

Licensing and Appeals Committee

17 June 2026

Part 1 - Public

Matters for Recommendation to Council



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Cabinet Member	N/A
Responsible Officer	Eleanor Hoyle, Director of Planning, Housing and Regulatory Services
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Consultation responses to 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 Following concerns raised by the taxi trade about 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), a review of the policy was undertaken.
- 1.4 From the review, as well as the issue noted in 1.3, officers also identified areas around door signage and Disclosure and Barring Service (DBS) checks which were recommended to be added/amended within the policy to strengthen public safety, and agreed in principle by Members at Committee on 25 March 2026.
- 1.5 A public consultation on these three key amendments was then undertaken between 1 April and 17 May 2026. This report outlines the responses to the consultation and makes recommendations in respect of policy amendments.

2 Corporate Strategy Priority Area

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

- 2.2 The policy review and consultation on changes reflects the Council's commitment to work with the taxi trade and identify areas for improvement whilst maintaining and improving the safety of a valuable service for all the borough residents.

3 Recommendations

- 3.1 That Members debate and decide whether to include or omit the condition '*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*' within the revised policy at Appendix A Section 8.4, as presented at **Annex 2** to this report.
- 3.2 That the revised Hackney Carriage and Private Hire Licensing Policy as previously agreed and presented at **Annex 2** (subject to the recommendation at 3.1 being agreed/revised) be agreed and presented to Council for adoption. The key revisions to the current 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.

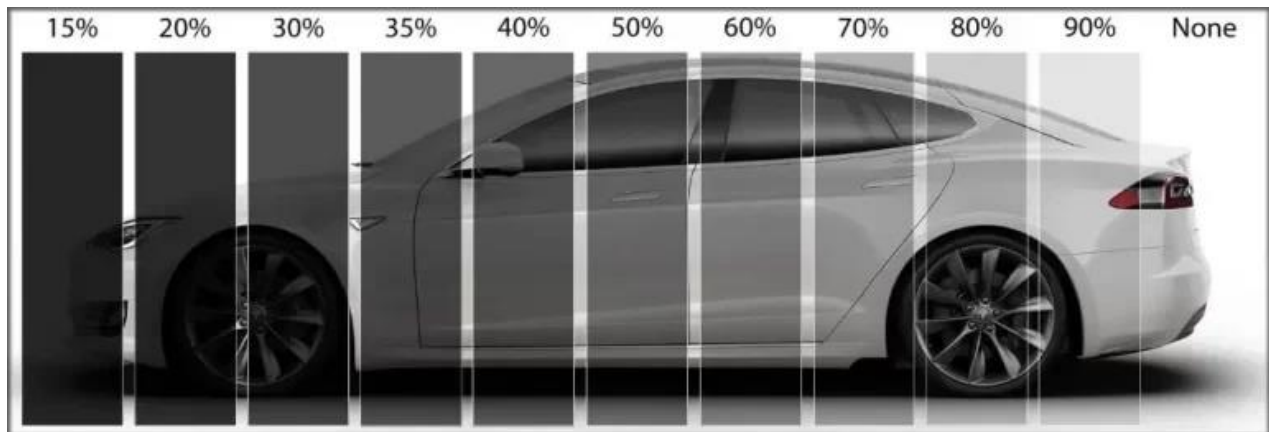
4 Introduction and Background

- 4.1 Following receipt of concerns from the taxi trade regarding Appendix A Section 8.4 of the current Hackney Carriage and Private Hire Licensing Policy (the policy) adopted by Members in 2023 a review of the Policy was undertaken and presented to the Licensing and Appeals Committee on the 25 March 2026.
- 4.2 Proposed revisions to the Policy were then put out for public consultation between 1 April and 17 May 2026.
- 4.3 This report outlines the replies received to the consultation which are presented in full in **Annex 1** and the final recommendations to Members for adoption of the revised Policy at full Council.

5 Consultation Responses

5.1 Changes to Window specifications

- 5.1.1 The Council received 35 responses to the proposal to change Appendix A Section 8.4 of the Policy on the Visible Light Transmission (VLT) value for windows rear of the B pillar from 50% to 30% to mirror the value given in the 2023 DfT '*Taxi and private hire vehicle licensing best practice guidance for licensing authorities in England*'.
- 5.1.2 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.



- 5.1.3 Of the 35 responses received on this issue, over 98% were connected with the taxi trade. 13 agreed with the proposed change, 22 disagreed.
- 5.1.4 The full list of responses can be seen in **Annex 1**. Of the 22 respondents who disagreed, this was not necessarily a disagreement with the change in VLT figure, but rather that there should be no VLT figure restriction at all on windows rear of the B pillar.

- 5.1.5 A repeating theme in the consultation responses cite a VLT figure for privacy glass fitted on many new vehicles as standard as being between 20-30% therefore still failing the proposed revised figure.
- 5.1.6 Of those respondents agreeing with the proposed change most felt the revised figure sufficient for the trade's needs.
- 5.1.7 As shown in the guide at 5.1.2 there is significant difference between current TMBC policy guidance of 50% VLT, the proposed level of 30% and darker shades of 15-30% as mentioned as preferable in some of the consultation responses.
- 5.1.8 At committee on 25 March Members raised a query regarding Police records of safeguarding incidents linked to vehicles and any reference to vehicle window tints. A member of the trade provided a document relating to such a survey undertaken in 2010 (a link is provided to this document on the last page of **Annex 1**). An approach was made to Kent Police to determine if any up-to-date statistics exist, but no reply was forthcoming before print deadline.
- 5.1.9 On review there are pros and cons to a specific VLT figure for windows rear of the B pillar in Hackney and Private Hire vehicles.
- 5.1.10 Pros – a suitably defined VLT figure creates a perceived benefit to passenger safety, with them being able to be clearly seen from the outside of the vehicle. It is measurable by staff using compliance equipment. A figure of 30% VLT as proposed is also in line with national taxi/private hire guidance issued by DfT.
- 5.1.11 Cons – there is evidence that vehicle manufacturing trends are outpacing guidance and many new vehicles especially cleaner hybrid/EV vehicles with privacy glass fitted as standard would fail the 30% VLT test. By keeping a restriction, we would be out of step with neighbouring authorities with whom we may join under local government reorganisation, all of whom have no such VLT restriction on windows rear of the B pillar in their policies.
- 5.1.12 On Balance, whilst officer preference would be to include a figure of 30% VLT for windows rear of the B pillar in line with DfT guidance, there is no statutory requirement to do so, in which case Members are invited to take a decision on whether to include the paragraph -

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

within the policy as presented in recommendations at 3.1.

5.2 Door Signage

- 5.2.1 Introducing permanently affixed door signage including the relevant vehicle badge number was agreed in principle by Members at a meeting of the Licensing and Appeals Committee on 25 September 2024 but has not yet been included as a requirement within the Policy.
- 5.2.2 Of the 36 respondents to this question (again over 98% connected with the taxi trade) only 16 were fully in favour of the new signage.
- 5.2.3 Of those against, the common reasons given were the large size of the stickers, the need for more signage which would eventually lead to more costs, and the inability to remove stickers where the vehicle may not always be used for private hire on a continuous basis and/or damage to the vehicle paintwork on removal.
- 5.2.4 Other valid objections were to the inclusion of a QR code which drivers felt would be open to abuse by members of the public who may make frivolous or malicious complaints about drivers, adding an administrative burden to the Council as well as drivers having to answer such complaints.
- 5.2.5 In answer to the concerns raised in the consultation summarised in 5.2.3 and 5.2.4 but presented in full at **Annex 1**, officers recognise the potential for malicious and frivolous complaints but are already mindful to this in the day to day running of the licensing team. Members have already made clear their desire for the stickers to include a QR code link and this will be set up once IT are able to create a new Taxi report on the Council's existing online portal.
- 5.2.6 As mentioned in the report to Committee on 25 March 2026 the funding for an initial tranche of door stickers for existing licenced vehicles has been identified in part through an allocation of £1,757 from the Community Safety Partnership with the remainder coming from existing budgets and there will be no new cost for drivers in the short term for the introduction of this measure.
- 5.2.7 Some respondents to the consultation were also concerned about the look of the stickers on executive vehicles. For the avoidance of doubt, those vehicles which operate under the existing plate exemption scheme for executive work will also be exempt from displaying this door signage.
- 5.2.8 Another theme which arose from this consultation question was the requirement for only silver or white vehicles to be licensed as Hackney Carriages, and with the introduction of this door signage making the distinction between Hackney and Private hire vehicles clearer, was there an opportunity to also remove that colour restriction. There are no proposals to do so at this time, however officers would point out that whilst standard Hackney Carriages must be either white or silver, wheelchair accessible vehicles licenced as Hackney Carriages may be any colour.

5.3 Disclosure and Barring Service (DBS) Checks

- 5.3.1 Currently DBS checks are undertaken for new licence applications and renewal applications (a driver licence lasts for 3 years). The Council's 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.
- 5.3.2 Of the 32 respondents to this question (over 98% from the trade) all were generally in favour of this requirement.
- 5.3.3 One respondent questioned the additional expense asking what the trade would receive in return. To clarify, the online DBS subscription is £16 per year instead of the current arrangement of £49.50 every 3 years so this actually represents a small saving in the long term.
- 5.3.4 Four respondents also opposed/questioned the six-monthly checks by licensing officers. To confirm this is in line with DfT guidance and will be automatically carried out by the licensing team, with no requirement for the driver to attend the offices. The Licensing Team will store the required details (Certificate number, Date of Birth and Surname) as they already do.
- 5.3.5 It is expected that a number of drivers are already signed up to the online service, 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 A consultation on the proposed amendments to the Policy was undertaken between 1 April and 17 May 2026.

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.

7 Financial and Value for Money Considerations

- 7.1 No additional costs to those already identified in the report to Committee of 25 March 2026.

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 This report covers the consultation recently undertaken on the proposed policy revisions.

11 Implementation

- 11.1 Once the matter at 3.1 is agreed the revised policy should be recommended to full Council for adoption.

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 (Link: Agenda for Licensing and Appeals Committee on Wednesday, 25th September, 2024, 7.30 pm)
Annexes	Annex 1 Consultation Feedback on Draft revised Hackney Carriage and Private Hire Licensing Policy Annex 2 HC & PHV Policy – Draft revised Hackney Carriage and Private hire Policy 2023-2028