

TONBRIDGE & MALLING BOROUGH COUNCIL

LICENSING & APPEALS COMMITTEE

27 September 2023

Report of the Director of Central Services and Deputy Chief Executive

Part 1- Public

Matters for Recommendation to Council

1 FEEDBACK FROM CONSULTATION ON THE HACKNEY CARRIAGE AND PRIVATE HIRE POLICY 2023 - 2028

1.1 Summary

1.1.1 On 5 July 2023 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 10 April 2018.

1.1.4 The current Hackney Carriage and Private Hire Policy again went out on consultation, to include the Department for Transport’s Statutory Taxi & Private Hire Vehicle Standards from 23 November 2020 until the 31 January 2021.

The updated policy was considered by the Licensing and Appeals Committee on the 9 March 2021 and was approved by Full Council on the 13 April 2021.

1.1.5 The proposed new policy went out for public consultation from the 10 July 2023 until the 1 September 2023. The consultation received 82 responses.

1.1.6 The proposed changes within the consultation are shown in **Annex 1**.

1.1.7 The 82 responses to the consultation are shown in **Annex 2**

1.1.8 The response to the consultation in the form of a petition from 31 drivers is shown in **Annex 3**

1.1.9 A copy of the proposed policy is shown at **Annex 4**

1.2 Background

1.2.1 Public safety is the 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 Furthermore, 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. From a safeguarding perspective, the Council needs robust policies in place to ensure, insofar as it can, that these particularly vulnerable categories of people are not put at risk when these transport contracts are undertaken.

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

1.2.4 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

1.2.5 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
- Taxi driver meetings at the Council Offices

1.3 Legal Implications

- 1.3.1 Under the Act, the Licensing Authority Statement of Policy will last for a maximum of five years and must be adopted by Full Council. Constitutionally, any new or amended policy has to be considered by the Licensing and Appeals Committee, and its recommendations are carried forward to Full Council.

1.4 Financial and Value for Money Considerations

- 1.4.1 Fee levels for Taxi licences are set by the Licensing Authority. The proposed changes are unlikely to lead to any impact on fee income or additional administrative costs for the authority.

1.5 Risk Assessment

- 1.5.1 The Council has a licensing policy in place for Hackney Carriage and Private Hire drivers. The policy provides a transparent and consistent basis for decision making, which in turn reduces the risk of decisions being successfully challenged in the Courts. The policy by law lapses after 5 years unless reviewed and adopted again. Allowing the policy to lapse would raise a number of risks for consistency in decision making, safeguarding, and an increased risk of court challenges which would also have cost implications for the Council. In any event, policies should be reviewed periodically to ensure they remain up to date with current best practice and take into account changes in legislation and case law.

1.6 Equality Impact Assessment

- 1.6.1 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.

1.7 Recommendations

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

Background papers:
Existing Policy
Existing Licensing Legislation
Government websites
Institute of Licensing

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