

**Report to:** Licensing Committee

**Date:** 5<sup>th</sup> December 2023

**Title:** Hackney Carriage and Private Hire Guidance  
Consultation Results

**Report of:** Director of Service Delivery

**Ward(s):** All

**Purpose of report:**

- 1) To report the findings of the consultation on the proposed changes to Eastbourne Borough Council Hackney Carriage and Private Hire Licensing Guidance (“the Guidance”).
- 2) To agree a final Guidance document to be adopted on a date to be agreed.

**Officer recommendation(s):**

- 1) That the Committee considers the consultation responses received.
- 2) That the Committee considers if changes are to be made to the Guidance following the results of the public consultation.
- 3) That the Committee delegates the Lawyer to discuss points raised in Appendix C (part of Appendix 2) with those making the submissions and seek to agree changes.
- 4) That the Committee delegates the Senior Specialist Advisor to take the necessary steps to implement any changes, produce a final Guidance and publish it on a date to be agreed with the Chair of the Licensing Committee.
- 5) That the Committee agrees that the Guidance should be reviewed every three years.

**Reasons for recommendations:** The consultation sought views on changes to the Guidance following feedback received from the trade and changes deemed appropriate by officers.

**Contact Officer(s):** Name: Jo Dunk  
Post title: Lead for Regulatory Services  
E-mail: jo.dunk@lewes-eastbourne.gov.uk  
Telephone number: 07342065628

---

## **1 Introduction**

- 1.1 This Committee meeting follows on from the Licensing Committee on 26th June 2023, which having regard to the proposed changes to the Guidance, agreed that the revised Guidance should be consulted on for a 6-week period. It was also agreed that the results of that consultation should be brought back to a subsequent Licensing Committee, unless only minor changes were proposed following the consultation, in which case those could be dealt with by the Lead for Regulatory Services in consultation with the Chair of Licensing. Members are asked to note that it is considered appropriate for all changes to be considered by the Licensing Committee.
- 1.2 Members are asked to note that the Licensing Committee on 16th January 2023, considered having an annual review of the Guidance. Having followed this process this year, on reflection, it is a task which takes up some significant time. Therefore, Members are asked to consider that a review of the Guidance takes place every three years. Members are asked to note that in the Statutory Taxi and Private Hire Vehicle Standards (July 2020), to which Members should have regard, it is advised that Licensing Authorities should review their licensing policies every five years, but also consider interim reviews should there be significant issues arising in their areas.
- 1.3 Due to the size of the Guidance, Members are asked to note for information that Officers intend to reformat the document.
- 1.4 The Guidance that went out for public consultation is attached at Appendix 1 and the summary of results, the Consultation Report is attached at Appendix 2.
- 1.5 Members are advised that the Department of Transport Taxi and Private Hire Vehicle Licensing Best Practice Guidance has recently been updated, on 17<sup>th</sup> November 2023. There are some parts of this document which are relevant to changes proposed and the outcomes of the consultation, attached at Appendix 3.

## **2 Background**

- 2.1 The online survey part of the consultation took place from 31st July 2023 to Sunday 10<sup>th</sup> September 2023.
- 2.2 The consultation was promoted through a press release to the local media. An email was sent to everyone who had responded to a previous taxi and private hire licensing consultation. The consultation was also promoted through the council's social media channels and key stakeholders were emailed directly with an invitation to respond to the consultation.
- 2.3 The consultation information was sent to all members of the Eastbourne Taxi and Private Hire Drivers Forum. The proposed changes were discussed at that Forum on Monday 2 October 2023.

- 2.4 A focus group was conducted with a number of residents who responded to the consultation and expressed an interest in taking part in such an exercise. This took place on Monday 16 October 2023 at Eastbourne Town Hall.
- 2.5 A written response was received the Eastbourne Access Group and Eastbourne Blind Society.
- 2.6 A composite document with the responses is attached at Appendix 2.

**3 Specific changes considered during public consultation**

- 3.1
  - a) Removal of the requirement for new licensed hackney vehicles to be wheelchair accessible.
  - b) Due to current challenges in the recruitment of drivers to the profession locally, in support of the trade, the addition of private hire driver licences be applied.
  - c) An additional requirement that drivers are expected to sign up to the National Disclosure and Barring Service.
  - d) The requirement for a HMRC tax code to be shared with the licensing authority.
  - e) Further clarity regarding the English proficiency test.
  - f) Link to guidance regarding the new Taxi and Private Hire Vehicle (Disabled persons) Act 2022.
  - g) Changes to current Penalty Points Scheme.
  - h) An addition of a Customer and Driver Charter.
  - i) Privacy Notice.
  - j) An addition of information regarding the Taxi and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022.

**4 Key Findings**

- 4.1 The online survey asked questions from the list in paragraph 3.1.
- 4.2 The first question asked ‘in what capacity the respondents were acting’:

A resident	73.39%	251
A driver licensed by Eastbourne Borough Council	21.93%	75
An operator licensed by Eastbourne Borough Council	1046%	5
A partner organisation or community group	1.46%	5
Other Local Authority	0	0
Other	1.75	6

- 4.3 Question 2:

Current guidance: All new drivers can only apply to hold a Dual Hackney Carriage or a Restricted Private Hire driver licence. A dual licence allows drivers to drive a Hackney Carriage vehicle and/or a Private Hire vehicle. A restricted Private Hire

drivers licence only allows a driver to undertake school transportation work in a private hire vehicle.

Proposal: We would introduce a Private Hire-only licence for new applicants. As a Private Hire driver, the applicant would not be required to complete the 'Routes' section of the knowledge test but would still need to complete all other aspects of the knowledge test and application. How much do you agree or disagree with this proposal?

#### 4.4 Responses:

Strongly agree	13.24%	45
Agree	28.53%	97
Disagree	19.12%	65
Strongly disagree	27.06%	92
Don't know	12.06%	41

Members are advised to make reference to Appendix 2, page 4, for comments made and a further breakdown of results. Members are also advised to make reference to paragraph 6.11 of Appendix 3 in relation to topographical knowledge of private hire drivers.

#### 4.5 Question 3:

Requirement for new Hackney Carriage vehicles to be Wheelchair Accessible Vehicles (WAVs).

Current guidance: New Hackney Carriage vehicles are required to be WAVs to obtain a licence. These may be side-loading or rear-loading via a ramp. This does not apply to existing Hackney Carriage licence holders who apply to change their vehicles.

Proposed change: New Hackney Carriage vehicles would no longer be required to be WAVs. This is following feedback from the trade about the difficulties and costs involved the new drivers acquiring WAV's. How much do you agree or disagree with this proposal?

#### 4.6 Responses:

Strongly agree	22.94%	78
Agree	32.35%	110
Disagree	15.88%	54
Strongly disagree	21.18%	72
Don't know	7.65%	26

Members are advised to make reference to Appendix 2, page 5 and 6 for comments made and a further breakdown of results. Members are also advised to make reference to paragraphs 4-4.5 of Appendix 3 in relation to accessible services and WAV provision.

4.7 Question 4:

The purpose of a penalty point scheme is to take a stepped approach for enforcement against a licence holder, for certain matters.

Proposed change: We would reword the scheme to make it easier for licence holders to understand. This would also help to streamline investigations. The number of penalty points for certain matters has also been changed to better reflect the severity of some matters.

How much do you agree or disagree with this proposal?

4.8 Responses:

Strongly agree	19.71%	67
Agree	52.06%	177
Disagree	5.88%	20
Strongly disagree	5.88%	20
Don't know	16.47%	56

Members are advised to make reference to Appendix 2, page 8, for comments made and a further breakdown of results.

4.9 Question 5:

This charter sets out what passengers (customers) should expect when travelling in a Hackney Carriage or Private Hire vehicle in Eastbourne and what a driver can expect from a customer travelling in the vehicle. We do not currently have a charter, however other nearby authorities do.

See Appendix 8: Customer and Driver Charter How much do you agree or disagree with this proposal?

4.10 Responses:

Strongly agree	29.88%	101
Agree	44.08%	149
Disagree	6.21%	21
Strongly disagree	6.80%	23
Don't know	13.02%	44

Members are advised to make reference to Appendix 2, page 8, for comments made and a further breakdown of results.

4.11 Question 6:

Mandatory in-vehicle CCTV in all Private Hire and Hackney Carriage vehicles (other than private hire vehicles issued with a plate exemption for executive and VIP work, those vehicles solely used for this purpose) will become a requirement from 31 October 2023.

Following feedback from the taxi trade, we are considering the possibility of allowing audio recording via the CCTV of licensed vehicles. Current guidance: The CCTV system shall not be used to record conversations between members of the public, since that is highly intrusive, and if any system is equipped with a sound recording facility then that functionality shall be disabled. Proposed change: Audio recording should be permitted. Do you agree or disagree with this proposal?

4.12 Responses:

Strongly agree	23.3%	79
Agree	27.43%	93
Disagree	15.04%	51
Strongly disagree	20.94%	71
Don't know	9.14%	31

Members are advised to make reference to Appendix 2, page 9, for comments made and a further breakdown of results.

4.13 Question 7:

If you agree with the proposal that audio recordings should be permitted, do you agree or disagree that audio recording should be permitted?

4.14 Responses:

Answer choices	Strongly agree	Agree	Disagree	Strongly Disagree	Don't know	Response Total
At all times in limited circumstances	32.26% 70	38.71% 84	9.68% 21	11.98% 26	7.37% 16	217
That audio be recorded via CCTV if the customer or driver wishes it as activated by a trigger switch	25.70% 55	46.73% 100	11.21% 24	14.02% 30	2.34% 5	214
That audio be recorder via CCTV in vehicles driven by the restricted private hire licence	30.14% 66	38.81% 85	11.87% 26	9.59% 21	9.59% 21	219

Members are advised to make reference to Appendix 2, page 11, for comments made and a further breakdown of results.

4.15 Question 8:

Current guidance: Currently there is no requirement to carry a legal spare wheel or appropriate alternative such as a tyre repair kit made up of a compressor which inflates the tyre.

Proposed change: We are considering introducing the condition for all licensed vehicles to carry a spare wheel or an appropriate alternative in the boot of the vehicle and the necessary tools to fit the spare wheel. How much do you agree or disagree with this proposal?

4.16 Responses:

Strongly agree	25.96%	88
Agree	36.58%	124
Disagree	13.27%	45
Strongly disagree	14.75%	50
Don't know	9.44%	32

Members are advised to make reference to Appendix 2, page 13, for comments made and a further breakdown of results.

4.17 Question 9:

We would not license any vehicle that has been classed a written-off in any category.

Current guidance: If a vehicle has an MOT, VST and valid insurance it can be licensed by Eastbourne Borough Council as Hackney Carriage or Private Hire. We do not take into consideration vehicles being classed as 'written-off'.

Proposal: There are several categories for vehicles to be classed as written-off. These range from those which cannot be repaired and those which could potentially be repaired to a roadworthy condition. We would not license any vehicle that has been classed a written-off in any category. Do you feel that you agree with this proposal?

4.18 Responses:

Strongly agree	29.34%	98
Agree	35.33%	118
Disagree	9.58%	32
Strongly disagree	11.38%	38
Don't know	14.37%	48

Members are advised to make reference to Appendix 2, page 14, for comments made and a further breakdown of results.

4.19 Question 10:

Proposed change: Drivers shall sign up to the Disclosure and Barring Service. It is considered that this will speed up the licence application and renewal process. A DBS check is a way to find out whether someone has a criminal record. Do you feel that you agree with this proposal?

4.20 Responses:

Strongly agree	29.34%	170
Agree	35.33%	137
Disagree	9.58%	9
Strongly disagree	11.38%	10
Don't know	14.37%	13

Members are advised to make reference to Appendix 2, page 15, for comments made and a further breakdown of results.

4.21 Question 11:

Proposed change: A grant of a licence will be subject to a tax code check being made with the HMRC. This is to ensure all drivers are registered correctly for tax purposes. Do you feel that you agree with this proposal?

4.22 Responses:

Strongly agree	45.27%	153
Agree	35.21%	119
Disagree	6.51%	22
Strongly disagree	6.21%	21
Don't know	6.80%	23

Members are advised to make reference to Appendix 2, page 16, for comments made and a further breakdown of results.

4.23 Question 12:

Proposed change: All new applicants are required to undergo a proficiency test to demonstrate their ability to communicate effectively in the English language. Any person found cheating on the test will be disqualified and will not be granted a licence for at least three years. Do you feel that you agree with this proposal.

4.24 Responses:

Strongly agree	45.27%	153
Agree	35.21%	119
Disagree	6.51%	22
Strongly disagree	6.21%	21



Don't know	6.80%	23
------------	-------	----

Members are advised to make reference to Appendix 2, page 16, for comments made and a further breakdown of results.

4.25 Question 13:

Proposed change: We are proposing to introduce a Privacy Notice. As data controllers, Eastbourne Borough Council must hold and process licence holders' personal data in order to issue and manage Hackney Carriage and Private Hire licences. This includes personal information such as including medical records, in order to determine whether a licence can be issued.

Do you feel that you agree with this proposal?

4.26 Responses:

Strongly agree	33.04%	111
Agree	41.37%	139
Disagree	4.17%	14
Strongly disagree	2.98%	10
Don't know	18.45%	62

Members are advised to make reference to Appendix 2, page 9, for comments made and a further breakdown of results.

4.27 Question 14:

Do you think that there are other changes that should be made to the Guidance?

4.28 Responses:

No further changes requested	13
Not wanting CCTV	8
Costs are too High	6
Drivers should be more courteous	5
Uber should be allowed to operate in Eastbourne	3
More ways are needed in the trade	3
CCTV should be optional	3

Members are advised to make reference to Appendix 2, page 17, for comments made and a further breakdown of results.

**5. Written submissions**

5.1 Two written submissions were received during the consultation; from Eastbourne Access Group and Eastbourne Blind Society and Eastbourne & Country Limited who are an Operator. Feedback has also been sought through a Taxi and

Private Hire Forum and through a residents focus group. These are attached at Appendix 2.

5.2 These submissions are summarised as follows:

5.3 Appendix A: Written response from the Eastbourne Access Group and Eastbourne Blind Society:

- Strongly opposed to removal of requirement for all new licensed Hackney vehicles to be wheelchair accessible.
- Opposed to a private hire only licence as this will have a detrimental impact upon customers with visual or cognitive impairment.
- For the proposal to permit audio recording as well as CCTV with a proviso that clear when and how recording is taking place.
- Supportive of the introduction of a Customer and Driver Charter.
- Strongly support the signing up of the DBS Service.
- A number of points regarding amendments to the Guidance in relation to Part 6 of the Guidance (Equalities and Accessibility) and generally. On this point, Members are asked to consider delegating the Lawyer to discuss these points with those making the submission and seek to agree, as minor changes.

5.4 Appendix B: Written response and petition submitted by operator Eastbourne & Country Ltd:

- Against the previous decision of the Licensing Committee to introduce mandatory CCTV.
- Approach to interaction with the trade to be reviewed.

5.5 Appendix C: Notes from meeting with Eastbourne Taxi and Private Hire Drivers Forum 2 October 2023:

- Concerns about financial impact if audio is required.

5.6 Appendix D: Notes from resident focus group 16 October 2023:

- Opposed to private hire only licences.
- Feedback regarding removal of WAVS requirement.
- In support of adding to the penalty point scheme.
- Mixed feelings regarding use of audio.
- Mixed response for spare wheels.
- In agreement of written off vehicle change.
- Welcomed changes to English proficiency test.
- Good idea for a customer and driver charter.

5.7 In reference to comments made as part of the petition, Members are reminded that the proposal of CCTV was presented in a report to the Licensing Committee on 18<sup>th</sup> January 2021 a consultation period of 8 weeks took place, and the results of the consultation were presented on 24<sup>th</sup> May 2021. The results showed that 104 drivers engaged in the consultation process and that 2 Operators engaged in the consultation process. Members agreed on 24<sup>th</sup> May 2021 to the requirement for all licensed vehicles to have CCTV systems installed.

5.8 The Licensing Authority actively engages with the taxi trade through forums. The most recent consultation process has also included a focus group. The priority of the Licensing Authority is public safety. Whilst Officers endeavour to work closely with the hackney and private hire trade their role is to present a balanced viewpoint from the public, other agencies, community groups as well as the trade to Members.

## **6 Options**

6.1 The Committee is asked to consider what, if any, changes are to be made to the Guidance taking into account the results of the public consultation.

6.2 The Committee will see that section 3.1 outline several proposed changes to the Guidance. The Committee is asked to decide for each one as follows:

- a. Implement the change as proposed.
- b. Disregard the change.
- c. Implement the change in part as appropriate.

## **7 Financial Implications**

7.1 Some proposals in this review involve costs to the trade as follows:

- a. Approved suppliers have been contacted and provided feedback that the installation of Audio on existing CCTV systems will be approximately £80-150 per vehicle.

7.2 There are no immediate Financial Implications arising from this report, however one proposal in this review will impact some suppliers. Those impacted have been contacted and provided feedback that the installation of Audio on existing CCTV systems will be approximately £80-150 per vehicle.

## **8 Legal Implications**

8.1 There is no statutory requirement for the Licensing Authority to adopt any Guidance in relation to hackney carriage and private hire licences. However, the statutory Standards recommend that should make publicly available a cohesive document which brings together all its procedures. In any case, it is considered best practice to have such Guidance as it informs, guides decision makers and assists with consistent decision making. Any Guidance is not a fetter on decision making as each case must be judged on its own merits.

8.2 The Legal Section considered this Report on 23 November 2023 (Iken 12469-EBC-MW).

## **9 Risk management implications**

9.1 No relevance.

## **10 Equality analysis**

10.1 **To follow.**

**11 Environmental sustainability implications**

11.1 No relevance.

**12 Appendices**

- Appendix 1 - Eastbourne Borough Council Hackney Carriage and Private Hire Licensing Guidance (Consultation document).
- Appendix 2 - Analysis of Public consultation (including written submissions).
- Appendix 3 - Taxi and Private Hire Vehicle Licensing Best Practice Guidance for Licensing Authorities in England (17 November 2023).

**13 Background papers**

Statutory Taxi and Private Hire Vehicle Standards July 2020.

Statutory Guidance. Access to taxis and private hire vehicles for disabled users (June 2022).

DPIA to take into account the potential impact of changes in relation to audio.

Equalities Assessment.