

**TONBRIDGE & MALLING BOROUGH COUNCIL**

**LICENSING & APPEALS COMMITTEE**

**20 March 2013**

**Report of the Director of Central Services and Monitoring Officer**

**Part 1- Public**

**Matters for Recommendation to Council**

**1 REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE POLICY**

**1.1 Summary**

1.1.1 Hackney carriage and private hire vehicles have a specific role to play in an integrated transport system. They are able to provide services in situations where public transport is either not available or outside “normal” hours of operation such as in the evenings or at weekends or for those with mobility difficulties.

1.1.2 The Council is responsible for licensing a number of different elements of the taxi/private hire trade, made up of private hire operators, private hire vehicles, private hire drivers, hackney carriage vehicles, hackney carriage drivers and dual drivers i.e. those persons licensed to drive both hackney carriages and private hire vehicles. There are currently 840 licences in operation (February 2013).

1.1.3 The current Hackney Carriage and Private Hire Policy was approved by Full Council on the 2 November 2010 and covers the period 2010 – 2013.

1.1.4 On 5 December 2012 Members approved a draft revised Hackney Carriage and Private Hire Policy (2013-2016) for the purposes of consultation. This report updates Members on the results of the consultation, and recommends that a revised version of the Policy be submitted to Council for adoption

**1.2 Proposed changes**

1.2.1 The main changes contained in the Hackney Carriage and Private Hire Taxi Policy 2013 – 2016 from the current version 2010 – 2013 are:

1.2.2 **Best Practice Guidance** – Consideration of the Department for Transport Taxi and Private Hire Vehicle Licensing Best Practice Guidance published on the 2<sup>nd</sup> March 2010.

1.2.3 **Probation Drivers Badge** - Introduction of a new six months “probation driver’s badge” where a mentor from the Taxi trade works with the new driver.

- 1.2.4 **Age limits for licensed vehicles** - Introduction of age limits for Hackney Carriage and Private Hire licensed vehicles.
- 1.2.5 **Colour of Hackney Carriage Vehicles** – Details of a tightened colour specification for Hackney Carriage vehicles.
- 1.2.6 **Signed Conditions for each applicant** – Requirement for each Private Hire Operator, Driver and vehicle applicant to read and sign the current conditions associated with each respective licence.
- 1.2.7 **Enforcement** – Details of vehicle inspection criteria and standards required to work within the Borough.
- 1.2.8 **Penalty points** – Details of enhancements to the “penalty points” system to deal with breaches of licence conditions.
- 1.2.9 **Private Hire Exempt Licence** – Details of new criteria on which vehicles may apply for “exempt” status allowing them not to have to a plate displayed on their vehicle.
- 1.2.10 **3 year Medical** – For all new drivers, and every time a drivers badge is renewed, an applicant will be required to take a medical.

### 1.3 Consultation

- 1.3.1 The public consultation period ran for twelve weeks from the 10 December 2012 until the 1 March 2013. The feedback and proposed changes as a result of the consultation are shown as **Annex1**.
- 1.3.2 The proposed Hackney Carriage and Private Hire Policy highlighting the proposed changes from the consultation is shown as **Annex 2**.
- 1.3.3 Three workshops were held in August 2012 and two in January 2013 at Tonbridge Castle and Kings Hill Council offices to discuss the key issues and changes people would like to see in a revised hackney carriage and private hire policy. All current licence holders were invited to participate.
- 1.3.4 The workshops were attended by Members from the Licensing & Appeals Committee and stake holders from the taxi trade. Two workshops were held for private hire operators resulting in a focussed discussion on their specific issues.
- 1.3.5 The draft policy was sent out to:
- All current licensed hackney carriage drivers, private hire drivers; dual drivers, hackney carriage and private hire vehicle proprietors and private hire operators;
  - All Borough Councillors
  - All Parish Councils

- Community Safety Unit
- Public Libraries
- Access Group
- List of interested parties for licensing polices
- The policy has been available for download on the Councils web site as well as copies being available at the Council's main offices.

1.3.6 In addition to the workshops the Licensing Team received six individual representations which are shown in the following Annexes

**Annex 3** – Mr Terry Hill

**Annex 4** – Mr Paul Dear

**Annex 5** – Mr Stuart Luck

**Annex 6** – Mr Brian Leyton

**Annex 7** – Mr Tom Veitch

**Annex 8** – Mr Howard Rogers

## **1.4 Legal Implications**

1.4.1 The Council is entitled (but not required) to adopt a policy for the licensing of the hackney carriage and private hire trade. Policies play an important role in ensuring consistent decision making, although a policy cannot fetter the discretion of the Council and each case must be determined on its own merits.

1.4.2 The Statement of Policy will last for a maximum of three years, and will be adopted by Full Council on the recommendation of the Licensing and Appeals Committee.

## **1.5 Financial and Value for Money Considerations**

1.5.1 Fee levels for licences are set by the Licensing Authority.

## **1.6 Risk Assessment**

1.6.1 The introduction of a policy should provide a transparent and consistent basis for decision making. This in turn should reduce the risks of decisions being challenged in the Courts Recommendations

## **1.7 Recommendations**

1.7.1 It is **RECOMMENDED** that the Hackney Carriage and Private Hire Policy at **Annex 2** be commended to the Council for approval.

Background papers:

Nil

contact:

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Adrian Stanfield

Adrian Stanfield

Report of the Director of Central Services and Monitoring Officer

<b>Screening for equality impacts:</b>		
<b>Question</b>	<b>Answer</b>	<b>Explanation of impacts</b>
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	All applications made are decided on their own merits and on a case by case basis. Application are open to all groups in the community to apply
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	Yes	Increased emphasis on disabled access vehicles
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		

*In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.*