

TONBRIDGE & MALLING BOROUGH COUNCIL

LICENSING & APPEALS COMMITTEE

7 June 2010

Report of the Central Services Director

Part 1- Public

Delegated

1 TAXI AND PRIVATE HIRE POLICY

1.1 Background

1.1.1 Members will recall that at the meeting on 14 December 2009 it was apparent that an in-depth “root and branch” review was needed in respect of the taxi and private hire licensing function of this Authority and that the Best Practice Guidance issued by the Department of Transport was awaited.

1.1.2 This guidance has been published and was made available in March 2010.

1.1.3 In line with this guidance, a draft statement of licensing policy for Hackney Carriage and Private Hire Licensing has been formulated and is attached to this report as Appendix 1 together with its associated Annexes.

1.1.4 A departure from the guidance in respect of vehicle testing is proposed however this will be reviewed following consultation with the trade to determine the best way ahead without compromising public safety.

1.1.5 The proposed draft penalty point system reflects that of two Kent authorities that currently operate the system. Further information will be available at the meeting following an Institute of Licensing Seminar which is due to take place after the deadline for this report.

1.2 Proposed Way Forward

1.2.1 Subject to approval, it is intended to consult with stakeholders on this draft policy document. Following that consultation period, any issues raised will be attended to and any necessary adjustments made before returning to this Committee in September for a final decision. At that time a separate report will cover proposed fees and charges.

1.3 Legal Implications

- 1.3.1 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.

1.4 Financial and Value for Money Considerations

- 1.4.1 Not applicable.

1.5 Risk Assessment

- 1.5.1 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/operator unhappy with any action by the Council.

1.6 Recommendations

- 1.6.1 It is recommended that the draft statement of Hackney and Private Hire Policy be endorsed and put out to consultation with stakeholders. Following that consultation process any amendments/variations to the draft policy be brought back to this Committee in September 2010 for final decision as to adoption.

Background papers:

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Nil

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