

# TONBRIDGE & MALLING BOROUGH COUNCIL

## LICENSING & APPEALS COMMITTEE

5 DECEMBER 2012

### Report of the Chief Solicitor

#### Part 1- Public

#### Delegated

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

#### 1.1 Summary

- 1.1.1 Hackney carriage and private hire vehicles have an important role to play in an integrated transport system. They are able to provide services in situations where public transport is either not available, outside “normal” hours of operation such as in the evenings or at weekends or for those with mobility difficulties
- 1.1.2 The current Hackney Carriage and Private Hire Policy was approved by Full Council on the 2 November 2010 for the period 2010 – 2013.
- 1.1.3 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.
- 1.1.4 The proposed Hackney Carriage and Private Hire Policy due for publication in May 2013 will go out for consultation for twelve weeks from the 10 December 2012 until the 1 March 2013. This is attached as **Annex 1**
- 1.1.5 The feedback from the consultation will be documented and summarised with recommendations for Members at a meeting on the 20 March 2013, at the Licensing and Appeals Committee to consider including in the final policy. A copy of the feedback form is attached as **Annex 2**

#### 1.2 Background

- 1.2.1 Public safety is paramount consideration when processing prospective candidate by ensuring only fit and proper persons are licensed to be entrusted to drive members of the public safely, professionally and courteously to and from their required destinations.

- 1.2.2 Hackney carriages and private hire licensed drivers undertake great numbers of school contracts with Kent County Council transporting young children, people with special needs and vulnerable adults

### **1.3 Proposed changes**

- 1.3.1 The main changes contained in this Hackney Carriage and Private Hire Taxi Policy 2013 – 2016 from the current version 2010 – 2013 are:
- 1.3.2 **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.
- 1.3.3 **Probation Drivers Badge** - Detail the introduction of a new six months “probation driver’s badge” where a mentor from the Taxi trade works with the new driver.
- 1.3.4 **Age limits for licensed vehicles** - Detail the specification of Age limits for Hackney Carriage and Private Hire licensed vehicles. Existing licence holders are to be given a transitional period to meet the new age requirements.
- 1.3.5 **Colour of Hackney Carriage Vehicles** – Detail to tighten the colour specification for Hackney Carriage licensed vehicles.
- 1.3.6 **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.
- 1.3.7 **Enforcement** – Detail of vehicle inspection criteria and standards required to work within the Borough.
- 1.3.8 **Penalty points** – Details of enhancements to the “penalty points” system to deal with breaches of licence conditions.
- 1.3.9 **Private Hire Exempt Licence** – Details of new criteria on which vehicles may apply for “exempt” status allowing them not to have to plate displayed on their vehicle.
- 1.3.10 **Private Hire Operators** - Licence each private hire vehicle individually associated with an Operator’s Licence as opposed to one Operator licence with four vehicles and an additional fee per vehicle after four.
- 1.3.11 **3 year Medical** – For all new drivers and every time a drivers badge is renewed an applicant is required to take a medical.

### **1.4 Consultation with the Trade**

- 1.4.1 Three workshops were held in August 2012 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 licensees were invited to participate.

The workshops were attended by Members from the Licensing Committee and stake holders from the taxi trade. One workshop was held for private hire operators resulting in a focussed discussion on their specific issues.

- 1.4.2 The draft policy and feedback form will go out for consultation for a period of twelve weeks from the 10 December 2012 until the 1 March 2013 to enable representations and comments to be received for consideration by the Licensing Committee for inclusion in the updated policy.

Subject to the Licensing & Appeals Committee agreeing the format and content of the taxi policy it will be recommended to full council for adoption.

- 1.4.3 The draft policy will be 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 and Parish Councillors
- Community Safety Unit
- Public Libraries
- Access Group
- List of interested parties for licensing policies
- The policy will be available for download on the Council's web site as well as copies being available at the Council's main offices.

- 1.4.4 In January 2013 the Council will host the taxi drivers' liaison meetings where there will be another opportunity for key issues and areas of concern to be discussed. As is the custom any member of the Licensing Committee is welcome to attend.

## **1.5 Legal Implications**

- 1.5.1 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.

- 1.5.2 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.

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

- 1.6.1 Fee levels for licences are set by the Licensing Authority.

## 1.7 Risk Assessment

- 1.7.1 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.

## 1.8 Recommendation

- 1.8.1 Members are **RECOMMENDED** to approve the draft policy for consultation

Background papers:none

contact:  
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Adrian Stanfield  
Chief Solicitor and Monitoring Officer

Screening for equality impacts:		
Question	Answer	Explanation of impacts
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.
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?		