

TONBRIDGE & MALLING BOROUGH COUNCIL

LICENSING & APPEALS COMMITTEE

16 September 2014

Report of the Director of Central Services and Monitoring Officer

Part 1- Public

Matters for Recommendation to Council

1 FEEDBACK FROM CONSULTATION ON GOOD CONDUCT – APPENDIX I OF THE HACKNEY CARRIAGE AND PRIVATE HIRE POLICY

1.1 Summary

- 1.1.1 On 9 March 2014 Members approved, for consultation purposes, proposed changes to the existing Hackney Carriage and Private Hire licensing policy. This report asks Members to recommend to Council that the amended policy be adopted.
- 1.1.2 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
- 1.1.3 The current Hackney Carriage and Private Hire Policy was approved by Full Council on the 16 April 2013 and is published covering the years 2013 – 2016.
- 1.1.4 Appendix “I” of the current policy “Good conduct for licensed drivers” has been rewritten to reflect the focus on the aspiration to achieve high level of customer service.
- 1.1.5 The proposed changes went out for public consultation for just over six weeks from the 1 April 2014 until the 16 May 2014. The proposed changes are shown in **Annex 1**.
- 1.1.6 The response was very disappointing with no returns received during this consultation period.

1.2 Background

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

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

1.2.3 The following process steps enabled development of this amended policy

Draft consultation agreed at the Licensing Committee	9 March 2014
Public Consultation	1 April 2014 until 16 May 2014
Licensing Committee agrees the policy and recommends to Full Council for adoption	16 September 2014
Full Council adopt policy	4 November 2014
New Policy comes into force	1 December 2014

1.2.4 The Consultation was made available to taxi stakeholders via:

- the Tonbridge & Malling Web Site
- available to view at Council Offices (Tonbridge and Kings Hill)
- handed out to each taxi stakeholder at reception
- handed out at Waterloo Rank

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

1.3 Legal Implications

1.3.1 The Council is entitled (but not required) to adopt a policy for the licensing of the hackney carriage and private hire trade. Policies play an important role in ensuring consistent decision making, although a policy cannot fetter the discretion of the Council and each case must be determined on its own merits.

1.4 Financial and Value for Money Considerations

1.4.1 None arising from this report.

1.5 Risk Assessment

1.5.1 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 Recommendations

1.6 Equality Impact Assessment

1.6.1 See 'Screening for equality impacts' table at end of report

1.7 Recommendations

That the proposed changes to the Hackney Carriage and Private Hire policy, attached as **Annex 1**, be approved.

Background papers:
Nil

contact: Anthony Garnett 6151

Adrian Stanfield
Director of Central Services and Monitoring Officer

Screening for equality impacts:		
Question	Answer	Explanation of impacts
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	All applications made are decided on their own merits and on a case by case basis. Application are open to all groups in the community to apply
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	n/a	
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		

In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.