

TONBRIDGE & MALLING BOROUGH COUNCIL

LICENSING & APPEALS COMMITTEE

28 September 2017

Report of the Director of Central Service and Monitoring Officer

Part 1- Public

Delegated

1 REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE POLICY

1.1 Executive Overview

- 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 1 May 2013 for the period 2013 – 2016.
- 1.1.3 Two further consultations of this policy were undertaken as follows:
- Probationary Badges - During the period 7 September 2013 and 1 March 2014
 - Code of Conduct - During the period 19 March 2014 and 1 December 2014
- 1.1.4 The Council is responsible for licensing a number of different elements of the taxi/private hire trade, made up of private hire operators, private hire vehicles, private hire drivers, hackney carriage vehicles, hackney carriage drivers and dual drivers i.e. those persons licensed to drive both hackney carriages and private hire vehicles.
- 1.1.5 The proposed Hackney Carriage and Private Hire Policy due for publication in May 2018 will go out for consultation for thirteen weeks from the 1 October 2017 until the 31 December 2017. A copy of this policy is shown at **Annex 1**
- 1.1.6 The feedback from the consultation will be documented and summarised with recommendations for Members at a meeting on the 13 March 2018, at the Licensing and Appeals Committee to consider including in the final policy. A copy of the feedback form is attached as **Annex 2**
- 1.1.7 The Policy will then be considered at Full Council for adoption on the 10 April 2018. If adopted the policy will come into force on the 16 April 2018.

1.2 Background

- 1.2.1 Public safety is of paramount consideration when processing prospective candidates by ensuring only fit and proper persons are licensed to drive members of the public safely, professionally and courteously to and from their required destinations.
- 1.2.2 Hackney carriage and private hire licensed drivers undertake great numbers of school contracts with Kent County Council transporting young children, people with special needs and vulnerable adults.

1.3 Proposed changes

- **DBS** – Requirement for online certificate.
- **Working with less paper** – Some licences will be allowed to be stored on electronic devices (PDA's) rather than in paper format in the licensed vehicle.
- **Induction Seminars** – Monthly induction seminars for all new applicants to cover safe guarding and Codes of Conduct expected from Tonbridge & Malling Borough Council.
- **New design front door logos for Hackney Carriage Vehicles** – The new signs will show the plate number of the Hackney Carriage and Private Hire Vehicles.
- Updated CCTV Guidance.
- **No Probationary Hackney Carriage Drivers** – the Council will no longer license Probationary Hackney Carriage Drivers.
- **Changes to Operator Licences** – Following the introduction of the Deregulation Bill 2015.
- **Updated Mentor Guidance** – New form for the Mentor to complete during a driver's probationary period.
- **Lost Property** – Giving details of where to hand in any lost property.
- Top Box lights for Hackney Carriage Vehicle – White and Silver only.
- **Taxi Stands** – Introduction of late night Taxi Stands within the High Street and revocation of some existing appointments.
- **Amendments relevant to the Equalities Act 2010** – with respect to wheelchair accessible vehicles.

- **Immigration Act 2016** came into force on 1 December 2016 - immigration checks on driver applicants.
- **Special Events Vehicles** – Conditions for licensing Special Events Vehicles which may come outside of the usual age restrictions of a Private Hire vehicle.

1.4 Consultation

- 1.4.1 Two workshops were held in August 2017 at Kings Hill Council Offices to discuss the key issues and changes people would like to see in a revised hackney carriage and private hire policy. All current licensees were invited to participate. The draft policy and feedback form will go out for consultation for a period of thirteen weeks from the 1 October 2017 until the 31 December 2017 to enable representations and comments to be received for consideration by the Licensing Committee for inclusion in the updated policy.
- 1.4.2 Subject to the Licensing & Appeals Committee agreeing the format and content of the taxi policy it will be recommended to Full Council for adoption.
- 1.4.3 The draft policy will be sent out to:
- All current licensed hackney carriage drivers, private hire drivers, dual drivers;
 - Hackney carriage and private hire vehicle proprietors and private hire operators;
 - All Borough and Parish Councillors;
 - Community Safety Unit;
 - Public Libraries;
 - Access Group;
 - List of interested parties for licensing polices.
- 1.4.4 The policy will be available for download on the Council's web site as well as copies being available at the Council's main offices.
- 1.4.5 During the consultation period the Council will host the taxi drivers' liaison meetings where there will be another opportunity for key issues and areas of concern to be discussed. Any member of the Licensing Committee is welcome to attend.

1.5 Legal Implications

- 1.5.1 The Council is entitled (but not required) to adopt a policy for the licensing of the hackney carriage and private hire trade. Policies play an important role in ensuring 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.

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

1.6 Financial and Value for Money Considerations

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

1.7 Risk Assessment

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

1.8 Equality Impact Assessment

1.8.1 There is no perceived impact on end users.

1.9 Recommendations

1.9.1 Members are RECOMMENDED to approve the draft policy for consultation.

Background papers:

Nil

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