

TONBRIDGE & MALLING BOROUGH COUNCIL

LICENSING & APPEALS COMMITTEE

14 December 2009

Report of Central Services Director

Part 1- Public

Delegated

1 HACKNEY CARRIAGE – PRIVATE HIRE DRIVER AND VEHICLE LICENSING

1.1 Introduction

- 1.1.1 Members will recall that at the meeting on 23 March 2009 it was resolved that the review of annual fees in respect of Taxi and Private Hire licensing be deferred as it was acknowledged that a fundamental review of Hackney Carriage and Private Hire Licensing was required. This came about from concerns expressed about the frequency of testing vehicles, the lack of information about 'best practice' at a national level in respect of vehicle testing, uncertainty about the testing regime pending the review of the contract for vehicle testing and compliance and the lack of clarity about the age and requirements regarding the provision of fully wheelchair accessible vehicles.
- 1.1.2 It is now apparent that a more in depth "root and branch" review needs to be made of the licensing application process and enforcement and a policy developed in line with the Department for Transport Best Practice Guidance. The consultation period for this guidance has ended and the publication of the guidance is awaited.
- 1.1.3 The new policy will cover all aspects of taxi and private hire licensing. This will include vehicle and driver proficiency, enforcement, fleet management, operating guidance and charges. It is anticipated that a comprehensive policy to cover all these areas can be developed in the first half of 2010 and an interim report on progress will be presented to the Committee at its next meeting in March.
- 1.1.4 Ahead of the adoption of this policy the following issues need to be addressed in the short term
- (a) Enforcement
 - (b) Hackney Carriage driver pre-licence conditions
 - (c) Licence fees

These points are the subject of the recommendations to the Committee and detailed below.

1.2 Enforcement

- 1.2.1 Following the review of taxi rank spaces in Tonbridge town centre, and particularly the doubling in size of the Waterloo Road rank, drivers were advised that there would be increased enforcement activity. With the assistance of our neighbouring partners enforcement has been increased and it has become apparent that some relatively minor breaches of licence conditions (such as the failure to carry a copy of the insurance certificate in the cab) are regularly occurring.
- 1.2.2 In the absence of a firm policy, the actions that can be taken against a driver are limited to the suspension or revocation of the driver, or vehicle, licence. Such action could be deemed disproportionate in the case of these minor infringements and authority is sought to remedy this by way of a written warning letter to drivers who have shown themselves to be “repeat offenders”, prior to the issue of a formal suspension/revocation notice. The warning letter would require the offender to comply with their licence conditions within a given time or else the suspension/revocation notice will be served. The type of notice to be issued can already be determined by the Chief Solicitor under an existing delegated authority.

1.3 Hackney Carriage Driver – Pre-licence Conditions

- 1.3.1 Taxi drivers need a good working knowledge of the area for which they are licensed, because taxis can be hired immediately, directly with the driver, at ranks or on the street. Most authorities require potential taxi drivers to pass a local topographical knowledge test as a prerequisite to the grant of a licence. The stringency of the test should reflect the local geography in accordance with the principle of ensuring that barriers to entry are not unnecessarily high. In addition the driver should have a good understanding of his licence conditions and be able to communicate in a reasonable fashion.
- 1.3.2 Approval is sought for the introduction of a basic topography and knowledge test for all new taxi driver applications. The test would consist of a simple verbal assessment of the driver’s knowledge of both the area and taxi law. This verbal test would also enable the licensing officer to assess whether an applicant would be reasonably able to communicate with customers or may have difficulties because of, for instance, poor understanding of English.

1.4 Annual Licence Fees

- 1.4.1 The full review will encompass vehicle testing requirements and assess the frequency of testing and the costs involved to drivers. Pending the outcome of the review it is recommended that fees for Hackney and Private Hire be held at current levels for 2010. As part of the review being undertaken a full financial assessment will also be carried out to ensure that the cost of running the service (including any enforcement and the proposed new knowledge test) continues to

be met from the income derived from the fees charged for licences. This costing being carried out in accordance with the normal rules for such assessments.

1.5 Legal Implications

- 1.5.1 The Council's powers to control Hackney and Private Hire licensing are set out in various pieces of legislation and a failure to follow that legislation could lead to any decision being challenged in the Courts.

1.6 Financial and Value for Money Considerations

- 1.6.1 The cost of running the service for Hackney and Private Hire licensing needs to be met from the fees charged. In recommending that the fees be held for 2010 account is being taken of the ultimate need to ensure that the service is self-financing.

1.7 Risk Assessment

- 1.7.1 In the absence of a detailed and current policy as a background for decision making the Council is at risk of a challenge from any applicant/driver unhappy with any action taken by the Council.
- 1.7.2 There are specific risks that arise if these actions are not agreed now. The immediate implementation of appropriate enforcement action is essential to ensure the correct operation and management of the Waterloo Road rank in Tonbridge. Without such a regime there is a risk that inappropriate behaviour could increase on the rank and adjacent roads leading to the re-emergence of complaints from residents. The economic climate is such that applications for licences are being received from inexperienced individuals including a number who are new to the locality. The introduction of the "knowledge test" is intended to ensure that there is a minimum level of local knowledge in place in order to maintain the standard of service received by customers.

1.8 Summary

- 1.8.1 The proposals in this paper seek to provide an enhanced framework, in line with other Kent authorities, which will allow operational activity to safeguard the standards of customer care. These issues will be re-visited within the forthcoming fundamental review of the service.

1.9 Recommendations

The Committee are **recommended**:-

- 1.9.1 to authorise the Chief Solicitor to issue warning letters to any licence holder who has breached their licence conditions on more than more occasion.
- 1.9.2 to authorise the Chief Solicitor to immediately institute a verbal knowledge test for all new hackney driver licence applications as outlined in this report

1.9.3 to hold the fees for Hackney and Private Hire licences at current levels for 2010.

Background papers:

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Nil

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