

# Draft Tonbridge and Malling Borough Council Hackney Carriage and Private Hire Licensing Policy

2013 – 2016

## Proposed changes to consultation document

Ref:	Respondent	Comment / proposed change (Version 1.3 was sent out with the consultation)	Ref in 1.3	Ref in 1.5	Officers Comment (Version 1.5 is attached with the Committee Report – Changes highlighted in RED)
1	Taxi Workshops	<b>Delegations</b> Expand on detail of delegations	1.10	1.10	<b>RECOMMENDED</b> - New appendix O detailing delegations
2	Taxi Workshops	<b>Definitions</b> Under “DVLA driving licence” expand wording	3.1	3.1	<b>RECOMMENDED</b> - The term ‘DVLA driving licence’ means a full original GB driving licence issued by the Driver and Vehicle Licensing Agency.
3a	Taxi Workshops	<b>Age of Vehicles</b> To expand the proposed age of vehicles from six years of age for first registration and ten years old for maximum age. To have a 200,000 mile cap on the age of a vehicle	4.6. 1 4.6. 2	4.6. 1 4.6. 2	
3b	Email from Stuart Luck <b>Annex 5</b>	<b>Age of Vehicles</b>  <i>Dear Sir/Madame As a taxi driver working off of the Taxi Rank at Waterloo road in Tonbridge, i have recently purchased a 2nd hand car with the aid of a four</i>			

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		<p><i>year bank loan which i am now using as my Licensed Hackney Carriage. Reading through the age limit in the consultation papers my car being on a 2005 plate would not last the duration of my loan payments and this is a big cause of concern to me as i have now made the commitment to the bank,will there be any lee way granted on this proposal Regards Stuart Luck Plate no 104</i></p>			
3c	<p>Letter from Paul Dear <b>Annex 4</b></p>	<p><b>Age of Vehicles</b></p> <p><i>Dear Mr Garnett</i></p> <p><i>AGE OF VEHICLES</i></p> <p><i>I refer to previous discussions regarding the age of vehicles currently being used as taxis and am writing to give my view on this matter.</i></p> <p><i>It has been mentioned, and several conversations have taken place, regarding the time limit that may be imposed to taxi drivers who have a vehicle 10 years old.</i></p> <p><i>When I purchased my current car in December 2011 we had a visit from you on the taxi rank</i></p>			

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		<p><i>and I explained my concern that the rumours going about were saying that a vehicle which was 10 years old would not be able to be used on the taxi rank. You said to me “don’t worry if anyone has a car over 10 years the owner would be given grace to buy a new car, probably 2 years”. Now I understand a new rule book has been printed specifying that this new rule will take place in the very near future and the rumours are that no grace will be given. I feel that this is very unfair as due to the present financial climate I would not get credit for a new car, nor could I afford it if I could. The garage that looks after my taxi for me mechanically wise have said that my car is in good working order and good mechanical order and with respect to my old vehicle which was only 3-4 years old had 170,000 miles plus on the clock was beginning to cost me an awful lot of money in repairs. The present vehicle I have got, which is older, but has less miles is costing me a lot less in repairs as I have already spent a lot of money making it to a very good standard mechanically. The only thing that can make this vehicle look bad is the number plate. Lots of customers have expressed their delight in being in my taxi and those that I have spoken to recently express their anger at these new rules and the undue pressure they are putting on the cab drivers in our town.</i></p>			

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		<p><i>My last year's earnings left me with a net profit of only £4,700 which I can hardly survive on let alone buy a new car. I would like you to send me your views on this matter.</i></p> <p><i>As you are probably aware fuel increases are on the rise again, insurances are on the rise again and no doubt there will probably be an increase in your charges, ie plates and badges in the near future. We need help not more pressure. Thank you.</i></p> <p><i>I look forward to hearing from you.</i></p> <p><i>Yours sincerely</i></p> <p><i>P Dear</i> <b>Mr Paul Dear</b></p>			
3d	Extract from letter received from Terry Hill <b>Annex 3</b>	<p><b>Age of Vehicles</b></p> <p><b><u>Age limits for licensed vehicles</u></b></p> <p><i>I am strongly against the age limits as proposed and for the following reasons and explanation. Until two years ago my company bought brand new vehicles at a cost of between £16000 and £30000 per vehicle. The cost of these vehicles had to be financed over a four year period at around £450pm per vehicle. My vehicles do an average of 80,000 miles per annum, meaning that after 4 years they would have done in</i></p>			

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		<p><i>excess of 300,000 miles. Obviously the maintenance costs on a vehicle of this mileage would also be very high. By the time they were just over 4 years old they would effectively be sold for scrap value or not much more.</i></p> <p><i>Because of the recession and the need to try and save money in order to stay afloat I stopped buying new vehicles, instead opting to buy used cars around 6-10 years old but with mileage of around 40-80k and full service history. I could buy cars like this in very good condition for between £3000 and £5000. After between one and two years use they would still have a mileage of no more than 200k and I could then sell them on for around £500 to £1000 in good condition and at lower mileage than my previous 'new' cars. No car is now kept for more than two years. My maintenance bills were lower and the mechanical condition of the cars was far better. Despite using older cars my maintenance bill has come down by around 25% and I am also saving many thousands on the cost of the vehicles. For the first time in 18 years my company is now making a small profit, and in a recession.</i></p> <p><i>If we are forced to buy newer vehicles at higher cost then we are going to be forced to use them for longer periods, and there will be temptations among some to try and save money by skimping on maintenance. I feel it would be far better to</i></p>			

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		<i>allow these older vehicles but with tighter controls and more regular MOT's on them. I would propose testing every 4 months on vehicles between 6 and 10 years old and for no vehicle older than 12 years to be permitted. I would also ask that the maximum age for first time licensing be 8 years and not 6 as proposed. I would welcome an inspection by any member of the committee on my vehicles to show that some older vehicles are indeed in better condition than many newer ones.</i>			<p>Discussion on phasing in new age restrictions and concern on introducing an age restriction.</p> <ol style="list-style-type: none"> <li>1. As proposed</li> <li>2. Increase age to 8 and 12 years</li> <li>3. Increase age to 8 and 12 years with 200,000 mile cap</li> <li>4. Graduation to 6 and 10 years as proposed</li> </ol> <p><b>RECOMMENDED</b></p> <p>With effect from <b>1 June 2014</b> any new hackney carriage/private hire vehicles submitted for licensing must comply with the above age requirements.</p> <p>With effect from <b>1 June 2016</b> all hackney carriage/private hire vehicles submitted for licensing (new and renewal) must comply with the above age requirements.</p> <p><b>To change 4.6.6 wording moving the timeline from 2013 to 2014 and 2015 to 2016 respectfully.</b></p>
<b>4a</b>	Taxi Workshops	<b>Definition of Vehicle</b> Vehicle age and other criteria Change definition from "London Style"	4.6.3	<b>4.6.3</b>	<b>RECOMMENDED - " Fully Wheel Chair Compliant vehicles (Mi specification)" may be licensed</b>
<b>4b</b>	Taxi Workshops	Change "London type hackney carriages" to read <b>Fully Wheel Chair Compliant vehicles</b>	4.6.5	<b>4.6.5</b>	<b>RECOMMENDED - Fully Wheel Chair Compliant vehicles</b>

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5	Taxi Workshops	<b>Vehicle testing</b> Remove “that are over three years old”	4.7.1	4.7.1	<b>RECOMMENDED –</b>  An MOT pass certificate, from an inspection carried out by one of the authorised testing stations located within the Borough, must be produced for all vehicles. Subsequent MOT pass certificates must be produced annually.
6a	Taxi Workshops	<b>The probationary badge</b> A “Mentor” needs to have been licensed by Tonbridge and Malling Borough Council for at least a period of one year.  The probationary badge should be for Private Hire only	5.1.2	5.1.2	<b>RECOMMENDED –</b> “A person from the taxi trade known as a “Mentor” to sign the application form and oversee the new driver as they work through their first six months. A “Mentor” needs to have been licensed by Tonbridge and Malling Borough Council for at least a period of one year.”  The probationary badge should be open to both private hire and hackney carriage applicants.
6b	Extract from letter received from Terry Hill <b>Annex 3</b>	<b><u>Probation Drivers Badge.</u></b> <i>I am in favour of and fully support this</i>	5.1.2	5.1.2	<b>Noted</b>
7	Taxi Workshops	<b>Age and Experience</b> To satisfy Equalities Act change from “held a full UK DVLA driving licence” to “held a full driving licence”	5.2.1	5.2.1	<b>RECOMMENDED –</b>  A licence to drive a hackney carriage or private hire vehicle will not be granted to a person who has not held a full driving licence, for a period of at least 12 months immediately prior to the licence application.

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8	Taxi Workshops	<b>Driving Proficiency and Qualifications</b> Have an alternative to The Driving Standards Agency (DSA) driving test.	5.4.3	5.4.3	<b>RECOMMENDED –</b> All new applicants for hackney carriage/private hire driver's licences are required to produce evidence that they have successfully completed the DSA or <b>Kent County Council (KCC)</b> practical driving test.
9	Taxi Workshops	Old section 5.5.5 – Holders of current Passenger Service Vehicle..... Delete to ensure medical examination consistency.	5.5.5	N/A	<b>RECOMMENDED –</b> Delete to ensure medical examination consistency.
10	Taxi Workshops	<b>Record Keeping</b> Add “Full details in Appendix J”	6.5.2	6.5.2	<b>RECOMMENDED –</b> Add “Full details in Appendix J”
11	Taxi Workshops	<b>Receipts</b> Detail information that is required on a receipt to be given to a passenger.	7.1.8	7.1.8	<b>RECOMMENDED –</b> A hackney carriage driver must, if requested by the passenger, provide a written receipt for the fare paid. <b>Minimum information required is Drivers name; Drivers Badge Number and Vehicle plate number ; Date; Time and Total Fare charged..</b>



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12	Taxi Workshops	<b>Fees</b> Clarify what fees can be used for enforcement and which may not be used.	7.3.1	7.3.1	<b>RECOMMENDED –</b> <b>Local Government (Miscellaneous Provisions) Act 1976</b> Section 53 of the Local Government (Miscellaneous Provisions) Act 1976 covers Drivers’ licences for hackney carriage and private hire vehicles, allows fees to recover the costs of issue and administration. Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 covers fees for vehicle and operators’ licences allows fees to: recover the reasonable cost of carrying out by or on behalf of the district council of inspections of hackney carriages and private hire vehicles for the purpose of determining whether any such licence should be granted or renewed; reasonable cost of providing hackney carriage stands; and any reasonable administrative or other costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles. A district council may remit the whole or part of any fee chargeable in pursuance of Section 48 – Licensing of private hire vehicles and Section 55 – Licensing of operators of private hire vehicles
13	Taxi Workshops	<b>Offences</b> Add private hire vehicles to read “Offences in relation to hackney carriage and private hire vehicles”	8.5.1	8.5.1	<b>RECOMMENDED –</b> Add private hire vehicles to read “Offences in relation to hackney carriage and private hire vehicles”

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14	Taxi Workshops	<b>Age</b> Vehicle age and other criteria Change definition from “London Style” Change “London type hackney carriages” to read <b>Fully Wheel Chair Compliant vehicles</b>	9.2.3	9.2.3	<b>RECOMMENDED –</b> <b>“ Fully Wheel Chair Compliant vehicles (Mi specification)” may be licensed</b>
15a	Taxi Workshops	<b>Colour</b> <b>Allow private hire vehicles to be any colour</b>	4.23.2	4.23.2	<b>RECOMMENDED –</b> <b>Allow private hire vehicles to be any colour</b> Currently a private hire vehicle can be any colour except white.
15b	Extract from letter received from Terry Hill <b>Annex 3</b>	<b><u>Colour of Hackney Carriage Vehicles.</u></b> <i>Although in Favour of tighter colour specifications I also feel that the committee could look at other options rather than restricting the colour of vehicles such as having the Car Bonnet a different colour. This is easily and cheaply done now by vehicle wrapping and would make TMBC licenced vehicles easily recognised. This would also mean that vehicles from other boroughs / unlicensed vehicles would also be more easily recognised. It would also stop the practice of TMBC licensed cars being used illegally in other areas, something which I know is going on.</i>	9.4.2	9.4.2	<b>RECOMMENDED –</b> <b>Allow private hire vehicles to be any colour</b> No change to proposed colours: Hackney Carriage – White / Bright Silver Private Hire – Any Colour

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16	Taxi Workshops	<b>Body and Vehicle Colour</b> Reword to read “Vehicles must have windows at the side and rear with ventilation being provided for passengers.”	9.4.7	9.4.7	<b>RECOMMENDED</b> – Change to read “ <b>Vehicles must have windows at the side and rear with ventilation being provided for passengers.</b> ”
17	Taxi Workshops	<b>Body and Vehicle Colour</b>  Change from “Council” to “European Union”	9.4.8	9.4.8	<b>RECOMMENDED</b> – Change to read Provision must be made for carrying and securing luggage and if luggage is carried or intended to be carried on the roof, a roof rack of a type or roof mounted luggage box approved by <b>European Union</b> must be fitted
18a	Taxi Workshops	<b>Seats</b> Old 9.9.2 deleted – “need for seats to be folded or removed”... With a lot of the fleet having large 3 seats in a bench that fixed not possible for all vehicles.	9.9.2	NA	
18b	Extract from Email from Tom Veitch <b>Annex 7</b>	<i>Hi,  I am just dropping an email to object to one of the recent proposals put forward in the new policy document. Unfortunately i wasn't able to attend the meeting today due to work commitments. My objection is aimed ant the proposed change to the vehicles, Points 9.4.6 and points 9.9.2 regarding seats and windows. At the moment myself and many of the other drivers that i work with quite often drive the Vauxhall Vivaros/Renault Traffic 'Mini Bus'. If</i>	9.9.2	N/A	

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		<p><i>these changes were to come into effect then it would put at least 7 people out of work and I am well aware these 'Vans' are used industry wide. Please be aware that this change is potentially extremely dangerous to many drivers livelihoods as i am not aware of anyone who can afford to go and replace all these type of vehicles. Please take the time to re think these changes and be aware of the damage this will cause if not adjusted (just to make you aware the seats fold down on the middle row and the windows open only at the front).</i></p> <p><i>Regards Tom Veitch Badge number: 1975</i></p>			
18c	Email from Brian Leyton <b>Annex 6</b>	<p><i>Hello</i></p> <p><i>Apologies for not being able to attend the drivers meeting on 15.01.13. Just a quick message to object to points 9.4.6 and 9.9.2 regarding folding seats and window access along the vehicle. The vehicle I drive has a folding seat in the middle and windows the open in the front only. Please review this policy change as it has the potential to put me out of work.</i></p> <p><i>Regards Brian Leyton</i></p>	9.9.2	N/A	<p><b>RECOMMENDED –</b></p> <p>Delete 9.92</p> <p>Old 9.9.2 deleted – “need for seats to be folded or removed”... With a lot of the fleet having large 3 seats in a bench that fixed not possible for all vehicles</p>

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19	Taxi Workshops	<b>Ventilation</b> Change to read <b>Vehicles must have windows at the side and rear with ventilation being provided for passengers</b>	9.11 .1	9.11 .1	<b>RECOMMENDED –</b> Change to read <b>“Vehicles must have windows at the side and rear with ventilation being provided for passengers.”</b>
20	Taxi Workshops	<b>Fire Extinguisher</b> With advice from Kent Fire and Rescue make the carrying of a Fire Extinguisher optional. Advice is not to tackle a vehicle fire.	9.12 .1	9.12 .1	<b>RECOMMENDED –</b> Change to read <b>“Optional”</b>
21	Taxi Workshops	<b>First Aid Equipment</b> make the carrying of a First Aid Equipment Optional.	9.12 .1	9.12 .1	<b>RECOMMENDED –</b> Change to read <b>“Optional”</b>
22	Taxi Workshops	<b>Communication Devices</b> Take out 9.14.1 and 9.14.3 paragraphs referring to two way radios as they are not used today.	9.14 .1 9.14 .3	N/A	<b>RECOMMENDED –</b> Take out
23	Taxi Workshops	<b>Insignia</b> Clear definition on what are the requirements		9.17	<b>Within the Borough of Tonbridge and Malling all hackney carriages are required to permanently display door signs displaying the TMBC Logo and the word “TAXI”</b>  <b>No magnetic door signs are allowed</b>

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24	Taxi Workshops	<b>Maintenance and Condition of the Vehicle</b> Change the word “should” to “must”	9.20 .3	9.21 .3	<b>RECOMMENDED –</b> For the avoidance of doubt, any vehicle that would not pass an Engineer’s Report or MOT <b>must</b> not be used until such time as the requirements of the Engineer’s Report and MOT can be met
25a	Taxi Workshops	<b>DRIVERS</b> To satisfy Equalities Act take out “UK”	11.4 .2	11.4 .2	<b>RECOMMENDED –</b> <b>All applicants must have held a full driving licence or equivalent for a minimum period of one year prior to the date of making an application.</b>
25b	Taxi Workshops	<b>DRIVERS</b> To satisfy Equalities Act take out “EC”	11.5 .1 a)	11.5 .1 a)	<b>RECOMMENDED –</b> <b>a) Full UK (or equivalent) Drivers licence which has been held for at least 12 months</b>
26	Taxi Workshops	<b>Minor Traffic Offences</b> Add “ <b>All applications with 6 or more points will be considered by the Licensing Manager to determine appropriate action.</b> ”	12.7 .2	12.7 .2	<b>RECOMMENDED –</b> Change. Example - This will used where a applicant has two speeding offences of three points each. In particular, an application will normally be refused where the applicant has 6 or more penalty points on his DVLA licence (whether or not the applicant was convicted by a court for the offences for which the points were imposed) or where the applicant has more than one conviction for this type of offence within the last 6 months. <b>All applications with 6 or more points will be considered by the Licensing Manager to determine appropriate action.</b>

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27	Taxi Workshops	<b>Previous Convictions</b> <b>Add and Town Police Clauses Act 1847</b>	12.1 0	12.1 0	<b>RECOMMENDED –</b> Add to read “ <b>Offences under the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847</b> ”
28	Taxi Workshops	<b>Driver Knowledge Tests</b> Add <b>Where a probationary badge has been issued only the Hackney Carriage Driver will be required to take the knowledge test.</b>	14.1 .2	14.1 .2	<b>RECOMMENDED –</b> Add <b>Where a probationary badge has been issued only the Hackney Carriage Driver will be required to take the knowledge test.</b>
29	Taxi Workshops	<b>Fares and Journeys</b> Change to read “ <b>When standing (stationary), keep the key, flag or other device fitted for that purpose locked in the position in which no fare is recorded on the face of the meter. The meter must not show a fare until the journey commences.</b> ”	15.3 .3 II	15.3 .3 II	<b>RECOMMENDED –</b> Change to read “ <b>When standing (stationary), keep the key, flag or other device fitted for that purpose locked in the position in which no fare is recorded on the face of the meter. The meter must not show a fare until the journey commences.</b> ”
30	Email from Cllr Howard Rogers <b>Annex 8</b>	<i>After another dip into the draft policy, I wonder if there should be consideration of sight tests under section 5.5. If the medical tests specifically include a sight test, then that would probably be sufficient. I do however think that the list in 5.5.6 should include reference to “Double vision” and “Vision disorder” or similar, as I’m not sure that visual impairment would necessarily be considered under the “other medical condition” clause.</i>	5.5. 5	5.5. 5	The current Medical Examination, Section 1 “Vision” completed by the doctor during the medical examination covers a candidate’s ability to see.  <b>RECOMMENDED –</b> Add to list “ <b>Double vision or vision disorder</b> ”

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31a	Extract from Email from Tom Veitch <b>Annex 7</b>	<p>I would also like to flag up that if we are going to have to have a medical every three years that we will have to arrange ourselves, who will be funding that? At the moment the medical is funded by the initially cost of the gaining the badge, however the renewal price does not include the cost of a medical. Please can you let me know how this will be paid for?</p> <p>Regards Tom Veitch Badge number: 1975</p>	5.5.4	5.5.4	<p>Proposed medical examinations every three years for candidates attending a medical examination in normal practice for Licensing Authorities.</p> <p><b>RECOMMENDED –</b> No change to proposed policy of</p> <p><b>5.5.4</b> - Existing licence holders, having presented a medical certificate upon first being granted a licence, will be required to be re-examined before the renewal of the drivers licence, every three years. Drivers of 65 and over must be examined annually. More frequent checks will also be necessary if, in the opinion of the medical practitioner, it is necessary.</p>
31b	Extract from letter received from Terry Hill <b>Annex 3</b>	<p><b>Medicals</b> I do not believe that a medical every three years is necessary until the age of 50. I believe this should stay 'as is'</p>	5.5.4		
32	Extract from letter received from Terry Hill <b>Annex 3</b>	<p><b>Signed conditions for each applicant</b> I am in favour of and fully support this</p>	1.4.6	1.4.6	<p><b>RECOMMENDED –</b> As proposed</p>
33	Extract from letter received from Terry Hill <b>Annex 3l</b>	<p><b>Enforcement</b> I feel that there should be maximum enforcement of the regulations, both by visible and covert means, with the strongest possible penalties for continued breaches of regulations</p>			<p><b>Noted</b></p>



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34	Extract from letter received from Terry Hill <b>Annex 3</b>	<b><u>Licensing Authority Contact number</u></b> <i>I have long been suggesting that all Hackney and Private Hire vehicles also have their plate number below the TMBC logo in large letters. This would make it easier for any member of the public to take this number should they have an issue that they wish to refer to yourselves. The direct dial number for the Licensing Dept should also be visible. The current system with just a small number on the windscreen and below the rear number plate does not make it easy to take these details.</i>			<b>Noted</b> We have a new supplier for the Plates and the designed have been approved and will be rolled out during April 2013.
35	Extract from letter received from Terry Hill <b>Annex 3</b>	<b>Compliance Check</b> I suggest that future testing of vehicles should include the internal condition of the cars. A recent discussion with the MOT tester that I use highlighted the fact that he tests many vehicles that have ripped and dirty seats, torn carpets and grubby roof and door linings. He is powerless to fail these vehicles as this is not part of the MOT or compliance test. I feel that there should be a minimum standard applied to this, and in addition that all vehicles should be presented with the interior clean of litter etc.			<b>Noted</b> The Compliance check list is currently undergoing a review. We currently check for condition of Upholstery, fittings seats etc.

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36	Extract from letter received from Terry Hill <b>Annex 3</b>	<p><b>Basic spoken English</b></p> <p>My drivers and office staff get numerous complaints from passengers that they have had other taxi's where the driver has been unable to either speak or understand basic English. This has made it difficult for them to explain where they wish to go, and that when they have a problem (often regarding the fare) that the driver then 'does not understand' . We need stricter controls on this and all drivers should have to speak fluent English.</p>			<p><b>Noted</b></p> <p>The Knowledge test is being continually revised and through the new proposed probationary badge and discussions with all new drivers of what the costs are and what is required.</p> <p>At the same time a candidate's ability to undertake the duties of a taxi driver is being continually reviewed.</p>
37	Extract from letter received from Terry Hill <b>Annex 3</b>	<p><b>Enforcement</b></p> <p>I know that the councillors sitting on this committee lead very busy lives and give up a lot of their time for our benefit, but could I also suggest that they occasionally make themselves available to accompany enforcement officers on random visits to the boroughs taxi ranks. They could then witness first hand the issues that they are on this committee to deal with. I feel it would help to give them a better understanding of the trade. Over the past 3 years I feel that the gap between 'them and us' has closed considerably, with some giant strides being made in the right direction. I hope that this can continue.</p>			<p><b>Noted</b></p> <p>Any member of the Licensing Committee is more than welcome to attend any enforcement undertaken by any Licensing Officer.</p>