

AGENDA

LICENSING COMMITTEE MEETING



Date: Wednesday 5 September 2012

Time: 6.30 pm

Venue: Town Hall, High Street,
Maidstone

Membership:

Councillors Barned, Mrs Gibson, Mrs Gooch,
Mrs Grigg, Mrs Hinder, Mrs Joy,
B Mortimer, Naghi, Parvin, Mrs Parvin
and Yates

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Disclosures by Members and Officers
5. Disclosures of Lobbying

Continued Over/:

Issued on 28 August 2012

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact JANET BARNES on 01622 602242** To find out more about the work of the Committee, please visit www.maidstone.gov.uk

**Alison Broom, Chief Executive, Maidstone Borough Council,
Maidstone House, King Street, Maidstone, Kent ME15 6JQ**

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| 6. | To consider whether any items should be taken in private because of the possible disclosure of exempt information. | |
| 7. | Minutes of the Meeting Held on 30 July 2012 | 1 - 2 |
| 8. | Hackney Carriage/Private Hire Issues (if any) | |
| 9. | Report of the Head of Democratic Services - Law Commission Consultation Paper on Reforming the Law of Taxi and Private Hire Services | 3 - 22 |

PART II

To move that the public be excluded for the items set out in Part II of the Agenda because of the likely disclosure of exempt information for the reasons specified having applied the Public Interest Test.

**Head of Schedule 12 A
and Brief Description**

- | | | | |
|-----|---|--------------------------------|---------|
| 10. | Minutes (Part II) of the Meeting held on 30 July 2012 | 3 = Financial/Business Affairs | 23 - 24 |
|-----|---|--------------------------------|---------|

MAIDSTONE BOROUGH COUNCIL

LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON MONDAY 30 JULY 2012

Present: Councillor Yates (Vice Chairman, in the Chair) and Councillors Barned, Mrs Gibson, Mrs Gooch, Mrs Grigg, Mrs Hinder, Mrs Joy, B Mortimer, Moss, Naghi and Springett

Also Present: Councillor Cuming

16. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Parvin and Mrs Parvin.

17. NOTIFICATION OF SUBSTITUTE MEMBERS

The following substitutions were noted:-

Councillor Mrs Springett for Councillor Mrs Parvin
Councillor Moss for Councillor Parvin

18. NOTIFICATION OF VISITING MEMBERS

Councillor Cuming was in attendance.

19. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

20. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

21. EXEMPT ITEMS

RESOLVED: That the items on Part II of the Agenda be taken in private as proposed.

22. MINUTES

RESOLVED: That the Minutes of the Meeting held on 21 June 2012 be approved as a correct record and signed.

23. HACKNEY CARRIAGE/PRIVATE HIRE ISSUES (IF ANY)

There were no issues to be discussed.

24. STREET TRADING CONSENT POLICY

The Committee considered the report of the Head of Democratic Services regarding applications for Street Trading Consent in Jubilee Square.

RESOLVED: That for applications for Street Trading Consent in Jubilee Square only, the Borough Council's Economic Development section, or an agent acting on their behalf, should be consulted.

25. EXCLUSION OF THE PUBLIC FROM THE MEETING

RESOLVED: That the public be excluded from the meeting for the following items of business because of the likely disclosure of exempt information for the reasons specified, having applied the Public Interest Test:-

**Head of Schedule 12A
and Brief Description**

Street Trading Consent – Mr D Bolesworth 3 = Financial/Business Affairs

Street Trading Consent – Mr I Young 3 = Financial/Business Affairs

26. STREET TRADING CONSENT – MR D BOLESWORTH

RESOLVED: That the item be deferred.

27. STREET TRADING CONSENT – MR I YOUNG

The Committee considered the report of the Head of Democratic Services regarding an application for a street trading consent to sell honey roasted nuts from a 4' x 4' stall at the junction of Week Street and Union Street, Maidstone from Monday to Saturday from 10.00 am to 6.00 pm.

RESOLVED:

That a street trading consent be granted for a trial period of 6 months.

MAIDSTONE BOROUGH COUNCIL

LICENSING COMMITTEE

05 SEPTEMBER 2012

REPORT OF HEAD OF DEMOCRATIC SERVICES

Report prepared by Neil Harris

1. LAW COMMISSION CONSULTATION PAPER ON REFORMING THE LAW OF TAXI AND PRIVATE HIRE SERVICES

1.1 Issue for Decision

1.1.1 To consider a proposed response to the Law Commission consultation paper on reforming the law of taxi and private hire services.

1.2 Recommendation of Head of Democratic Services

1.2.1 That the draft response attached as an Appendix to the report be approved for submission to the Law Commission in response to the consultation paper on reforming the law of taxi and private hire services.

1.3 Reasons for Recommendation

1.3.1 A consultation paper looking at reforming the law of Taxi and Private Hire Services has been issued by the Law Commission seeking views on a number of questions regarding the issues raised in the paper. A copy of the consultation paper has been circulated to Members previously. At their meeting on 21, June 2012 Members were informed of the consultation and noted that a detailed proposed response was to be prepared and reported to a future meeting for approval and submission prior to the 10, September 2012 closing date.

1.3.2 A draft response has been prepared to the questions set out within the consultation paper and a copy of those questions together with the proposed responses is attached as an Appendix.

1.3.3 The draft response indicates that we are mainly in support of the proposals. However, explanations have been provided in some areas e.g. in relation to wheelchair accessible vehicles as taxis and the use of the word "taxi" in advertising. Disagreement with proposals relates mainly to; not requiring vehicles to return to area on completion of a

journey,(42) and Licensing Authorities no longer having power to restrict taxi numbers, (54).

1.4 Alternative Action and why not Recommended

1.4.1 The Committee could decide not to respond but to not do so would mean that the Council had missed an opportunity to comment on potential Government legislation that will have implications for the Council and its residents.

1.5 Impact on Corporate Objectives

1.5.1 The proposed response sets out the position the Council is seeking to achieve to support the Council’s strategic priorities.

1.6 Risk Management

1.6.1 There are no significant risk management issues.

1.7 Other Implications

1.7.1

- 1. Financial
- 2. Staffing
- 3. Legal
- 4. Equality Impact Needs Assessment
- 5. Environmental/Sustainable Development
- 6. Community Safety
- 7. Human Rights Act
- 8. Procurement
- 9. Asset Management

X

1.7.2 Legal implications are dealt with in the body of the report.

1.8 Relevant Documents

1.8.1 Appendices

IS THIS A KEY DECISION REPORT?

Yes

No

If yes, when did it first appear in the Forward Plan?

.....

This is a Key Decision because:

.....

Wards/Parishes affected:

.....

1.8.2 Appendix.

1.8.3 Background Documents

1.8.4 None.

LAW COMMISSION CONSULTATION PAPER ON REFORMING THE TAXI AND PRIVATE HIRE SERVICES LAW

OVERVIEW OF PROVISIONAL REFORM PROPOSALS

Provisional proposal 1

Regulation should continue to distinguish between taxis, which can accept pre-booked fares, be hailed on the street and wait at ranks, and private hire vehicles, which can only accept pre-booked fares. (Page 160)

Proposed response

Agreed.

Provisional proposal 2

London should be included, with appropriate modifications, within the scope of reform. (Page 162)

Proposed response

Agreed.

Provisional proposal 3

The regulation of taxi and private hire vehicles should not be restricted to any particular type of vehicle but should rather focus on road transport services provided for hire with the services of a driver. (Page 164)

Proposed response

The principle is accepted but it is felt however that there could be a distinction in the type of vehicles used for taxis as opposed to private hire vehicles and an ability to specify specific vehicles for taxis should continue as they are required to be able to meet all the requirements for all passengers because they can be hailed on the street and wait at ranks and therefore should be able to deal with any member of the public. With private hire vehicles, it is different in that they are pre-booked and therefore the operator can ensure that the appropriate vehicle goes to pick up the appropriate passenger. Therefore, for private hire vehicles, it is appropriate that any particular type of vehicle could be used varying from small vehicles to much larger vehicles.

Question 4

Would there be (and if so what) advantages to restricting licensing to motor vehicles that require a driving licence? (Page164)

Proposed response

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None, pedicabs and horse drawn vehicles would be excluded and safety issues may still arise.

Provisional proposal 5

Public service vehicles should be expressly excluded from the definition of taxi and private hire vehicles; and taxi and private hire vehicles should only cover vehicles adapted to seat eight or fewer passengers. *(Page 165)*

Proposed response

Agreed.

Provisional proposal 6

References to stage coaches charging separate fares should no longer feature as an exclusion from the definition of taxis. *(Page 165)*

Proposed response

Agreed.

Provisional proposal 7

The Secretary of State should consider issuing statutory guidance to the Senior Traffic Commissioner about the licensing of limousines and other novelty vehicles to assist consistency. *(Page 167)*

Proposed response

Agreed.

Provisional proposal 8

The concept of "in the course of a business of carrying passengers" should be used to limit the scope of taxi and private hire licensing so as to exclude genuine volunteers as well as activities where transport is ancillary to the overall service. *(Page 168)*

Proposed response

Agreed.

Question 9

How, if at all, should the regulation of taxis and private hire deal with:

- a) carpooling; and
- b) members clubs? *(Page 170)*

Proposed response

a) car pooling should not be licensed.

b) member clubs should be covered by the regulations.

Provisional proposal 10

The power of the Secretary of State and Welsh Ministers to set national standards should be flexible enough to allow them to make exclusions from the taxi and private hire licensing regimes. *(Page 171)*

Proposed response

Agreed. Without this ability it would be necessary if changes were required to seek to amend primary legislation which causes significant delays. However, proposed changes should be subject to consultation.

Provisional proposal 11

Weddings and funerals should no longer be expressly excluded from private hire licensing through primary legislation. *(Page 172)*

Proposed response

Agreed.

Question 12

Would there be merits in reintroducing the contract exemption, by means of the Secretary of State and Welsh Ministers' exercises of the power to set national standards? If so, what modifications could be made to help avoid abuse? *(Page 174)*

Proposed response

There are merits in the Secretary of State having powers flexible enough to deal with exemptions. An exemption for public sector contracts would be sensible as would a list of specific exclusions, provided the exclusions were subject to consultation.

Provisional proposal 13

Regulation of the ways taxis and private hire vehicles can engage with the public should not be limited to "streets". *(Page 175)*

Proposed response

Agreed.

Question 14

Is there a case for making special provision in respect of taxi and private hire regulation at airports? In particular, where concessionary agreements are in place should airports be obliged to allow a shuttle service for passengers who have pre-booked with other providers, or to the closest taxi rank? (Page 177)

Proposed response

This is not relevant to Maidstone as it has no airport.

Provisional response 15

The defining feature of taxis, the concept of "plying for hire", should be placed on a statutory footing and include:

- a) references to ranking and hailing;
- b) a non-exhaustive list of factors indicating plying for hire; and
- c) appropriate accommodation of the legitimate activities of private hire vehicles. (Page 181)

Proposed response

Agreed.

Provisional proposal 16

The concepts of hailing and ranking should not cover technological means of engaging taxi services. (Page 181)

Proposed response

Agreed

Question 17

Would there be advantages to adopting the Scottish approach to defining taxis in respect of "arrangements made in a public place" instead of "plying for hire"? (Page 182)

Proposed response

The authority sees no advantages to adopting the Scottish approach.

Provisional proposal 18

The concept of compellability, which applies exclusively to taxis, should be retained. (Page 182)

Proposed response

Agreed.

Provisional proposal 19

Pre-booking would continue to be the only way of engaging a private hire vehicle and cover all technological modes of engaging cars. This is without prejudice to the continued ability of taxis to be pre-booked. (Page 183)

Proposed response

Agreed.

Provisional proposal 20

Leisure and non-professional use of taxis and private hire vehicles should be permitted. There would however be a presumption that the vehicle is being used for professional purposes at any time unless the contrary can be proved. (Page 184)

Proposed response

Agreed as long as it is very clear that the presumption is that the vehicle is being used for professional purposes at all times unless the driver can prove to the contrary.

Provisional proposal 21

The Secretary of State and Welsh Ministers should have the power to issue statutory guidance in respect of taxi and private hire licensing requirements. (Page 185)

Proposed response

Agreed.

Provisional proposal 22

Reformed legislation should refer to "taxis" and "private hire vehicles" respectively. References to "hackney carriages" should be abandoned. (Page 185)

Proposed response

Agreed.

Question 23

Should private hire vehicles be able to use terms such as "taxi" or "cab" in advertising provided they are only used in combination with terms like "pre-booked" and did not otherwise lead to customer confusion? (Page 186)

Proposed response

If the previous proposal to define hackney carriages as taxis is agreed it is this authority's view that use of the word "taxis" should refer to those vehicles able to ply for hire only. However, it does have a relaxed view on the use of the words "cab" or "mini cab" and feels that those words could be used in describing a private hire vehicle in conjunction with "pre -booked". It also considers that use of the words "pre-booked taxis" does not highlight the difference between the two types of vehicles significantly enough, particularly as it possible to pre-book taxis. Therefore the authority is of the view that the word "taxi" should be only used for what is currently defined as hackney carriages.

A REFORMED REGULATORY FRAMEWORK

Provisional proposal 24

Taxi and private hire services should each be subject to national safety requirements. (Page 188)

Proposed response

Agreed.

Provisional proposal 25

National safety standards, as applied to taxi services, should only be minimum standards. (Page 189)

Proposed response

Agreed

Provisional proposal 26

National safety standards, as applied to private hire services, should be mandatory standards. (Page 189)

Proposed response

Agreed

Provisional proposal 27

Private hire services would not be subject to standards except those related to safety. Requirements such as topographical knowledge would no-longer apply to private hire drivers. (Page 190)

Proposed response

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Agreed private hire services should not be subject to standards other than those relating to safety. The arguments in respect of topography knowledge testing within the report is sound particularly as indicated most bookings are pre-booked and with a planned fee in advance. However it is felt that maybe there could be an opportunity for topography knowledge to be included within the driver safety test as we have currently negotiated with our local provider for the provision of this test where a small element of topography testing is included within that test. Additionally, operators could write to the licensing authority giving confirmation that the driver they are putting forward has a certain level of topographical knowledge of the area concerned and also knowledge on how to use the satellite navigation system being used in the vehicle. With these additional features it is accepted that topographical knowledge test would no longer be necessary.

Question 28

Should local standard-setting for private hire services be specifically retained in respect of vehicle signage? Are there other areas where local standards for private hire vehicles are valuable? (Page 190)

Proposed response

It is felt that local standards in respect of vehicle signage, as indicated in the report, would be helpful. This can vary from area to area and local knowledge would be the best provider of the standards required in a particular area. However, Private Hire vehicles should not be allowed to use "Taxi" or "Taxis".

Question 29

What practical obstacles might there be to setting common national safety standards for both taxis and private hire vehicles? (Page 191)

Proposed response

None, but like Maidstone a number of authorities specify specific vehicles, such as London style cabs, which may require different or additional tests but this can be included in the National Standards.

Question 30

Should national conditions in respect of driver safety be different for taxi services compared with private hire services? (Page 192)

Proposed response

No, but sometimes with the choice of vehicles, such as in Maidstone where we have London style cabs, differences could happen anyway if additional measures are fitted within vehicles.

Provisional proposal 31

The powers of the Secretary of State and Welsh Ministers to set standards for taxis and private hire vehicles should *only* cover conditions relating to safety. *(Page 192)*

Proposed response

Agreed.

Provisional proposal 32

The powers of the Secretary of State and Welsh Ministers to set national safety standards should be subject to a statutory consultation requirement. *(Page 193)*

Proposed response

Agreed.

Question 33

What would be the best approach for determining the content of national safety standards? In particular should the statutory requirement to consult refer to a technical advisory panel? *(Page 193)*

Proposed response

The best approach in determining the content of national safety standards is in consultation with all the relevant bodies including licensing authorities, private hire operators and representatives from each of the appropriate national associations. If it was possible to draw from these bodies a technical advisory panel which would give first consideration to any proposals before the formal consultation takes place this would be very helpful.

Provisional proposal 34

Licensing authorities should retain the power to set standards locally for taxis provided above the minimum national standards. *(Page 193)*

Proposed response

Agreed.

Question 35

Should there be statutory limits to licensing authorities' ability to set local taxi standards? *(Page 194)*

Proposed response

Agreed

Question 36

Should licensing authorities retain the power to impose individual conditions on taxi and private hire drivers or operators? (Page 194)

Proposed response

The licensing authority should have the power to impose individual conditions on taxi and private hire drivers or operators as there are some local issues which may not be able to be covered in national conditions but perhaps before this could be implemented it would require the agreement of the Secretary of State.

Question 37

Should the powers and duties of licensing authorities to cooperate be on a statutory footing or is it best left to local arrangements? (Page 195)

Proposed response

It would be extremely helpful if legislation made it easier for authorities to work together such as making it easier to enable delegations in one authority to be given to employees of other authorities. However, it should also be the position that this type of arrangement is encouraged by making it simpler to do but the final decision to work together and join forces should be left to local decision making.

Provisional proposal 38

Neighbouring licensing authorities should have the option of combining areas for the purposes of taxi standard setting. (Page 196)

Proposed response

Yes, it would be helpful that neighbouring licensing authorities would have the option of combining areas for the purposes of taxi standard setting but that would still require local agreement from each of the partners involved.

Provisional proposal 39

Licensing authorities should have the option to create, or remove, taxi zones within their area. (Page 196)

Proposed response

Yes.

Question 40

Would it be useful for licensing authorities to have the power to issue peak time licences which may only be used at certain times of day as prescribed by the licensing authority? (Page 197)

Proposed response

This could be useful and should be explored as it could meet a potential need at peak hours, such as a Friday and Saturday night between 10.00pm and 5.00am. The vehicle could be highlighted by a different colour plate or some other clearly identifiable means.

Provisional proposal 41

Private hire operators should no longer be restricted to accepting or inviting bookings only within a particular locality; nor to only using drivers or vehicles licensed by a particular licensing authority. (Page 198)

Proposed response

Agreed

Provisional proposal 42

We do not propose to introduce a "return to area" requirement in respect of out-of-area drop offs. (Page 199)

Proposed response

All Taxis and Private Hire Vehicles should return to their licensing authority area upon completion of their journey, otherwise the link to the local area could be lost and big national companies could take a far larger slice of the business which could lead to the loss of local companies and local service.

Provisional proposal 43

Licensing authorities should retain the ability to regulate maximum taxi fares. Licensing authorities should not have the power to regulate private hire fares. (Page 200)

Proposed response

Agreed.

Question 44

Should taxis be allowed to charge a fare that is higher than the metered fare for pre-booked journeys? (Page 200)

Proposed response

Yes, as taxis should not be treated differently from private hire services for pre-booked journeys.

REFORM OF DRIVER, VEHICLE AND OPERATOR LICENSING

Question 45

Should national driver safety standards such as the requirement to be a “fit and proper person” be either:

- (a) set out in primary legislation; or
- (b) included within the Secretary of State and Welsh Ministers’ general powers to set national safety conditions? *(Page 203)*

Proposed response

The outline of the national driver safety standards such as the requirement to be a “fit and proper person” should be covered in primary legislation. However additional matters could be included in SoS guidance for enhanced flexibility.

Provisional proposal 46

Vehicle owners should not be subject to “fit and proper” tests and the criteria applied would relate solely to the vehicle itself. *(Page 204)*

Proposed response

Agreed

Question 47

Should national vehicle safety standards be either:

- (a) set out in primary legislation; or
- (b) included within the Secretary of State and Welsh Ministers’ general powers to set national safety conditions? *(Page 205)*

Proposed response

The outline of National Vehicle Safety Standards should be set out in primary legislation but that the details should be dealt with by the Secretary of State’s general powers.

Provisional proposal 48

Operator licensing should be retained as mandatory in respect of private hire vehicles. *(Page 206)*

Proposed response

The arguments put forward for retaining operator licences clearly outweigh those against and therefore this authority is in favour of retaining operator licensing.

Question 49

Should operator licensing be extended to cover taxi radio circuits and if so on what basis? *(Page 208)*

Proposed response

Yes, on the basis of public safety and parity with the private hire trade.

Provisional proposal 50

The definition of operators should not be extended in order to include intermediaries. *(Page 209)*

Proposed response

Agreed.

Question 51

Should “fit and proper” criteria in respect of operators be retained? *(Page 209)*

Proposed response

Yes.

Provisional proposal 52

Operators should be expressly permitted to sub-contract services. *(Page 210)*

Proposed response

Agreed.

Question 53

Where a taxi driver takes a pre-booking directly, should record-keeping requirements apply? *(Page 210)*

Proposed response

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Yes. It is felt that taxi drivers, when they have taken a pre-booking, are acting in the same capacity as private hire services and therefore should be subject to the same conditions.

REFORMING QUANTITY CONTROLS

Provisional proposal 54

Licensing authorities should no longer have the power to restrict taxi numbers.
(Page 213)

Proposed response

Maidstone is completely opposed to removing the power to restrict taxi numbers.

Question 55

What problems (temporary or permanent) might arise if licensing authorities lost the ability to restrict numbers? (Page 213)

Proposed response

It is considered this would cause a number of problems particularly in the Maidstone area. Maidstone, by having its restriction, has been able to improve the quality of vehicles by introducing London style cabs which gives better disabled and in particular, wheelchair access for users. This is particularly relevant when these vehicles are hailed off the road and from ranks and therefore uniformity in these vehicles has brought a consistency in service for the disabled users of taxis. This can be dealt with differently in respect of private hire vehicles who can supply the appropriate vehicle for the appropriate passenger when taking the booking.

Additionally, Maidstone has a limited number of ranks and therefore an excessive number of taxis could not be catered for within the Maidstone area in terms of rank space. Currently, the existing number of vehicles is more than the rank space that is available. This would mean more vehicles would be moving around in the town centre area with an increased impact of environmental pollution resulting from this large number of vehicles moving on the road. Additionally, Maidstone has pedestrianised a large part of its town centre area but has allowed taxis to come through part of the area but having vehicles moving up and down in this section would cause significant problems for what is mainly a pedestrianised area.

Question 56

Should transitional measures be put in place, such as staggered entry to the taxi trade over a scheduled period of time, if quantity restrictions are removed?
(Page 215)

Proposed response

If it was decided that quantity restrictions were removed, it would be very helpful to have transitional measures put in place. However, this Council would not wish to remove quantity restrictions.

TAXI AND PRIVATE HIRE REFORM AND EQUALITY

Question 57

Should there be a separate licence category for wheelchair accessible vehicles?
This could involve:

- (1) a duty on the licensee to give priority to disabled passengers; and
- (2) a duty on the licensing authority to make adequate provision at ranks for wheelchair accessible vehicles. *(Page 217)*

Proposed response

This authority considers that it is necessary to have wheelchair accessible vehicles and for that reason it determined that all of its taxis should use London style cabs which are suitable for this purpose. It was felt that it was necessary to make this change for taxis to ensure that anyone hailing a taxi or putting up to the rank had an appropriate vehicle to be able to carry a disabled person with a wheelchair.

Question 58

Should licensing authorities offer lower licence fees for vehicles which meet certain accessibility standards? *(Page 217)*

Proposed response

Agreed it could encourage certain types of PHV to be disabled friendly, though not necessarily wheelchair accessible models?

Question 59

Do you have any other suggestions for increasing the availability of accessible vehicles, and catering for the different needs of disabled passengers? *(Page 217)*

Proposed response

In Maidstone we have introduced London style cabs for our taxi fleet.

Provisional proposal 60

We do not propose to introduce national quotas of wheelchair accessible vehicles. *(Page 218)*

Proposed response

The authority's policy of having wheelchair accessible vehicles using London style cabs has worked very effectively for the taxi trade.

Provisional proposal 61

National standards for drivers of both taxis and private hire vehicles should include recognised disability awareness training. *(Page 219)*

Proposed response

Agreed.

Provisional proposal 62

In order to better address concerns about discrimination, taxis and private hire vehicles should be required to display information about how to complain to the licensing authority. *(Page 219)*

Proposed response

Agreed.

Question 63

What would be the best way of addressing the problem of taxis ignoring disabled passengers seeking to hail them? Could an obligation to stop, if reasonable and safe to do so, in specified circumstances, help? *(Page 220)*

Proposed response

This is not a noticeable problem for Maidstone.

REFORMING ENFORCEMENT

Question 64

Should authorised licensing officers have the power to stop licensed vehicles? *(Page 222)*

Proposed response

Yes, licensing officers should have the power to stop licensed vehicles. Currently the licensing authority is only be able to run operations, such as test purchase operations in respect of illegally plying for hire, with the support of the police. This is particularly relevant in the current times with police resources being stretched and therefore their ability to support licensing authorities in their enforcement is more limited as they prioritise their activities.

Question 65

What more could be done to address touting? Touting refers to the offence “in a public place, to solicit persons to hire vehicles to carry them as passengers”.
(Page 223)

Proposed response

In Maidstone we have a significant problem of illegally plying for hire but there has never been an issue regarding touting.

Question 66

Would it be desirable and practicable to introduce powers to impound vehicles acting in breach of taxi and private hire licensing rules? (Page 223)

Proposed response

In principle this is a good idea but there will need to be agreed specific procedures relating to issues such as where and how long the vehicles would be kept, return or sale, cost recovery etc..

Question 67

Should licensing authorities make greater use of fixed penalty schemes and if so how? (Page 225)

Proposed response

Yes. There are benefits as it can deal with minor offences quickly and prevent the need to clog up the system either in the Licensing Authority or in the Courts.

Provisional proposal 68

Enforcement officers should have the powers to enforce against vehicles, drivers and operators licensed in other licensing areas. (Page 225)

Proposed response

Agreed.

Question 69

Should cross-border enforcement powers extend to suspensions and revocation of licences? If so what would be the best way of achieving this? (Page 226)

Proposed response

The principle of cross-border enforcement powers extending to suspensions and revocation of licenses is a good idea. However, the practical difficulties of achieving this cannot be resolved easily. The view of this authority is that the

option of formal procedures for cross-border co-operation as set out in paragraph 19.25 is the most appropriate way forward. This is because it brings an element of formality to the system and also requires other licensing authorities to take action

REFORM OF HEARINGS AND APPEALS

Provisional proposal 70

The right to appeal against decisions to refuse to grant or renew, suspend or revoke a taxi or private hire licence should be limited to the applicant or, as appropriate, holder of the relevant licence. *(Page 230)*

Proposed response

Agreed.

Provisional proposal 71

The first stage in the appeal process throughout England and Wales, in respect of refusals, suspensions or revocations should be to require the local licensing authority to reconsider its decision. *(Page 231)*

Proposed response

Agreed.

Provisional proposal 72

Appeals should continue to be heard in the magistrates' court. *(Page 232)*

Proposed response

Agreed.

Question 73

Should there be an onward right of appeal to the Crown Court? *(Page 233)*

Proposed response

Agreed, there should be an onward right of appeal to the Crown Court over specific issues.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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