

TONBRIDGE & MALLING BOROUGH COUNCIL

LICENSING & APPEALS COMMITTEE

05 July 2023

Report of the Director of Central Services and Deputy Chief Executive

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 10 April 2018 for the period 2018 – 2023.
- 1.1.3 One further consultations of this policy were undertaken as follows:
- Consultation on Department for Transport’s Statutory Taxi & Private Hire Vehicle Standards – November 2020
- 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 will go out for consultation for eight weeks from the 10 July 2023 until the 1 September 2023. A copy of the current 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 27 September 2023, at the Licensing and Appeals Committee to consider including in the final policy. A copy of the feedback form which can be completed by Teams is attached as **Annex 2**
- 1.1.7 Click this link to complete the [Licensing Policy consultation](#)
- 1.1.8 The Policy will then be considered at Full Council for adoption on the 24 October 2023. If adopted the policy will come into force on the 1 December 2023.

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

1.3.1 We are seeking views on the following:

- Mandatory for Hackney Carriage Drivers to take payment cards (Debit / Credit Cards);
- Licensing of vehicle with a minimum capacity of 4 (Currently 1, which can cause safeguarding issues);
- Outsourcing DBS checks to a third party;
- Lost property will be kept for a minimum period of 3 months (Currently 12 months);
- Making CCTV compulsory in all licensed vehicles (Hackney Carriage and Private Hire);
- Failure to take a passenger from Waterloo Rank due to short journey, having no change with you to take cash, or charging more than the Fare shown on the Meter when taking a credit card payment. – 12 Points and a two week suspension;
- Aligning penalty points for similar offences to be consistent;
- Taking out duplication and unnecessary text, where a website link and provide up-dated information; and
- Tinted back passenger windows - Manufacturer specification will apply for back passenger windows for Private Hire for Plate exempt vehicle who undertake executive work only – (Currently 50 percent for back passenger windows).

1.4 Consultation

1.4.1 Process steps to develop this policy –2023 - 2028

Consultation agreed at the Licensing and Appeals Committee	5 July 2023
Public Consultation	10 July 2023 – 1 September 2023
Licensing and Appeals Committee	27 September 2023
Full Council adopt policy	24 October 2023
New Policy comes into force	1 December 2023

1.4.2 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.

1.4.3 The policy will be available for download on the Council’s web site as well as copies being available at the Council’s main offices.

1.4.4 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 five 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 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.

1.9 Recommendations

1.9.1 Members are RECOMMENDED to approve the draft policy for consultation

Background papers:

Existing Hackney and Private Hire taxi policy

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