

# LICENSING COMMITTEE MEETING

Date: Thursday 11 January 2024  
Time: 6.30 pm  
Venue: Town Hall, High Street, Maidstone

## Membership:

Councillors Coates, English, Fort, Garten, Hinder, Joy (Vice-Chairman), Naghi, Parfitt-Reid, Mrs Robertson, J Sams, Springett (Chairman), Trzebinski and J Wilkinson

*The Chairman will assume that all Members will read the reports before attending the meeting. Officers are asked to assume the same when introducing reports.*

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<b><u>AGENDA</u></b>	<b><u>Page No.</u></b>
1. Apologies for Absence	
2. Notification of Substitute Members	
3. Urgent Items	
4. Visiting Members	
5. Disclosures by Members and Officers	
6. Disclosures of Lobbying	
7. To consider whether any items should be taken in private because of the possible disclosure of exempt information.	
8. Minutes of the Meeting Held on 9 November 2023	1 - 3
9. Question and Answer Session for Local Residents	
10. Questions from Members of the Council to the Chairman	
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## INFORMATION FOR THE PUBLIC

In order to ask a question at this meeting, please call **01622 602899** or email [committee@maidstone.gov.uk](mailto:committee@maidstone.gov.uk) by 5 p.m. one clear working day before the meeting (i.e. by 5 p.m. on Tuesday 9 January 2024). You will need to provide the full text in writing.

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**Issued on Wednesday 3 January 2024**

**Continued Over/:**

*Alison Broom*

**Alison Broom, Chief Executive**

If your question is accepted, you will be provided with instructions as to how you can access the meeting.

In order to make a statement in relation to an item on the agenda, please call **01622 602899** or email [committee@maidstone.gov.uk](mailto:committee@maidstone.gov.uk) by 4 p.m. one clear working day before the meeting (i.e. by 4 p.m. on Tuesday 9 January 2024). You will need to tell us which agenda item you wish to speak on.

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## MAIDSTONE BOROUGH COUNCIL

### LICENSING COMMITTEE

#### MINUTES OF THE MEETING HELD ON THURSDAY 9 NOVEMBER 2023

##### Attendees:

<b>Committee Members:</b>	<b>Councillor Springett (Chairman) and Councillors Coates, English, Fort, Garten, Hinder, Joy, Naghi, Parfitt-Reid, Mrs Robertson, J Sams, Trzebinski and J Wilkinson</b>
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29. APOLOGIES FOR ABSENCE

There were no apologies.

30. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

31. URGENT ITEMS

There were no urgent items.

32. VISITING MEMBERS

There were no Visiting Members.

33. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

34. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

35. EXEMPT ITEMS

**RESOLVED:** That all items on the agenda be taken in public, with Item 13 – Minutes (PART II) of the Licensing Act 2003 Sub-Committee Meeting held on 6 September 2023 to be considered alongside Item 9 - Minutes of the Licensing Act 2003 Sub-Committee Meeting held on 6 September 2023, unless any Committee Member wished to refer to the information contained within the former in which case the Committee would have to enter into closed session due to the likely disclosure of exempt information for the reasons specified having applied the Public Interest Test.

36. MINUTES OF THE MEETING HELD ON 14 SEPTEMBER 2023

**RESOLVED:** That the Minutes of the meeting held on 14 September 2023 be approved as a correct record and signed.

37. MINUTES OF THE LICENSING ACT 2003 SUB-COMMITTEE MEETING HELD ON 6 SEPTEMBER 2023

**RESOLVED:** That the Minutes of the meeting held on 6 September 2023 be approved as a correct record and signed.

38. QUESTION AND ANSWER SESSION FOR LOCAL RESIDENTS

There were no questions from Local Residents.

39. QUESTIONS FROM MEMBERS TO THE CHAIRMAN

There were no questions from Members to the Chairman.

40. LICENCE FEES AND CHARGES 2024/2025

The Senior Licensing Officer introduced the report and outlined the proposed fee increase of 6% which was felt to be suitable against the current inflation rate of 6.7%. The options available to the Committee were outlined.

In response to questions the Senior Licensing Officer stated that some of the 'Other Costs' fees contained within point 2.5 of the report were Licensing Hub services and that the Head of Licensing had set those fees taking into account officer time and that it was in alignment with other authorities in the Licensing Partnership. The Head of Licensing would provide further information outside the meeting on the fees contained within point 2.5 of the report.

In response to further questions the Head of Housing and Regulatory Services stated that the increase in licensing fees was to cover the cost of running the service, and although it was not covered exactly, the costs of the service were distributed among the authorities in the Licensing Partnership in a rolling three-year programme that would mitigate against discrepancies in individual years. The fees were also reviewed every financial quarter as part of the Department's budget meeting with the Council's Director of Finance. It was further stated that if licensing fees were set too high it could risk a legal challenge and that if the service did produce a profit it would be redistributed to the trade.

The Committee felt that the proposed fee increases were justified and necessary to ensure that the service continued and that costs were covered.

**RESOLVED:** That,

1. The fee levels as set out at 2.6, 2.7, 2.8, 2.9, 2.10 and 2.11 of the report for implementation on 1 April 2024, be approved; and
2. That the fee level as set out at 2.5 of the report for implementation on 1 April 2024 be approved, with any responses received to the published notice to be presented to the committee for consideration before that fees implementation.

41. MINUTES (PART II) OF THE LICENSING ACT 2003 SUB-COMMITTEE MEETING HELD ON 6 SEPTEMBER 2023

**RESOLVED:** That the item be considered alongside Item 9 – Minutes of the Licensing Act 2003 Sub-Committee held on 6 September 2023.

42. DURATION OF MEETING

6.30 p.m. to 6.58 p.m.

# Agenda Item 11

## LICENSING COMMITTEE

11 January 2024

### Pavement Licensing – approve & adopt updated policy and setting of fees

<b>Final Decision-Maker</b>	Licensing Committee
<b>Lead Head of Service</b>	John Littlemore, Head of Housing and Community Services
<b>Lead Officer and Report Author</b>	Sharon Bamborough, Head of the Licensing Partnership
<b>Classification</b>	Public
<b>Wards affected</b>	All

#### Executive Summary

To consider the updated Pavement Licensing policy and set fees (to come into effect when the commencement date of Schedule 22 of The Levelling Up and Regeneration Act 2023)

#### Purpose of Report

To seek Member approval to the proposed updates to the pavement licensing policy, to adopt the amended policy, and to set fees

#### This report makes the following recommendations to this Committee:

1. That the committee consider the proposed Pavement Licensing Policy (drafted to take into account recent changes to legislation) and adopt it - to take effect upon commencement of Schedule 22 of the Leveling Up and Regeneration Act 2023. The draft policy is attached as Appendix A
2. To approve the proposed fees for applications set out in Appendix B, to take effect upon commencement of Schedule 22 of the Leveling Up and Regeneration Act 2023

#### Timetable

<b>Meeting</b>	<b>Date</b>
Licensing Committee	11 January 2024

## Pavement Licensing – approve & adopt updated policy and setting of fees

### 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	<i>No implications have been identified</i>	Sharon Bamborough – Head of the Licensing Partnership
<b>Cross Cutting Objectives</b>	<i>No implications have been identified</i>	Sharon Bamborough – Head of the Licensing Partnership
<b>Risk Management</b>	<i>No implications have been identified</i>	Sharon Bamborough – Head of the Licensing Partnership
<b>Financial</b>	<i>No implications have been identified</i>	Sharon Bamborough – Head of the Licensing Partnership
<b>Staffing</b>	<i>No implications have been identified</i>	Sharon Bamborough – Head of the Licensing Partnership
<b>Legal</b>	<i>There is no statutory requirement to have a pavement licensing policy; however, it is good practice to do so. A policy assists with consistent and transparent decision making; however, each case must be considered on its own merits with the decision maker being prepared to make exceptions to the policy in appropriate circumstances. In formulating this draft Policy, the Council has had regard to the provisions of the Human Rights Act 1998 and the Public Sector Equality Duty. No implications have been identified</i>	Helen Ward, Lawyer, Midkent Legal team

<b>Privacy and Data Protection</b>	<i>No implications have been identified</i>	Sharon Bamborough – Head of the Licensing Partnership
<b>Equalities</b>	<i>No implications have been identified</i>	Sharon Bamborough – Head of the Licensing Partnership
<b>Public Health</b>	<i>No implications have been identified</i>	Sharon Bamborough – Head of the Licensing Partnership
<b>Crime and Disorder</b>	<i>No implications have been identified</i>	Sharon Bamborough – Head of the Licensing Partnership
<b>Procurement</b>	<i>No implications have been identified</i>	Sharon Bamborough – Head of the Licensing Partnership
<b>Biodiversity and Climate Change</b>	<i>No implications have been identified</i>	Sharon Bamborough – Head of the Licensing Partnership

## **2. INTRODUCTION AND BACKGROUND**

- 2.1 On 25 June 2020, The Government announced relaxations to planning and licensing laws to help the hospitality industry recover from the coronavirus lockdown. The Business and Planning Act 2020 made it easier for premises serving food and drink such as bars, restaurants and pubs to seat and serve customers outdoors through temporary changes to planning procedures and alcohol licensing.
- 2.2 Initially, the legislation was temporary, with the pavement licensing aspect expiring 30 September 2021. This was then extended several times with the current expiry being 30 September 2024. As part of the application process, the applicant must submit an application form, fee, site plan of the proposed area for use, photos or brochure of proposed furniture and evidence of public liability insurance.

- 2.3 With Schedule 22 of the Levelling Up and Regeneration Act 2023, the government has permanently moved pavement licensing to the district/ borough level, away from the highways authority and amended the Business and Planning Act 2020 to introduce some changes to processes and introduce enforcement powers.
- 2.4 It is now necessary to update the existing policy to be in line with these amendments and have it adopted by the Licensing Committee.
- 2.5 In addition, new fees should be considered. Previously, the statutory cap for applications was £100. The legislation has amended this to introduce higher caps for new and renewal applications.

### **Review of Pavement Licensing Policy**

- 2.6 The draft policy is attached as **Appendix A**. (Originally the policy was brought in informally in 2020 during the lockdowns and pandemic and it was not possible at the time to take it through a Committee).
- 2.7 The changes are fully in line with the new legislation and do not propose anything in addition other than an opportunity to tidy up some of the wording throughout.
- 2.8 The amendments include the following:
- Removal of sections no longer relevant or needed
  - Updating of references to legislation /consultation periods (in line with legislative amendments)
  - Addition on new section on enforcement (directly lifted from the legislation)
  - Tidying up of terminology
- 2.9 As the major amendments are in line with the new legislation and minor changes to tidy up terminology, it is not considered necessary that a consultation exercise is needed.

### **Review of Fees**

- 2.10 The fee payable for a pavement licensing was previously capped at £100 in the legislation, and this was the fee set and charged when the legislation came at very short notice in July 2020.
- 2.11 The fees have new caps set in legislation - £500 for a new application and £350 for a renewal.
- 2.12 The duration of licences has changed from a minimum of three months and up to 30 September each year, to no minimum duration and a maximum of two years. This allows the possibility of introducing a fee for a temporary/event linked pavement licence should an event organiser be

interested in having a pavement licence as part of their facilities for the duration of the event.

- 2.13 The proposed fees have been calculated based upon timings and estimated costs for processing of applications, site assessments, compliance checking after licence is issued, etc. and are set out at in **Appendix B**.
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### **3. Available Options**

#### **Policy review**

- 3.1 To agree to all of the proposed changes to the Pavement Licensing Policy proposed at Appendix A, (a track changes version is provided to easily identify where the changes are proposed) and adopt it or
- 3.2 Only accept the legislative changes to policy and adopt it

#### **Fee setting**

- 3.3 To agree to the proposed fees set out at Appendix B, or
- 3.4 Amend the proposed fees and implement, or
- 3.5 To leave fees as they currently are
- 

### **4. PREFERRED OPTIONS AND REASONS FOR RECOMMENDATIONS**

#### **Policy Review**

- 4.1 The preferred option is that Members agree the proposed amendments to the current policy and adopt it. To have an updated policy ensures the Council continues to have a modern, effective document that ensures the trade, and the public has a document that fully explains the licensing process.

#### **Fee setting**

- 4.2 The preferred option is to set the fees as proposed as they have been calculated to recover costs.
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### **5. RISK**

- 5.1 There are no risks identified in updating the policy to reflect the legislative changes.

5.2 If the fee structure remains unchanged we might not achieve the full potential of income for this service.

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## **6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

6.1 Not applicable – no consultation is necessary on this policy or fees.

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## **7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

7.1 Should the committee agree with the recommendations, the amended policy and new fees would come into effect on the commencement date of Schedule 22 of The Levelling Up and Regeneration Act 2023 (anticipated in 2024).

7.2 The website will be updated with the new policy and fees when they come in to effect.

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## **8. REPORT APPENDICES**

The following documents are to be published with this report and form part of the report:

- Appendix A: Pavement Licensing Policy with tracked changes revisions
  - Appendix B: Proposed fees
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## **9. BACKGROUND PAPERS**

- Business and Planning Act 2020
- Levelling Up and Regeneration Act 2023

Licensing  
Partnership



# Pavement Licensing Policy

Effective: July 2020, [last updated 2023](#)

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## 1. Introduction

### BACKGROUND

In 2020 the Covid-19 pandemic affected businesses across the economy causing many to cease trading for several months while others have had to significantly modify their operations.

When the economy started to re-open, on 25 June 2020 the Government announced a further and urgent relaxation to planning and licensing laws to help the hospitality industry recover from the coronavirus lockdown by removing short term obstacles that could get in their way.

~~Up until June 2020, tables and chairs permissions were granted as Pavement licences by Kent County Council, the Highways Authority, under Part 7A of the Highways Act 1980. The fee varied between local authorities and there was a 28 day consultation period.~~

The Business and Planning Act 2020 made it easier for premises serving food and drink such as bars, restaurants and pubs, as lockdown restrictions were lifted but social distancing guidelines remained in place to seat and serve customers outdoors through temporary changes to planning procedures and alcohol licensing. ~~Although covid restrictions have been lifted, These temporary regulations have been extended until 30 September 2024. new regulations have been made to extend the expiry date of these benefits until 30<sup>th</sup> September 2023~~

~~The measures included in the Act modify provisions in the Licensing Act 2003 to provide automatic extensions to the terms of on-sales alcohol licences to allow for off-sales. It will be a temporary measure to boost the economy, with provisions lasting until the end of September 2023.~~

The Act ~~also introduced~~s a temporary fast-track process for these businesses to obtain permission, in the form of a "pavement licence", from the District or Borough Council for the placement of furniture such as tables and chairs on the pavement outside their premise which will enable them to maximise their capacity whilst adhering to social distancing guidelines.

~~Up until June 2020, tables and chairs permissions were granted as Pavement licences by Kent County Council, the Highways Authority, under Part 7A of the Highways Act 1980. The fee varied between local authorities and there was a time consuming 28 day consultation period.~~

### CURRENT POSITION

The regulations under the Business and Planning Act 2020 in respect of pavement licensing have been amended and made permanent by the Levelling Up and Regeneration Act 2023 which received Royal Assent 26 October 2023. The amendments include:

- Increasing the public consultation period to 14 days (with an further 14 days to determine)
- Increasing the statutory fee cap
- Additional enforcement powers for unlicensed activity

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- Duration of licences – no longer a minimum of three months, and can be granted for up to two years. new temporary measure places a cap on the application fee for businesses (£100), and introduces a new 14-day determination period, ensuring that businesses can obtain licences in a timely and cost effective manner aiding to their financial recovery.

## 2. Scope

### 2.1 Definition of pavement licence café

A pavement licence is a licence granted by the local authority, or deemed to have been granted, which permits allows the licence-holder to place removable furniture on the overpublic-certain highways adjacent to the premises in relation to which the application was made, for certain purposes.

## 2.2 Eligible Businesses

A business which uses (or proposes to use) premises for the sale of food or drink for consumption (on or off the premises) can apply for a licence. Businesses that are eligible include: public houses, cafes, bars, restaurants, snack bars, coffee shops, and ice cream parlours.

A licence permits the business to use furniture placed on the highway to sell or serve food or drink and/or allow it to be used by people for consumption of food or drink supplied from, or in connection with the use of the premises.

## 2.3 Eligible Locations

Licences can only be granted in respect of highways listed in section 115A(1) Highways Act 1980.

Generally, these are footpaths restricted to pedestrians or are roads and places to which vehicle access is restricted or prohibited. Highways maintained by Network Rail or over the Crown land are exempt (so a licence cannot be granted).

## 2.4 Type of furniture permitted

The furniture which may be used is:

- counters or stalls for selling or serving food or drink;
- tables, counters or shelves on which food or drink can be placed;
- chairs, benches or other forms of seating; and
- umbrellas, barriers, heaters and other articles used in connection with the outdoor consumption of food or drink.

This furniture is required to be removable, which, in principle, means it is not a permanent fixed structure, and is able to be moved easily, and stored away of an evening. [For example, picnic tables which are not removable would not be suitable. Each application is determined on its own merits.](#)

The Council would also expect the type of furniture to be 'in keeping' with the local area.

## 2.5 Planning Permission

Once a licence is granted, or deemed to be granted, the applicant will also benefit from deemed planning permission to use the land for anything done pursuant to the licence while the licence is valid.

### 3. Application and Determination of Pavement Licences

#### 3.1 Submission of the Application

An application for a [NEW](#) Pavement Licence must be made electronically to the Council, and the following will be required to be submitted with the application:

- a completed Application Form
- the required fee ~~of £100, to be~~ paid by credit or debit card
- a plan showing the location of the premises shown by a red line, so the application site can be clearly identified
- a plan ~~clearly~~ showing the proposed area covered by the licence in relation to the highway, if not to scale, with measurements clearly shown. The plan must show the positions and number of the proposed tables and chairs, together with any other items that they wish to place on the highway. The plan shall include clear measurements of, for example, pathway width/length, building width and any other fixed item in the proposed area
- the proposed days of the week on which, and the times of day between which, it is proposed to put furniture on the highway
- the proposed duration of the licence (~~for e.g. 3 months, 6 months, or up to 30 September 2023~~ [maximum duration is two years](#))
- photos showing the proposed ~~type of~~ furniture and information on potential siting of it within the area [applied](#)
- ~~(if applicable) Reference~~ of existing pavement licence [currently under consideration by the local authority if applicable](#)
- evidence that the applicant has met the requirement to give [a public Notice](#) of the application (for example photographs of the notice [displayed outside the premises and of the notice itself](#))
- a copy of a current certificate of insurance that covers the activity for third party and public liability risks, to a minimum value of £5 million, (caveat: there may be rare circumstances where a different minimum value may be agreed in advance before submission of application)
- any other evidence needed to demonstrate how the Council's local conditions, and any national conditions will be satisfied.

[An application for a RENEWAL of a pavement licence must be made electronically to the Council and be accompanied by the following:](#)

- [a completed application form](#)
- [the required fee](#)
- [a copy of a current certificate of insurance that covers the activity for third party and public liability risks, to a minimum value of £5 million, \(caveat: there may be rare circumstances where a different minimum value may be agreed in advance before submission of application\)](#)
- [any other information or evidence requested](#)
- [Note: photographs of furniture are not required on renewal unless the proposed items differ from those currently licensed](#)

[NOTE: a renewal cannot be submitted after expiry of the current licence. A new application would be required.](#)

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### 3.2 Fees

The fee for applying for a licence under the new process are set locally, but are capped at ~~£5400 for a new application and £350 for renewal.~~ . ~~Please refer to the Council's website to look up current fees. The Council has determined that the fee for applications will be £100.~~

### 3.3 Consultation

Applications are consulted upon for ~~147~~ days, starting with the day after which a valid application was ~~received by~~ ~~made to~~ the Council.

The Council will publish details of the application on its website. The Council is required by law to consult with the Highways Authority. In addition, ~~to ensure that there are not detrimental effects to the application~~ the Council will consult with:

- Environmental Health Service
- Police
- Fire Service

Members of the public ~~can also submit a~~ ~~and others listed above can contact the Council to make~~ representations in support of or against the application within the consultation period.

The Council must take into account representations received during the public consultation period and consider these when determining the application.

### 3.4 Site Notice

An applicant for a pavement licence must on the day the application is made, fix a notice of the application to the premises so that the notice is readily visible to, and can be read easily by, members of the public who are not on the premises. The notice must be constructed and secured so that it remains in place until the end of the public consultation period. Evidence of the site notice requirement must be supplied to the Council.

The Site Notice must:

- state that the application has been made and the date on which it was made;
- state the statutory provisions under which the application is made;
- state the address of the premises and name of the business;
- describe the proposed use of the furniture;
- indicate that representations relating to the application may be made to the Council during the public consultation period and when that period comes to an end;
- state the Council's website where the application and any accompanying material can be viewed during the consultation period;
- state the address to which representations should be sent during the consultation period; and
- the end date of the consultation (~~14 days~~ 5 working days starting the day after the application is submitted to the authority).

A template Site Notice is shown as Appendix 1.

### 3.5 Site Assessment

The following matters will be used by the Council and consultees in considering the suitability of the proposed application:

- ~~public health and safety – for example, ensuring that uses conform with latest guidance on social distancing and any reasonable crowd management measures needed as a result of a licence being granted and businesses reopening;~~
- public amenity – will the proposed use create nuisance to neighbouring occupiers by generating anti-social behaviour and litter; and
- accessibility – taking a proportionate approach to considering the nature of the site in relation to which the application for a licence is made, its surroundings and its users, taking account of:
  - any other temporary measures in place that may be relevant to the proposal, for example, the reallocation of road space. This could include pedestrianised streets and any subsequent reallocation of this space to vehicles;
  - whether there are other permanent street furniture or structures in place on the footway that already reduce access;
  - the impact on any neighbouring premises
  - the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people
  - other users of the space, for example if there are high levels of pedestrian or cycle movements.

Applicants are ~~strongly~~ encouraged to talk to neighbouring businesses and occupiers prior to applying to the local authority, and ~~so~~ take any issues around noise, and ~~/or~~ nuisance into consideration as part of the proposal.

### 3.6 Determination

Once the application is submitted the Council has ~~28 10-working~~ days from the day after the application is made (excluding public holidays) to consult on, and determine the application. This consists of ~~14 5-working~~ days for public consultation, and then ~~145~~ ~~working~~ days to consider and determine the application after the consultation.

If the local authority determines the application before the end of the determination period the local authority can:

- grant the licence in respect of any or all of the purposes specified in the application,
- grant the licence for some or all of the part of the highway specified in the application, and impose conditions, or
- refuse the application.

If the local authority does not determine the application within the ~~2810-working~~ day period, the application will be deemed to have been granted.

### 3.7 Approval of Applications

The Council may approve applications meeting the criteria contained within these guidelines.

On approving the application, the Council will issue a Pavement [Café Licence](#) to which conditions will be attached. The licence will also contain specific terms such as days and hours when tables and chairs are permitted and appearance and location of the furniture corresponding to the application.

A copy of the Council's standard conditions, which will be attached to all Pavement [Café Licences](#) are shown at Appendix 2. Additional conditions may be attached if the Council considers it appropriate in the circumstances of any particular case.

The Council [generally](#) will only permit Pavement [Licences Café's](#) between 07:00 and 23:00. However, there may occasions where longer hours maybe permitted. *An example of this may be where a premises has longer licensed operating hours and has previously held a highways licence for those hours without prior issue or problem. [A request to operate outside of the permitted times must accompany the application, giving reasons for the request.](#)*

Applications outside these hours will be assessed in terms of the criteria detailed above. The Council however retains the right to specify permitted hours of trading that are less than those specified above in appropriate circumstances.

### 3.8 Licence Duration

If the Council determines an application before the end of the determination period ~~(which is 5 working days, beginning with the first day after the public consultation period, excluding public holidays)~~ they can specify the duration of the licence, subject to a maximum of 2 years. minimum duration of 3 months.

The expectation from the Government is that local authorities will grant licences for 12 months or more unless there are good reasons for granting a licence for a shorter period such as plans for future changes in use of road space. ~~As such, t~~**The Council will normally grant applications until 30 September 2023 for a 12 month period unless a shorter period has been requested or it is necessary for good reason, such as known upcoming street works, for example.**

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If a licence is 'deemed' granted because the authority does not make a decision on an application before the end of the determination period, then the licence will be valid for a period of two years a year.

~~A licence granted or deemed to be granted will not be valid beyond 30 September 2023.~~

### 3.9 Refusal of Applications

If the site is deemed unsuitable for a Pavement LicenceCafé, or if relevant representations are made which cannot be mitigated by conditions then the application may be refused.

There is no statutory appeal process against decision to refuse an application.

### 3.10 Variation of licences

There is no provision in the legislation to apply for variation of a pavement licence. Should the licence holder wish to vary the licence, they would need to submit a new application.

As an alternative to revoking the licence the Licensing Authority may, with the consent of the licence holder, amend the licence if it considers that—

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(a) some or all of the part of the relevant highway to which the licence relates has become unsuitable for any purpose in relation to which the licence was granted or deemed to be granted,

(b) as a result of the licence—

(i) there is a risk to public health or safety,

(ii) anti-social behaviour or public nuisance is being caused or risks being caused, or

(iii) the highway is being obstructed (other than by anything done by the licence-holder pursuant to the licence),

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## 4. Conditions

The Council's standard conditions are set out at Appendix 2. In some cases, extra measures may be required. This will be determined when assessing any application, on a case-by-case basis.

Where a local authority sets a local condition that covers the same matter as set out in national published conditions, then the locally set condition takes precedence over the national condition where there is reasonable justification to do so.

However, this is not the case for the statutory no-obstruction condition which is as applies to all Licences. The National 'no obstruction conditions is shown in Appendix 3.

## 5. Enforcement

The Council aims to work closely with other enforcement ~~agencies~~ authorities to enforce the provisions of all appropriate legislation. The case remains that an obstruction of the Highway is an offence under The Highways Act 1980 and will be dealt with by the Highways Authority or the Police.

Obtaining a licence does not confer the holder immunity in regard to other legislation that may apply, e.g. Public Liability, Health & Safety at Work, Food Hygiene and Safety, Alcohol and Entertainment Licensing, and applicants must ensure all such permissions, etc. are in place prior to applying.

### Where a licence is issued;

If a condition imposed on a licence either by the Council or via a National Condition is breached the Council ~~is will be~~ able to issue a notice requiring the breach to be remedied ~~and the authority can take action to cover any costs.~~

The authority may revoke a licence in the following circumstances:

1. For breach of condition, (whether or not a remediation notice has been issued) or
2. Where:
  - the highway is being obstructed (other than by anything permitted by the licence);
  - there is anti-social behaviour or public nuisance – for example, the use is increasing the amount of noise generated late at night and litter is not being cleaned up;
  - it ~~transpires comes to light that~~ the applicant ~~has~~ provided false or misleading statements in their application – for example they are operating a stall selling hot food and had applied for tables and chairs on which drinks could be consumed; or
  - the applicant did not comply with the requirement to affix the notice to notify the public for the relevant period.
3. The Council may also revoke the licence where all or any part of the area of the relevant highway to which the licence relates has become unsuitable for any purpose for which the licence was granted or deemed to be granted. For example, the licensed area (or road adjacent) is no longer to be pedestrianised. The Council will give reasons where these powers are used.

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## Unlicensed activity

Where a person/business puts removable furniture on a relevant highway and is not authorised to do so, the licensing authority may, by issuing a notice, require the person/business to:

- Remove the furniture before the date specified on the notice and
- Refrain from putting furniture on the highway unless authorised to do so.

Contravention of such a notice may lead to the authority removing the furniture and storing it, and require the person/business to pay the authority's reasonable costs in removing and storing the furniture and to refuse to return the furniture until those costs are paid.

If, within the period of three months beginning with the day on which the notice is given, the person/business does not pay those reasonable costs, or does not recover the furniture, the local authority may-

- Dispose of the furniture by sale or in any other way it thinks fit, and
- Retain any proceeds of sale for any purpose it thinks fit.

In this section, 'authorised' means authorised by -

- A pavement licence,
- Permission under Part 7A of the Highways Act 1980, or
- Permission granted under any other enactment

## 6. Review-Review of Policy procedures

This Policy covers the ~~Temporary Permission processes and procedures~~ for Pavement Licences under the Business and Planning Act 2020 (as amended by the Levelling Up and Regeneration Act 2023) which are scheduled to expire on 30 September 2023.

This Policy will be reviewed from time to time should changes occur in relevant legislation, the nature of Pavement licences/Café's generally, relevant social distancing measures (if any are in place), or as a result of local considerations within the District / Borough.

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Appendix 1

# Licensing Partnership



Business and Planning Act 2020 Section 2 (6)

## NOTICE IS GIVEN THAT

An application has been made to \*Maidstone Borough Council  
\*Sevenoaks District Council / \*Tunbridge Wells Borough Council  
**\*DELETE AS APPROPRIATE**

(The Licensing Authority) for a

## PAVEMENT LICENCE

In respects of the premise shown below.

**[INSERT THE NAME OF YOUR PREMISES]**

Details of the application may be inspected by contacting the Licensing Partnership on **01732 227004** or by visiting [www.sevenoaks.gov.uk/licensing](http://www.sevenoaks.gov.uk/licensing)

Any interested party or responsible authority may make representations in respects of the application, which must be submitted in writing to the following address before the date shown below.

Licensing Partnership, Sevenoaks District Council, Council Offices, Argyle Road, Sevenoaks, Kent TN13 1HG or email [licensing@sevenoaks.gov.uk](mailto:licensing@sevenoaks.gov.uk)

Name of Applicant **INSERT NAME**  
Postal address of the premises **INSERT ADDRESS**

Dates by which representations must be made:

This notice remains in force from and including the day after the application was served on the Licensing Authority **INSERT DATE**, for ~~fourteen~~<sup>seven</sup> consecutive days.

## Appendix 2

### Standard Conditions Attached to a Pavement Licence

1. The licence must only be used for the purpose of placing removable furniture on the highway to sell or serve food or drink and/or allow it to be used by people for consumption of food or drink supplied from, or in connection with the use of the licence holder's business premises.
2. Furniture may only be placed within the area of the highway identified on the plan that accompanied the application for the licence.
3. The licence holder shall not make excavations or indentations of any description whatsoever in the surface of the highway or place or fix any equipment of any description in the said surface.
4. The licence holder must observe and comply with any direction made by a Police Officer, Fire and Rescue Officer, or authorised officer of the local authority in relation to the use of the highway, including any direction to remove furniture from the highway.
5. The licence holder must at all times hold a current certificate of insurance that covers the activity for third party and public liability risks, to a minimum value of £5 million (caveat: or other amount agreed in advance before submission of application).
6. The licence holder shall not use or allow to be used any music playing, music reproduction or sound amplification apparatus or any musical instruments, radio, or television receiving sets in the area of the highway covered by the licence.
7. The licence holder must not allow customers using the area to engage in anti-social or disorderly behaviour.
8. The licence holder must ensure that the area covered by the licence is monitored regularly by staff to ensure that the conditions above are being adhered to.

#### 9. Highway Authority Conditions

No tables, chairs or temporary street furniture sited on a footway are to be placed within 1.2m of the edge of an adjacent carriageway. A minimum clear footway width of 1.5m must be obtained at all times and 2m in busy locations or at busy times except in the following circumstances where additional width may be required:

- A – Proposals which place furniture within 20m of a road junction or roundabout.
- B – Proposals which place furniture within 15m of a push button, zebra crossing or pedestrian island crossing.
- C – Proposals which place furniture within 5m of a bus stop

~~Additional widths may be required to accommodate social distancing in line with the guidance issued by the Secretary of State.~~

- Every table, chair and item of temporary street furniture shall be positioned so that it does not impede the surface water drainage of the highway nor obstruct access to any premises unless the consent of the occupier of these premises has been obtained.
- No items shall be sited as to obstruct access to any premises unless the consent of the occupier of these premises has been obtained. No items shall be sited in such a way that is obstructs any fire exits or dry risers etc.
- No tables, chairs or temporary street furniture shall be left on the highway longer than is necessary. Tables, chairs and temporary furniture within a pedestrianised area covered by a traffic Regulation Order shall only be placed on the highway during the hours of pedestrianisation. Tables, chairs and temporary street furniture shall be taken inside and stored during the hours when business is not trading.
- All tables, chairs and temporary furniture shall be separated from the remaining highway using disability compliant barriers. This means that barriers MUST:
  - (a) Be between 1000mm and 1200mm in height
  - (b) Have a continuous tapping rail (150mm to 200mm deep) or panel edge either on the ground or up to a maximum height of 200mm above the ground
  - (c) Have a colour contrast to ensure they are highly visible
  - (d) Be continuous around the area of tables, chairs and temporary street furniture except for the access point.
- No tables, chairs or temporary street furniture shall remain on the highway pursuant to this permission after the period of the pavement license has expired.
- The licensee shall be responsible for keeping the designated area in a clean and tidy condition at all times and shall ensure that any associated debris is removed at the end of each day and make good any damage caused to the surface area.
- No apparatus such as power cables or water pipes shall be allowed to be laid across or suspended above the highway for the purposes of providing services to outside areas on or off the highway.
- No wastewater or other substances shall be discharged on to the highway or highway drainage system.

## Appendix 3

### Statutory conditions attached to a pavement licence

1. Anything done by the licence holder pursuant to the licence, or any activity of other persons which is enabled by the licence, must not have an effect specified in section 3(6). These effects are:
  - (a) preventing traffic, other than vehicular traffic, from:
    - (i) entering the relevant highway at a place where such traffic could otherwise enter it (ignoring any pedestrian planning order or traffic order made in relation to the highway),
    - (ii) passing along the relevant highway, or
    - (iii) having normal access to premises adjoining the relevant highway,
  - (b) preventing any use of vehicles which is permitted by a pedestrian planning order or which is not prohibited by a traffic order,
  - (c) preventing statutory undertakers having access to any apparatus of theirs under, in, on or over the highway, or
  - (d) preventing the operator of an electronic communications code network having access to any electronic communications apparatus kept installed for the purposes of that network under, in, on or over the highway.
2. Where the furniture to be put on the relevant highway consists of seating for use by persons for the purpose of consuming food or drink, the licence-holder must make reasonable provision for seating where smoking is not permitted.

## APPENDIX B

### PROPOSED FEES FOR PAVEMENT LICENSING

#### NEW APPLICATION

	Current (statutory cap of £100)	Proposed
UP TO ONE YEAR - (made up of up to 2hrs application processing, and up to 4 hrs for site visits and compliance checking throughout one year, plus element for policy and fee review work)	£100	£280
UP TO 2 YEARS (made up as above plus additional cost of compliance checks for 2 <sup>nd</sup> year)	n/a	£430
<i>(note – it is policy to only grant for one year but there may be occasions where a two year licence is granted)</i>		

#### RENEWAL

	Current	
Up to one year (made up of 1.5 hrs application processing, up to 3 hrs for compliance checking throughout one year plus element for policy and fee review work)	n/a as no renewal process	£180
Up to 2 years (made up as above plus additional cost of compliance checks for 2 <sup>nd</sup> year)	n/a as no renewal process and licences were limited to up 1 year in practical terms	£280
<i>(note – it is policy to only grant for one year but there may be occasions where a two year licence is granted)</i>		

#### Short term Pavement licence (up to 6 weeks)

£130

(made up of 2 hrs processing time, one hour site visit & compliance and element of policy work etc )

## LICENSING COMMITTEE

**11 January 2024**

### Policy Review - Consultation Update

<b>Timetable</b>	
<b>Meeting</b>	<b>Date</b>
Licensing Committee	11 <sup>th</sup> January 2024

<b>Will this be a Key Decision?</b>	No
<b>Urgency</b>	Not Applicable
<b>Final Decision-Maker</b>	Licensing Committee
<b>Lead Head of Service</b>	John Littlemore, Head of Housing & Regulatory Services
<b>Lead Officer and Report Author</b>	Lorraine Neale
<b>Classification</b>	Public
<b>Wards affected</b>	N/A

#### **Executive Summary**

This report is for Licensing Committee to review and consider all comments received during the public consultation period prior to the formal adoption of the updated Hackney Carriage and Private Hire Licensing Policy. (Taxi Policy)

#### **Purpose of Report**

To inform Committee of the results of the consultation carried out between 25<sup>th</sup> September and 12<sup>th</sup> November 2023, Appendix 1.

#### **This report makes the following recommendations to Licensing Committee:**

1. To note the information contained in the taxi policy consultation- card payment & vehicle age document attached as Appendix 1.
2. To approve the draft Taxi Licensing Policy for adoption Appendix 2.
3. That the amendment concerning vehicle age and mileage be immediate, with the mandatory requirement to provide the new payment facility to be implemented from 15 February 2023 .

# Policy Review - Consultation Update

## 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> <li>• Embracing Growth and Enabling Infrastructure</li> <li>• Safe, Clean and Green</li> <li>• Homes and Communities</li> <li>• A Thriving Place</li> </ul> <p>We do not expect the recommendations will by themselves materially affect achievement of corporate priorities. However, they will support the Council’s overall achievement of its aims as set out in section 3.</p>	Senior Licensing Officer - Lorraine Neale
<b>Cross Cutting Objectives</b>	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> <li>• Heritage is Respected</li> <li>• Health Inequalities are Addressed and Reduced</li> <li>• Deprivation and Social Mobility is Improved</li> <li>• Biodiversity and Environmental Sustainability is respected</li> <li>• No implications have been identified</li> </ul>	Senior Licensing Officer - Lorraine Neale
<b>Risk Management</b>	<ul style="list-style-type: none"> <li>• See Para 5</li> </ul>	Senior Licensing Officer - Lorraine Neale
<b>Financial</b>	<ul style="list-style-type: none"> <li>• The proposals set out in the recommendation are all within already approved budgetary headings and so need no new funding for implementation.</li> </ul>	Senior Licensing Officer - Lorraine Neale

<b>Staffing</b>	<ul style="list-style-type: none"> <li>We will deliver the recommendations with our current staffing.</li> </ul>	Senior Licensing Officer - Lorraine Neale
<b>Legal</b>	<ul style="list-style-type: none"> <li>There is no statutory requirement to have a policy but Maidstone Borough Council chose to have one as it was felt that a policy ensures a transparent and consistent approach to licensing. The Statutory Taxi and Private Hire Vehicle Standards recommends that Authorities have a Policy and that it is regularly reviewed.</li> </ul>	Helen Ward, Lawyer (Contentious)
<b>Information Governance</b>	<ul style="list-style-type: none"> <li>The recommendations do not impact personal information (as defined in UK GDPR and Data Protection Act 2018) the Council processes.</li> </ul>	Information Governance Team – Georgia Harvey
<b>Equalities</b>	<ul style="list-style-type: none"> <li>The recommendations do not propose a change in service therefore will not require an equalities impact assessment.</li> </ul>	Senior Licensing Officer - Lorraine Neale
<b>Public Health</b>	<ul style="list-style-type: none"> <li>We recognise that the recommendations will not negatively impact on population health or that of individuals.</li> </ul>	Senior Licensing Officer - Lorraine Neale
<b>Crime and Disorder</b>	<ul style="list-style-type: none"> <li>There are no implications to Crime and Disorder</li> </ul>	Senior Licensing Officer - Lorraine Neale
<b>Procurement</b>	<ul style="list-style-type: none"> <li>Not applicable</li> </ul>	Senior Licensing Officer - Lorraine Neale
<b>Biodiversity and Climate Change</b>	<p>The implications of this report on biodiversity and climate change have been considered and;</p> <ul style="list-style-type: none"> <li>There are no implications on biodiversity and climate change.</li> </ul>	Senior Licensing Officer - Lorraine Neale

## 2. INTRODUCTION AND BACKGROUND

- 2.1 At the meeting of 14<sup>th</sup> September 2023, members requested Officers undertake a 6 week consultation period on the proposed amendments to the Taxi Policy and a further report be brought back to Committee to consider prior to formal adoption of the revised policy. The proposed amendments are:-
- a. The new vehicle entry level requirements are amended permanently to four years, with a maximum mileage restriction of 60,000 and implement an exit age of eight years for private hire vehicles.
  - b. That Hackney Carriage Vehicle proprietors be required to offer alternative payment options to their customers including card machine payments.
- 2.2 The consultation took place between 25<sup>th</sup> September and 12<sup>th</sup> November 2023 and the summary of the responses are included in the taxi policy consultation-card payment & vehicle age document attached as Appendix 1.
- 2.3 There were 97 responses from the trade and overall the response from the consultation is positive with 81% of respondents in favour of the change to vehicle ages and 76% of the respondents in favour of offering alternative payment methods, including card machines. The full details of the consultation and the trades comments can be seen in the document attached as Appendix 1.
- 2.4 Should Members approve the revisions to policy, it's proposed that the vehicle age amendment will be immediate but the mandatory requirement for the implementation of the new payment facility is 15 February 2024. This gives the trade a period of 6 weeks to secure the necessary equipment. The amendments to policy are shown as track changes at pages 1, 6, 19, 23, 36, 46, 49, 51 and 66, also the date of the last Unmet Demand survey has been amended at pages 17 & 21.

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## 3. AVAILABLE OPTIONS

- 3.1 Option 1 - To agree the draft Hackney Carriage and Private Hire Licensing Policy 2023-2028, including **both** of the proposed amendments as outlined in point 2.1 of the report.

As part of this option, it's recommended that the amendment concerning vehicle age be implemented immediately, with the requirement to offer alternative payment options, including card machine payments, be implemented from 15 February 2023.

- 3.2 Option 2 - To amend the draft Hackney Carriage and Private Hire Licensing Policy 2023-2028, to contain either of the proposed amendments (rather than both) as outlined in point 2.1 of the report.

- 3.3 Option 3 – That no changes be made, and the Council continue to rely on the current Hackney Carriage and Private Hire Licensing Policy. This is not recommended.
- 

### **3. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 3.1 The preferred option is that Members agree to the revised policy at Appendix 2. It will remain valid for a period of five years, in accordance with statutory standards unless it becomes necessary to make further revisions beforehand following changes to legislation or local circumstances.
- 3.2 The proposed policy aims to improve on the current policy while striking a balance between the interests of the trade, the public and the Licensing Authority.
- 3.3 Should Members approve the revised policy, the amendment for vehicle age & mileage is immediate and it's also proposed that the mandatory requirement for the implementation of the new payment facility is 15 February 2024.
- 

### **4. RISK**

- 4.1 An adopted policy ensures a transparent and consistent approach to licensing that reduces the opportunity for legal challenge. Whilst there is always a right of appeal through the Courts to a decision of the local authority in respect of their licensing function, challenges to a particular decision are more likely to fail if the Council can demonstrate that it has adhered to its published policy and there is no justifiable reason to depart from it.
- 

### **5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 5.1 See Appendix 1 – Taxi Policy Consultation – Card Payments & Vehicle Age.
- 

### **6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 6.1 The revised Policy will be made available on the website.
- 6.2 The trade will be notified of the amendment to the policy.
- 

### **7. REPORT APPENDICES**

- Appendix 1 - Taxi Policy Consultation- Card Payments & Vehicle Age
  - Appendix 2 - Draft Hackney Carriage and Private Hire Licensing Policy
-

## **8. BACKGROUND PAPERS**

- 14 September 2023 Reports; Age Policy – Vehicles and Mandate Card payment machines in Hackney vehicles.

TAXI POLICY  
CONSULTATION-  
CARD PAYMENTS &  
VEHICLE AGE

November 2023

Summary results of survey with the industry on Taxi  
Policy Changes.

[Consultation@maidstone.gov.uk](mailto:Consultation@maidstone.gov.uk)

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# INTRODUCTION

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The Licensing Team consulted with Taxi Drivers and Operators on the following changes:

1. To require Hackney Carriage vehicles to offer card machine payments by the 1 February 2024 as a payment option.
2. Amending the entry age for all vehicles to 4 years and 60,000 miles and the exit age of 8 years for private hire vehicles.

The survey was open between 25 September and 12 November 2023.

It was promoted by direct email to licensed Hackney Carriage and Private Hire drivers and operators. In addition to the survey, respondents were able to make an appointment with the Licensing Manager to discuss the changes in more detail.

There was a total of 97 responses to the survey.

Please note not every respondent answered every question, therefore the total number of respondents refers to the number of respondents for the question being discussed not to the survey overall.

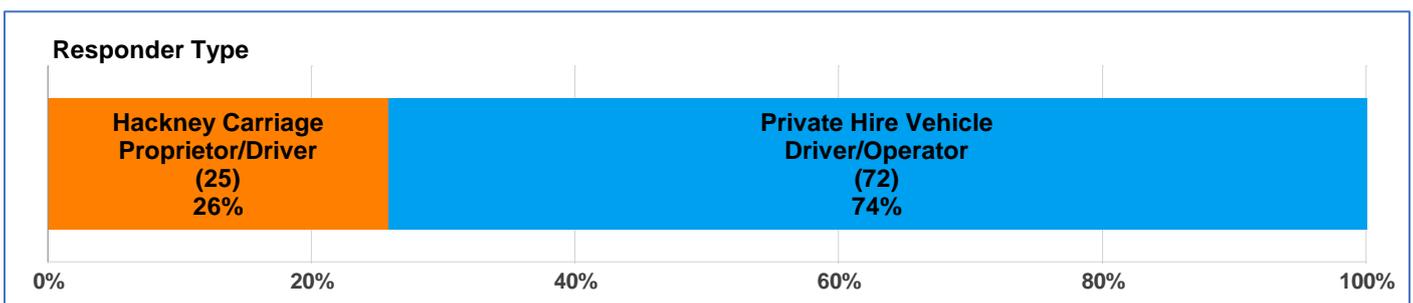
Rounding means that some charts may not add up to 100%.

# RESPONSE TYPE

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Survey responders were asked what type of operator or driver they were.

- A total of 97 responses were received.
- 74% (72) of responders identified themselves as Private Hire Vehicle drivers or Operators.



## CARD PAYMENTS

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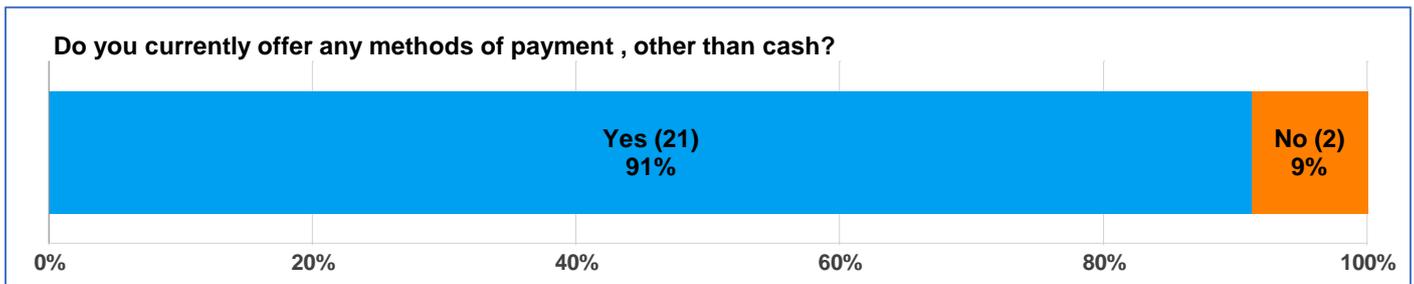
- Questions about card payments were only posed to Hackney Carriage Proprietors and Drivers.

### DO YOU CURRENTLY OFFER ANY METHODS OF PAYMENT, OTHER THAN CASH?

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Hackney Carriage Proprietors and Drivers were asked: 'Do you currently offer any methods of payment, other than cash?'

- There were 23 responses to this question.
- 91% of responders said they did offer alternative methods of payment.

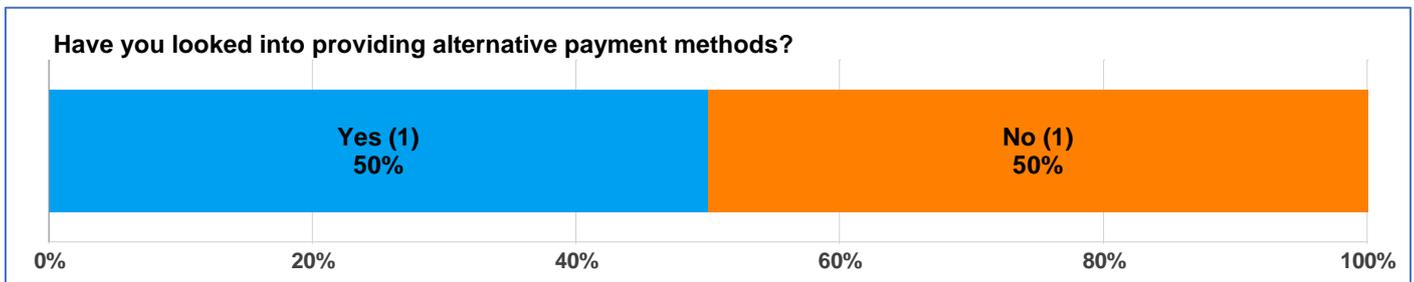


### HAVE YOU LOOKED INTO PROVIDING ALTERNATIVE PAYMENT METHODS?

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The two responders that said they didn't currently offer any payment methods, other than cash, were asked if they had looked into providing alternative payment method.

- There were two responses to this question.
- 50% of responders said they had looked into providing alternative payment methods.

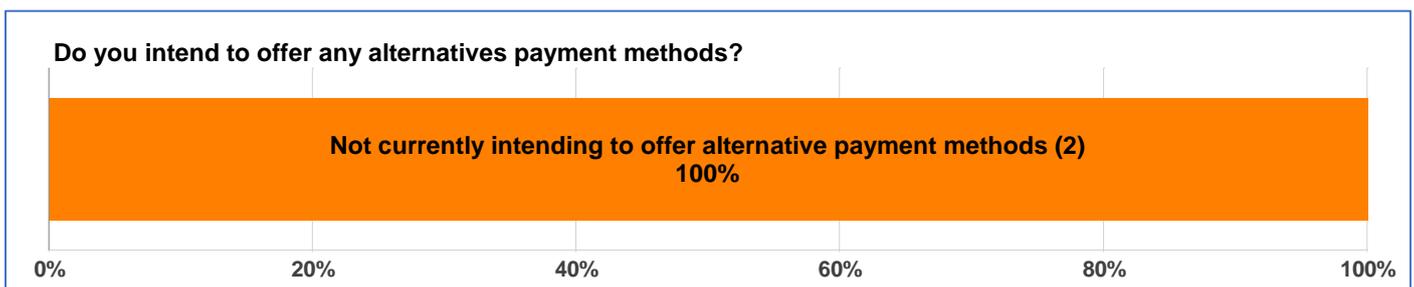


### DO YOU INTEND TO OFFER ANY ALTERNATIVE PAYMENT METHODS?

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The two responders that said they didn't currently offer any payment methods, other than cash, were asked if they intended to offer any alternative payment methods.

- There were two responses to this question.
- 100% of respondents said they are not currently intending to offer alternative payment methods.



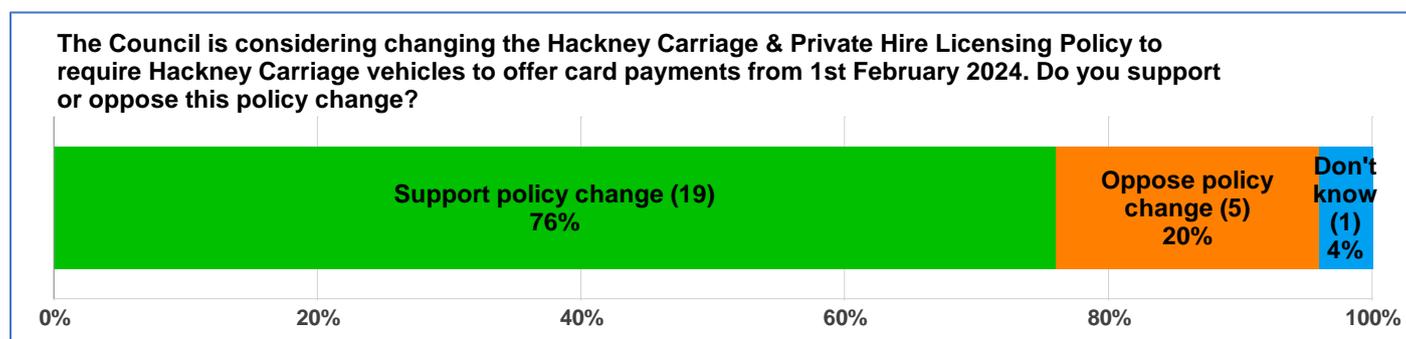
These respondents were asked why they were not considering introducing any alternative payments. Two comments were received, these are shown in full below.

Comments
Maidstone and surrounding area mobile signal is very poor. So it is difficult to take the card payment. If passenger pays by stolen card later payment will be charged back and driver will lose money.
payment card machines rely on phone signals, and these can be unreliable

## POLICY CHANGE SUPPORT

It was outlined that the Council was considering changing the Hackney Carriage and Private Hire Licensing Policy to require Hackney carriage Vehicles to offer card payments from 1 February 2024. Hackney Carriage Drivers and operators were asked if they supported or opposed the proposed change.

- There were 25 responses to this question.
- 76% of respondents were in favour of the policy change.



## Comments

Respondents were given the opportunity to provide additional comments about the proposed policy change to make it a requirement for all Hackney Carriages to offer card payments from 1 February 2024.

A total of 10 comments were received, these are shown in full below.

Comments
The change of payments options should be applied as soon as possible as all Hackney drivers have their sum up card reader with them. Most of them had this since 3 years. Because of no clear guidance from licencing authority, they just use for long fare and refuse for short fare. I mean honest driver like are always cheating be get on fare job.so please don't wait till 1st Feb just advise to use as soon as possible. I will salute you.
It's needed now as most people don't carry cash
Most if not all Hackneys have card machines, but some drivers mysteriously forget them when a short fare comes along. Compelling a card machine is meaningless.
As long as the council regularly checks that all have them do work because it's been used to turn small jobs away.
I am with all the changes
I think it's necessary for everyone to be able to take card and cash payments
It gives the customer a choice
Card payments incur a fee so you are losing money on every transaction.
I believe that card payment should be available as a payment method in any taxi, as many people can only use card payment due to their needs. It can save time and reduce waiting times for customers. Offering card payment as an option, in addition to cash, provides a more comfortable and relaxed experience for passengers whenever they need to use a Hackney Carriage.
It's Our Right to Make decisions to handle cash or card machine, it's not right when taking control of people decisions, Cashless society isn't the right society as to give more control to government that cannot be trusted

## VEHICLE AGE

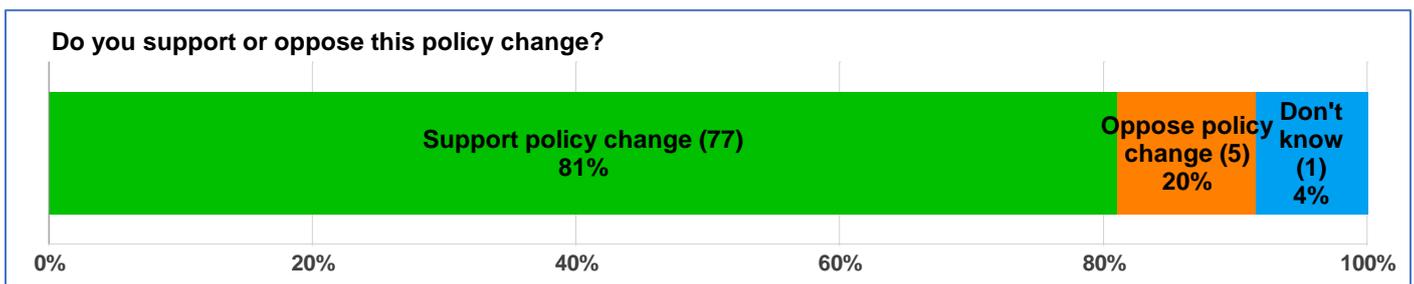
- Questions about vehicle age were posed to both Hackney Carriage Proprietors and Drivers and private hire vehicle operators and owners.

### POLICY CHANGE SUPPORT

It was outlined that the Council was considering changing the new vehicle entry level requirements to increase the maximum age of new vehicles to four years with a maximum mileage of 60,000 mile and an exit age of eight years for private hire vehicles.

Respondents were asked if they supported or opposed the proposed change.

- There were 95 responses to this question.
- 81% of respondents were in favour of the policy change.



### Comments

Respondents were given the opportunity to provide additional comments about the proposed policy changes to new vehicle entry requirements and exit age of vehicles from 1 February 2024.

A total of 25 comments were received:

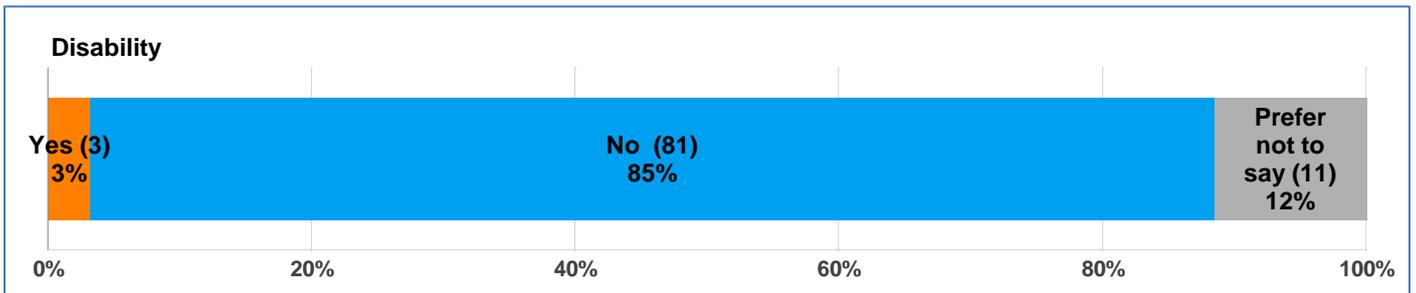
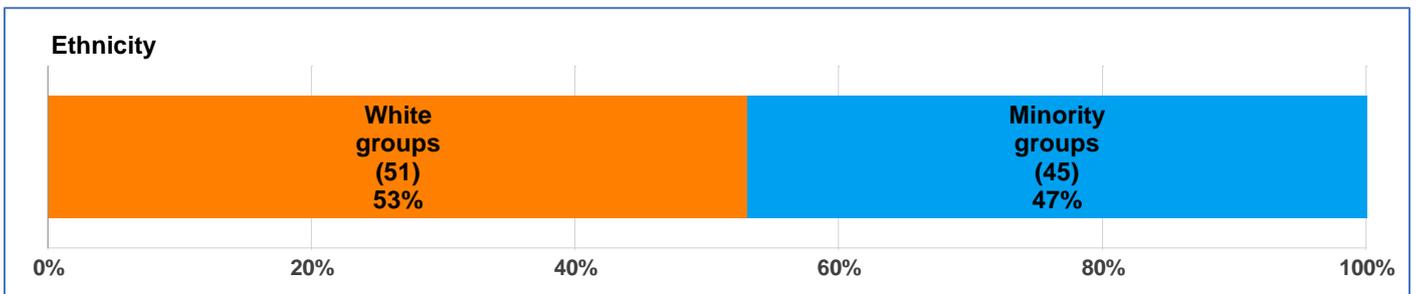
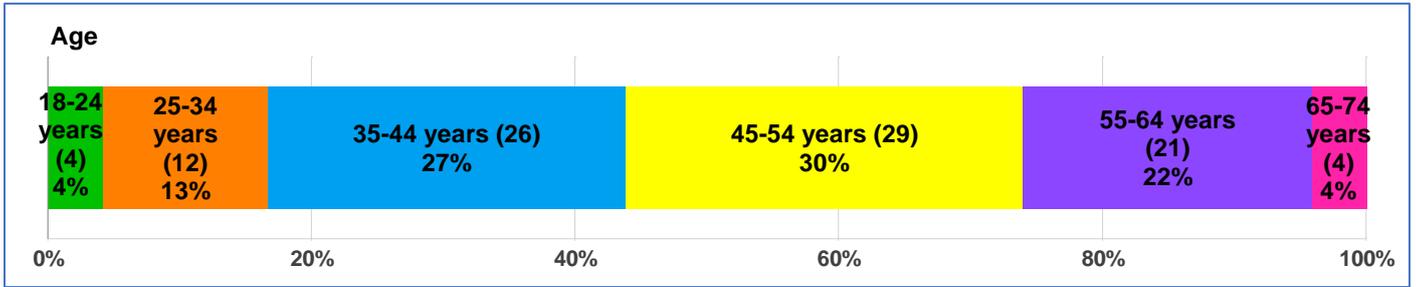
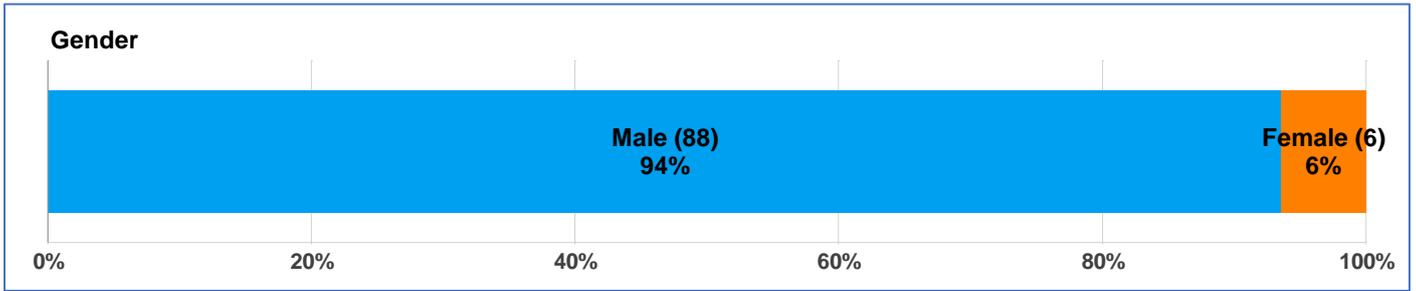
- 12 of the comments ask for the Council to go further with the policy with suggestions to extend the exit age to 10 years and lower new vehicle requirements.
- 6 comments were broadly positive with one commenting that this brings MBC in line with other Local Authorities. Three comments related to condition of vehicles.

The comments are shown in full below.

Comments
In this current day and age we are fortunate to have cars that are built very well and that have very low emissions. I believe that cars older than 4 years or with higher mileage that 60,000 should be allowed for entry. We all service our cars much more regularly than ordinary cars as we want to keep this fit and roadworthy for work. It would make it easy for drivers to service the town/local people if they could buy a car that is less expensive because the age is 5/6 years old or the mileage was below 90/100,000.
This has been Much needed and makes it far more accessible for people wanting to join the industry. It's give people greater opportunity and a sense of ownership. The days of old cars breaking down and as long as the compliance is strictly adhered to this is a fantastic and progressive policy change.
In any other councils, the vehicle age is up to 7 years and can be used for 10 years. If Maidstone council could change vehicle age from 5 and exit age of vehicles 10 years of age
This should be increased. As a PHV driver it is far too expensive to purchase a car of those specifications. Other neighbouring councils have lower age restrictions such as 8 years and no mileage cap with it being licensed up to 10 years. Please consider something similar as 4 is still too expensive.
Given the enormous expense of new vehicles for high HC and PH, especially electric vehicles, the entry requirements should be relaxed to 5 years at first licensing and 10 years for the oldest for PH and 15 years for HCs.

Comments
It should really be about the mileage. I don't see how the date of registration affects a cars ability to be useful for the purpose. You could have a car first registered 4 years and one day ago with a mere 2000 miles on the clock. Conversely a car with 59000 miles on the clock but only 3 years 364 days would be deemed suitable. Cut offs are great but perhaps limit it to miles only as this is a better indicator as to the condition of the vehicle, at least from a wear and tear perspective. It makes a bit of a mockery of the car is then allowed to be on circuit for 8 years. Either a car is mechanically sound and fit for purpose, or it isn't
I support entry time but I oppose Vehicle exit time. It should be Vehicle exit time for 10 years not 8 years
I support the policy change because of the ever-increasing cost of changing a vehicle and it also brings it more in line with other local boroughs
Long overdue policy updates. I think 6 years and 70000 start and 10 years end providing good condition
Provided the standard of the cabs is maintained
Private hire drivers should not be forced to receive payments by card machines
6 years- maximum age of new vehicles / 10 years- exit age of vehicles.
As the car modern vehicles are very reliable respectively the mileage limitation should at least be 100000,
These age and mileage limits are irrelevant. If a vehicle can pass its MOT test it should be possible to license it. Do away with them completely.
I believe this is still very strict considering how economical and safe car are made nowadays.
If the taxi is electric, they should not be limited mileage for the vehicle. As the electric taxi. Is emission free so they're for. They should be exempt from the mileage requirement
Gives the customer a Choice.
I think age of new vehicles should be increased to at least 5 years as it's absolutely unfair to Maidstone badge holder as lots of Tonbridge and Malling can drive in Maidstone and making joke of Maidstone badge holder since they can plate older vehicles and also be able to work in Maidstone.
The new the car the better. To older cars are unreliable.
Allowing a higher mileage could result in taxis looking rundown.
3 years to 10years
As you may know, we have compliance tests every year alongside the MOT test. These measures ensure that the Council's taxis are consistently in excellent condition to serve our customers. New cars are more expensive and tend to remain roadworthy for a longer period compared to the past. Moreover, some other Councils offer licenses with longer durations. Consequently, many drivers may obtain their taxi licenses from other authorities and work for Maidstone companies. This could result in a significant loss for MBC, as they would need to pay licensing fees to other jurisdictions while still serving within our Borough.
Electric vehicles are expensive and costly as they always have to go to manufactures to be repaired and manufacturers costs are up the roof and they don't carry out works on vehicles when they've been touched by other mechanics
I think 60,000 and an exit age of eight years for private hire vehicles. is a great decision
I think a ten years period for PHV is absolutely acceptable.

# SURVEY DEMOGRAPHICS





# Hackney Carriage and Private Hire Licensing Policy

15 February 2024 14 February 2028

V6 February 2024

## The Role of Licensing: Policy Justification

The aim of local authority licensing of Taxi and Private Hire Vehicle (PHV) trades is to protect the public. Maidstone Borough Council is also aware that the public should have reasonable access to taxi and PHV services, because of the part they play in local transport provision. Licensing requirements which are unduly stringent will tend unreasonably to restrict the supply of taxi and PHV services, by putting up the cost of operation or otherwise restricting entry to the trade. Maidstone Borough Council recognises that too restrictive an approach can work against the public interest – and can, indeed, have safety implications.

For example, it is clearly important that somebody using a taxi or PHV to go home alone late at night should be confident that the driver is “fit and proper” and that the vehicle is safe. However, on the other hand if the supply of taxis or PHVs has been unduly constrained by onerous licensing conditions, then that person’s safety might be put at risk by having to wait on streets late at night for a taxi or PHV to arrive; he or she might even be tempted to enter an unlicensed vehicle with an unlicensed driver illegally plying for hire.

Maidstone Council, therefore, wants to be sure that every licensing requirement is in proportion to the risk it aims to address; or to put it another way, whether the cost of a requirement in terms of its effect on the availability of transport to the public is at least matched by the benefit to the public, for example through increased safety. This is not to propose that a detailed, quantitative, cost-benefit assessment should be made in each case; but it is to say that Maidstone Council does look carefully at the costs – financial and otherwise – imposed by all of its licensing policies.

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## 1. Introduction

The Licensing Department at Maidstone Council ("the Council") is responsible for dealing with all applications for hackney carriage and private hire licences including drivers, vehicles and private hire operators. The Department also deals with complaints and enforcement in relation to hackney carriage and private hire matters.

The licensing of hackney carriage and private hire drivers, vehicles and operators aims to secure the following objectives:

- . That all licensed drivers/proprietors and operators are "fit and proper" persons to ensure the highest levels of public safety and good practice.
- . That all licensed vehicles are roadworthy and fit for use.
- . To encourage the use of environmentally friendly vehicles.
- . To encourage the use of vehicles that are accessible to persons who have disabilities.

The Council will ensure that these aims are met by setting minimum requirements for the licensing of drivers, vehicles and operators. These requirements include:

- . Up to three yearly licensing of drivers including medical checks, criminal record clearance followed by 6 monthly checks, an appropriate level of driving ability and a sound knowledge of the area.
- . DVLA checks of all drivers licences at first application and at renewal.
- . Five yearly licensing of private hire operators from April 2016 with checks made on record keeping;
- . Annual licensing of vehicles, with routine inspections by council officers, checks of documentation such as insurance certificates and strict mechanical testing;
- . Investigation of complaints and enforcement of legislation and licence conditions with appropriate action taken in accordance with the Council's enforcement policy statement.
- . Ongoing training, development and monitoring of the Council's Licensing staff.
- . Provision of information to the private hire and hackney trades and members of the public through press releases and publications, the Council website and attendance at relevant forums.

The Policy adheres to statutory guidance issued in July 2020 by the Secretary of State for Transport under section 177(1) of the Policing and Crime Act 2017 to protect children and vulnerable adults from harm when using taxi and private hire services.

## **2. Review of Policy and Procedures**

### **2.1 Legislation**

In undertaking its licensing function, the council will have particular regard for:

- Town Police Clauses Act 1847 and 1889
- Local Government (Miscellaneous Provisions) Act 1976
- Transport Act 1985 and 2000
- Crime and Disorder Act 1998
- Environmental Protection Act 1990
- Equalities Act 2010
- Road Traffic Acts
- Health Act 2006
- Human Rights Act 1998
- Regulators Code

### **2.2 Taxi and Private Hire Licensing: Best Practice Guidance March 2010**

The Department for Transport has national responsibility for hackney carriage and private hire legislation in England and Wales. Following widespread consultation, the Department has produced Best Practice Guidance for licensing authorities which sets out standards which can be considered good practice in this area of licensing, although it also recognises that individual licensing authorities should produce their own policies in relation to specific licensing matters. This Guidance has been taken into consideration in preparing this policy. Also regard has been given to the Licensing Partnership and this has been seen as an opportunity to have some consistency across the three Kent authorities. The Licensing Partnership currently includes Maidstone Borough Council, London Borough of Bexley, Sevenoaks District Council and Tunbridge Wells Borough Council.

### **2.3 Consultation**

The Council incorporated the views of all persons and organisations that responded to the consultation in relation to this document. The Council consulted widely and invited comments from interested parties and those listed below.

- ▶ Representatives of Maidstone's licensed hackney & private hire drivers
- ▶ Representatives and trade groups of Maidstone's taxi proprietors and private hire vehicle licence holders.
- ▶ Representatives of Maidstone's taxi and private hire operators
- ▶ Maidstone's Ward Councillors
- ▶ Maidstone's Town and Parish Councils
- ▶ MPs and MEPs
- ▶ MBC - Internal transport strategy representatives
- ▶ Neighbouring Authorities
- ▶ Maidstone's Town Centre Partnership
- ▶ Maidstone's Community Safety Department
- ▶ Local businesses and residents

- ▶ The Primary Care Trust
- ▶ Chamber of Commerce
- ▶ Kent Police
- ▶ Kent County Council Traffic & Road Safety
- ▶ Kent County Council (School Contracts)
- ▶ Maidstone's Disability Action Group
- ▶ Citizens Advice Bureau
- ▶ Age Concern
- ▶ The National Private Hire Association
- ▶ The National Taxi Association
- ▶ Members of the Public through the Council Website
- ▶ Maidstone Women's Centre
- ▶ Passenger Transport Executive / Transport providers

## **2.4 Implementation**

The policy was originally adopted at the Communities, Housing and Environment Committee on 8 December 2015 and is reviewed every five years or after any significant legislative change.

Upon implementation of this policy, the Authority expects licence-holders to comply with its terms immediately.

### **Online Forms**

Maidstone Borough Council has introduced online forms to facilitate applications. The authority is committed to keeping the cost of providing the licensing service down and online forms assist with this aim.

All new applications that are made online will require an applicant to meet with an officer to complete the application process.

On driver renewal applications applicants are required to sign up to the DBS update service

We are happy to accept scanned accompanying documents or photograph images with online renewal applications, however original documents must be provided to undertake a DBS check. However, if the submitted images do not match with the electronic images that are held by the authority, this authority reserves the right to require the original documentation to be presented to the Licensing Authority.

### **3. Hackney Carriage and/or Private Hire Driver Licence – New and Renewal applications**

Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 require that a district council shall not grant a driver's licence to drive a private hire vehicle or hackney carriage unless they are satisfied that an applicant is a fit and proper person.

In order for the Council to establish whether an applicant is fit and proper the applicant must provide evidence of:

- . Honesty and trustworthiness
- . Driving standard
- . Medical fitness
- . Criminal history
- . Relevant knowledge of the borough
- . Understanding of English (spoken, written and reading)

All applicants are strongly advised to read the Council's Statement of Policy about Relevant Convictions before considering whether to apply for a Hackney Carriage or Private Hire Vehicle driver's licence.

Application forms must be completed in full. Any incomplete forms will be returned to the applicant as invalid.

Applications will only be accepted as valid if they include and/or are accompanied by the following:

1. Correct application form provided by the Council, completed in its entirety and signed by the applicant.
2. The appropriate fee. The current fees are available from the licensing department or [here](#)
3. The applicant's original DVLA driving licence. Applicants must have held a full DVLA or EU licence for at least 1 year. (para.3.2) for a new application.
4. A completed medical certificate (para.3.4).
5. Maidstone Borough Council approved Driving Assessment test and wheelchair test where applicable
6. Evidence of having passed the Maidstone knowledge test and Equo test for all new drivers
7. One recently taken, colour, passport sized photograph of the applicant (no hats unless worn for religious reasons, or sunglasses)
8. DVLA check code which you can get **[here](#)**.

9. Application for a Disclosure and Barring Service Enhanced Check completed by the applicant with accompanying identification or a current valid disclosure certificate obtained via an approved body which will allow an update service check to be performed. (para.3.5)
10. For all applicants who have lived in the United Kingdom for less than 5 years continuously, a certificate of good conduct from the appropriate embassy is required. (new applications only) (para.3.5)
11. For those applicants not holding a – UK- passport, evidence will need to be provided of the applicant’s right to work in the United Kingdom, which will include a relevant VISA or letter from the appropriate Embassy/Authority. The Licensing Authority may also contact the Home Office to carry out immigration checks when it is appropriate to do so.
12. All applicants must provide original documentary evidence confirming their right to live and work in the UK. Any licence granted to drivers whose leave to remain in the UK is time limited, will only be valid for the period which they are entitled to work in the UK. In order for the licence to be extended, drivers must produce further evidence to prove that they have the right to work in the UK.

Two items confirming the applicants address for new applicants.  
Documentary proof of their National Insurance Number

### **Applicants must register their DBS certificate**

Applicants must register their DBS certificate with the online checking service so that we can make annual and spot checks while they are licensed. Applicants can only register their DBS certificate with this service within 28 days of the date that their certificate was issued. You can register here. Evidence of this (unique reference number) MUST be provided to the Authority within 7 days of receipt.

### **Equo Test**

Additional EQUO online test for new drivers in safeguarding awareness, disability awareness and County Lines awareness training. All existing drivers will be required to undertake the training identified in 6 above prior to their next renewal of their driving licence. Once passed this does not apply to future renewals.

The licensing authority provides information to the National Register of Taxi License Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or Private Hire drivers licenses revoked, or an application for one refused – see Appendix XX [this appendix at later date].

### **3.1 Fee**

All applications must be accompanied by the appropriate fee as prescribed from time to time by the Council. Licensing fees are reviewed on an annual basis and approved by the Council.

No refunds are payable where applications are not pursued or completed

or where applications are refused e.g. as a result of relevant criminal records, where relevant information has been withheld or where applicants fail to meet application requirements. The Licensing Department can advise individual applicants who have queries in relation to this issue and any such information is strictly confidential.

Any outstanding application older than 12 months will be destroyed. Should the applicant wish to pursue the application after 12 months a new application will need to be submitted with a fee and a new DBS application will be required.

### **3.2 Driving Standards**

It is a statutory requirement that a licence will not be issued to any person who at the time of the application has not held a full driving licence for a continuous period of one year immediately prior to the date of receipt of a valid application by the Council.

Driving licences issued by EU / EEA States and Countries detailed in the Driving Licences (Exchangeable Licences) Orders are also permitted to count towards the 1 year period qualification requirement for the grant of a private hire and/or hackney carriage licence.

In order to establish that an applicant has reached an acceptable driving standard, new applicants will also be required to have successfully undertaken the Maidstone Borough Council approved driving assessment test with one of the following providers.

**Blue Lamp Trust** – 0333 700 0157 -

[https://www.bluelamptrust.org.uk/Driver\\_Training/taxi\\_driver\\_assessment.php](https://www.bluelamptrust.org.uk/Driver_Training/taxi_driver_assessment.php)

**Green Penny** – 0330 111 7230 - <http://www.greenpenny.co.uk/taxi-assessment-booking-form>

**TGTraining** –

<http://www.tgtraining.simplybook.it/sheduler/manage>

Existing drivers may also be required to undertake this test where serious concerns are raised about the standard of their driving.

All new applications for a driver's licence will be required to successfully undertake a driving assessment test without exception.

Applicants for a Hackney Carriage or Joint driver's licence must undertake the Wheelchair Assessment test before a licence will be issued to them. If a driver is licensed as a Private Hire Driver and converts to a Hackney Carriage Driver then they also must undertake a wheelchair test before being issued their licence.

A first time driver applicant must demonstrate by means of a test, an acceptable knowledge of places, road and routes within the Council's area. The Licensing Authority may also require the applicant to demonstrate knowledge of the Hackney Carriage byelaws, rules that apply to all drivers on the highway and conditions for the licence types.

### **3.3 Age**

All applicants for HC/PHV driver licences will be assessed on their individual merits. Maidstone Council does not consider it necessary to set a maximum age limit for drivers provided that regular medical checks are made (see 3.4), nor does it consider a minimum age limit, beyond the statutory limitations, to be appropriate.

### **3.4 Medical Fitness**

There is a general recognition that it is appropriate for HC/PHV drivers to have more stringent medical standards than those applicable to normal car drivers because:

- . they carry members of the public who have expectations of a safe journey.
- . they are on the road for longer hours than most drivers; and
- . they may have to assist disabled passengers and handle luggage.

Maidstone Council supports the widely held view that Group 2 medical standards applied by the DVLA in relation to bus and lorry drivers should also be applied by local authorities to HC/PHV drivers.

A Group 2 medical standards certificate signed by a doctor registered or practising in the United Kingdom or in any other EU/EEA country will be required from all applicants. Holders of current Passenger Service Vehicle (PSV) and/or Heavy goods Vehicle Licences (HGV), where the holder is able to produce proof of a current medical examination, less than 6 months old will not be required to undergo a further medical.

Once licensed, a new medical will be required every 5 years from the age of 45 until 65, annually after 65 years of age, with all medical certificates not permitted to be more than 6 months old when produced to the council.

The Group 2 medical standards preclude the licensing of drivers with insulin treated diabetes. However, exceptional arrangements do exist for drivers with insulin treated diabetes, who can meet a series of medical criteria, to obtain a licence to drive category C1 vehicles. It is the policy of Maidstone Council to apply the C1 standards to taxi and PHV drivers with insulin treated diabetes. The criteria is summarised in Appendix 3.

Should concerns arise regarding the health of a licensed driver, the Council at any time may request further information or a further medical examination to be carried out and submitted. The Council reserves the right to revoke or suspend a licence if requested information is not submitted within 4 weeks of the request and a satisfactory explanation is not given for the failure to provide such information or where the information provided raises further concerns as to the applicant's fitness to carry out his/her duties as a licensed driver.

### **3.5 Criminal Record**

Prior to consideration of any application, the Council will obtain from the applicant a Disclosure & Barring Service Enhanced Certificate in respect of the applicant, to be assessed in accordance with the Council's statement of policy about relevant convictions.

It is recognised that many vehicles are used for the carriage of children and vulnerable persons and the Enhanced Disclosure is most appropriate.

The licence holder will be responsible for paying the relevant fee.

Existing Drivers who are not signed up to the online checking service will be required to submit an Enhanced DBS Certificate (this assists with safeguarding of children and vulnerable adults) and then must immediately sign up for the online checking service. This is a mandatory requirement and a condition on all Hackney and private hire drivers licences. This allows Officers to make the required 6 monthly online checks easily online and removes the need to make an appointment to see a Licensing Officer.

Prior to consideration of any new application, overseas applicants who have lived in the United Kingdom for a continuous period of less than five years are required to provide a certificate of good conduct from their previous country or countries of residence (within the previous five years) in addition to an Enhanced Certificate from the Disclosure & Barring Service which includes whether an applicant is barred from working with children or adults.

A licence will generally not be granted to any applicant who does not comply with the minimum requirements as set out in the Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades (see Appendix 2). In general terms, the more recent, serious and relevant to public safety the offence is, the less likely that an application will be granted.

Where an existing licensee is charged, it will be for the licensing authority to decide what action to take in the light of these guidelines

Where an existing driver commits an offence and/or breaches the licence conditions/byelaws, the nature and number of incidents will be taken into consideration when considering if the driver continues to be considered "fit

and proper". The licence may be suspended or revoked where information received raises grave doubts as to the fitness of a driver, regardless of whether criminal charges are brought.

Complaints in relation to existing drivers will generally be held on file and taken into consideration for a period of three years from receipt. Although where a further warning is issued during this period, the original warning will be kept on file from the date of the most recent warning. Where a licence is revoked for persistent breach of licence conditions a period of 3 to 5 years should generally elapse before a further application is favourably considered

A licence holder or applicant shall immediately notify the Council of any charges/convictions/cautions (including motoring offences) imposed during the term of their current licence or application.

### **3.6 Knowledge test**

First time applicants are required to have passed the Maidstone Council knowledge test and the Equality Online (EQUO) test before they can submit a driver's licence application. They will be allowed 3 attempts at passing the knowledge test. If a driver fails to achieve passing either test within the required attempts allowed they will not be able to sit any further test for a period of at least six months. This time to be used to develop the necessary knowledge and skills to pass the test.

The knowledge and EQUO test have separate fees applicable to them.-

First time applicants sitting the knowledge test will be tested on their knowledge of:

- Generic Policy and Law
- Highway Code
- MBC Policy and Law (will include the Byelaws for Hackney/Dual candidates)
- Places
- Routes
- Streets
- Numeracy
- Road Signs
- Compulsory Questions

(For the period 1/6/21 -30/11/21 Private hire driver applicants will not be required to take the route and street elements of the test, this will be subject to review in October 21)

First time and renewal applicants sitting the EQUO test will be tested on:

- Safeguarding
- Disability Awareness
- County Lines

All the relevant testing criteria is provided on the Councils website.

Drivers returning to the trade within three years of licence expiry will not need to resit the knowledge test (unless the testing criteria has changed significantly in that time). Those returning after this time will need to undertake the test to demonstrate sufficient knowledge.

### **3.7 Renewal of Licences**

It is the driver's responsibility to ensure that their licence is renewed prior to the expiry of their current licence.

A licence may be renewed up to 6 weeks prior to the expiry date.

Any licence that is not renewed within 1 month following expiry will not be renewed and a new application in full will be required.

Where a licence holder will not be available at the time of renewal, for example due to an extended holiday, then they may apply in writing to the Licensing Office, prior to the expiry date, explaining their circumstances and request a waiver. If granted, this waiver will allow the licence holder to renew their licence after the expiry date or depending on the circumstances the licence can be renewed early. The date of renewal of the licence will start from the day after the expiry of the previous licence

In any case, following expiry of a licence, the driver will not be considered licensed and will not be permitted to drive a licensed vehicle until such time as the licence has been renewed and a new licence has been issued.

The Council will endeavour to issue reminder letters at least six weeks prior to the expiry of a licence although there is no statutory duty for the Council to do so and the responsibility ultimately lies with the licensee to ensure that complete applications for renewal are submitted on time.

At each renewal a current correct driving licence, DBS check, online DVLA check and EQUO pass certificate will be required.

### **3.8 Change of Type of Licence**

Licensees wishing to change from holding either a private hire licence or a hackney carriage licence to a Dual (private hire and hackney carriage) licence will be required to undertake any additional tests and checks that are relevant to the additional use being applied for.

In either of the above scenarios the published fee(s) will be required on application and no refund will be payable in respect of an existing licence

### **3.9 Surrender/Suspension/Revocation of Licence or Failure to Complete Application**

In the event of the surrender of a driver's licence before its expiry or failure to complete the application process, there shall be no refund of the licence fee.

In the event of a driver's licence being suspended or revoked there shall be no refund of the licence fee.

### **3.10 Drivers Dress Code**

Maidstone Council is committed to encouraging the professional image of the hackney carriage and private hire trade and considers that drivers of licensed vehicles are vocational drivers. The Council considers, therefore, that drivers should conform to a minimum standard of dress, as set out in Appendix 4 , in order to raise and maintain the profile of the licensed trade. The Authority does not impose such standards by way of conditions to any licence. It is expected, however, that such standards will be maintained at all times.

### **3.11 Right of appeal**

Where refusal, suspension or revocation of an application/licence has been advised by an Officer, the applicant/driver will be entitled to request the matter be referred to the Licensing Committee to discuss the concerns, unless the driver has lost his DVLA driving licence in which case revocation will be automatic. During this meeting the applicant/driver will be given every opportunity to state their case in relation to the issue(s) of concern. The Committee on hearing all the facts will decide whether to grant any licence or not.

Any applicant who is aggrieved by the Council's refusal to grant/suspend/revoke a driver's licence may appeal to a Magistrates Court within 21 days of being notified in writing of the decision.

In line with s61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976, as amended by s.52 of the Road Safety Act 2006, where it appears to the Council that it is in the interests of public safety for any revocation to have immediate effect there will be no right to drive as a private hire or hackney carriage driver pending an appeal. This power will only generally be invoked where there are allegations of serious violence offences, offences of a sexual nature or where there is considered to be a serious risk to passengers or members of the public in allowing the driver to continue as a licensed driver.

### **3.12 Duration of Driver's Licences**

All new drivers are given the option of a 1 or 3 year licences (unless, for administrative reasons, a shorter period is appropriate)

On renewal, all licence holders must apply for a 3 year licence unless they are over 65 or there is a need for medical assessment on a regular basis.

#### 4. Hackney Carriage / Private Hire Vehicle Licences

Section 47(2) of the Town Police Clauses Act 1847 permits a Borough Council to require that a hackney carriage licensed by them under the Act of 1847 to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage.

##### Numbers Limit

No powers exist for licensing authorities to limit the number of private hire vehicles that they licence. The present legal provisions on quantity restrictions for hackney vehicles are set out in section 16 of the Transport Act 1985. This provides that the grant of a taxi licence may be refused, for the purpose of limiting the number of licensed taxis **"if, but only if, the local Authority is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet"**. In the event of a challenge to a decision to refuse a licence, it would, therefore, have to be established that the authority had reasonably been satisfied that there was no significant unmet demand.

Maidstone Borough Council has a policy of limiting Hackney Carriage Vehicle numbers and that number currently stands at 48. Unmet Demand Surveys are undertaken every three years to reassess the situation and the results of the survey decides the increase and the issuing of further Hackney Carriage Vehicle licenses, if there are to be any. The last Unmet Demand Survey was completed in 2022 and no demand was found.

Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 states that the Council shall grant a private hire vehicle licence provided the Council is satisfied that the vehicle is

- . Suitable in type, size and design for the use of a Private Hire Vehicle;
- . Not of such a design and appearance as to lead any person to believe that the vehicle is a Hackney Carriage;
- . In a suitable mechanical condition;
- . Safe; and
- . Comfortable;
- . That there is in force in relation to the use of the vehicle a policy of insurance that complies with the Road Traffic Act 1988.

Once licensed, a hackney carriage or private hire vehicle remains a hackney carriage or private hire vehicle until the licence either expires, is suspended or revoked. A licensed vehicle can, subject to very limited exemptions, only ever be legally driven by a driver who holds the relevant hackney carriage or private hire drivers' licence and appropriate insurance.

With regard to hackney carriages, it is currently the policy of Maidstone Council to only license purpose built hackney carriages and the Mercedes Vito Taxi, the Ford Procab and the Peugeot E7 which are wheelchair accessible and fitted with a partition between the driver and passenger compartments and which also follow the Conditions of Fitness set by the London Carriage Office.

Some of the vehicles that we currently licence may not cater to some specific wheelchair users. In view of this information the Head of Housing and Community Services will consider any additional Hackney Carriage Vehicles to be approved on a case by case basis in order to be added to an agreed list.

All applications submitted for the initial grant of a licence are advised to apply at least 12 working days before the licence is required to allow time for to be processed.

Application forms must be completed in full, accompanied by all required documents and signed by the applicant and the operator where relevant. Any incomplete forms will be deemed invalid and returned immediately to the applicant.

Applications will only be acceptable as valid if they include and/or are accompanied by the following:

1. Application form provided by the Council completed in its entirety and signed by the applicant and operator where relevant.
2. The appropriate fee.
3. Original vehicle registration document showing the applicant to be the registered keeper or other acceptable proof of ownership (the V5 New Keeper Supplement completed by the applicant or an official receipt from a registered company in the case of newly manufactured vehicles)
4. Certificate of insurance for the vehicle which covers the activity required (i.e. public or private hire - para.4.2) and which is valid on the date that the licence is due to come into force.
5. MOT and compliance certificate issued by our nominated Garage.

#### **4.1 Licence Fee**

All applications must be accompanied by the appropriate fee as prescribed by the Council; the current scale of fees is available from the Council or on our website [here](#)

Licensing fees are reviewed on an annual basis and adopted by the Council following advertisement by a notice in a local newspaper. The notice will also be displayed at the Council Offices to allow for any comments to be made.

In the event of the surrender of a vehicle licence before its expiry there is no refund made.

#### **4.2 Insurance**

All hackney carriage and private hire vehicles must be insured for public hire and reward, such insurance to provide as a minimum requirement insurance cover for third party fire and theft and also to include legal liability for passengers and luggage.

The Council considers vehicle insurance to be a high priority and, therefore, requires all proprietors to provide evidence of continuous insurance cover throughout the period of the licence. Failure to provide evidence of insurance will result in the vehicle licence being suspended.

**4.3 Testing of vehicles**

In addition to the MOT testing requirements all licensed vehicles are required to be tested at the Council’s nominated testing station/s for compliance with the Council’s policy.

All vehicle licence applications/renewals must be accompanied by an original Compliance Test Report issued by the Council’s testing station/s.

Dependent on the age of the vehicle, interim testing may be required during the period of the licence. The testing frequency set out in the table below. The age of the vehicle will be determined on the start date of the licence from the date of first registration as stated on the vehicle registration document.

Licensing a vehicle for the first time (Hackney Carriage and Private Hire)

The vehicle should not have more than 60,000 miles on the clock or be older than 4 years at first licensing.

<u>Hackney Carriage</u>	<u>Test Frequency</u>
<u>Age of Vehicle</u>	
Less than 10 years	Annually
Over 10 years but less than 15 years	6 Monthly

<u>Private Hire</u>	<u>Test Frequency</u>
<u>Age of Vehicle</u>	
Less than 8 years	Annually

<u>Special Events Vehicle</u>	<u>Test Frequency</u>
<u>Age of Vehicle</u>	
Each vehicle is assessed on its own merit	6 Monthly

Where concerns arise during the period of the licence regarding the mechanical fitness of a licensed vehicle the Council may request a further test to be undertaken and a further certificate to be produced at the Licensee’s expense. However, the Licensing Authority cannot require a vehicle to have more than 3 tests per year.

In order to ensure that a vehicle remains continuously licensed the vehicle must be presented for test and pass on or before the next test due date.

Vehicles may be presented for test up to 1 month prior to the test due date.

Where an application for a vehicle renewal is made after the expiry of the licence the application will be considered as a new application and any age restrictions will apply.

Any vehicle failing its examination test will be required to undertake and pass a further examination test before it can be licensed or, in the case of an existing licensed vehicle before it can continue to be used as a licensed vehicle. This further examination is known as a retest.

The applicant is responsible for the payment of all fees required for any mechanical inspections.

The Council will suspend a vehicle licence if the vehicle is not presented for its interim test (6 month) by the due date.

#### **4.4 Type of vehicle**

In order to assess vehicle suitability, the Council will take into account passenger safety, comfort and the design of the vehicle.

In order to be considered suitable to be licensed as a Hackney Carriage the vehicle must comply with the basic specification set out in Appendix 5A and 5B, comply with the conditions listed in Appendix 5C and pass the Council's vehicle inspection test.

Any vehicle complying with the basic specification set out in Appendix 5A and 5D will be considered suitable to be licensed as a Private Hire Vehicle subject to it complying with the conditions listed in Appendix 5E and passing the Council's vehicle inspection test.

In 2008 a special category called "Special Events Vehicles"(SEV'S) was agreed by the Licensing Committee, this category would allow certain vehicles to be licensed that fall outside the normal Private Hire Vehicle Policy. This category encompasses all vehicles that are considered Luxury, Veteran, Vintage, Classic, Limousine (including Stretch models) and Other novelty vehicles i.e. fire engines. Some Private Hire Vehicles that can no longer be licensed because of the age limitation may be able to carry on being licensed under the SEV category (e.g. BMW's and Mercedes). Each case will be decided on its own merit and specific licence conditions will apply as listed in Appendix 7.

In exceptional circumstances the Council's basic requirements for vehicles may be waived to facilitate the licensing of Novelty Vehicles although confirmation should be sought from the Licensing Office prior to any application being made. Whilst all applications for Novelty Vehicles will be considered on their own merits the Council has produced model standards and conditions for Fire Engines and Horse Drawn vehicles as set out in Appendices 8 and 9 respectively.

In addition to meeting the relevant vehicle specifications all Private Hire Vehicles, including Novelty Vehicles, will have to comply with the private hire vehicle conditions. (Appendix 6D)

#### **4.5 Seating Capacity**

No vehicle capable of carrying more than 8 passengers can be licensed by the Council.

In order to facilitate the licensing of a wide variety of vehicle types and to encourage more environmentally friendly vehicles the Council has not set a limit on the minimum number of seats but instead requires a minimum space standard per passenger as detailed in the basic specifications for vehicles.

It is the proprietor's and operator's responsibility to ensure that they established the number of passengers at the time of booking. This is particularly important for those proprietors and operators who choose to utilise smaller vehicles.

#### **4.6 Accessibility**

Maidstone Council is committed to social inclusion and ensuring a wide variety of vehicle types are available for disabled residents to avoid discrimination in terms of travel arrangements.

All Hackney Carriage Vehicles are required to be wheelchair accessible and in Maidstone 100% of vehicles are.

In private hire vehicles any equipment fitted for the purpose of lifting a wheelchair into the vehicle must comply with and have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 – or as amended from time to time.

Where the private hire vehicle is designed or adapted to carry a wheelchair, the operator shall ensure that the driver has received sufficient training to load and convey wheelchair bound passengers.

Signage is to be fixed to the outside of all private hire vehicles to convey to passengers that the vehicle has been designed or adapted to carry a wheelchair.

Drivers of any licensed vehicle cannot refuse to carry an assistance dog (for passengers with either restricted sight or hearing) unless they have a medical exemption issued by the Council. Such exemptions shall only be issued following receipt of a medical report produced by the driver's registered general practitioner.

The Council will take steps to ensure that any regulations that may be made by the secretary of state under the Equality Act 2010 for example Taxi Accessibility Regulations are complied with.

#### **4.7 Quantity Restrictions of Vehicle Licences**

Whilst the law prohibits the Council from setting a limit on the number of private hire vehicle licences it issues quantity restrictions can be set to regulate the number of licensed hackney carriages.

In 2022 the Council commissioned an independent survey of Hackney Carriage usage. The 2022 study identified that there is no evidence of significant unmet

demand for hackney carriages in Maidstone. On this basis the Council has discretion in its hackney carriage licensing policy and may either:

- . continue to allow market forces to dictate the number of hackney carriage licences;
- . issue any number of additional plates as it sees fit, either in one allocation or a series of allocations; or
- . introduce a limit on the number of vehicles.

It is the policy of Maidstone Council to impose quantity restrictions on the number of Hackney Vehicles in the Borough and currently that figure stands at 48.

#### **4.8 Security/CCTV**

The hackney carriage and private hire trade provides a valuable public service, especially late at night when other forms of public transport are no longer available. Security for drivers and passengers is of paramount importance. CCTV cameras can be a valuable deterrent as well as protecting the driver from unjustified complaints.

The hackney carriage and private hire vehicle trade is strongly encouraged to consider the installation of CCTV cameras in their vehicles on a voluntary basis and it will then be incumbent upon the operator to handle relevant data gathered in an appropriate and secure manner. For information and guidance on data protection see The Information Commissioners' Office (ICO) website.

The hackney carriage and private hire trade are also encouraged to build good links with the local police force, including participation in any Crime and Disorder Reduction Partnerships.

#### **4.9 Environmental Considerations**

The Best Practice Guidance asks licensing authorities to consider how far their vehicle licensing policies can and should support any local environmental policies that they have adopted, bearing in mind the need to ensure that the benefits outweigh costs (in whatever form). They suggest that authorities may, for example, wish to consider setting vehicle emissions standards, perhaps by promoting cleaner fuels.

It is considered that efforts should be made, through the licensing policy, to improve, as far as possible, the efficiency of vehicles licensed in the Borough by, in particular, reducing the levels of CO<sub>2</sub> emitted from petrol vehicles and the equivalent from diesel. There is a movement towards the use of alternative fuels and in many areas LPG conversions to vehicles are perfectly acceptable and encouraged. This will, however, be dependent on supplies of such fuel being made readily available. It may also be the case that the installation of storage tanks into vehicles may affect the ability to carry luggage.

Clearly, emissions from hackney carriages and private hire vehicles could be reduced further, by encouraging better maintenance of vehicles and by switching

off engines when stationary or idling, particularly at hackney carriage ranks. It is proposed that this aspect be tackled through education and promotion.

In view of the above detail, unless more urgent measures are introduced by central government in the meantime, this Council will monitor any research published and Government guidelines with a view to specifying vehicle emissions standards and promoting cleaner vehicles.

To help consider the environmental impact, any petrol electric vehicle with an engine size under 1400cc will be considered to be licensed on a case by case basis.

#### 4.10 Card Machines

All Hackney Carriage vehicles licensed by this Authority must have available at all times, an electronic device that allows contactless payments to be made. The driver must ask the passenger if they require a receipt. If the passenger requires a receipt, the driver must provide one which accurately states the time and date of the journey, driver number and fare.

Hackney Carriage proprietors shall ensure that all drivers of the vehicle are trained on how to use the card payment system and are aware that passengers must be able to make payment in this manner.

All payment devices must:

Be checked regularly and maintained to operational standards. Any damage preventing the device from working must be reported to the Licensing Department and the device repaired or replaced within 7 days. Failure to do so will lead to the vehicle being suspended until such time as a functioning device is able to be in use.

### **5. Private Hire Operators Licence**

The objective of licensing Private Hire Vehicle Operators is, again, the safety of the public, who will be using operators, premises, vehicles and drivers arranged through them. The Council will grant a private hire operator licence provided the Council is satisfied that the applicant is a fit and proper person to hold such a licence

In order for an operator to prove that they are fit and proper they must provide evidence that they:

- . are of good repute;
- . are of appropriate financial standing (i.e. have enough money to run the business);
- . have adequate arrangements for monitoring drivers, vehicles and the keeping of records;
- . are capable of ensuring that both themselves and their staff/drivers obey all the rules.

All applicants for initial grant of a licence should allow at least four weeks before the licence is required to enable the local authority to undertake the necessary vetting procedures as detailed in this document.

Planning consent may be required and all applicants must ensure that they obtain all the correct and necessary permissions before trading.

Any application for the renewal of a licence which is not made before the expiry of the previous licence will be treated as an application for a new licence.

Applications will only be acceptable if they include the following:

1. Application form completed in its entirety and signed by the applicant along with all the information prescribed.

a basic standard, or enhanced DBS certificate issued within the last 12 months or a DBS certificate registered on the update service (unless also licensed as a driver and have provided an enhanced DBS and update service registration as part of that process); for each director, partner and company secretary;

a schedule of all employees that are not Maidstone licensed drivers indicating those staff who take bookings and dispatching vehicles;

a Statutory Declaration detailing the complete history of any criminal and motoring convictions, caution, reprimands, speed awareness courses and fixed penalty notices including any pending charges and 'spent' convictions;

a Safeguarding Training certificate, issued within the last 3 years for each director, company secretary and employees that are not Maidstone licensed drivers

details of their policy regarding the employment of ex-offenders

the appropriate licence fee;

a list of the vehicles and drivers which they operate.

The schedule of employees must be kept up to date with any changes notified in writing to the licensing authority.

The Council will not grant a licence to an operator whose premises are located outside the borough of Maidstone. This is to ensure that proper regulation and enforcement measures may be taken by the Council and is in no way intended to be a restraint of trade.

Operators based outside the district who have been granted a licence prior to the adoption of this amendment to policy (2019) will retain 'grandfather rights' providing the conditions of the licence are fully met and the licence is not allowed to lapse.

2. Application for a Disclosure and Barring Service Basic Check, which can be obtained from DBS or Disclosure Scotland, completed by the applicant with accompanying identification or a current valid disclosure certificate and obtained via an approved body which will allow an update service check to be performed- All Operators must sign up to the DBS online checking service. This is a mandatory requirement and a condition on all Operators licences. This allows Officers to make the required 6 monthly online checks more easily online without the need to make an appointment to see an Officer.

3. The appropriate fee; the current scale of fees is available [here](#)

### **5.1 Criminal Records Checks**

PHV operators are not exceptions to the Rehabilitation of Offenders Act 1974,

However, Private hire operators' that are not licensed drivers, cannot be required to produce an enhanced DBS disclosure. A Basic Disclosure from the DBS or Scottish Disclosure, or a certificate of good conduct from the relevant embassy for overseas applicants, is however, considered appropriate in promoting the objective of public safety.

Before an application for a private hire operators' licence will be considered, the applicant must provide a current (less than three months old) Basic DBS or Scottish Disclosure of Criminal Convictions (issued specifically for Maidstone Borough Council), or a Certificate of Good Conduct from the relevant embassy in the case of an overseas applicant. Applicants that hold a current Drivers Licence with the Council will be exempt from this requirement.

Prior to consideration of any new application, overseas applicants who have lived in the United Kingdom for a continuous period of less than five years are required to provide a certificate of good conduct from their previous country or countries of residence (within the previous five years) in addition to a Basic Disclosure Certificate. A certificate of good conduct authenticated by the relevant embassy will satisfy this requirement.

The applicant must also prove that all employees that work for them and who take bookings, dispatch vehicles, or have access to booking records are fit and proper people to be employed in such positions. They must provide evidence that they have seen a basic DBS for such employees who are not Maidstone Borough Council licensed drivers and also evidence that it is a condition of their employment that they will inform the employer of any criminal convictions they receive during their employment.

## **5.2 Record Keeping**

It is a requirement for operators to keep comprehensive records of each Booking including which member of staff took the booking. All bookings will be kept for a period of 6 months.

## **5.3 Licence Duration**

The Department of Transport considers that annual licence renewal is not necessary or appropriate for private hire operators. They recommend, as good practice, that a licence period of five years would be reasonable. This appears to be an amendment made to the Deregulation Bill on 13 March 2014 by the Law Commission . From 1 April 2016 we began to issue 1, 3 and 5 year licences.

## **5.4 Fees**

The fee payable for an operators licence is based on the number of years it will be in operation 1,3 or 5. The permitted number of vehicles is limitless and vehicles can be added to the licence any time during the period of the licence

## **5.5 Operation**

A private hire operator must ensure that every private hire vehicle is driven by a person who holds a private hire driver's licence.

All three licences:

- private hire operator's licence,
- private hire driver's licence and
- private hire vehicle licence

Must be issued by the same Licensing Authority.

## **5.6 Conditions**

The Council has power to impose such conditions on a private hire operator's licence as it considers reasonable, necessary and proportionate.

The Council consider the conditions detailed in Appendix 7 to be reasonable, necessary and proportionate. All private hire operator's licences will be issued with these conditions attached.

## **5.7 Insurance**

It is considered appropriate for a Licensing Authority to check that appropriate public liability insurance has been taken out for premises that are open to the public.

Before an application for a private hire operator's licence is granted, the applicant must produce evidence that they have taken out appropriate public liability insurance for the premises to be licensed.

The conditions applicable to Private Hire Operator's Licences, as detailed in Appendix 7 require that the operator produces an appropriate certificate of motor insurance which covers every private hire vehicle they operate as well as appropriate public liability insurance for their premises.

## **5.8 Address from which an Operator may operate**

Upon the grant of an operator's licence, the Council will specify on the licence the address from which the operator may operate. This address will be premises within the Borough of Maidstone and the address stated on the application form. The operator must notify the Council in writing of any change of address during the period of the licence, whether this is a home address or the operating address, within seven days of such a change taking place.

## **5.10 Gaming Machines**

Operators that provide a waiting facility for members of the public and/or drivers should be aware that they cannot make gaming machines available for use. This action would be a criminal offence under the Gambling Act 2005.

## **6. PENALTY POINTS (penalty points to remain for 1 year),**

### **Penalty Points Scheme**

Whilst the operation of a successful Hackney Carriage and Private Hire vehicle service is important to the economic well-being of the Borough, it is equally

important that the service provided by the trade is properly regulated in order to instil confidence in the travelling public who wish to use the service.

The Council clearly has a responsibility to ensure that all drivers, owners and operators of vehicles adhere to basic minimum standards and to do this in a consistent and transparent manner. These standards are defined by legislation, licence conditions, codes or adopted by the Council.

Together they identify what is required of the trade and help to ensure that a consistent approach is taken, by Council Officers, in their application.

A number of licensing authorities have found that an effective means of applying the conditions at a local level is through the adoption of a penalty point's scheme. This acts as a first step in ensuring compliance with the conditions and serves as an "early warning" system to drivers and owners or operators who see fit to ignore their responsibilities or fail to meet the requirements of the conditions. Points are accumulated on a sliding scale dependent upon the type of offence or breach of licence conditions. These penalty points then remain "live" for a period of one year from the date they are imposed so that only points accumulated in, a rolling 12 month period are taken into account. If a driver, proprietor or operator accumulates, twelve or more points within a period of one year from the date they are imposed, he/she would then be brought before the Council's Licensing Committee or a panel of the committee who would have a range of options available to them that will include suspension or revocation of the licence, where appropriate. If the Committee did not feel that the matter warranted suspension or revocation of the licence then other options include extending the period for which the points are to be remain "live" or issue a written warning to the driver as to his future conduct.

The introduction of a penalty point's scheme has assisted the trade in maintaining its high standards. A copy of the penalty points system can be found at Appendix 10. The Penalty Points System does not compromise the Council's ability to enforce breaches of statute or local conditions in the Courts should an offence warrant such action.

Before penalty points are issued, there must be sufficient evidence to prove, on the balance of probabilities, the offence or breach of licensing requirements. The issuing of penalty points is not a formal sanction in its own right; it is merely an open and transparent method of how a Private Hire Driver, Private Hire Operator or Hackney Carriage Driver, "Licence Holder" will be assessed in terms of the „fit and proper" person test. The points system is predominately an internal management tool for ensuring that licence holders who repeatedly contravene regulation and/or this Policy are assessed. The licence holder's penalty offences will be re-considered in light of any mitigating circumstances the licence holder wishes to be considered.

A maximum of twelve penalty points will be issued on any one occasion. This means that if on any occasion when it is proposed to impose penalty points, a licence holder has committed more than one offence or breach of licence conditions, no more than twelve points will be imposed.

6.1 Points issued to a licence holder will be confirmed in writing within a reasonable time period from the discovery of the contravention or the conclusion of an investigation into a complaint.

6.2 When issued, the penalty points will remain "live" for a period of one year from the date they are imposed so that only points accumulated in a rolling twelve month period will be taken into account.

6.3 If a licence holder accumulates twelve or more points within a period of one year from the date they are imposed, he will be required to attend a Committee hearing where the appropriate action to be taken in accordance with this Policy.

6.4. Where a licence holder is brought before the Committee their options available to him will include suspension or revocation of the drivers licence, where appropriate. If the Committee does not feel that the matter warrants suspension or revocation of the licence, other options include extending the period for which the points are to remain "live" or issue a written warning to the driver as to his future conduct.

6.5. Periods of suspension of a licence will be dependant on the nature of the breaches of the legislation or the requirements of this Policy and the compliance history of the licence holder.

6.6 More than one accumulation of penalty points in excess of the twelve point threshold in any **three** year period will normally result in the Committee revoking a licence where they believe the person not to be a "fit and proper" person.

6.7. Once the matter has been dealt with, the points will be removed if a suspension or revocation is imposed. If the "live" period is extended or a written warning given, however, the points will remain "live" for the normal one year period.

6.8. If, as a licence holder, you receive a Penalty Points Notice which you feel was not warranted, you may appeal. For example, you may feel that you had a reasonable excuse why the infringement took place, you may disagree that it took place at all or you may not be the person involved. In such a case, write to the Senior Licensing Officer within 21 days of the date of receipt of the points stating why you consider the points are not appropriate. The matter will then be put to the Licensing Committee for decision. The Committee are at liberty to impose more penalty points than stipulated in the Policy as they see fit.

6.9 A licence holder will retain the right to be represented at any meeting either legally or otherwise, and to state any mitigating circumstances he deems necessary.

6.10. Even though penalty points have been issued by an Authorised Officer of the Council, if it is subsequently found that the licence holder has previously been issued with penalty points, or has been formally cautioned, for similar offences, the Council reserve the right to cancel the penalty points and deal with the matter in accordance with the Maidstone Borough Council Enforcement and Prosecution Policy.

6.11. Licensees retain the normal rights of appeal to the Courts when a licence is revoked.

6.12. Following a revocation (due to the accumulation of penalty points), a new licence application will not usually be entertained by the Council for a minimum period of one year.

6.13. The penalty points system will operate without prejudice to the Council's ability to take other action under appropriate legislation or as provided for by this Policy.

## **7. TAXI RANKS**

### **7.1. Appointed Stands**

The Council will periodically review the provision of hackney carriage stands within the Borough and is ongoing. In the event that there is evidence of the need to amend the existing provisions, a full consultation would be undertaken prior to any amendments.

Comments are welcomed from either the trade or the public on the need for additional bays in specific locations, the potential for re-locating or extending existing bays or indeed arguments for the removal of bays which no longer fulfil a useful purpose.

### **7.2 Waiting on Stands**

It is an offence for any person to cause or permit any vehicle other than a hackney carriage to wait on any rank or stand for hackney carriages. Drivers of hackney carriages may only wait on a rank or stand whilst plying for hire or waiting for a fare; drivers who park on a rank or stand and leave their vehicle unattended are committing an offence.

Whilst the law states it is an offence to leave a vehicle unattended on a hackney stand, discretion will be allowed for drivers leaving their vehicles in acceptable circumstances, for example „comfort breaks“. Leaving a hackney carriage unattended on a bay for any other circumstances, for example „shopping“, will be dealt with as an offence in accordance with this Policy.

## **8. Plying for Hire**

For the avoidance of doubt, the Council does not have a by-law requiring hackney carriages to return to a taxi rank between fares. Hackney carriages can, therefore, park and be available for hire in any position where an ordinary member of the public can lawfully park. Hackney carriages are, however, subject to road traffic regulations and should not park in any position that obstructs the highway, the highway being both the road and the footway.

## **9. Taxi/ Private Hire Meetings**

The Council wishes to encourage discussions between the trade and the Licensing Authority, in order to promote a successful working relationship and will endeavour to organise meeting to do so.

## **10. Departure from the Policy**

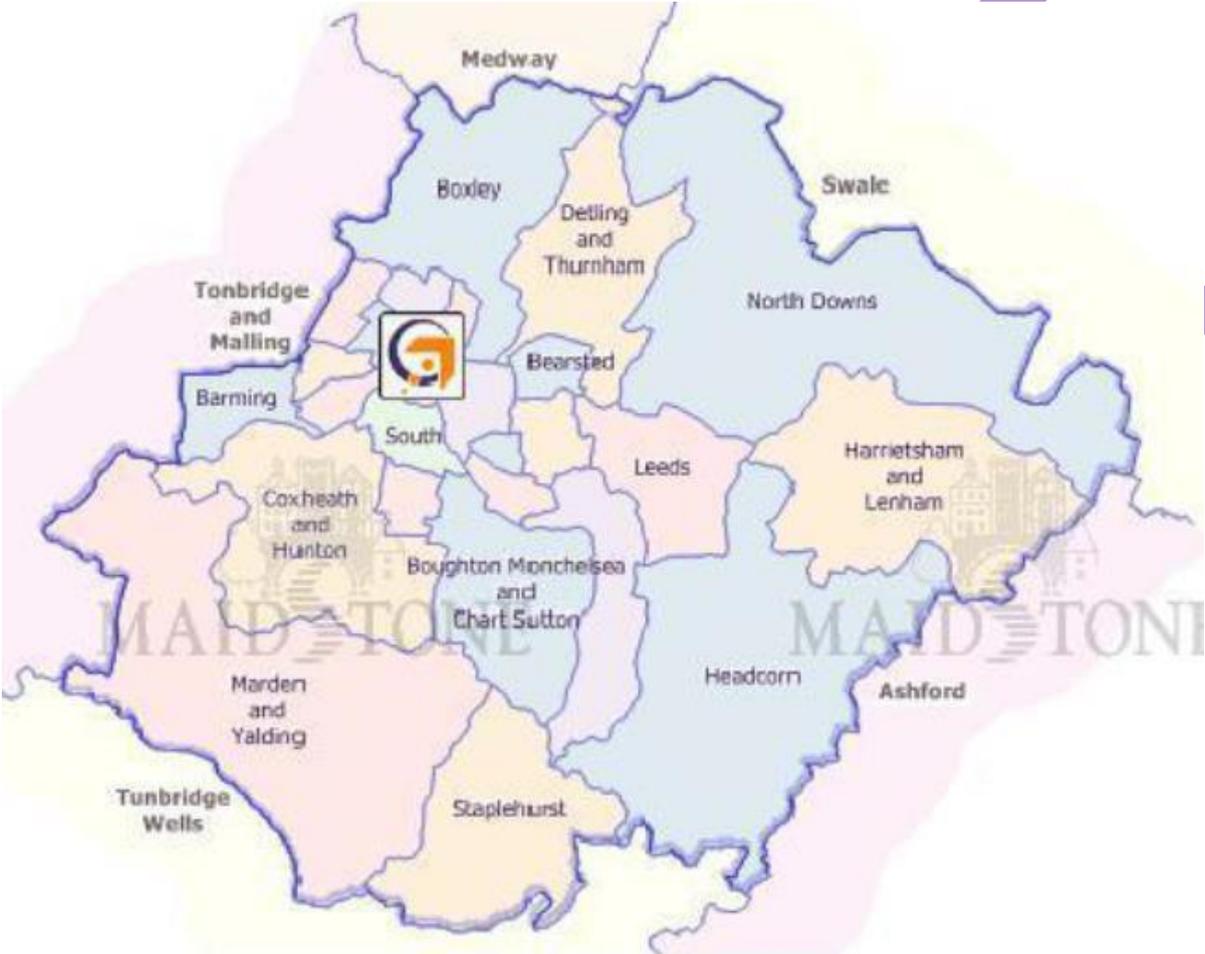
There may be instances whereby the Council may need to consider applications outside the policy. Where it necessary to depart substantially from this policy, clear and compelling reasons for doing so will be given. Any such decision may be referred to the Licensing Committee.

**11. Amendments to the Policy**

All changes to the Policy are made by the Licensing Committee only.



Appendix 1: Map of Maidstone Borough



## **Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades**

The Council has adopted the following document for the purposes of determining the suitability of applicants and licensees;

*'Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades'*

The guidance is produced by the Institute of Licensing, in partnership with; Lawyers in Local Government, National Association of Licensing Enforcement officers, and, the Local Government Association.

The document provides the public, applicants, licensees, officers, and members with details of matters that will be considered on determining an application, including the relevance of any prior conviction(s).

It is recommended that applicants have reference to this document prior to application.

The full document can be downloaded from the Institute of Licensing via [https://instituteoflicensing.org/documents/Guidance\\_on\\_Suitability\\_Web\\_Version\\_\(16\\_May\\_2018\).pdf](https://instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_(16_May_2018).pdf) or can be made available on request by contacting the Licensing department directly.

### **National Register of Taxi Licence Refusals and Revocations (NR3)**

The licensing authority provides information to the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or Private Hire drivers licence revoked, or an application for one refused. This is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the licensing authority – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage/ PHV drivers licence. This authority issues Dual driver licences.

On this basis :

- Where a hackney carriage/ PH drivers licence is revoked, or an application for one refused, the authority will record this decision on NR3.
- All applications for a new licence or licence renewal will be checked on NR3. If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3 search will only be used in respect of the specific license application and will not be retained beyond the determination of that application.

Information will be retained on NR3 for a period of 25 years.

This is a mandatory part of applying for/being granted, a hackney carriage / PHV driver licence. The authority has a published policy on the approach it will take to requests by other authorities for further information about entries on NR3, and about the use it will make of any further information provided to it. Read the policy at [insert link – this is policy that is currently being worked on]

Information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR) or any subsequent legislation. Any searches, provision or receipt of information of or under NR3 are necessary to the authority's statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence. It is not intended that any NR3 data will be transferred out of the United Kingdom.

If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, you can do so to the authority's Data Protection Officer. Find out more on the data protection page, which includes submitting a subject access request.

DRAFT

### Appendix 3:

#### **Assessing applicants and existing drivers for a Hackney Carriage Private Hire Vehicle driver licence in accordance with C1 standard.**

The following arrangements mean that those with good diabetic control and who have no significant complications can be treated as “exceptional cases” and are not therefore precluded from being licensed as HC/PHV drivers. The criteria are:

- . To have been taking insulin for at least 4 weeks
- . Not to have suffered an episode of hypoglycaemia requiring the assistance of another person whilst driving in the last 12 months;
- . To attend an examination by a hospital consultant specialising in the treatment of diabetes at intervals of not more than 12 months and to provide a report from such a consultant in support of the application which confirms a history of responsible diabetic control with a minimal risk of incapacity due to hypoglycaemia;
- . To provide evidence of at least twice daily blood glucose monitoring at times when driving either a hackney carriage or PHV vehicle;
- . To have no other condition which would render the driver a danger when driving a hackney carriage or PHV; and
- . To sign an undertaking to comply with the directions of the doctor(s) treating the diabetes and to report immediately to the Maidstone Licensing Authority any significant change in condition.

## **APPENDIX 4:**

### **DRIVERS VOLUNTARY DRESS CODE**

In order to raise and maintain the profile of the licensed trade Maidstone Council is committed to encouraging the professional image of the trade and it considers that drivers should conform to a minimum standard of dress, as set out below. Whilst the Authority does not wish to impose such standards by way of conditions to any licence it expects, however, that such standards will be maintained at all times.

#### **Acceptable Standards of Dress**

- Shirts, blouses, T-shirts or sweat tops should cover the shoulders and be capable of being worn inside trousers or shorts.
- Shirts or blouses may be worn with a tie or open necked.
- Shorts of knee length or trousers / jeans may be worn.
- Footwear for all drivers shall fit around the heel of the foot.

#### **Unacceptable Standard of Dress**

The following are deemed unacceptable:

- Clothing not kept in a clean condition, free from holes and rips.
- Words or graphics on any clothing that is of an offensive or suggestive nature or which might offend.
- Sportswear (e.g. football/rugby kits, track suits) or beach wear etc.)
- Sandals with no heel straps, flip flops or any other form of footwear not secured around the heel.
- Drivers not having either the top or bottom half of their bodies suitably clothed (see above).
- Baseball caps

## Appendix 5: A

### MAIDSTONE BOROUGH COUNCIL

#### SPECIFICATION RELATING TO HACKNEY CARRIAGE VEHICLES

**No vehicle shall be licensed as a hackney carriage unless it is fit for public service and complies with the specifications set out below.**

#### 1. GENERAL

- (i) All hackney carriages must have a minimum of four wheels and must have at least four doors, excluding the tailgate.
- (ii) All Hackney vehicles must be right hand drive
- (iii) The engine capacity of all vehicles submitted to be tested for the first time shall not be less than 1400cc. However, in some instances vehicles may be assessed on a case by case basis.
- (iii) No hackney carriage shall be accepted for testing for the first time if the vehicle is over four years old or has mileage of more than 60,000 miles.
- (iv) Vehicles should have no damage affecting the structural safety of the vehicle and must not have been written off for insurance purposes at any time. For example, vehicles that are known in the trade as "cut & shut" will not be licensed.

#### NOTES:

- 1) Vehicles submitted for testing for the first time must comply with the age specifications. Any vehicle currently compliance tested, shall, at the expiry of that compliance period, if the vehicle falls outside of the age policy, not be re-licensed.
- 2) Once the expiry date of any vehicle compliance has expired, if the vehicle specifications are outside of the policy where age is concerned as set out in these specifications, the vehicle may not be re-licensed.
- 3) A compliance test may be arranged for a vehicle and carried out up to one month prior to the expiry date of its current compliance certificate. If the vehicle passes the compliance test, a certificate may be issued for a period of up to thirteen months (in line with Department of transport procedure) or whatever period within the month prior to its expiry, so long as the period does not exceed thirteen months and so long as the current compliance certificate is produced for inspection by the vehicle examiner.

#### 2. GENERAL CONSTRUCTION

- (i) Every vehicle must comply in all respects with the requirements of any Acts and Regulations relating to motor vehicles in force at the time of licensing.
- (ii) Vehicles offered for type approval must be so constructed as to facilitate the carriage of disabled persons and be capable of accommodating a disabled person in a wheelchair within the passenger compartment.

### **3. STEERING**

- (i) The steering wheel must be on the offside of the vehicle.
- (ii) The steering mechanism must be so constructed or arranged that no overlock is possible and the road wheels do not in any circumstances foul any part of the vehicle.
- (iii) The steering arms and connections must be of adequate strength and as far as possible protected from damage by collision.

### **4. BRAKE AND STEERING CONNECTIONS**

Where brake and steering connections are secured with bolts or pins, the bolts or pins must be fitted with approved locking devices and they must be so placed that, when in any position other than horizontal, the head of the bolt pin is uppermost.

### **5. TYRES**

All tyres at normal pressure under load must be approved as having suitable minimum circumference for correct operation of the taximeter.

### **6. BRAKES**

- (i) All brakes must act directly on the wheels of the vehicle.
- (ii) The brakes of one of the braking systems must be applied by pedal.
- (iii) The pedal operated braking system must be so designed that notwithstanding the failure of the brakes on any pair of wheels, either on one axle or diagonally opposite, there must still be available for application brakes on the other pair sufficient to bring the vehicle to rest within a reasonable distance.
- (iv) Cable connections are not permitted in the pedal operated system.

### **7. SUSPENSION**

- (i) Every vehicle must be fitted with an efficient suspension system so designed and constructed that there is no excessive roll or pitch.
- (ii) Every vehicle must be so constructed or adapted that a failure of a spring, torsion bar or other similar component of the suspension system is not likely to cause the driver to lose directional control of the vehicle.

- (iii) When the vehicle is complete and fully equipped for service and loaded with weights placed in the correct relative positions to represent the driver and a full complement of passengers and luggage and is placed on a plane surface it must not overturn when the plane is tilted to either side to an angle of 4 degrees from the horizontal.

**NOTE:**

- (a) For the purpose of this condition 65 kilograms shall be deemed to represent the weight of one person and 65 kilograms the weight of a full complement of luggage.
- (b) For the purposes of conducting tests of stability the height of any stop used to prevent a wheel from slipping sideways must not be greater than two-thirds of the distance between the surface upon which the vehicle stands before it is tilted and that part of the rim of that wheel which is then nearest to such surface when the vehicle is loaded.

## **8. TRANSMISSION**

Cabs using automatic or semi-automatic transmission must be fitted with a device to prevent the engine starting with the transmission selector in a **DRIVE** or **REVERSE** position.

## **9. BOLTS AND NUTS**

All moving parts and parts subject to severe vibration connected by bolts or studs and nuts must be fitted with an approved locking device.

## **10. FUEL TANKS**

- (i) Fuel tanks must not be placed under the bonnet and must be adequately protected from damage by collision .
- (ii) All fuel tanks and all apparatus supplying fuel to the engine must be so placed or shielded that no fuel overflowing or leaking from there can fall or accumulate upon any part or fitting where it is capable of being readily ignited or can fall into any receptacle where it might accumulate.
- (iii) The filling points for all fuel tanks must be accessible only from the outside of the vehicle and filler caps must be so designed and constructed that they cannot be dislodged by accident.
- (iv) A device must be provided by means of which the supply of fuel to the engine may be immediately cut off. It's location together with the means of operation and "off "position must be clearly marked on the outside of the vehicle. In the case of an engine powered by LPG or petrol the device must be visible and readily accessible at all times from outside the vehicle.

## **11. INTERIOR LIGHTING**

Adequate lighting must be provided for the driver and passengers. Separate lighting controls for both passenger and driver must be provided. In the case of the passengers compartment an illuminated

control switch must be fitted in an approved position. Lighting must also be provided at floor level to every passenger door and be actuated by the opening of those doors.

## 12. ELECTRICAL EQUIPMENT

- (i) All electrical leads and cables must be adequately insulated and where liable to be affected by exposure to water, petrol or oil, must be adequately protected.
- (ii) All electrical circuits must be protected by suitable fuses.
- (iii) Batteries must be so placed and protected that they cannot be a source of danger.

## 13. EXHAUST PIPE

The exhaust pipe must be so fitted or shielded that no inflammable material can fall or be thrown upon it from any part of the vehicle and that it is not likely to cause a fire through proximity to any inflammable material on the vehicle. The outlet must be placed at the rear of the vehicle on the off-side and in such a position as to prevent fumes from entering the vehicle.

## 14. BODY

- (i) The body must be of the fixed head type with a partially glazed partition separating the passenger from the driver.
- (ii)
  - (a) **Outside dimensions**
    - (1) The overall width of the vehicle exclusive of driving mirrors must not exceed 1.778 metres.
    - (2) The overall length must not exceed 4.575 metres.
  - (b) **Inside dimensions of passenger' compartment.**
    - (1) The vertical distance between the point of maximum deflection of the seat cushion when a passenger is seated to the roof immediately above the point must not be less than 96.5 centimetres
    - (2) The width across the rear seat cushion must not be less than 1.7 metres.
- (iii) Any curvature of the floor of the passenger' compartment must be continuous and must not exceed 2 centimetres at the partition and 5 centimetres at the base of the rear seat when measured between the centre line and sills.
- (iv) The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 75 centimetres. The minimum angle of the door when opened must be 9 degrees

- (v) The clear height of the doorway must not be less than 1.195 metres.
- (vi) Grab handles must be placed at door entrances to assist the elderly and disabled.
- (vii) Where a boot lid is hinged at the bottom a restriction must be fitted to prevent the boot lid serving as a luggage platform.
- (viii) No roof rack shall be fitted.

## **15. STEPS**

- (i) The top of the tread for any entrance must be at the level of the floor of the passenger compartment and must not exceed 38 centimetres above ground level when the vehicle is unladen.
- (ii) The outer edge of the floor at each entrance must be fitted with non-slip treads. If a colour contrast is used to aid a partially sighted person it must be of an approved type.

## **16. WHEELCHAIR FACILITIES**

- (i) Approved anchorage must be provided for the wheelchair and chairbound disabled person. This anchorage's must be either chassis or floor linked. If floor linked they must be affixed in such a manner that the forces are distributed evenly throughout the floor area by means of a suitable galvanised plate of minimum dimensions 2x2mm which must be used beneath the floor.

Restraints for a wheelchair and a person seated therein must be independent of each other. Anchorage must also be provided for the safe stowage of a wheelchair when not in use whether folded or otherwise if carried within the passenger compartment. All anchorage and restraints must be so designed that they do not cause a foreseeable danger to other passengers.

- (ii) A ramp or ramps for the loading of the wheelchair and occupants must be available at all times for use at the near side passengers' door. An adequate locating device must be fitted to ensure that the ramp/ramps do not slip or tilt when in use. The ramp/ramps must be capable of being stowed safely when not in use.

## **17. PAINTWORK AND BODY FINISH**

The paintwork and body finish should be maintained to the original manufacturer specification.

## **18. PASSENGERS' SEATS**

- (i) The measurements from the upholstery at the back of the front edge of the back seat must be at least 40 centimetres and for each adult

person carried a minimum of 40 centimetres must be available when measured along the front parallel edge of the seat cushion.

- (ii) The width of each front seat must not be less than 40 centimetres and such seats must be at least 35.5 centimetres when measured from the back to the front of the upholstery.
- (iii) The vertical distance between the highest point of the undeflected seat cushion and the top of the floor covering must not be less than 35.5 centimetres.
- (iv) Where seats are placed facing each other there must be a clear space of 48 centimetres between any part of the front of a seat and any part of any other seat, which faces it. The measurement may be reduced to 43.5 centimetres provided adequate foot room is maintained at floor level. Where all seats are placed facing to the front of the vehicle there must be a clear space of at least 66 centimetres in front of every part of each seat squab.
- (v) Front seats must be so arranged as to rise automatically when not in use. They must be symmetrically placed and at least 4 centimetres apart. When not in use front seats must not obstruct doorways.
- (vi) Suitable means must be provided to assist persons to rise from the rear seat with particular attention to the needs of the elderly and disabled.

## **19. DRIVER'S COMPARTMENT**

- (i) The driver's compartment must be so designed that the driver has adequate room, can easily reach and quickly operate the controls and give hand signals on the offside of the vehicle.
- (ii) The controls must be so placed as to allow reasonable access to the driver's seat and, when centrally placed, must be properly protected from contact with luggage.
- (iii) The driver's seat must be designed to accommodate the driver only and be adjustable for height and reach.
- (iv) The vehicle must be fitted with adequate devices for demisting, defrosting and washing the windscreen and the sun visor adjustable by the driver.
- (v) Direction indicators of an approved type must be fitted.
- (vi) Every cab must be provided with an approved means of communication between passenger and the driver. When a sliding window is fitted at the rear of the driver's compartment, the maximum width of the opening must not exceed 1.5 centimetres.

## **20. WINDOWS**

- (i) Windows must be provided at the sides and at the rear.

- (ii) Passenger door windows must be capable of being opened easily by passengers when sealed. The control for opening a door window must be easily identified so as not to be mistaken for any other control.

## **21. HEATING AND VENTILATION**

- (i) An adequate heating and ventilation system must be fitted for the driver and passengers and means provided for independent control by the driver and passengers.
- (ii) Windows must be provided at the rear and sides along with means of opening and closing not less than one window on either side.
- (iii) Rear passenger windows must be capable of being opened by passengers when seated, unless air conditioning is available for the comfort of the passenger.

## **22. ADVERTISING**

- (i) Advertisements may be displayed on the outside of the vehicle on the lower door panels only and prior to their placement must have been approved by the local authority.
- (ii) No sign or advertisement shall obliterate or be confused with the vehicle's licence plate or the number plates of the vehicle.
- (iii) A sign shall be affixed to the outside or inside of the vehicle indicating that smoking is prohibited in the vehicle or requesting passengers to refrain from smoking inside the vehicle.

## **23. TINTED WINDOWS**

All windows must meet the requirements as prescribed by the Road Vehicles (Construction and Use) Regulations.

## **24. DOOR FITTINGS**

- (i) An approved type of automatic door locking device must be fitted to passenger doors. When the vehicle is stationary the passenger doors must be capable of being readily opened from the inside and outside the vehicle by one operation of the latch mechanism. The interior door handle must be easily identified so as not to be mistaken for any other control.
- (ii) Double catches of approved type must be fitted to all doors.

## **25. INSURANCE CERTIFICATES AND INTERNAL PLATE**

A current insurance certificate and an internal plate showing the local authority's licence number for the vehicle and the number of passengers allowed to be carried must be displayed within the vehicle, all to be clearly visible from the passenger compartment.

## **26. FLOOR COVERING**

The floor of the passenger's compartment must be covered with non-slip material, which can easily be cleaned.

## **27. LUGGAGE**

- (i) Adequate storage for passenger luggage separated from the passenger compartment without obstructing any emergency exits must be available. Luggage carried must be suitably secured in place.
- (ii) Provision must be made for carrying luggage sufficient for the number of persons for which the vehicle is licensed.

## **28. HORN**

A horn of approved pattern must be fitted.

## **29. TAXIMETER AND FARE CHART**

- (i) A taximeter must be fitted in an approved position.
- (ii) A taximeter must be fitted and must be correctly calibrated, sealed and fully functional in accordance showing the current hackney tariff and be easily visible to passengers.
- (iii) The taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances, so as not to be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.
- (iv) The taximeter shall be positioned so that all letters and figures on the face thereof may be at all times plainly visible to any person being conveyed in the vehicle. The dial of the taximeter shall be kept properly illuminated throughout any part of the hiring which is during the hours of darkness as defined for the purposes of the Road Transport Act 1988 and also at any time at the request of the hirer.
- (v) When the meter is operating there shall be recorded on the face of the meter in clearly legible figures a fare not exceeding the maximum fare that may be charged for a journey.
- (vi) If the taximeter has been altered for whatever reason, the proprietor of the vehicle shall forthwith report the alteration to the licensing

department so that arrangements for resetting and resealing may be made.

- (vii) An official copy of the Council's fare chart must be clearly displayed in the vehicle so as to be plainly visible to passengers carried therein.
- (viii) The vehicle taximeter shall be brought into operation at the commencement of the journey and the fare demanded by the driver shall not be greater than that fixed by this Council in connection with the hire of hackney carriages. In the event of such a journey commencing in but ending outside the Maidstone district there may be charged for the journey such fare or rate of fare, if any, as was agreed before the hiring was effected, if no such agreement was made then the fare to be charged should be no greater than that fixed by the Council in connection with the hire of hackney carriages.

### **30. TAXI SIGN**

A "TAXI" sign clearly visible both by day and by night when the cab is not hired, must be fitted.

### **31. RADIO APPARATUS**

- (i) Where apparatus for the operation of a two-way radio system is fitted to a cab, no part of the apparatus may be fixed in the passenger's compartment or in the rear boot compartment if LPG tanks or equipment are situated therein.
- (ii) Any other radio equipment either in the passenger or driver compartment, must be approved.

### **32. FITTINGS**

No fittings other than those approved may be attached to or carried upon the inside or outside of the Hackney Carriage.

### **33. MAINTENANCE**

The Hackney Carriage vehicle, including all fittings, fixtures, advertisements etc, must be well maintained and kept clean and in good working order. The vehicle will at all times be subject to test and inspection and should it be found that any part or fitting is not well maintained, clean and in good working order, a notice will be served on the owner prohibiting him from using the vehicle until the defect has been rectified.

### **34. VEHICLES POWERED BY LIQUID PROPANE GAS (LPG)**

- (i) An applicant for a licence involving a vehicle that has been converted to run on LPG is required to produce, prior to a licence being issued, a certificate issued by a member of the LPG Association confirming satisfactory installation, examination and testing of the vehicle in

accordance with LPG Association Code of Practice; and that the vehicle is therefore considered Safe.

- (ii) If an LPG conversion involves installation of an LPG fuel tank in a vehicle's boot space it shall be a requirement that an amount of space shall remain free for the stowage of a reasonable amount of luggage and should not impinge on the passenger carrying area of a vehicle.

### **35. SEAT BELTS**

All vehicles must be fitted with fully operational seat belts, one for each passenger to be carried, fully compliant with British Standards except where the law specifically provides an exemption. It is the driver's responsibility to ensure that all passengers under 14 years of age use an appropriate child restraint or wear a seat belt.

### **36. FIRST AID KIT**

There shall be provided in such a position as to be readily available at all times when the vehicle is used for hire, a suitable First Aid Kit containing appropriate dressings and appliances for immediate use in an emergency for the drivers use only. A first aid kit is mandatory for self-employed drivers for their personal use.

### **37 LICENCE PLATES AND STICKERS**

- (i) At all times while the vehicle is being used as a hackney there shall be securely fixed to the rear of the vehicle the appropriate vehicle licence plate supplied by the Council.
- (ii) The number of persons licensed to be carried in the vehicle shall be exhibited outside the vehicle on the Vehicle Licence Plate referred to above. (For these purposes children (of any age) are counted as one person).
- (iii) At all times while the vehicle is being used as a hackney carriage there shall be displayed on the windscreen of such vehicle (top left-hand corner of the windscreen) the internal licence plate, which identifies the vehicle as either a private hire or hackney carriage vehicle. On this will be displayed the registration number of the vehicle and the number of passengers permitted to be carried.

### **38 CHANGES / TRANSFER**

- (i) Notice in writing of any transfer of licence must be given notified within 14 days the Licensing Authority as per section 49 LGMPA 1976.

- (ii) When the holder of a vehicle licence wishes to transfer the licence to another person he must notify the new proprietor that it is their responsibility to notify the Council, in writing, as failure to do so is an offence.

### **39 INSPECTION**

The vehicle licence must be available for inspection at all times on request by any authorised officer of the Council or any Police Officer.

### **40 UNAUTHORISED USE**

The licensee shall be satisfied that every driver engaged/allowed by him/her to drive the licensed vehicle is the holder of an appropriate and current European Driver's Licence and a Hackney Carriage/Private Hire Drivers Licence issued by the Council. The licensee shall also ensure that the Driver's Badge is worn in accordance with the conditions/byelaws attached to the Hackney Carriage/Private Hire Driver's Licence.

### **41 ACCIDENT REPORTING**

- (i) If a licensed hackney carriage or private hire vehicle is involved in an accident, this must be reported to the Council within 72 hours of the occurrence.
- (ii) Where, following an accident or damage to a licensed vehicle, it is the intention of the owner or operator to continue licensed use, the vehicle must be inspected (at the owner's or operator's expense) to determine its fitness for continued use. A Licensing Officer may use delegated powers to suspend the use of a licensed vehicle until it is suitably repaired.
- (iii) A licensed vehicle which has suffered major accident damage or requires substantial mechanical repair may be replaced by a hire vehicle, provided:
- the damage to, or defect in, the vehicle has been reported;
  - application is made in the usual way for a change of vehicle (albeit temporarily);
  - the replacement vehicle meets the licensing criteria and is suitable to be used for hire purposes;
  - the hiring of the hire vehicle is organised and paid for by the affected licensed owner or operator.

### **42. CARD MACHINES**

The vehicle must have available at all times, an electronic device that allows contactless payments to be made. The driver must ask the passenger if they require a receipt. If the passenger requires a receipt, the driver must provide one which accurately states the time and date of the journey, driver number and fare.

Hackney Carriage proprietors shall ensure that all drivers of the vehicle are trained on how to use the card payment system and are aware that passengers must be able to make payment in this manner.

All payment devices must:

Be checked regularly and maintained to operational standards. Any damage preventing the device from working must be reported to the Licensing Department and the device repaired or replaced within 7 days. Failure to do so will lead to the vehicle being suspended until such time as a functioning device is able to be in use.

#### **43 MISCELLANEOUS**

The proprietor shall not knowingly cause or permit the vehicle to be used for any illegal purpose whatsoever.

#### **44 DISPENSATION/ VARIATION OF CONDITIONS**

The Council may in exceptional circumstances by way of special condition dispense with or vary any of the conditions set out herein.

**NOTE:** The word 'approved' throughout this specification means, approved by Maidstone Borough Council. No application shall be considered where the proposed vehicle is already licensed by another licensing authority (commonly referred to as 'dual plating').

## MAIDSTONE BOROUGH COUNCIL- HACKNEY CARRIAGE - VEHICLE LICENCE CONDITIONS

### **General**

This licence is issued in respect of a vehicle which meets the Council's Specification and is capable of carrying disabled persons and cannot be transferred or renewed to any other type of vehicle.

### **Roof Sign**

The vehicle shall have fitted externally to the roof of the vehicle in a position, of a size and of a type approved by the Council, an illuminated sign consisting of the word "TAXI" and the sign shall be maintained in such a position and in proper repair and condition throughout the duration of this licence.

During the hours of darkness as defined by the Road Traffic Act 1972 and any enactment replacing or amending the same, the sign shall be illuminated when the vehicle is in motion and is in use in any way as a Hackney Carriage.

### **Contracts**

Whilst carrying school children under contract with the Kent County Council, the proprietor of the vehicle shall cause to be displayed in the front window of the Hackney Carriage Vehicle, a "School Children" sign, such sign shall be removed immediately the school contract journey has ended.

### **Identification plates**

The identification plate shall remain the property of the Council at all times and shall be affixed to the exterior rear of the vehicle and shall be maintained and kept in such condition that the information printed on the plate is clearly visible to the public at all times.

### **Maintenance of vehicle**

The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements (including in particular those contained in Motor Vehicles Construction and use Regulations) shall be fully complied with.

### **Alteration of vehicle**

No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time while the licence is in force.

### **Passengers**

The proprietor of a hackney carriage shall not convey or permit to be conveyed in a licensed vehicle any greater number of persons than that prescribed on the licence issued by the Council and on the licence plate affixed to the rear of the vehicle. The driver shall not allow there to be conveyed in the front of a hackney carriage if there is the provision any child below the age of 1 year. The driver shall not without the consent of the hirer of a vehicle convey or permit to be conveyed any other person in that vehicle.

## **Communications equipment**

### **Two-way radios**

The proprietor shall ensure that any radio equipment fitted to the hackney carriage vehicle is at all times kept in a safe and sound condition and maintained in proper working order.

### **Mobile telephones**

Mobile telephones may only be used with a Bluetooth connection for hands free operation.

### **Taximeters**

The proprietor shall ensure the vehicle is fitted with a taximeter approved by the Council, and that meter shall be maintained in a sound mechanical condition at all times. The taximeter shall be set for the current tariff agreed by the Council and shall be sealed to prevent unauthorised adjustment of that meter. The proprietor shall ensure the "For Hire" sign or other illuminated sign is extinguished when the fare commences, and the taximeter brought into operation.

**Fare tables** The proprietor shall ensure that a copy of the current fare table supplied by the Council is on display inside the hackney carriage at all times and that table is not concealed from view or rendered illegible when the vehicle is for hire.

('Babies', i.e. children not capable of using a seat belt, shall be defined as persons for occupancy purposes but shall not be classed as fare paying passengers).

### **Vehicle insurance**

At all times during the currency of the licence the proprietor shall keep in force in relation to the use of the vehicle as a hackney carriage a Policy of insurance complying with the requirements of Part V1 of the Road Traffic Act 1984 which should be available inside the vehicle whilst it is licensed as a Hackney Carriage.

### **Convictions**

The proprietor shall within 28 days disclose to the Council in writing details of any conviction or caution imposed on him (or, if the proprietor is a company or partnership, on any of the directors or partners) during the period of the insurance.

### **Change of address**

Any proprietor changing his place of abode must give notice in writing to the Council within seven days of such change.

### **Display of terms and conditions**

The proprietor of the vehicle shall at all times when the vehicle is being used by fare-paying passengers have within the vehicle for inspection by those passengers a copy of these terms and conditions.

### **Card Machine**

The vehicle must have available at all times, an electronic device that allows contactless payments to be made. The driver must ask the passenger if they require a receipt. If the passenger requires a receipt, the driver must provide one which accurately states the time and date of the journey, driver number and fare.

Hackney Carriage proprietors shall ensure that all drivers of the vehicle are trained on how to use the card payment system and are aware that passengers must be

able to make payment in this manner.

All payment devices must:

Be checked regularly and maintained to operational standards. Any damage preventing the device from working must be reported to the Licensing Department and the device repaired or replaced within 7 days. Failure to do so will lead to the vehicle being suspended until such time as a functioning device is able to be in use.

The Council may in exceptional circumstances by way of special condition dispense with or vary any of the conditions set out herein.

**Informative**

This licence is not transferable and must be renewed on expiry. The holder must forthwith notify any change of address to the Borough Council, Maidstone House, King Street, Maidstone ME5 6JQ

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**MAIDSTONE BOROUGH COUNCIL**

**SPECIFICATION RELATING TO PRIVATE HIRE VEHICLES**

**No vehicle shall be licensed for Private Hire unless it is fit for public service and complies with the specifications set out below.**

**1. GENERAL**

- (i) All Private Hire vehicles must have a minimum of four wheels and must have at least four doors **excluding** the tailgate.
- (ii) All Private Hire vehicles must be right hand drive
- (iii) The engine capacity of all vehicles submitted to be tested for the first time shall not be less than 1400cc. However, in some instances vehicles may be assessed on a case by case basis.
- (v) No Private Hire vehicle shall be accepted for testing for the first time if the vehicle is over four years old, (from the date of the vehicle registration, when new) or has mileage of more than 60,000 miles. Once the Private Hire vehicle is eight years old (from the date of registration, when new) it shall not be retested for use as a Private Hire vehicle within the Maidstone Borough.
- (iv) Vehicles should have no damage affecting the structural safety of the vehicle and must not have been written off for insurance purposes at any time. For example vehicles that are known in the trade as "cut & shut" will not be licensed

**NOTES:**

- 1)** Vehicles submitted for testing for the first time must comply with the age and mileage specifications. Any vehicle currently compliance tested, shall, at the expiry of that compliance period, if the vehicle falls outside of the age policy, not be re-licensed.
- 2)** Once the expiry date of any vehicle compliance has expired, if the vehicle specifications are outside of the policy where age is concerned, as set out in these specifications, the vehicle may not be re-licensed.
- 3)** A compliance test may be arranged for a vehicle and carried out up to one month prior to the expiry date of its current compliance certificate. If the vehicle passes the compliance test, a certificate may be issued for a period of up to thirteen months (in line with Ministry of transport procedure) or whatever period within the month prior to its expiry, so long as the period does not exceed thirteen months and so long as the current compliance certificate is produced for inspection by the vehicle examiner.

**2. GENERAL CONSTRUCTION**

Every private hire vehicle must comply in all respects with the requirements of any Acts and Regulations relating to motor vehicles in force at the time of licensing.

**N.B.** Any vehicles licensed as Special Event Vehicles should comply with the vehicle specification laid down for such vehicles. As stretched limousines are modified vehicles and also imported from abroad, the normal requirements as to certification and approval used by the approved test centre for saloon cars which are used as private hire cars are not appropriate. The applicant for a Special Events Vehicle should therefore present a valid MOT certificate from the approved test centre and will also have to provide sufficient information and documentation to the approved test centre to enable them to be satisfied as to the safety and construction of the vehicle.

The Vehicles may need to be tested at a test centre that can accommodate them rather than our approved test centre to the necessary MOT standard.

Aside from the compliance certificate which will be replaced by a valid MOT certificate the normal procedure for licensing Private Hire Vehicles will be applied, vehicle registration documentation and insurance certificates will be required.

Each vehicle presented for licensing as Special Events Vehicles will be considered for its suitability and fitness on its own merits and the additional vehicle conditions at Appendix 7 will apply.

### **3. STEERING**

- (i) The steering wheel must be on the offside of the vehicle.
- (ii) The steering mechanism must be so constructed or arranged that no overlock is possible and the road wheels do not in any circumstances foul any part of the vehicle.
- (iii) The steering arms and connections must be of adequate strength and as far as possible protected from damage by collision.

### **4. BRAKE AND STEERING CONNECTIONS**

Where brake and steering connections are secured with bolts or pins, the bolts or pins must be fitted with approved locking devices and they must be so placed that, when in any position other than horizontal, the head of the bolt pin is uppermost.

### **5. TYRES**

All tyres must be kept at the correct pressure and meet legal requirements and be suitable for use on the vehicle.

### **6. BRAKES**

All brakes must act directly on the wheels of the vehicle. The pedal operated braking system must be so designed that notwithstanding the failure of the brakes on any pair of wheels, either on one axle or diagonally opposite, there must still be available for application brakes on the other pair sufficient to bring the vehicle to rest within a reasonable distance.

## 7. SUSPENSION

Every vehicle must be fitted with an efficient suspension system so designed and maintained to the manufacturer's specification.

## 8. TRANSMISSION

Vehicles using automatic or semi-automatic transmission must be fitted with a device to prevent the engine starting with the transmission selector in a **DRIVE** or **REVERSE** position.

## 9. BOLTS AND NUTS

All moving parts and parts subject to sever vibration connected by bolts or studs and nuts must be fitted with an approved locking device.

## 10. FUEL TANKS

- (i) Fuel tanks must not be placed in the engine compartment and must be adequately protected from damage by collision.
- (ii) All fuel tanks and all apparatus supplying fuel to the engine must be so placed or shielded that no fuel overflowing or leaking from there can fall or accumulate upon any part or fitting where it is capable of being readily ignited or can fall into any receptacle where it might accumulate.
- (iii) The filling points for all fuel tanks must be accessible only from the outside of the vehicle and filler caps must be so designed and constructed that they cannot be dislodged by accident.
- (iv) In the case of an engine powered by Liquid Propane Gas a device must be fitted by which the supply of fuel to the engine may be immediately cut off. It's situation, together with the means of operation and "**OFF**" position must be clearly marked on the outside of the vehicle.

## 11. ELECTRICAL EQUIPMENT

- (i) All electrical leads and cables must be adequately insulated and where liable to be affected by exposure to water, diesel, petrol or oil must be adequately protected.
- (ii) All electrical circuits must be protected by suitable fuses.
- (iii) Batteries must be so placed and protected that they cannot be a source of danger.

## 12. EXHAUST PIPE

The exhaust pipe must be so fitted or shielded that no inflammable material can fall or be thrown upon it from any part of the vehicle and that it is not likely to cause a fire through proximity to any inflammable material on the vehicle. The outlet must be placed at the rear of the vehicle in such a position as to prevent fumes from entering the vehicle.

### 13. BODY

- (i) The body must be of the fixed head type. Approved sunroof may be fitted.

### 14. VEHICLE INTERIOR

- (i) The driver's seat must be designed to accommodate the driver only and be adjustable for reach.
- (ii) The vehicle must be fitted with adequate devices for demisting, defrosting and washing the windscreen and with a sun visor adjustable by the driver.
- (iii) Direction indicators of an approved type must be fitted.
- (iv) Windows in saloon vehicles must be provided at the sides and at the rear and rear passenger door windows must be capable of being opened easily by passengers when seated.
- (v) An adequate heating and ventilation system must be fitted for the driver and passengers.
- (vi) The windscreen and all windows must be safety glass in accordance with the latest British Standard at the time of approval.
- (vii) Passengers' doors must be capable of being readily opened from inside and outside the vehicle by one operation of the latch mechanism.
- (viii) Approved central locking systems are permitted.
- (ix) The floor of the vehicle must be suitably covered and in good repair.
- (x) Provision must be made for carrying luggage sufficient for the number of persons for which the vehicle is licensed.
- (xi) All vehicles must have sufficient luggage space for the number of passengers the vehicle is licensed to carry without having to fold any seat. When a large quantity of luggage is being conveyed a guard between the luggage and the passengers must be fitted.
- (xii) If it is intended to carry luggage on the roof, the carrier must be of an approved type fitted to the roof guttering. It must not be used to carry weight in excess of the manufacturer's recommendation.
- (xiii) A horn of an approved type must be fitted and maintained in working order.
- (xiv) A taximeter, if fitted, must be of an approved type and tested by the Council.
- (xv) Where apparatus for the operation of a two-way radio system is fitted no part of the apparatus may be fitted in the rear compartment if L.P.G. tanks or equipment are situated therein.

- (xvi) Any other radio receiver fitting must be of an approved type.

## 15. PAINTWORK AND BODY FINISH

The paintwork and body finish should be maintained to the original manufacturer's specification.

## 16. PASSENGERS' SEATS

- (i) The width across the cushion must be not less than 50 inches.
- (ii) The depth from the upholstery at the back to the front edge of the seat must be not less than 18 inches; and
- (iii) The vertical distance between the undeflected seat cushion and the roof lining immediately above must be not less than 34 inches.

## 17. ADVERTISEMENTS

- (iv) No sign or advertisement shall obliterate or be confused with the vehicle's licence plate or the number plates of the vehicle.
- (v) A sign shall be affixed to the outside or inside of the vehicle indicating that smoking is prohibited in the vehicle or requesting passengers to refrain from smoking inside the vehicle.
- (iii) Advertisements may be displayed on the outside of the vehicle on one lower door panel only on either side and may display the words **PRIVATE HIRE** and with either the company name or logo. Prior to the placement of any advertisement, approval must be given by the Council.

## 18. POLICY RE ALL OVER ADVERTS ON PRIVATE HIRE VEHICLES

Advertising is allowed on all private hire vehicles and the following formula was adopted on 31 May 2002:

- a) advertising should remain optional;
- b) all adverts must be approved by the Council before being placed on the vehicle and that a copy of any advertising should be kept on file;
- c) saloon and estate type vehicles may only advertise below window level on side doors and panels and on the rear panel and bumpers if desired;
- d) on larger people carrier vehicles, writing be allowed on any side and rear panels; again below window level. Adverts on windows will not be allowed.
- e) any all over livery advertising be carried out, where appropriate in accordance with the policy in place for Private Hire vehicles:

***That artwork must be submitted for initial scrutiny and on provisional approval, a copy of the print work must be submitted, for retention, before the advert is displayed.***

***Particular attention is drawn to codes of advertising, (The British Code of Advertising Practice booklet issued by the Advertising Standards Authority).***

***Certain materials are recommended and a sample must be provided with the Artwork***

***Allow 1 days approval time be given***

***With all over livery only one company/product/service may be displayed and that secondary advertising is not permitted. For this it is assumed that a local company wishing to use all over livery would not be able to show their company name/Logo.***

- f) any adverts shown, not being all over livery, will be in line with the policy adopted for Hackney Carriages which cover certain subjects, establishments etc, which would not be approved, some of which are listed below;

***Advertisements with political, ethnic, religious, sexual or controversial texts.***

***Advertisements for escort agencies, gambling establishments or massage parlours***

***Advertisements displaying nude or semi- nude figures***

***Advertisements mentioning the driver of a private hire vehicle e.g. "the driver will take you to....";***

***Advertisements likely to offend public taste.***

**Private hire operators will also be allowed to advertise their company name or logo where all over advertising is allowed in line with Hackney Carriage (approve 6 March 1994), provided that the sign is approved by an officer of the Council.**

## **19. TINTED WINDOWS**

All vehicles licensed must comply with the Road Vehicles (Construction & use) Regulations in relation to tinted windows.

The vehicle is licensed only for Private Hire purposes.

If a Private Hire Vehicle with tinted windows which have less than 50% of light transmission through any of them, is issued for the carriage of children or young persons without adult supervision, then it is the responsibility of the Operator to

ensure that, when the booking for the vehicle is taken, the person accepting the booking has sought the knowledge and consent whether verbal or written and is recorded in the Operators Bookings see Appendix 7, as required by these licence conditions.

The Operator must, unless such a vehicle has been specifically requested, inform a hirer that such a vehicle will be supplied.

## **20. INSURANCE CERTIFICATE AND INTERNAL PLATE**

A current insurance certificate and an internal plate showing the local authority's licence number for the vehicle and the number of passengers allowed to be carried must be displayed within the vehicle, all to be clearly visible from the passenger compartment.

## **21. MAINTENANCE**

The Private Hire vehicle, including all fittings, fixtures, advertisements etc, must be well maintained and kept clean and in good working order. The vehicle will at all times be subject to test and inspection and should it be found that any part or fitting is not well maintained, clean and in good working order, a notice will be served on the owner prohibiting him from using the vehicle until the defect has been rectified.

## **22. VEHICLES POWERED BY LIQUID PROPANE GAS (LPG)**

- (i) An applicant for a licence involving a vehicle that has been converted to run on LPG is required to produce, prior to a licence being issued, a certificate issued by a member of the LPG Association confirming satisfactory installation, examination and testing of the vehicle in accordance with LPG Association Code of Practice; and that the vehicle is therefore considered Safe.
- (ii) If an LPG conversion involves installation of an LPG fuel tank in a vehicle's boot space it shall be a requirement that an amount of space shall remain free for the stowage of a reasonable amount of luggage and any should not impinge on the passenger carrying area of a vehicle.

## **23. SEAT BELTS**

All vehicles must be fitted with fully operational seat belts, one for each passenger to be carried, fully compliant with British Standards except where the law specifically provides an exemption. It is the driver's responsibility to ensure that all passengers under 14 years of age use an appropriate child restraint or wear a seat belt.

## **24. FIRST AID KIT**

There shall be provided in such a position as to be readily available at all times when the vehicle is used for hire, a suitable First Aid Kit containing appropriate dressings and appliances for immediate use in an emergency for the drivers use only. A first aid kit is mandatory

for self employed drivers for their personal use.

## **25. LICENCE PLATES AND STICKERS**

- (i) At all times while the vehicle is being used as a private hire vehicle there shall be securely fixed to the rear of the vehicle the appropriate vehicle licence plate supplied by the Council.
- (ii) The number of persons licensed to be carried in the vehicle shall be exhibited outside the vehicle on the Vehicle Licence Plate referred to above. (For these purposes children (of any age) are counted as one person).
- (iii) At all times while the vehicle is being used as a private hire vehicle there shall be displayed on the windscreen of such vehicle (top left-hand corner of the windscreen) the internal licence plate, which identifies the vehicle as either a private hire or hackney carriage vehicle. On this will be displayed the registration number of the vehicle and the number of passengers permitted to be carried.

## **26. CHANGES / TRANSFER**

- (iii) Notice in writing of any transfer of licence must be given notified within 14 days the Licensing Authority as per section 49 LGMPA 1976.
- (iv) When the holder of a vehicle licence wishes to transfer the licence to another person he must notify the new proprietor that it is their responsibility to notify the Council, in writing, as failure to do so is an offence.

## **27. INSPECTION**

The vehicle licence must be available for inspection at all times on request by any authorised officer of the Council or any Police Officer.

## **28. UNAUTHORISED USE**

The licensee shall be satisfied that every driver engaged/allowed by him/her to drive the licensed vehicle is the holder of an appropriate and current European Driver's Licence and a Hackney Carriage/Private Hire Drivers Licence issued by the Council. The licensee shall also ensure that the Driver's Badge is worn in accordance with the conditions/byelaws attached to the Hackney Carriage/Private Hire Driver's Licence.

## **29. ACCIDENT REPORTING**

- (iv) If a licensed hackney carriage or private hire vehicle is involved in an accident, this must be reported to the Council within 72 hours of the occurrence.
- (v) Where, following an accident or damage to a licensed vehicle, it is the intention of the owner or operator to continue licensed use, the vehicle must be inspected (at the owner's or operator's expense) to determine its fitness for continued use. A Licensing Officer may use delegated powers to suspend the use of a licensed vehicle until it is suitably repaired.

(vi) A licensed vehicle which has suffered major accident damage or requires substantial mechanical repair may be replaced by a hire vehicle, provided:

- the damage to, or defect in, the vehicle has been reported;
- application is made in the usual way for a change of vehicle (albeit temporarily);
- the replacement vehicle meets the licensing criteria and is suitable to be used for hire purposes;
- the hiring of the hire vehicle is organised and paid for by the affected licensed owner or operator.

### **30. MISCELLANEOUS**

The proprietor shall not knowingly cause or permit the vehicle to be used for any illegal purpose whatsoever.

### **31. DISPENSATION/ VARIATION OF CONDITIONS**

The Council may in exceptional circumstances by way of special condition dispense with or vary any of the conditions set out herein.

### **32. NOTICES OF EXEMPTION**

Previously the Council at its discretion could issue a Notice of Exemption under section 75 (3) of the Local Government (Miscellaneous Provisions) Act 1976. This basically means that where the Council has issued a private hire vehicle licence to a private hire operator under section 48 LGMPA 1976, that the Council at its discretion could grant a Notice in writing exempting them from displaying a plate under s 48, 6 (a) and also the driver from displaying a badge under s 54 (a) LGMPA 1976.

**NOTE: The word approved throughout this specification means, approved by Maidstone Borough Council.**

#### **TRAILER'S ON PRIVATE HIRE VEHICLES**

##### **Specification**

No trailer will be licensed unless it is fit for public service and complies with the following:

##### **GENERAL CONSTRUCTION**

Every trailer must comply in all respects with the requirements of EC 94/2 Type Approval and any Acts and Regulations relating to trailers or parts thereof which may be in force at the time of licensing.

##### **BODY**

The body must be constructed of either all G.R.P (Glass Reinforced Plywood/Fibreglass) **or** fully Galvanised Steel with both types fitted with

either an A.B.S (Aquilonitile Butadine Stylene) hard top cover or G.R.P cover hinged at the front and fitted with lockable catches.

### **CHASSIS**

The full frame must be made of galvanised steel with a straight drawbar.

### **DIMENSIONS**

The maximum size permissible shall be:

Body Length 62"	1575mm
Body Width 44"	112mm
Body Depth 2"	5mm
Lid Depth 8"	2mm
Gross Weight (when Towing)	5kg

### **TYRES AND WHEELS**

- (a) Tyres and wheels for the trailer must comply with manufactures specification and current legislation relating to tyres;
- (b) There is no legal requirement to carry a spare Wheel but if provided its recommended that it is left on the trailer. Tyre repair foam is fine if the tyre goes flat, but not if the tyre is otherwise damaged; and.
- (c) a suitable tool kit must be carried to enable the wheel to be changed in the event of a puncture.

### **LIGHTS**

Full road lighting must be fitted to the trailer to comply with all legal requirements. All lights should be 'E' marked.

### **INSURANCE**

- (a) A current certificate of insurance must be produced which covers the use of the trailer and the Private Hire vehicle to be licensed to tow it; and
- (b) Adequate public liability insurance must be produced to cover any luggage carried in the trailer.

### **ADVERTISEMENTS**

No advertisements will be allowed to be displayed on the trailer.

### **LICENCE PLATE**

An additional Private Hire Vehicle plate must be displayed on the outside rear of the trailer.

## **MARKING PLATES**

All trailers should be marked in a conspicuous position on the near side of the drawbar with the maximum Gross Weight the trailer is designed for and the plate should indicate:

- (1) the Manufactures name;
- (2) the Chassis or Serial Number;
- (3) the Number of Axles
- (4) the Maximum Weight for each Axle;
- (5) the Maximum Load imposed on drawing vehicle;
- (6) the Maximum Gross Weight; and
- (7) the Year of manufacture.

## **NUMBER PLATES**

All trailers must be fitted with an approved style number plate bearing the same number as the towing vehicle.

## **INSPECTIONS**

- (a) The trailer and tow bar must be inspected by the garage responsible for carrying out the Council's vehicle inspections before the trailer can be used for carrying luggage and the fee £4 (reviewed annually) paid to the Licensing Section.
- (b) An annual inspection will be required at the same time as the vehicle compliance test with the relevant compliance fee plus the trailer test fee being paid.

## **APPENDIX 5: D**

### Private Hire Vehicle licence conditions

These conditions are made under Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 by Maidstone Borough Council with respect to all Private Hire Vehicles.

#### 1. Maintenance of Vehicle

At all times, when in use or available for hire, the vehicle and all its fittings shall be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements shall be fully complied with, including in particular those contained in Motor Vehicles (Construction and Use) Regulations.

In addition to the MOT requirements, licensed vehicles are required to be tested at the Council's approved testing centre/s. All vehicles will be subject to an annual test and, dependant on the age of the vehicle, subject to interim tests as follows:

Vehicles presented for test must be washed and the engine cleaned, the interior must be cleaned and all seats must be maintained and clean and free from rips and tears.

All vehicles must be presented with a view to passing the inspection and test and any vehicle that fails to pass the test will be subject to a retest at a retest fee which will be reviewed annually alongside the normal fees and charges for such items.

Any vehicle failing a vehicle test will be subject to a retest fee.

#### 2. Alteration of Vehicle

At any time whilst the licence is in force, no alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Licensing Office, and the proprietor shall ensure that the vehicle complies with the Council's relevant Vehicle Specification Standards for Private Hire Vehicles at all times.

#### 3. Licensed Vehicle Identification Plates

The current external licence plates, issued by the Council, identifying the vehicle as a Private Hire Vehicle must be securely fixed to the rear of the vehicle either to the bodywork or exterior of the vehicle in a prominent and visible position or in brackets in such a manner as to be easily removed by an authorised officer of the Council or a Police Constable.

The smaller interior plate shall be fixed and displayed within the vehicle in such a position as to be clearly visible to passengers at all times.

Under no circumstances, throughout the period of the licence, must the identification plates to be removed except where the written consent of the Council has been obtained by way of a plate exemption. A driver while undertaking plate exempt work is not required to wear their badge, however the badge must be kept within the vehicle and be easily available for inspection at all times.

All external and interior plates are granted on loan by the Council and remain the property of the Council throughout the period of the licence.

#### 5. Table of Fares

A table of fares may be displayed for passenger information within the vehicle provided it is in a form and type of print previously submitted to and approved by the Council.

#### 6. Taximeter

If fitted a taximeter must operate correctly at all times and must be calendar controlled and sealed by the Authority. The taximeter must be checked at least once per year by a competent person.

#### 7. Damage to Vehicle

Any damage to a Private Hire Vehicle which affects its safety, performance or appearance must be reported by the proprietor to the Council as soon as reasonably practicable and in any case within 72 hours of the occurrence of the damage.

8. Under no circumstances shall roof signs or the words „taxi or „taxis be allowed

#### 9. Insurance

A valid insurance policy shall be in force for the vehicle.

At or before the time when a cover note or certificate of insurance expires or is cancelled, evidence of the continued validity of appropriate insurance cover for the vehicle shall be produced to the Licensing Office.

Failure to produce such evidence shall result in the vehicle being immediately liable to suspension on the date of expiry shown on the cover note or certificate of insurance previously produced to the Licensing Office.

Where vehicle insurance documents are produced which do not specify the registration number of the vehicle or vehicles covered by the policy, it will be necessary to produce an endorsement to the policy which specifies the registration number of the vehicles covered by that policy.

Failure to produce such an endorsement shall mean that the vehicle will be immediately liable to suspension on the date of expiry shown on the cover note or certificate of insurance.

Only a driver licensed as a Private Hire driver with Maidstone Borough Council, with appropriate insurance, is authorised to drive a Private Hire Vehicle licensed by Maidstone Borough Council.

## 10. Private Hire Drivers' Licence

If the proprietor allows or employs any person to drive the vehicle as a Private Hire Vehicle they must ensure that, before that person commences to drive the vehicle, a copy of his Private Hire Driver's licence is delivered to the proprietor. The proprietor shall then retain this in his possession until such a time as the driver ceases to be allowed or employed to drive that vehicle or any other vehicle belonging to the proprietor.

Where the proprietor is not also the operator of the vehicle, the proprietor shall ensure that a copy of the driver's private hire licence is also passed to the operator.

## 11. Change of Address

The proprietor shall notify the Council, in writing, of any change of his address during the period of the licence. Notice of the change shall be given within seven days of it taking place.

## 12. Luggage

Any passenger luggage must be carried under cover.

Roof racks are permitted but if personal luggage is carried on the outside of the vehicle then a suitable cover must be provided.

No luggage may be carried in aisles, gangways or in such a manner as to obstruct entrance/exit routes.

Luggage must be carried in a secure manner and be prevented from moving.

The luggage compartment shall be kept empty except for the luggage of passengers, the spare wheel (where applicable) and essential tools.

## 13. Use of Non-Standard Spare Wheels, Emergency Repair kits etc.

A temporary use spare wheel run flat tyres (when punctured) or puncture repair kit must only be used to enable the vehicle to be driven to a place of repair. Where use is required whilst carrying a fare the journey may be allowed to continue provided that the driver complies fully with the manufacturers' operating restrictions. Any such non standard wheel or tyre should be replaced before taking another fare.

## 14. CCTV

Any CCTV fitted to a licensed vehicle must meet the specifications agreed by the Council and which must comply with the requirements of the Information Commissioner's CCTV Code of Practice. All equipment must comply with any legislative requirements in respect of Motor Vehicle Construction and Use Regulations.

## 15. Regulations

All Regulations made by the Department of Transport must be complied with at all times.

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## Appendix 6

### MAIDSTONE BOROUGH COUNCIL "SPECIAL EVENTS" PRIVATE HIRE VEHICLE – VEHICLE SPECIFICATIONS GENERAL NOTES

The licensing of Limousines will be dependent upon the Council being satisfied that the vehicle is suitable in size type and design for use as a Special Events vehicle. The prime consideration of the Council is the safety and comfort of the travelling public.

The Council considers the following types of vehicle to be "Special Event Vehicles" when considered in the context of licensing:  
American stretched limousines;  
Decommissioned emergency service vehicles;  
Other non-standard type converted vehicles used for special events.  
Vintage and luxury vehicles (where the normal private hire vehicle age limits would exclude them)

#### Additional licensing standards for Special Event Vehicles

Note – All applications will be considered on their own merits.

#### 1. Information and Documents to accompany application

The applicant must provide full documentation relating to the conversion of the vehicle, its importation and registration. SVA certificate must be submitted, along with the vehicle registration document, ownership certificate, current insurance documentation and current MOT certificate. Copies of these documents will not be accepted only the originals. The manufacturers and modifiers technical handbook for that particular type of vehicle must also be exhibited. If the vehicle has been converted by an approved modifier, the relevant documentation should be produced.

#### 2. Type of Vehicle and Modifier

The ability to licence a vehicle as a Special Event Vehicle will be restricted to stretched limousine or other types of "novelty" vehicles. Mass produced saloon cars or wheelchair accessible vehicles will be required to be licensed under the normal taxi or private hire car requirements.

#### 3. Age of the vehicle

The maximum age of vehicles at the date they are first licensed for use as private hire cars is usually 4 years from first registration or not more than 60,000 on the clock, and the licence will not be renewed after 8 years from first registration. This will not be a requirement for Special Event Vehicles. There will be no maximum age but the vehicle must remain in good condition and pass inspections.

#### 4. Vehicle Tests

Vehicles will be inspected before a licence is granted, thereafter every year. Vehicles can be required to attend for additional tests or be subject to spot checks in the same way as standard Private Hire Vehicles.

#### 5. Vehicle Standard

- (a) The vehicle must be clean and there should be no rust on the bodywork and paint and chrome must be in good condition.
- (b) Left hand drive vehicles are permitted, provided sufficient mirrors are fitted.
- (c) All lights must comply with and be adjusted to meet UK requirements.
- (d) The vehicle must be fitted with at least 4 doors, two on each side.
- (e) Vehicles must be designed to carry not more than 8 passengers plus the driver.
- (f) The stretch of the vehicle must not exceed 140 inches from the original manufacturers chassis.
- (g) Vehicles must be fitted with seat belts of an acceptable type for all forward and rear facing passengers and for the driver. Side facing seats will not require seatbelts, but if these are fitted, they must be of an acceptable type. All seatbelts must be securely fitted and in good condition.
- (h) Vehicles must be fitted with the correct make any type of tyre.
- (i) The Council will certify the vehicle for the carriage of an appropriate number of passengers and no passengers over that number should be carried. In addition, no more than 8 passengers should be carried.
- (j) The fitting of a taximeter in the vehicle is prohibited.
- (k) Replacement parts must be suitable based on manufacturers original specifications.

#### Special Event Vehicle Conditions

##### Vehicle Testing

The vehicle will be presented for a MOT/compliance test at a test centre nominated by the Authority every six months

##### Vehicle Appearance

The vehicle shall be maintained in a sound mechanical and structural condition at all times

The vehicle shall be maintained to an excellent visual standard, this shall include the quality of paintwork, physical condition including doors, wings, bumpers and interior floor area, all of which shall be in good condition, free from rust, holes, broken metal and any other visible damage

The interior of the vehicle shall be in good condition, clean and free from any tears, damage, grease or any contamination

##### Limitations of Use

Vehicles issued with a special event licence shall only be used for special occasions and executive business contracts. Vehicles licensed within this category shall not be used for everyday private hire use

#### Advertising

No advertising will be permitted on Special Events Vehicle

#### Licence Plate

In the case of a special event vehicle being exempted from the requirement to display licence plates it is still a requirement that the vehicle licence plate will be carried within the boot of the vehicle (or fixed to the inside of the boot lid)

#### Communication Equipment

No vehicle will be fitted with a two way radio system

#### Dress Code

Drivers of vehicles will be required to observe a formal dress code

A licence may be suspended or revoked if a vehicle is no longer considered, in the opinion of an authorised officer, to comply with these requirements and all other criteria set down in these conditions

#### Badge

A driver of a special events vehicle or is not required to wear their badge while working however the badge must be kept within the vehicle and be easily available for inspection at all times.

## APPENDIX 7

### MAIDSTONE BOROUGH COUNCIL LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 PRIVATE HIRE OPERATOR - CONDITIONS OF LICENCE

#### 1. Record Keeping

(1) The record required to be kept by the operator under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a bound book in ink, the pages of which are numbered consecutively, or a suitable electronic database with sufficient storage capacity and back up, and the operator shall enter or cause to be entered therein, before the commencement of each journey, the following particulars of every booking of a private hire vehicle invited or accepted by him:

- (a) The time and date of the booking.
- (b) The name of the passenger/hirer.
- (c) How the booking was made (e.g. by telephone, personal call etc.)
- (d) The time of pick-up.
- (e) The location of pick-up.
- (f) The destination.
- (g) Any fare quoted at time of booking.
- (h) The name of the driver.
- (i) The registration number of the vehicle allocated for the booking, and the private hire vehicle plate number.
- (j) the name of the individual that responded to the booking request.
- (k) the name of the individual that dispatched the vehicle.
- (l) The time at which the driver was allocated to the booking.
- (m) Remarks (including details of any sub-contract).

(2) The operator shall also keep records of the particulars of all private hire vehicles operated by him. The records shall include details of the vehicle proprietor, registration number, licence/plate number and the drivers of such vehicles, together with any radio call sign used.

(3) The operator shall ensure that every driver engaged by him has obtained a private hire driver's licence from the same Licensing Authority which issued the private hire operator's licence. The operator shall use their best endeavours to ensure that all drivers have a badge issued by the Council and that the drivers wear the badge at all times whilst available for hire.

(4) Any record that is required to be kept by the operator shall be preserved for a period of not less than one year following the date of the last entry, and shall be promptly produced, in a format suitable for inspection, if requested by an authorised officer of the Maidstone Council or a police constable.

#### 2. Standard of Service

The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular:-

(a) Ensure that when a private hire vehicle has been hired to be in attendance at the appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place.

(b) Keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting.

(c) Ensure that any waiting area provided by the operator has adequate seating facilities.

(d) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.

### 3. Complaints

The operator must record and investigate all customer complaints. All records kept by the operator shall be preserved for a period of not less than one year following the date of the last entry, and shall be promptly produced, in a format suitable for inspection, if requested by an authorised officer of the Maidstone Council or a police constable.

The operator must immediately\* notify the Council Licensing office in writing of any complaints of a serious nature concerning a contract for hire or purported contract for hire relating to or arising from his business and of the action (if any) which the operator has taken or proposes to take in respect thereof. Complaints of a serious nature include allegations of sexual or violent misconduct.

\*Immediately means the next working day.

### 4. Change of Address

The operator shall notify the Council in writing of any change of his address during the period of the licence within seven days of such change taking place.

### 5. Convictions

The Operator (individual or directors) MUST sign up and remain subscribed to the DBS online service at all the time he remains a licensed Operator.

The operator shall within seven days disclose to the Council in writing details of any conviction/caution imposed on him (or if the operator is a company, on any of it's directors) during the period of the licence.

### 6. Insurance

The operator shall ensure that a certificate of motor insurance covers every private hire vehicle operated by him under the operator's licence, which is compliant with the Road Traffic Act 1988 as regards the carriage of passengers for hire or reward.

If the private hire operator has premises to which the public have access, in connection with the hiring of vehicles, he shall ensure that there is public liability insurance in force, which indemnifies him against any

#### 7. Display of Terms and Conditions

The operator shall, at all times, keep a copy of these conditions at any premises used by him for private hire business and shall make the same available for inspection by fare-paying passengers.

#### 8. Inspection of Licence

The private hire operator's licence shall be available for inspection on request by any Authorised Officer or any Police Officer.

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## APPENDIX 8

### HACKNEY CARRIAGE BYELAWS

Made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875, by the Maidstone Borough Council with respect to Hackney Carriages in the Borough of Maidstone

#### Interpretation

1. Throughout these byelaws "the Council" means the Maidstone Borough Council and "the district" means the Borough of Maidstone

#### Provisions Regulating The Manner In Which The Number Of Each Hackney Carriage Corresponding With The Number Of Its Licence Shall Be Displayed

2. (i) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto; and
- (ii) A proprietor or driver of a hackney carriage shall:
  - (a) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
  - (b) not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible;

#### PROVISIONS REGULATING HOW HACKNEY CARRIAGES ARE TO BE FURNISHED OR PROVIDED

3. The proprietor of a hackney carriage shall:
  - (a) provide sufficient means by which any person in the carriage may communicate with the driver;
  - (b) cause the roof or covering to be kept watertight;
  - (c) provide any necessary windows and a means of opening and closing no less than one window on each side;
  - (d) cause the seats to be properly cushioned or covered;
  - (e) cause the floor to be provided with a proper carpet, mat or other suitable covering;
  - (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
  - (g) provide means of securing luggage if the carriage is so constructed as to carry luggage;

- (h) provided at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
4. The proprietor of a hackney carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is to say:
- (a) the taximeter shall be fitted with a key, flag or other device, the operation of which will bring the machinery of the taximeter into action and cause the word "Hired" to appear on the face of the taximeter;
  - (b) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
  - (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the tariff fixed by the Council in that behalf;
  - (d) the word "**FARE**" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
  - (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;
  - (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances

**Provisions Regulating To The Conduct Of Proprietors And Drivers Of Hackney Carriages Plying Within The District In Their Several Employments, And Determining Whether Such Drivers Shall Wear Any And What Badges**

5. The driver of a hackney carriage provided with a taximeter shall:-
- (a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
  - (b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device (so that the word "HIRED" is legible on the face

of the taximeter) and keep the machinery of the taximeter in action until the termination of the hiring;

(c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness this being the time between half-an-hour after sunset to half-an-hour before sunrise and also at any other time at the request of the hirer.

6. The proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired;
  - (a) proceed with reasonable speed to one of the stands fixed by the Council in that behalf
  - (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand
  - (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction
  - (d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
  - (e) if such carriage occupies the first or second position on one of the stands fixed or deemed to be fixed by the Council pursuant to Section 63 of the Local Government (Miscellaneous Provisions) Act 1976 and any enactment amending or replacing the same remain with the carriage ready to be hired at once.
8. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
9. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
10. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
11. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the

number of persons specified on the plate affixed to the outside and inside of the carriage.

12. A proprietor of a Hackney Carriage shall not suffer or permit any sign to be displayed in or upon such carriage without the consent in writing of the Maidstone Borough Council, provided that this Byelaw shall not apply to any sign that is required by law to be displayed in or upon such carriage.
13. If a badge has been provided by the Council and delivered to the driver of a hackney carriage, either with the licence granted to him by the Council or afterwards, he shall, when standing, plying or driving for hire, wear that badge in such position and manner as to be plainly and distinctly visible.
14. The driver of a hackney carriage so constructed as to carry luggage shall when requested by any person hiring or seeking to hire the carriage
  - (a) convey a reasonable quantity of luggage
  - (b) afford reasonable assistance in loading and unloading.
  - (c) Afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person
15. The proprietor or driver of a hackney carriage shall not demand a fare greater than that fixed by the Council pursuant to Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 and any enactment amending or replacing the same.

**PROVISIONS SECURING THE DUE PUBLICATION OF FARES TO BE PAID FOR HACKNEY CARRIAGES WITHIN THE DISTRICT**

16.
  - (a) The proprietor of a hackney carriage shall cause a statement of the table of fares made by the Council to be exhibited inside the carriage, in clearly distinguishable letters and figures and shall renew such letters and figures as often as is necessary to keep them clearly visible
  - (b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire

**PROVISIONS SECURING THE SAFE CUSTODY AND RE-DELIVERY OF ANY PROPERTY ACCIDENTALLY LEFT IN HACKNEY CARRIAGES AND FIXING THE CHARGES TO BE MADE IN RESPECT THEREOF**

17. The proprietor or driver of a hackney carriage shall, immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.

18. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him

- (a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to the office of the Council, and leave it in the custody of the Officer in charge of the office on his giving a receipt for it
- (b) be entitled to receive from any person to whom the property shall be redelivered an amount equal to five pence in the pound of its estimated (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds

### **PENALTIES**

19. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding one hundred pounds and in the case of a continuing offence to a further fine not exceeding five pounds for each day during which the offence continues after conviction therefore.

### **REPEAL OF BYELAWS**

20. The bylaws relating to hackney carriages which were made by the Council of the Maidstone Borough on 27<sup>th</sup> day of July 1972 and which were confirmed by the Secretary of State on the 21<sup>st</sup> day of September 1972 are hereby repealed.

These Bylaws were made under the common seal of the Maidstone Borough Council on 4 January 1991 and confirmed by the Secretary of State for Transport on 18 March 1991.

## APPENDIX 9

### MAIDSTONE BOROUGH COUNCIL LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 PRIVATE HIRE DRIVER'S LICENCE CONDITIONS

#### **Conduct of Driver**

The holder of a private hire driver's licence (hereafter known in this Appendix as the driver) shall comply with the following conditions.

The driver shall be respectably dressed, clean and tidy in appearance at all times whilst his vehicle is being made available for hire.

The drivers shall at all times, when acting in accordance with the drivers licence granted to him, wear such badge as supplied by the Council in such position and manner as to be plainly and distinctly visible at all times.

The driver shall not lend the badge to any other person or cause or permit any other person to wear it.

On termination or surrender of a driver's licence, the driver shall return the badge to the Council immediately.

The driver shall behave in a civil, polite and orderly manner at all times and shall not display rude or aggressive behaviour to members of the public, other licensed drivers, Officers of the Council or Police Officers at any time. The driver shall take all reasonable precautions to ensure the safety of persons conveyed in, or entering or alighting from, the vehicle.

The driver shall not wilfully or negligently cause or permit the vehicle licence plate to be concealed from public view, or allow the licence plate to be so defaced as to make any figure or information illegible.

The driver who has agreed to, or has been hired to, be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such appointed time and place.

The driver, when hired to drive to a particular destination, shall proceed to that destination by either the shortest available route, or the believed cheapest route considering all known factors such as roadworks, delays, etc.

The driver shall not convey, or permit to be conveyed, in such vehicle any greater number of persons than the number of persons specified on the Vehicle Licence.

The driver shall convey a reasonable amount of luggage and afford reasonable assistance in loading and unloading luggage.

The driver must not solicit, by calling out or otherwise importune any person to hire or be carried for hire and must not accept an offer for the hire of the vehicle except where that is first communicated to the driver by telephone.

The vehicle shall be presented in a clean and tidy condition for each journey.

The private hire vehicle must only be driven with the consent of the proprietor of the vehicle.

The driver must comply with any hirer's request not to smoke, drink or eat in the vehicle, or play any radio or sound equipment, which is not connected with the operation of the business.

The driver must ensure that the noise emitted from any sound equipment in the vehicle does not cause annoyance to any person, whether inside or outside the vehicle.

The driver shall not operate the horn as a means of signalling that the vehicle has arrived.

The driver must not cause or permit the vehicle to stand on a public road, on a hackney carriage rank or bay, or in a public place so as to suggest that it is plying for, or available for hire.

Drivers must not use a mobile phone whilst driving unless it is designed for hands-free operation.

### **Fitness of Driver**

The driver of a vehicle must at any time, or at such intervals as the Council may reasonably require, produce a certificate issued by a Registered Medical Practitioner to the effect that he is, or continues to be, physically fit to be a driver.

Whether or not such a Certificate is produced, the driver must, if required by the Council at any time, undergo a medical examination by a Registered Medical Practitioner selected by the Council. This will be at the applicants own expense.

The driver must cease driving any private hire vehicle and contact the Council immediately if they know of any medical condition which may affect their:

- driving ability or
- the health and safety of themselves or any passengers.

### **Fares and Journeys**

The driver/operator of a private hire vehicle may make their own agreement with the hirer as to the fare for a particular journey.

The driver shall, if requested by the hirer, provide him with a written receipt for the fare paid.

If the private hire vehicle is fitted with a taxi-meter, then the driver of a private hire must:

- unless the hirer expresses at the commencement of the journey his desire to engage by time, bring the meter into operation at the commencement of the journey, and
- bring the machinery of the taxi-meter into action by moving the said key, flag or other device, so that the work „HIRED“ is legible on the face of the taxi-meter before beginning a journey and keep the machinery of the taxi-meter in action until the termination of the hiring.
- when standing, keep the key, flag or other device fitted for that purpose locked in the position in which no fare is recorded on the face of the meter.
- Cause the dial of the taxi-meter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purpose of the Road Traffic Act 1972, and also at any other time at the request of the hirer.
- not demand for any hirer of a private hire vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator or, if the vehicle is fitted with a fare meter, the fare shown on the face of the taxi-meter.

In the event of a journey commencing in but ending outside the District of Maidstone there may be charged, for the journey, such fare or rate (if any) as was agreed before the hiring was affected. If no such agreement was made then the fare to be charged should be no greater than that determined by the taxi-meter.

### **Duties of Licence Holder**

Any change affecting this licence must be notified to the Council, Notification should be as soon as reasonably practicable and, in any event, no later than seven days after the change was effected.

The private hire driver's licence must be made available for inspection, on request, by any Authorised Officer of the Council or any Police Officer.

The driver must notify the Council, within seven days of starting or terminating employment, as to the name and address of the proprietor concerned and the date when the employment either started or ended.

The private hire driver's licence must be presented to the proprietor concerned at the beginning of an employment.

All licences, badges and plates remain the property of the Council at all times. They must be returned forthwith when employment as a licensed driver permanently ceases, the licence expires and is not renewed, or where the licence is suspended or revoked.

The driver must notify the Council within a period of seven days of:

- any conviction for an offence, or
- any receipt of a fixed penalty imposed on him whilst the licence is in force.

## **Lost Property**

The driver shall immediately after the termination of any hiring of a Private Hire vehicle or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left there.

If any property accidentally left in a Private Hire vehicle by any person who may have been conveyed therein is found by or handed to the driver, he shall take it, as soon as possible, and in any event within twenty-four hours if not already claimed by or on behalf of its owner to the offices of the Licensing Department and leave it in the custody of the officer in charge

## **Accident Reporting**

In accordance with Section 50(3) of the Local Government (Miscellaneous Provisions) Act 1976, any accident to a private hire vehicle causing damage materially affecting:

- the safety, performance or appearance of the vehicle, or
- the comfort or convenience of the passengers,

must be reported to the Council as soon as reasonably practicable, and in any case within seventy-two hours of the occurrence thereof.

## **The Carriage of Animals**

A driver must not carry in a private hire vehicle any animal whilst it is being used as a private hire vehicle, save for exemptions detailed in a) and b) below

a) Animals in the custody of passengers may be carried, at the driver's discretion, provided they are restrained in a safe manner.

b) A driver must carry assistance dogs when required. Assistance dogs include guide dogs for the blind or partially sighted, hearing dogs for the hard of hearing, and other assistance dogs which assist disabled people with a physical impairment.

Any driver with a medical condition, which may be exacerbated by dogs, may apply for exemption from this condition. On production of suitable medical evidence, a certificate of exemption will be issued which must be carried in the vehicle at all times. Unless the certificate of exemption is available in the vehicle, the exemption will not apply.

## **Written Receipts**

The Driver shall if requested by the hirer of the Private Hire vehicle, provide the Hirer with a written receipt for the fare paid.

## **Copy of Conditions**

The driver shall at all times when driving a Private Hire vehicle carry with him a copy of these conditions and the Private Hire Vehicle Licence Conditions and shall make them available for inspection by the hirer or any other passenger on request.

## **Deposit of Licence**

If the driver is permitted or employed to drive a Private Hire vehicle of which the proprietor is someone other than himself, he shall before commencing to drive that vehicle deposit this licence with that proprietor for retention by him until such time as the driver ceases to be permitted or employed to drive the vehicle.

## **Change of Address**

The driver shall notify the Council in writing of any change of his address during the period of the licence within seven days of such change taking place.

## **Notification of Convictions**

The driver shall within seven days disclose to the Council in writing details of any conviction, including Cautions, imposed on him during the period of the licence. A driver who is required to appear at a Licensing Panel following conviction for a driving offence may be subject to a referral to the Driving Standards Agency with a requirement to pass the Agencies Assessment test. Failure to complete and pass the test may result in the driver having their Private Hire drivers licence revoked.

### **10. Use of television receiving equipment**

No person shall use television receiving apparatus in a motor vehicle under circumstances or in a position where it might cause distraction to the driver of any other vehicle on the road.

### **11. Return of Driver's Badge**

The licence holder shall upon the expiry (without immediate renewal), revocation or suspension of this licence, forthwith return to the Council the driver's badge issued to him by the Council when granting this licence.

### **12. Medical Fitness**

Unless restricted to a shorter period for medical reasons, all drivers will be required to produce a Group 2 medical certificate every 5 years from the age of 45 until 65, annually after 65 years of age, with all medical certificates not permitted to be more than 6 months old when produced to the council'. Failure to comply with this condition will result in the licence holder being required to surrender their licence.

## **DVLA Driving Licence Checks**

All licensed drivers will be subject to a DVLA check at every renewal. Where a licence holder refuses to sign the prescribed mandate form or give their permission for checking a driving record online then the licence holder will be required to surrender their licence and the licence will not be renewed.

## **Criminal Record Checks**

All continuously licensed drivers MUST sign up and remain subscribed to the DBS online service at all the time he remains a licensed driver.

## LIST OF OFFENCES/BREACH OF LICENCE CONDITIONS ETC.

<b>Town Police Clauses Act 1847</b>		
<b>Section</b>	<b>Offence</b>	<b>Penalty Points</b>
40	Giving false information on application for HC proprietor's licence.	12
44	Failure to notify change of address of HC proprietor.	2
45	Plying for hire without HC proprietor's licence.	8-12
47	Driving a HC without HC driver's licence.	8-12
47	Lending or parting with HC driver's licence.	4
47	HC proprietor employing unlicensed driver.	8-12
48	Failure by HC proprietor to hold HC driver's licence for person driving the vehicle.	6
48	Failure by HC proprietor to produce HC driver's licence.	3
52	Failure to display HC plate.	4
53	Refusal to take a fare without reasonable excuse	6-12
54	Charging more than the agreed fare.	6-12
55	Obtaining more than the legal fare. (Failure to refund)	6-12
56	Travelling less than the lawful distance for an agreed fare.	6-12
57	Failure to wait after a deposit to wait has been paid.	6-12
58	Charging more than the legal fare.	12
59	Carrying other person than the hirer without consent of hirer	8
60	Driving HC without proprietor's consent.	6-12
60	Allowing another to drive HC without proprietor's consent.	6-12
62	Driver leaving HC unattended.	2
64	HC driver obstructing other HC's.	3
<b>Local Government (Miscellaneous Provision) Act 1976</b>		
<b>Section</b>	<b>Offence</b>	<b>Points</b>
46(1)(a)	Using an unlicensed private hire vehicle	12
46(1)(b)	Driving a private hire vehicle without a private hire drivers' licence	12
46(1)(c)	Proprietor of a private hire vehicle using an unlicensed driver	8-12
46(1)(d)	Operating a private hire vehicle without a private hire operator's licence	8-12
46(1)(e)	Operating a vehicle as a private hire vehicle when the vehicle is not licensed as a private hire vehicle.	12
46(1)(e)	Operating a private hire vehicle when the driver is not licensed as a private hire operator.	8-12
48(6)	Failure to display a private hire vehicle plate	4
49	Failure to notify the transfer of a HC proprietor's licence.	3
50 (1)	Failure to present a HC for inspection, as required.	6-12
50 (2)	Failure to inform the Authority where the HC is stored.	3
50 (3)	Failure to report an accident to the Authority within 72hours.	6
50 (4)	Failure to produce the HC proprietor's licence and insurance cert	4

53 (3)	Failure to produce HC driver's licence.	3-4
54(2)	Failure to wear a private hire driver's badge	3-4
56(2)	Failure of a private hire operator to keep proper records of all bookings, or failure to produce them on request of an Authorised Officer of the Council or a Police Officer	6
56(3)	Failure of a private hire operator to keep records of all private hire vehicles, or failure to produce them on request of an Authorised Officer of the Council or a Police Officer	6
56(4)	Failure of a private hire operator to produce his licence on request	4
57	Making a false statement or withholding information to obtain a HC or PH driver's licence.	12
58 (2)	Failure to return a plate after notice given following expiry, revocation or suspension of a HC proprietor's licence.	6
61 (2)	Failure to surrender a driver's licence after suspension, revocation or refusal to renew.	6
64	Permitting any vehicle other than a HC to wait on a HC stand.	6
66	Charging more than the meter fare for a journey ending outside the district, without prior agreement.	6-12
67	Charging more than the meter fare when HC used as PH vehicle.	6-12
69	Unnecessarily prolonging a journey.	6-12
71	Interfering with a taximeter with intent to mislead.	12
73(1)(a)	Obstruction of an authorised Officer or Constable.	12
73(1)(b)	Failure to comply with a requirement of an authorised Officer or Constable.	6-12
73(1)(c)	Failure to give information or assistance to an authorised Officer or Constable.	6-12

### **Disability Discrimination Act 1995**

<b>Section</b>	<b>Offence</b>	<b>Points</b>
37	Refusal to carry a guide, hearing, or other assistance dog in a hackney carriage without a valid certificate of exemption	4
37	Charging an additional cost for the carrying of an assistance dog in a hackney carriage	12
37a	Refusal to carry a guide, hearing, or other assistance dog in a private hire vehicle without a valid certificate of exemption	12
37a	Charging an additional cost for the carrying of an assistance dog in a private hire vehicle	12

### **Transport Act 1980**

<b>Section</b>	<b>Offence</b>	<b>Points</b>
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64(2)(a)	Driving a vehicle with a sign above its roof which consists or includes the word "taxi" or "cab" whether alone or part of another word	10
64(2)(b)	Causes or permits a vehicle to have a sign above its roof which consists of or includes the word "taxi" or "cab" whether alone or part of another word	10

These points are dependant on adopting proposed conditions as per appendices

<b>Private Hire Driver's Licence Conditions – Appendix 10</b>		
<b>Section</b>	<b>Offence</b>	<b>Points</b>
	Not being respectably dressed and clean & tidy in appearance	2
	Failure to wear a badge.	4-6
	Failure to behave in a civil, polite and orderly manner. (including rude or aggressive behaviour) to members of the public, other licensed drivers, Officers of the Council or Police Officers	3
	Failure to ensure the safety of passengers.	4
	Concealing or defacing a licence plate.	4
	Failure to attend on time for pre-arranged booking without sufficient cause.	3
	Conveying a greater number of passengers than permitted.	6
	Failure to give assistance with passenger's luggage.	3
	Soliciting for hire or accepting a fare that is not pre-booked.	6 -12
	Operating a vehicle that is not clean and tidy	2-6
	Driving without the consent of the proprietor.	5- 6
	Drinking or eating in the vehicle without permission of passenger.	2-3
	Causing excessive noise from any radio or sound-reproducing instrument, which annoys anyone in or outside the vehicle.	2
	Operating the horn as a means of signalling that the vehicle has arrived.	3
	Allowing the vehicle to stand in such a position as to suggest that it is plying for hire, or using a hackney carriage stand.	6
	Using a non-hands free mobile phone whilst driving	8
	Failure to provide medical certificate or not notifying a medical condition	6-12
	Failure to provide a receipt when requested.	2
	Failure to operate the meter from commencement of the journey and charging more than the fixed charge for hire of Hackney Carriages.	4-12
	Failing to notify changes within 14 days.	3
	Failure to produce a copy of the licence.	4
	Failure to notify within 7 days of starting or terminating employment, the name and address of the proprietor and the date when the employment either started or ended.	3
	Failure to show the private hire driver's licence to the proprietor at the beginning of an employment.	2
	Failure to surrender a driver's licence, badge or plate on cessation of employment.	6
	Failing to notify of change of address of any amendment to the details of a licence within 14 days	3
	Failing to disclose convictions/cautions within 7 days.	8 -12
	Failure to search vehicle after journey or failure to take found property to the Council Offices within 48 hours of finding.	3
	Failure to report an accident within 72 hours	3

	Carrying an animal other than one with passenger.	2
	Carrying an animal not safely restrained.	3
	Failure to carry assistance dog without an exemption certificate.	5-6
	Failure to comply with wheelchair carriage requirements.	5-6

### Vehicle Specifications & Conditions of Licence – Appendix 5D

Section	Offence	Points
	Operating a vehicle which does not comply with the Councils Vehicle Specification where such offence is not otherwise specified below	2 - 6
	Operating a vehicle, which is not maintained in a sound and roadworthy condition.	6
	Failure to carry an appropriate first aid kit	3
	Operating a vehicle, which is not maintained in a clean and safe condition inside and out.	3
	Modifying a vehicle without the consent of the Council	4
	Failure to display or maintain external licence plates which indicate the maximum number of passengers who may be conveyed.	4
	Failure to display inside the vehicle the windscreen licence disc in the correct position	4
	Hackney vehicle signage not in accordance with council requirements.	4
	Affixing or displaying on a private hire vehicle any roof sign.	6
	Displaying on a private hire vehicle any sign or notice which consists of or includes the word TAXI or CAB or FOR HIRE	4
	Displaying a sign or advertisement that does not comply with Council requirements or is not authorised by the Council.	3
	Radio equipment not in accordance with council requirements	2
	Taximeter which does not comply with the Council's Vehicle Specification.	5
	Trailer which does not comply the Council's Vehicle Specification	3
	Operating a vehicle which does not comply with the Council's policy requirements	6
	Operating a vehicle, which does not comply the Council's Vehicle Specification in respect of window tint.	4
	No insurance or inappropriate insurance for the vehicle.	12
	Failing to notify vehicle change or transfer within 14 days.	3
	Failing to make the vehicle licence available for inspection.	3
	Allowing a vehicle to be used for hire by a person who does not hold a current private hire or hackney driver's licence	8
	Failure to properly report an accident to the Authority.	3
	Permitting the vehicle to be used for any illegal or immoral purposes.	12

### PRIVATE HIRE OPERATORS

#### Local Government (Miscellaneous Provisions) Act 1976

Section	Offence	Points
56 (2)	Failing to keep proper records of all bookings or failing to produce them. (also breach of conditions see below)	6
56 (3)	Failure to keep records of PH vehicles or failing to produce them. (also breach of conditions see below)	6
56 (4)	Failing to produce PH Operator' licence on request.	4

	(also breach of conditions see below)	
46(1)(e)	Operating a PH vehicle when the driver is not licensed as a PH driver.	12
46(1)(e)	Operating a vehicle as a PH vehicle when the vehicle is not licensed as a PH vehicle.	12
73(1)(c)	Failure to give information or assistance to an authorised officer or constable.	5
<b>Breach of Conditions attached to Operator's Licence – Appendix 7</b>		
	Failure to provide a prompt, efficient and reliable service at all reasonable times.	3
	Failure to ensure that office staff employed by operator act in a civil and orderly manner at all times.	3
	Failure to ensure that a vehicle attends punctually at the appointed time and place unless prevented by some sufficient cause.	4
	Failure to keep the premises clean, adequately heated, ventilated, lit, and in accordance with the requirements of licence conditions.	3
	Failure to properly keep or produce records of private hire bookings, vehicles, drivers or other documents required to be kept or produced. (see LGMP s56(2) & (3) above)	6
	Failure to act properly upon the receipt of a complaint or to notify immediately the Licensing Officer.	4
	Failure to notify the Council of any changes, including change of address from where the business operates within 14 days.	3
	Failure to disclose in writing within 7 days details of any conviction or police caution imposed on him to the licensing section.	12
	Failure to ensure that an appropriate certificate of motor insurance covers every vehicle operated by him under the licence.	6
	Failure to obtain appropriate public liability insurance for the premises or to produce the same.	4
	Failure to ensure that every driver has a private hire licence and badge.	4
	Failure to keep a copy of the conditions at the premises or to make the same available for inspection by passengers.	4
	Failure to make the Operator's licence available for inspection. (see LGMP s56 (4) above)	4