **Appendix 3 - Standard conditions and Byelaws relating to Hackney Carriage Driver Licences** – Removed the requirement to have a working fire extinguisher as licensees are encouraged not to tackle a fire and to call the fire service.
- **Appendix 4 - Requirements relating to Hackney Carriage and private hire vehicles** - Cap on mileage of vehicle of 150,000 miles maximum
- **Appendix 9 - Conditions relating to a private hire operator** – part **22.1** - The Operator must view a basic DBS certificate (dated within one month of the check) of any staff that have access to booking records or dispatch vehicles.
- **Part 12.1** Operators must ensure that the operator base is smoke-free and that if they allow staff, drivers or members of public smoke inside the premises the licence private hire operator would be liable for further action.
- **Part 13 Basic disclosure check**
An annual basic disclosure certificate will be required from any person named on the Operator licence. This certificate will be due on or before expiry of the previous year's certificate. Failure to submit a new basic disclosure certificate before the check date will result in a suspension being issued on the licence.

Updated statutory guidance from Gov.uk:

3.4 The statutory taxi and private hire vehicle standards were updated in November 2022 and highlighted that there is evidence to support the view that taxis and private hire vehicles are a high-risk environment and links between the taxi trade and child sexual abuse and exploitation have been established in many areas and other investigations continue.

3.5 The guidance emphasises that each licensing authority makes publicly available a policy document that brings together all their procedures on taxi and private hire vehicle licensing; including policies on convictions, a fit and proper person test, licence conditions and vehicle standards.

- 3.6 The guidance also emphasises the importance of the subscription to the DBS update service. It should be noted that the Licensing Authority already adopts the update service.
- 3.7 The guidance also states that licence holders should be required to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence.
- 3.8 The Licensing Authority has through regular updates met the statutory guidance and has for many years made the Policy publicly available and will continue to do so.

Change to vehicle emissions and age criteria:

- 3.9 Hertfordshire Climate Change and Sustainability Partnership (HCCSP) recognised the need for ambition and consistency in licensed vehicle emissions as part of the county's commitment to protecting the environment, and as part of a contribution towards a phasing out of petrol and diesel car sales. It is therefore sought that all Hertfordshire licensing authorities adopt a consistent standard for both first application and renewal applications for vehicle licences.
- 3.10 HCCSP initially proposed a 'Boilerplate Policy' (**Appendix 5**) which provided suggestions as to what changes could be made to greater align authorities across Hertfordshire. These suggestions are shown side by side with our current policy below.

	Current TRDC Policy		Proposed Boilerplate Policy by HCCSP	
	Age	Emissions	Age	Emissions
New applications	Less than 7 years old If older than 10 years, subject to 3 compliance tests each year.	Euro 5	Less than 5 years old	Euro 6
Renewals	Less than 7 years old If older than 10 years, subject to 3 compliance tests each year.	Euro 5	Less than 10 years old	Euro 6

- 3.11 Through past discussions and prior to officers' review of the Policy, it was agreed that the drivers of licenced vehicles would need greater time to meet Euro 6 standards when **renewing private hire vehicles**, with at least a 12-18 month notice period to cover the required consultation and appropriate transitional periods for drivers. There were also concerns that drivers of Hackney Carriage vehicles would need even greater time to meet Euro 6 standards and be no older than 10 years old when renewing their vehicles. It was considered that all **new vehicle applications**, both Hackney Carriage and private hire, could however be applied for sooner.

- 3.12 As such, following a review by officers, public consultation and benchmarking exercise (**Appendix 6**), it is proposed that the following measures could be applied for all Hackey Carriage and private hire vehicles:

Emissions: Must meet or exceed Euro 6 emission standards

	Date effective:
New Applications	1 September 2026
Renewals	1 April 2028

Note: New application date effective changed from 1 April to 1 September following consultation.

Age: Must meet the following:

	Date effective: From the date of policy comes into force.
New Applications	Vehicle licences will not be granted in respect of vehicles that were first registered (or, in the case of imported vehicles, manufactured) more than 5 years prior to the date that the application is made.
Renewals	Vehicle licences will not be renewed in respect of any licensed vehicle that was first registered (or, in the case of imported vehicles, manufactured) more than 10 years prior to the date of renewal (or 15 years in the case of purpose-built or fully wheelchair accessible vehicles).

Note: 15 years applied for purpose-built or fully wheelchair accessible vehicles following consultation.

- 3.13 The above age criteria will also be subject to an 'exceptional condition criteria' to enable a degree of flexibility, subject to individual circumstances. This would include the following requirements:

- 1) The vehicle must not have failed the council's vehicle inspection (where applicable) or standard MOT on any significant item within the previous five years.
- 2) In the previous 5 years any MOT advisory in relation to tyres or brakes has been rectified before the vehicle was retested.
- 3) The vehicle meets or exceeds the vehicle standards contained within the local authority's policy in relation to vehicle condition.
- 4) The interior trim, panels, seating and carpets and upholstery are in excellent condition, clean and free from damage and discolouration.
- 5) The boot or luggage compartment is in good condition, clean and undamaged.
- 6) Passenger areas are free from damp and any unpleasant odours.

- 3.14 Items 1 & 2 above will only apply for the period the vehicle has been owned by the applicant. Vehicle proprietors should have regard to the MOT history of a vehicle they wish to purchase as it is an indication of how well a vehicle has been maintained by the previous owner and whether there is likely to be significant issues going forward.

Other changes:

- 3.15 Other changes proposed to the Policy include:

- Within the table of offences summary, moving 'abduction' to within the 'serious category'.
- Increasing the contravention points given to drivers from 6 to 12 for overcharging and carrying too many passengers.

4 Consultation:

4.1.1 The public consultation received 9 formal responses.

4.1.2 As part of the consultation members of the public were invited to provide their comments on the draft Policy as well as being provided with an opportunity to comment specifically on a number of tailored and open-ended questions. The questions and responses are summarised below with the full version found at **Appendix 4:**

- **Do you agree with the suggested changes to the emission / age standards?**

4.1.3 Out of the 9 responses, 6 agreed and 3 disagreed citing rising vehicles and insurance costs, deepening financial hardship during a cost of living crisis and that the changes were coming in too soon. That said, there was some recognition about maintaining the current standards but balancing safety with economic viability for drivers.

- **Do you believe that zero-emission vehicles should be exempted from the age criteria for wheelchair accessible vehicles or is 12 years reasonable?**

4.1.4 Out of the 9 responses, 4 agreed and 5 disagreed.

- **Do you believe that greater consideration should be given to extending the age criteria for wheelchair accessible vehicles or is 12 years**

4.1.5 Out of the 9 responses, 8 agreed that 12 years is reasonable with one stating that greater consideration is required, for example, if a vehicle passes its compliance, MOT and is clean and tidy, let it be used to provide a service, or that any vehicle older than 10 years should be required to compete 2 compliance tests, rather than the three currently required by the Policy.

- **Do you agree with the use of saloon vehicles as Hackney Carriages?**

4.1.6 Out of the 9 responses, 8 agreed and 1 disagreed, citing the lack of space for wheelchairs, buggies, shopping or a combination of these.

- **What other suggestions do you believe could be considered to assist the black taxi trade?**

4.1.7 Suggestions put forward were limited but consideration into use of buses, such as vitos (mid sized commercial vehicle), transporters and similar vehicles.

Possible implications / considerations?

4.1.8 It is recognised that for the renewal of vehicle licences, drivers will, in some cases, have to purchase new vehicles in the future which will have significant cost implications. As such, for renewals it is proposed that Euro 6 compliant vehicles will not come into effect until April 2028, therefore allowing a sufficient transitional period.

- 4.1.9 As it stands Three Rivers licences **184 private hire vehicles**. Out of this total, **169** vehicles already meet Euro 6 standards, **30** are below Euro 6 meaning these vehicles would fail to meet the Euro 6 standard if the changes were adopted now.
- 4.1.10 For Hackney Carriages, out of the **6 licenced vehicles**, **5** are Euro 6 compliant while the remaining **1** is Euro 5 (which is now at the time of reporting nearly 13 years old).
- 4.1.11 Officers agree that new vehicles for Hackney Carriage and private hire should be required to comply with Euro 6 from September 2026 and it is likely that the majority of vehicles entering the trade for the first time are likely to already meet this standard.
- 4.1.12 When considering the national drop in taxi drivers and licenced vehicles, it is recognised that imposing new emission/age standards on vehicles may further decrease the local trade further, and this has been highlighted during the consultation. In respect of Hackney Carriages drivers, officers are already aware that there is local concern that there is a shortage of drivers or willingness to become a driver and a lack of ranks. As a result, a proposed measure put forward by officers is to relax the current vehicle requirements for Hackney Carriages to allow for **saloon vehicles**, whereas currently Hackney Carriage vehicles in Three Rivers must be a purpose-built Hackney Carriage (i.e. black cab) and are all fully wheelchair accessible. The proposed measure means that it would be possible that Hackney Carriage drivers would be able to purchase a less expensive vehicle which is also not wheelchair compliant. Given the concerns over wheelchair accessibility, the limited number of ranks and to not flood the black cab trade, **a cap will be applied, on a first come first serve basis for up to 3 saloon vehicles**.
- 4.1.13 In addition to the above measure, if agreed, officers will look for additional taxi ranks across the district in consultation with Hertfordshire County Council and parking services at TRDC.
- 4.1.14 The importance of wheelchair compliant vehicles is fully acknowledged and officers have agreed to increase the age in which a vehicle would be renewed to 15 years, thus ensuring new standards do not remove these types of vehicles from the trade whilst at the same time maintaining vehicle standards.
- 4.1.15 As no funding for electric vehicles currently exists, no changes to the Policy are proposed at the current time to promote electric vehicles or introduce a lower vehicle fee to encourage more electric vehicles.
- 4.1.16 Officers have considered whether any exemptions should apply for low emission vehicles or zero emission vehicles, however, at the current time it is felt that no exemptions should be applied but this would be reviewed.
- 4.1.17 The changes to the Policy are set out within **Appendix 2** (track changed version) and **Appendix 3** (Clean version).

5 Policy/Budget Reference and Implications

- 5.1 The recommendations in this report are within the Council's agreed policy and budgets.

6 Financial Implications

- 6.1 It is anticipated that there may be some financial implications from imposing further emission and age restrictions on vehicles, such as a drop in the number of annual renewals and new vehicle licences being submitted.
- 6.2 Transitional arrangements are proposed to prevent licenced drivers from having to pay out for new vehicles which meet the emission and age requirements when renewing. In addition, the relaxation regarding the use of saloon vehicles as Hackney Carriage purposes is an attempt to boost numbers in order to assist officers with finding new taxi ranks across the district, in consultation with the taxi trade.
- 6.3 Whilst the continuing controls may impact driver licence applications, vehicle numbers since 2021/2022 have been set out below and show that volumes have been steadily decreasing, especially in respect of new licences.

Financial year	Income*	Approx. Volume of vehicle renewals licences / Fee	Approx. Volume of new vehicle licences / Fee
21/22	£44,589	213 (£153.50)	26 (£184)
22/23	£42,346	184 (£159)	42 (£190)
23/24	£46,498	201 (£170.13)	40 (£203.30)
24/25	£43,837	181 (£185)	32 (£221)
25/26 (to date)	£27,551 (predicted approx. £40-44k by end of year)	112 (£190)	16 (£227)

*includes other fees associated with holding a vehicle licence, such as change of address, replacement plate / licence, change of vehicle etc.

- 6.4 Whilst there has been a drop in vehicle licences being submitted, the inflationary increases to fees throughout the past 4 years has from a financial perspective prevented any significant financial reductions to the budget, with it remaining above £40k. It is recognised that the changes being proposed could impact the budget further but the financial implications are not considered to be significant as the majority of licenced vehicles currently meet the proposed standards.

7 Legal Implications

- 7.1 No legal implications.
- 7.2 Whilst there is no express statutory requirement for a Licensing Authority to produce a local policy regulating Hackney Carriage and Private Hire, the need to have one arises from public administrative law to enable the Licensing Authority to establish the rationality of its decision-making. Over recent years this Licensing Authority has recognised national best practice to establish and enforce measures to primarily ensure public safety. There is no set statutory timescale to review the Policy, however, local authorities have been strongly advised by the Department of Transport (DfT) to review its policy at least every three years.

8 Risk and Health & Safety Implications

- 8.1 The subject of this report is covered by the Regulatory Services Plan. Any risks resulting from this report will be included in the risk register and, if necessary, managed within this/these plan(s).

Nature of Risk	Consequence	Suggested Control Measures	Response (tolerate, treat, terminate, transfer)	Risk Rating (combination of likelihood and impact)
Reduction in income – lower volume of taxi licence applications as a result of new vehicle standards.	Income reduced which may affect licensing budget	Officers seek to introduce transitional arrangement to avoid changes taking effect immediately and to avoid a significant immediate loss of income.	Tolerate	2
Decide not to adopt the amended Policy	Updated statutory guidance and best practice not incorporated into Policy. Attempts to improve vehicle standards delayed.	Officers would recommend against this option but there is no statutory requirement to have a taxi policy.	Tolerate	2

- 8.2 The above risks are scored using the matrix below. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood scores 6 or less.

Likelihood Very Likely	Low 4	High 8	Very High 12	Very High 16
	Low 3	Medium 6	High 9	Very High 12

	Low 2	Low 4	Medium 6	High 8
	Low 1	Low 2	Low 3	Low 4
	Impact Low -----> Unacceptable			

Impact Score

4 (Catastrophic)
3 (Critical)
2 (Significant)
1 (Marginal)

Likelihood Score

4 (Very Likely (≥80%))
3 (Likely (21-79%))
2 (Unlikely (6-20%))
1 (Remote (≤5%))

- 8.3 In the officers' opinion none of the new risks above, were they to come about, would seriously prejudice the achievement of the Strategic Plan and are therefore operational risks. The effectiveness of the management of operational risks is reviewed by the Audit Committee annually.

9 Equal Opportunities Implications

- 9.1 A Short Equality Impact Assessment (EIA) is attached at **Appendix 4**.
- 9.2 The assessment accepted that the changes could have an impact on the trade, in terms of availability of wheelchair compliant vehicles; however, mitigation would be built into the Policy to ensure that any impacts are suitably reduced, such as capping the use of saloon vehicles and ensuring transitional arrangements are in place for changes to age and emission standards.

10 Staffing Implications

- 10.1 There are no staffing implications which would arise from this report.

11 Environmental Implications

- 11.1 The changes to the emission and age of licenced vehicles seek to tie in with the HCCSP Boilerplate Policy. The Boilerplate Policy seeks greater alignment across Hertfordshire.
- 11.2 The changes align with the [Corporate Framework 2023-2026](#) which seeks to "take action to mitigate and adopt to the climate emergency" and by reducing emissions this would be a positive step. In addition, the [Council's Climate Emergency & Sustainability Strategy](#) sets out that the council will 'develop a county wide programme that supports a transition to low-carbon private hire vehicles and taxis.'
- 11.3 Consequently, the changes would align with the council's strategic aims to 'achieve net carbon zero and be climate resilient.

12 Community Safety Implications

- 12.1 There are no community safety impacts which would arise from this report.

- 12.2 The Policy continues to safeguard the public through the assessment of whether licenced drivers are 'fit and proper' to hold a licence with the council.

13 Public Health implications

- 13.1 There are no public health implications which would arise from this report.

14 Customer Services Centre Implications

- 14.1 The Customer Service Centre will be advised if the Policy has been adopted.

15 Communications and Website Implications

- 15.1 The Council's Digital Team will be made aware of any Policy adoption and the necessary arrangements for updating the website will be made.

16 Options and Reasons for Recommendations

- 16.1 **Option 1:** Agree the revised Policy found at Appendix 3 and recommend that Full Council adopt the revised Policy.

- 16.1.1 Preferred option to enable officers to have regard to the updated Policy and for certain changes to come into effect.

- 16.2 **Option 2:** Agree to make minor revisions to the revised Policy and recommend that Full Council adopt the revised Policy.

- 16.2.1 Alternative preferred option to enable officers to have regard to the updated Policy and for certain changes to come into effect.

- 16.3 **Option 3:** Authorise officers to make further changes on the Policy and return to a future Regulatory Services Committee for future consideration.

- 16.3.1 Whilst there are no risks attached to this option, further delays would mean that changes would be unable to come into effect.

- 16.4 **Option 4:** Decide not to adopt the revised Policy.

- 16.4.1 As above, whilst there are limited risks attached with this approach, officers would advise against this option (see section 8)

17 Recommendation

- 17.1 That Members:

- i) **Agree Option 1 to agree the revised Policy found at Appendix 3 and recommend that Full Council adopt the revised Policy.**

Appendices:

Appendix 1: Existing Hackney Carriage and Private Hire Policy 2022

Appendix 2: Proposed Hackney Carriage and Private Hire Policy 2025 (Track change version)

Appendix 3: Proposed Hackney Carriage and Private Hire Policy 2025 (clean version)

Appendix 4: Public consultation responses

Appendix 5: Boilerplate policy from HCCSP

Appendix 6: Benchmarking Age & Emission Requirements

