

TONBRIDGE & MALLING BOROUGH COUNCIL

LICENSING & APPEALS COMMITTEE

02 October 2018

Report of the Director of Central Service and Monitoring Officer

Part 1- Public

Matters for Information

1 REMOVAL OF PROBATIONARY LICENCES FROM HACKNEY CARRIAGE AND PRIVATE HIRE POLICY FOR CONSULTATION

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 10 April 2018 for the period of three years, running from 2018 – 2023.
- 1.1.3 On the 21 May 2018 the Licensing and Appeals Committee made a decision to discontinue of the Probationary Private Hire Licence, after a six week consultation.
- 1.1.4 The Hackney Carriage and Private Hire Policy shown at **Annex 1**, has all references to Probationary Private Hire taken out.
- 1.1.5 It is proposed this new policy goes out for consultation for six weeks from the 5 October 2018 until 16 November 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 carriages and private hire licensed drivers undertake great numbers of school contracts with Kent County Council transporting young children, people with special needs and vulnerable adults.

1.3 Proposed changes

- Removal of all references to Probationary Private Hire Licences.
- Updated delegations - 20.1.1
- Clarification of Body and Vehicle Colour 7.19
- Changes in knowledge test processes 11.1
- The offence of “Battery” added to 10.4.4

1.4 Consultation

1.4.1 It is proposed this new policy goes out for consultation for six weeks from the 5 October 2018 until 16 November 2018.

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 A copy of the Consultation feedback form is shown at **Annex 2**

1.4.6 The following process steps enabled development of this policy

Draft consultation agreed at the Licensing and Appeals Committee	2 October 2018
Public Consultation	5 October 2018 until 16 November 2018

Licensing and Appeals Committee agrees the policy and recommends to Full Council for adoption	27 November 2018
Full Council adopt policy	19 February 2019
New Policy comes into force	1 March 2019

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:

Current Hackney Carriage and Private Hire Policy
Town Police Clauses Act 1847
Local Government (Miscellaneous Provisions) Act 1976

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