

Licensing and Appeals Committee

25 March 2026

Part 1 - Public

Matters Taken Under Delegated Powers



Cabinet Member	N/A
Responsible Officer	Eleanor Hoyle, Director of Planning, Housing and Regulatory Services
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Review of Hackney Carriage and Private Hire Licensing Policy 2023-2028

1 Summary and Purpose of Report

- 1.1 Under the powers conferred to Tonbridge and Malling Borough Council (TMBC) under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, (as amended), TMBC has responsibility for licensing Hackney Carriage, Private Hire and Dual Licence Drivers as well as vehicle proprietors and Private Hire Operators within the borough.
- 1.2 The current Hackney Carriage & Private Hire Licensing Policy (the policy) was last updated in 2023.
- 1.3 The taxi trade in Tonbridge and Malling have raised concerns over Appendix A Section 8.4 of the current policy which relates to the minimum light transmission value (VLT) for rear and rear side facing windows (windows rear of the B pillar). The concerns centre around the costs now involved in sourcing vehicles which meet the policy criteria which the trade feel is overly stringent compared to neighbouring authorities.
- 1.4 In addition, whilst reviewing the policy, Officers have identified areas around door signage and Disclosure and Barring Service (DBS) checks and the reporting of convictions/orders which can be added/amended within the policy to strengthen public safety.
- 1.5 This report will detail those areas and present recommendations for revisions to the policy.

2 Corporate Strategy Priority Area

- 2.1 Efficient services for all our residents, maintaining an effective Council.

- 2.2 The policy review reflects our commitment to work with the taxi trade and identify areas for improvement whilst maintaining and improving the safety of a valuable service for all our residents.

3 Recommendations

- 3.1 That Members agree to the new wording of Appendix A Section 8.4 on window light transmission values (VLT) from the options given below (or an agreed alternative).

- 3.1.1 *All Private Hire and Hackney Carriage vehicle windows must meet the requirements as prescribed by the Road Vehicles (Construction and Use) Regulations. (75% light transmission (VLT) windscreen, 70 % light transmission (VLT) front passenger windows)
Windows rear of the vehicle B pillar shall have a VLT figure of 50% or above to maintain passenger confidence.
Vehicles already licensed at the date when this revised policy came into effect will continue to be licensed until they are replaced. Replacement vehicles (permanent or temporary) must comply with this condition.*

or

- 3.1.2 *All Private Hire and Hackney Carriage vehicle windows must meet the requirements as prescribed by the Road Vehicles (Construction and Use) Regulations. (75% light transmission (VLT) windscreen, 70 % light transmission (VLT) front passenger windows)
In line with DfT Taxi and private hire vehicle licensing best practice guidance, windows rear of the vehicle B pillar shall have a VLT figure of 30% or above to maintain passenger confidence whilst ensuring a wide range of vehicles may be licensed.
Vehicles already licensed at the date when this revised policy came into effect will continue to be licensed until they are replaced. Replacement vehicles (permanent or temporary) must comply with this condition.*

- 3.2 That the revised Hackney Carriage and Private Hire Licensing Policy presented at **Annex 1** (subject to the recommendation at 3.1) be agreed and put out for public consultation. The key revisions to the adopted policy being.

- That the relevant part of Appendix A, Section 8.4 on window specifications is amended.
- That Section 3.12 (and associated references in the appendices) are amended to require Hackney Carriage and Private Hire Vehicles to affix permanent signage to the front side doors of the vehicle (unless exempt under Section 3.13).
- That Section 4.6 is amended to remove reference to outsourcing Disclosure and Barring Service (DBS) checks.

- That Section 4.7 is amended to make mandatory a requirement for all new driver applicants and all existing driver renewal applicants to sign up to the online Disclosure & Barring Service update service and to give Tonbridge and Malling Borough Council authority to access DBS records at any time. Six monthly DBS checks will be carried out throughout the duration of a licence or more frequently should this be necessary.
- That Section 4.11 is amended to make clear the requirement for drivers to report to the Council as the licensing authority any convictions or orders affecting them within 7 days of such an occurrence, irrespective of the offence.

3.3 If no responses to the consultation are received, policy approval shall be delegated to the Director of Planning, Housing and Regulatory Services.

4 Introduction and Background

4.1 Public safety is a paramount consideration when processing driver and vehicle application/renewals forms for hackney and private hire drivers and vehicles, ensuring only fit and proper persons and suitable vehicles are licensed.

4.2 The current Hackney Carriage and Private Hire Licensing Policy (the policy) was adopted by Members following a public consultation in 2023 and is due to run until 2028.

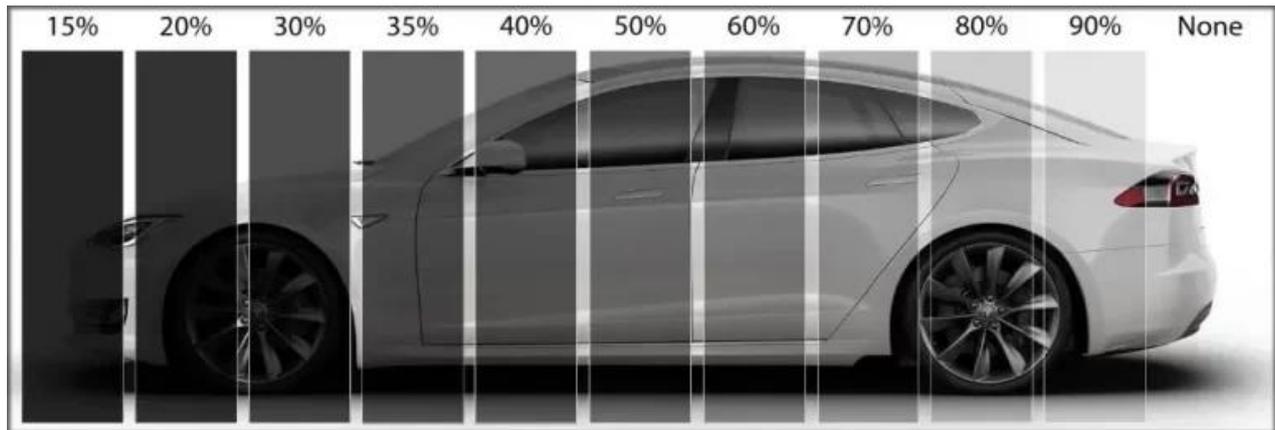
4.3 Following receipt of concerns from the taxi trade regarding Appendix A, Section 8.4 of the policy relating to window specifications on licenced vehicles, at a meeting of the Licensing and Appeals Committee on the 26 November 2025 Members requested that the policy be reviewed and if appropriate proposals for revisions made.

4.4 Whilst reviewing the policy, an opportunity has arisen to formally introduce additional elements into the policy which will further strengthen public safety. This includes the use of permanent door stickers indicating the relevant vehicle badge number for ease of identification and also to improve the way in which DBS checks are processed and stored.

5 Proposals

5.1 Changes to Window specifications

5.1.1 Visible Light Transmission (VLT) measures the percentage of visible light that passes through windows, with lower percentages indicating darker, more private windows, as demonstrated in the guide below.



5.1.2 The window standard within the current policy can be found in Appendix A Section 8.4 and reads.

'Private hire and Hackney carriage vehicles must have at least 75 per cent of light passing through the front windscreen, 70 percent through both front side facing windows, and 50 per cent through all other side facing windows.'

5.1.3 As shown in the guide at 5.1.1 there is significant difference between TMBC policy guidance of 50% VLT and darker shades of 15-20%, TMBC policy requirements therefore benefit passenger safety, with them being able to be clearly seen from the outside of the vehicle.

5.1.4 In October 2025 a member of the taxi trade lodged a formal complaint with the Council after his vehicle was refused a licence due to the vehicles rear windows failing the policy standard. The complainant pointed out that many modern cars are fitted with tinted/privacy glass as standard, as his vehicle had been.

5.1.5 Whilst not leading to formal complaints, since equipment to determine the level of window VLT was purchased by the Council in the summer of 2024 around 19 vehicles have been tested due to concerns over the darkness of rear windows. Nine were refused a licence due to VLT being lower than 50%. Of those, four changed the windows (1 being a removable film fitted after manufacture but before purchase) the remainder opting for the plate exemption route within Section 3.13 of the policy. These figures do not include another 15 or so enquiries where applicants have sent photographs or links to vehicles for sale and requested officers consider their suitability.

5.1.6 The taxi trade has also expressed concern over the cost and sometimes inability to change windows to compliant variants, and that in some circumstances this is also considered a modification which may invalidate the vehicle warranty and/or have cost implications for insurance purposes.

5.1.7 Officers have reviewed the Hackney and Private Hire licensing policies of authorities across Kent and the relevant sections relating to windows are presented in **Annex 2** of this report. Tonbridge and Malling provide the most rigorous requirement on light transmission with most other LA policies simply

requiring that ‘*All windows must meet the requirements as prescribed by the Road Vehicles (Construction and Use) Regulations*’.

- 5.1.8 The 2023 DfT ‘*Taxi and private hire vehicle licensing best practice guidance for licensing authorities in England*’, recommends that on balance “*licensing authorities should not require the removal of windows rear of the B-pillar if they have a minimum light transmission of 30% or above. This should maintain passenger confidence whilst ensuring a wide range of vehicles may be licensed*”.
- 5.1.9 A review of two of the most popular vehicle make/models in the taxi trade, the Skoda Octavia and Toyota Prius has confirmed that privacy glass now comes as standard on all but the base model of the Octavia.
- 5.1.10 A further consideration for the amendment of the current policy is that with the phasing out of new petrol and diesel vehicles in 2030 and a desire to move the taxi and private hire fleet towards zero emission vehicles, this current policy point may impede this process.
- 5.1.11 The recommendation at 3.1 therefore seeks members views on determining revised wording on this matter to either maintain the status quo or strike a new balance between public safety and the trend towards vehicles fitted with lower percentage VLT glass by adopting wording which mirrors current DfT guidance.

5.2 **Door Signage**

- 5.2.1 At a meeting of the Licensing and Appeals Committee on 25 September 2024 members agreed to proposals for permanently affixed door signage which includes the relevant vehicle badge number, in an attempt to ease vehicle identification in the event of disputes.
- 5.2.2 This review presents an opportunity to place this requirement within the policy, and it is recommended to amend Section 3.12 and the relevant detail in Appendix A.
- 5.2.3 The cost implications for the taxi trade in purchasing further signage is recognised and it is proposed that the initial tranche of door stickers for existing licensed vehicles will be funded by the Council, in part through an allocation of £1,757 from the Community Safety Partnership. With the remaining cost sourced from existing budgets. The cost of stickers will eventually be levied as part of the application process for new vehicles.

5.3 **Disclosure and Barring Service (DBS) Checks**

- 5.3.1 On adoption of the current policy, it was proposed to outsource DBS applications to an external third party. However, this has not progressed, and in retrospect, by keeping the process ‘in house’ Officers can at least be confident that a DBS application has been submitted. Therefore, it is proposed to remove the reference to outsourcing in Section 4.6 of the policy.

5.3.2 In addition, the current policy at section 4.7 only “strongly advises” drivers to sign up to the online DBS update service. In order to speed up and strengthen DBS responses from drivers, it is proposed that Section 4.7 is amended to make it mandatory from 1 August 2026 for all new driver applicants and all existing driver renewal applicants to sign up to the online Disclosure & Barring Service update service and to give Tonbridge and Malling Borough Council authority to access DBS records at any time. Six monthly DBS checks will be carried out throughout the duration of a licence or more frequently should this be necessary.

5.3.3 We expect many drivers already subscribe where they hold multiple licences, but in a worst-case scenario, it will be three years (the length of a badge) to complete this requirement for all drivers.

5.4 Consultation

5.4.1 The proposed timetable for consultation in respect of the revised policy is:

- Licensing and Appeals Committee – 25 March 2026
- Public Consultation – 30 March – 11 May 2026
- Responses to Licensing and Appeals Committee 17 June 2026 (if required)
- Council – 14 July 2026
- Revised policy comes into force – 1 August 2026

5.4.2 A feedback form for use during the consultation is shown at **Annex 3**.

5.4.3 As per recommendations, should no responses be received, policy approval shall be delegated to the Director of Planning, Housing and Regulatory Services.

6 Other Options

6.1 Members may wish to continue without amending the current policy or recommend only some of the proposed revisions are taken forward to consultation.

7 Financial and Value for Money Considerations

7.1 It is proposed at 5.2.3 to provide existing licensed Hackney Carriage and Private Hire vehicles with a set of door stickers. A funding contribution of £1,757 from the Community Safety Partnership has been identified to support this initiative, with the remaining cost of circa £3,000 funded from existing budgets during the 2026/27 financial year.

8 Risk Assessment

- 8.1 The revision and suitable updating 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.

9 Legal Implications

- 9.1 An effective policy document will ensure that the trade and public alike will have a document that fully explains the elements of the regulatory process. This will include the principles to be applied when considering applications for taxi and private hire licences, including the application process itself and the grounds for objection, refusal, vehicle requirements, the hearings procedure and the grounds for appeal etc.

10 Consultation and Communications

- 10.1 The proposal is to consult on the revised policy.

11 Implementation

- 11.1 If the recommendations are agreed the revised policy will be consulted on and any comments/objections brought to the next Committee for discussion prior to the revised policy being adopted.

12 Cross Cutting Issues

12.1 Climate Change and Biodiversity

- 12.1.1 Impact on reducing emissions in support of carbon neutral by 2030 or enhancing the natural environment.

- 12.1.2 Climate change advice has not been sought in the preparation of the options and recommendations in this report.

- 12.1.3 Whilst the proposed changes do not directly impact on Climate Change commentary on tinted windows suggests that their increased use in vehicle manufacture is associated with reducing heat within the vehicle cabin thus reducing the need for A/C cooling with the resulting benefits on fuel consumption. In electric vehicles this will impact on vehicle range with increased range presenting a realistic alternative to traditional combustion engines for the taxi trade. By maintaining restrictive requirements on window tints we risk impeding the purchase of more fuel-efficient cleaner vehicles by the taxi trade.

12.2 Equalities and Diversity

- 12.2.1 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.

12.3 Other If Relevant

- None

Background Papers	Licensing and Appeals Committee 25 September 2024-Discussion –SAFETY OF WOMEN WHEN TAKING A TAXI OR PRIVATE HIRE JOURNEY (LA 24/11)
Annexes	Annex 1 Draft revised Hackney Carriage and Private Hire Licensing Policy Annex 2 Window tinting Kent LA's stance Annex 3 Consultation Feedback Form