

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

Julie Beilby BSc (Hons) MBA

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Kent ME19 4LZ

West Malling (01732) 844522

To: MEMBERS OF THE COUNCIL

Dear Sir/Madam

I hereby summon you to attend a meeting of the Tonbridge and Malling Borough Council which will be held online via Microsoft Teams on Tuesday, 13th April, 2021 at 7.30 pm. Information on how to observe the meeting will be published on the Council's website. The following business is proposed to be transacted:-

PART 1 - PUBLIC

- | | | |
|----|--|---------|
| 1. | Apologies for absence | 3 - 4 |
| 2. | Declarations of interest | |
| | To declare any interests in respect of recommended items | |
| 3. | Minutes | 5 - 16 |
| | To confirm as a correct record the Minutes of the meeting of Council held on 23 February 2021 | |
| 4. | Minutes of Extraordinary Meeting of Council | 17 - 18 |
| | To confirm as a correct record the Minutes of the Extraordinary meeting of Council held on 17 March 2021 | |
| 5. | Mayor's Announcements | 19 - 20 |
| 6. | Questions from the public pursuant to Council Procedure Rule No 5.6 | 21 - 22 |
| 7. | Questions from Members pursuant to Council Procedure Rule No 5.5 | 23 - 24 |
| 8. | Leader's Announcements | 25 - 26 |

9. Reports, Minutes and Recommendations 27 - 28

To receive and consider reports, minutes and recommendations from the meetings of the Cabinet and Committees set out in the Minute Book and officers' reports on any matters arising from them, and to receive questions and answers on any of those reports.

Matters for recommendation to the Council are indicated below at items 10 to 14.

10. Changes to the TMBC Hackney Carriage and Private Hire Policy in light of new Statutory Taxi and Private Hire Vehicle Standards 29 - 140

Item LA 21/4 referred from Licensing and Appeals Committee of 9 March 2021

11. Leybourne Lakes Country Park - New Lakeside Facility 141 - 146

Item CB 21/39 referred from Cabinet of 16 March 2021

12. Virtual Meetings and Homeworking 147 - 182

Item CB 21/40 referred from Cabinet of 16 March 2021

13. Programme of Meetings 2021/22 and 2022/23 183 - 190

The programme of meetings for the municipal year 2021/22 is attached for consideration. Management Team, Senior Officers and Cabinet Members have been consulted on the proposed dates. The draft programme for 2022/23 is also attached for consideration. Subject to any amendments identified by Members the programmes will be presented to Annual Council for endorsement.

14. Audit Committee Annual Report To Follow

Due to the timescale and print deadline, the recommendations arising from the Audit Committee of 6 April 2021 will be circulated to Members in advance of the meeting of Council.

15. Sealing of Documents

To authorise the Common Seal of the Council to be affixed to any Contract, Minute, Notice or other document requiring the same.

JULIE BEILBY
Chief Executive
Thursday, 1 April 2021

Apologies for absence

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TONBRIDGE AND MALLING BOROUGH COUNCIL

COUNCIL MEETING

Tuesday, 23rd February, 2021

At the meeting of the Tonbridge and Malling Borough Council held via video-conferencing on Tuesday, 23rd February, 2021

Present: Her Worship the Mayor (Councillor Mrs J A Anderson), the Deputy Mayor (Councillor R V Roud), Cllr M C Base, Cllr Mrs P A Bates, Cllr Mrs S Bell, Cllr R P Betts, Cllr T Bishop, Cllr J L Botten, Cllr M D Boughton, Cllr V M C Branson, Cllr G C Bridge, Cllr R I B Cannon, Cllr A E Clark, Cllr M A Coffin, Cllr D J Cooper, Cllr R W Dalton, Cllr D A S Davis, Cllr M O Davis, Cllr Mrs T Dean, Cllr N Foyle, Cllr N J Heslop, Cllr P M Hickmott, Cllr M A J Hood, Cllr F A Hoskins, Cllr S A Hudson, Cllr A P J Keeley, Cllr D Keers, Cllr Mrs F A Kemp, Cllr A Kennedy, Cllr D W King, Cllr K King, Cllr J R S Lark, Cllr D Lettington, Cllr Mrs R F Lettington, Cllr B J Luker, Cllr P J Montague, Cllr Mrs A S Oakley, Cllr L J O'Toole, Cllr W E Palmer, Cllr M R Rhodes, Cllr H S Rogers, Cllr J L Sergison, Cllr T B Shaw, Cllr N G Stapleton, Cllr K B Tanner, Cllr Mrs M Tatton, Cllr M Taylor, Cllr Miss G E Thomas, Cllr D Thornewell, Cllr F G Tombolis and Cllr C J Williams

PART 1 - PUBLIC

C 21/1 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

C 21/2 MINUTES

RESOLVED: That the Minutes of the proceedings of the meeting of the Council held on 27 October 2020 be approved as a correct record and signed by the Mayor.

C 21/3 MAYOR'S ANNOUNCEMENTS

The Mayor advised that she had attended the following Covid secure and/or socially distanced engagements since the last meeting of the Council:

- Tonbridge Lions Barrel Organ Collection in Tonbridge High Street
- Kent Charities Group Virtual Draw
- Remembrance Sunday Services and Parades in Tonbridge and Aylesford on 8 November 2020

The Mayor thanked the Deputy Mayor for attending the Remembrance Services at West Malling and Snodland.

In addition, the Mayor had received her first dose of the coronavirus vaccination and complimented all those involved in the operation at the Tonbridge Baptist Church.

Finally, the Mayor reiterated her thanks to Members, Officers and Voluntary/Community Groups for the continuing support provided to residents, communities and businesses across the Borough during the ongoing coronavirus pandemic. Appreciation was also recorded to all those involved in establishing a mass vaccination centre at the Angel Centre in Tonbridge.

C 21/4 QUESTIONS FROM THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO 5.6

No questions were received from members of the public pursuant to Council Procedure Rule No 5.6.

C 21/5 QUESTIONS FROM MEMBERS PURSUANT TO COUNCIL PROCEDURE RULE NO 5.5

No questions were received from Members pursuant to Council Procedure Rule No 5.5.

C 21/6 NOTICE OF MOTION SUBMITTED PURSUANT TO COUNCIL PROCEDURE RULE NO. 5.27

Consideration was given to a Notice of Motion pursuant to Council Procedure Rule No. 5.7 submitted by Councillor F Hoskins and seconded by Councillor D Thornewell on behalf of the Tonbridge and Malling Liberal Democrat Group in the following terms:

This council notes:

Next April the government plans to cut the benefit level for millions of claimants by ending the time limited increase to the basic rate of Universal Credit (and the tax credit equivalent) announced by the Chancellor on 20th March as part of his pandemic response package.

The recent vote in parliament will have no effect as the conservatives were whipped to abstain.

The £20 a week boost reflected the reality that the level of benefits were not adequate to protect the swiftly increasing number of households relying on them as the crisis hit. Exactly because that increase was a very significant and welcome move to bolster low- and middle-income families' living standards, its removal will be a huge loss.

Pressing ahead would see the level of unemployment support fall to its lowest real-terms level since 1990-91, and it's lowest ever relative to average earnings. Indeed, the basic level of out-of-work support prior to the March boost was – at £73 a week (£3,800 a year) – less than half the absolute poverty line.

The increase in benefits has had a positive effect on the lives of thousands of local claimants who are better able to pay for life's essentials such as food, clothing and utilities.

The local economy has also benefited from the increase in benefit levels as claimants spend their money locally thereby supporting local businesses and jobs.

This council calls on the Leader to:

- *Write to the Chancellor, Rishi Sunak and to the Prime Minister, Boris Johnson demanding that the £20 increase to Universal Credit is made permanent and extended to claimants on legacy benefits.*
- *Work with other local government organisations to form a coalition to pressure the government to make the £20 increase to Universal Credit permanent.*

A number of amendments to the motion were proposed as set out below:

- (1) It was proposed by Councillor N Heslop and seconded by Councillor D Lettington that the motion be amended to read as follows:

This Council:

- *recognises that the Government's comprehensive £280 billion response to the pandemic has included £6billion in welfare support, specifically designed to help low-income families, including increasing Universal Credit and Working Tax Credits by £1,000 for 12 months until the end of March 2021;*
- *notes that this is just one of a range of measures the Government has taken to support vulnerable families, and further notes that the Government's response has reduced the scale of losses for the poorest working households by up to two-thirds;*
- *acknowledges latest media reports that the Chancellor is preparing to announce a temporary extension of the £20-a-week uplift in universal credit at the budget, and **awaits details of the***

budget statement before making any representations to our two MPs.

Upon receipt of the necessary requisition under Council Procedure Rule 8.4 voting on the amendment was recorded as follows:

Members voting for the proposed amendment to the motion:

Councillors Anderson, Base, Bates, Betts, Botten, Boughton, Branson, Cannon, Coffin, Cooper, Dalton, Davis D, Davis M, Foyle, Heslop, Hudson, Keeley, Keers, Kemp, Kennedy, King D, King K, Lark, Lettington D, Lettington R, Luker, Montague, Rhodes, Rogers, Sergison, Tanner, Thomas, Tombolis and Williams.

Total = 34

Members voting against the proposed amendment to the motion:

Councillors Bishop, Bridge, Clark, Dean, Hickmott, Hood, Hoskins, Oakley, Palmer, Roud, Shaw, Stapleton, Tatton, Taylor and Thornewell.

Total = 15

(Total Members eligible to vote = 49)

RESOLVED: That the proposed amendment to the motion be agreed.

- (2) It was proposed by Councillor M Taylor and seconded by Councillor D Thornewell that the substantive motion be amended to include the point *'that Government should be encouraged to permanently retain the £20 uplift in grant support'*.

Upon receipt of the necessary requisition under Council Procedure Rule 8.4 voting on the amendment was recorded as follows:

Members voting for the proposed amendment to the substantive motion:

Councillors Bishop, Bridge, Clark, Dean, Hickmott, Hood, Hoskins, Palmer, Shaw, Stapleton, Tatton, Taylor and Thornewell.

Total = 13

Members voting against the proposed amendment to the substantive motion:

Councillors Anderson, Base, Bates, Betts, Botten, Boughton, Branson, Cannon, Coffin, Cooper, Dalton, Davis D, Davis M, Foyle, Heslop, Hudson, Keeley, Keers, Kemp, Kennedy, King D, King K, Lark, Lettington D, Lettington R, Luker, Montague, Rhodes, Rogers, Sergison, Tanner, Thomas, Tombolis and Williams.

Total = 34

Members abstaining:

Councillors Oakley and Roud

Total = 2

(Total Members eligible to vote = 49)

RESOLVED: That the proposed amendment to the substantive motion be rejected.

Upon receipt of the necessary requisition under Council Procedure Rule 8.4 voting on the substantive motion set out at (1) was recorded as follows:

Members voting for the substantive motion:

Councillors Anderson, Base, Bates, Betts, Botten, Boughton, Branson, Cannon, Coffin, Cooper, Dalton, Davis D, Davis M, Foyle, Heslop, Hudson, Keers, Kemp, Kennedy, King D, King K, Lark, Lettington D, Lettington R, Luker, Montague, Rhodes, Rogers, Sergison, Tanner, Thomas, Tombolis and Williams.

Total = 33

Members voting against the substantive motion:

Councillors Bishop, Bridge, Dean, Hickmott, Hoskins, Keeley, Palmer, Shaw, Stapleton, Tatton, Taylor and Thornewell.

Total = 12

Members abstaining:

Councillors Clark, Hood, Oakley and Roud.

Total = 4

(Total Members eligible to vote = 49)

RESOLVED: That the Notice of Motion (as amended) set out at (1) be agreed.

(NB. Councillor Bell was unable to vote on this item on the grounds of missing elements of the discussion.)

C 21/7 LEADER'S ANNOUNCEMENTS

The Leader delivered the following statement to the Council:

'Covid 19:

I am very pleased to be able to open my remarks by welcoming the provision of a mass vaccination site at the Angel Centre in Tonbridge. Over several weeks, I had been campaigning for such a facility to serve the communities of west Kent. In doing so, the Borough Council suggested a number of suitable sites, and after a week of extensive discussions that the Chief Executive and I held with the health authorities, the Angel Centre was the chosen location. I would like to thank the Chief Executive for her own determination in supporting me in securing this particular location, and that it is within our Borough. The operation of the facility is now for the NHS to manage but of course, our partners at the leisure trust and our own officers will assist wherever practical.

As of today, over 500,000 residents across the county in the first four cohorts of risk have now been vaccinated. The health authorities are now looking at accelerating the roll out of vaccinations so that in cohorts 5 and 6 receive their jab very soon.

Members will be aware that there are lateral flow test sites, located at Larkfield Library and at the Hop Farm. There is a walk-in symptomatic facility at Ditton Community Centre, and a mobile drive in facility at the Gibson Building. We are expecting that a site, in the south of the Borough, is to be announced by NHS Test and Trace very soon, and given the requirement to maintain confidentiality, it is a situation of 'watch this space'.

The overall numbers across the Borough are reducing, while there are local spikes. The emerging pattern is to be welcomed, but we must not lose sight of the threat of this disease. (The latest numbers, published today, record 81 active cases of Covid within the Borough, with a 7 day rate per 100,000 population between (11-18 Feb) of 46.9 and a downward trend.

Yesterday, the Prime Minister produced a roadmap to cautiously ease restrictions in England – setting out a one-way road to freedom; a light at the end of a long tunnel for us all, as the future optimism delivers freedom and less restrictions for our residents, communities, and businesses. As a local authority, consistent with our approach throughout the pandemic, we will work with our communities and businesses, as the various stages of the roadmap are released and in doing so, follow the guidance.

Business Support:

The Government has also announced that it will continue providing funding for local authorities to deliver Covid 19 business grants for as long as businesses are required to close due to the ongoing national restrictions. This is a very welcome announcement.

Since the start of the pandemic, this authority has delivered 4,996 separate grant payments, distributing just over £28 million of business support funding into the bank accounts of local businesses on behalf of the government.

Our economic development team knows how to reach businesses within the Borough, and businesses know how to reach the team directly. Our finance team has been swift in awarding this much needed lifeline to hard pressed businesses.

Support for Local Communities:

Since we last met financial support for our most vulnerable communities is without precedent. This totals a national package of £280 billion, including £6 billion in welfare support, specifically to support low-income families.

For example, the self-isolation support payments – of £500 to anyone on low income who has to self-isolate with a test and trace instruction, and who loses their income in doing so. This supports those who can't work from home and their employer pays no wages or lower wages.

There have been two schemes:

The Main scheme which is completely Government funded for applicants receiving benefit and working, so Job Seekers Allowance, Income Support, Universal Credits, Tax Credits and housing benefit).

Additionally, a discretionary scheme with Government support of around £35k. The payments are £500 per individual but this is aimed at those not receiving benefits but on a low income, and in Tonbridge and Malling, we set this at £290 per week. We have additionally continued to keep the discretionary scheme going when the government funding ran out.

Investment – NIAB EMR:

I am delighted to confirm that the announce that NIAB EMR has been awarded a further £315k of Local Growth Funding by the local enterprise partnership, on top of the £1.684m already allocated and bringing a total inward investment of £1.999m for the advanced horticultural zone.

As a key strategic partner of the Borough Council, I have been determined in securing this investment into the Borough area, adding to the investment I have secured in previous years for Tonbridge High Street, the M20 junction 4 and the Leigh Flood Storage Area.

Local Plan:

Members will be aware that the Borough Council has challenged the Planning Inspectorate on their initial findings about our local plan in regard to the Duty to Cooperate with Sevenoaks District Council. We have also asked the Secretary of State to use his powers to direct the Inspectorate to continue with the examination process. In addition, I have requested a meeting with the minister, and I am pleased that our two MPs have written to the Secretary of State in support of our position.'

C 21/8 LOCALISM ACT - PAY POLICY

Item GP 21/3 referred from General Purposes Committee minutes of 25 January 2021

RESOLVED: That the recommendation at Minute GP 21/3 be approved.

C 21/9 INNOVATION PARK MEDWAY - ADOPTION OF THE LOCAL DEVELOPMENT ORDER AND MASTERPLAN

Item CB 21/7 (3) and (4) referred from Cabinet of 26 January 2021

RESOLVED: That the recommendation at Minute CB 21/7 (3) and (4) be approved.

C 21/10 SETTING THE BUDGET 2021/22

Item CB 21/19 referred from Cabinet minutes of 11 February 2021

It was proposed by Councillor Coffin and seconded by Councillor Heslop that the recommendations at Minute CB 21/19 be adopted. In accordance with Council Procedure Rule No. 8.5 voting was recorded as follows:

Members voting for the motion:

Councillors Anderson, Base, Bates, Bell, Betts, Bishop, Botten, Boughton, Branson, Bridge, Cannon, Coffin, Cooper, Dalton, Davis D, Davis M, Foyle, Heslop, Hickmott, Hoskins, Hudson, Keeley, Keers, Kemp, King D, King K, Lark, Lettington D, Lettington R, Luker, Montague, Oakley, Palmer, Rhodes, Rogers, Roud, Sergison, Shaw, Stapleton, Tanner, Tatton, Taylor, Thomas, Thornewell, Tombolis and Williams.

Total = 46

Members voting against the motion:

Councillors Clark and Hood

Total = 2

Members abstaining:

Councillors Dean and Kennedy

Total = 2

(Total Members eligible to vote = 50)

(In accordance with paragraph 15 of the Protocol for Use of Video-conferencing facilities the no response from Councillor Kennedy was recorded as an abstention.)

RESOLVED: That the recommendations at Minute CB 21/19 be approved.

C 21/11 SETTING THE COUNCIL TAX 2021/22

Item CB 21/20 referred from Cabinet minutes of 11 February 2021

It was proposed by Councillor Coffin and seconded by Councillor Heslop that the recommendations at Minute CB 21/20 be adopted. In accordance with Council Procedure Rule No. 8.5 voting was recorded as follows:

Members voting for the motion:

Councillors Anderson, Base, Bates, Bell, Betts, Bishop, Botten, Boughton, Branson, Bridge, Cannon, Coffin, Cooper, Dalton, Davis D, Davis M, Foyle, Heslop, Hickmott, Hoskins, Hudson, Keeley, Keers, Kemp, King D, King K, Lark, Lettington D, Lettington R, Luker Montague, Oakley, Palmer, Rhodes, Rogers, Roud, Sergison, Shaw, Stapleton, Tanner, Tatton, Taylor, Thomas, Thornewell, Tombolis and Williams.

Total = 46

Members voting against the motion:

Total = 0

Members abstaining:

Councillors Clark, Dean, Hood and Kennedy

Total = 4

(Total Members eligible to vote = 50)

(In accordance with paragraph 15 of the Protocol for Use of Video-conferencing facilities the no response from Councillor Kennedy was recorded as an abstention.)

RESOLVED: That the recommendations at Minute CB 21/20 be approved and the Council Tax Resolution 2021/22, as set out as an Annex to these Minutes, be adopted.

C 21/12 LOCAL COUNCIL TAX REDUCTION SCHEME 2021/22

Item CB 21/21 referred from Cabinet minutes of 11 February 2021

Member's attention was drawn to the supplementary report of the Director of Finance and Transformation which set out a scheme, funded by Kent County Council, to provide additional council tax support for low-income working age households and for working age households suffering financial hardship as a consequence of the Covid- 9 pandemic.

RESOLVED: That

- (1) the recommendations at Minute CB 21/21 be approved;
- (2) the Tonbridge and Malling Borough Council Tax S13A (1) (c) Local Government Finance Act 1992 Policy, attached at Annex 1 to the supplementary report, be approved; and
- (3) authority be delegated to the Director of Finance and Transformation to finalise and implement the scheme, as set out within the supplementary report, and any further changes as may be necessary during the year.

C 21/13 RISK MANAGEMENT

Item CB 21/22 referred from Cabinet minutes of 11 February 2021

RESOLVED: That the recommendations at Minute CB 21/22 be approved.

C 21/14 TREASURY MANAGEMENT AND ANNUAL INVESTMENT STRATEGY FOR 2021/22

Item CB 21/23 referred from Cabinet minutes of 11 February 2021

RESOLVED: The recommendations at Minute CB 21/23 be approved.

C 21/15 SEALING OF DOCUMENTS

RESOLVED: That authority be given for the Common Seal of the Council to be affixed to any instrument to give effect to a decision of the Council incorporated into these Minutes and proceedings.

MATTERS FOR CONSIDERATION IN PRIVATE**C 21/16 EXCLUSION OF PRESS AND PUBLIC**

The Mayor moved, it was seconded and

RESOLVED: That as public discussion would disclose exempt information, the following matters be considered in private.

PART 2 - PRIVATE**MATTERS FOR INFORMATION****C 21/17 PROPERTY INVESTMENT OPPORTUNITY**

(Reasons: LGA 1972 – Sch 12A Paragraph 3 – Financial or business affairs of any particular person)

The report of the Management Team advised that a potential property investment opportunity in Tonbridge had been considered in 2019/20. However, due to the significant impact of the Covid-19 pandemic the commercial risks associated with the proposal were too great and the opportunity would not be pursued.

The meeting ended at 10.20 pm

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TONBRIDGE AND MALLING BOROUGH COUNCIL

EXTRAORDINARY COUNCIL MEETING

Wednesday, 17th March, 2021

At the meeting of the Tonbridge and Malling Borough Council held online via MS Teams on Wednesday, 17th March, 2021

Present: Her Worship the Mayor (Councillor Mrs J A Anderson), the Deputy Mayor (Councillor R V Roud), Cllr M C Base, Cllr Mrs P A Bates, Cllr Mrs S Bell, Cllr R P Betts, Cllr T Bishop, Cllr J L Botten, Cllr D Boughton, Cllr V M C Branson, Cllr G C Bridge, Cllr C Brown, Cllr R I B Cannon, Cllr A E Clark, Cllr M A Coffin, Cllr D J Cooper, Cllr R W Dalton, Cllr D A S Davis, Cllr M O Davis, Cllr Mrs T Dean, Cllr N Foyle, Cllr N J Heslop, Cllr P M Hickmott, Cllr M A J Hood, Cllr F A Hoskins, Cllr S A Hudson, Cllr D Keers, Cllr Mrs F A Kemp, Cllr A Kennedy, Cllr K King, Cllr J R S Lark, Cllr D Lettington, Cllr Mrs R F Lettington, Cllr B J Luker, Cllr P J Montague, Cllr Mrs A S Oakley, Cllr L J O'Toole, Cllr W E Palmer, Cllr M R Rhodes, Cllr H S Rogers, Cllr J L Sergison, Cllr N G Stapleton, Cllr K B Tanner, Cllr Mrs M Tatton, Cllr M Taylor, Cllr Miss G E Thomas, Cllr D Thornewell and Cllr C J Williams

PART 1 - PUBLIC

C 21/18 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

C 21/19 BOUNDARY COMMISSION REVIEW - COUNCIL SIZE SUBMISSION

The report of the Chief Executive provided an overview of the Boundary Commission Review process. Proposals regarding the future size of the Borough Council using an evidence base that analysed the operation of the organisation in recent years were also outlined.

There had been in-depth discussion on the proposals at the General Purposes Committee held immediately before the extraordinary meeting of Council. A number of views had been considered and the concerns raised regarding the level of representation provided to local communities and the quality of decision making if the size of the council was reduced significantly had been noted.

It was confirmed that the Boundary Commission would have regard to all submissions received and that individuals and/or groups were able to submit their own submissions.

RESOLVED: That

- (1) the report be noted; and
- (2) the approach and conclusion to reduce the future size of the Council to 'in the region' of 43 Councillors, as recommended by the General Purposes Committee and as set out at Minute Number GP 21/8, be approved.

C 21/20 SEALING OF DOCUMENTS

RESOLVED: That authority be given for the Common Seal of the Council to be affixed to any instrument to give effect to a decision of the Council incorporated into these Minutes and proceedings.

The meeting ended at 8.50 pm
after starting at 8.25 pm

Mayor's Announcements

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Agenda Item 6

Questions from the public pursuant to Council Procedure Rule No 5.6

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Agenda Item 7

Questions from Members pursuant to Council Procedure Rule No 5.5

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Leader's Announcements

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Schedule February – March 2021

The Minutes from meetings of the Cabinet and Committees held since the last meeting of Council are set out in the Minute Book.

Any recommendations for Council arising from these Minutes are identified in the Minute Book by an arrow and for ease of reference the relevant page and referral numbers are identified (in bold) in the Schedule set out below:

Meeting	Page Nos in Minute Book	Recs to Council/ Chairman
23 February: Council - Minute Numbers: C 21/01 – 17 - Annex – Council Tax Resolution 21/22	3 - 18	N/A
24 February: Area 2 Planning Committee - Minute Numbers: AP2 21/01 – 6	19 - 22	N/A Cllr H Rogers
9 March: Licensing and Appeals Committee - Minute Numbers: LA 21/1 - 6	23 - 24	LA 21/4 Cllr D Keers
11 March: Overview and Scrutiny Committee - Minute Numbers: OS 21/8 - 12	25 – 28	OS 21/10 Cllr J Sergison
16 March: Cabinet - Minute Numbers: CB 21/35 - 47	29 - 34	CB 21/39 & CB 21/40 Cllr N Heslop
Cabinet Member Decision Notices: - D210027MEM – D210028MEM - D210029MEM – D210030MEM - D210031MEM - D210033MEM - D200034MEM – D210035MEM	35 - 52	
Cabinet Decision Notices: - D210036CAB – D210041CAB	53 - 58	
17 March: Extraordinary General Purposes Committee: - Minute Numbers: GP 21/7 – 10	59 - 60	GP 21/8 Cllr A Kemp
17 March: Extraordinary Council: - Minute Numbers: C 21/18 - 20	61 - 62	C 21/19 Cllr J Anderson

Meeting	Page Nos in Minute Book	Recs to Council/ Chairman
18 March: Area 3 Planning Committee: - Minute Numbers: AP3 21/6 - 12	63 - 68	N/A Cllr D Davies
23 March: General Purposes Committee: - Minute Numbers: GP 21/11 - 15	69 - 72	N/A Cllr A Kemp
25 March: Area 1 Planning Committee	To Follow	N/A Cllr V Branson
30 March: Extraordinary Licensing and Appeals Committee	To Follow	N/A Cllr D Keers

CHANGES TO THE TMBC HACKNEY CARRIAGE AND PRIVATE HIRE POLICY IN LIGHT OF NEW STATUTORY TAXI AND PRIVATE HIRE VEHICLE STANDARDS

Item LA 21/4 referred from Licensing and Appeals Committee of 9 March 2021

The Director of Central Services and Deputy Chief Executive advised that no comments had been received during the consultation undertaken between 23 November 2020 and 31 January 2021 regarding proposed changes to the Council's Hackney Carriage and Private Hire Policy 2018-23 to reflect the statutory guidance issued by the Secretary of State for Transport. Members were advised that the proposed changes had been incorporated into the policy which was attached as Annex 1 to the report.

RECOMMENDED: That the amended Tonbridge and Malling Borough Council Hackney Carriage and Private Hire Policy 2018-23, as attached at Annex 1 to the report, be commended to Council for adoption. ◀

***Referred to Council**

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TONBRIDGE & MALLING BOROUGH COUNCIL

LICENSING & APPEALS COMMITTEE

09 March 2021

Report of the Director of Central Services and Deputy Chief Executive

Part 1- Public

Matters for Recommendation to Council

1 CHANGES TO TMBC HACKNEY CARRIAGE AND PRIVATE HIRE POLICY IN LIGHT OF NEW STATUTORY TAXI AND PRIVATE HIRE VEHICLE STANDARDS

1.1 Background

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 10 April 2018 for the period of five years, running from 2018 – 2023.

1.1.3 Extract from Department of Transport Statutory Taxi & Private Hire Vehicle Standards.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/928583/statutory-taxi-and-private-hire-vehicle-standards-english.pdf

1.1.4 There is evidence to support the view that taxis and private hire vehicles are a high-risk environment. In terms of risks to passengers, this can be seen in abuse and exploitation of children and vulnerable adults facilitated and, in some cases, perpetrated by the trade and the number of sexual crimes reported which involve taxi and private hire vehicle drivers. Links between the trade and child sexual abuse and exploitation have been established in many areas and other investigations continue. Data on reported sexual assaults by taxi and private hire vehicle drivers evidence the risk to passengers; data from Greater Manchester and Merseyside suggest that, if similar offence patterns are applied across England, 623 sexual assaults per year are reported. These figures do not however account for the under reporting of crime which is estimated to be as high as 83 percent in the Crime Survey for England and Wales.

1.1.5 The Policing and Crime Act 2017 enables the Secretary of State for Transport to issue statutory guidance on exercising taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using these services. For the purposes of this document, a child is defined as anyone who has not yet reached their 18th birthday; and the term “vulnerable individual” has the same meaning as the definition of a ‘vulnerable adult’ for the purpose of section 42 of the Care Act 2014, which applies where a local authority has reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there):

(a) has needs for care and support (whether or not the authority is meeting any of those needs),

(b) is experiencing, or is at risk of, abuse or neglect, and

(c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.

Whilst the focus of the Statutory Taxi and Private Hire Vehicle Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it. There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators and safety campaign groups. The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to.

1.1.6 The Hackney Carriage and Private Hire Policy with the proposed changes is shown at **Annex 1**.

1.2 Proposed changes

1.1.1 The main changes contained in this Hackney Carriage and Private Hire Taxi Policy 2018 – 2023 from the current version are:

- Paragraph 1.4.5 - Child Sexual Exploitation and Safeguarding Training
- Paragraph 1.4.6 - Disability equality training
- Paragraph 1.4.7- DBS check twice a year
- Paragraph 1.4.9 and 4.7.1 – DBS on-line Certificate
- Paragraph 1.4.10 - Whistleblowing policy
- Paragraph 4.7.10 - Referrals to the Disclosure and Barring Service and the Police
- Paragraph 4.8 –National Register (NR3)
- Paragraph 4.9 - Multiagency Safeguarding Hubs
- Paragraph 5.3.2 and 9.2.2- Basic DBS check for partner or director of the company holding vehicles/operator licences

- Paragraph 11.4.3 – Violence - Person convicted of crimes resulting in death will not be licensed.
- Paragraph 11.4.4 - Violence – The time before an application will be consider has increased to 10 years.
- Paragraph 11.5.1 – Drugs – on conviction of possession and intent to supply the time before an application will be consider has increased to 10 years.
- Paragraph 11.5.2 – Drugs - on conviction of possession the time before an application will be consider has increased to 5 years.
- Paragraph 11.7.1 – Sexual Offences - conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted
- Paragraph 11.7.2 – Sexual Offences – A licence will not be granted if an applicant is currently on the Sex Offenders Register or on any barred list.
- Paragraph 11.8.1 – Exploitation - conviction for any offence involving or connected with Exploitation, a licence will not be granted
- Paragraph 11.11 - On conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed.
- Paragraph 11.14 - a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed
- Paragraph 16.1.1 – Private Hire Operator Licence Conditions
 - Register of all staff that will take bookings or dispatch vehicles
 - Register of Basic DBS check for booking and dispatch staff
 - Obligation to protect children and vulnerable adults
 - Provide their policy on employing ex-offenders in roles that would be on the register
- Paragraph 16.3.1 – Bookings – change in data to be recorded
- Paragraph 19.2 - Tonbridge & Malling Borough Council complaints procedure

1.3 Consultation

1.3.1 The consultation run from the 23 November 2020 until 31 January 2021.

Consultation agreed at the Licensing and Appeals Committee	17 November 2020
Public Consultation	23 November 2020 – 31 January 2021
Licensing and Appeals Committee	9 March 2021
Full Council asked to adopt policy	13 April 2021
New Policy due to comes into force	19 April 2021

1.3.2 We have received **no return** from the consultation.

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 fair and 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 taxi 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.

1.7 Equality Impact Assessment

- 1.7.1 There is no perceived impact on end users.

1.8 Recommendations

That the draft Statement of consultation, attached as Annex 1 be commended to Council for adoption.

Background papers:

contact: Anthony Garnett

Nil

Adrian Stanfield
Director of Central Services and Deputy Chief Executive

**Tonbridge and Malling Borough Council
Hackney Carriage and Private Hire Licensing Policy
Consultation – November 2020
2018 – 2023**



**This amended policy will come into force on the 19 April 2021
(subject to consultation process and approval)**

Overview

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1 Introduction

1.1 Adoption of private hire licensing provisions

- 1.1.1 Tonbridge and Malling Borough Council resolved to adopt the private hire licensing provisions contained in the Local Government (Miscellaneous Provisions) Act 1976 on 28 February 1991, such provisions taking effect on 1 November 1991. Since this date Tonbridge and Malling Borough Council has been the appropriate licensing authority within the borough of Tonbridge and Malling with responsibility for the regulation of private hire vehicles drivers and operators.
- 1.1.2 Tonbridge and Malling Borough Council will have regard to this policy and the Institute of Licensing “Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades – April 2018” (A copy is available on the Councils website)

1.2 Process steps to develop this policy – 2018 – 2023

Consultation agreed at the Licensing and Appeals Committee	28 September 2017
Public Consultation	1 October 2017 – 31 st December 2017
Licensing and Appeals Committee	13 March 2018
Full Council adopt policy	10 April 2018
New Policy comes into force	16 April 2018

Consultation on Department for Transport’s Statutory Taxi & Private Hire Vehicle Standards – November 2020

Consultation agreed at the Licensing and Appeals Committee	17 November 2020
Public Consultation	23 November 2020 – 31 January 2021
Licensing and Appeals Committee	9 March 2021
Full Council adopt policy	13 April 2021
New Policy comes into force	19 April 2021

1.3 Key changes to previous policy

1.3.1 The main changes contained in this Hackney Carriage and Private Hire Taxi Policy 2018 – 2023 from the current version are:

- Paragraph 1.4.5 - Child Sexual Exploitation and Safeguarding Training
- Paragraph 1.4.6 - Disability equality training
- Paragraph 1.4.7- DBS check twice a year
- Paragraph 1.4.9 and 4.7.1 – DBS on-line Certificate
- Paragraph 1.4.10 - Whistleblowing policy
- Paragraph 4.7.10 - Referrals to the Disclosure and Barring Service and the Police
- Paragraph 4.8 –National Register (NR3)
- Paragraph 4.9 - Multiagency Safeguarding Hubs
- Paragraph 5.3.2 and 9.2.2- Basic DBS check for partner or director of the company holding vehicles/operator licences
- Paragraph 11.4.3 – Violence - Person convicted of crimes resulting in death will not be licensed.
- Paragraph 11.4.4 - Violence – The time before an application will be consider has increased to 10 years.
- Paragraph 11.5.1 – Drugs – on conviction of possession and intent to supply the time before an application will be consider has increased to 10 years.
- Paragraph 11.5.2 – Drugs - on conviction of possession the time before an application will be consider has increased to 5 years.
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- Paragraph 11.7.2 – Sexual Offences – A licence will not be granted if an applicant is currently on the Sex Offenders Register or on any barred list.
- Paragraph 11.8.1 – Exploitation - conviction for any offence involving or connected with Exploitation, a licence will not be granted
- Paragraph 11.11 - On conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed.
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 - Register of all staff that will take bookings or dispatch vehicles
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- Paragraph 16.3.1 – Bookings – change in data to be recorded
- Paragraph 19.2 - Tonbridge & Malling Borough Council complaints procedure

1.4 Licensing of drivers and vehicles

- 1.4.1 The key aim of licensing hackney carriage and private hire vehicles is to offer a flexible, multi-skilled resource (with high levels of knowledge and experience), embracing unified working practices, exhibiting best working practice, whilst maintaining a high service delivery with excellent customer service.
- 1.4.2 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.
- 1.4.3 Hackney carriage and private hire licensed drivers undertake school contracts with Kent County Council, transporting young children, people with disabilities and vulnerable people
- 1.4.4 Public safety is a paramount consideration when processing application forms prospective candidates 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.
- 1.4.5 **Child Sexual Exploitation and Safeguarding Training** is essential for all drivers to complete. Therefore all existing drivers will be required to pass an approved training session within 12 months from the adoption of this policy, or sooner if required by legislation.
- 1.4.6 It is strongly recommended that back office staff are encourage to undertake the online safeguarding training.
- An approved external provider will be appointed to give this training with the fee being paid directly to the course provider. Failure to comply with this requirement may result in enforcement action.
- 1.4.7 **Disability equality training** - The Secretary of State will set the standard of the disability equality training undertaken by taxi and private hire drivers.
- 1.4.8 The training covers the 8 categories as defined by the World Health Organisation, some of the 19 topics covered what are disabilities?, Definition of disabilities, the law etc.
- 1.4.9 If a national test is introduced, all existing drivers will be required to complete the national test and pay any fee directly to the course provider. If the timetable is not set by the Secretary of State, drivers will have a maximum of 12 months from the adoption of this policy, or sooner if required by legislation.
- An approved external provider will be appointed to give this training with the fee being paid directly to the course provider. Failure to comply with this requirement may result in enforcement action.
- 1.4.10 **DBS check twice a year** - All Hackney Carriage, Private Hire or Dual Driver licence holders are required to have a DBS check twice a year as recommended by the Department for Transport’s Statutory Taxi & Private Hire Vehicle Standards.

1.4.11 There is a requirement for every licensed driver applicant to hold and maintain an on-line Certificate through **The Update Service (Details on page 26)**.

1.4.12 **Whistleblowing policy** - Tonbridge & Malling Borough Council has a Whistleblowing policy, which can be found at

<https://www.tmbc.gov.uk/services/council-and-democracy/corporate-governance/internal-audit-and-investigations>

1.5 Numbers of licences

1.5.1 The current numbers of licences is shown on the Council's web site at:

www.tmbc.gov.uk/keyinfo

1.6 Appraising the current Licensing Services for Taxis

1.6.1 In appraising the current licensing services for taxis the council has reviewed and is making on-going changes through channel shift (paper to electronic communication) and transition to people, process, technology and culture to ensure that we can deliver a first class customer focused service.

1.6.2 Licensing Services works within a dynamic customer facing environment where we need to ensure that every applicant knows what is expected from them.

1.7 Service Aims

1.7.1 The Licensing Services aims are:

- To meet statutory responsibilities in a cost effective and responsible manner
- For all licensed drivers to provide a first class customer service.
- To support a strong night-time economy whilst ensuring residents have a good night 'sleep.

1.8 Legislative framework

1.8.1 This Statement of Licensing Policy is written pursuant to the powers conferred by the Town Police Clauses Act 1847 (as amended), and the Local Government (Miscellaneous Provisions) Act 1976 (as amended) which places on Tonbridge and Malling Borough Council (the "Licensing Authority") the duty to carry out the function of licensing the hackney carriage and private hire trade.

1.8.2 In undertaking its licensing function, the Council will also have regard to other relevant legislation (and any legislation replacing or amending the same or any regulations made there under) including:

- Transport Act 1980;
- Transport Act 1985

Overview

- Road Vehicles (Constructions and Use) Regulations 1986;
- Crime and Disorder Act 1998;
- Environmental Protection Act 1990;
- Health Act 2006 and Smoke-free Regulations 2006/7;
- Legislative and Regulatory Reform Act 2006;
- Road Safety Act 2006;
- Equality Act 2010
- Deregulation Act 2015
- Immigration Act 2016
- Human Rights Act 1998
- Regulators Code

1.9 Delegations

1.9.1 In accordance the Constitution of Tonbridge and Malling Borough Council the Licensing Officers are authorised to exercise the delegated powers detailed in **Appendix N**

1.10 Background to Policy

1.10.1 Tonbridge and Malling Borough Council has traditionally exercised the responsibility of licensing hackney carriages and private hire vehicles through a number of different conditions and procedures that have been developed over a number of years.

1.10.2 The policy is revised every five years to reflect current working practices, legislative changes, new case law, local governance and needs of the community.

1.11 Best Practice Guidance

1.11.1 The Department for Transport (DfT) has national responsibility for hackney carriage and private hire legislation in England and Wales. As a result of the Office of Fair Trading producing its report on the UK hackney carriage and private hire trade, the DfT was asked to produce Best Practice Guidance for local licensing authorities.

1.11.2 The Best Practice Guidance was produced and first issued in October 2006. It is directed at local authorities in England and Wales who will “decide for themselves the extent to which they wish to make use of it or adapt it to suit their own purposes”.

1.11.3 The DfT in its revised 2010 Guidance has stated that many licensing authorities considered their licensing policies in the context of the Guidance. However, in order to keep their guidance up to date, they embarked on a revision. The key premise remains the same - that it is, for individual licensing authorities to reach their own decisions both on overall policies and on individual licensing matters, in light of their own views of the relevant considerations.

Overview

- 1.11.4 This document interprets the DfT's considered views about what constitutes "Best or Good Practice" in terms of hackney carriage and private hire licensing, together with local factors specific to this Borough.
- 1.11.5 The Council, in adopting this licensing policy recognises both the needs of residents for safe, convenient and effective taxi transport while facilitating a sustainable taxi industry and the importance of this provision to the local economy and vibrancy of the borough.
- 1.11.6 This Hackney Carriage and Private Hire Vehicle Licensing policy is also intended to ensure that both the trade and the public have a document that fully explains the licensing procedures in a clear and transparent manner.
- 1.11.7 The licensing team does not issue Driver, Operator and Vehicle conditions to new applicants or current drivers when changes are made. Drivers, Operators and Vehicle Proprietors are required to keep themselves up-to-date with all changes in legislation and policy.
- 1.11.8 TMBC emails all drivers with any changes to working practices.

1.12 Council's Vision and Values

- 1.12.1 To be a financially sustainable Council that delivers good value services, provides strong and clear leadership and, with our partners, addresses the needs of our Borough.
- 1.12.2 We will be guided in the delivery of the above vision by the following core values:
- **Taking a business-like approach** - focusing on ensuring good value for money, continuously reviewing how our services are provided and funded, focusing our available resources where they will have most beneficial impact, and maximising commercial opportunities.
 - **Promoting Fairness** - acting transparently at all times and being accountable for what we do, and promoting equality of opportunities.
 - **Embracing Effective Partnership Working** - achieving more by working and engaging effectively with a wide range of local partners from the private, public, voluntary and community sectors.
 - **Valuing our environment and encouraging sustainable growth** - keeping our towns, villages and countryside clean and well maintained, planning for our future homes and jobs and seeking investment in economic regeneration and infrastructure.

1.13 Objectives

- 1.13.1 In setting out its policy, Tonbridge and Malling Borough Council seeks to promote the following safeguarding objectives by:

Overview

- Ensuring the safety of the public and of licensed drivers;
- the prevention of crime and disorder and protection of customers and drivers from being victims of crime;
- the provision of a professional and respected hackney carriage and private hire trade, by continued partnership working with the trade and also by monitoring and improvement of their required standards of service
- Ensuring vehicle safety and the provision of assistance with public access to an efficient and effective public transport service.

1.13.2 The aim of the licensing process in this context is to regulate the hackney carriage and private hire trade in order to promote the above objectives. It is the Licensing Authority's wish to facilitate well-run and responsible businesses which displays sensitivity to the wishes and needs of the general public.

1.13.3 In exercising its discretion in carrying out its regulatory functions, the Licensing Authority shall have regard to this policy document and the objectives set out above. Applicants are therefore advised to read this policy carefully. Compliance with this policy is likely to assist the applicant to avoid the delay and expense of a hearing before the Licensing & Appeals Panel, and the risk of a refusal or the addition of unwanted licence conditions.

1.13.4 This is not to say that an application which complies with the policy will necessarily be granted or one that does not will necessarily be refused. The licensing authority will always consider the merits of the case, and this policy is intended to act as a guide rather than a rule. However, the policy represents the Council's view of the best means of securing its licensing objectives in most normal cases, and it is intended to act as an aid to consistent decision making. It has been drawn up in consultation with the licensed trade, together with community stakeholders and other interested parties.

1.13.5 This policy helps to promote efficient and effective approaches to regulatory inspection and enforcement, which improve regulatory outcomes without imposing unnecessary burdens. This is also in **accordance with the Regulator's Compliance Code. However, despite the existence of this policy, each application or enforcement measure shall be considered on its own merits.**

1.13.6 In certain instances we may conclude that a provision in the policy or code is either not relevant or is outweighed by another provision. We will ensure that any decision to depart from the policy or code will be reasoned, based on material evidence and documented giving clear and compelling reasons for so doing.

1.13.7 The Council acknowledges that the current fleet of hackney carriages and private hire vehicles and drivers set a reasonable standard of appearance and performance.

1.13.8 Whilst the number of occasions where suspension, revocation or prosecution are very rare, this policy also emphasises the full range of enforcement options available should they be needed. Any enforcement action taken will be proportionate and each case will be considered on its own merits.

2 Definitions

2.1 Throughout this document:

- **'The Council'** means Tonbridge and Malling Borough Council
- **'The Licensing Authority'** means Tonbridge and Malling Borough Council
- **'TMBC'** means Tonbridge and Malling Borough Council
- **'Authorised Council Officer'** means any officer of the Council authorised under the Council's Scheme of Delegation as contained in the Constitution
- **'This policy'** means Tonbridge and Malling Borough Council's Hackney Carriage and Private Hire Licensing Policy
- **'Vehicle'** or **'Licensed Vehicle'** means both a Hackney Carriage and Private Hire Vehicle
- **'Hackney Carriage'** means a vehicle licensed under the Town Police Clauses Act 1847 to ply for hire throughout the district controlled by the Council.
- **'Private Hire vehicle'** means a vehicle licensed under the Local Government (Miscellaneous Provisions) Act 1976 to carry passengers for hire or reward by prior booking.
- **'Private Hire Operator'** means a person who makes provision for the acceptance of Private Hire bookings to undertake themselves or pass to others to undertake
- **'The DfT'** means the Department for Transport, including previous names under which that department has been known
- **'The DfT Guidance'** means The Department for Transport – Hackney Carriage and Private Hire Vehicle Licensing: Best Practice Guidance published in March 2010.
- **'DVLA'** means the Driver and Vehicle Licensing Agency
- **'ECMT-IRU'** means the European Conference of Ministers of Transport and the International Road Transport Union
- **'The Committee'** means the Licensing and Appeals Committee of the Council
- The term **'DVLA driving licence'** means a full original GB driving licence issued by the Driver and Vehicle Licensing Agency.
- The term **'Proprietor'** means the owner of the licensed vehicle – this may not necessarily be the driver of the vehicle
- The term **'DBS'** refers to the Disclosure & Barring Service

3 Vehicles

3.1 Limitation of Numbers

- 3.1.1 The Council does not set a limit on the number of hackney carriages which it licences.
- 3.1.2 No powers exist for licensing authorities to limit the number of private hire vehicles which they licence.
- 3.1.3 The present legal provisions on quantity restrictions for hackney carriage vehicles are set out in section 16 of the Transport Act 1985. This provides that the grant of a hackney carriage licence may be refused, for the purpose of limiting the number of licensed hackney carriages

“if, but only if the Local Authority is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet”.

In the event of a challenge to a decision to refuse a licence on these grounds, it would, therefore, have to be established that the authority had been reasonably satisfied that there was no significant unmet demand.

3.2 Vehicle Specifications

- 3.2.1 Licensing Authorities have a wide range of discretion over the types of vehicle that they can licence as hackney carriages or private hire vehicles.
- 3.2.2 The Best Practice Guidance suggests that local Licensing Authorities should adopt the principle of specifying as many different types of vehicle as possible. Authorities are encouraged to leave it open to the trade to put forward vehicles of their own choice which can be shown to meet basic criteria. In that way, emerging new designs for vehicles can be readily taken into account.
- 3.2.3 The Council is empowered to impose such conditions, as it considers reasonably necessary, in relation to the grant of a hackney carriage or private hire vehicle licence. Hackney carriages and private hire vehicles provide a necessary service to the public, so it is appropriate to set standards for the external and internal condition of the vehicles, provided that the standards are reasonable and proportionate.

3.3 Accessibility

3.3.1 The Council is committed to social inclusion and ensuring a wide variety of opportunities is available to those with mobility difficulties in order to enjoy a high quality of life. It fully supports the view of the Equality and Human Rights Commission that,

“Making successful journeys is critical to the social inclusion of people with disabilities. Without the ability to travel, people with disabilities are denied access to life opportunities. Their access to education, shopping, employment, healthcare, as well as social and family life is significantly improved when journeys become accessible”.

3.3.2 For this reason, the Council considers it important that people with disabilities have access to all forms of public transportation and will keep this section of the policy under review through periodic Equality Impact Assessments.

3.4 Assistance Dogs

3.4.1 Under the Equality Act 2010, licensed drivers of taxis and private hire vehicles are under a duty to carry passengers with guide, hearing and other assistance dogs.

When carrying such passengers, drivers have a duty to:

- Convey the disabled passenger’s dog and allow it to remain under the physical control of the owner; and
- Not to make any additional charge for doing so.

3.4.2 Drivers who, for medical reasons are unable to accept assistance dogs are able to apply to the Council for an exemption certificate. Such a certificate will only be issued on production of medical evidence. Exemption certificates, which show the photograph of the driver, must be displayed in the vehicle at all times the driver is working.

3.4.3 It is arguable that different accessibility considerations should apply between hackney carriages and private hire vehicles in that hackney carriages can be hired in the street or at a rank, by the customer dealing directly with a driver. Private hire vehicles, however, can only be booked through an operator. It is considered particularly important that a person with a disability should be able to hire a hackney carriage with the minimum delay or inconvenience. The Council will, therefore, actively encourage the licensing of sufficient accessible vehicles and have regard to the requirements of the Equality Act 2010.

3.4.4 The private hire trade should, however, be aware of a good practice guide produced by the Equality and Human Rights Commission, as private hire operators also have a duty under the Equality Act 2010 to ensure people with disabilities are not discriminated against or treated less favourably.

3.5 Designated vehicles and Voluntary list of accessible vehicles

- 3.5.1 Tonbridge & Malling Borough Council will be publishing two lists on the council website in respect to wheelchair accessible vehicles:

A “designated vehicles list” of all wheelchair accessible vehicles will be maintained in accordance with section 167 of the Equalities Act 2010.

“**designated vehicles**” – where a person can use a Hackney Carriage or Private Hire Vehicle without getting out of a wheelchair (Ramp etc.)

”**voluntary list**” – where a Hackney Carriage or Private Hire Vehicle that are accessible to passengers in wheelchairs, who are able to transfer from their wheelchair into a seat within the vehicle and the wheelchair can be folded down and placed in the vehicle.

- 3.5.2 Section 165 of the Equalities Act 2010 requires the drivers of those vehicles to carry passengers in wheelchairs provide assistance to those passengers and prohibits them from charging extra.

- 3.5.3 The requirements of section 165 do not apply to drivers who have a valid exemption certificate and are displaying a valid exemption notice in the prescribed manner. An exemption certificate can be issued under section 166 of the Act, which is already in force. This allows Licensing Authorities to exempt drivers from the duties under section 165 where it is appropriate to do so, on medical grounds or because the driver’s physical condition makes it impossible or unreasonably difficult for them to comply with those duties.

3.6 Road Tax

- 3.6.1 Failure to have road tax will result in suspension of the licence until the vehicle is taxed.

- 3.6.2 All vehicles are checked to ensure they have paid road tax at the following web site:

<https://www.gov.uk/check-vehicle-tax>

3.7 Environmental Considerations

- 3.7.1 The Best Practice Guidance asks licensing authorities to consider how far their vehicle licensing policies can and should support any local environmental policies that they have adopted, bearing in mind the need to ensure that the benefits outweigh costs (in whatever form). They suggest that authorities may, for example, wish to consider setting vehicle emissions standards, perhaps by promoting cleaner fuels.

- 3.7.2 It is considered that efforts should be made, through the licensing policy, to improve, as far as possible, the efficiency of vehicles licensed in the borough by, in particular, reducing the levels of CO2 emitted. There is a movement towards the use of alternative fuels and in many areas LPG conversions to vehicles are perfectly acceptable and encouraged. This will, however, be dependent on supplies of such fuel being made readily available. It may also be the case that the installation of storage tanks into vehicles may affect the ability to carry luggage.

Vehicles

Clearly emissions from hackney carriages and private hire vehicles could be reduced further, by encouraging better maintenance of vehicles and by switching off engines when stationary or idling, particularly at hackney carriage ranks. It is proposed that this aspect be tackled through education and promotion.

3.8 Vehicle age and other criteria

- 3.8.1 When first licensed, **all** vehicles must be less than six years old from the date of first registration. Exemption may apply under the Limousine and Special Event Vehicles section shown at **Appendix B**.

Vehicle	Age Criteria
Licensing a vehicle for the first time	All vehicles must be less than six years old (including wheelchair accessible vehicles but excluding Limousines and Special Event Vehicles) from the date of first registration.
Re-licensing a Saloon, estate, hatchback, or multi-passenger vehicle	Ten years from the date of first registration
Re-licensing a wheelchair accessible vehicle	Fifteen years from the date of first registration
Limousines and Special Event Vehicles	There will be no age restriction on licensing limousines and Special Event Vehicles

- 3.8.2 The Council will not licence any vehicle that is already licensed with another Council or with Transport for London.
- 3.8.3 Saloon, estate, hatchback, or multi-passenger type hackney carriages/private hire vehicles, may be licensed for a maximum of ten years from the date of first registration, subject to six-monthly testing by one of the Council's authorised garages. Each six-monthly test requires the vehicle to obtain a "Compliance Pass Certificate".
- 3.8.4 Wheelchair accessible vehicles may be licensed to a maximum of fifteen years from the date of first registration, subject to six-monthly testing by the Council's authorised garage. Each six-monthly test requires the vehicle to obtain a "Compliance Pass Certificate".
- 3.8.5 The physical condition of a licensed vehicle is an important criteria used when assessing the suitability of a vehicle. In exceptional circumstances a licence may not be renewed if the physical condition of the vehicle is not of a suitable standard despite having passed a MOT test.

Vehicles

- 3.8.6 Hackney carriage and private hire vehicles (including stretch limousines vehicles and special events vehicles) are subject to both legislative and locally imposed conditions. **These combined conditions can be found in appendices A and B respectively.**
- 3.8.7 There is no restriction on the minimum number of seats to allow applications for vehicles with room for one passenger to be considered on their merits.
- 3.8.8 Vehicles must have no damage affecting the structural safety of the vehicle and must not have been written off for insurances purposes at any time.

3.9 Vehicle Testing and Inspections

- 3.9.1 An MOT pass certificate, from an inspection carried out by one of the authorised testing stations, must be produced for all vehicles. Subsequent MOT pass certificates must be produced annually.
- 3.9.2 In addition to the MOT testing, the vehicle must also be mechanically tested and inspected by a Council's nominated garage. This process is referred to as acquiring a "Compliance Certificate". When required to produce an MOT pass certificate, a "Compliance Certificate" pass certificate must also be produced.
- 3.9.3 A vehicle is required to be re-examined, when the licence has been in force for six months, to ensure that it continues to meet the standards referred to above.
- 3.9.4 The number of approved testing stations will be a minimum of six, all strategically positioned within the Borough and that the cost of the MOT test and compliance be determined by the provider.
- 3.9.5 The Authority may undertake its own programme of inspections between formal MOT tests, where an Officer is unsure as to a vehicle's compliance. The vehicle will be referred to the Council's nominated testing station for a formal assessment. Where the testing requirements are not met, the Officer may either agree a period of time for ratification and re-inspection, or suspend the vehicle until rectification and re-inspection has occurred. The test will be at the Proprietor's expense.

3.10 Insurance

- 3.10.1 There shall be a policy of insurance, or such security as complies with the requirements of Part IV of the Road Traffic Act 1972, during the duration of the vehicle licence. Under no circumstances will a vehicle licence be issued or renewed without proof that this section has been complied with.
- 3.10.2 When submitting an application an original certificate needs to be produced in person or by email.
- 3.10.3 The registered owner of the licensed vehicle shall ensure that it is adequately insured to the satisfaction of the Council and all relevant legislation at all times that it is available for the carrying of passengers.

Vehicles

- 3.10.4 At any time when the requirements of this section of the Policy have not been satisfied, the vehicle licence will automatically be suspended until such time as adequate insurance has been obtained.
- 3.10.5 A copy of the current vehicle insurance must be available for inspection at all times. This can be a Paper copy, or a copy stored on a phone or tablet device.

3.11 Vehicles involved in an accident

- 3.11.1 Any licensed vehicle involved in an accident must be inspected by an authorised licensing officer or an authorised garage to ensure the vehicle is roadworthy to continue operations. If a vehicle is taken off road for repair, there is an option for your insurance company to obtain a temporary licence for an accident replacement vehicle. This temporary vehicle will be subject to the same MOT and compliance requirements as the vehicle that it is replacing.

3.12 Signage

- 3.12.1 Within the Borough of Tonbridge and Malling both hackney carriages and private hire vehicles are required to **permanently display** licence plates externally on the rear of the vehicle.
- 3.12.2 This is a key feature in helping to identify vehicles that are properly licensed. The plate details Tonbridge and Malling Borough Council as the Licensing Authority, the vehicle make, model, colour and registration mark, the number of passengers the vehicle can carry and the expiry date of the licence.
- 3.12.3 In addition to the external plate all vehicles must display a small internal plate containing the same details as the external plate. This plate can be read from both inside and outside of the vehicle and must be positioned at the top of the front nearside corner of the windscreen.
- 3.12.4 Hackney carriage vehicles are required to display permanently affixed signage to the front side doors of the vehicle. This signage contains the Council logo and the words "Tonbridge & Malling Borough Council" and "TAXI" and shows the plate number.
- 3.12.5 Private Hire Vehicles required to display permanently affixed signage to the front side doors of the vehicle showing the plate number.
- 3.12.6 All hackney carriage vehicles, except those with built-in roof signs must carry white or silver illuminated roof-mounted sign indicating that they are a taxi and these must be lit when plying for trade. In order to differentiate between the two types of licensed vehicle, private hire vehicles must not carry roof-mounted signs of any kind, and they must have no signs (roof-mounted or otherwise) using the words "Taxi", "Hackney", "Cab", or "For hire".

3.13 Plate Exemption

- 3.13.1 Under certain circumstances a private hire vehicle operator may make a plate exemption application. This is normally made by operators involved in chauffeur work or work of an exclusive nature. If granted this absolves the operator from the requirement to display both the internal and external licence plates. In these circumstances plates will still be issued and should be carried within the vehicle, together with a signed notice of exemption.
- 3.13.2 Before any plate exemption notice is issued, the operator must satisfy the licensing officer that such an exemption would be integral to his business.
- 3.13.3 Those applicants looking to run or work for an Executive Operation, dealing only with Executive Chauffeur work may be able to exempt themselves from the Knowledge Test if they can provide details of current membership to the British Chauffeurs Guild or similar recognised organisation.
- 3.13.4 Special Events Vehicles will normally be exempted from displaying a plate automatically due to the nature of the work they will be undertaking.
- 3.13.5 Plate Exempt Private Hire vehicles, Limousines and Special Events Vehicles will be exempt from displaying door insignia.

3.14 Advertising

- 3.14.1 No external third party advertising will be permitted on any hackney carriage or private hire vehicle.
- 3.14.2 Limited advertising giving details concerning the proprietor's or operator's private hire business will be permitted, but this will be strictly controlled so that confusion between private hire and hackney carriage vehicles is kept to the minimum.

3.15 Security and Closed Circuit Television (CCTV)

- 3.15.1 The hackney carriage and private hire trade provides a valuable public service, especially late at night when other forms of public transport are no longer available. Security for drivers and passengers is of paramount importance. CCTV cameras can be a valuable deterrent as well as protecting the driver from unjustified complaints.
- 3.15.2 It is not proposed that measures such as CCTV cameras should be required as part of the licensing regime, as it is considered that they are best left to the judgement of the owners and drivers themselves. The hackney carriage and private hire vehicle trade is, however encouraged to consider the installation of CCTV cameras in their vehicles on a voluntary basis and it will then be incumbent upon the operator to handle relevant data gathered in an appropriate and secure manner. For information and guidance on data protection see Information Commissioners Office (ICO) website <https://ico.org.uk/>
- 3.15.3 The hackney carriage and private hire trade are also encouraged to build good links with the local police force, including participation in any Crime and Disorder Reduction Partnerships.

3.16 Stretch Limousines

3.16.1 Stretched limousines are elongated saloon cars that are more frequently being used for mainstream private hire work. The number of stretched limousines being imported, particularly from the United States, has been increasing. Their use generally includes all private hire work plus special occasions such as days at the races, stag/hen parties and children's birthday parties.

3.16.2 For the purpose of this policy and licence conditions a stretch limousine is defined as follows:

- A stretch limousine is a motor vehicle that has been lengthened by the insertion of an additional body section and modified by a coachbuilder to contain luxury facilities and fixtures;
- that is capable of carrying up to but not exceeding 8 passengers; and
- that is not a decommissioned military or emergency service vehicle.

3.16.3 Most limousines are imported for commercial purposes and are, therefore, required to take an Individual Vehicle Approval (IVA) test. They cannot be approved as Passenger Carrying Vehicles (PCV) because they cannot meet the required standards for the door arrangements and means of escape in an emergency.

The IVA Scheme is an Inspection Scheme for vehicles that are not approved to British and European Standards and its purpose is to ensure that these vehicles meet modern safety standards and environmental standards before being used on public roads. When presented for an IVA test the vehicle is produced with a declaration that it will never carry more than eight passengers.

The importer must inform any person who may use it of its restriction. Any subsequent purchasers must also be informed of the restriction.

3.16.4 The Local Government (Miscellaneous Provisions) Act 1976 defines a private hire vehicle as a motor vehicle constructed or adapted to carry fewer than nine passengers, other than the hackney carriage or public service vehicle, which is provided for hire with the services of a driver for the purposes of carrying passengers. Section 48 of the 1976 Act requires that before a licence is granted the Authority must be satisfied that the vehicle is:

- suitable in type, size and design for the use as a private hire vehicle;
- not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
- in a suitable mechanical condition;
- safe; and
- Comfortable.

Vehicles

- 3.16.5 Stretched limousines can be licensed for private hire work providing they may carry no more than eight passengers and meet the requirements of the Act. Possible exemptions under the Local Government (Miscellaneous Provisions) 1976 Act provide that nothing shall:
- apply to a vehicle used for bringing passengers or goods within a controlled district in pursuance of a contract for the hire of the vehicle made outside the district if the vehicle is not made available for hire within the district;
 - apply to a vehicle while it is being used in connection with a funeral or a vehicle used wholly or mainly, by a person carrying on the business of a funeral director, for the purpose of funerals;
 - apply to a vehicle being used in connection with a wedding.
- 3.16.6 Any stretched limousines, which are offered for private hire or which are not used for funeral and weddings do, of course, require a licence. Some operators of these vehicles have a wedding car licence insurance policy on the basis that the vehicle will be used largely during daylight hours, once or twice per week. Before licensing for private hire, therefore, a full insurance policy for private hire purposes will be required.
- 3.16.7 All bookings for a stretch limousine licensed as a private hire vehicle by the Council must be booked through a private hire operator licensed by Tonbridge and Malling Borough Council in accordance with S55 of the Local Government (Miscellaneous Provisions) Act 1976.
- 3.16.8 In accordance with the Guidance, all applications to licence stretch limousines as private hire vehicles will be treated on their merits. The Council strongly recommends that anyone wishing to licence a limousine contacts the licensing authority before purchasing a vehicle to ensure that advice can be provided as to whether the vehicle will meet the required standards.
- 3.16.9 Because these vehicles will not meet the usual vehicle specification, additional documentation and inspection will be needed in order that the Council's responsibility to ensure safety and suitability, prior to a licence being issued, can be met. Imported stretch limousine type vehicles will:
- be granted an exemption from the requirement under the conditions of licence for private hire vehicles to be right hand drive;
 - be authorised as prestige type private hire vehicles; and
 - be approved for licensing as private hire vehicles subject to meeting the specified criteria and additional conditions detailed in **Appendix A**
- 3.16.10 It would be an offence under the Licensing Act 2003 to provide facilities for the sale of alcohol within a limousine. If the limousine is to be provided whereby part of the booking includes "free alcohol", the premises which accepts the booking and supplies the alcohol within the vehicle would need an appropriate licence under the Licensing Act 2003, otherwise a criminal offence would be committed.

3.17 Special Events Vehicles

- 3.17.1 The Licensing of Special Events Vehicles will be dependent on the Council being satisfied that the vehicle is suitable in size, type and design for use as a Special Events Vehicle. The prime consideration of the Council is the safety and comfort of the travelling public.
- 3.17.2 The Council considers the following types of vehicles to be Special Events Vehicles when considered in the context of licensing;
- Decommissioned emergency service vehicles
 - Vintage and luxury vehicles (where the normal private hire vehicle age limits would exclude them)
 - Other non-standard type converted vehicles used for special events.
- 3.17.3 The ability to licence a vehicle as a Special Events Vehicle will be restricted to stretched Limousines and other types of “novelty” vehicles as outlined in **Appendix B**. Mass produced saloon cars or wheelchair accessible vehicles will be required to be licensed under the normal Hackney Carriage or Private Hire car requirements.
- 3.17.4 Special Events Vehicles will generally be used for special occasions such as days at the races, stag/hen parties, weddings, proms and children’s birthday parties.
- 3.17.5 In accordance with the Guidance, all applications to licence Special Events Vehicles as private hire vehicles will be treated on their merits. The Council strongly recommends that anyone wishing to licence a Special Events vehicle contacts the licensing authority before purchasing a vehicle to ensure that advice can be provided as to whether the vehicle will meet the required standards.
- 3.17.6 Once licensed in Tonbridge and Malling Borough Council as a private hire vehicle the Special Events Vehicle can only be driven by a private hire driver licensed by the Council. This applies at all times whilst the vehicle holds a private hire vehicle licence.

3.18 Contract Vehicles

- 3.18.1 Previously, under Section 75(1) (b) of the Local Government (Miscellaneous Provisions) Act 1976 there was no requirement for a vehicle to be licensed where it was used for a contract with an organisation/firm for a period of more than seven days for carrying passengers for hire or reward under a contract for the hire of the vehicle. This exemption only applied to the vehicle and driver subject to the contract and then only during the period of the contract. Any vehicles being used for a contract with one firm could not be used for any other contract or purpose during the period of that contract.

This exemption has been repealed by provisions contained within the Road Safety Act 2006 that became effective in January 2008 and thus vehicles which previously took advantage of this exemption will now have to become licensed private hire vehicles.

Vehicles

- 3.18.2 The Department for Transport website gives details of the guidance notes on what is, and what is not, a private hire vehicle please find link to webpage below:

www.gov.uk/government/publications/private-hire-vehicle-licensing-guidance-note

3.19 Funeral Vehicles

- 3.19.1 There is no requirement for a vehicle to be licensed where it is being used in connection with a funeral or is being wholly or mainly used by a person carrying on the business of a Funeral Director for the purpose of funerals.

3.20 Wedding Vehicles

- 3.20.1 A vehicle does not need to be licensed while it is being used in connection with a wedding. For clarity, the exemption applies only to services directly relating to the wedding service itself, for example transporting the married couple to the wedding service, from the service to the reception and from the service/reception to home. Transporting the married couple to other locations such as the airport would be considered to be a licensable activity.

- 3.20.2 Written certification from the Council of the relevant exemption claimed is not currently required and it is not proposed to change this arrangement.

3.21 Courtesy Cars

- 3.21.1 All vehicles with not more than 8 passenger seats carrying passengers for hire and reward must be licensed by the Local Authority. Although there has been some legal debate regarding this particular issue, current case law supports the view that vehicles which are used as 'courtesy cars', i.e. for transporting customers to and from hotel, night-clubs, etc. are being provided for hire and reward in the course of business, irrespective of whether or not a charge is made for such service. They should be licensed accordingly.

- 3.21.2 Those operating 'courtesy cars', e.g. for transporting customers to and from hotels, night-clubs, etc. should have an operator's licence and drivers must be appropriately licensed. All three licences (operator, vehicle and driver) must be from the same Licensing Authority.

3.22 Ambulances and Other Patient Transport

- 3.22.1 **Ambulances** - Whilst having respect to the Department for Transport guidance "genuine ambulances" will be exempt from private hire vehicle licensing:

"emergency/specialist ambulance vehicles – likely to accommodate a stretcher and specialist equipment, and to require the presence of health professionals."

3.23 Other Patient Transport -

- 3.23.1 “vehicles which operate as part of a formal Patient Transport Service – usually non-emergency, planned transport of patients, where the booking will only be made if the person to be carried has been assessed by a health professional as having a medical need for transport; these vehicles will be contracted to a health care provider and cannot be used for "social" hiring's;”
- 3.23.2 Other patient transport services provided by Primary Care Trusts, or Voluntary services, that do not qualify for exemption will require licensing as a private hire vehicle

3.24 Voluntary Sector Transport

- 3.24.1 The Council will assess each individual organisation on its own merits to determine whether or not it will require licensing as a private hire business. Whilst it is clear that the organisation is providing a service, it is less clear that such provision can be defined as operating a private hire business.
- 3.24.2 The Council will, however, seek to enforce against unlicensed businesses where it can be proven that the business obtains a benefit and the Council considers that private hire vehicle licensing is necessary.

3.25 Motorbikes

- 3.25.1 There is currently no provision in the policy to licence motorbikes, however this will not preclude the option of licensing motorbikes at a later date.

3.26 Livery

- 3.26.1 Hackney carriage vehicles must be wholly white wholly silver.
- 3.26.2 Private hire vehicles can be any colour.

3.27 Application Procedure

- 3.27.1 The application procedures for a hackney carriage or private hire vehicle licence are prescribed by the Council. The Council requires that all applications must be made on a specified application form in accordance with the application procedures set out in **Appendix C**.

3.28 Consideration of Applications

- 3.28.1 The Council will consider all applications on their merits once it is satisfied that the appropriate criteria have been met and the application form and supporting documents are complete.

3.29 Grant and Renewal of Licences

- 3.29.1 The Guidance makes no recommendations in respect of the duration of hackney carriage or private hire vehicle licences, and legislation limits the maximum period of such licences to 12 months.
- 3.29.2 Hackney carriage or private hire vehicle licences will thereby continue to be issued for a one-year period from the date of grant, subject to the power to grant a licence for a shorter period, should this be appropriate in the circumstances.
- 3.29.3 When submitting renewal applications, applicants should be aware that it may take up to seven working days to process and issue a licence once all the necessary paperwork has been received. If the licence has not been issued at the point when an existing licence expires, the licence holder must cease operating until the new licence has been received.

3.30 Applicant Suitability

- 3.30.1 Tonbridge and Malling Borough Council will have regard to this policy and the Institute of Licensing “Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades – April 2018” (A copy is available on the Councils website)

3.31 Lost Property

- 3.31.1 It is the responsibility of the Hackney Carriage and Private Hire Driver to check the vehicle for lost property frequently during their shift.
- 3.31.2 Lost property can be handed in at the Council Offices at Tonbridge Castle or Kings Hill.
- 3.31.3 Any Lost Property must be handed into Licensing Services, where the details will be entered into the Lost Property Log and kept for a period of 12 months.
- 3.31.4 Any monies unclaimed will be donated to the Mayors Charity. Any other items will be given to Charity shops or will be destroyed.

4 Drivers

4.1 Licences

4.1.1 This Council issues hackney carriage, dual and private hire driver licences.

4.2 Age and Experience

4.2.1 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.

4.2.2 An applicant who meets the licensing requirements by virtue of an acceptable non-UK driving licence must either:

- Obtain a full UK driving licence within twelve months of the issue of the hackney carriage/private hire drivers licence, or
- Obtain a backing sheet from the DVLA within twelve months of the issue of the hackney carriage/private hire drivers licence, which can be attached to the non-UK driving licence and used by the DVLA to monitor penalty points obtained whilst driving in the UK

4.2.3 Where this requirement is not satisfied, the hackney carriage/private hire driver's licence will be automatically suspended pending compliance.

4.2.4 Applicants must ensure their DVLA Driving Licences are kept up to date and that the address remains correct at all times. Applicants must also ensure they complete DVLA Licence renewals in a timely manner.

4.3 Driver Knowledge Tests

4.3.1 Drivers clearly need a good working knowledge of the area for which they are licensed. The DfT recognises that most authorities require prospective drivers to pass a test as to their knowledge of the local geography (known locally as the Knowledge Test) as a condition of first grant of a licence. This test will also test the driver's knowledge of the Council's Licensing Policy as well as basic knowledge of hackney carriage and private hire law.

4.3.2 The procedures in relation to the above are set out in **Appendix E**.

4.4 Driving Proficiency and Qualifications

4.4.1 The Council believes that as a profession, hackney carriage and private hire drivers have a special responsibility for the safe transportation of fare-paying passengers. An assessment of a driver's ability should, therefore, be obtained by all new applicants.

4.4.2 All new applicants for hackney carriage/private hire driver's licences are required to produce evidence that they have successfully completed a relevant practical driving test with Green Penny Ltd.

Booking form can be found at:

<http://www.greenpenny.co.uk/taxi-assessment-booking-form>

4.5 Medical Examination

- 4.5.1 The DfT recognises that it is clearly good practice for medical checks to be made on each driver as a condition for the initial grant of a licence and subsequent renewal. The Council has adopted the relevant DVLA medical standard i.e. Group 2. This is the standard applied to the licensing of lorry and bus drivers and is considered to be best practice.
- 4.5.2 A medical examination by a General Practitioner, to assess an applicant's fitness to drive a licensed vehicle, is required before a licence may be granted. A DVLA Group 2 Standard of medical fitness for professional drivers will be required.
- 4.5.3 A request form for a medical examination, which may be presented to the applicant's GP, is obtainable from the Council. The applicant will be responsible for paying the fee for the examination to the relevant surgery. On completion of the examination, the report must be submitted to the Council.
- 4.5.4 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 who are 65 years old and over must undertake a medical examination annually. More frequent checks will also be necessary if, in the opinion of the medical practitioner, it is necessary.
- 4.5.5 Licence holders must advise the Council of any deterioration in their health that may affect their driving capabilities. For the avoidance of doubt, the following medical conditions must be notified to the Council as soon as reasonable practicable; however, this list is not exhaustive:
- Any heart-related condition;
 - Abnormal blood pressure;
 - Diabetes (Type 1 or Type 2);
 - Epilepsy;
 - Sudden attacks of giddiness or fainting;
 - Conditions causing excessive daytime sleepiness such as sleep apnoea;
 - Alcohol or drug dependency;
 - Double vision or uncorrected vision disorder
 - Mental or psychological disorders; or
 - Any other condition that may affect the ability to drive.
- 4.5.6 Where there is any doubt as to the medical fitness of the applicant, the Council may require the applicant to undergo further medical examination by a Doctor appointed by the Council. This will be at the applicant's own expense.
- 4.5.7 Where there remains any doubt about the fitness of any applicant, the Council will review the medical evidence and make any final decision in the light of the medical evidence available.
- 4.5.8 The format of the medical examination will be that prescribed by the standard Group 2 DVLA form issued. This form is available from Licensing Services on payment of the fee.

4.6 Disclosure and Barring Service

- 4.6.1 A Disclosure and Barring Service (DBS) check on a driver is seen as an essential safety measure in assessing whether or not an applicant is suitable to hold a licence. An Enhanced Disclosure provided by the Disclosure and Barring Service is required from all applicants, whether new or renewal applications. These disclosures include details of spent convictions and police cautions.
- 4.6.2 The Rehabilitation of Offenders Act 1974 does not apply to applicants for Hackney Carriage/Private Hire driving licences. Applicants are required to disclose all convictions, including those that would normally be regarded as spent.
- 4.6.3 The applicant will be responsible for payment of the appropriate fee.

4.7 The Update Service

- 4.7.1 There is **a requirement** for every licensed driver applicant to hold and maintain an on-line Certificate through **The Update Service**.
- 4.7.2 The online Disclosure and Barring Service (DBS) update service allows:
- applicants to keep their DBS certificates up to date
 - employers to check a DBS certificate
- 4.7.3 You need to register to use the update service <https://www.gov.uk/dbs-update-service>
- 4.7.4 If you've not yet applied for a DBS check, you can register for the update service using your application reference number (the 'form ref' on your application form). DBS must receive your application form within 28 days.
- 4.7.5 If you've already applied, you can register for the update service using your DBS certificate number. You must do this within 30 days of the certificate being issued.
- 4.7.6 The licence or renewal is conditional upon there being no adverse information revealed on the DBS disclosure that would render the applicant not 'fit and proper'. If the licence is issued (which would only be under exceptional circumstances) and relevant information is later revealed on a disclosure certificate then that licence will be subject to review and possible revocation.
- 4.7.7 The Council is bound by rules of confidentiality and will not divulge information obtained to any third parties. The applicant for a DBS check will be sent a certificate to their home address. Information arising from disclosures will be kept on file only for as long as necessary and usually no longer than six months.
- 4.7.8 Information received from the Disclosure and Barring Service will normally be destroyed after a decision has been made concerning the application
- 4.7.9 For more information on the retention and disposal of the DBS certificate please go online and see Tonbridge and Malling Borough Council's policy.
- 4.7.10 Referrals to the Disclosure and Barring Service and the Police**
- 4.7.11 In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for licensing authorities to make referrals to the DBS. A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, should be referred to the DBS. The power for the

licensing authority to make a referral in this context arises from the undertaking of a safeguarding role.

4.7.12 The Department for Transport recommends that licensing authorities should make a referral to the DBS when it is thought that:

- an individual has harmed or poses a risk of harm to a child or vulnerable adult;
- an individual has satisfied the 'harm test' ; or
- received a caution or conviction for a relevant offence and;
- the person they are referring is, has or might in future be working in regulated activity; if the above conditions are satisfied, the DBS may consider it appropriate for the person to be added to a barred list.

4.7.13 These referrals may result in the person being added to a barred list and enable other licensing authorities to consider this should further applications to other authorities be made.

4.8 National Register (NR3)

4.8.1 The Local Government Association (LGA) has commissioned the development of a national register of hackney carriage and PHV driver licence refusals and revocations, the 'National Register of Refusals and Revocations'.

4.8.2 The new register will allow licensing authorities to record details of where a hackney carriage or PHV drivers' licence has been refused or revoked, and allow licensing authorities to check new applicants against the register.

4.8.3 Tonbridge & Malling Borough Council are joining NR3 Taxi Licence Database

4.9 Multiagency Safeguarding Hubs

4.10 **Tonbridge & Malling Borough Council** operate or establish a means to facilitate the objectives of a MASH (i.e. the sharing of necessary and relevant information between stakeholders). As has been emphasised throughout this document, one of the most effective ways to minimise the risk to children and vulnerable adults when using taxis and private hire vehicles is to ensure that decisions on licensing individuals are made with the fullest knowledge possible.

4.11 Relevance of Convictions and Cautions

4.11.1 A guide to the relevance of previous convictions, cautions and fixed penalty notices is in **Appendix D**.

4.11.2 The Council will consider each application on its merits having regard to this policy

4.11.3 In assessing whether the applicant is a "fit and proper" person to hold a licence the Council will consider each case on its merits. It will take account of cautions, convictions, and fixed penalty notices but only in so far as they are relevant to an application for a licence. Upon receipt of a licence application the Licensing Officer will assess from the information provided whether any or all of the convictions have any relevance as to whether the applicant is a fit and proper person to hold a licence and may refer the person to the Licensing and Appeals Panel for decision.

Drivers

- 4.11.4 In relation to cautions the Council will have regard to the class and age of the offence and the age of the applicant when the offence occurred when considering their relevance to an application.
- 4.11.5 In relation to previous convictions the Council will have regard to the following:
- The class of the offences;
 - The age of the offences;
 - The apparent seriousness, as gauged by the penalty.
- 4.11.6 Without prejudice to the general right to refer any application to the Panel, applications will be referred to the Licensing and Appeals Panel where the applicants record includes one or more of the following:
- Any term of imprisonment or custody;
 - Any conviction for a violent or sexual offence, or dishonesty;
 - Any serious motoring offence, such as dangerous driving, driving whilst disqualified, or drink driving;
 - Any drug-related offence; or
 - Any combination of less serious offences where the Licensing officer is not minded to grant the application
 - More than six points on their licence.
- 4.11.7 Where applicants have only been residing in the UK for six months or less the applicant **must** produce a Certificate of Good Conduct, or equivalent document, issued and authenticated by the appropriate embassy or a statutory declaration of absence of convictions, signed by a solicitor. This document must be translated into English.
- 4.11.8 A DVLA driver endorsement check will be required upon applications for new or renewal of a driver licence, to ensure that the information held by the DVLA is in accordance with the information submitted by the applicant.
- 4.11.9 Tonbridge and Malling Borough Council will have regard to this policy and the Institute of Licensing “Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades – April 2018” (A copy is available on the Councils website)

4.12 Immigration Check

- 4.12.1 On the 1st December 2016 the Immigration Act 2016 came into force. It has now become a duty of the Council to carry out immigration checks on new applicants and those renewing a driver’s badge. This is to ensure that the applicant has the right to work in the UK. A licence will not be granted until there is sufficient proof that the applicant has the right to work in the UK.

4.13 Grant and Renewal of Licences

- 4.13.1 An application for a hackney carriage or private hire driver’s licence must be made on the specified application form. Drivers’ licences are normally granted for a period of three years.

- 4.13.2 The application procedure is set out in **Appendix C**.
- 4.13.3 Applicants need to submit the application to renew the licence at least one week prior to the licence expiry to ensure that the licence is renewed on time. Officers may only accept complete applications comprising all the necessary paperwork. If an application is received late the applicant may be unlicensed for a period of time during which they will be unable to work as a licensed hackney carriage or private hire driver.
- 4.13.4 The licence fees payable are subject to periodic review. Whilst the fees are set by the Licensing Authority they will be published in a local newspaper at least 28 days prior to the proposed operational date, for constructive comment. They will also be published together with other Council licensing fees in the Fees & Charges document and on the Council's website under the licensing link.

4.14 Conditions of Licence

- 4.14.1 The Licensing Authority is not empowered to attach conditions to a hackney carriage driver, other than through Byelaws.
- 4.14.2 The Licensing Authority is empowered to attach such conditions to a private hire driver's licence as are considered necessary. The standard conditions applied to all private hire drivers are set out in **Appendix F**.
- 4.14.3 In accordance with the above, the penalty point system detailed in **Appendix G** is not a condition of licence. It is, however, a transparent and consistent method for the Council to determine whether or not a driver meets the 'fit and proper person' test.

4.15 Code of Good Conduct

- 4.15.1 The standards expected of licensed drivers are set out in the Code of Good Conduct, included in this policy document at **Appendix H**
- 4.15.2 Failure to comply with any aspect of the Code of Good Conduct may result in enforcement action. However, breach of the Code of Conduct is an indicator which officers will use to help decide upon subsequent enforcement action. This may result in advice or warnings being given by an authorised officer.
- 4.15.3 Repeated breaches following such advice or warnings may lead to more serious consequences including, if necessary, non-renewal, suspension or revocation of licences.
- 4.15.4 It is considered that in order to raise the profile of the licensed trade, drivers should operate at all times in a professional manner and dress so as to present a professional image to the public.

5 Private Hire Operators

5.1 Operators

- 5.1.1 Any person who operates a private hire service utilising one or more private hire vehicles must apply to the Council for a Private Hire Operator's Licence.
- 5.1.2 The primary objective in licensing private hire operators is the safety of the public, both in the vehicles and at the operator's premises.
- 5.1.3 A private hire vehicle may only be despatched to a customer by a private hire operator who holds a private hire operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a private hire vehicle.
- 5.1.4 With the introduction of the Deregulation Act 2015 Private Hire Operators are allowed to sub contract work to other licensed Private Hire Operators who hold licences with a different Licensing Authority.
- 5.1.5 A private hire operator must ensure that every private hire vehicle is driven by a person who holds a private hire driver's licence.
- 5.1.6 All three licences detailed below must be issued by the same Licensing Authority:
- Private hire operator's licence;
 - Private hire driver's licence;
 - Private hire vehicle licence.
- 5.1.7 Applications for an operator's licence must be made on the prescribed form, together with the appropriate fee. The Council will then decide whether the applicant is a fit and proper person to hold an operator's licence.

5.2 Hackney Carriage

- 5.2.1 Individual Hackney Carriage drivers operating under their own or a trading name as a sole trader are not required to hold a Private Hire Operator's Licence.

5.3 Disclosure and Barring Service Checks

- 5.3.1 Private hire operators that are not licensed drivers are not required to produce an enhanced DBS disclosure. A Basic Disclosure from the Disclosure and Barring Service, or a certificate of good conduct from the relevant embassy for overseas applicants is required, as this is considered appropriate in promoting the objective of public safety.
- 5.3.2 Basic DBS check for vehicles/operator licences held by companies require any partner or director of the company must have had a basic DBS carried out if they are not licensed as a driver
- 5.3.3 References from non-family members can also provide some assurance of the suitability of the applicant's character and ability to hold an operator's licence covering, for example, the applicant's financial records and/or business history; therefore all applications will require two references on the initial application.

5.4 Applicants Suitability

- 5.4.1 Tonbridge and Malling Borough Council will have regard to this policy and the Institute of Licensing “Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades – April 2018” (A copy is available on the Councils website)

5.5 Conditions

- 5.5.1 The Council has the power to impose such conditions on an operator’s licence as it considers reasonable, necessary and proportionate. The conditions set out in **Appendix I** are those considered to be reasonably necessary.

5.6 Record Keeping

- 5.6.1 Operators are required to keep records of each booking, including the name of the passenger, the destination, the name of the driver and the number of the vehicle. This would, for example, assist the Licensing Officer or police with any future investigations.
- 5.6.2 Operators must keep records in respect of all bookings, vehicles and drivers for a period of one year. Full details in **Appendix I**
- 5.6.3 Such records are to be made available to any authorised officer of the Council or a police officer upon request.

5.7 Insurance

- 5.7.1 It is considered appropriate for a Licensing Authority to check that appropriate public liability insurance has been taken out for premises that are open to the public.
- 5.7.2 Before an application for a private hire operator’s licence is granted, the applicant must produce evidence that they have taken out appropriate public liability insurance for the premises to be licensed.

5.8 Licence Duration

- 5.8.1 The Department for Transport (DfT) considers that annual licence renewal is not necessary or appropriate for private hire operators. They recommend, as good practice, that a licence period of five years would be reasonable.
- 5.8.2 An Operator’s Licence issued by Tonbridge and Malling Borough Council will last for five years.

5.9 Address from which an Operator may operate

- 5.9.1 The operator must provide evidence that appropriate permissions (and public liability insurance if relevant) are in place at any new premises to ensure continuity of licence; and within seven days inform the Council in writing of a home address change taking place. If the appropriate permission or insurance is not in place, the licence may be revoked or suspended pending compliance.
- 5.9.2 Operators will be required to supply the Council with an up-to-date list of all vehicles and drivers working under that licence and of any changes to that list.

Fares and Fees

6 Fares and Fees

6.1 Hackney Carriage

- 6.1.1 Hackney Carriage Fares, set by the Council, are a maximum and can be negotiated downwards by the hirer. Tonbridge and Malling Borough Council considers it good practice to review the fare scales at regular intervals upon request from the taxi trade and will, therefore, consider the fare scales on an annual basis.
- 6.1.2 When determining the level of fares consideration will be given as to what it is reasonable to expect the travelling public to pay as well as the need to give drivers an incentive to provide a cost-effective service at the times it is needed.
- 6.1.3 Fares can be negotiated prior to the commencement of the journey in both private hire vehicles and hackney carriages.
- 6.1.4 One of the main complaints relating to hackney carriages concerns overcharging. To protect the fare paying public from overcharging, as well as to protect the drivers from complaints, Tonbridge and Malling Council will operate a simple fare tariff that must be displayed in all hackney carriages. Negotiated fares may not exceed the set tariff for the journey.
- 6.1.5 In reviewing the fare tariff the Council will consult with the trade and publish the fares in a local newspaper, Council's Web Site and Council Offices at least 14 days before the fares are due to come into force.
- 6.1.6 These regulations in relation to fares do not apply to private hire vehicles.
- 6.1.7 A table of authorised fares will be provided to each hackney carriage licence holder, which must be displayed in each vehicle so that it is easily visible to all hirers.
- 6.1.8 A hackney carriage driver must, if requested by the passenger, provide a written receipt for the fare paid. Minimum information required is Drivers name; Drivers Badge Number and Vehicle plate number; Date; Time and Total Fare charged.
- 6.1.9 The Guidance also recognises that there is a case for allowing any hackney carriage proprietors who wish to do so, to make it clear by advertising that they charge less than the maximum fare.

6.2 Private Hire

- 6.2.1 Private hire fares are not regulated by the Licensing Authority.

6.3 Fees

- 6.3.1 The Guidance does not deal with the issue of licensing fees at all. It is, however, generally recognised that the fees set for all hackney carriage and private hire licences should be such as to ensure that the costs of the service, including the cost of issue and administration and enforcement will so far as possible be met from fee income.

Local Government (Miscellaneous Provisions) Act 1976

- 6.3.2 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.

Fares and Fees

- 6.3.3 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.
- 6.3.4 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
- 6.3.5 It is not lawful for the Council to seek to make a profit from licence fees that are within its discretion. In particular, with regard to the fees charged for hackney carriage and private hire vehicle and operator licences, the legislation provides that these should be sufficient to cover the costs of inspecting the vehicles, providing hackney carriage stands and administering the control and supervision of hackney carriages and private hire vehicles.
- 6.3.6 All fees payable will be reviewed annually as part of the Council's budgetary process. The Council will publish the fees in a local newspaper at least 28 days prior to the fees coming into force to allow for constructive comments to be received and considered prior to the implementation date. The fees will be published together with other fees on the Council's website under the licensing link.

6.4 Payments

- 6.4.1 All cheques for licence applications should be made payable to "Tonbridge and Malling Borough Council" or "TMBC". Payments can also be made electronically, by credit and debit card or by cash at the Council offices.

6.5 Transfers, Duplicate Copies and Change of Address

- 6.5.1 A full list of fees associated with the administration and issuing of licences is available on the Council's website.
- 6.5.2 Where the holder of a driver licence, vehicle licence or operator's licence is referred to the Licensing and Appeals Committee and their licence is revoked or suspended no refund will be made.

Disciplinary and Enforcement Measures

7 Disciplinary and Enforcement Measures

7.1 Enforcement

- 7.1.1 It is recognised that well-directed enforcement activity by the Authority benefits not only the public but also the responsible members of the hackney carriage and private hire trades. The DfT accepts that the resources devoted by licensing authorities to enforcement will vary according to local circumstances. They remind authorities, however, that it is desirable to ensure that hackney carriage and private hire enforcement effort is at least partly directed to the late night period, when problems such as touting tend most often to arise.
- 7.1.2 In pursuance of its objective to encourage responsible hackney carriage/private hire businesses, the Council will operate a firm but fair disciplinary and enforcement regime with a view to balancing the promotion of public safety with the need to permit individuals to safeguard their livelihood without undue interference. The Council will only intervene where it is necessary and proportionate to do so, having regard to the objectives outlined in section 2.5 of this document.
- 7.1.3 The Taxi Licensing and Enforcement Policy & Practice set out at **Appendix J** will be used to ensure that its enforcement effort is reasonable, transparent and well directed.

7.2 Disciplinary Hearings

- 7.2.1 Formal disciplinary matters will be dealt with by either an authorised Licensing Officer, or the Licensing Committee sitting as a panel. Informal disciplinary measures will be dealt with by an authorised Licensing Officer.

7.3 Range of Powers

- 7.3.1 The Council may take any of the steps below upon receipt of evidence that an offence has been committed in relation to hackney carriage licences, private hire licences or private hire operator's licences. A breach of a condition in the Licensing Policy amounts to an offence in this context.
- Suspension of the Licence;
 - Revocation of the Licence;
 - Refusal to Renew;
 - Issuing of Warnings or Cautions;
 - Issue penalty points
 - Prosecution.

7.4 Suspension

- 7.4.1 Hackney carriage vehicles and private hire vehicles must be kept at all times in an efficient, safe, tidy and clean condition. Compliance with the vehicle specifications and conditions is essential and will be enforced by periodic, random vehicle inspections by the Council. Where it is found that any vehicle is not being properly maintained, a defect(s) notice will be served on the proprietor setting out the defect(s) and where public safety is likely to be imperilled the further use of the

Disciplinary and Enforcement Measures

vehicle will be suspended until the defects have been remedied. The suspension will then not be lifted until the vehicle has undergone a further test at the proprietor's expense and been passed as fit for use as a hackney carriage or private hire vehicle.

The Council may exercise its discretion to suspend the operation of a driver's licence for a specified period.

7.5 Revocation

- 7.5.1 Where a driver has accumulated 12 penalty points or more under the Authority's penalty points system, any decision as to whether a licence should be revoked or suspended will be made by the Licensing and Appeals Committee sitting as a panel.

7.6 Refusal to Renew

- 7.6.1 As an alternative to revocation an authorised licensing officer may decide that the appropriate action, in a situation where the licence is shortly to expire, is to order that the licence shall not be renewed.

7.7 Issuing of Warnings and Cautions

- 7.7.1 As a method of dealing with less serious matters, the Council will issue warnings and cautions as are appropriate to the circumstances in accordance with Home Office Circular 016/2008 – 'Simple Cautioning of Adult Offenders'. Minor or first-time transgressions are likely to attract either an oral or written warning. Repeated or more serious conduct is likely to lead to the issuing of a simple caution, provided:
- There is sufficient evidence to justify a prosecution;
 - The licence holder admits his/her guilt;
 - The licence holder agrees to be cautioned.

This is more fully discussed in **Appendix J**

7.8 Penalty Points Scheme

- 7.8.1 Whilst the operation of a successful hackney carriage and private hire vehicle service is important to the economic well-being of the Borough, it is equally important that the service provided by the trade is properly regulated in order to instil confidence in the travelling public who wish to use the service.
- 7.8.2 The Council clearly has a responsibility to ensure that all drivers, owners and operators of vehicles adhere to basic minimum standards and to do this in a consistent and transparent manner. These standards are defined by legislation, licence conditions and codes adopted by the Council. Together they identify what is required of the trade and help to ensure that a consistent approach is taken by Council Officers, in their application.
- 7.8.3 A number of licensing authorities have found that an effective means of applying the conditions at a local level is through the adoption of a penalty points scheme. This scheme will be used to enforce existing legislation and any future by-laws governing Hackney Carriage Drivers. This acts as a first step in ensuring compliance with the conditions and serves as an "early warning" system to drivers

Disciplinary and Enforcement Measures

and owners or operators who see fit to ignore their responsibilities or fail to meet the requirements of the conditions.

7.8.4 Penalty points will remain on a licence for a period of two rolling years from the date on which they are imposed. If a driver accumulates twelve or more penalty points within a period of twenty four months, commencing from the date of imposition of the earliest 'live' penalty points, disciplinary action may be taken by either an authorised Licensing Officer or the Licensing and Appeals Panel, dependent on the category of non-compliance.

7.8.5 It is considered that the penalty points scheme assists the trade in maintaining its high standards. The Penalty Points System does not however compromise the Council's ability to enforce breaches of statute or local conditions in the courts should an offence warrant such action. A copy of the penalty points system can be found in **Appendix G**.

7.9 Prosecution

7.9.1 The Council will usually prosecute licence holders for relevant offences in the following circumstances:

- where the allegation is of a serious or repeated offence; or
- where the Council proposes to caution the licence holder, but the offence is not admitted, or the caution not accepted

7.10 Offences

7.10.1 Offences in relation to hackney carriage and private hire vehicles are derived from the following sources:

- Town Police Clauses Act 1847 (hackney only);
- Local Government (Miscellaneous Provisions) 1976 (hackney and private hire);
- Transport Act 1980 (private hire only);
- Equality Act 2010
- Immigration Act 2016

The relevant offences under the 1847 Act, the 1976 and the 1980 Act are set out in **Appendices H and N**.

7.11 Taxi and Private Hire Complaints Procedure

7.11.1 The Taxi and Private Hire complaints procedure is specified in **Appendix L**

Discipline and Enforcement Measures

7.12 Taxi Ranks

7.12.1 By the Borough of Tonbridge and Malling (Taxi Ranks) Regulation 2017, a number of ranks for hackney carriages have been designated within the Tonbridge and Malling Borough Council area and are sited as follows (number of spaces in brackets):

Tonbridge

Waterloo Road (21)

Botany (2)

High Street (2)

Angel Lane (2)

7.13 Bus stops and taxis in Tonbridge High Street

7.13.1 The bus stops in Tonbridge High Street, allow taxis to use the bus stops between Vale Road and the Castle “out of hours” when the buses are not in service.

The restrictions that apply are;

- Bus stop clearway between 7:30am and 11:45pm
- Taxi rank (parking place for taxis only) between 11:45pm to 7:30am next day.

West Malling

High Street (2)

Ranks not on the public highway

Station Approach Borough Green (6)

Station Approach West Malling (2)

7.13.2 The number and position of taxi ranks within the borough will be subject to change due to usage and need.

7.14 Stands

7.14.1 It is an offence for any person to cause or permit any vehicle other than a hackney carriage to wait on any stand for hackney carriages. Drivers of hackney carriages may only wait on a stand whilst plying for hire or waiting for a fare; drivers who park on a stand and leave their vehicle unattended are committing an offence.

7.15 Rights of Appeal

7.15.1 In general terms, where an applicant is aggrieved by the Council’s decision to refuse to grant, refuse to renew, suspend or revoke a licence, the applicant has a right of appeal to the local Magistrates’ Court. The specific grounds for appeal are detailed in **Appendix K**.

7.15.2 Any appeal must be lodged at the Court within twenty-one days of the applicant receiving notification of the Council’s decision. The appeal must state the grounds upon which the appeal is based.

Vehicle Specifications

APPENDIX A

8 Hackney carriage and private hire vehicles specification and schedule of conditions

8.1 General Construction

8.1.1 Every hackney carriage and private hire vehicle must comply in all respects with these specifications and conditions

8.1.2 Whilst these specifications may have been complied with, a licence may nevertheless be withheld if the Council is of the opinion that any vehicle is unsuitable for public use.

8.2 Age

8.2.1 When first licensed, all vehicles must be less than six years old from the date of first registration.

8.2.2 Saloon, estate, hatchback, or multi-passenger type hackney carriages/private hire vehicles, may be licensed for a maximum of ten years from the date of first registration, subject to six-monthly testing by one of the Council's authorised garages. Each six-monthly test requires the vehicle to obtain a "Compliance Pass Certificate".

8.2.3 Fully Wheelchair Compliant vehicles (Mi specification with side loading for wheelchairs) may be licensed to a maximum of fifteen years from the date of first registration, subject to six-monthly testing by the Council's authorised garage. Each six-monthly test requires the vehicle to obtain a "Compliance Pass Certificate" from one of the Council's nominated garages.

8.2.4 Vehicles meeting this requirement may be licensed until such time as the above requirements cannot be achieved. At such a time, the vehicle will no longer be licensed. Where repair work will not be completed prior to the expiry of the previous licence, a valid renewal application and fee must have been received prior to the previous licence expiry date for this section to apply. The Authority will not renew a vehicle licence if it is more than 10 years old, at the time that it is presented for renewal, unless there are exceptional circumstances, to be decided by Committee.

8.3 Body and Vehicle Colour

8.3.1 The body must normally be of the fixed head type. In the case of a hackney carriage the body colour must be either wholly white or wholly silver.

8.3.2 Where the shade of colour is in dispute it is recommended that the advice of the authorised officer is sought before attempting to licence the vehicle.

8.3.3 If in the opinion of an authorised officer the colour of the vehicle is not white or silver the vehicle will not be licensed.

8.3.4 In the case of a private hire vehicle any colour is permitted.

Vehicle Specifications

- 8.3.5 The vehicle must not be left-hand drive. Right hand drive passenger vehicles offer the drivers clearer and safer vision in an overtaking manoeuvre, and also eliminate the need for a front seat passenger to alight from the vehicle into the road.
- 8.3.6 Passengers conveyed in the vehicle must be provided and a separate means of ingress and egress for the driver must be provided by means of a door on the offside of the vehicle
- 8.3.7 The top of the tread of the lowest step for any entrance, or where there is no step the floor level at the entrance, must not be more than 15 inches (380mm) above ground level when the vehicle is unladen.
- 8.3.8 Passengers' doors must be capable of being readily opened from inside and outside the vehicle by one operation of the latch mechanism, provided that this condition shall not prevent doors being fitted with a child safety lock.

8.4 Windows

- 8.4.1 Private hire and Hackney carriage vehicles must have at least 75 per cent of light passing through the front windscreen, 70 per cent through both front side facing windows, and 50 per cent through all other side facing windows.
- 8.4.2 Vehicles must have windows at the side and rear with ventilation being provided for passengers
- 8.4.3 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 European Union must be fitted.

8.5 Steering

- 8.5.1 The steering wheel must be on the offside of the vehicle and must not be left-hand drive.

8.6 Tyres

- 8.6.1 All tyres at normal pressure under load must have a suitable minimum circumference for correct operation of the taximeter. All tyres, including the spare wheel, must be suitable for use on the vehicle and conform to the requirements of the Original Manufacturers' Specification.
- 8.6.2 Run-flat tyres are acceptable on licensed vehicles.
- 8.6.3 'Space-saver' spare tyres are acceptable on licensed vehicles if they conform to the Original Manufacturers' Specification.
- 8.6.4 If a 'space-saver' spare tyre is used on a licensed vehicle it must only be for the duration of completing the current fare and returning to a garage to obtain a suitable replacement. No further fares may be taken whilst the 'space-saver' spare tyre is being used on the vehicle.

Vehicle Specifications

- 8.6.5 Original Manufacturers' Specification 'tyre repair kits/compressor' are permitted within licensed vehicles provided they comply with the relevant British Standards.
- 8.6.6 If a 'tyre repair kit/compressor' is used on a licensed vehicle in lieu of a spare tyre it must only be for the duration of completing the current fare and returning to a garage to obtain a suitable replacement. No further fares may be taken whilst the tyre repaired with the 'tyre repair kit /compressor' is being used on the vehicle.
- 8.6.7 In view of the high mileage covered by hackney carriage and private hire vehicles, the depth of tyre tread on all vehicles must be a minimum of 2mm.
- 8.6.8 The vehicle must be fitted with an efficient suspension system so designed and constructed that there is no excessive roll or pitch.

8.7 Fuel Tank

- 8.7.1 The filling point for all fuel tanks must be accessible only from the outside of the vehicle and filler caps must be so designed and constructed that they cannot be dislodged by accidental operation.

8.8 Seats

- 8.8.1 Unless the Original Manufacturers' Specification states otherwise, the front seat of the vehicle next to the driver will be regarded as a seat for one passenger only.
- 8.8.2 Passenger seats must be at least forty one centimetres wide per passenger with no significant intrusion by wheel arches, armrests or other parts of the vehicle. Measurements are to be taken laterally along the widest part of the seat.

8.9 Luggage

- 8.9.1 Adequate storage for passenger luggage must be available, adequately separated from the passenger compartment without obstructing any emergency exits. Luggage carried must be suitably secured in place.
- 8.9.2 Estate cars or multi-passenger type vehicles, can cause a safety concern when stacking luggage in the vehicle by the potential danger to passengers should the vehicle have to harshly brake or be involved in an accident. It is recommended that luggage should not be stacked above the height of the rear seats unless the vehicle is designed with, or fitted with suitable luggage restraints or covers to prevent luggage from entering the passenger compartment. Alternatively a guard rail should be fitted.

8.10 Ventilation

- 8.10.1 Vehicles must have windows at the side and rear with ventilation being provided for passengers

8.11 Fire Extinguisher

- 8.11.1 Preferred

Vehicle Specifications

8.12 First Aid Equipment

- 8.12.1 Preferred

8.13 Communication Devices

- 8.13.1 All two-way radio equipment must be of a type currently approved by Ofcom for guidance please use the following link. <https://www.ofcom.org.uk/manage-your-licence/radiocommunication-licences/business-radio/guidance-for-licensees>
- 8.13.2 All radio equipment fitted to the vehicle must be fitted securely and safely in accordance with guidelines set out by Ofcom.
- 8.13.3 Only one two-way radio may be operational in the vehicle at any one time and this shall be an approved licensed radio used exclusively for the hackney carriage or private hire vehicle.
- 8.13.4 The use of a Citizen Band (CB) transmitter or receiver is prohibited.
- 8.13.5 The use of radio-scanning devices is prohibited and such devices must not be fitted or carried in the vehicle.

8.14 Mobile Telephones

- 8.14.1 Mobile Telephones may only be used whilst driving if you have hands-free access, such as:
- A Bluetooth headset
 - Voice command
 - A dashboard holder

If you use your phone hands-free, you must stay in full control of your vehicle at all times.

8.15 Identification Plates

- 8.15.1 Hackney carriages and private hire vehicles are required to **permanently display** licence plates externally on the rear of the vehicle.
- 8.15.2 All vehicles must display a small internal plate containing the same details as the external plate. This plate can be read from both inside and outside of the vehicle and must be positioned at the top of the front nearside corner of the windscreen.
- 8.15.3 External and internal plates remain the property of Tonbridge & Malling Borough Council and must be returned once expired, surrendered, suspended or revoked.
- 8.15.4 Lost plates must be reported within 24 hours or the next working day following a weekend. Lost plates must be replaced before licensed vehicles can continue to work.

8.16 Insignia

- 8.16.1 Hackney carriage vehicles are required to display permanently affixed signage to the front side doors of the vehicle. This signage contains the Council logo and the

Vehicle Specifications

words “Tonbridge & Malling Borough Council” and “TAXI” and shows the plate number.

8.16.2 Private Hire Vehicles required to display permanently affixed signage to the front side doors of the vehicle showing the plate number.

8.16.3 Plate Exempt Private Hire vehicles, Limousines and Special Events Vehicle will be exempt from displaying door insignia.

8.17 Fittings

8.17.1 No fittings other than those approved by the council shall be attached to or carried upon the inside or outside of the vehicle.

8.18 Seat Belts

8.18.1 All vehicles must be fitted with fully operational seat belts, one for each passenger carried, fully compliant with the relevant British Standard, except where legislation specifically provides an exemption.

8.19 Alteration of Vehicle

8.19.1 No material alteration or change in the specification, design, condition or appearance of any vehicle shall be made without the approval of the Council at any time while a licence is in force in respect of that vehicle.

8.19.2 Equipment must not be added or removed from a vehicle which is wheelchair accessible which would render the vehicle incapable of carrying wheelchair bound passengers.

8.20 Maintenance and Condition of the Vehicle

8.20.1 The exterior of all licensed vehicles shall be maintained in a clean, safe and proper manner at all times. In particular, the exterior of the vehicle shall:

- be free of large and/or sharp-edged dents;
- be free of visible rust;
- be free of unrepaired accident damage;
- have uniform paintwork equivalent to that applied by the manufacturer; and
- be maintained in an acceptable state of cleanliness, (discretion may be given during periods of adverse weather).

8.20.2 The interior of all licensed vehicles shall be maintained in a clean, safe and proper manner at all times. In particular, the interior of the vehicle shall:

- be free of all stains to the upholstery;
- be free of all splits and tears to the seats;
- be maintained in an acceptable state of cleanliness; and

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- provide seats functioning in accordance with the Original Manufacturers' Specification.

8.20.3 For the avoidance of doubt, any vehicle that would not pass an Engineer's Report or MOT must not be used until such time as the requirements of the Engineer's Report and MOT can be met.

8.20.4 All licensed vehicles shall be liable to be randomly inspected and tested by an Authorised Council Officer or the Police. If it is discovered during an inspection that a vehicle is not being properly maintained, an Improvement Notice may be served on the owner under Section 68 of the Local Government (Miscellaneous Provisions) Act 1976. This notice will specify the defects and the action required to remedy the problem.

8.20.5 Failure to comply with the requirements of an Improvement Notice will be considered a serious breach of licensing requirements and dealt with accordingly. If the requirements of an Improvement Notice are not rectified within two months, the vehicle licence can be revoked in accordance with Section 68 of the Local Government (Miscellaneous Provisions) Act 1976.

8.20.6 Vehicles must have no damage affecting the structural safety of the vehicle and must not have been written off for insurances purposes at any time.

8.21 Smoking

8.21.1 It is the responsibility of both the driver and the proprietor to ensure no smoking signage, as prescribed by the Health Act 2006, is displayed in all licensed hackney carriages or private hire vehicles at all times

8.21.2 No smoking or the use of E-Cigarettes and Vaping devices is permitted in licensed vehicles by Passengers or Drivers.

8.22 Disability Access

8.22.1 Where a vehicle is utilised for the carriage of wheelchair users, the following conditions shall apply:

- Access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus;
- Wheelchair internal anchorage must be of the manufacturer's design and construction and secured in such a position as to not obstruct any emergency exit;
- A suitable restraint must be available for the occupant of a wheelchair;
- Access ramps or lifts to the vehicle must be securely fixed prior to use, and be able to support the wheelchair, occupant and helper; and
- Ramps and lifts must be securely stored in the vehicle before it may move off.

8.22.2 Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting

Vehicle Specifications

Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307). A current LOLER certificate must be issued and produced to the Licensing authority before a licence is issued. Any such equipment must be maintained in good working order and be available for use at all times.

- 8.22.3 Where a vehicle is designed or adapted to carry a wheelchair, the proprietor shall ensure that the driver has received sufficient training to safely load and convey wheelchair-bound passengers.

8.23 Assistance Dogs

- 8.23.1 Under the Equality Act 2010, licensed drivers of taxis and private hire vehicles are under a duty to carry passengers with guide, hearing and other assistance dogs without additional charge.

When carrying such passengers, drivers have a duty to:

- Convey the disabled passenger's dog and allow it to remain under the physical control of the owner; and
- Not to make any additional charge for doing so.

- 8.23.2 Drivers who, for medical reasons are unable to accept wheelchair users or assistance dogs are able to apply to the Council for an exemption certificate. Such a certificate will only be issued on production of medical evidence. Exemption certificates, which show the photograph of the driver, must be displayed in the vehicle at all times the driver is working.

- 8.23.3 Any other driver who fails to comply with the duty is guilty if a criminal offence and liable, on summary conviction, to a fine of up to £1,000.

- 8.23.4 No animals, other than those falling into the criteria above or those owned by bona-fide fare paying passengers with the agreement of the driver, shall be carried in or on any licensed vehicle whilst the vehicle is so engaged under the terms of its licence.

8.24 Taximeters – Hackney Carriage Vehicles

- 8.24.1 A taximeter must be fitted in all hackney carriages and must be correctly calibrated, sealed and fully functional in accordance with the current Council approved fare structure.

- 8.24.2 All taximeters must be fitted by an approved agent of the taximeter manufacturer, accompanied by a calibration certificate, and also that the taximeter used must be certified / type approved under EU Directive '**2014/32/EU**' (measuring instruments)

- 8.24.3 The taximeter shall be positioned so that the display on the face of the meter may be clearly visible to any person being conveyed in the vehicle at all times. The dial of the taximeter shall be kept properly illuminated throughout any part of the hiring.

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- 8.24.4 The vehicle taximeter shall be brought into operation at the commencement of a journey. When the meter is operating, there shall be recorded on the face of the meter in clearly legible figures, a fare not exceeding the maximum fare that may be charged for that journey
- 8.24.5 An official copy of the Council's fare tariff shall be clearly displayed in the vehicles so as to be plainly visible to passengers carried therein.
- 8.24.6 In the event of a journey commencing in but ending outside the area covered by Tonbridge and Malling Borough Council, there may be charged for the journey, such fare as was agreed before the hiring was effected. If no such agreement was made then the fare to be charged should be no greater than that fixed by the Council in connection with the fare tariff for the hire of hackney carriages.

8.25 Taximeters – Private Hire Vehicles

- 8.25.1 Private hire vehicles are not required to be fitted with a taximeter.

8.26 Roof Sign – Hackney Carriage Vehicle

- 8.26.1 Hackney carriage vehicles, other than those with built-in roof signs, must be fitted with a **white** or **silver** illuminated external sign on the roof of the vehicle. The sign must display either:
- the word "TAXI; or
 - the name and telephone number of the hackney carriage company; or
 - the words "FOR HIRE; or
 - a combination of the above
- 8.26.2 The roof sign and lettering shall be of an appropriate size to enable it to be clearly identifiable to the public.
- 8.26.3 The illuminated external roof sign, including built-in roof signs, must be switched off when the vehicle has been hired and illuminated when available for hire.
- 8.26.4 The roof sign, other than those built-in to the vehicle, must be mounted on the roof and be adequately secured.
- 8.26.5 An additional internal illuminated "FOR HIRE" sign may be fitted in licensed hackney carriages, in a position approved by the Council. The sign's illumination must be switched off when the vehicle has been hired.

Stretch Limousine Vehicles and Special Event Vehicles

9 APPENDIX B

9.1 ADDITIONAL CONDITIONS FOR PRIVATE HIRE LIMOUSINES AND SPECIAL EVENTS VEHICLES

9.2 Stretched Limousines

9.3 Definition

9.3.1 For the purposes of this Policy, a stretch limousine is defined as follows:-

A stretch limousine is a motor vehicle that has been lengthened by the insertion of an additional body section and modified by a coachbuilder to contain luxury facilities and fixtures that;

- *is capable of carrying up to but not exceeding 8 passengers;*
- *prior to the introduction of this Policy could not currently be licensed by the Council as a private hire vehicle; and*
- *is not a decommissioned military or emergency service vehicle.*

All references to limousine within this Policy assume compliance with the above definition.

9.4 Licensing Conditions

9.4.1 Unless specifically stated otherwise below, all requirements relating to the licensing of private hire vehicles apply to limousines. The requirements below are additional requirements specifically for limousines licensed as private hire vehicles.

9.5 Left-Hand Drive

9.5.1 Left-hand drive limousines will be permitted as private hire vehicles.

9.6 Seating

9.6.1 Sideways facing seating will be permitted in limousines providing that it conforms to all relevant road traffic vehicle legislation.

9.7 Roadworthiness

9.7.1 All limousines licensed as private hire vehicles must hold a valid Individual Vehicle Approval (IVA) Certificate.

9.8 Insurance

9.8.1 All limousines licensed as private hire vehicles must have appropriate insurance to cover the provision of a service to the public for hire and reward, taking into account the specification of the vehicle.

Stretch Limousine Vehicles and Special Event Vehicles

9.9 Tyres

- 9.9.1 Given the increased weight of the vehicle, the vehicle must be fitted with tyres of appropriate size and grade to conform to the Original Manufacturers Specification.

9.10 Vehicle Testing

- 9.10.1 All limousines licensed as private hire vehicles must obtain six-monthly test certificates showing that the vehicle has satisfied the standards of the appropriate MOT Class.

9.11 Carrying of Passengers

- 9.11.1 All limousines licensed as private hire vehicles must reduce their seating capacity to a maximum of eight passengers.
- 9.11.2 Passengers shall not be permitted to be carried on any seats in the driver's compartment.
- 9.11.3 The vehicle must not carry more than eight passengers at any time. For the purpose of counting passengers, a child of any age will be classed as a passenger.

9.12 Advertising

- 9.12.1 In any advertisement publicising a limousine service, the advertisement must state that the vehicle is only licensed to carry eight passengers.

9.13 Seat Belts

- 9.13.1 Seatbelts complying with all relevant legislation must be fitted to all forward and rear facing seats and must be worn by passengers at all times the vehicle is in motion.
- 9.13.2 There is no legal requirement for seatbelts to be fitted on sideways facing seats; however, if they are fitted they must be worn by passengers at all times the vehicle is in motion.

9.14 Provision of Alcohol

- 9.14.1 Alcoholic drinks may only be provided in the vehicle when the vehicle is complying with all relevant requirements of the Licensing Act 2003.
- 9.14.2 Alcohol shall only be served whilst the vehicle is stationary. Whilst the vehicle is in motion, all receptacles containing alcohol shall be securely stored.
- 9.14.3 Persons under the age of 18 must not be served alcohol.
- 9.14.4 All glassware used in the vehicle must be made of shatterproof glass, or alternatively be made of plastic. The vehicle proprietor should also be aware of the Council's Statement of Licensing Policy in respect of the Licensing Act 2003.

Stretch Limousine Vehicles and Special Event Vehicles

9.15 Provision of Entertainment

- 9.15.1 The driver shall not play or permit the performance of any media that, given its age classification or content, is unsuitable for the age of the youngest passenger in the vehicle.
- 9.15.2 The limousine proprietor shall ensure that a Performing Rights Society (PRS) Licence and Phonographic Performance Licence (PPL) are held for the vehicle, where appropriate.
- 9.15.3 If the limousine parks to provide some form of licensable entertainment for its passengers, only entertainment complying with the relevant requirements of the Licensing Act 2003 shall be permitted.

9.16 Luggage

- 9.16.1 Limousines licensed as private hire vehicles are not permitted to carry luggage within the passenger compartment of the vehicle.

9.17 Safety Hammer

- 9.17.1 Limousines licensed as private hire vehicles must carry a safety hammer capable of being used to break the window glass of the vehicle. The hammer must be securely located within the driver's compartment.

9.18 Driver and Operator Licensing Requirements

- 9.18.1 A proprietor offering limousines licensed as private hire vehicles for hire in Tonbridge and Malling Borough Council must hold a private hire operators' licence with the Council.
- 9.18.2 All bookings for a limousine licensed as a private hire vehicle must be booked through the licensed private hire operator.
- 9.18.3 Once licensed in Tonbridge and Malling Borough Council as a private hire vehicle the limousine can only be driven by a private hire driver licensed by the Council. This applies at all times whilst the vehicle holds a private hire vehicle licence.
- 9.18.4 All drivers and operators of limousines licensed as private hire vehicles are required to satisfy all appropriate requirements of this Policy.

9.19 Vehicle Testing Stations

- 9.19.1 Limousines licensed as private hire vehicles will be required to provide six-monthly MOT certificates from a VOSA goods vehicle testing station, or alternatively a VOSA approved class 5 testing station, that has appropriate facilities.

9.20 Special Events Vehicles

- 9.20.1 Unless specifically stated otherwise below, all requirements relating to the licensing of private hire vehicles apply to Special Events Vehicles. The requirements below are additional requirements specifically for Special Events Vehicles licensed as private hire vehicles.

Stretch Limousine Vehicles and Special Event Vehicles

9.20.2 For the purposes of this Policy, a Special Events Vehicle is defined as follows:

- Decommissioned emergency service vehicles
- Vintage and luxury vehicles (where the normal private hire vehicle age limits would exclude them)
- Other non-standard type converted vehicles used for special events.

9.20.3 The ability to licence a vehicle as a Special Events Vehicle will be restricted to those defined in 8.20.2. Mass produced saloon cars or wheelchair accessible vehicles will be required to be licensed under the normal Hackney Carriage and Private Hire requirements.

9.21 Age of the vehicle

9.21.1 All vehicles licensed for the first time must be no more than six years old from the date of first registration. This is not the requirement for Special Event Vehicles. There will be no maximum age as with stretched limousines however the vehicles must remain in good condition and pass regular compliance tests.

9.21.2 Vehicles will be inspected by an authorised officer before a licence is granted and thereafter annually at the point of renewal. Special Events Vehicles will also be required to complete six monthly MOT and Compliance Tests in the same way a standard Hackney Carriage or Private Hire vehicle must.

9.22 Vehicle Standards

9.22.1 The vehicle must be clean and well maintained. There should be no rust on the bodywork and paint and chrome areas must be in good condition.

9.22.2 Left hand drive vehicles will be permitted,

9.22.3 All vehicles licensed as private hire vehicles must reduce their seating capacity to a maximum of eight passengers.

9.22.4 The vehicle must not carry more than eight passengers at any time. For the purpose of counting passengers, a child of any age will be classed as a passenger.

9.22.5 An authorised officer will certify the vehicle for the carriage of an appropriate number of passengers and no passengers over that number should be carried. In addition, no more than eight passengers should be carried.

9.22.6 The fitting of a taxi meter in a Special Events Vehicle is prohibited.

9.23 Special Events Vehicle Conditions

9.23.1 Any vehicle licensed, regardless of age must be presented for an MOT and Compliance at a nominated garage every six months.

9.23.2 If a Special Events Vehicle cannot be MOT tested at a nominated garage due to its size or the unusual nature of the vehicle, the MOT can be carried out where possible with authorisation of an authorised officer and then the compliance test can be carried out at a nominated garage.

Stretch Limousine Vehicles and Special Event Vehicles

- 9.23.3 The vehicle shall be maintained in a sound mechanical and structural condition at all times.
- 9.23.4 The vehicle must remain in an excellent visual standard, this includes the quality of the paintwork, physical condition including doors, all body panels, bumpers and interior floors. These areas must remain in a good condition, free from rust, holes, broken metal and any other visible damage.
- 9.23.5 The interior of the vehicle should be kept to the highest standard possible. It must be clean and free from any tears, damage or dirt.
- 9.23.6 All special events vehicles licensed as private hire vehicles must have appropriate insurance to cover the provision of a service to the public for hire and reward, taking into account the specification of the vehicle.
- 9.23.7 In any advertisement publicising a limousine service, the advertisement must state that the vehicle is only licensed to carry eight passengers.
- 9.23.8 Alcoholic drinks may only be provided in the vehicle when the vehicle is complying with all relevant requirements of the Licensing Act 2003. Alcohol shall only be served whilst the vehicle is stationary. Whilst the vehicle is in motion, all receptacles containing alcohol shall be securely stored.
- 9.23.9 A proprietor offering Special Events Vehicles licensed as private hire vehicles in Tonbridge and Malling Borough Council must hold a private hire operators' licence with The Council.

9.24 Limitations of Use

- 9.24.1 Vehicles issued with a Special Events licence must only be used for special occasions and executive business contracts. Vehicles licensed under the Special Events Vehicle category must not be used for everyday Private Hire work.
- 9.24.2 Records of all work undertaken by a Special Events Vehicle must be recorded on the Private hire Operators Licence.
- 9.24.3 Special Events Vehicles will be exempt from the requirements to display licence plates and "Pre-booked only" door stickers. It is still a requirement for exempt vehicles to carry the licence plate in the boot of the vehicle at all times.
- 9.24.4 Drivers of Special Events Vehicle are required to observe a formal dress code or appropriate attire for the nature of the vehicle.
- 9.24.5 A licence for a Special Events Vehicle maybe suspended, revoked or not renewed if the vehicle is no longer considered, in the opinion of an authorised officer, to comply with these requirements and all of the criteria set out in these conditions.
- 9.24.6 Once licensed by Tonbridge and Malling Borough Council as a private hire vehicle the Special Events Vehicle can only be driven by a private hire driver licensed by the Council. This applies at all times whilst the vehicle holds a private hire vehicle licence

Application procedure - Vehicles

10 APPENDIX C

10.1 VEHICLES

10.2 New licences and renewal licences

10.2.1 An applicant will need to complete, in full, the necessary application forms as follows:-

- New application for hackney carriage vehicle licence
- Renewal application for hackney carriage vehicle licence
- New application for private hire vehicle licence
- Renewal application for private hire vehicle licence

10.2.2 There is a requirement for Basic DBS check for vehicle proprietors who do not hold a licence to driver a PH/HC vehicle

10.2.3 The following documents must also be produced:-

- **The Vehicle Registration Document issued by the DVLA.** (If this is not available at the time of purchasing the vehicle then proof of ownership is required).
- **Insurance Certificate confirming the vehicle is covered for 'Hire and Reward'** (if a cover note is provided licence holders are required to produce further insurance certificates on or before the expiry of the cover note). When submitting an application an original certificate needs to be produced in person or by email.

Photocopies will be taken of all documents which will be retained and the originals returned to the applicant.

10.2.4 The relevant fee must also be paid.

10.2.5 Officers may only accept complete applications comprising of all the necessary paperwork. Documentation must be submitted in sufficient time to take into account that a minimum of one week is required before the appropriate licence can be issued.

10.2.6 Once the documentation has been validated a test voucher will be issued authorising the applicant to take the vehicle to one of the testing centres of his choice.

10.2.7 Once the vehicle has been successfully MOT and Compliance tested a pass certificate will be issued by the garage which enables the driver to collect his vehicle licence plates.

10.3 Replacement Vehicle - existing hackney carriage or private hire vehicle

10.3.1 If, during the term of the vehicle licence, it becomes necessary to replace the existing vehicle with another, for example in the case of an accident, all of the

Application procedure - Vehicles

supporting documents as detailed above must be submitted. A test voucher will then be issued and following a successful pass, a temporary licence plate will be issued.

- 10.3.2 When processing applications for replacement plates the licensing team will endeavour to provide a fast turnaround provided all the documentation submitted is valid and the appropriate fee is paid.
- 10.3.3 There will an administration fee charged for this process which takes into account the supply of a new vehicle plate.
- 10.3.4 This service will only be undertaken through an approved replacement vehicle company specified by the proprietor's insurance company.

10.4 Transfer of an existing hackney carriage or private hire vehicle

- 10.4.1 Documentation as described above must be provided and must be submitted in sufficient time to take into account that a minimum of one week is required before the appropriate licence can be issued.
- 10.4.2 A fee will be charged for this application.

Application procedure - Driver

11 APPENDIX D

11.1 Driver's application

11.1.1 An applicant will need to complete an application form for the following:-

- New application for hackney carriage drivers licence
- Renewal application for hackney carriage drivers licence
- New application for private hire drivers licence
- Renewal application for private hire drivers licence

11.1.2 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.

11.2 New Drivers

11.2.1 The following documentation must then be provided before a drivers' badge will be issued, which will be photocopied and originals returned to applicant:

- **Full UK (or equivalent) Drivers licence** which has been held for at least 12 months

Where applicants have recently arrived from countries within the European Union, any driving licence entitlement held in that country will automatically count towards the qualification requirement for the issue of a hackney carriage or private hire vehicle driver's licence.

Where applicants have recently arrived from other, non-EU countries, it is possible for them to convert any existing driving licence to a UK issue, either by straight transfer or by undertaking an appropriate driving test. The Council requires that the twelve month qualifying period for holding a drivers licence is adhered to.

- **A Driving test pass certificate (for taxi drivers)** for hackney carriage and private hire drivers.
- **A medical certificate**, obtained from the Council's medical provider or the applicant's own GP, indicating that the applicant is physically fit and able to fulfil the role, to DVLA Vocational Group 2 Standards.
- **A completed application form for an Enhanced Disclosure and Barring Service Check.** All overseas applicants who have resided in this country for less than three years must obtain a Certificate of Good Conduct from their relevant embassy or consulate, at the applicant's expense, authenticated, translated and sealed by the embassy or consulate.
- **A Form permitting work in the UK** - Any foreign national will be required to give details of any residency outside the UK and sign a declaration that they are permitted to work in the UK. Applicants must also provide a document to evidence that they are permitted to work in

Application procedure - Driver

the UK. **A Home Office check will be carried out if an authorised officer deems it necessary under the Immigration Act 2016.**

- **DVLA Share your Driving Licence Information Code** – this enables the Council to view an applicant’s driving licence on the gov.uk website.
- **Knowledge Test** - New applicants will also be required to pass a Geographical/topographical examination of the Borough, known as the knowledge test. Details of this test are contained in **Appendix E** to this policy.

NB: The guidance shown above may be reviewed subject to the UK current Brexit negotiations.

- 11.2.2 The appropriate fee must be paid. Upon successful completion of the application procedure, applicants will be issued with a paper licence and also a driver’s badge which shall remain the property of the Council and must be surrendered when the driver ceases employment.

11.3 Drivers renewing licences

- 11.3.1 The following documentation must then be provided before a drivers’ badge will be issued, which will be photocopied / scanned and originals returned to applicant:

- **Full UK (or equivalent EU) Drivers licence**
- **A medical certificate**, obtained from the Council’s medical provider or the applicant’s own GP, indicating that the applicant is physically fit and able to fulfil the role, to DVLA Vocational Group 2 Standards. Medicals must be completed prior to completion of the renewal. Renewed Badges will not be issued before the Medical is completed.
- **A completed DBS form** for an Enhanced Disclosure and Barring Services (DBS) Check.
- **DVLA Share your Driving Licence Information Code** – this enables the Council to view an applicant’s driving licence on the gov.uk website.
- **A Form permitting work in the UK** - Any foreign national will be required to give details of any residency outside the UK and sign a declaration that they are permitted to work in the UK. Applicants must also provide a document to evidence that they are permitted to work in the UK. A Home Office check will be carried out if an authorised officer deems it necessary under the Immigration Act 2016.

NB: The guidance shown above may be reviewed subject to the UK current Brexit negotiations.

- 11.3.2 Applicants will be issued with a paper licence and also a driver’s badge which shall remain the property of the Council and must be surrendered when the driver ceases employment.

Application procedure - Driver

- 11.3.3 A copy of the drivers paper licence can be stored onto electronic devices (PDA's) rather than in paper format in the licensed vehicle.

11.4 Private Hire Operators

- 11.4.1 The following documentation must be provided before an operator's licence will be issued, which will be photocopied and originals returned to applicant:
- Application form
 - Proof of public liability insurance for the premises to be licensed if the public have access
 - The appropriate fee
 - A list of vehicles that will be recorded on the Operator's Licence
 - A list of Drivers working for the Operator

11.5 Applications general

- 11.5.1 If the application form contains any details to suggest that any relevant convictions or cautions have been imposed on the applicant since the licence was last issued or renewed, an authorised officer will discuss the matter with the applicant.
- 11.5.2 At that time it will be decided whether the application is likely to be successful in the light of the Council's Policy of the Relevance of Convictions as detailed in **Appendix D**, either by approval by authorised officers, or by reference to the Director of Central Services.
- 11.5.3 In both cases, the DBS check will be applied for before any further consideration of the application.
- 11.5.4 When the DBS check has been returned, the application will be considered in the light of the information provided. It is therefore necessary to ensure that details of ALL convictions and cautions are provided at the initial stage. A serious view will be taken of any application which seeks to conceal any caution or conviction in order to obtain a Licence. This will lead to automatic referral to the Licensing & Appeals Panel for consideration as to whether the applicant is a 'fit and proper person'. Applications will normally be refused where an applicant has sought to conceal information on their application form.
- 11.5.5 Tonbridge and Malling Borough Council will have regard to this policy and the Institute of Licensing "Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades – April 2018" (A copy is available on the Councils website)
- 11.5.6 Any information relating to criminal background will only be kept as long as it is necessary for assessment purposes.
- 11.5.7 In the event of an application being refused the applicant has the right of appeal to Magistrates' Court, such appeal to be lodged within 21 days of the decision being notified.
- 11.5.8 **Where an application for a licence is refused (either a new application or a renewal), or a licence is revoked, a further application from the applicant/**

Application procedure - Driver

licence holder will not normally be considered for a period of two years from the date of refusal or revocation as the case may be. If the licence was refused/revoked due to relevant information on a DBS certificate/or result of a DVLA check, then an application will not be accepted until the relevant time period has elapsed as each offence carries a different time period where an application would be accepted.

12 APPENDIX E

12.1 GUIDELINES RELATING TO THE RELEVANCE OF PREVIOUS CONVICTIONS

12.2 General Policy

- 12.2.1 Each case will be decided on its own merits.
- 12.2.2 The overriding consideration is the safety of the public. The Council has a duty to ensure so far as possible that those licensed to operate private hire vehicles or to drive hackney carriage and private hire vehicles are suitable persons to do so, that they are safe drivers with good driving records and adequate experience, sober, courteous, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault passengers.
- 12.2.3 A person with a current conviction for a serious crime need not be permanently barred from obtaining a licence but should be expected to (a) remain free of conviction for an appropriate period and (b) show adequate evidence of good character from the time of the conviction. Simply remaining free of conviction will not generally be regarded as sufficient evidence of good character.
- 12.2.4 Where a person has been arrested and charged with an offence relating to traffic offences, drink/drug driving, violent or safeguarding offences there is a requirement to inform the licensing team within 48 hours of arrest
- 12.2.5 Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour which will be taken into account.
- 12.2.6 An admission of guilt is required before a caution can be issued by the police. Although the Local Authority recognises that cautions are deemed to be a lower level offence these are still taken into consideration when determining an application.
- 12.2.7 For the purpose of these guidelines formal cautions and endorsed fixed penalties shall be treated as though they were convictions and must be disclosed.
- 12.2.8 The following examples afford a general guide on the action which might be taken where convictions are disclosed and the lists provided are not exhaustive.
- 12.2.9 Tonbridge and Malling Borough Council will have regard to this policy and the Institute of Licensing "Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades – April 2018" (A copy is available on the Councils website)

Previous Convictions

12.3 Offences of Dishonesty

- 12.3.1 Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare and in other ways.
- 12.3.2 Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing. Passengers may comprise especially of vulnerable people.
- 12.3.3 For these reasons a serious view is taken of any convictions involving dishonesty. In general, a period of 4 years free of conviction will be required before an application is likely to be considered.
- 12.3.4 In particular, an application will normally be refused where the applicant has a conviction for an offence of:-

Theft	Theft Act 1968 Section 7
Burglary	Theft Act 1968 Section 9
Fraud	Fraud Act 2006 Section 1
Benefit fraud	Social Security Administration Act 1992
Handling or receiving stolen goods	Theft Act 1968 Section 22
Forgery	Forgery Counterfeiting Act 1981
Conspiracy to defraud	Common Law Offence
Obtaining money or property by deception	Fraud Act 2006 Section 5
Any other offence involving dishonestly	Dependent on offence
And the conviction is less than 7 years prior to the date of the application.	

Previous Convictions

12.4 Violence

12.4.1 As hackney carriage and private hire drivers maintain close contact with the public, in general a period up to 10 years free of conviction for offences involving violence (depending on the nature and seriousness of the offence) will be required before an application is likely to be considered favourably.

12.4.2 An application will normally be refused where the applicant has a conviction for an offence of:-

Murder	Common Law Offence
Manslaughter	Common Law Offence
Malicious wounding or grievous bodily harm	Offences Against the Persons Act 1861 Sections 18-20
Grievous bodily harm with intent	Offences Against the Persons Act 1861 Sections 18-20
Actual bodily harm	Offences Against the Persons Act 1861 Section 47
And the conviction is less than 10 years prior to the date of application.	

12.4.3 An application will normally be refused where the applicant has a conviction for an offence of:-

Criminal damage	Crime and Disorder Act 1998
Racially-aggravated criminal damage	Crime and Disorder Act 1998 Section 30
Harassment/ - alarm distress (Public Order Act 1986)	Public Order Act 1986
And the conviction is less than 8 years prior to the date of application.	
Exception - Crimes resulting in death	
Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.	

Previous Convictions

12.4.4 An application will normally be refused where the applicant has a conviction for an offence of:-

Common assault / Battery	Criminal Justice Act 1988 Section 39
Assault occasioning actual bodily harm	Crime and Disorder Act 1998 Section 30
Harassment/ - alarm distress	Public Order Act 1986
Assault on a police officer	Police Act 1996 Section 89(1)
Affray	Public Order Act 1986 Section 3
Riot	Public Order Act 1986 Section 1
Obstruction	Summary Offences Act 1981 Section 22
Possession of offensive weapon	Prevention of Crime Act 1953 Section 1A
Possession of firearm	Firearms Act 1968 Section 5
Violent disorder	Public Order Act 1986 Section 2
Resisting arrest	Police Act 1996 Section 89(1)
And the conviction is less than 10 years prior to the date of application.	

12.5 Drugs

12.5.1 Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

12.5.2 Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have

Previous Convictions

elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.

12.6 Drunkenness not in a motor vehicle

- 12.6.1 An isolated conviction for drunkenness need not debar an applicant from gaining a licence. In some cases, a warning may be appropriate. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination and refusal of a licence.
- 12.6.2 In addition, applicants will normally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if (s)he was an alcoholic.

12.7 Sexual Offences

- 12.7.1 Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted.
- 12.7.2 In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.

Rape	Sexual Offences Act 2003 Section 1
Sexual assault	Sexual Offences Act 2003 Section 3
Gross indecency with a female	Sexual Offences Act 1956 Section 14
Gross indecency with a male	Sexual Offences Act 1956 Section 15
Child sex offences	Sexual Offences Act 2003 Sections 9 – 13.
Buggery	Sexual Offences Act 1956 Section 12
Persistently soliciting a woman for prostitution	Sexual Offences Act 2003 Section 51A
Is on the sex offenders register	Sexual Offences Act 2003

Previous Convictions

12.8 Exploitation

12.8.1 Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

12.9 Motoring Convictions

12.9.1 Major Traffic Offences

12.9.2 An isolated conviction, without disqualification, for an offence such as dangerous driving or driving without due care and attention will require careful consideration of the facts and will at the very least merit a warning as to future driving and advice on the standard expected of hackney carriage and private hire vehicle drivers. However, where the conviction is within 6 months prior to the date of the application the application will normally be refused.

12.9.3 More than one conviction for this type of offence within the last 5 years is likely to merit refusal.

12.9.4 A list of offences to which this paragraph applies can be found below:

MAJOR TRAFFIC OFFENCES

12.9.5

Offence code	Description of offence
AC10	Failing to stop after an accident
AC20	Failing to give particulars or to report an accident within 24 hours
AC30	Undefined accident offences
BA10	Driving while disqualified by order of court
BA20	Attempting to drive while disqualified by order of court
CD10	Driving without due care and attention
CD20	Driving without reasonable consideration for other road users
CD30	Driving without due care and attention or without reasonable consideration for other road users
CD40	Causing death through careless driving when unfit through drink

Previous Convictions

CD50	Causing death by careless driving when unfit through drugs
CD60	Causing death by careless driving with alcohol level above the limit
CD70	Causing death by careless driving then failing to supply a specimen for analysis
DD40	Dangerous driving
DD60	Manslaughter or culpable homicide while driving a vehicle
DD80	Causing death by dangerous driving
Offence code	Description of offence
DD90	Furious driving
DR10	Driving or attempting to drive with alcohol level above limit
DR20	Driving or attempting to drive while unfit through drink
DR30	Driving or attempting to drive then failing to supply a specimen for analysis
DR40	In charge of a vehicle while alcohol level above limit
DR50	In charge of a vehicle while unfit through drink
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
DR70	Failing to provide specimen for breath test
DR80	Driving or attempting to drive when unfit through drugs
DR90	In charge of a vehicle when unfit through drugs
DG10	Driving or attempting to drive with drug level above the specified limit
DG 60	Causing death by careless driving with drug level above the limit
IN 10	Using a vehicle uninsured against third party risks
LC20	Driving otherwise than in accordance with a licence
LC30	Driving after making a false declaration about fitness when applying for a licence
LC40	Driving a vehicle having failed to notify a disability
LC50	Driving after a licence has been revoked or refused on medical grounds
MS50	Motor racing on the highway
MS60	Offences not covered by other codes
UT50	Aggravated taking of a vehicle

Previous Convictions

Aiding, abetting, counselling or procuring

Offences as coded above, but with 0 changed to 2 (e.g. IN10 becomes IN12)

Causing or permitting

Offences as coded above, but with 0 changed to 4 (e.g. IN10 becomes IN14)

Inciting

Offences as coded above, but with 0 changed to 6 (e.g. IN10 becomes IN16)

12.10 Drunkenness involving a motor vehicle

- 12.10.1 A serious view will be taken of convictions of driving or being in charge of a vehicle while under the influence of drink. Where a disqualification has occurred as a result of a drink-driving offence, at least 7 years free from conviction should elapse after the restoration of the DVLA licence before an applicant is granted a licence.
- 12.10.2 An isolated conviction for drunkenness, without disqualification, will require careful consideration of the facts and will at the very least merit a warning as to future driving and advice on the standard expected of hackney carriage and private hire vehicle drivers. More than one conviction for this type of offence or one such offence within the last 7 years is likely to merit refusal.
- 12.10.3 In addition, applicants will normally be required to show a period of at least 7 years has elapsed after completion of detoxification treatment if (s)he was an alcoholic.

12.11 Drink driving/driving under the influence of drugs

- 12.11.1 Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

12.12 Minor Traffic Offences

- 12.12.1 Isolated convictions for minor traffic offences should not prevent a person from proceeding with an application. However, the number, type and frequency of this type of offence will be taken into account and if there are several offences of this nature the applicant will normally be expected to show a period free of conviction of at least 6 months.
- 12.12.2 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. All applications with 6 or more points will be considered by the Licensing and Community Safety Manager to determine appropriate action.
- 12.12.3 A list of offences to which this paragraph applies can be found below:

Previous Convictions

MINOR TRAFFIC OFFENCES

Offence code	Description of offence
MS60	Leaving a vehicle in a dangerous position
MS20	Unlawful pillion riding
MS30	Play street Offences
MS40	Driving with uncorrected defective eyesight or refusing to submit to a test
MS70	Driving with uncorrected defective eyesight
MS80	Refusing to submit to an eyesight test
MS90	Failure to give information as to identity of driver, etc.
MW10	Contravention of Special Road Regulations (excluding speed limits)
Offence code	Description of offence
PC10	Undefined contravention of Pedestrian Crossing Regulations
PC20	Contravention of Pedestrian Crossing Regulations with moving vehicle
PC30	Contravention of Pedestrian Crossing Regulations with stationary vehicle
TS10	Failing to comply with traffic light signals
TS20	Failing to comply with double white lines
TS30	Failing to comply with a "Stop" sign
TS40	Failing to comply with direction of a constable or traffic warden
TS50	Failing to comply with traffic sign (excluding "Stop" sign, traffic lights or double white lines)
TS60	Failing to comply with school crossing patrol sign
TS70	Undefined failure to comply with a traffic direction sign

Aiding, abetting, counselling or procuring

Offences as coded above, but with 0 changed to 2 (e.g. PC10 becomes PC12)

Causing or permitting

Offences as coded above, but with 0 changed to 4 (e.g. PC10 becomes PC14)

Inciting

Offences as coded above, but with 0 changed to 6 (e.g. PC10 becomes PC16)

Previous Convictions

12.13 Hybrid Traffic Offences

12.13.1 Offences of the type listed below will be treated as major traffic offences if the court awarded 4 or more penalty points for the offence and as minor traffic offences if the court awarded 3 or less penalty points for the offence.

Offence code	Description of offence
CU10	Using vehicle with defective brakes
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
CU30	Using a vehicle with defective tyre(s)
Offence code	Description of offence
CU40	Using a vehicle with defective steering
CU40	Using a vehicle with defective steering
CU50	Causing or likely to cause danger by reason of load or passengers
CU80	Breach of requirements as to control of the vehicle, mobile telephone etc.
SP10	Exceeding goods vehicle speed limit
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
SP30	Exceeding statutory speed limit on a public road
SP40	Exceeding passenger vehicle speed limit
SP50	Exceeding speed limit on a motorway
SP60	Undefined speed limit offence

Aiding, abetting, counselling or procuring

Offences as coded above, but with 0 changed to 2 (e.g. CU10 becomeCU12)

Causing or permitting

Offences as coded above, but with 0 changed to 4 (e.g. CU10 becomesCU14)

Inciting

Offences as coded above, but with 0 changed to 6 (e.g. CU10 becomes CU16)

12.14 Using a hand-held device whilst driving

12.14.1 Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

Previous Convictions

12.15 Motoring Convictions Offences Table

Traffic Offences	Comment	Attendance at a Hearing
Minor	Up to and including 9 points on your licence	Licensing Officer discretion
Major	Up to and including 6 points on your licence	Licensing Officer discretion (depending on the offence)
	Over 6 points on your licence	You will be required to attend a Hearing
Hybrid	Up to and including 6 points on your licence	Licensing Officer discretion (depending on the offence)
	Over 6 points on your licence (Except Speeding)	You will be required to attend a Hearing
Speeding Offences	SP (Speeding offences) - Up to and including 9 points on your licence	Licensing Officer discretion
	SP (Speeding offences) - Over 9 points on your licence	You will be required to attend a Hearing

12.16 Disqualification

- 12.16.1 Where an applicant has been disqualified from driving because of a major traffic offence the application will generally be refused unless a period of 2 years free from conviction has elapsed from the restoration of the DVLA licence.
- 12.16.2 Where several minor traffic offences have resulted in the applicant being disqualified from driving for a period of time this will normally be taken as reflecting seriously on the applicant's driving standard. Generally, a period of 12 months free from conviction must have elapsed from the restoration of the DVLA licence.
- 12.16.3 In "totting-up" cases where disqualification is considered by the court, even if the court does not disqualify a driver (e.g. because of exceptional circumstances) the Council is likely to refuse a hackney carriage or private hire driver's licence because different criteria apply and an applicant will normally be expected to show a period of 12 months free from conviction from the date the court made its finding of exceptional circumstances justifying the non-disqualification.

12.17 Offences under the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847

- 12.17.1 One of the main purposes of the licensing regime set out in the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 ("the Acts") is to ensure the protection of the public. For this reason a serious view is taken of convictions for offences under the Acts (including illegally plying

Previous Convictions

for hire) when deciding whether an applicant is to be treated as a fit and proper person to hold a licence.

- 12.17.2 In particular, an applicant will normally be refused a licence where (s)he has been convicted of an offence under the Acts at any time during the 6 months preceding the application or has more than one conviction within the last 2 years preceding the date of the application.

12.18 Spent Convictions and the Principles of The Rehabilitation of Offenders Act 1974

- 12.18.1 Under the 1974 Act, criminal convictions can become spent after a certain period of time, and once spent, for many purposes, can be disregarded completely.
- 12.18.2 The possibility of rehabilitation and the length of time before rehabilitation occurs is dependent on the sentence imposed, and not the offence committed.
- 12.18.3 Where a person is sentenced to imprisonment for a period exceeding thirty months, the conviction can never be spent.
- 12.18.4 Despite the above, the principles of the Act do not apply to applicants for hackney carriage and private hire drivers' licences. This is because the driving of these vehicles is listed as a 'Regulated Occupation' in relation to which questions may be asked as to the suitability of individuals to be granted a licence.
- 12.18.5 Although the Act does not prevent any judicial authorities, including the Licensing Authority, from taking spent convictions into account, such convictions are only admissible in so far as they are relevant to the issue as to whether the applicant is a 'fit and proper person' to hold a licence.
- 12.18.6 The determination as to whether certain convictions are spent, therefore, may be a relevant exercise.
- 12.18.7 The rehabilitation periods to which reference is most commonly made are set out below. For further details on the periods of rehabilitation applicable to all sentencing options, reference will need to be made to a specialist textbook on the Act

Sentence	Rehabilitation Period
Sentence of imprisonment or detention exceeding six months but not exceeding thirty months	Four years
Sentence of cashiering, discharge with ignominy or dismissal with disgrace from Her Majesty's Service	One year
Sentence of imprisonment not exceeding six months	Two years
Sentence of dismissal from Her Majesty's Service	One year

Previous Convictions

Sentence	Rehabilitation Period
Sentence of detention in respect of a convictions in services disciplinary proceedings	One year
A fine, compensation, probation, community service or combination order	One year
Absolute discharge	Six months
Conditional discharge	Last day on which the order is to have effect.
Action plan, curfew, drug treatment and testing order, or reparation order	Last day on which the order is to have effect.

Driver Knowledge Tests

13 APPENDIX F

13.1 DRIVER KNOWLEDGE TESTS

Introduction

- 13.1.1 All new applicants for either a private hire, dual or hackney drivers badge will need to take a written knowledge test.
- 13.1.2 Applicants wishing to sit the Knowledge Test should complete the booking form which can be found on the councils website and return it with the appropriate fee in order to be allocated a place on the next available Knowledge Test.
- 13.1.3 After a booking form and fee has been submitted, candidates must sit at least one test in a six month period.
- 13.1.4 Revision Material will be supplied, by email, before the test takes place. This will include the Knowledge Test booklet and a copy of the current hackney carriage and private hire licensing policy. When marking Section One for the Routes, we will use Google Maps.
- 13.1.5 All elements of the test must achieve the required pass mark. For Hackney Carriage and Dual tests, the required pass mark for the routes is 80%, with all successful candidates achieving an overall pass mark of 70%. For Private hire applicants, an overall pass mark of 70% is required.
- 13.1.6 A candidate can retake the Test until they reach the required pass mark as long as the required fee is paid for each resit.
- 13.1.7 Knowledge Test will be held a minimum of four times per year.
- 13.1.8 If an authorised officer has reason to believe that a candidate is cheating or has cheated, they will be disqualified from the test and another application will not be accepted for a period of one year.
- 13.1.9 Candidates may not use any device to assist them in the Knowledge Test; this includes but is not exclusive to – Mobile Phones, Satellite Navigation devices and copies of Maps.
- 13.1.10 Tests will be marked within 7 days and applicants will be informed of the result by email.
- 13.1.11 Authorised officers will not enter into any discussion regarding the outcome of the test and any queries or questions should be sent by email to the Licensing Team.

Driver Knowledge Tests

13.2 The Knowledge Test

13.2.1 The test will consist of various sections including the following –

- Routes
- Places of Interest
- Local amenities and sports and leisure facilities
- Locating towns and villages on a map
- Math and English
- Current policy and legislation

13.2.2 The Tonbridge & Malling Knowledge Test is subject to change without prior notice. However all those candidates that are waiting to sit the test will be supplied with an updated Knowledge Test booklet prior to the test they have been allocated a place on.

Private Hire Drivers Conditions

14 APPENDIX G

14.1 PRIVATE HIRE DRIVER'S LICENCE CONDITIONS

Conduct of Driver

- 14.1.1 The holder of a private hire driver's licence (hereafter known in this Appendix as the driver) shall comply with the following conditions, which should be read in conjunction with the Code of Conduct set out in **Appendix I**
- 14.1.2 The driver shall be respectably dressed, clean and tidy in appearance at all times whilst his vehicle is being made available for hire.
- 14.1.3 The driver shall at all times, when acting in accordance with the drivers licence granted to him, wear such badge as supplied by the Council in such a position and manner as to be plainly and distinctly visible at all times.
- 14.1.4 The driver shall not lend the badge to any other person or cause or permit any other person to wear it.
- 14.1.5 All licences, badges and plates remain the property of the Council at all times. They must be returned forthwith when employment as a licensed driver ceases, the licence expires or is not renewed, or where the licence is suspended or revoked.
- 14.1.6 The driver shall behave in a civil, polite and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in, or entering or alighting from, the vehicle.
- 14.1.7 The driver shall not wilfully or negligently cause or permit the vehicle licence plate to be concealed from public view, or allow the licence plate to be so defaced as to make any figure or information illegible.
- 14.1.8 The driver who has agreed to, or has been hired to, be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such appointed time and place.
- 14.1.9 The driver when hired to drive to a particular destination shall proceed to that destination by the shortest available route.
- 14.1.10 The driver shall not convey, or permit to be conveyed, in such vehicle any greater number of persons than the number of persons specified on the vehicle licence.
- 14.1.11 The driver shall convey a reasonable amount of luggage and afford reasonable assistance in loading and unloading luggage.
- 14.1.12 The driver must not solicit, by calling out or otherwise importune, any person to hire or be carried for hire and must not accept an offer for the hire of the vehicle except where that is first communicated to the driver by PDA, Radio or telephone from the Operator.

Private Hire Drivers Conditions

- 14.1.13 The vehicle shall be presented in a clean and tidy condition for each journey.
- 14.1.14 The private hire vehicle must only be driven with the consent of the proprietor of the vehicle.
- 14.1.15 The driver must not drink or eat in the vehicle whilst in the presence of customers.
- 14.1.16 The driver must comply with any hirer's request not to play any radio or sound equipment which is not connected with the operation of the business.
- 14.1.17 The driver must ensure that the noise emitted from any sound equipment in the vehicle does not cause annoyance to any persons, whether inside or outside the vehicle.
- 14.1.18 The driver shall not operate the horn late at night as a means of signalling that the vehicle has arrived.
- 14.1.19 The driver must not cause or permit the vehicle to stand on a public road, on a hackney carriage rank, or in a public place so as to suggest that it is plying for, or available for, hire.
- 14.1.20 It is illegal to use a hand held mobile phone while driving since December 2003. From March 2017 the Fixed Penalty Notice for using a handheld mobile phone while driving is £200 and 6 points.
- 14.1.21 Drivers must not use a mobile phone whilst driving unless it is designed for hand-free operation.
- 14.1.22 Any change affecting the licence must be notified in writing to the Council. Notification should be as soon as reasonably practicable and in any event, no later than seven days after the change was effected.
- 14.1.23 If the driver is convicted or bound over for any offence, he shall within 7 days give details in writing of the conviction or binding over to the Council.
- 14.1.24 The private hire driver's licence must be made available for inspection, upon request, by any authorised officer of the Council or any police officer.
- 14.1.25 The driver must notify the Council within seven days of starting or terminating employment, as to the name and address of the proprietor concerned and the date when the employment either started or ended.
- 14.1.26 The private hire driver's licence must be presented to the proprietor concerned at the beginning of the employment.
- 14.1.27 In accordance with section 50(3) of the Local Government (Miscellaneous Provisions) act 1976, any accident to a private hire vehicle causing damage materially affecting:
 - The safety, performance or appearance of the vehicle
 - The comfort or convenience of the passengers

Private Hire Drivers Conditions

must be reported to the Council as soon as reasonably practicable, and in any case within 72 hours of the accident.

14.2 Assistance Dogs

- 14.2.1 Under the Equality Act 2010, licensed drivers of taxis and private hire vehicles are under a duty to carry passengers with guide, hearing and other assistance dogs without additional charge.
- 14.2.2 When carrying such passengers, drivers have a duty to:
- Convey the disabled passenger's dog and allow it to remain under the physical control of the owner; and
 - Not to make any additional charge for doing so.
- 14.2.3 Drivers who, for medical reasons are unable to accept wheelchair users or assistance dogs are able to apply to the Council for an exemption certificate. Such a certificate will only be issued on production of medical evidence. Exemption certificates, which show the photograph of the driver, must be displayed in the vehicle at all times the driver is working.

14.3 Medical Fitness of Driver

- 14.3.1 The driver of a private hire vehicle must at any time, or at such intervals as the Council may reasonably require, produce a certificate issued by the Council's medical examination provider to the effect that he is, or continues to be, physically fit to be a driver of a private hire vehicle.
- 14.3.2 The driver must cease driving any private hire vehicle and contact the Council immediately if they know of any medical condition which may affect their:
- Driving ability
 - The health and safety of themselves or any passengers.

14.4 Fares and Journeys

- 14.4.1 The driver/operator of a private hire vehicle may make their own agreement with the hirer as to the fare for a particular journey.
- 14.4.2 The driver shall, if requested by the hirer, provide him with a written receipt for the fare paid.
- 14.4.3 If the vehicle is fitted with a taximeter, then the driver of a private hire vehicle must:
- Unless the hirer expresses at the commencement of the journey his desire to engage by time, bring the meter into operation at the commencement of the journey, and bring the machinery of the taxi-meter into action by moving the said key, flag or other device, before beginning a journey and keep the machinery of the taxi-meter in action until the termination of the hiring.

Private Hire Drivers Conditions

- When standing (stationery), 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.
- Cause the dial of the taxi-meter to be kept properly illuminated throughout any part of the hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1972, and also at any other time at the request if the hirer.
- Not demand from any hirer of a private hire vehicles a fare in excess of any previously agreed for that hiring between the hirer and the operator or, if the vehicle is fitted with a fare meter, the fare shown on the face of the taxi-meter.

14.4.4 In the event of a journey commencing in but ending outside the Borough of Tonbridge and Malling there may be charged, for the journey, such fare or rate (if any) as was agreed before the hiring was effected. If no such agreement was made then the fare to be charged should be no greater than that determined by the taxi-meter.

14.5 Wheelchair Accessible Vehicles

14.5.1 All drivers of wheelchair accessible vehicles must:

- Be fully conversant with the correct method of operation of all ramps, lifts and wheelchair restraints fitted to the vehicle.
- Before any movement of the vehicle takes place, ensure that all wheelchairs are firmly secured to the vehicle using an approved restraining system and the brakes of the wheelchair have been applied.
- Ensure that any wheelchairs, equipment and passengers are carried in such a manner that no danger is likely to be caused to those passengers, or to anyone else, in accordance with the regulations detailed in section 100 of the Road Vehicles (Constructions and Use) Regulations 1

Penalty Points System

15 APPENDIX H

15.1 PENALTY POINTS SYSTEM

- 15.1.1 This scheme will be used to enforce current legislation and any future by laws in respect of Hackney Carriage Drivers and will be operated as follows:
- 15.1.2 The Council's Taxi Licensing and Enforcement Policy will be fully considered by an authorised officer when determining the manner on which any breach of legislation or the requirements of this Policy are dealt with.
- 15.1.3 Where it is decided that the use of the penalty points system is appropriate, the points will be issued in accordance with this appendix. If this appendix allows a range of points for a particular incident, the authorised officer will determine the appropriate number of points proportionate to the offence.
- 15.1.4 Penalty points will only be imposed where the licensee agrees the breach or offence has taken place. Where the licensee does not agree that the breach or offence has taken place the matter will be referred in the first instance to the Licensing and Community Safety Manager for consideration regarding further action.
- 15.1.5 The imposition of penalty points against a driver who is an employee will not necessarily result in additional imposition of points to his/her employer or operator. However the Council retains the discretion to issue penalty points to drivers, driver/proprietors and operators for a single contravention if the circumstances warrant it i.e. the breach is one against all these licences and it is considered joint responsibility is held.
- 15.1.6 Points issued to either a proprietor or driver will be confirmed in writing.
- 15.1.7 When issued, the penalty points will remain "live" for a period of two years from the date they are imposed so that only points accumulated in a rolling twenty four months period will be taken into account.
- 15.1.8 There is no financial penalty associated with the system, and the licensee may continue to work. However, the licensee may be asked to attend either a meeting with the Licensing and Community Safety Manager or attend a hearing of the Licensing and Appeals panel if 12 penalty points are imposed on an individual licence in any one 24 month period, where appropriate action will be taken in accordance with this policy.
- 15.1.9 Where a driver, proprietor or operator attains more than 12 penalty points, disciplinary options available to the Licensing and Appeals panel will include suspension or revocation of the driver's licence, where appropriate.
- 15.1.10 If it is felt that the matter does not warrant suspension or revocation of the licence, the period for which the points are to remain "live" may be extended or a written warning may be issued to the driver as to his future conduct.

Penalty Points System

- 15.1.11 Periods of suspension of a licence will be dependent upon the seriousness of the breaches of the legislation or the requirements of this Policy. The compliance history of the licence holder will also be taken into account.
- 15.1.12 A driver will always have the right to be represented at any meeting, either legally or otherwise, and to state any mitigating circumstances he deems necessary.
- 15.1.13 Any driver or vehicle proprietor or operator subject to suspension or revocation has the right of appeal to the Magistrates Court. All suspensions will therefore be subject to a 21-day appeals period prior to implementation to allow for the formal appeals process.
- 15.1.14 The penalty points system will operate without prejudice to the Council's ability to take other action under appropriate legislation or as provided for by this policy.
- 15.1.15 The penalty points system outlined below identifies a number of breaches of conditions, byelaws and/or statutory provisions. It then indicates the number of points to be invoked should the breach be proven.

15.2 Penalty Points Tariff

- 15.2.1 Two statutes principally create offences relating to hackney carriages and private hire vehicles –
- Town Police Clauses Act 1847
 - Local Government (Miscellaneous Provisions) Act 1976
- 15.2.2 The offences are set out below under the relevant statute
- 15.2.3 In relation to the maximum penalties specified, the levels of fine are currently as follows:
- Level 1 - £200
Level 2 – £500
Level 3 - £1,000
Level 4 - £2,500
- 15.2.4 Any subsequent amendments to the legislation will supersede the tables below and this appendix may be amended to reflect the revised legislation by way of an addendum to this policy.

Penalty Points System

Town Police Clauses Act 1847			
Section	Offence	Level of Fine	Penalty Points
40	Giving false information on a hackney carriage licence application	1	12
44	Failure to notify change of address on a hackney carriage licence	1	2
45	Plying for hire without a hackney carriage licence	4	8-12
47	Driving a hackney carriage without a hackney carriage driver's licence	3	8 -12
47	Lending or parting with a hackney carriage driver's licence	3	4
47	Hackney carriage proprietor employing an unlicensed driver	3	8
48	Failure of a proprietor to hold a hackney carriage driver's licence	1	6
48	Failure of a proprietor to produce a hackney carriage driver's licence	1	3
52	Failure to display a hackney carriage plate	1	4
53	Refusal to take a fare without a reasonable excuse	2	6-12
54	Charging more than the agreed fare	1	6-12
55	Obtaining more than the legal fare (including failure to refund)	3 and 1 month's imprisonment	6-12
56	Travelling less than the lawful distance for an agreed fare	1	6
57	Failure to wait after a deposit to wait has been paid	1	6
58	Charging more than the legal fare	3	12
59	Carrying persons other than with the consent of the hirer	1	8
60	Driving a hackney carriage without the proprietor's consent	1	6-12
60	Allowing a person to drive a hackney carriage without the proprietor's consent	1	6-12
62	Driver leaving a hackney carriage unattended	1	2
64	Hackney carriage driver obstructing other hackney carriages	1	3

Penalty Points System

Local Government (Miscellaneous Provisions) Act 1976			
Section	Offence	Level of Fine	Penalty Points
46(1)(A)	Using an unlicensed private hire vehicle	3	12
46(1)(b)	Driving a private hire vehicle without a private hire driver's licence	3	12
46(1)(c)	Proprietor of a private hire vehicle using an unlicensed driver	3	8
46(1)(d)	Operating a private hire vehicle without a private hire operators' licence	3	8
46(1)(e)	Operating a vehicle as a private hire vehicle when the vehicle is not licensed as a private hire vehicle	3	12
46(1)(e)	Operating a private hire vehicle when the driver is not licensed as a private hire driver	3	8
48(6)	Failure to display a private hire vehicle plate	3	4
49	Failure to notify the transfer of a vehicle licence	3	3
50(1)	Failure to present a private hire vehicle for inspection upon request		6-12
50(2)	Failure to inform the Council where a private hire vehicle is stored, if requested	3	3
50(3)	Failure to report an accident to the Council within seventy two hours	3	6
50(4)	Failure to produce the private hire vehicle licence and insurance certificate upon request	3	8-12
53(3)	Failure to produce a driver's licence upon request	3 by virtue of s76	3
54(2)	Failure to wear a private hire driver's badge	3	4-6
56(2)	Failure of a private hire operator to keep proper records of all bookings, or failure to produce them upon request of an authorised officer of the Council or a police officer	3 by virtue of s76	6
56(3)	Failure of a private hire operator to keep proper records of all private hire vehicles, or failure to produce them on request of an authorised officer of the Council or a police officer	3	6
56(4)	Failure of a private hire operator to produce his licence upon request	3	4
57	Making a false statement or withholding information to obtain a hackney carriage private hire driver's licence	3	12

Penalty Points System

Local Government (Miscellaneous Provisions) Act 1976			
Section	Offence	Level of Fine	Penalty Points
57	Making a false statement or withholding information to obtain a hackney carriage private hire driver's licence	3	12
58(2)	Failure to return a plate after notice has been given following expiry, revocation, or suspension of a private hire vehicle licence	3	6-12
61(2)	Failure to surrender a driver's licence after suspension, revocation, or refusal to renew	3	6-12
64	Permitting any vehicle other than a hackney carriage to wait on a hackney carriage rank	3	6
66	Charging more than the meter fare for a journey ending outside the District, without prior agreement	3	6-12
67	Charging more than the meter fare when a hackney carriage is used for pre-booked work	3	6-12
69	Unnecessarily prolonging a journey	3	6-12
71	Interfering with a taxi-meter with intent to mislead	3	12
73(1)(a)	Obstruction of an authorised officer of the Council or a police officer	3	12
73(1)(b)	Failure to comply with a requirement of an authorised officer of the Council or a police officer	3	6-12
73(1)(c)	Failure to give information or assistance to an authorised officer of the Council or police officer	3	6-12

Penalty Points System

	Breach of Policy Requirement	Points
P1	Failure to wear a driver's badge	4-6
P2	Failure to adhere to the Code of Good Conduct for Licensed Drivers where not mentioned below	2-6
P3	Failure to ensure the safety of passengers	8-12
P4	Concealing or defacing a vehicle licence plate	6
P5	Failure to attend on time for a pre-arranged booking without reasonable cause	2
P6	Conveying a greater number of passengers than permitted	6
P7	Failure to give reasonable assistance with passenger's luggage	3
P8	Private hire soliciting for hire or accepting a fare that is not pre-booked	6-12
P9	Operating/using a vehicle that is not clean and tidy and in a safe condition internally or externally	3 - 6
P10	Driving without the consent of the proprietor	6
P11	Drinking or eating in the vehicle whilst carrying passengers	2
P12	No Smoking, Vaping or the use of e-cigarettes is permitted in a licensed vehicle at any time	12
P13	Causing excessive noise from any radio or sound-reproducing equipment	2
P14	Sounding the horn late at night to signal that the vehicle has arrived disturbing residents	2
P15	Allowing a private hire vehicle to stand in such a position as to suggest that it is plying for hire or using a hackney carriage stand	6
P16	Using a non-hands free mobile telephone whilst driving	12
P17	Failure to advise of a relevant medical condition	6-12
P18	Failure to provide a receipt for a fare when requested	2
P19	Failure to operate the meter from the commencement of the journey and /or charging more than the fixed charge for hire of a hackney carriage	4-12
P20	Failure to notify the Council of any amendment to the details of your DVLA licence (change of personal details or points being given) within fourteen days of the date printed on the amended licence.	3
P21	Failure to produce a licence upon request	3

Penalty Points System

	Breach of Policy Requirement	Points
P22	Failure to notify within seven days of starting or terminating employment, the name and address of the proprietor and the term of employment	3
P23	Failure to show a private hire driver's licence to the private hire operator at the commencement of employment	2
P24	Failure of a private hire operator to request and/or record details of a private hire driver's licence at the beginning of employment	2
P25	Failure to surrender a driver's licence, badge or plate upon request	6-12
P26	Failure of a licence holder to disclose convictions within seven days of conviction	12
P27	Carrying any animal other than a guide, hearing or other prescribed assistance dog or those owned by bone-fide fare paying passengers	2
P28	Failure to search a vehicle after a journey or failure to take found property to the Licensing Team at the Council Offices within forty eight hours of finding	3
P29	Failure to report an accident within seventy two hours	3
P30	Failure to comply with requirements for the safe carrying of a wheelchair	6
P31	Operating a vehicle that does not comply with the Council's licensing policy where such a breach of policy requirements is not otherwise specified herein	2-6
P32	Operating/using a vehicle which is not maintained in a sound and roadworthy condition	6-12
P33	Modifying a vehicle without the consent of the Council	12
P34	Failure to display or maintain external plates as issued by the Council or displaying them incorrectly e.g. in the window of a vehicle	4
P35	Failure to display or maintain Internal plates as issued by the Council or displaying them incorrectly (displayed in a position at the top offside corner of the front windscreen)	4
P36	Affixing or displaying a roof sign on a private hire vehicle	12
P37	Displaying a sign or advertisement on a licensed vehicle that does not satisfy the policy requirements or has not been approved by the Council	4

Penalty Points System

	Breach of Policy Requirement	Points
P38	Carrying radio equipment or similar devices not in accordance with Council requirements	2
P39	Using a taxi-meter that does not conform to Council requirements	6
P40	Driving with no insurance or inadequate insurance for the vehicle	12
P41	Permitting the vehicle to be used for any illegal or immoral purposes	12
P42	Failure of a private hire operator to ensure that office staff act in a civil and courteous manner at all times	3
P43	Failure of a private hire operator to keep the operating premises in accordance with council requirements	3
P44	Failure of a private hire operator to ensure that all vehicles operated by him are adequately insured	12
P45	Failure of a private hire operator to obtain public liability insurance for the operating premises if the public are allowed access	12
P46	Failure to display Insignia on exterior of the two front doors of the vehicle	3
P47	Failure to keep a copy of a valid insurance certificate in the vehicle	3
P48	Failure to display the current fare chart so that it is clearly visible to passengers	3
P49	Failure to have a working Hackney Carriage Roof Light that is lit when available for hire	3
P50	Any other Operator breach of policy not mentioned herein	3
P51	Any other driver breach of policy not mentioned herein	3

16 APPENDIX I

16.1 Code of good conduct for licensed drivers

16.1.1 In order to promote its licensing objectives as regards hackney carriage and private hire licensing, the Council has adopted the following Code of Good Conduct, which should be read in conjunction with the other statutory and policy requirements set out in this document.

16.2 Responsibility to the trade:

16.2.1 Licence holders shall endeavour to promote the image of the hackney carriage and private hire trade by:

- complying with this Code of Conduct
- complying with the Council's Hackney Carriage and Private Hire Licensing Policy
- behaving in a civil, orderly and responsible manner at all times.

16.3 Responsibility to clients and high level of customer service:

- Be courteous at all times when talking to anyone, especially customers
- be polite, help customers with their baggage or shopping
- maintain your vehicles in a safe and satisfactory condition at all times
- keep your vehicles clean and suitable for hire to the public at all times
- attend punctually when undertaking pre-booked work
- assist, where necessary, passengers' ingress to and egress from the vehicle
- ensure you have change with you – (a fare may well require change).

16.4 Responsibility to residents:

- avoid being a nuisance to residents when picking up or waiting for a fare
- do not sound the vehicle's horn illegally
- keep the volume of all audio equipment and two-way radios to a minimum
- switch off the engine if required to wait
- take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood
- When picking up a customer from a pre-booked appointment avoid "obstructive parking".

Code of conduct

16.5 At hackney carriage ranks, in addition to the requirements above:

- Rank in an orderly manner and proceed along the rank in order and promptly using both lanes, leaving no gaps.
- The hackney carriage at top of rank will take the customer to any destination within the Borough regardless of how short the journey may be.
- No driver will tell a customer that the minimum fare is higher than the current fare chart minimum fare.

16.6 At private hire offices:

- do not undertake servicing or repairs of vehicles
- do not allow volume of all audio equipment and two-way radios to unduly disturb residents of the neighbourhood
- take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood, which might arise from the conduct of their business.

16.7 General

16.7.1 Drivers shall:

- pay attention to personal hygiene and dress, so as to present a professional image to the public
- drive with care and due consideration for other road users and pedestrians and, in particular, shall not use a hand held mobile phone whilst driving
- obey all Traffic Regulation Orders and directions at all time
- not smoke at any time when inside the vehicle
- not consume alcohol immediately before, or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle (any amount of alcohol can affect a drivers' judgement)
- not drive while having misused legal or illegal drugs (any amount of drugs can affect a driver's judgement). If a driver is prescribed prescription drugs that make him drowsy he should not drive
- fulfil their responsibility to ensure compliance with legislation regarding the length of working hours
- not eat in the vehicle in the presence of customers

16.8 Disciplinary Hearings

16.8.1 Drivers should be aware of the powers the Council can enforce, by way of suspension, revocation or refusal to renew a driver's licence where:

- the driver has been convicted, since the grant of the licence, of an offence involving dishonesty, indecency or violence

Code of conduct

- the driver has been convicted of an offence under any legislation relating to hackney carriage or private hire regulation
- the driver has breached any requirements of the Council's Hackney Carriage and Private Hire Licensing Policy
- there is a breach of conditions of this code

16.9 Responsibility towards Council Employees

- 16.9.1 Licensed drivers are expected to be polite and courteous at all times and to comply with any reasonable request made by a Licensing or Civil Enforcement Officer. Verbal or physical abuse will not be tolerated.

Private Hire Operators - conditions

17 APPENDIX J

17.1 PRIVATE HIRE OPERATORS LICENCE CONDITIONS

Standards of Service

17.1.1 The operator shall:

- Provide a prompt, efficient and reliable service to members of the public at all reasonable times.
- Ensure that their office staff act in a civil and courteous manner at all times.
- Ensure that when a vehicle has been hired, it arrives punctually at the appointed place, unless delayed, informing the client of any unforeseen circumstances.
- Ensure that premises provided for the purpose of booking or waiting are kept clean and are adequately lit, heated and ventilated.
- Ensure that any waiting area provided has adequate seating facilities and telephone facilities are in good working order.
- Fulfil their responsibilities to ensure compliance with legislation regarding the length of working hours.
- Maintain a register of all staff that will take bookings or dispatch vehicles
- Operators should evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff and to ensure that Basic DBS checks are conducted on any individuals added to the register and that this is compatible with their policy on employing ex-offenders.
- Operators may outsource booking and dispatch functions but they cannot pass on the obligation to protect children and vulnerable adults. Operators should be required to evidence that comparable protections are applied by the company to which they outsource these functions.
- Licensing authorities should also require operators or applicants for a licence to provide their policy on employing ex-offenders in roles that would be on the register as above. As with the threshold to obtaining a private hire vehicle operators' licence, those with a conviction for offences as follows:
 - i. Crimes resulting in death
 - ii. Exploitation
 - iii. Offences involving violence against the person
 - iv. Possession of a weapon
 - v. Sexual offences
 - vi. Dishonesty
 - vii. Drugs
 - viii. Discrimination

Private Hire Operators - conditions

- ix. Motoring convictions
- x. Drink driving/driving under the influence of drugs
- xi. Using a hand-held device whilst driving

17.2 Records

- 17.2.1 Records, which must be kept by private hire operators under the Local Government (Miscellaneous Provisions) Act 1976, shall be kept in a suitable electronic log or book.
- 17.2.2 All records shall be maintained by the operator shall be kept for at least twelve months after entry and shall be produced for inspection, on request, by any authorised officer of the Council or any police officer.
- 17.2.3 The private hire operator's licence shall similarly be available for inspection upon request by any authorised officer of the Council or any police officer.
- 17.2.4 The operator shall, at all times keep a copy of these conditions at any premises used by him for a private hire business and shall make the same available for inspection by fare-paying passengers.

17.3 Bookings

- 17.3.1 Prior to each journey, the operator shall enter the following particulars of every booking of a private hire vehicle accepted, pursuant to section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976, namely the:
 - xii. the name of the passenger;
 - xiii. the time of the request;
 - xiv. the pick-up point;
 - xv. the destination;
 - xvi. the name of the driver;
 - xvii. the driver's licence number;
 - xviii. the vehicle registration number of the vehicle;

Private Hire Operators - conditions

xix. the name of any individual that responded to the booking request;

xx. the name of any individual that dispatched the vehicle

17.3.2 booking records should be retained for a minimum of six months.

17.3.3 Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats required or to accommodate luggage, the booker should be informed that a PSV is necessary, and that a PCV licenced driver will be used who is subject to different checks and not required to have an enhanced DBS check.

17.4 Vehicles

17.4.1 The operator shall keep records of the particulars of all private hire vehicles operated by him, pursuant to section 56(3) of the Local Government (Miscellaneous Provisions) Act 1976, namely the:

- Type, make, model, colour and engine size of vehicles
- Year when the vehicle was first licensed for private hire
- Vehicle registration numbers
- Number of seats for passengers
- Owners of the vehicles
- Insurance details of vehicles
- Method of charging, i.e. whether or not a meter is fitted
- Private hire vehicle plate numbers

17.5 Drivers

17.5.1 The operator shall keep records of the particulars of all drivers of private hire vehicles operated by him, pursuant to section 56(3) of the Local Government (Miscellaneous Provisions) Act 1976, namely:

- The names and addresses of drivers, and their call signs if any
- Date any new driver begins service
- Date when any driver ceases service
- Any change of address of any driver in service
- Any illness, disability or condition which may affect the driver's ability to safely carry out his duties, if the operator becomes aware of any such condition they must inform the Licensing Authority in writing immediately.
- Expiry dates of drivers badges and vehicle licence

17.6 Disclosure of Convictions

17.6.1 The operator shall, within seven days of conviction, notify the Council in writing, of any conviction or fixed penalty notice imposed on him during the period of duration of his operator's licence.

Private Hire Operators - conditions

- 17.6.2 If the operator is a company or partnership, this requirement shall equally apply if any of the directors or partners receives a conviction or fixed penalty notice.

17.7 Insurance

- 17.7.1 The operator shall ensure that a certificate of motor insurance covers every private hire vehicle operated by him under the operator's licence, which is compliant with the Road Traffic Act 1988 as regards the carriage of passengers for hire or reward.
- 17.7.2 If the private hire operator has premises to which the public have access, in connection with the hiring of vehicles, he shall ensure that there is public liability insurance in force, which indemnifies him against any claim for loss, damage or personal injury by any person using those premises.

17.8 Private Hire Drivers' Licences

- 17.8.1 The operator shall ensure that every driver engaged by him has obtained a private hire driver's licence obtained by the same Licensing Authority which issued the private hire operator's licence. The operator shall ensure that all drivers have a badge issued by the Council and that the drivers wear the badge in a conspicuous place at all times whilst available for hire

17.9 Miscellaneous

- 17.9.1 If a licensed operator changes either his home or business address, he must, within seven days, give written notice to the Council specifying his new address.
- 17.9.2 The operator shall ensure that the licence plate issued and allocated by the Council is permanently fixed to the rear of the vehicle in a conspicuous upright position and in a manner as approved by an authorised officer.
- 17.9.3 The operator shall ensure the licence plate is maintained in a clean and legible condition and shall inform the Council immediately if it becomes lost, broken or defaced.
- 17.9.4 To operate a private hire business from home, planning permission will normally be required. A private hire operator's licence will not be granted without evidence that either planning permission has been issued for the premises concerned, or planning permission is not required for the use proposed.
- 17.9.5 An operator's licence is liable to suspension or revocation on any of the following grounds:
- Any offences under, or non-compliance with, the provisions of Part II, Local Government (Miscellaneous Provisions) Act 1976

Private Hire Operators - conditions

- Any conduct on the part of the operator which appears to the council to render him unfit to hold an operator's licence.
- Any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted
- Any other reasonable cause.

Taxi and Private Hire Enforcement Policy

18 APPENDIX K

18.1 HACKNEY CARRIAGE AND PRIVATE HIRE ENFORCEMENT POLICY

Enforcement Policy Statement

- 18.1.1 It is the policy of Tonbridge and Malling Borough Council to ensure that taxi drivers and operators are licensed correctly and carry out their trade in accordance with both the relevant law and the conditions attached to the licences.
- 18.1.2 This policy is in accordance with the Regulators' Compliance Code and the regulatory principles set out in the Legislative & Regulatory Reform Act 2006. The Council will seek to adopt a positive and proactive approach towards ensuring compliance, in accordance with the following key principles –
- **Economic progress** – the Council recognises that a key element of our enforcement activity will be to allow/ encourage economic progress and we shall only intervene where there is a clear case for protection
 - **Risk Assessment** – we shall use a comprehensive risk assessment to concentrate resources in the areas that need them most
 - **Advice and guidance** – we will provide authoritative, accessible advice easily and cheaply
 - **Compliance and enforcement actions** – the few businesses that persistently break statutory requirements will be identified quickly and face proportionate and meaningful sanctions
 - **Accountability** – the Council will be accountable for the efficiency and effectiveness of its activities, while remaining independent in the decisions it takes,
- 18.1.3 All enforcement action, be it verbal warnings, the issue of written warnings, penalty points, statutory notices, appearance before the committee or prosecution, will primarily be based upon the seriousness of the breach and the possible consequences arising out of it. Enforcement action will not, therefore, constitute a punitive response to minor technical contraventions of legislation
- 18.1.4 Authorised officers, when making enforcement decisions, will abide by this policy. Any departure from the policy must be exceptional, capable of justification, be fully considered and be endorsed by the Licensing and Community Safety Manager or above before the decision is taken (unless it is considered that there is significant risk to the public in delaying the decision).
- 18.1.5 Authorised officers must be fully acquainted with the requirements of the policy and appropriate training will be provided where required.

Taxi and Private Hire Enforcement Policy

18.1.6 Officers will be authorised by the Licensing and Community Safety Manager to take enforcement actions relevant and appropriate to their level of competence. Competency will be assessed individually by reference to qualifications and experience.

18.2 Enforcement Options

18.2.1 Achieving and maintaining a consistency of approach to making all decisions that concern taxi licensing and enforcement action, including prosecution, is of paramount importance. To achieve and maintain consistency, it is vital that the policy guidelines are always considered and followed where appropriate.

18.2.2 Enforcement decisions must always be consistent, balanced, proportionate and relate to common standards which ensure that the public is adequately protected. In reaching any decision many criteria must be considered including the:-

- seriousness of any offences;
- driver or operator's past history;
- consequence of non-compliance;
- likely effectiveness of the various enforcement options;
- the economic consequences of enforcement
- danger to the public.

18.2.3 Having considered all relevant information and evidence, the choices for action are:-

- take no action;
- take informal action;
- issue penalty points (see **Appendix G**)
- use statutory notices, (stop notices etc.);
- suspend a licence;
- revoke a licence;
- use simple cautions;
- prosecute
- a combination of any of the above

18.2.4 This policy document provides detailed guidance applicable to the various options for enforcement action

Taxi and Private Hire Enforcement Policy

18.3 Informal Action

- 18.3.1 Informal action to secure compliance with legislation includes offering advice, verbal and written warnings and requests for action and the use of letters.
- 18.3.2 Such informal enforcement action may be appropriate in any of the following circumstances:-
- the act or omission is not serious enough to warrant more formal action;
 - it can be reasonably expected that informal action will achieve compliance, perhaps by taking into account the individual driver or operator's past history;
 - confidence in the operator's management is high;
 - the consequences of non-compliance will not pose a significant risk to the safety of the public.
- 18.3.3 Even where some of the above criteria are not met, there may be circumstances in which informal action will be more effective than a formal approach.

18.4 Appearance before the Licensing & Appeals Panel

- 18.4.1 An offending individual or company may be summoned before the Licensing and Appeals Panel to answer allegations of breaches of relevant legislation or conditions attached to licences or a contravention of this policy.
- 18.4.2 Current licence holders who report convictions or breach relevant legislation during the period of their licence may also be brought before the Licensing and Appeals Panel.
- 18.4.3 The Panel may decide to take one or more of the following actions:-
- no action;
 - a written warning;
 - require the production of driving licences or other specified documentation at the Council's Office;
 - suspend a licence;
 - revoke a licence;
 - recommend prosecution action
 - other appropriate action as deemed necessary

18.5 Section 68 Notices (Stop Notices)

- 18.5.1 An authorised officer may serve notice in writing for a hackney carriage or private hire vehicle or the taximeter affixed to such vehicle to be examined at the Council's appointed garage at a time specified in the notice. This notice must only be served having had due regard to the condition of the vehicle or with reasonable grounds to suspect the accuracy of the taximeter.
- 18.5.2 An authorised officer may, in addition to requiring the vehicle to be tested, suspend the vehicle licence until such time as he is satisfied with the condition of the

Taxi and Private Hire Enforcement Policy

hackney carriage or private hire vehicle. This action will only be taken when he has reasonable grounds to suspect that the condition of the vehicle is an immediate danger to passenger and/or other road users.

- 18.5.3 The suspension notice will remain in place until such time as the Officer issuing the notice is satisfied that the grounds for suspension have been satisfactorily resolved. Written confirmation of the lifting of the suspension notice will be given. Until such time as written confirmation has been received, the suspension notification will remain active.
- 18.5.4 If the Authorised Officer who issued the suspension notice is not satisfied that the appropriate action has been taken to allow the suspension notice to be withdrawn within a period of two months from the date of issue, the vehicle licence shall be deemed to be revoked.

18.6 Appeals

- 18.6.1 Appeals against decisions of the Licensing and Appeals Panel or authorised officers may be made to the Magistrates' Court.
- 18.6.2 Any notifications of enforcement actions will include written information on how to appeal. Where the Council suspends or revokes a driver's licence the revocation or suspension may come into effect immediately regardless of the fact that the driver may have made an appeal against the decision to the Magistrates' Court.
- 18.6.3 A driver can also appeal against a refusal to renew his driver's licence, but if his previous licence has already expired he cannot continue to drive as he would no longer hold a current licence.

18.7 Prosecution

- 18.7.1 The decision to prosecute is a very significant one as it may impact on the licence holder's future employability. Prosecution will, in general, be restricted to those circumstances where the law is blatantly disregarded, legitimate requirements of the Council are not followed and / or the public is put at serious risk. Such circumstances are, however, in a minority. It is important that the criteria on which a decision to prosecute is made provide common standards which ensure a consistent approach.
- 18.7.2 The circumstances which are likely to warrant prosecution may be characterised by one or more of the following:-
- where there is a blatant disregard for the law, particularly where the economic advantages of breaking the law are substantial and the law-abiding are placed at a disadvantage to those who disregard it;
 - when there appears to have been reckless disregard for the safety of passengers or other road users;
 - where there have been repeated breaches of legal requirements;
 - where a particular type of offence is prevalent;
 - where a particular contravention has caused serious public alarm.

Taxi and Private Hire Enforcement Policy

- 18.7.3 When circumstances have been identified which may warrant a prosecution, all relevant evidence and information must be considered, to enable a consistent, fair and objective decision to be made.
- 18.7.4 Before referring a matter to the Legal Section for possible prosecution, the Licensing and Community Safety Manager must be satisfied that there is relevant, admissible, substantial and reliable evidence that an offence has been committed by an identifiable person or company. There must be a realistic prospect of conviction; a bare prima facie case is not enough. With insufficient evidence to prosecute, the issue of a simple caution is not an alternative.
- 18.7.5 In addition to being satisfied that there is sufficient evidence to provide realistic prospect of conviction, it must be established that it is in the public interest to prosecute. The Code for Crown Prosecutors, issued by the Crown Prosecution Service, provides guidance which will be considered, including relevant public interest criteria
- 18.7.6 When a decision is being taken on whether to prosecute, the factors to be considered may include:-
- the seriousness of the alleged offence;
 - the risk or harm to the public;
 - identifiable victims;
 - failure to comply with a statutory notice served for a significant breach of legislation;
 - disregard of safety for financial reward;
 - the previous history of the party concerned;
 - offences following a history of similar offences;
 - failure to respond positively to past warnings;
 - the credibility of any important witnesses and their willingness to cooperate;
 - the willingness of the party to put right the loss or harm that has occurred,
 - whether a prosecution would have a significant positive impact on maintaining community confidence;
 - whether other action, such as issuing a simple caution in accordance with the Home Office Circular 016./2008 would be more appropriate or effective.

This list is not exhaustive, and regard will be had in particular to the matters set out in the Code for Crown Prosecutors.

18.8 Simple Cautions

- 18.8.1 A simple caution may be used as an alternative to a prosecution in certain circumstances.
- 18.8.2 The purposes of the simple caution are:-
- to deal quickly and simply with less serious offences where the offender has admitted the offence;

Taxi and Private Hire Enforcement Policy

- to divert offenders where appropriate from appearing in the criminal Courts;
- to reduce the chances of re-offending
- To safeguard the suspected offender's interests, the following conditions should be fulfilled before a caution is administered:-
- there must be evidence of the suspected offender's guilt sufficient to give a realistic prospect of conviction;
- the suspected offender must have made a clear and reliable admission of the offence;
- the suspected offender must understand the significance of a simple caution and give informed consent to being cautioned;
- A simple caution must be appropriate to the offence and the offender

18.8.3 If there is insufficient evidence to consider taking a prosecution, then by implication, the above criteria is not satisfied for the use of a simple caution. A simple caution should not be used where the suspected offender does not make a clear and reliable admission of the offence. (It should be noted that there is no legal obligation for any person to accept the offer of a simple caution and no pressure should be applied to the person to accept a caution).

18.8.4 Where a person declines the offer of a simple caution, it will be necessary to consider taking alternative enforcement action. Whilst this will usually mean prosecution, this is not necessarily inevitable. For example, it may be considered that a written warning would be appropriate.

18.9 Transparency

18.9.1 Following the completion of an investigation into a complaint or any enforcement activity, the licence holder will be informed of the action intended to be taken.

18.9.2 Any written documentation issued or sent will:-

- contain all the information necessary to understand the offence and what needs to be done to rectify it. Where works are required, the period allowed for them to be completed will be indicated;
- indicate the legislation or conditions contravened and measures which will enable compliance with the legal requirements and point out, where appropriate, that other means of achieving the same effect may be chosen;
- clearly indicate any recommendations of good practice under an appropriate heading, to show that they are not a legal requirement.

18.9.3 There is a clear distinction between legal requirements and matters which are recommended as good practice. Recommendations in all enforcement action, even if only giving verbal advice, is vitally important.

19 APPENDIX L

19.1 GROUNDS FOR APPEAL TO MAGISTRATES' COURT

An Appeal

19.1.1 An appeal may be made to the Magistrates Court against the following decisions:

Hackney Carriage

- Refusal to grant a vehicle or driver's licence
- Any conditions attached to a vehicle licence
- Suspension/ revocation or refusal to renew a vehicle or driver's licence

Private Hire

- Refusal to grant a vehicle, driver's or operator's licence
- Any conditions attached to a vehicle, driver's or operator's licence
- Suspension/ revocation or refusal to renew a vehicle, driver's or operator's licence

19.1.2 The time within which any appeal as mentioned above may be brought is 21 days from the date on which notice of the Council's requirement, refusal or other decision was served upon the person.

20 APPENDIX M

20.1 Taxi and Private Hire Complaints Procedure

Complaints Procedure Policy

- 20.1.1 Both the Licensing Authority and the taxi and private hire trade embrace a policy which identifies drivers who do not maintain the high standard set by the majority of licensed drivers.
- 20.1.2 Upon receipt of a complaint, it will be recorded and arrangements will be made for the complainant to speak to a Licensing Officer.
- 20.1.3 This stage will determine the seriousness of the alleged complaint and whether the complainant wishes informal resolution or is prepared to support further action.
- 20.1.4 Should further action be the option, a written witness statement will be obtained from the complainant. This will form the basis of the interview with the alleged perpetrator.
- 20.1.5 The interview will be conducted under caution and will either be contemporaneously recorded in writing or electronically recorded.
- 20.1.6 Following this interview and any supporting evidence, a decision as to further action will be made in accordance with the Licensing and Enforcement Policy.
- 20.1.7 The complainant will then be advised of the result of that decision which will then be carried out.
- 20.1.8 At the conclusion of the investigation both the complainant and perpetrator will be advised in writing of the outcome.
- 20.1.9 The perpetrator's driver record held by the Council will be updated as to the circumstances and resolution of the complaint.
- 20.1.10 Any informal resolution will also be recorded on the driver's record.

20.2 Tonbridge & Malling Borough Council complaints procedure

- 20.2.1 <https://www.tmbc.gov.uk/services/council-and-democracy/complaints/complaints-procedure>

Summary of Legislation

21 APPENDIX N

SUMMARY OF LEGISLATION

TOWN POLICE CLAUSES ACT 1847	
Section 46 Driver not to act without first obtaining a licence	No person shall act as a driver of any hackney carriage without first obtaining a licence
Section 48 Proprietors to retain licences of drivers and produce the same before justices' on complaint	Proprietors must retain licences of drivers while they remain in his employment. Where the proprietor of a hackney carriage is summoned before a justice or to produce the driver he shall also produce the licence of the driver if he is in his employment
Section 52 Penalty for neglect or refusing to exhibit the prescribed number of passengers	If the proprietor, or driver of any hackney carriage permits the same to be used, employed, stand or ply for hire without having the number of persons to be carried displayed in the in the prescribed manner
Section 53 Penalty on driver for refusing to drive	The driver of any hackney carriage standing at any stands for hackney carriages or in any street, without reasonable excuse shall not refuse or neglect to drive such carriage to any place within the prescribed distance
Section 54 Demanding more than the sum agreed	Proprietors or drivers of hackney carriages or any person on his behalf is not permitted to exact or demand more than the fare agreed
Section 55 Payment of more than the legal fare	No agreement whatsoever shall be made between the driver or with any person having or pretending to have the care of any such hackney carriage, for the payment of more than the fare allowed by any byelaw or Act
Section 56 Agreement to carry passengers a discretionary distance for a fixed sum	If the proprietor or driver of any hackney carriage, or any other person on his behalf, agrees to carry persons for a distance at the discretion of the proprietor or driver, and for a sum agreed upon, he shall not carry those persons for a lesser distance than would be allowed by the sum agreed according to the scale of fares in force
Section 57 Deposits made for hackney carriages required to wait	When a hackney carriage is hired and taken to any place, and the driver is required to wait by the hirer, the driver may demand his fare for driving to such place, and a fare for the waiting period
Section 59 Persons riding without the consent of the hirer	No proprietor or driver of any hackney carriage which is hired, shall not without the express consent of the person hiring the said hackney carriage permit any other person to be carried in such hackney carriage

Summary of Legislation

Section 60 No unauthorised person to act as driver	No authorised driver of a hackney carriage shall allow any person, whether licensed or not, to act as the driver of any hackney carriage without the consent of the proprietor
Section 61 Drunkenness and furious driving	No driver or any other person having or pretending to have the care of any such hackney carriage shall do so whilst intoxicated, or drive in a wanton and furious manner, or by any other wilful misconduct injure or endanger any person in his life limb or property
Section 62 Carriages being left at places of public resort	A driver of any hackney carriage may not leave it in any street or any place or public resort or entertainment, whether it be hired or not, without someone proper to take care of it
Section 64 Drivers obstructing other drivers	Any driver of any hackney carriage shall not obstruct or hinder any driver of any carriage in taking up or setting down any person into or from that carriage, nor shall they, in a forcible manner prevent or endeavour the driver of any other hackney carriage from being hired

Summary of Legislation

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976	
<p>Section 46 Vehicle, driver and operators licences</p>	<p>No person being the proprietor of any vehicle not being a hackney carriage in respect of which a vehicle licence is in force, shall use or permit the same to be used in a controlled district as a private hire vehicle without having for such a vehicle a current licence under section 48 of this Act</p> <p>No person shall act in a controlled district as a driver of any private hire vehicle without having a current licence under section 51 of this Act</p> <p>No person being the proprietor of a private hire vehicle licensed under this part of this Act shall employ as the driver thereof for the purpose of any hiring any person who does not have a current licence under the said section 51</p> <p>No person in a controlled district shall operate any vehicle as a private hire vehicle without having obtained a current licence under section 55 of this Act</p> <p>No person licensed under the said section 55 shall in a controlled district operate any vehicle as a private hire vehicle – (i) if the vehicle does not have a current licence under section 48 of this Act (ii) if the driver does not have current licence under section 51 of this Act</p>
<p>Section 49 Transfer of hackney carriage and private hire vehicles</p>	<p>The proprietor of a hackney carriage or private hire vehicle shall give written notice to the district council within fourteen (14) days of the transfer of the vehicle. Such notification shall specify the name and address of the person to whom the hackney carriage or private hire vehicle has been transferred</p>
<p>Section 50 Provisions as to proprietors</p>	<p>(1) The proprietor of any hackney carriage or private hire vehicle licensed by a district council shall present such hackney carriage or private hire vehicle for inspection and testing by or on behalf of the council within such period and at such place within the area of the council as they may by notice reasonably require</p> <p>(2) The proprietor of any hackney carriage or private hire vehicle shall, within such period as the district council may by notice reasonably require, state in writing the address of every place where such hackney carriage or private hire vehicle is kept when not in use</p> <p>(3)</p>

Summary of Legislation

	<p>The proprietor of a hackney carriage or private hire vehicle licensed by a district council shall report to them as soon as reasonably practicable, and in any case within 72 hours of the occurrence thereof any accident to such hackney carriage or private hire vehicle causing damage materially affecting the safety, performance or appearance of the hackney carriage or private hire vehicle or the comfort or convenience of persons carried therein</p> <p>(4)</p> <p>The proprietor of any hackney carriage or private hire vehicle licensed by a district council shall at the request of any authorised officer of the council produce for inspection the vehicle licence for such hackney carriage or private hire vehicle and the Certificate of Policy of Insurance or security required by the Road Traffic Acts in respect of such hackney carriage or private hire vehicle</p>
<p>Section 53 Drivers' licences for hackney carriage and private hire vehicles</p>	<p>The driver of any hackney carriage or of any private hire vehicle licensed by a district council shall at the request of any authorised officer of the council or of any constable produce for inspection his drivers' licence forthwith or</p> <p>(a)</p> <p>in the case of the request by an authorised officer at the principal offices of the council, before the expiration of the period of five days beginning with the day following that on which the request was made</p> <p>(b)</p> <p>in the case of a request by a constable, before the expiration of the period aforesaid at any police station which is within the area of the council and is nominated by the driver when the request is made</p>
<p>Section 54 Wearing of drivers badges</p>	<p>A driver shall at all times when acting in accordance with a drivers licence granted to him wear such badge in such position and manner as to be plainly and distinctly visible</p>
<p>Section 56 Operators of private hire vehicles</p>	<p>(i)</p> <p>Every contract for the hire of a private hire vehicle licensed under this Act shall be deemed to be made with the operator who accepted the booking for that vehicle whether or not he himself provided the vehicle</p> <p>(ii)</p> <p>Every person to whom a licence in force under this Act shall keep a record in such form as the council may by condition attach to the grant of the licence, and enter details in the record before the commencement of each journey, particulars of every booking of a private hire vehicle invited or accepted by him whether by accepting the same from the hirer or at the request of another operator. The operator shall produce such record on request to any authorised officer of the council or constable for inspection.</p> <p>(iii)</p> <p>Any person who has a licence under this Act shall enter details in the record the particulars of any private hire vehicle operated by him and</p>

Summary of Legislation

	<p>shall produce the same on request to any authorised officer of the council or constable for inspection</p> <p>(iv)</p> <p>A person to whom a licence has been granted under this Act shall produce the licence on request to any authorised officer of the council or constable for inspection</p>
Section 57 power to require applicants to submit information	Any applicant for a licence under the Act of 1847 and this part of this Act shall submit to a district council such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted and whether conditions should be attached to any licence
Section 58 Return of identity plate or disc on revocation or expiry of licence	<p>(a)</p> <p>On the revocation or expiry of a vehicle licence in relation to a hackney carriage or private hire vehicle</p> <p>(b)</p> <p>The suspension of a licence under section 68 of this Act</p> <p>The proprietor of the hackney carriage or private hire vehicle shall, on request of the district council issuing the licence, return within 7 days to the council the plate or disc</p>
Section 59 Qualifications for drivers of hackney carriages	A person must be authorised to drive a motor vehicle under Part III of the Road Traffic Acts for a minimum of twelve months prior to the application for a driver licence
Section 64 Fares for long journeys	A driver of a hackney carriage must not charge a fare for a journey ending outside the licensing district, greater than that agreed before the hiring was effected or that indicated on the taxi meter or fixed by the table of fares in force within the licensing district
Section 67 Hackney carriages used for private hire	No hackney carriage shall be used in the district under a contract or proposed contract for private hire except at a rate of fares or charges not greater than that fixed by the table of fares, and when any such hackney carriage is so used the fare or charge shall be calculated from the point in the district at which the hirer commences his journey
Section 69 Prolongation of journeys	No person being the driver of a hackney carriage or private hire vehicle licensed by a district council shall without reasonable excuse unnecessarily prolong, in distance or in time, the journey for which the hackney carriage or private hire vehicle has been hired
Section 71 taximeters	Any person who (a) tampers with any seal on any taximeter without lawful excuse; or (b) alters any taximeter with intent to mislead; or (c) knowingly causes or permits a vehicle of which he is the proprietor to be used in contravention of this section shall be guilty of an offence
Section 73	(1)

Summary of Legislation

Obstruction of authorised officers	<p>Any person who (a) wilfully obstructs an authorised officer or constable; or (b) without reasonable excuse fails to comply with any requirements properly made to him by such officer or constable; or (c) without reasonable cause fails to give such officer or constable so acting any other assistance or information which he may reasonably require of such person for the purpose of the performance of his functions shall be guilty of an offence</p> <p>(2)</p> <p>If any person in giving any information to (1) makes any statement he knows to be false he shall be guilty of an offence</p>
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Delegations

22 Appendix N Delegations

22.1 Delegations

22.1.1 In accordance with Part 3 of the Constitution of Tonbridge and Malling Borough Council the Licensing Officer is authorised to exercise the following delegated powers :


DCS 800	To exercise all of the Council's functions with regard to the licensing of Hackney Carriage vehicles and drivers and Private Hire vehicles drivers and operators. This authority shall include power to grant or refuse applications for licences under the applicable legislation.	C
DCS 801	To permit departures from the standard licence conditions in respect of specific hackney carriages or private hire vehicles in circumstances where he considers it appropriate so to do.	C
DCS 802	To take all enforcement action including the power to suspend/ revoke: (i) vehicle licences (ii) drivers' licences (iii) operators' licences Under the Local Government (Miscellaneous Provisions) Act 1976, including where the suspension is to have immediate effect.	C

LEYBOURNE LAKES COUNTRY PARK – NEW LAKESIDE FACILITY

Item CB 21/39 referred from Cabinet of 16 March 2021

The report of the Director of Street Scene, Leisure and Technical Services provided an update on funding for the Leybourne Lakes Country Park new lakeside facility and recommended a budget increase funded entirely from specific developer contributions.

A detailed review of the build cost plan undertaken in liaison with consultants had resulted in savings being identified. Although this had reduced the build cost to £774,000 the project was £12,300 over budget. However, with such a small budget shortfall and further developer contributions identified, there was confidence that the project could be fully externally funded and should proceed to the 'cost certainty' stage.

RECOMMENDED: That, in order to ensure the delivery of the project and following assessment of Stage 1 (cost confidence), it be commended to Council that the budget for the project be increased to £774,000 with the excess being funded from specific developer contributions. 

***Referred to Council**

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TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

16 March 2021

Report of the Director of Street Scene, Leisure & Technical Services

Part 1- Public

Matters for Recommendation to Council

1 LEYBOURNE LAKES COUNTRY PARK – NEW LAKESIDE FACILITY

1.1 Executive Summary

- 1.1.1 This report updates Cabinet on funding for the Leybourne Lakes Country Park New Lakeside Facility and recommends to Council a budget increase funded entirely from specific developer contributions.

1.2 Introduction

- 1.2.1 At the last meeting of the Communities & Housing Advisory Board (CHAB) Members recommended a revised timescale for the transfer of the management of the site to the Leisure Trust, and the construction of a new lakeside facility at LLCP, with the decision taken by the Cabinet Member. With regard to the new lakeside facility the Council received the consultants Cost Confidence report shortly after the meeting of CHAB. The Council's budget for the project is £741,000 and the Cost Confidence report showed an estimated total cost of £815,000. The project is therefore £74,000 over budget. The next stage of the project is to move to Cost Certainty stage but this cannot progress unless the original budget can be realistically achieved. To achieve the timescale for the project the outcome of Cost Certainty will need to be considered by CHAB at its May meeting, alongside the financial proposal from the Trust resulting from the transfer.

1.3 Cost Savings

- 1.3.1 In order to move forward to the Cost Certainty stage opportunities for cost savings have been considered. A detailed review of the Build cost plan has been undertaken in liaison with the consultants, which resulted in savings of £41,000. This has reduced the build cost to £774,000, resulting in the project being £33,000 over budget. Savings primarily related to a reduction in the roof overhang, revised finishes to the internal walls, reduction in hard standing to the perimeter and a rationalisation of external doors and windows. The fundamental design of the building has remained unchanged and there has been no change to the size of the building.

1.4 Developer Contributions

- 1.4.1 Cabinet will be aware that the current budget is funded in full by a developer contribution held by the Council since the Park was first developed. In liaison with Planning Services a review of other developer contributions has been undertaken. A contribution of £20,700 specifically for enhancement works at LLCP has just been received, which results in the project now being only £12,300 over budget. Four additional developments with contributions allocated to the Park are also in the pipeline, amounting to a further £40,000.

1.5 Legal Implications

- 1.5.1 None

1.6 Financial and Value for Money Considerations

- 1.6.1 With such a small budget shortfall of £12,300 and further potential developer contributions identified, there is confidence that the project can be fully externally funded at a revised budget cost of £774,000, and therefore the project should proceed to Cost Certainty stage. This will enable the agreed timescale to be met. In order to increase the provision in List A of the Capital Plan a recommendation from this Cabinet to Council is required.

1.7 Risk Assessment

- 1.7.1 The risk of the final cost of the project being overbudget is reduced by the process of progressing the Cost Confidence and Cost Certainty approach to the procurement process. The increase in the Capital budget will reduce the risk of the project not achieving the proposed timescale.

1.8 Equality Impact Assessment

- 1.8.1 The decision recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.9 Policy Considerations

- 1.9.1 Community Procurement Healthy Lifestyles

1.10 Recommendations

- 1.10.1 Following assessment of Stage1 [Cost Confidence], in order to ensure the delivery of the project it is recommended to Full Council that the budget for the project be increased to £774,000, with the excess being funded from specific developer contributions.

Background papers:

contact: Darren Lanes

Nil

Robert Styles
Director of Street Scene, Leisure & Technical Services

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VIRTUAL MEETINGS AND HOMEWORKING

Item CB 21/40 referred from Cabinet of 16 March 2021

Consideration was given to the recommendations from the meeting of the Overview and Scrutiny Committee of 11 March 2021 (as set out at Minute Number OS 21/10).

RECOMMENDED: That

- (1) the amended Protocol, at Annex 2, be approved;
- (2) subject to noting the comments related to the use of Chairman's 'discretion', the amended temporary arrangements for Public Speaking, at Annex 2, be approved;
- (3) the Protocol for Use for Video-conferencing Facilities would continue to apply in the event that the Borough Council was lawfully able to hold remote meetings, whether under the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Plan Meetings) (England and Wales) Regulations 2020 or other enabling legislation; and
- (4) support for the continuation of livestreaming of meetings, in whatever format, be noted.

***Referred to Council**

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VIRTUAL MEETINGS AND HOMEWORKING

Item OS 21/10 referred from Overview and Scrutiny Committee of 11 March 2021

The report of the Director of Central Services and Deputy Chief Executive provided an update on the review of virtual meetings and homeworking and set out initial proposals for amendments to the existing Protocol for the Use of Video-conferencing Facilities.

It was explained that uncertainty around the ability to hold meetings virtually after 7 May 2021 remained as there was no indication from Government that the temporary arrangements would be extended. This position represented a significant challenge for local authorities as the Government did not intend to review social distancing restrictions until 21 June at the earliest.

As part of the overall review of virtual meetings, Officers had considered whether the effectiveness of the Protocol, attached at Annex 1 to the report, could be improved. The Chairs and Vice-Chairs of the Area Planning Committees had been consulted on the rules for public speaking at virtual planning committees.

A number of amendments were proposed and included reference to the Borough Council's Privacy Notice, the retention of live streams for a period of 6 months and clearer processes related to rules for voting, revised motions and the use of a 'roll call'.

In addition, amendments to the rules for public speaking at planning committees related to the submission of written statements and the removal of points of clarification. However, Members asked that flexibility around the management of meetings, especially those with public participation, be retained and that the use of Chairman's 'discretion' be allowed.

Members welcomed the ongoing review of virtual meetings and homeworking and reiterated support for the continuation of livestreaming of meetings so that residents were able to observe proceedings in whatever format they were held.

Finally, the Director of Central Services was not in a position to provide a verbal update on the outcome of the Phase 8 bid process, as referenced in paragraph 1.3.4 of the report, as the Secretary of State had not made any formal announcements.

RECOMMENDED: That

- (1) the amended Protocol, at Annex 2, be approved;
- (2) subject to noting the comments related to the use of Chairman's 'discretion', the amended temporary arrangements for Public Speaking, at Annex 2.1, be approved;
- (3) the Protocol for Use of Video-conferencing Facilities would continue to apply in the event that the Borough Council was lawfully able to hold remote meetings, whether under the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel

Meetings) (England and Wales) Regulations 2020 or other enabling legislation;
and

- (4) support for the continuation of livestreaming of meetings, in whatever format, be noted.

***Referred to Cabinet**

TONBRIDGE & MALLING BOROUGH COUNCIL
OVERVIEW AND SCRUTINY COMMITTEE

11 March 2021

Report of the Director of Central Services and Deputy Chief Executive

Part 1- Public

Matters for Recommendation to Cabinet

1 VIRTUAL MEETINGS & HOMEWORKING

This report provides an update to the previous scoping report on virtual meetings and homeworking

1.1 Background

1.1.1 The scoping report considered by this Committee on 3 December 2020 set out the basis for a review of virtual meetings and homeworking. A number of options for inclusion in the review were set out as follows:

- the effectiveness of the adopted protocol for the use of video-conferencing facilities;
- whether post pandemic, the Borough Council wished to continue with virtual Council meetings;
- the feasibility of rationalising the Borough Council's office accommodation at the Gibson Building, with a view to increasing the amount of homeworking to support the Climate Change Strategy and reduce overheads.

1.1.2 Members recognised that the adoption of virtual meetings had been a necessity during the coronavirus pandemic and had meant that the Borough Council business and decision making continued. A number of Members felt that the virtual meeting experience had been positive as the arrangements were efficient, transparent and aided structured debate. Other Members expressed a preference for a return to face to face meetings. It was suggested that the review should give consideration to hybrid as well fully virtual and fully physical meetings. In addition, Members supported the continuation of livestreaming meetings so that residents were able to observe proceedings.

1.1.3 With regard to homeworking, Members expressed support for reviewing the feasibility of rationalising office accommodation and the Borough Council's assets. However, Members were mindful of the work/life balance and the potential impact on staff of different working arrangements. The Director of Central Services

indicated that the welfare of staff remained a priority for the Borough Council and the review would consider all options carefully.

1.1.4 Members resolved to include all of the options set out above, subject to the inclusion of exploring options for

- hybrid meetings
- fully virtual meetings
- fully physical meetings; and
- the continuation of livestreaming meetings even if the current regulations were not extended;

1.1.5 This report updates members on the current position in relation to both virtual meetings and homeworking and asks Members to consider initial proposals for amendments to the existing protocol.

1.2 Virtual Meetings

Legislative position

1.2.1 As set out in the previous report to this Committee, Virtual meetings are permitted by the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings) (England and Wales) Regulations 2020. These regulations are of temporary effect, as they apply only to meetings required to be held, or held before 7 May 2021. It is possible that Parliament may seek to extend the regulations prior to that date, however the Government has indicated that any extension would require primary legislation and that no such parliamentary vehicle exists to achieve that prior to 7 May.

1.2.2 We are aware that Lawyers in Local Government (LLG) and the Association of Democratic Services Officers (ADSO) are looking to assist the government by exploring legislative options for the extension of appropriate powers. However, at the time of preparing this report the position remains that the current powers to hold virtual meetings are due to expire on 7 May 2021.

1.2.3 In the meantime, and given the current national restrictions, the present ability of the Council to hold anything other than fully virtual meetings will largely be dictated by the national situation in relation to coronavirus.

1.2.4 Officers are continuing to investigate the practical and financial aspects of the options identified at 1.1.5 above and a report on these will be presented to the next meeting of the Overview and Scrutiny Committee.

Review of Protocol

- 1.2.5 On 07 May 2020 the Leader exercised his powers under paragraph 1.4 of the Executive Procedure Rules to amend the extent of delegation to the Monitoring Officer so as to allow temporary changes to be made to the Constitution to facilitate virtual meetings.
- 1.2.6 The amendment to the Constitution as made by the Monitoring Officer i.e. the inclusion of a protocol for the use of video-conferencing facilities is set out at **Annex 1**. The proposed amendment was agreed by the Leader and Deputy Leader, and notified to all Members on 14 May 2020, and subsequently reported to Council on 14 July 2020.
- 1.2.7 The effectiveness of the Protocol at Annex 1 has been considered by Officers as part of this review.
- 1.2.8 Officers have also consulted with the Chairs and Vice-Chairs of planning committees to ascertain whether there are processes which could be improved for public speaking, (whether within the video-conferencing protocol or rules for public speaking at virtual planning meetings).
- 1.2.9 A number of legal commentators have expressed views on data protection and GDPR compliance and virtual meetings, and the extent to which attention needs to be drawn to the data rights of individuals (Councillors, Officers and the public) at such meetings. In response to this, in addition to the specific privacy notice which the Council already has in place for virtual meetings, it is proposed within the revised protocol that the Chair of the meeting should specifically draw the attention of those present at the meeting to the fact that faces and voices will be “livestreamed” and kept on the Council’s YouTube channel for a period up to 6 months. A link to the Privacy Notice is also included in the revised Protocol at **Annex 2**.
- 1.2.10 Where motions are amended during debate, it has been noted that the final revised motion can be difficult to keep track of in a virtual setting. The revised draft protocol suggests, in order to address this, that members would be able to request that the revised motion be typed by the Democratic Services Officer (DSO) (or other appropriate officer) into the “chat” on MS teams ahead of any vote on an amended motion.
- 1.2.11 The use of a “roll call” of members was adopted from a relatively early stage in the use of virtual meetings, and has been of benefit to committees, chairs and the DSOs as a tool for ensuring attendance and vote counting are accurately recorded. It is therefore proposed that this becomes a formal part of the protocol. Rule 3.10 of the revised Protocol suggests that the formal roll call could be accepted by the Borough Council as the equivalent of signing the attendance sheet. This reduces the need for hard copy lists and reduces the risks of Members not signing the attendance sheet during the meeting and streamlines the whole process.

- 1.2.12 With the switch to internet-based meetings, some connection difficulties were inevitable, particularly if members, officers and the participating public are based in more rural areas where broadband speeds may be an issue. From the outset of the protocol, safeguards have been put in place to ensure that participating members are aware of all material issues put within a debate. In certain circumstances it may be the case that connection problems are so severe that a voting member misses a key issue in the debate. In those circumstances, the voting member affected should not take part in a vote as this risks the member not having taken into consideration that issue (which may have affected their vote on a matter).
- 1.2.13 In practical terms, where this has happened, the member concerned has often advised the Chair and DSO that the connection issue has occurred and will seek advice from the DSO (and/ or legal adviser where present) as to whether they are still entitled to vote. This is good practice which should continue but is not necessarily something which can be captured within a rule. The protocol proposes to continue to allow the Chair to temporarily postpone a meeting if they become aware of connection difficulties but Committee may wish to consider whether this should be clarified to only apply to a situation where there are a number of members unable to participate due to a connection problem, for example where a meeting became inquorate or otherwise unworkable. The protocol proposes retaining the general discretion to the Chair to take a short adjournment for individual member's connection difficulties if necessary to maintain proper conduct of a meeting. If the Member in question is unable to alert the Chair or Democratic Services Officer to a technical problem, they are asked to contact their ward colleague who will make the issue known via the chat function.
- 1.2.14 Rules for voting have been made clearer in the revised Protocol as set out at 3.24 to 3.29. Rule 3.26 emphasises that a vote conducted by way of a formal roll call shall not be treated as a recorded vote, as set out in CPR 8.5 of the Constitution, and will not be recorded in the Minutes unless requested by a Member as per CPR 8.4 and CPR 8.6 of the Constitution.

Rules for Public Speaking at Virtual Planning Committees

- 1.2.15 There are also a number of considerations for committee in relation specifically to planning committee meetings, under the public speaking rules for virtual meetings.
- 1.2.16 The rules originally made provision for the submission of written statements to be read out by the DSO in lieu of a member of the public "attending" virtually. There is no parallel provision in the rules for physical meetings. In practice (on occasion) this has led to the submission of large numbers of very similar statements for the DSO to read out and the Chair and Vice-Chair have had to decide how the material points are best put to members. The revised protocol suggests removing the ability for written statements to be read out *save where* the member of the public has difficulty connecting to the meeting on the day. Committee may alternatively wish to consider whether, if written statements are to be retained, to put on a formal

basis that the Chair has discretion as to how many statements will be read, and that other statements will be provided in writing as an electronic “pack” to members of the committee.

- 1.2.17 Once a member of the public has made an address to planning committee, the present rules allow for “points of clarification” to be asked of the speaker. This is not an opportunity of detailed questioning or “examination” of a speaker’s representation, but for issues of fact to be clarified if not understood. What is permitted as a point of clarification is for the Chair’s discretion and officers have issued some guidance on this. However, there is a general sense amongst the Chairs and Vice-Chairs that this rule can be applied unevenly across the 3 area committees and even depending upon the particular speaker. What may or may not be a “point of clarification” is very much circumstance-specific and risks arise to decision making if certain speakers are seen to be given an “advantage” (in terms of more time to address the committee on their points through questioning) over others. The revised rules therefore suggest removing the ability for points of clarification to be raised with public speakers.
- 1.2.18 Related to this is the ability (or otherwise) of planning committees to receive technical advice on matters which fall to statutory consultees to provide guidance on (in particular, highways matters).
- 1.2.19 In the first instance, the primary advice on such matters is received in writing as part of the application process and will be summarised (or sometimes reproduced) in officer reports. Insofar as possible members should of course engage with these matters at an early stage if there are matters of detail which they consider need to be covered or revisited.
- 1.2.20 In relation specifically to highway matters, KCC Highways officers often are present to assist the planning officers in giving advice on matters affecting the highway network- for which KCC are of course responsible. In these circumstances KCC Highways officers are often asked questions on their technical assessments, through the Chair.
- 1.2.21 Members may wish to consider whether the highways (and other technical) consultants of applicants or others making a representation should be afforded the same opportunity. It should be borne in mind that whilst KCC highways are responsible for the highway network- and should be taken to understand what they consider appropriate or not on their network- those representing applicants or other interested bodies will be seeking to make a case which best supports their client’s position (whether for or against an application). With this in mind, officers strongly consider that the current arrangements should not be changed: there is a legal requirement to give significant weight to the views of statutory consultees, a position which does not exist with regard to other technical representations. Having these open to questioning risks “muddying the waters” as to the relative weight which should be afforded to certain representations and leads to risks to decision making.

1.2.22 Were Members minded to consider changes to these provisions, it is suggested they should consider whether there is a requirement for rules which:

- provide for a separate section of the discussion to be allocated to technical consultees;
- limit the time for questions of technical consultees;
- enable consideration of the qualifications of consultees and a decision to be reached as to whether they would “qualify” for the “technical discussion” and;
- make provision for whether such a discussion would be permitted in the absence of the statutory consultee responsible for the issue (for example, highways, heritage, air quality) to avoid committee being given a single-sided view of such matters.

1.2.23 There may be a requirement to amend the Constitution in the longer term if it is considered that some of the provisions outlined in the temporary arrangements should be carried over to the formal Rules set out in Part 4.

1.3 Homeworking

1.3.1 The vast majority of Council staff have worked from their homes since the middle of March 2020. Staff have currently been advised to work from home until at least 30 June 2021, with a further review to be undertaken in mid-May. In the meantime, Management Team continues to progress its review of longer term working arrangements with a view to embedding increased homeworking into working patterns. The review is presently focussing on the categorisation of staff roles with a view to identifying which roles require an office base for some/ all of the working week, which roles are predominantly field based and which roles can be performed effectively from home. This work will be important in calculating the core office space requirements for the Council. As part of the review we have also recently conducted a staff survey to ask staff for their views on remote working. The results of that survey were reported to the Joint Employee Consultative Committee on 25 February 2021.

1.3.2 Some services/ staff have continued, or resumed working from locations other than their home address to varying degrees where there has been a business need to do so or if it has been impractical for individual members of staff to work from home. For example, some services are unable to work from home due to the nature of the specific work they undertake e.g. Civil Enforcement Officers. Presently the numbers of staff at the Gibson Building vary from day to day (between 20 and 30), Staff are also present at Tonbridge Castle, and engaged in work activities at other locations e.g. Environmental Health Officers will be making visits to premises.

1.3.3 If the Borough Council is to progress viable alternatives to the current working arrangements at the Gibson Building, it remains the case that the consent of Kent

County Council will be required in order to release or modify the relevant restrictions on our title. Officers have therefore been in further discussions with Kent County Council to consider options for a mutually acceptable way forward.

- 1.3.4 We have specifically explored with KCC whether it would be feasible for both authorities to rationalise their office accommodation at Kings Hill e.g. through co-location. In this regard a joint expression of interest was submitted to One Public Estate in October 2020 for revenue funding (up to £50,000) to progress feasibility & options appraisal work. The bid was subsequently included in the OPE Phase 8 bid for funding. We are expecting that the Secretary of State will announce the outcome of the Phase 8 bid process in March 2021. A verbal update will be provided at the meeting.

1.4 Legal Implications

Virtual meetings

- 1.4.1 Section 100A(1) of the Local Government Act 1972 requires that meetings of the Council shall be open to the public unless the meeting has resolved to go into private session to deal with confidential or exempt information (as defined in Schedule 12A of the Local Government Act 1972).
- 1.4.2 However, during the coronavirus pandemic, the Government has temporarily removed the legal requirement for local authorities to hold public meetings in person. 'Open to the public' is given a wider meaning to allow purely remote access, and includes access through remote means including (but not limited to) video conferencing, live webcast, and live interactive streaming and where a meeting is accessible to the public through such remote means the meeting is open to the public whether or not members of the public are able to attend the meeting in person.
- 1.4.3 The most common means of allowing remote access is to webcast the meeting, but a meeting can be held by purely audio means and so public attendance can also be purely audio. Note however that the public would only attend by remote access if they are able to observe in real-time. Having the meeting recorded and broadcast later is not sufficient.
- 1.4.4 The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings) (England and Wales) Regulations 2020 are of temporary effect, as they apply only to meetings required to be held, or held before 7 May 2021.

Homeworking

- 1.4.5 As an employer, the Council is responsible for employees' welfare, health and safety 'so far as is reasonably practicable' (s2, Health and Safety at Work etc Act 1974). It must also conduct a suitable and sufficient risk assessment of all the work activities carried out by employees, including homeworkers, to identify hazards

and assess the degree of risk (Reg 3, Management of Health and Safety at Work Regulations 1999).

- 1.4.6 In addition to the statutory duties, the Council has a common law duty to take reasonable care for the safety of its employees e.g. a duty to see that reasonable care is taken to provide staff with a safe place of work, safe tools and equipment, and a safe system of working. It is also an implied term of employment contracts that employers will take reasonable care for the health and safety of employees and provide a reasonably suitable working environment for the performance of the employee's contractual duties.

1.5 Financial and Value for Money Considerations

- 1.5.1 None arising out of this report.

1.6 Risk Assessment

- 1.6.1 As set out in report.

1.7 Equality Impact Assessment

- 1.7.1 To ensure that the Borough Council have due regard to equality duties an Equality Impact Assessment will need to be undertaken if it is opted to make any changes to the contractual working arrangements for staff.

1.8 Policy Considerations

- 1.8.1 In the addendum to the Corporate Plan for 2020/21, Cabinet agreed the following as part of the 'Running the Council' theme within the Review, Reorientation and Recovery strategy:-

- We would undertake a review of the effectiveness of homeworking/flexible working and the potential to embed it within the culture of the Council in the longer term;
- Where appropriate, Managers to build flexible working into the work patterns for their teams in order to build resilience into the organisation and embed new ways of working;
- To review office accommodation requirements in light of changes to homeworking/ flexible working and in order to reduce overheads and meet the targets set within the adopted Climate Change Strategy

- 1.8.2 In respect of the 3rd bullet point above, Members are also asked to note that Cabinet resolved (30 June 2020) as follows:-

'Management Team be asked to conduct a review of all the Borough Council's assets, including use of the Gibson Building, to cover all areas as well as the need, function and capability of the Council Chamber and Committee Room for Council,

Cabinet, Advisory Board and Committee meetings, in line with the Digital and Climate Change Strategies.’

1.8.3 The Draft Climate Change Action Plan for 2020 includes the following targets under the theme of ‘TMBC Estate’ –

- Undertake an assessment of business mileage for all staff and develop a policy to support tele-conferencing and skype meetings to reduce business travel;
- Amend the homeworking policy to encourage greater take up of homeworking/ flexible working where possible, to reduce home to work travel

1.9 Recommendations

1.9.1 Members are asked to **RECOMMEND** to Cabinet that:

- (1) the amended Protocol at Annex 1 is approved ;
- (2) the amended temporary arrangements for public speaking are approve

Background papers:

None

contact: Adrian Stanfield/
Allison Parris/ Kevin Toogood

Director of Central Services and Deputy Chief Executive
Adrian Stanfield

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TONBRIDGE AND MALLING BOROUGH COUNCIL

CONSTITUTION

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Part 5: Codes - Supplement

1.	Protocol for Use of Video-conferencing Facilities - Annex 1 – Rules for Public Speaking at Area Planning Committee	3 - 10
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The Protocol supports the implementation of virtual meetings as permitted by the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020. These temporary arrangements are in place until 7 May 2021.

APPROVED: May 2020

The Director of Central Services and Monitoring Officer is responsible for ensuring that the Constitution is kept up to date.

**TONBRIDGE & MALLING BOROUGH COUNCIL
PROTOCOL FOR THE USE OF VIDEO-CONFERENCING
FACILITIES**

The following protocol shall be adopted in relation to the conduct of all meetings of the Council, Cabinet and all Committees and Boards. Participation via video conferencing will be permitted in accordance with the following provisions.

Application of Rules

These rules shall only apply until:

- (a) 7th May 2021;
- (b) In the event that the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 are amended to extend the period during which Council standing orders are suspended, such period as stated within those Regulations as amended; or
- (c) such earlier date as may be determined by the Leader

Prior to the Meeting

- 1) In order to facilitate access to the virtual meeting, the following arrangements will apply:-
 - a. Members will be able to access all virtual meetings via a link in the meeting appointment.
 - b. It will be assumed that Members will be in attendance at all meetings of Cabinet/ Committees/ Boards of which they are a member. Any Member who is unable to attend a meeting should give their apologies in the usual way.
 - c. Any Member who is not a member of Cabinet, a Committee or Board but who wishes to attend and/ or speak at any such meeting is requested to let the Democratic Services Team know by no later than 5pm on the working day prior to the meeting taking place. Relevant officers will also be invited to the meeting, to provide advice (including any legal advice which may be needed) and to ensure the meeting follows proper procedures.
- 2) Any other person who is in attendance at the meeting for the purposes of exercising a right to speak e.g. a member of the public speaking at an Area Planning Committee, must register with the Democratic Services Team as early as possible but, in any event, no later than **5.00pm on the closest working day prior to the day of the meeting**. For example, any person wishing to speak at a meeting scheduled to take place on a Wednesday must give notice no later than 5pm on the Tuesday before the meeting. Notice should be given by email to committee.services@tmbsc.gov.uk. Anyone seeking to register to speak after this time will be refused
- 3) The Democratic Services Officer will notify the relevant Chairman, and will take steps to ensure that the link can be established, that support for this link and for the Member using it can be provided, and that all associated facilities, e.g. telephone, email, are available.

- 4) In the case of a number of requests being received for the establishment of multiple remote links for the same meeting, such requests will be considered in chronological order of receipt until the maximum number that the equipment can support has been reached, subject to priority being given to voting members of the relevant Committee/ Board.
- 5) Any person participating by video-conference link must test their link before the commencement of the meeting and should (insofar as practicable) join the meeting at least 20 minutes before the scheduled start time to ensure any connectivity issues can be addressed.
- 6) The video-conferencing equipment must be arranged in such a way that the Chairman can hear and, where practicable, see the remote Member(s) in attendance, as well as any members of the public in attendance exercising a right to speak.

At the meeting

- 7) Members and Officers should recognise that the virtual meeting is a public meeting and they will be visible and audible by the general public. All Members and officers should conduct themselves, and dress, accordingly. Mobile telephones should be switched off or on silent and not used during the meeting unless they are being used to access the meeting, or committee papers. Wherever possible, backgrounds should be free of distraction and care should be taken to ensure there are no sensitive or personal papers visible. A neutral or blurred virtual background should be used wherever possible.
- 8) A virtual “meeting chat” will be established (via the conversation function) between:
 - a. Members of the Cabinet, Board, Committee or other meeting (as appropriate) and the Chairman so that participating Members may indicate a wish to speak;
 - b. Key presenting officers, any council legal representative, and Democratic Services Officer present to ensure that officers are able to discuss questions raised by members so that an appropriate answer can be provided, and procedures are adhered to;
 - c. An appointed officer (either Democratic Services Officer or an appropriate presenting officer) and the meeting Chairman (or Mayor for Council). This is to ensure the Chairman/ Mayor is aware of any procedural issues requiring their attention or which may require the meeting to be adjourned or postponed or officer advice is needed to be sought.
- 9) No other “meeting chats” are to be used when the meeting is taking place, and those set out above are only to be used for the stated purpose. Members should proceed as if the content can be viewed by participants and the wider public. It should not be used to discuss the substantive issue – this should be done verbally.
- 10) The Chairman will confirm at the outset and at any reconvening of the meeting that he/she can hear and, where practicable, see all participating Members and any members of the public in attendance exercising a right to speak. Any Member participating by remote link must confirm their attendance at the outset and at any reconvening of the meeting. He/she must also confirm that they can hear and, where

practicable, see the other participating Members and any members of the public in attendance exercising a right to speak. Members should ensure that their microphones are turned off unless they are speaking.

- 11) Any Member participating by remote link who declares an interest (either a Disclosable Pecuniary Interest or Other Significant Interest) in any item of business and is required to leave the meeting or determines to do so, shall leave the meeting for the duration of the item in question. Officers will make arrangements to be able to contact members to ensure they can be “invited back” to the meeting once the item in question has been concluded.
- 12) Should any aspect of the video-conference link fail, the Chairman may call a short adjournment of up to fifteen minutes to determine whether the link can quickly be re-established. If not re-established within this time, the Chairman may temporarily suspend discussion of the item under consideration at the time of link failure and continue with the remaining agenda items. Efforts should continue to re-establish the link. The Chairman will return to the suspended item on re-establishment, or on confirmation that this cannot be done, or before the end of the meeting, whichever is the earliest. For clarity, the item under consideration at the point of any re-establishment of a link will be concluded before returning to the suspended item.
- 13) If the Committee, Panel, Board or Council have to discuss confidential or exempt items under “Part 2” the Chairman will make clear that the officers and Members will be moving into a confidential discussion. This will take place in a separate virtual meeting room to which there will be no access by the general public or press. Once the confidential item has been discussed, the Chairman/ Mayor will announce in the public meeting room that the Members are returning to the public discussion.
- 14) In the event of link failure, the remote Member(s) will be deemed to have left the meeting at the point of failure of the equipment and if the link cannot be re-established before the end of the meeting then the presumption will be that the meeting should continue to deal with the item. If the link is successfully re-established then the remote Member(s) will deem to have returned at the point of re-establishment. However, any Member who is absent for all or any part of the item in question will not be able to participate in the vote.

Voting

- 15) Voting will be by way of a roll call. The Chairman shall ask Members to record whether they are for, against, or abstaining by way of roll call. Councillors will need to vote for or against the motion using the phrases ‘For’ or ‘Against’ or if wishing to abstain do so by stating that they wish to ‘Abstain’. No response shall be taken as an abstention. For the avoidance of doubt a vote conducted by way of roll call shall not be treated as a recorded vote for the purposes of the Council and Committee Procedure Rules set out in Part 4 of the Constitution.
- 16) Where a roll call is not able to take place, voting will be through a poll overseen by the Democratic Services Officer through the conversation function, with the Democratic Services Officer announcing whether the motion/amendment was agreed or not agreed once this has concluded. No response shall be taken as an abstention

Area Planning Committees/Licensing & Appeals Panel

- 17) As the Council must be able to demonstrate that decisions of a regulatory nature are taken on the basis of the same information being available to all Members involved in the decision, any additional papers tabled at a meeting of an Area Planning Committee or a Licensing & Appeals Panel must be emailed to the remote venue and time allowed, by a short adjournment if necessary, for these to be delivered to and read by the remote Members.
- 18) Supplementary reports must, therefore, be circulated in final form no later than 24 hours before the start time of the relevant meeting. Any additional updates required after that time will be in the form of an oral address by the relevant officers at the meeting.
- 19) Similarly, to help ensure that a remote Member can clearly follow any officer presentation, separate copies of the presentation should be shown simultaneously at all remote venues, in addition to using the video-conferencing link.
 - a. Please note that Paragraphs 17 and 18 will also apply to any other person who is required to take part in a Hearing.
- 20) All written representations to Area Planning Committees must be made no later than 48 hours prior to the start time of the relevant meeting.
- 21) The Chairman will conduct the meeting in accordance with the Interim Rules for public speaking at planning committee as set out at Appendix (x), Part 4 of the Constitution.

Confidential/Exempt Items

- 22) If a remote Member wishes to participate in discussion of a confidential/exempt item, he/she must verify that the venue from which they are participating is secure, that no member of the public has access and that no recording of the proceedings is being made.

Amendment of Protocol

- 23) The Monitoring Officer is authorised to make any amendments to this Protocol and/or the Interim Rules for public speaking at planning committee in consultation with Chief Executive and Leader.

**TEMPORARY RULES FOR PUBLIC SPEAKING IN RESPECT OF
PLANNING APPLICATIONS DURING THE CORONAVIRUS OUTBREAK**

1.	Application of Rules
1.1	<p>These rules shall only apply until:</p> <p>(a) 7th May 2021;</p> <p>(b) In the event that the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 are amended to extend the period during which Council standing orders are suspended, such period as stated within those Regulations as amended; or</p> <p>(c) such earlier date as may be determined by the Leader</p> <p>These rules apply to the consideration of planning and allied applications that may be determined by the Borough Council where the application is to be determined by an Area Planning Committee (or by Council in accordance with Council and Committee Procedure Rule 15.23 or 15.24), but do not apply to applications where the Council is a consultee and not the determining authority.</p>
1.2	The right to speak does NOT apply to reports relating solely to enforcement matters or any other business of the Area Planning Committees than that in 1.1 above.
2.	Procedure before Committee
2.1	Where these rules apply, the Applicant's Acknowledgement Letter will indicate that, in the event that the matter is to be determined by a Committee, members of the public will be given an opportunity to speak at the Committee.
2.2	Once the Director of Planning, Housing & Environmental Health has determined that an application will be determined by a Committee, the applicant will be sent written notification stating the date, time and manner of accessing the Committee's meeting.
2.3	The Neighbours' Consultation Letter will state that, in the event that the matter is to be determined by a Committee, members of the public or a representative of the relevant Parish Council will be given an opportunity to speak if they have made a written representation.

2.4	Anyone who has made a written representation on an application, and the applicant/their agents, must notify the Council in advance that they wish to take advantage of the opportunity to speak at Committee. Anyone who wishes to do so must register with the Democratic Services Officer contact as early as possible but, in any event, no later than 5.00pm on the closest working day prior to the day of the meeting . For example, any person wishing to speak at a meeting scheduled to take place on a Wednesday must give notice no later than 5pm on the Tuesday before the meeting. Notice should be given by email to committee.services@tmbc.gov.uk . Anyone seeking to register to speak after this time will be refused.
2.5	A person wishing to address committee but who does not wish to appear “live” at the virtual meeting may either provide a video or audio recording of their statement (limited to 3 minutes) or provide the address in writing to be read out by the Chairman (or an Officer nominated by the Chairman) (up to 3 minutes per statement), no later than 5.00pm on the closest working day prior to the day of the meeting . In any event, anyone wishing to address the committee whether in person or otherwise is encouraged to provide a written copy of their statement.
2.6	Where a recorded (or written) statement is being provided, the representor is encouraged to state their postal address at the beginning of their statement for the committee’s reference. Potential speakers are encouraged to indicate (for the purposes of the Data Protection Act 2018 and/or any other relevant data protection legislation) if they agree to their contact details being shared with other representors to enable them to get in contact with each other and to encourage them to select a single spokesperson.
3.	Procedure at Committee
3.1	In the introduction to the meeting the Chairman will explain the composition of the virtual “top table”. The Chairman will also explain the need for speakers to only deal with planning matters and the need to guard against making defamatory statements.
3.2	The Chairman will indicate the order in which the Agenda is to be dealt with, this will ordinarily be as the Agenda, but is at the absolute discretion of the Chairman (on advice of officers where needed).
3.3	The Chairman will explain the speaking time limitations. Each speaker will be limited to 3 minutes for each application. Where there is more than one application for a site, for example an application for planning permission and listed building consent, the time allowed will be limited to 3 minutes for each application i.e. 6 minutes in total.

3.4	Where the Chairman has suggested at the Chairman's briefing that an initial officer presentation is required, that presentation will be the first step in consideration of the Committee item, and will occur before the speakers are invited to speak.
3.5	<p>The speakers shall be taken in the following order:</p> <p>The representative of the relevant Parish (where they have registered in advance to speak);</p> <p>Individual speakers will then be invited to come forward by the Chairman, by name;</p> <p>Where a written statement has been provided in lieu of attending, the Chairman shall read out the statement (up to 3 minutes per application, per statement) after all "live" speakers have addressed the committee;</p> <p>Any pre-recorded statements shall then be played;</p> <p>Finally, the applicant and/or their agent will then have an opportunity to address the committee where they have registered to do so in advance.</p> <p>Where any written statement or pre-recorded statement exceeds 3 minutes, only the first 3 minutes shall be read or played.</p>
3.6	Committee Members will not be able to question speakers directly but may seek clarification of matters of fact raised by the speaker through the Chairman.
3.7	At the conclusion of their presentation, the speaker's microphone will be muted by the meeting organiser.
3.8	At the conclusion of the public speaking, the Chairman will invite Members to debate the application. The members will indicate their wish to address the meeting through the virtual meeting platform and the Chairman will invite each member to speak in turn. All other microphones will be muted by the meeting organiser.
3.9	After Members have debated the item, Officers will answer questions, summarise the debate or clarify points, including any matters arising from the points raised by speakers, and to give any necessary professional advice before Members reach their decision.
3.10	If the case is deferred for a site inspection or for a further report speakers will be permitted to speak again at a subsequent meeting.

TONBRIDGE & MALLING BOROUGH COUNCIL

**PROTOCOL FOR THE USE OF VIDEO-
CONFERENCEING FACILITIES**

The following protocol shall be adopted in relation to the conduct of all meetings of the Council, Cabinet, Committees, Boards and Panels/Forums. Participation via video conferencing will be permitted in accordance with the following provisions.

1.	Application of Rules
These rules shall only apply until:	
(a)	7 May 2021;
(b)	In the event that the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 are amended to extend the period during which Council standing orders are suspended, such period as stated within those Regulations as amended; or
(c)	Such earlier date as may be determined by the Leader.

2.	Prior to the Meeting
2.1	In order to facilitate access to the virtual meeting, the following arrangements will apply:-
(a)	Members will be able to access all virtual meetings via a link in a meeting appointment.
(b)	Appointments will be sent to All Councillors via a three monthly programme. Every effort will be made to resend the appointment on the day of the meeting.
(c)	It will be assumed that Councillors will be in attendance at all meetings of Cabinet/ Committees/ Boards of which they are a member. Any Member who is unable to attend a meeting should give their apologies in the usual way.

	(d)	<ul style="list-style-type: none"> i. All Councillors can attend any meeting of the Executive (Cabinet), Committee, Advisory Board, Panel or Forum of which they are not a Member. They may address the meeting on any item on the agenda when/if invited by the Chairman to do so. ii. For the benefit of any public who may be observing proceedings online Councillors should indicate when they are not Members of the Committee/Advisory Board etc. iii. As non-Members they cannot vote on any item.
2.2	<p>Any other person who is in attendance at the meeting for the purposes of exercising a right to speak e.g. a member of the public speaking at an Area Planning Committee, must register with the Democratic Services Team as early as possible but, in any event, no later than 5.00pm on the closest working day prior to the day of the meeting. For example, any person wishing to speak at a meeting scheduled to take place on a Wednesday must give notice no later than 5pm on the Tuesday before the meeting. Notice should be given by email to committee.services@tmhc.gov.uk</p> <p>Anyone seeking to register to speak after this time will be refused.</p>	
2.3	<p>Democratic Services will liaise with the relevant Chairman and Vice-Chairman and take steps to ensure that access to the meeting by Councillors, Officers and members of the public can be facilitated. If required IT support will be requested.</p>	
2.4	<p>In the case of a number of requests being received for the establishment of multiple remote links for the same meeting such requests will be considered in chronological order of receipt. This applies to Area Planning Committees, where members of the public may be exercising their right to speak, and meetings where there are external representatives such as Parish Partnership Panel, Tonbridge Forum, Joint Transportation Board, Joint Standards Committee and the Overview and Scrutiny Committee.</p>	
2.5	<p>All meetings of the Borough Council will start at 19.30 hours unless otherwise stated on the Summons/Agenda. On occasion, and following consultation with the relevant Chairman, it may be necessary for proceedings to start earlier if there is a significant amount of business to be completed.</p> <p>Any changes to a meeting start time will be set out clearly on the meeting Summons/Agenda, the website and all appointment links.</p>	

2.6	Any external participant must test their link in advance of the meeting and should (where practicable) join at least 15-20 minutes before the scheduled start, as set out on the Summons/Agenda, to ensure that any connectivity issues can be addressed.
2.7	<p>Councillors are encouraged to join the meeting at least 10 minutes before the scheduled start, as set out on the Summons/Agenda, to ensure that any connectivity issues can be addressed.</p> <p>Democratic Services may not be able to respond to or monitor emails requesting assistance at the start of a meeting, due to undertaking other priorities to facilitate the online meeting. These should be directed to the IT Helpline in the first instance. Once the meeting has commenced, Democratic Services will be available to offer assistance.</p>
2.8	The video-conferencing equipment must be arranged in such a way that the Chairman can hear and, where practicable, see the online Members in attendance, as well as any members of the public in attendance exercising their right to speak.
2.9	<p>All meetings held via video-conferencing will be livestreamed to YouTube so that members of the public can observe proceedings. These recordings are retained and will be available to view on the Borough Councils YouTube channel for a period of 6 months.</p> <p>Any member of the public registering to speak at an Area Planning Committee or wishing to ask a question at Council should be aware that their voice and/or face will be recorded and livestreamed to the Borough Council's YouTube channel.</p> <p>The Borough Councils Privacy Notice for Virtual Meetings is available on our website.</p>

3.	At the Meeting
3.1	<p>Members and Officers should be aware that the virtual meeting is a public meeting and they will be visible and audible by the general public, either attending the meeting or observing the proceedings via livestream.</p> <p>All cameras should be turned off and microphones muted five minutes before the start of the meeting to avoid appearing on the livestream before the formal proceedings have commenced.</p>
3.2	<p>All Members (including external representatives) and Officers should conduct themselves accordingly, dress appropriately and conduct themselves as they would for a face to face meeting.</p> <p>Mobile phones should be switched off, or on silent, and not used during the</p>

	meeting unless they are being used to access the meeting or read committee papers.
3.3	Wherever possible, backgrounds should be free of distraction and care should be taken to ensure there are no sensitive or personal papers visible. A neutral or blurred background should be used wherever possible.
3.4	A virtual ‘meeting chat’ will be established within the meeting between:
	(a) Members of the Cabinet, Board, Committee or other meeting (as appropriate) and the Chairman;
	(b) Key presenting officers, any council legal representative, and Democratic Services Officer present;
	(c) An appointed officer (either Democratic Services Officer or an appropriate presenting officer) and the meeting Chairman (or Mayor for Council);
	This enables participating Members to indicate a wish to speak; ensures that Council and Committee Procedure Rules are adhered to; ensures that the Chairman or Mayor is aware of any procedural issues or points of order requiring their attention which may require the meeting to be adjourned or postponed or officer advice is needed to be sought.
3.5	The ‘meeting chat’ should only be used for the purposes set out in (3.4) and not for any other reason. Any questions should be directed to the Chairman and raised as part of the meeting debate. Members should proceed as if the content of the ‘meeting chat’ can be viewed by all participants and the wider public. It should not be used to discuss the substantive issue as this should be done verbally.
3.6	However, Members are entitled to request that an amendment to a motion be typed out in full in the ‘chat’ function and read out by the Democratic Services Officer. This ensures that there is no confusion about voting and for the benefit of anyone observing proceedings.
3.7	The Chairman will confirm at the start of the meeting that they can hear, and where practicable see, all participating Members and any members of the public in attendance exercising their right to speak.
3.8	When asked to do so by the Democratic Services Officer all Committee Members participating by a remote link must confirm their attendance and that they can hear and, where practicable see, the other participating members and any members of the public in attendance exercising their right to speak. This will be undertaken at the start of the meeting by a formal roll call of

	Committee Members.
3.9	The formal roll call will be undertaken by the Democratic Services Officer to confirm attendance and for the benefit of anyone observing proceedings to confirm the number of Members eligible to vote.
3.10	This roll call shall be accepted by the Borough Council as the equivalent of signing the attendance sheet.
3.11	Where possible, non-Committee Members will be asked to double check cameras and microphones before the start of the meeting. The attendance of non-Committee Members will be noted by Democratic Services and entered into the Minutes. There will be no formal roll call of other Members in attendance unless requested by the Chairman as this may slow down proceedings.
3.12	All participating Members should ensure that their microphones and cameras are turned off unless they are speaking. This reduces the impact on the broadband network supporting the virtual meeting.
3.13	Should the Chairman or Democratic Services Officer become aware that any aspect of the video-conference link has failed for a significant number of Committee Members (to ensure that the meeting remains quorate) or the Cabinet Member required to make a Cabinet Member Decision, the Chairman (or in the case of the Chairman losing connection, the Democratic Services Officer) may call a short adjournment of up to 15 minutes to determine whether the link can be re-established and the meeting restarted.
3.14	Upon re-establishment of the meeting the Chairman will return to the item under discussion when the connection failure occurred.
3.15	If the link cannot be re-established, the meeting will be adjourned and all items of business with outstanding decisions will either be carried over to the next programmed meeting of the Council/Cabinet/Committee/Advisory Board or a newly scheduled meeting.
3.16	<p>If individual Members of the Committee lose internet connection, the meeting will continue as long as a quorum remains. Every effort will be made to re-establish the connection, although sometimes this may not be possible if there is an issue with the internet supplier that is out of the Borough Council's control.</p> <p>It is up to the discretion of the Chairman whether a short adjournment is required for individual Members of the Committee losing internet connection. If so, then (3.13) above will apply.</p> <p>Any Member who is absent for all or any part of the item in question will not be able to participate in the vote.</p>

Declarations of Interest:	
3.17	<p>Any Member participating by remote link who declares an interest (either a Disclosable Pecuniary Interest or Other Significant Interest) in any item of business is required to leave the meeting and shall not participate in any discussion or vote on the item in question. The Democratic Services Officer will confirm that the Member in question has withdrawn from the meeting.</p> <p>The Member will be ‘invited’ back into the meeting by the Democratic Services Officer once the item in question has been concluded.</p>
Rules of Debate:	
3.18	<p>The virtual meeting will operate under the rules of debate as set out in Part 4 of the Constitution:</p> <ul style="list-style-type: none"> - CPR 6 (Rules of Debate for Council Meetings) - CPR 15 (Rules of Debate for Committees and Sub-Committees)
Confidential and Exempt Items:	
3.19	<p>If the virtual meeting has to discuss confidential or exempt items under Part 2 Private the Chairman will make it clear that Members and Officers will be moving into a confidential discussion.</p> <p>Any members of the public present at the meeting will be asked to leave. If they do not leave they will be removed by the Democratic Services Officer. The Chairman will call a short adjournment to ensure that anyone who is not eligible to participate in a confidential discussion has left. The livestreaming will also be stopped.</p> <p>The meeting will be restarted in Private upon confirmation that everyone who is not eligible to participate has left and confirmation that the livestreaming has stopped.</p>
3.20	<p>In the case of an Area Planning Committee, before leaving the meeting, members of the public will be provided with a new link to a continuation of the livestreaming once the meeting has returned into public discussion.</p>
3.21	<p>Before the commencement of the confidential discussion, Members will be asked to confirm that they are alone to verify that no unauthorised person is able to see, hear or otherwise participate in the meeting.</p> <p>Members must also ensure that the venue from which they are participating is secure and that no recording of the proceedings is being made.</p>
3.22	<p>When the confidential discussion has finished the Chairman will call a short adjournment so that the livestreaming of the meeting can be re-established on a new link. The meeting will recommence once it has been confirmed that the livestreaming is recording.</p>

3.23	The majority of exempt (Part 2) items will be known in advance of the meeting and the appropriate online arrangements already made to ensure that the meeting can consider these in private. When the need to move into private only becomes apparent during the meeting, the item concerned should be adjourned to a later day.
Voting:	
3.24	Voting will be undertaken by either a formal roll call, or if there is no dissent during the debate, or the view of Members is clear, by general affirmation.
3.25	If voting is undertaken by way of formal roll call, the Chairman shall instruct Members of the Committee to record whether they are for, against or abstaining when asked by the Democratic Services Officer. No response shall be taken as an abstention.
3.26	For the avoidance of doubt a vote conducted by way of roll call shall not be treated as a recorded vote for the purposes of the Council and Committee Procedure Rules set out in Part 4 (Rules) of the Constitution (CRP 8.5).
3.27	No votes shall be recorded in the Minutes unless requested by a Member under CPR 8.4 or CPR 8.6 set out in Part 4 (Rules) of the Constitution).
3.28	If there is general agreement of the recommendations (as set out in the report attached to the agenda) and where no objections have been made during the discussion, the Chairman can ask the Committee if this is agreed via general affirmation. The resolution will be recorded accordingly.
3.29	How the vote is conducted is up to the discretion of the Chairman, subject to procedural advice received from Legal and Democratic Services.
Miscellaneous:	
3.31	The Chairman may give direction to vary these Protocols to allow for the effective and democratic management of the meeting, subject to advice from Officers present.

4.	Area Planning Committees
4.1	As the Borough Council must be able to demonstrate that decisions of a regulatory nature are taken on the basis of the same information being available to all Members involved in the decision, any additional papers tabled at a meeting of an Area Planning Committee must be emailed to the remote venue and time allowed, by a short adjournment if necessary, for these to be delivered to and read by remote Members.

4.2	<p>Supplementary reports must, therefore, be circulated in final form no later than 24 hours before the start time of the relevant meeting. These should also be published to the website for the benefit of anyone wishing to observe proceedings.</p> <p>Any additional updates required after that time will be in the form of an oral address by the relevant Officers at the meeting.</p>
4.3	<p>Planning Officer presentations should be shown in the MS Teams meeting so that these can be clearly followed by Members, any external participants and anyone viewing proceedings via the livestream.</p>
4.4	<p>All written representations in respect of a planning application to be considered by the Area Planning Committee must be made to planning.applications@tmbc.gov.uk no later than 48 hours prior to the start time of the relevant meeting.</p> <p>This is not the same as Members of the Public wanting to register to speak at the Area Planning Committee, the deadline of which is 1700 hours on the day before the meeting and should be made to committee.services@tmbc.gov.uk</p>
4.5	<p>The Chairman will conduct the meeting in accordance with the Interim Rules for Public Speaking at Area Planning Committees, as set out at Annex 1 to this Protocol.</p>
5.	Licensing and Appeals Panel:
5.1	<p>Rules (4.1) to (4.3) apply</p>
5.2	<p>Note that Rules (4.1) and (4.3) will also apply to any other person <u>who is required to take part in a Licensing Hearing.</u></p>
5.3	<p>All written representations related to a Licensing and Appeals Hearing must be made in sufficient time before the start time of the relevant meeting. These should be made to licensing.services@tmbc.gov.uk</p>
5.4	<p>Late material will only be accepted on agreement of all parties and will be emailed as necessary to all participants and/or presented in the meeting. Any queries relating to a Licensing and Appeals Panel should be made to licensing.services@tmbc.gov.uk</p>

6.	Amendment of Protocol:
6.1	<p>The Monitoring Officer is authorised to make any amendments to this Protocol and/or the Interim Rules for Public Speaking at Planning Committee in consultation with the Chief Executive and Leader.</p>

**TEMPORARY RULES FOR PUBLIC SPEAKING IN RESPECT OF
PLANNING APPLICATIONS DURING THE CORONAVIRUS OUTBREAK**

1.	Application of Rules
1.1	<p>These rules shall only apply until:</p> <ul style="list-style-type: none"> (a) 7th May 2021; (b) In the event that the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 are amended to extend the period during which Council standing orders are suspended, such period as stated within those Regulations as amended; or (c) such earlier date as may be determined by the Leader <p>These rules apply to the consideration of planning and allied applications that may be determined by the Borough Council where the application is to be determined by an Area Planning Committee (or by Council in accordance with Council and Committee Procedure Rule 15.23 or 15.24), but do not apply to applications where the Council is a consultee and not the determining authority.</p>
1.2	The right to speak does NOT apply to reports relating solely to enforcement matters or any other business of the Area Planning Committees than that in 1.1 above.
2.	Procedure before Committee
2.1	Where these rules apply, the Applicant's Acknowledgement Letter will indicate that, in the event that the matter is to be determined by a Committee, members of the public will be given an opportunity to speak at the Committee.
2.2	Once the Director of Planning, Housing & Environmental Health has determined that an application will be determined by a Committee, the applicant will be sent written notification stating the date, time and manner of accessing the Committee's meeting.
2.3	The Neighbours' Consultation Letter will state that, in the event that the matter is to be determined by a Committee, members of the public or a representative of the relevant Parish Council will be given an opportunity to speak if they have made a written representation.

Annex 2.1 – Revised Annex 1 Rules for Public Speaking

2.4	<p>Anyone who has made a written representation on an application, and the applicant/their agents, must notify the Council in advance that they wish to take advantage of the opportunity to speak at Committee. Anyone who wishes to do so must register with the Democratic Services Officer contact as early as possible but, in any event, no later than 5.00pm on the closest working day prior to the day of the meeting. For example, any person wishing to speak at a meeting scheduled to take place on a Wednesday must give notice no later than 5pm on the Tuesday before the meeting. Notice should be given by email to committee.services@tmbc.gov.uk. Anyone seeking to register to speak after this time will be refused.</p>
2.5	<p>A person wishing to address committee but who does not wish to appear “live” at the virtual meeting may either provide a video or audio recording of their statement (limited to 3 minutes)), no later than 5.00pm on the closest working day prior to the day of the meeting.</p> <p>The statement, whether presented live or pre-recorded must not be accompanied by any additional material (such as photographs or power point presentations). “Screen sharing” by speakers will not be permitted. Any statement which contravenes this rule will not be accepted.</p> <p>Anyone wishing to address the committee whether in person or otherwise is encouraged to provide a written copy of their statement, which may be read out in the event of a technical issue preventing the person connecting to the meeting or the pre-recorded statement being played. Whether or not written statements will be read out is at the discretion of the Chairman of the committee.</p>
2.6	<p>Where a recorded statement is being provided, the representor is encouraged to state their postal address at the beginning of their statement for the committee’s reference.</p> <p>Potential speakers are encouraged to indicate (for the purposes of the Data Protection Act 2018 and/or any other relevant data protection legislation) if they agree to their contact details being shared with other representors to enable them to get in contact with each other and to encourage them to select a single spokesperson.</p>
3.	Procedure at Committee
3.1	<p>In the introduction to the meeting the Chairman will explain the composition of the virtual “top table”. The Chairman will also explain the need for speakers to only deal with planning matters and the need to guard against making defamatory statements. The Chairman will remind speakers that their face and voice may appear on the live stream, and the archived recording of the meeting</p>

Annex 2.1 – Revised Annex 1 Rules for Public Speaking

3.2	The Chairman will indicate the order in which the Agenda is to be dealt with, this will ordinarily be as the Agenda, but is at the absolute discretion of the Chairman (on advice of officers where needed).
3.3	The Chairman will explain the speaking time limitations. Each speaker will be limited to 3 minutes for each application. Where there is more than one application for a site, for example an application for planning permission and listed building consent, the time allowed will be limited to 3 minutes for each application i.e. 6 minutes in total.
3.4	Where the Chairman has suggested at the Chairman’s briefing that an initial officer presentation is required, that presentation will be the first step in consideration of the Committee item, and will occur before the speakers are invited to speak.
3.5	<p>The speakers shall be taken in the following order:</p> <p>The representative of the relevant Parish (where they have registered in advance to speak);</p> <p>Individual speakers will then be invited to come forward by the Chairman, by name;</p> <p>Any pre-recorded statements shall then be played (or written statement read out where technical issues have prevented the statement from being played);</p> <p>Finally, the applicant and/or their agent will then have an opportunity to address the committee where they have registered to do so in advance.</p> <p>Where any written statement or pre-recorded statement exceeds 3 minutes, only the first 3 minutes shall be read or played.</p>
3.6	Committee Members will not be able to question speakers on any matter
3.7	At the conclusion of their presentation, the speaker will be asked to turn off their video feed and mute their microphone.
3.8	At the conclusion of the public speaking, the Chairman will invite members of the public to leave the “Teams” meeting and watch the debate on the live stream to save bandwidth. Members will then debate the application. The members will indicate their wish to address the meeting through the virtual meeting platform and the Chairman will invite each member to speak in turn. All other microphones will be muted and video feeds switched off.

Annex 2.1 – Revised Annex 1 Rules for Public Speaking

3.9	After Members have debated the item, Officers will answer questions, summarise the debate or clarify points, including any matters arising from the points raised by speakers, and to give any necessary professional advice before Members reach their decision.
3.10	If the case is deferred for a site inspection or for a further report speakers will be permitted to speak again at a subsequent meeting.

TONBRIDGE & MALLING BOROUGH COUNCIL

COUNCIL

13 April 2021

Report of the Director of Central Services and Deputy Chief Executive

Part 1- Public

Matters For Decision

1 PROGRAMME OF MEETINGS 2021/22 AND 2022/23

The programme of meetings for the municipal year 2021/22 is attached for consideration. Management Team, Senior Officers and Cabinet Members have been consulted on the proposed dates. The draft programme for 2022/23 is also attached for consideration. Subject to any amendments identified by Members the programmes will be presented to Annual Council for endorsement.

1.1 Programme of Meetings 2020/21

1.1.1 As a result of the coronavirus pandemic during 2020 the meetings of Full Council scheduled for 21 April and Annual Council scheduled for 12 May did not take place. To enable the business of the authority to continue, and to facilitate the recently allowed use of virtual meetings, a decision was taken under emergency provisions (as set out in Part 7 of the Constitution) and the programme of meetings for the municipal year 2020/21 was approved. Decision Notice D200007EM was published on 1 May 2020.

1.1.2 Meetings up to May 2021 were set up on the Committee Management System (Modern.Gov) and the website and MS Teams appointments sent to Members on a 3 monthly cycle.

1.2 Programme of Meetings 2021/22

1.2.1 A programme for the municipal year 2021/22 has been prepared for approval and is attached as **Annex 1**.

1.2.2 There have been a number of changes to the provisional programme agreed in April 2021 and these are set out below:

- An extraordinary meeting of the Planning and Transportation Advisory Board has been programmed for 17 May 2021;

- At the request of the Director of Planning, Housing and Environmental Health, meetings of the Planning and Transportation Advisory Board previously programmed for 1 June and 27 July 2021 have been retained to support any unforeseen changes to the Local Plan timetable and will be cancelled if not required;
- A meeting of Cabinet has been programmed for 12 October 2021;
- A meeting of Street Scene and Environment Services Advisory Board has been programmed for 23 November 2021;
- In agreement with the Leader and Chairman, there is a reduced meeting cycle for the Overview and Scrutiny Committee which has meant that the meeting programmed for 26 August 2021 has been removed; and
- A meeting of the General Purposes Committee has been programmed for 22 March 2022 to follow the pattern set in 2021.

1.2.3 A review of internal working practices has provided an opportunity to look at how information is presented and whether contents can be viewed in a more visible and simplified format.

1.2.4 The programme of meetings has been converted to a table format and colour coded for easier reference. Dates for Bank Holidays, Elections and other events are also included.

1.2.5 The colour coding highlights significant meetings, such as Annual and Budget Council, when a meeting is to be held in Tonbridge and when a meeting is to be held on a different day than usual.

1.2.6 As a result of this change Democratic Services can use the one document to draft a programme, consult with Officers and present to Members. This has removed the historic legacy of re-entering information into a list and has created efficiencies within the Service.

1.3 Programme of Meetings 2022/23

1.3.1 A draft programme for the municipal year 2022/23 has been prepared for consideration and is attached as **Annex 2**. Members are invited to comment on whether there should be any changes.

1.3.2 For awareness, further consideration is required on the following points and these will be progressed by Democratic Services in liaison with Services and relevant Members:

- Clarification on the budget setting cycle, subject to confirmation of dates for the Kent County Council, Kent Police and Kent Fire and Rescue Service

Budget meetings. Provisional Borough Council programme allows for Cabinet on 9 February and Council on 21 February 2023.

- At the request of Chief Officers, the cycle for Advisory Boards will be reviewed for early Autumn to see if there is an opportunity to increase the intervals between meetings.
- An additional meeting of the General Purposes Committee has been programmed for 21 March 2023.

1.4 Legal Implications

- 1.4.1 It is the responsibility of the annual meeting of the Council to approve a programme of meetings for the coming year. However, it is considered sensible to present the programmes to this meeting to allow time for any proposed revisions to be made.

1.5 Financial and Value for Money Considerations

- 1.5.1 N/A

1.6 Risk Assessment

- 1.6.1 N/A

1.7 Equality Impact Assessment

- 1.7.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.8 Recommendations

- 1.8.1 That the Programme of Meetings for 2021/22 (as set out in Annex 1) be approved and presented to Annual Council for formal endorsement;
- 1.8.2 That the revised layout for the Programme be approved; and
- 1.8.3 That the draft Programme of Meetings for 2022/23 (as set out in Annex 2) be agreed, subject to final approval at Annual Council in May 2022.

Background papers:

Nil

contact: Allison Parris
Janet Shenton
Democratic Services

Adrian Stanfield
Director of Central Services and Deputy Chief Executive

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Timetable of Meetings 2021-22

Annex 1

Meeting	Day	May 2021	June 2021	July 2021	Aug 2021	Sept 2021	Oct 2021	Nov 2021	Dec 2021	Jan 2022	Feb 2022	March 2022	April 2022	May 2022
Council	Tue	11		13			26				22		12	10
Cabinet	Tue		2/29				12			25	10	15		31
Area 1 Planning Committee	Thurs	20	24		5	9	21	25		13	17	31		19
Area 2 Planning Committee	Wed	26	30		11	22		3	8	19	23		6	25
Area 3 Planning Committee	Thurs		3	8	19	30		11	16		3	17	21	
Audit Committee	Mon			26		27				17			4	
General Purposes Committee	-		16				5			24		22		
Joint Standards Committee	-		9				11			11		2		
Licensing and Appeals Committee	Tue		15			14		16				8		
Overview and Scrutiny Committee	Thurs		17				7		2			10		
Advisory Boards:														
Communities and Housing	Tue	25		20				9			15			24
Economic Regeneration	Tue	18				1		2			16			17
Finance, Innovation and Property	Wed	19		21		15				5				18
Planning and Transportation	Tue	17	1*	27*				10				1		30
Street Scene and Environment	Tue		8		31			23			8			
Advisory Panels and Boards:														
JECC (Member)	Thur										24			
JECC (OWG) 0930	Thur		10			9		18						
Joint Transportation Board	Mon		7			20		22				7		
Parish Partnership Panel	Thurs		10			2		4		27				26
Tonbridge Forum	Mon					6					28			

Timetable of Meetings 2021-22

Meeting	Day	May 2021	June 2021	July 2021	Aug 2021	Sept 2021	Oct 2021	Nov 2021	Dec 2021	Jan 2022	Feb 2022	March 2022	April 2022	May 2022
Other Events:														
KCC and PCC Elections	<i>Thur</i>	6												
Bank Holidays/Offices Closed	-	3/31			30				24/27/28	3			15/18	2

Monday	Tuesday	Wednesday	Thursday
Annual	Budget	Tonbridge Castle	No Member attendance (internal Management/staff meeting) – 0930 start

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**If required*

Timetable of Meetings 2022-23 (Provisional)

Annex 2

Meeting	Day	May 2022	June 2022	July 2022	Aug 2022	Sept 2022	Oct 2022	Nov 2022	Dec 2022	Jan 2023	Feb 2023	March 2023	April 2023	May 2023
Council	Tue	10		12			25				21		18	16
Cabinet	Tue	31	28				11			24	9	14		
Area 1 Planning Committee	Thurs	19	23		4	8	20		1	12	16	30		25
Area 2 Planning Committee	Wed	25	29		10	21		2	7	18	22		5	31
Area 3 Planning Committee	Thurs		9	14	18	29		10	15		2	16	20	
Audit Committee	Mon			25		26				16			3	
General Purposes Committee	-		15				4			23		21		
Joint Standards Committee	-		8				10			10		1		
Licensing and Appeals Committee	Tue		14			13		15				7		
Overview and Scrutiny Committee	Thurs		16			22			8			9		
Advisory Boards:														
Communities and Housing	Tue	24		19				8			14			30
Economic Regeneration	Tue	17			31			1			15			23
Finance, Innovation and Property	Wed	18		20		14				4				24
Planning and Transportation	Tue	30		26				9			28			
Street Scene and Environment	Tue		7		30			22			7			
Advisory Panels and Boards:														
JECC (Member)	Thur										23			
JECC (OWG) 0930	Thur		9			8		17						
Joint Transportation Board	Mon		6			19		21				6		
Parish Partnership Panel	Thurs	26				1		3		26				
Tonbridge Forum	Mon					5					27			

Timetable of Meetings 2022-23 (Provisional)

Meeting	Day	May 2022	June 2022	July 2022	Aug 2022	Sept 2022	Oct 2022	Nov 2022	Dec 2022	Jan 2023	Feb 2023	March 2023	April 2023	May 2023
Other Events:														
Elections (Borough + Parish)	<i>Thur</i>													4
Bank Holidays	-	2	2/3		29				26/27/ 28	2			7/10	1/20

Monday	Tuesday	Wednesday	Thursday
Annual	Budget	Tonbridge Castle	No Member attendance (internal Management/staff meeting) – 0930 start