

AGENDA

LICENSING COMMITTEE MEETING



Date: Monday 24 June 2013
Time: 6.30 pm
Venue: Town Hall, High Street,
Maidstone

Membership:

Councillors Barned, Mrs Gibson, Mrs Grigg,
Mrs Hinder, Mrs Joy, B Mortimer,
Naghi, Newton, Parvin (Chairman),
Mrs Parvin and Yates

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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 14 June 2013

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 Meetings held on 29 April, 9 May and 22 May 2013 | 1 - 16 |
| 8. | Hackney Carriage/Private Hire Issues (if any) | |
| 9. | Hackney Carriage Licence - Unmet Demand Survey | 17 - 140 |
| 10. | Report of the Director for Regeneration and Communities - Face to Face collections in Maidstone Town Centre | 141 - 153 |

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 12A and Brief Description	
11.	Minutes (Part II) of the Meetings held on 29 April and 22 May 2013	3 = Financial/ Business Affairs	154 - 159
12.	Report of the Head of Housing and Community Development - Street Trading Consent - Mr M Sharp	3 = Financial/ Business Affairs	160 - 189

MAIDSTONE BOROUGH COUNCIL

LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON 29 APRIL 2013

Present: Councillor Parvin (Chairman), and
Councillors Barned, Mrs Gibson, Mrs Gooch,
Mrs Grigg, Mrs Hinder, Mrs Joy, B Mortimer, Naghi,
Mrs Parvin and Yates

108. APOLOGIES FOR ABSENCE

There were no apologies for absence.

109. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

110. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

111. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

112. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

113. EXEMPT ITEMS

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

114. MINUTES

RESOLVED: That the Minutes of the Meeting held on 21 March 2013 be approved as a correct record and signed.

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

There were no Hackney Carriage or Private Hire issues to be discussed.

116. 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**

Exempt Report of the Head of Democratic Services – Street Trading Consent - Mr D Bolesworth

3 = Financial/Business Affairs

Exempt Report of the Head of Democratic Services – Street Trading Consent - Fremlin Walk

3 = Financial/Business Affairs

117. STREET TRADING CONSENT - MR D BOLESWORTH

The Committee considered the report of the Head of Democratic Services regarding an application for a street trading consent to sell ice cream in Week Street, outside M&S/Ann Summers.

RESOLVED: That a consent be granted for 6 months to enable trading in ice cream and the queues involved to be reviewed as this is one of the busiest areas of town.

118. STREET TRADING CONSENT - FREMLIN WALK

The Committee considered the report of the Head of Democratic Services regarding an application for a variation to a condition of Fremlin Walk’s existing consent LN/000004869 to include additional goods as follows:-

Sushi, Salads, Gourmet Sausages & Burgers, Pizzas, Jacket Potatoes, Preserves, Pickles & Condiments, Rice and Noodles.

RESOLVED: That the addition of Sushi, Salads, Preserves, Pickles & Condiments be granted and consideration of the application relating to addition of Gourmet Sausages & Burgers, Pizzas, Jacket Potatoes, Rice and Noodles be deferred to allow the applicant the opportunity to provide further information to enable a decision.

119. DURATION OF MEETING

6.30 p.m. to 9.15 p.m.

MAIDSTONE BOROUGH COUNCIL

LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON 9 MAY 2013

Present: **Councillor Parvin (Chairman), and
Councillors Barned, Mrs Gibson, Mrs Gooch,
Mrs Grigg, Mrs Hinder, Mrs Joy, B Mortimer, Moss,
Naghi and Mrs Parvin**

120. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Yates.

121. NOTIFICATION OF SUBSTITUTE MEMBERS

The following substitution was noted:-

Councillor Moss for Councillor Yates

122. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

123. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

124. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

125. EXEMPT ITEMS

RESOLVED: That the Item on Part II of the Agenda be taken in public, but the information contained therein remain private.

126. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982,
SCHEDULE 3 - RENEWAL APPLICATION FOR SEX ESTABLISHMENT
LICENCE FOR PLAYERS, 57 HIGH STREET, MAIDSTONE, KENT ME14 1SY

The Committee considered the report of the Head of Democratic Services regarding the renewal application for a Sex Establishment Licence for a Sexual Entertainment Venue for Players, Gentlemen's Club, 57 High Street, Maidstone, Kent ME14 1SY.

The Legal Advisor to the Committee outlined the order of considerations to be made, dealing with early objections received and to consider and determine the application.

The Chairman requested those persons participating in the hearing to identify themselves, this included the Members of the Committee, the Head of Democratic Services, the Legal Advisor, the Committee Clerk, the applicant and his representatives and those making representations who wished to speak.

The Head of Democratic Services introduced his report, highlighting the fact that due to a mistake with the original Notice, the application was re-advertised for a further 28 days. The 107 objections received were in response to the first Notice and, therefore, are early objections in relation to this application. He sought the Committee's agreement to accept them as such. The applicant had no objection to the recommended course of action. The Committee agreed to accept the early objections for consideration.

He outlined the mandatory and discretionary grounds for refusal. He indicated that the premises had operated since 2007, prior to amendments to legislation requiring sex establishment licences for this type of premises. He made reference to the locality, its character and uses of premises in the vicinity. He indicated that if Members were minded to grant then he would suggest that existing conditions should remain in place.

The Applicant's representative then presented his case. He stated that this was an established venue, having been in existence since 2007 and only operates at times when shops are closed. He stated the frontage of the venue was very discreet and was not obvious to passers-by as well as being situated at the bottom end of the high street. Although a number of objections had been received, he felt that in relation to the population of Maidstone, it was very low. Prior to the current legislation and licensing requirements, people had been unaware of the premises use. As a concession to the objections the applicant would be willing to remove the words, "Gentlemen's Club", from the signage.

He stated that there had been no breaches of the current licence, no incidents with the police and all advertising was with the prior approval of the Council. They employ 57 staff (full and part-time) and provide a different type of premises and entertainment for a large town which has a cosmopolitan make-up. A number of letters from local businesses supporting the renewal of the licence had been sent in, as well as Town Centre Management in support, and HSBC have recently opened next door. With regard to locality, numbers and vicinity, he felt that the previous decision is still appropriate and they are not affected by the regeneration of the lower end of the High Street. He informed the Committee that their decision should be based on the situation today and not what might be in the future.

Mr Pemble, the applicant, was then called as a witness. In response to questions, he stated he had a good relationship with the Council and the police and that they have complied with all conditions relating to the venue. He explained that there is always a minimum of two door staff

outside the front door, one in the bar area and one upstairs watching the CCTV cameras to ensure the dancers are safe. He mentioned that they have helped other venues and the police with any incidents elsewhere, whilst keeping the appropriate number of staff at their venue.

Mr Pemble stated that the only other venues open when Players opens are all restaurant/food venues apart from Chicago Rock Café. Mr Pemble informed Members that they are now actually only open from 9.30pm-2am on Tuesdays, Wednesdays and Thursdays and from 8.30pm-2am on Fridays and Saturdays. He said he would be happy for the hours on his licence to be amended to reflect this, if Members wished. He said that he had undertaken his own survey between the hours of 8 and 10 pm over 4 week nights and saw 3 children under the age of 12 in the area. After 20:00 during the week, in the locality of the premises, it was a ghost town with only his customers and some for Chicago Rocks on a Tuesday, otherwise it was quiet with no families. Thursday to Saturday it was club central with clubbers moving from Lockmeadow to the town centre. If the application were not granted then his employees would lose their work as the premises could not continue as a club or bar as it is too small. There are already empty restaurant premises and this premise has failed 3 or 4 times as a bar.

Mr Pemble stated that his understanding of the regeneration of the lower high street is that the area outside Players will be tarmac. He said there were a number of other towns who had Gentlemen's Clubs in the main part of the town, e.g. Covent Garden, Rochester (opposite the Cathedral), Windsor and Ashford's was in the middle of the shopping centre. Mr Pemble also offered to remove the words "Gentlemen's Club" from the front of the venue and from all advertising, if Members wished.

Mr Pemble confirmed that he had never received any complaints about his Club, they operate an Over 21 policy and do not allow anyone entry if they are inebriated or aggressive.

The objectors' representative was then given the opportunity to ask questions of the witness.

In response to those questions, Mr Pemble stated that his survey had been undertaken on Tuesdays and Wednesdays between the hours of 8pm and 10pm; they are not planning to move to other premises, they have been offered premises closer to the main town but they have refused; and he confirmed they are a member of the Night Net, for which payment is made to Town Centre Management. He confirmed that there were sufficient door staff to assist police because the premises were over staffed for their needs.

Members were then given the opportunity to ask questions of the witness.

In response to those questions, Mr Pemble confirmed that on Tuesdays and Wednesdays he has 3 door staff, Thursdays 4, Fridays 4 or 5 and Saturdays 5. Mr Pemble himself is normally at the venue 4 nights a week and is also SIA registered. They do cater for stag nights and will allow

groups of 8 or 10 entry, but only with discretion and judgement on their behaviour. Mr Pemble explained their closing process, stating that the dancers finish at 2am, they will call last orders at 1.45 am and, although the licence allows them to stay open until 4am, they do not serve drinks after 2am but do allow time for people to finish their drinks and leave. If people get drunk in the Club, they are asked to leave. Customers do not need to pre-book and they do not offer food, just bar snacks. There were usually 30-40 customers who drink up and drift out gradually. The licence is for up to 100 but usually 60 would be the maximum, only more 2 or 3 times at Christmas.

He stated they do have flyers agreed by the Council that they hand out at the bottom end of the High Street and outside Muggletons. They avoid areas where families may be. He said that the building is Grade II listed and therefore facilities for disabled guests are difficult. There is nowhere on the ground floor where they can put a disabled toilet and the stairs are not suitable for a stair lift. There are some customers who are wheelchair users but they can be taken upstairs in their wheelchairs. He would be happy to consider better provision if possible.

He stated that they do not cater for hen parties, but do encourage women and they do have couples who visit the Club. He is not aware of any male dancers who provide lap dancing.

The average age range of their dancers is 22-43, although they do have one dancer who is 19/20. The majority (70%) of their dancers are local and the Assistant Manager has worked at the Club for 3 years. They have a smoking area at the rear of the premises which is also covered by CCTV.

The applicant's representative then called a further witness, Emma Sexton, House Mother at Players.

Miss Sexton confirmed that the statement she provided in support of Mr Pemble's application was true. She stated that a lot of the dancers have children, enjoy working at Players as it is a safe and fun environment and helps them to provide for their families. They have a good interaction with the door staff and if a customer started to cause any trouble, they just let the security/door staff know.

The objectors' representative was then given the opportunity to ask questions of the witness but he had none.

Members were then given the opportunity to ask questions of the witness.

Miss Sexton confirmed that she was previously a dancer at Players and became the House Mother one year ago.

The applicant's representative then called Mr Reid, a member of the door staff at Players, as a witness.

In response to questions from the representative, Mr Reid stated that he categorised the area as having a lot of clubbers who travel to and from Lockmeadow. He stated that staff take pride in where they work and ensure the dancers are kept safe.

The objectors' representative was then given the opportunity to ask questions of the witness. In response to those questions, Mr Reid clarified the positioning and number of door/security staff at the premises.

Members were then given the opportunity to ask questions of the witness. In response, Mr Reid stated that it is on discretion as to whom they allow entry and it is from experience that they know how to spot those who could cause trouble and they certainly do not allow anyone who was already inebriated to enter the premises.

There were no questions of clarification from Members or Objectors.

At 11.50 am the Chairman adjourned the meeting for 10 minutes.

The Applicant's representative asked questions of clarification of the Head of Democratic Services. In response to those questions, the Head of Democratic Services confirmed that the Committee should consider the situation as at the date of the decision. The Council's legal adviser stated that case law shows, when considering character and locality, changes to the area can be considered if they are imminent. The Head of Democratic Services also confirmed that the resident situated at 39 High Street had not written to the Council in support or otherwise of the application; there had been no problems or breaches of conditions and advertising material had been agreed with the Council before use.

He also confirmed that the two other applications for SEVs were for a different locality and the Legal Adviser stated that the decisions made are a matter of public record.

The Objector's representative asked the Head of Democratic Services how many inspections had been undertaken at the premises in the last 12 months. The Head of Democratic Services did not know the exact number, but mentioned that inspections were done on a priority basis, i.e. the more problems there are, the more visits there will be. As there had not been any problems at Players, it was likely that there had only been visits approximately every 3 months.

The Objector's representative was then given the opportunity to make his representations.

He stated that written submissions had been provided and circulated prior to the meeting which outlined the basis of the objections that he represents and that, although they agree there is no basis for mandatory refusal of the licence, they believe there are discretionary grounds for refusal, based on location of the premises, the use of other premises in the area and the character of the area.

The objector's representative informed the Committee that he would call 2 objectors to give their view of the character of the area.

Objector 106 at page 90 of the agenda gave his name as Neil Patterson, Chairman of Celebrate Maidstone. In response to questions from the Objector's representative, the Objector stated that the lower High street is the gateway into the town from the river, there are local church communities, schools and secondary schools that walk past the premises to the river. He felt the sexual nature of the club was inappropriate for the Town Centre. He stated Maidstone should be a family friendly town where families and teenage children could come into town. He was thrilled with the continuing improvement but this made his premises in a less appropriate venue.

The applicant's representative was then given the opportunity to ask questions of the objector. In response to those questions, the objector confirmed he felt the area was a commercial area, that the venue had been used for the same type of entertainment for almost 6 years and that local businesses had written in to support the application.

Members were then given the opportunity to ask questions of the objector. In response to those questions, the Objector stated that he was not aware, as Chairman of Celebrate Maidstone, of any family events planned currently that are likely to go on past 8 or 8.30 pm.

There were no questions of clarification.

Objector 100 at page 181 of the agenda gave his name as Mr. Ghinn – In response to questions from the Objector's representative, the Objector stated that he loved Maidstone as a place to live, work and do business from. He stated that the overall character of Maidstone Town Centre, as it is today, is not appropriate for this type of venue. He said he felt whether you were dining on The Barge (on the river) or in Jubilee Square, you were in the "heart" of Maidstone. He feels that the town is now seeing the fruit of a process of improvement in the town centre.

The applicant's representative was then given the opportunity to ask questions of the objector.

In response to those questions, the objector stated that he would not know if the venue was thriving, but agreed it is a part of Maidstone's night time economy and that the area is different now to years ago. He felt the locality should cover Gabriels Hill, Week Street and down to Lockmeadow.

Members were then given the opportunity to ask questions of the objector.

In response to those questions, the objector stated, in his personal opinion, Maidstone can cope with the number of clubs that it currently has and confirmed that his objection was a personal one.

The Objector's representative then went on to state that the building is Grade II listed and in a conservation area that is there to promote and enhance the local area. The objection is on the basis of locality and the objectors ask that the same considerations given to the previous two applications that were declined, be given to this application in that the number appropriate for this area should also be nil.

There were no questions of clarification.

With regard to the possibility of further conditions, the applicant's representative confirmed that the applicant would be happy to accept a change to the opening hours, the removal of the words "Gentlemen's Club" from all advertising and to look at the possibilities for better disabled access.

The objector's representative stated that no condition would satisfy their objection to this application.

The Objector was then given an opportunity to sum up, following which a lunch break was taken at 1.05 pm. He said that objections were significant and the public did not want the premises here. They had not been aware of the first application but just because there had been a grant before it did not necessarily mean there should be a renewal. The area was changing already with HSBC having arrived and the improvement works beginning. Little weight should be given to letters in support as they had been pursued by the applicant. This would be the time to capitalise on previous resolutions. The results of the applicant's survey should be taken with a pinch of salt and the premises be considered as unsuitable as it is on a main thoroughfare and incompatible with uses in its vicinity.

The meeting re-convened at 1.45 pm and the applicant's representative was then given the opportunity to sum up. He said that the decision taken must be proportionate if an existing licence were to be removed. There are wider implications for the applicant and his employees. Local businesses have not objected and some weight should be given to support, comments from staff and the survey. There has been no change to the locality since grant and regeneration works have not fully begun. The earliest suggested completion is October, a considerable portion of a 1 year licence, and if there has been a change of character in one year there is again an opportunity to reassess the position. There has been no police observation and no evidence of crime and disorder. The character of the area is predominantly commercial and schools and churches are some distance away. People are generally unaware of the premises and its impact is not significant. It is a responsibly run premises.

The Committee then retired to consider the application and

RESOLVED: That the application made by Mr. James Elliott Pemble on 26 March 2013 for renewal of a sexual entertainment venue licence for premises at 57, High Street, Maidstone, under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, would be granted.

The Committee considered; the report and oral presentation of the Head of Democratic Services, the application and all accompanying documents provided by the applicant, the submissions by Mr. Wilson of counsel for the applicant and the evidence of his witnesses; Mr. Pemble, Ms. Sexton and Mr. Reade, the 107 objections received early in relation to an identical application made on 04, March 2013, (the Committee having exercised their discretion to have regard to them), the submissions of Mr. Payne representing 6 objectors, whose objections are at pages 181, 190, 32-33, 37, 161-162 and 132-133 of the agenda and the evidence of Mr. Pattison and Mr. Ghinn, whose objection are those at pages 190 and 181 of the agenda respectively.

Members found that the nature and content of the relevant entertainment proposed was, lap dancing, pole dancing, performances of dance in a dance area and striptease. The hours applied for were Monday to Sunday 19:00 to 02:00 the following day and New Years Eve 19:00 – 03:00. In the course of the hearing the applicant indicated that they would be content to accept a commencement hour of 20:30. There were, during a conditions discussion, further amendments stated to be acceptable. The applicant stated that he would be prepared to remove the words, "Gentlemen's Club" from the premises frontage and any advertising signs and that he would be happy to review the possibility of providing disabled access to first floor toilet facilities, although he was not sure if this could be achieved due to the nature of the premises.

In considering their decision Members considered the statutory grounds for refusal of such applications and all other relevant considerations :-

MANDATORY GROUNDS

There was found to be no evidence that any of the mandatory grounds under Schedule 3, paragraph (1) were engaged and none were raised by the Police or objectors.

DISCRETIONARY GROUNDS

SUITABILITY OF APPLICANT ETC. AND LAYOUT ETC. OF PREMISES.

No evidence was found to be relevant to engagement of discretionary grounds for refusal in Schedule 3, paragraph 12(3) (a), (b) and they were not raised by objectors. In relation to (a), the evidence available indicated that the applicant managed the premises well and had not caused issue to the licensing department, there were no Police observations. Whilst d) (iii), was raised in the submissions of Mr. Payne, referring to paragraph 12.13 of the Council's policy, on the basis that the character of the premises were inappropriate having regard to their visible position adjacent to a retail thoroughfare. Members considered that their visual impact in this particular location, for this operation, together with a later commencement hour and reduced signage would be minimal and not such as to render renewal of the licence inappropriate.

THE RELEVANT LOCALITY

Submissions from objectors on what was the relevant locality for the premises referred to Maidstone town centre and at the hearing particularly

to the area from the River to Jubilee Square as the heart of the town. The locality being characterised by its mixed uses including shops, restaurants, cafes and other businesses, residential, entertainment venues, bus stops and a thoroughfare into and out of town linking with the river area also numerous places of worship, as a conservation area and an area of regeneration.

The applicant submitted that the premises were in the relevant locality decided on the original grant of his licence, with a determination of one SEV as appropriate for that locality, in relation to the specific location of the site and specific operation. He referred to being at the far end of the High Street and not being at the heart of the town centre. The applicant characterised the locality as predominantly commercial and different in the daytime to night time. In their submission the locality was a retail thoroughfare during the day but at night in this part of town the focus becomes a thoroughfare for bars and nightclubs and other entertainment for adults. The people using the thoroughfare of the High Street are using the night time economy.

Although members noted their previous decision in respect of this premises they nonetheless considered that each application is to be decided on its own merits and at the time it was being heard. Accordingly Members took the view that it was necessary to consider the relevant locality afresh.

Members found that the relevant locality is, the High Street area between Mill Street and the bridge area, (Bishops Way/Fairmeadow). This being characterised by being predominantly commercial mixed uses, a number of which are not part of the night time economy, but none of which are particularly family orientated. At this time there have been no significant changes since their last decision but they note that phase II of the High Street regeneration project had recently commenced with completion due in the autumn, therefore the position may change as use of the new area develops.

CHARACTER OF THE RELEVANT LOCALITY

Members further considered the character of the relevant locality finding it to be being predominantly commercial mixed uses, a number of which are not part of the night time economy, but none of which are particularly family orientated. It is a thoroughfare during the day but at night in this locality it is mainly a thoroughfare for bars and nightclubs and other entertainment for adults, not frequented by children. At this time there have been no significant changes since their last decision but they note that phase II of the High Street regeneration project had recently commenced in this locality, with completion due in the autumn, therefore the position may change as use of the new area develops.

An SEV of the type applied for, with an entrance on the highway, would not be inappropriate in this locality out of the heart of the town and of this character. Impact in this particular location, for this operation, together with a later commencement hour and reduced signage would be minimal and not such as to render renewal of the licence inappropriate.

Members sought to carefully limit their consideration to such representations and submissions as directly assisted in the determination of the character of the relevant locality and placed to one side those submissions and representations that were based on understandable but none the less inadmissible moral grounds.

Members also considered submissions that crime and anti-social behaviour would increase but did not find they had sufficient evidence to support this view, independent of perception or fear of increased issues attributable to the proposed premises.

USE OF PREMISES IN THE VICINITY

Consideration was then given to the vicinity of the premises and it was found that this was a smaller area than relevant locality, being the more immediate area around the premises at the far end of the lower High Street, (Mill Street to the bridge area). The SEV was not considered to be inappropriate to the vicinity at this time. It was noted that phase II of the High Street regeneration project had recently commenced in this locality, with completion due in the autumn, therefore the position may change as use of the new area develops.

Members also considered submissions from objectors about the effect on, places of worship and schools but these did not fall within what members considered to be the vicinity of the proposed SEV, being some distance away and unlikely to be directly affected.

NUMBER OF SEVs APPROPRIATE TO THE RELEVANT LOCALITY

Members, having found that the relevant locality is the High Street area between Mill Street and the bridge area,(Bishops Way/Fairmeadow) then went on to consider what is the number, if any, of appropriate sex establishments in the relevant locality. Members considered specifically whether a sex establishment of the type applied for is appropriate to the relevant locality. The number of SEVs considered appropriate for this locality is one. Members were of the view that one SEV for this locality would be appropriate, at this time, as it was not in the heart of the town centre and changes which may occur to the character of the area when regeneration is complete are not yet evident . No more than one such premises would be appropriate as the locality should not be an area with a concentration of such premises which could have an impact collectively that one would not have alone. They did feel that the current premises had minimal impact on the locality and its current character, as evidenced by their own knowledge and letters from businesses, and would have even less with the hour's amendment and signage condition imposed.

OTHER CONSIDERATION

Human rights issues were considered and the rights of the licence holder as against objectors and the general public interest. Whilst members did not give great weight to the rights of the licence holder as these may be interfered with in the public interest and as allowed by law they did not feel that the public interest generally required refusal of a licence renewal at this time, for all the reasons given. Members did not feel it necessary to

give consideration to employment issues and effects on employees to reach their decision.

CONCLUSION

FOR ALL THESE REASONS THE APPLICATION WAS GRANTED.

TERMS/CONDITIONS.

The licence will be granted for the activities applied for Monday to Sunday 20:30 – 02:00 hours the following day, New Years Eve 20:30 to 03:00 the following day.

To further minimise any impact upon the use of the locality as a thoroughfare.

An additional condition will be imposed upon the licence, that:-

The words, "Gentlemen's Club" will be removed from signs on the premises frontage and from any advertising signs for the premises within one month from the date of receipt of this decision.

To further minimise any impact upon the use of the locality as a thoroughfare.

INFORMATIVE:

The licence holder should review and use his best endeavours to improve the disabled access to toilet facilities at the premises. He should demonstrate to the Licensing section within 3 months that he has explored possibilities with relevant officers at Maidstone Borough Council.

127. DURATION OF MEETING

10.00 a.m. to 3.30 p.m.

MAIDSTONE BOROUGH COUNCIL

LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON 22 MAY 2013

Present: Councillor Parvin (Chairman), and
Councillors Barned, Mrs Gibson, Mrs Grigg,
Mrs Hinder, Mrs Joy, B Mortimer, Naghi, Newton,
Mrs Parvin and Yates

Also Present: Councillor Black

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

3. NOTIFICATION OF VISITING MEMBERS

Councillor Black was in attendance.

4. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

5. ELECTION OF CHAIRMAN

RESOLVED: That Councillor Parvin be elected Chairman for the Municipal Year 2013/14.

6. ELECTION OF VICE CHAIRMAN

RESOLVED: That Councillor Barned be elected Vice Chairman for the Municipal Year 2013/14.

7. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

8. EXEMPT ITEMS

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

9. APPOINTMENT OF POLITICAL GROUP SPOKESPERSONS

The Political Group Spokespersons were elected as follows:-

Conservative – Councillor Parvin

Liberal Democrat – Councillor Mrs Joy
Independent – Councillor Newton

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

There were no Hackney Carriage/Private Hire issues to be discussed.

11. LAW COMMISSION INTERIM STATEMENT ON THE REGULATION OF HACKNEY CARRIAGE AND PRIVATE HIRE SERVICES

The Committee considered the report of the Head of Democratic Services regarding the Law Commission's Interim Statement on the regulation of Hackney Carriage and Private Hire services.

RESOLVED: That the report be noted.

12. DRESS CODE FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS

The Committee considered the report of the Head of Democratic Services regarding the responses to the consultation on the proposal for the introduction of a Voluntary Dress Code for Hackney Carriage and Private Hire drivers.

RESOLVED:

1. That the Voluntary Dress Code as set out in Appendix 1 to the report of the Head of Democratic Services be introduced and Hackney Carriage and Private Hire drivers be asked to conform to the Code from 1 June 2013.
2. That after introduction the compliance with the Code be monitored by the Licensing staff and that a report be submitted to the Committee in twelve months' time indicating the impact of the introduction of the Code on the standard of dress for Hackney Carriage and Private Hire drivers within the Borough.

13. 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**

Exempt Report of the Head of Democratic Services – Street Trading Consent - Fremlin Walk

3 = Financial/Business Affairs

14. STREET TRADING CONSENT - FREMLIN WALK

The Committee considered the report of the Head of Democratic Services regarding further evidence received from Fremlin Walk about the addition of gourmet sausages and burgers, pizzas, jacket potatoes and rice and

noodles to the street trading consent which was deferred from the last meeting.

RESOLVED: That the Licensing Committee, having carefully considered the application made on 27 February 2013 by Mr Lloyd Wright, Fremlin Walk Centre Manager, to vary the condition of his current consent relating to the type of goods which can be sold, by adding sushi, salads, gourmet sausages and burgers, pizza, jacket potatoes, preserves, pickles and condiments, rice and noodles, the remaining terms and conditions to be unaltered, on 29 April 2013 granted the variation in respect of sushi, salads, preserves, pickles and condiments and deferred the remainder for additional information to be provided in relation to cooking method, if any, style of stall involved and nature of "gourmet" product; the concern being possible nuisance to members of the public and businesses caused by smells from hot food. The Committee also considered additional information provided on 15 May 2013, attached to their committee report and oral representations from Jaine Rees and Ashley Green.

Members took into account their own local knowledge, that a full consultation had been carried out without objection and historic applications but fully considered the remaining items of this application on their own merits.

Members decided to grant a consent for gourmet sausages and bread to be baked within an oven at any pitch already granted within Fremlin Walk. All other hot food items applied for no longer being required.

Members further decided that the addition of the following conditions would be reasonable and proportionate to protect the wider public interest in a good shopping experience free from nuisance or annoyance caused by the smell of cooking food and the general ambience of the area by securing high quality trading units.

Additional conditions:-

1. There shall be no nuisance caused by cooking smells and the cooking method shall not be changed from oven baking without the prior agreement of the Licensing Authority.
2. The high standard of the unit shall be maintained and the style shall not be changed without the prior agreement of the Licensing Authority.
3. The applicant shall provide a litter receptacle for use at the trading unit during trading hours.

15. DURATION OF MEETING

6.30 p.m. to 7.28 p.m.

MAIDSTONE BOROUGH COUNCIL

LICENSING COMMITTEE

24 JUNE 2013

REPORT OF DIRECTOR OF REGENERATION AND COMMUNITIES

Report prepared by Neil Harris

1. HACKNEY CARRIAGE LICENCE - UNMET DEMAND SURVEY

1.1 Issue for Decision

To consider the results of the Unmet Demand Survey carried out by Amey, which is attached at Appendix A, in respect of the numbers of Hackney Carriage licences in Maidstone .

1.2 Recommendation of Director of Regeneration and Communities

1.2.1 That Members consider the report submitted by Amey, indicating an absence of any significant unmet demand, and consider the following options:-

- Agree to maintain the current level of Hackney Carriage licences on the basis that there is no significant unmet demand for Hackney Carriages locally.
- To pursue the option to exercise discretion to issue a number of additional Hackney Carriage licences (in one or in stages), and that a report be submitted to the committee on the advantages and disadvantages of such an approach including the potential additional numbers, method of allocation and if felt appropriate the method of consultation on this proposal.
- To pursue the option of removing the current limit on Hackney Carriages (de-limitation) by commencing a period of public consultation including Hackney Carriage Operators and Drivers, and other interested parties over a six week period and that the results of the consultation be reported back to the committee for a final decision to be taken.

1.2.2 That the Officers report back on the other recommendations within the survey to the next meeting of the committee.

1.3 Reasons for Recommendation

- 1.3.1 The Transport Act 1985 (Section 16) requires the Licensing Authority to grant a Hackney Carriage Licence to any valid applicant unless it is satisfied that there is no significant unmet demand for Hackney Carriages in its area.
- 1.3.2 The Council currently restricts the number of Hackney Carriage Licences to 48. The last unmet demand survey was undertaken in 2008/9 and recommended that no new licences be issued. In 2005 a previous survey recommended that a further 9 new licences be issued over a 3 year period which was implemented.
- 1.3.3 The Department for Transport asks that all Licensing Authorities that operate a numerical restriction, review their policy on a regular basis, approximately every three years.
- 1.3.4 The Government believes restrictions should only be retained where it is shown to be a clear benefit to the consumer. The Council should justify their reasons for any retention of restrictions. The Government makes it clear that Local Authorities remain best placed to determine their local transport needs and to make decisions about them in the light of local circumstances.
- 1.3.5 The Law Commission, in their interim statement, have indicated that they will not be recommending the abolition of quantity controls but that they will want the Secretary of State to review the position of the transfer of these licences where authorities have quantity controls.
- 1.3.6 The survey prepared by Amey has found that there was no evidence to support the need to increase the number of Hackney Carriage licences and that the existing number could be retained. It also indicated that it was still open to the Council to increase the number of licences issued if it wished and to even remove all restrictions on quantity controls. The advantages and disadvantages are set out in Table 14 in the survey report.
- 1.3.7 The survey report also highlighted a number of recommendations relating to associated issues. It has not been possible to look into the detail of all of these and it is suggested that a report on these is submitted to the next meeting of the committee.

1.4 Alternative Action and why not Recommended

- 1.4.1 The Government Best Practice guidance requires local Authorities to regularly review their policy on this matter. Therefore it is necessary

to undertake this exercise, not to do this would be in breach of guidance and leave the Council open to challenge.

1.5 Impact on Corporate Objectives

1.5.1 Retaining a vibrant Hackney Carriage Service helps meet the Council priorities of having a growing economy and being a decent place to live.

1.6 Risk Management

1.6.1 It is necessary that the Council reviews its number limitation policy by considering whether there is any significant unmet demand and therefore completing this exercise meets Government guidance. Not to do so would leave the Council open to challenge.

1.7 Other Implications

1.7.1

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

1.7.2 Financial – the cost of undertaking the unmet demand survey has been met from within existing budgets.

1.7.3 Legal – The legal implications are contained within the body of the report and include Section 37 of the Town Police Clauses Act 1847 as amended by Sections 15 and 16 of the Transport Act 1985 as well as the Department for Transport’s Best Practice Guidance.

1.7.4 EINA– All Taxis in Maidstone are the London style black cab and meet the requirements to carry wheelchairs. If Members are minded to issue additional licences then the new vehicles should also meet this requirement.

1.8 Relevant Documents

1.8.1 Appendices

1.8.2 Appendix A – Unmet Demand Survey.

1.8.3 Background Documents

1.8.4 None

<u>IS THIS A KEY DECISION REPORT?</u>		<u>THIS BOX MUST BE COMPLETED</u>	
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
If yes, this is a Key Decision because:			
.....			
Wards/Parishes affected:			
.....			



Maidstone Borough Council Taxi Study

Taxi Unmet Demand Study

Document reference: 1

Revision: 1

Issued: 22/05/2013



Document Control Sheet

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Issue 0	Name: Daniel Hoey Signature: Date: 30/03/13	Name: Paul Beecham Signature: Date: 30/03/13	Name: Jeff Webb Signature: Date: 30/03/13

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Issue 2	Name: Signature: Date:	Name: Signature: Date:	Name: Signature: Date:
(Enter Details of Amendment)	Name: (print) Signature: Date:	Name: (print) Signature: Date:	Name: (print) Signature: Date:



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DfT Guidance 2010

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1. Context of the Study

1.1. The Licensing Framework

Hackney Carriages (Taxis)

- 1.1.1. Hackney Carriages can ply for hire in the street, at ranks or stands and may take bookings over the telephone. Private Hire Vehicles (PHVs) must be pre-booked through a private hire operator and cannot be hailed in the street or from a rank. The phrase cab, where used in this report, refers to both Hackney Carriage and Private Hire Vehicles. In some places the term taxi is substituted for Hackney Carriage.
- 1.1.2. Cab operating structures can often include:
 - Independent (often sole trader) owner drivers who only operate for between 8 and 12 hours a day, at times and on days of their choosing;
 - 'Independents' who share their vehicle with one or occasionally more other licensed drivers, who do not have a vehicle of their own, meaning the one vehicle can be available up to 24 hours a day, 7 days a week;
 - Radio circuits, taking bookings up to 24 hours a day, which they pass on to self-employed drivers that sign up to the circuit or sometimes drivers that join as a shareholder, where the circuit operates as a co-operative. The times drivers operate relate to the demands on the circuit. It's also possible that some drivers are members of more than 1 radio circuit;
 - Limited companies operating either Hackney Carriage, PHV based services or both using their own vehicles and employing drivers to operate them on their behalf, for between 16 and 24 hours a day.
- 1.1.3. Maidstone Borough Council is the licensing authority for Hackney Carriage and private hire operators, drivers and vehicles within their area. They are able to specify the standards they require (over and above the legal minimum) for operators, drivers and vehicles, set Hackney carriage fares and in certain circumstances, can choose to regulate the number of Hackney Carriage licences they issue. There are just over two thirds of licensing authorities in England that do not regulate Hackney licences and just under a third that do. Maidstone Borough Council is currently one of the authorities that choose to limit the Hackney licences they make available.

- 1.1.4. Current guidance to licensing authorities was issued by the Department for Transport (DfT) in May 2010 (see Appendix 1). This highlights that DfT regard not imposing quantity restrictions on licences as good practice. However, it also states that the grant of a taxi licence may be refused, for the purpose of limiting the number of licensed Hackneys available if the licensing 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. The DfT's position was first outlined in guidance issued in 2004 following a report in 2003 by the Office of Fair Trading (OFT) that looked at the impacts of the regulatory framework on Hackney Carriage and PHV services in the UK and recommended deregulation of the Hackney sector for its consumer benefits.
- 1.1.5. The current DfT guidance does not seek to cover the whole range of possible licensing requirements. Instead it concentrates on those issues that have caused difficulty in the past or that are considered of particular significance. In relation to unmet demand it specifies the need for both quantitative and qualitative analysis to be undertaken, ahead of considering any significant change in licensing rules.
- 1.1.6. The most recent guidance follows a further OFT report, published in 2007, that looked at the impact of their 2003 study and suggested that it had led to an increase in those authorities that had deregulated. It noted that in these circumstances additional Hackneys normally arise from PHV operators/drivers transferring to Hackney operation, meaning the overall size of the cab fleet often remains the same. It also found that where fare controls are maintained, alongside deregulation, costs to the passenger also increase. To address this and any excess entry that results from deregulation, OFT suggested fares should be set as a maximum, rather than a fixed rate and passengers should be encouraged to negotiate.
- 1.1.7. In July 2011 the DfT asked the Law Commission to undertake a law reform project on the law for taxis and PHVs. As part of this project in May 2012 the Law Commission issued a consultation document outlining its provisional proposals for reform and seeking comments on these. The consultation ran until 10th August 2012. Following this the Commission aim to produce their final report containing their proposals and a draft bill by November 2013.
- 1.1.8. The provisional proposals do not suggest there should be any change to the distinction made between hackneys and PHV's and therefore the current two tier system should be retained. However, they do include proposals:
- That all vehicles should be subject to national minimum safety standards and, for private hire vehicles, these should replace more than 340 sets of local regulations.
 - That taxi numbers should no longer be restricted by local authorities.
 - That private hire operators should be able to take bookings outside their own local area.
 - That Licensing could be extended to limousines, motorcycle "taxis" and bicycle rickshaws (or "pedicabs").

- That greater legal clarity should be provided to ensure that volunteers who give up their time to drive elderly people or child-minders who collect children as part of their work, etc. are not required to be licensed.
- That all new taxi and private hire drivers should have disability awareness training.
- That where drivers or operators break the rules improved enforcement powers should be available, including impounding vehicles.
- The consultation asks if a 'peak period' licence should be available for use only at times specified by the licensing authority.
- The consultation also asks whether there should be a specific licence for accessible vehicles.

Taxibuses

- 1.1.9. A taxibus service is a regular public bus service operated by a taxi or private hire vehicle. Just like a regular bus the service operates a defined route (fixed or flexible) and runs to a timetable. Passengers can just turn up at designated stopping places (fixed or semi-fixed route) or pre-book (flexible route) and pay a fare similar to a regular bus fare or use their concessionary pass, where eligible.
- 1.1.10. Taxibus operations for hackneys are permitted under Section 12 of the 1985 Transport Act and for PHVs under Section 53 of the Local Transport Act 2008. A holder of a hackney or PHV vehicle (not operator) license may apply for a restricted PSV Licence (cost £61) which enables them to operate their cab as a local bus service, charging separate fares along a registered route to a published timetable. Applications must be made to the Traffic Commissioner for the area in which the vehicle is licensed. There are no special checks undertaken by the Traffic Commissioner in relation to the grant of a special licence. They will rely on the fact that the local authority has carried out suitability checks for hackney and PHV licensing purposes.
- 1.1.11. The licence is provided in perpetuity for all taxis or PHVs for which licences are held, as long the relevant fee to keep the vehicle licence/s in force is paid. While the number of vehicles owned may change during this time there is no need to change the special licence. Any vehicle owned which is licensed as a taxi or PHV may be used to provide the taxibus service.
- 1.1.12. Local bus services (other than excursions and tours) are the only type of PSV operation that can be undertaken. It is not possible to run any other type of PSV service with taxis or PHVs (e.g. an express service with stopping places more than 15 miles apart). The taxibus license holder must apply to the Traffic Commissioner to register a local service (cost £60). This must normally be at least 63 days before the service is due to start. Similarly if the service is to be withdrawn 63 days' notice must be given to the Traffic Commissioner. One stopping place must be in the district for which the taxi or PHV licence is held, but the route can then go beyond the boundary of the district.

- 1.1.13. Details required include a description of the actual route, the days it will run, a timetable for the service, whether it will use existing bus stops, whether there will be any “hail and ride” or pre-booked element etc. A fare table must be displayed in the vehicle so that passengers can check the fare for any journey, or how the fare is worked out. A BUS sign must also be displayed, clearly legible to the front of the vehicle using letters at least 60mm high indicating the destination of the vehicle and its route, or the nature of the service being provided. The law also allows certain rules which normally apply to conventional taxis or PHV work to be disregarded when providing a local bus service; ie for PHVs the operator does not have to be involved in hiring’s and any requirement to display a “prebooked only” sign will not apply. If the local service provided meets the criteria Bus Service Operators Grant (BSOG) will be available. Use of bus lanes will be at the discretion of the local authority.
- 1.1.14. Typically, a taxibus service is provided where it is uneconomic to run a bus service. It might run as little as once per week, or offer multiple daily journeys. A taxibus (rather than a taxishare) is suitable when every timetabled journey is likely to be carrying passengers. The service must always run to any stops advertised regardless of whether anyone wishes to travel. It is also preferred if users do not want to or are unable to plan their journey and book their transport at least the day before they travel. Some examples of taxibus services are provided below. The most successful examples are commonly found in rural or semi rural areas where there is a dispersed population. Few examples of licensed taxibus services exist in more urban areas as the population is usually dense enough to generate demand for a normal bus. However, there are some examples that operate at the periphery of the bus network such as at the edges of the urban area or as late night or Sunday services. There are also some examples of services called taxibus services that are not licensed as such. These are often restricted services not available to the general public, such as dial a ride or taxicard, which are targeted at defined groups in the population such as disabled and/or elderly people or a particular community such as a village not served at all by a bus service.
- 1.1.15. Examples include:
- 1.1.16. *Bicester Urban Taxibus* - Provides a regular, reliable Rail link service designed to be easier and cheaper than driving to Bicester North Station. It runs Monday to Friday in peak times following a set route between Bure Park, Greenwood and Langford Village to meet key trains to London Marylebone. Prospective passengers can ‘hail and ride’ the service along its route as long as this is done in a safe place for it to stop. In the evening peak the Taxibus meets key trains arriving from London Marylebone to take passengers home again.
- 1.1.17. *Fife, Go-Flexi* - Provides services for North and East Fife. It serves large, rural areas (FlexiZones) and generally covers the part of Fife between the East Neuk (around Anstruther) and the Tay Coast. Travel is permitted anywhere within a FlexiZone and to some designated points outwith the zones. Passenger must book journeys in advance, from 1 hour to 1 week before travel.

- 1.1.18. *Highland Council Taxi Feeder Services* - The Highland Council (THC) commission four "taxi feeder" DRT services in remote areas of the region (Portree, Glenelg, Kinlochbervie and Assynt). All services provide trips on a pence per mile basis, with the difference subsidised by THC to the taxi operators. Taxi operators were chosen mainly because they had the flexibility and despatch centres in existence to operate the services, in addition to existent radio links to vehicles. Services are designed to link passengers into the conventional bus network.
- 1.1.19. *Wrexham, Taxibus* - The Wrexham County Borough Council rural TaxiBus scheme is designed to provide flexible public transport connections for the more isolated communities, that are not located along conventional public transport routes. Prospective passengers need to pre-book their journey, no less than one hour before they wish to travel. Return bookings and repeat block bookings can be made at the time of booking. A single journey costs £1.80 and a return journey £3.50. Concessionary travel pass holders, travel free of charge.
- 1.1.20. *Meriden, Taxibus* - The Taxibus service operates in the rural area to the east of Solihull and provides a door-to-door demand responsive local bus service. The service can be used to travel within this area and/or to the nearby centres of Solihull, the National Exhibition Centre, Birmingham Airport, Birmingham International Rail Station, Shirley and Coventry from where links to other parts of the West Midlands by bus or rail can be made. Passengers must register to use the service and fares charged are calculated on a mileage basis and advised to the passenger when a booking is made. All West Midlands concessionary passes, Centrocards and Busmaster tickets are accepted.
- 1.1.21. *Devon, FareCar* - Fare Car was established by Devon County Council in September 2002 using Rural Bus Challenge funding. At the end of Rural Bus Challenge, Devon County Council decided to continue to fund and expand the scheme. Fare Car is demand responsive transport (DRT) provided by local taxi firms. It is semi-flexible, with arrival times and departures from towns being at fixed times, and journeys only taking place when passengers request. Pick-up locations and times within the defined rural areas are flexible. However drop-off points in towns are defined. Where possible drop-off points will link to other public transport services, for example, train stations. However, services that were introduced as feeders to buses were virtually unused so were stopped.
- 1.1.22. *Stagecoach, Yellow Taxibus* – Stagecoach operated the Yellow Taxibus service to/from Dunfermline and Edinburgh between 2000 and 2005. It operated on a flexible route in Dunfermline covering around 80% of the urban centre but from the Carnegie Campus stop at the south eastern edge of Dunfermline followed a fixed route to Edinburgh via the Ferrytoll Park and Ride. Within Edinburgh a series of fixed stops were served. Pre-booking was required from the flexible route area, but walk up passengers were able to board in Dunfermline town centre or at the stops in Edinburgh. Fares were £5 single from Dunfermline to Edinburgh, with a return for £8. Late evening fares between Dunfermline and Edinburgh were £10. Stagecoach ceased its operation in 2005 as it was not considered commercially viable.

Taxisharing

- 1.1.23. Section 10 (1) of the Transport Act 1985 provides for a licensed taxi to be hired for use for the carriage of passengers for hire or reward at separate fares without it becoming a public service vehicle or ceasing to be subject to the taxi code in the following circumstances:
- The taxi is hired in an area where a scheme made under this section is in operation;
 - The taxi is licensed by the licensing authority for that area; and
 - The hiring falls within the terms of the scheme.
- 1.1.24. The technology now exists for taxi meters to operate on two different tariffs. This has made the setting up of such taxi sharing schemes where differing tariffs apply, a feasible proposition. Section 10 (4) of the Transport Act 1985 states that a licensing authority may make a scheme for its area and shall make a scheme for its area if at least 10% of the holders of current taxi licences issued by the authority request the authority, in writing, to do so. The authority must obtain the consent of the highway authority and/or of the landowner in respect of any place that is not on the highway. The authority is also required to consult the chief constable, the county council and local taxi owners, drivers and/or their representatives. It is then required to publish the proposed scheme and invite representations; considering such representations as may be appropriate before implementation.
- 1.1.25. In accordance with Department for Transport guidance, any scheme for shared fares should offer an incentive both to the taxi proprietor and passengers. Such a scheme should ensure that the driver receives more in fares than for an exclusive hire and that each passenger pays less. They are best suited to urban areas where people tend to travel to the same destination - or destinations close to each other - but do not normally travel together. An example of this could be people travelling to and from work each day, from a train or bus station to a group of office buildings on the other side of town. Passengers pay separately, and should be picked up from a designated pick-up point.
- 1.1.26. The principal conditions for a taxi sharing scheme are that:
- Passengers board the vehicle at a designated place, usually a taxi rank .
 - The boarding place is authorised by the local taxi licensing authority.
 - The hiring's meet other taxi licensing authority requirements.
 - The maximum fare per passenger must be lower than the exclusive fare, ie that which would apply if they were not paying separate fares.
- 1.1.27. If the rank is also in use as a regular taxi service, passengers can choose whether to hire the vehicle as a whole or share the journey and pay separate fares.
- 1.1.28. The council is responsible for establishing operating conditions, such as:
- Special signs.

- Maximum number of passengers.
- Maximum fares.

1.1.29. The benefits of a taxi sharing scheme include:

- A shared taxi will reduce the number of single person journeys undertaken.
- The travelling public will get a taxi journey at a reduced rate whilst the taxi driver should earn more money.
- There could be less pollution due to fewer taxis running.
- More taxis would be available for hire thereby reducing waiting times for passengers.
- The Borough centre should be cleared earlier.
- There may be less congestion at the rank.
- The scheme is self-financing and, if successful, could become a viable alternative to buses which may lead to a reduction in subsidies having to be paid.

1.1.30. Disadvantages may include:

- There is no culture of taxisharing in the UK and in general the public are not inclined to participate in taxi sharing without this being managed/encouraged by a Taxi Marshal or Administrator
- There may be a rise in incidents of anti-social behaviour caused by potential or perceived queue jumping
- The potential for assaults to take place in taxis is increased when passengers do not know one another.
- The opportunity to refuse to pay the fare is raised as the door lock has to be released to let the first passenger out and this would give other passengers an opportunity to exit the vehicle without payment.
- There is a potential for increased complaints against taxi drivers with consequent impact on the Licensing Section
- Passengers may complain that the route taken was not the quickest in spite of the conditions for the operation of the scheme set out
- There is the potential for complaints from bus companies
- Drivers who do not join the scheme may see it as an attempt to deprive them of their livelihood and this could result in friction on the rank.
- Drivers operating under the scheme may not wait on the rank if they are waiting for another passenger to share the taxi
- There will be a cost to the Council in checking the different rates on the meters for accuracy and providing two tariff cards.

- There will be a cost to the driver in providing a new meter or in having the new technology installed.
- 1.1.31. People have informally shared hackney carriages for decades but there are only a few successful formal taxi-sharing schemes that have sustained in the UK, although a number of areas have tried to establish a scheme. Shared cabs run at London's Paddington and Euston stations but only for two hours each at morning rush hour. The only other organised schemes in London are a night service in the Paddington area, a scheme at the Wimbledon tennis championships and after royal garden parties at Buckingham Palace. Blackpool runs a service from its promenade, parts of Bristol are covered if journeys are booked in advance and a taxi sharing scheme has recently replaced two of the Night Bus services in the Borough. The Fordingbridge area of New Forest in Hampshire has a scheme. There are also schemes running out of several airports, including Heathrow, Belfast and Inverness and in Farnborough a scheme is organised to provide a link from the Airshow to rail services.

1.2. Accessibility

- 1.2.1. The Disability Discrimination Act (DDA) 2005 amended the DDA 1995 to enable the Government to lift the exemption for public transport services, including taxis and PHVs. The regulations came into force on 4 December 2006 and since then licensing authorities and cab operators are required to review any practices, policies and procedures that make it impossible or unreasonably difficult for a disabled person to use their services. However, the amendment allowed for the exemption on vehicles to be lifted for different services, at different times and to different extents. The DDA 2005 has subsequently been incorporated into the Single Equalities Bill 2010. The first wave of the Equality Act was implemented on 1 October 2010. However, this does not include the provisions for vehicle (hackney) accessibility contained in section 12 of the Bill. Government at the time said Ministers were considering how to implement this provision in the best way for business and for others with rights and responsibilities under the Act and would announce their proposals in due course. Following this the current Government has passed the issue of vehicle accessibility to the Law Commission for consideration as part of its licensing review.
- 1.2.2. Within the consultation document issued by the Law Commission equality and accessibility is recognised as a priority for the review. However, the Commission also make it clear that how this can be achieved is a very difficult question and propose using the consultation to survey and explore alternatives to the existing means of tackling the issue. In particular they suggest that drawing up an acceptable specification for an accessible taxi has proved very complex, not least because it is difficult to identify a design which would work for different people with different disabilities. They also highlight that in May 2011, transport minister Norman Baker MP announced that the government had no intention of using the powers available within the Single Equalities Act to introduce vehicle regulations.

- 1.2.3. In considering equality and accessibility the Law Commission state their main focus is hackneys as they believe the good working of market forces make it less of an issue in relation to PHV's. They reject the notion that quotas should be introduced for the number of wheelchair accessible vehicles available, instead suggesting they are inclined towards provision of a range of vehicles, including consideration of a specific accessible taxi license, the holders of which would be required to prioritise bookings from passengers in a wheelchair. Alongside this they suggest there could be requirements to provide specially designated ranks for accessible taxi license holders with authorities required to incentivise these, lower license fees for such licenses and options for vehicle specifications beyond wheelchair accessibility to accommodate different disabilities. They are also inclined to require all taxi drivers to undertake disability awareness training.

Equalities Act – Access to Services

- 1.2.4. The Equalities Act places a legal duty on all service providers in Britain to make 'reasonable adjustments' to ensure that people are not prevented from using their services because they have a disability. It does not matter whether the services in question are being provided by a sole operator, firm, company or other organisation, or whether the person involved in providing the services is self-employed or an employee, volunteer, contractor or agent. When deciding whether an adjustment is reasonable, service providers can consider issues such as the cost of the adjustment, the practicality of making it, health and safety factors, the size of the organisation, and whether it will achieve the desired effect. All transport providers and authorities have duties, for example, in relation to timetables, websites and infrastructure. Operators are obliged to make reasonable adjustments in the way they deliver their services to remove any barriers for disabled passengers, depending on the type of vehicles and the services they offer to the public. Public authorities have an additional duty to actively promote equality (rather than simply avoid discrimination).
- 1.2.5. The duty is 'anticipatory'; i.e. transport providers should expect that people with accessibility problems, such as disabled people, will be using their vehicles. They should consider what adjustments might be needed and put the necessary arrangements in place without waiting to be asked. However, they are not required to take any steps which would fundamentally alter the nature of their service, operation, trade, profession or business or where a change may compromise someone's health or safety. The Act requires transport providers to take reasonable steps to:
- 1.2.6. Change a policy, practice or procedure which makes it impossible or very difficult for a disabled person to get on or off a vehicle, or to use any services on the vehicle (for example, a buffet car),
- 1.2.7. Provide extra help or information to a disabled person so that they can get on, travel on and get off a vehicle or use any services on the vehicle.

Guide Dogs

1.2.8. In addition, since 31 March 2001 licensed taxi drivers in England and Wales have had a duty under s.37 of the Disability Discrimination Act 1995 to carry guide, hearing and other prescribed assistance dogs in their taxi, without additional charge. Drivers who have a medical condition that is aggravated by exposure to dogs may apply to their licensing authority for exemption from the duty on medical grounds. Any other driver who fails to comply with the duty is guilty of a criminal offence and liable, on summary conviction, to a fine of up to £1,000. Similar duties covering PHV operators and drivers came into force on the 31st March 2004. Enforcement of the duties is the responsibility of local licensing authorities.

Guidance and Training

1.2.9. The Equality and Human Rights Commission (formerly the Disability Rights Commission) has produced a Code of Practice to explain the duties for the transport industry in detail. The duties demand new skills and the government have worked with GoSkills to develop NVQ training for the taxi and PHV industries. There is also the Taxi Driver licence available as developed by the Driving Standards Agency and some licensing authorities have encouraged drivers to undertake Passenger Assistance Training Scheme (PATS), developed by the Community Transport Association.

1.3. The Cab Market

1.3.1. The OfT research shows that on average in England and Wales people make 12 trips by cab per year, and that this is one of the fastest growing transport sectors in UK in recent years. Considerable research has been done both at the local and national level, and it is understood that the level of Hackney Carriage and PHV use is inversely related to income with those on low income making most trips. For example, the disabled make 67% more trips than average and households without a car make on average 30 cab trips p.a. compared to only 9 trips for those with a car.

1.3.2. Use of cabs is concentrated around the morning peak and late evenings, with 21% of all trips being made on Saturdays. Nationally, almost a third of cab trips are made from a rank, the majority are pre booked.

1.3.3. Markets typically targeted by Hackneys include:

- Public, private and unofficial ranks;
- Flag down/on-street;
- Contract work for statutory authorities such as for education authorities or social services;
- Commercial contract work;
- One off/occasional private hire for individuals or organisations;
- Evening leisure;

- Daytime shopping/social/business;
 - Tourism;
 - Various combinations of the above that 'fit together' in time
- 1.3.4. In some areas almost all of the trade may focus on one particular aspect of the market at the same time (i.e. school contracts) causing there to be unmet demands in other parts of the market at that time.
- 1.3.5. The market for cabs – both Private Hire Vehicles and Hackneys is therefore influenced by many factors – both on the demand and the supply side. Demand for example is influenced by the overall population, the extent of car ownership, availability of other transport including public, community and private transport, levels of mobility impairment and disability. Seasonality, the extent and hours of the night time economy will affect demand. The market will also be influenced by the supply of Hackney and PHVs, in terms of the quality, affordability and quantity of provision – both perceived and actual.
- 1.3.6. It is therefore essential that any unmet demand, identified by surveys and consultation, is considered in the light of the capacity of both Hackney and PHV provision for the area. While it should not be the focus of the study, there is also a need to consider unmet demand in the wider context of demand for passenger transport in general and the optimum mix of all modes (bus, rail, community transport, etc. and Hackney/PHV) required to respond to this. Vehicle counts alone are not adequate as there is a need to recognise that operations are structured in different ways and this has an impact on the times vehicles are available and which aspects of the market they are targeted towards.

1.4. Significant Unmet Demand for Hackneys

- 1.4.1. Over the last twenty years the need to monitor demand conditions has led to the commissioning of research into the performance of markets by many authorities. Where authorities choose to restrict the number of Hackney licences they issue as a result of this research they are required to publish and justify their reasons for restricting the number of licences issued. Each authority maintaining quantity restrictions is also expected to review their local case for such restrictions at least every three years.
- 1.4.2. In effect, restrictions should only be put in place where there are particular local conditions thought to warrant this, there is demonstrably clear benefit for the consumer, and councils can publicly justify their reasons for the restriction and how decisions on numbers have been reached. Based on their research Councils can therefore choose to:
- Issue a licence to any applicant meeting their local application criteria;
 - Grant at least such number of licences as they consider necessary to ensure there is no significant unmet demand; or
 - Refuse to grant additional licences; provided they are satisfied there is no significant unmet demand.

- 1.4.3. The Court of Appeal has provided an indication of the way in which an authority should interpret whether there is unmet demand. In the case of R v Transport Committee Great Yarmouth Borough Council ex parte Sawyer ILR 14.01.87 it was determined that an authority is entitled to consider the situation in relation to the authority as a whole and also from a temporal view as a whole – so that it does not have to take into detailed consideration what may be the position regarding unmet demand at each particular time of the day. In effect, this accepts there will be some peaks in demand at certain ranks but that the authority can consider the situation taken as a whole throughout the day and across its area.
- 1.4.4. Reflecting changing guidance, the term unmet is assumed to have a wider application than simply representing those passengers who seek a Hackney on street and are unsuccessful. This requires the application of a number of measures for identifying unmet demand including not only the waiting times of those passengers actually served, but also the absence of a Hackney in the street, or the absence of one at a rank when a passenger arrives. In addition, to determine whether this is significant unmet demand, DfT’s current guidance requires local authorities to consult with the general public, those working in the market, consumer and passenger (including disabled) groups, groups which represent passengers with special needs, the police, transport stakeholders (e.g. rail/bus/coach providers, traffic managers, etc.), the commercial sector and other stakeholders.

1.5. Objectives and Methodology for this Study

- 1.5.1. Maidstone Borough Council seek a taxi unmet demand study, in line with DfT guidance. The study is required to assess current demand and any significant unmet demand (including latent demand) in order to inform the Councils consideration of its approach to Hackney licensing in Maidstone. In addition the study is required to inform the Council of the implications of the licensing choices available to it for addressing the demand that exists, in the context of the demand for cabs as a whole.
- 1.5.2. Amey understands the main objectives of the study are:
- Assess the nature and volume of the patent demand for and supply of hackney services during all times of day and night
 - Specifically establish any Significant Unmet Demand (SUD) for hackney services in the Borough.
 - If SUD does exist, provide recommendations regarding the provision and numbers of hackney carriages required to meet this.
 - Assess and make recommendations on the provision of taxi ranks
- 1.5.3. The study has used a range of research to establish whether there is unmet demand for taxi provision within Maidstone, including:

- **Review of relevant policies, standards etc.:** to understand the authority's aspirations for meeting travel needs and social inclusion and provide context to determining overall demand for travel and how this should be met;
- **Extensive rank observations and audits:** examination of all the ranks in the Authority, including monitoring passengers' waiting time, any illegal plying for hire, use of Hackney Carriages by wheelchair users and rank audits;
- **On street interviews:** a survey of a number of people on street to obtain information about their understanding of the sector, their last cab journey, their overall levels of taxi use, about quality and barriers to use.
- **Consultation:** including consultation with all relevant stakeholders and use of mystery passengers
- **Benchmarking against other authorities:** to provide a useful comparison as to the quantity and quality criteria used for taxis.

2. Background

2.1. Introduction

- 2.1.1. Maidstone Borough covers an area generally to the east and south of the town of Maidstone in the county of Kent: as far north as the M2 motorway; east down the M20 to Leaham; south to a line including Staplehurst and Headcorn; and west towards Tonbridge. Generally speaking, it lies between the North Downs and Weald, and covers the central part of the country.
- 2.1.2. With a population of 155,143 living in 63,447 households, 98.3% of the population are household residents and 1.7% resides in communal establishments. The Borough is home to 9.0 per cent of the Kent and Medway population (2011 Census) and borders Swale, Ashford, Tunbridge Wells, Tonbridge and Malling Boroughs and Medway Unitary Authority. The population of Kent has increased as a whole over the past ten years; similarly Maidstone's population has followed in the same trend, growing 11.7% from 2001.
- 2.1.3. The population of Maidstone is also becoming increasingly diverse. Black and Ethnic Minority Communities account for 5.9% of the total population and this has more than doubled since 2001, with 5,461 additional Black or Ethnic Minority residents residing in Maidstone. Over 9% of Maidstone residents were born outside the UK and over 45% have been in the UK for 10 years or more.

2.2. The Taxi Trade in Maidstone

- 2.2.1. The Authority currently licences 48 Hackney Carriages most of which are London style black cabs and all are wheelchair accessible vehicles. The most recent previous unmet demand study was undertaken in 2009 by Mouchel and this identified no unmet demand at that time.
- 2.2.2. There is currently a substantial waiting list of drivers seeking a hackney vehicle license. Also the resale value of hackney plates in the Borough is considered relatively high at approximately £20k. A taxi policy for the Borough has recently been finalised. This requires that no vehicle is over three years old when licensed as a hackney carriage and any vehicle over fifteen years old will not be relicensed. The tariff for taxi fares was most recently reviewed in December 2012.
- 2.2.3. Alongside the hackney fleet there is a relatively large PHV fleet licensed consisting of in the region of 300 vehicles. While most hackney operators are independents, many of the PHVs are operated under the umbrella of 4 main operating companies. Overall there are around 400 cab drivers licensed, most as PHV drivers, 46 as Hackney drivers and 35 with dual licenses.

2.3. Transport Policy

- 2.3.1. The following passage is taken from Kent’s Local Transport Plan 2011 – 2016 and identifies the role they believe both Hackney cabs and Private Hire Vehicles (PHV’s) can play in their jurisdiction, within their current transportation plan.
- 2.3.2. “Taxis and Private Hire Vehicles (PHVs) can (also) play an important role in providing access to services for rural residents and those who are unable to use conventional bus services. They assist in reducing congestion and encourage sustainable travel by reducing the need for car ownership. KCC will therefore seek to enhance integration between taxis and sustainable modes and explore the possibility of taxis and PHVs playing a larger role in providing transport to and from rural areas to support independent living. This will be progressed through the Comprehensive Community Transport Network project.”

2.4. Hackney Ranks

- 2.4.1. Table 1 summarises details of the official Ranks for Hackney Carriages in Maidstone.

Table 1: Official Ranks for Hackney Carriages		
Rank Number	Maidstone Borough	Spaces
1	Maidstone East Station	5
2	Maidstone West Station	5
3	King Street / High Street	10
4	Earl Street	2
5	High Street West (Lower part of High Street)	3
6	Lock Meadow	1

Source: Maidstone Borough Council

3. Rank Observations

3.1. Rank Observation Survey

- 3.1.1. The rank observation programme covered a period of 132 hours spread across 5 official Hackney carriage ranks considered by the Council to be those actively used by the trade. The observations were conducted between November 2012 and April 2013. The timing of the rank observations was chosen to ensure that they were undertaken during the school term, to provide a mix of weekend and weekday observations and to be representative of a typical week.
- 3.1.2. Observations were carried out as detailed in Table 2. The hours allocated to each rank were based upon a detailed site visit and discussions between Amey staff and the Client.

Table 2: Allocation of Formal Rank Observations	
Rank Location	Hours Observed
Maidstone East Station	36
Maidstone West Station	24
King Street / High Street	36
Earl Street	12
High Street West	24
Total	132

- 3.1.3. Rank observations were undertaken at all the above ranks and for every five minute period, the number of Hackneys departing and the number of passengers departing was observed and recorded. At the end of each five minute period, the queue lengths of Hackneys and passengers were also recorded. For each hour the mean delay can then be estimated as being the queue length divided by the throughput per five minute period, multiplied by five minutes. Thus:

$$MeanDelay = \frac{QueueLength}{Throughput} \times RecordingPeriod$$

- 3.1.4. This method relies on compiling "representative weeks" of activity at each major rank and then using these to estimate overall passenger and Hackney delays and loading. The method has been tried and tested in many previous studies and provides consistent estimates within the bounds expected for passenger delay. In cases where long Hackney queues coincide with small levels of Hackney throughput the method tends to overestimate delays.

3.1.5. In constructing a representative profile of demand at a rank over the period of a week, a number of assumptions are made. Firstly, 'daytime' observations refer to observations made between 0700 and 1800 hours and 'night-time' observations refer to the remaining period of the day. Secondly, observations conducted between Monday and Friday daytime and Monday to Thursday night-time are regarded as similar and therefore referred to as typical weekday observations. Observations conducted on Friday and Saturday night-times and Saturday daytimes are all likewise similar and referred to as typical weekend observations. Additional observations were conducted at the busiest ranks on Sundays over a four hour slot at each rank.

3.1.6. The results presented in this section set out:

- **The Balance of Supply and Demand.** This indicates the proportion of the time that the market exhibits excess demand, equilibrium and excess supply;
- **Average Delays and Total Demand.** This indicates the overall level of passenger and Hackney delay and provides estimates of total demand;
- **The Demand Profile.** This provides the key information required to determine the pattern of demand; and
- **The Effective Supply of Vehicles.** This indicates the proportion of the fleet that was off/on the road during the survey.

3.2. The Balance of Supply and Demand

3.2.1. The first indicator of the performance of the Hackney trade can be gauged from a general assessment of the market conditions. This is assessed in terms of three broad areas: excess demand, equilibrium and excess supply. If the minimum Hackney queue occurring during one hour was greater than two vehicles the market is considered to be in excess supply in that hour, that is, there were always sufficient Hackneys to meet the observed level of demand. If the maximum passenger queue exceeded two in an hour then the market is considered to be exhibiting excess demand in that hour, that is, there was at least one occasion during that hour in which the observed level of demand could not be met without passenger delay occurring. If the maximum passenger queue is below three and/or the minimum Hackney queue is less than three then the market is considered to be in equilibrium in that hour, that is, there was broadly speaking just sufficient supply to meet the observed level of demand. The results of the analysis are presented in Table 3.

Table 3: The Balance of Supply and Demand in the Maidstone Rank-Based Hackney Carriage Market (Rows Sum to 100%)				
Period		Excess Demand (%)	Equilibrium (%)	Excess Supply (%)
Weekday	Day	0	92.9	7.1
	Night	9.1	75.8	15.2
Weekend	Day	0	87.1	12.9
	Night	6.9	93.1	0.0
ALL		4.3	89.7	9.4

Source: Amey

Excess Demand – If maximum passenger queue exceeds 2 passengers in any 1 hour

Excess Supply – If minimum Hackney Carriage queue exceeds 2 cabs in any 1 hour

Equilibrium - If the maximum passenger queue is below three and/or the minimum Hackney Carriage queue is less than three then the market is considered to be in equilibrium in that hour

- 3.2.2. Table 3 shows that, overall, the market exhibits equilibrium conditions in almost 89.7% of hours, the predominant market state. Excess Demand is observed in 4.3% of hours while excess supply is experienced in 9.4% of hours.
- 3.2.3. Conditions are worst for the market during both weekday and weekend nights, and at their best in the daytime. For operators conditions are at their worst on weekday nights and weekend days.
- 3.2.4. During weekday daytimes the proportion of hours exhibiting excess demand is 0.0%. This is an important element in the consideration of significant unmet demand.

3.3. Average Delays and Total Demand

- 3.3.1. The rank observation programme was designed to allow estimates of a week’s activity at each rank. To observe each rank for a complete week would have been costly and unnecessary. Instead the week was divided up into periods and observations designed to sample from these. The periods are "daytime" i.e. 0700-1800, "Night-time" i.e. 1800-0200, "Weekday" (i.e. Monday to Friday ‘daytime’ and Monday to Thursday ‘night-time’) and "Weekend" (i.e. Friday ‘night-time’ and Saturday).
- 3.3.2. Using this method the following estimates of average delays and throughput were produced for each of the main ranks in the licensing area as shown in Table 4.

Table 4: Total Demand and Average Delays in minutes (estimates per week)				
Rank	Passenger Departures	Hackney Departures	Average Passenger Delay (Mins)	Average Hackney Delay (Mins)
Maidstone East Station	789	665	0.32	24.16
Maidstone West Station	347	221	0.19	16.33
King Street/High Street	2008	1359	0.17	10.16
Earl Street	301	216	0.71	9.57
High Street West	487	483	1.37	14.54
Overall Total	3932	2945	0.39	14.46

Source: Amey

- 3.3.3. Table 4 shows the busiest rank with respect to passenger and Hackney departures was King Street/High Street. Maidstone East Station and High Street West are the second and third busiest ranks, respectively, both for passenger and Hackney departures. Whilst Maidstone West Station and Earl Street are the least used taxi ranks in Maidstone. The hackney delay at Maidstone East Station is notably greater than for any other rank, experiencing just over 24 minutes of delay on average. Maidstone West Station and High Street West also display a relatively high cab delay of 16 minutes and 14.5 minutes respectively.
- 3.3.4. Passenger delay is worst at High Street West (1 minute 22 seconds or 82 seconds) with rank observations suggesting that this incidence of passenger delay was experienced primarily during weekend nights.
- 3.3.5. The average delays and total demands in the above table are calculated as follows, using King Street / High Street as an example.

Rank	King Street/High	Date	09/11/2012	Time	1000 - 1800	WEEKDAY DAY										
Hourly Time Period	Passenger & Cab Rank Throughput		Hourly Queue Totals		Service Performance Indicator		Max ^m & Min ^m Queues		Balance of Supply & Demand			>0	> or = 1 Min	> or = 5 Min		
	Passenger Throughput	Cab Throughput	Passenger Queue	Cab Queue	Average Passenger Delay	Average Cab Delay	Maximum Passenger Queue	Minimum Cab Queue	Excess Demand	Equilibrium	Excess Supply					
1000	24	15	0	22	0.00	7.33	0	1	0	1	0	FALSE	FALSE	FALSE		
1100	22	18	0	18	0.00	5.00	0	1	0	1	0	FALSE	FALSE	FALSE		
1200	25	19	0	20	0.00	5.26	0	1	0	1	0	FALSE	FALSE	FALSE		
1300	28	18	2	14	0.36	3.89	2	0	0	1	0	28	FALSE	FALSE		
1400	23	18	0	19	0.00	5.28	0	1	0	1	0	FALSE	FALSE	FALSE		
1500	26	16	0	18	0.00	5.63	0	0	0	1	0	FALSE	FALSE	FALSE		
1600	13	8	0	20	0.00	12.50	0	0	0	1	0	FALSE	FALSE	FALSE		
1700	19	18	0	23	0.00	6.39	0	1	0	1	0	FALSE	FALSE	FALSE		
Total	180	130	2	154	0.06	5.92	2	5	0	8	0	28	0	0		

Rank	King Street/High	Date	14/11/2012	Time	1800 - 0200	WEEKDAY NIGHT										
Hourly Time Period	Passenger & Cab Rank		Hourly Queue		Service Performance		Max ^m & Min ^m Queues		Balance of Supply & Demand			>0	> or = 1 Min	> or = 5 Min		
	Passenger Throughput	Cab Throughput	Passenger Queue	Cab Queue	Average Passenger Delay	Average Cab Delay	Maximum Passenger Queue	Minimum Cab Queue	Excess Demand	Equilibrium	Excess Supply					
1800	12	10	11	15	4.58	7.50	4	0	1	0	0	12	12	FALSE		
1900	13	9	2	20	0.77	11.11	1	0	0	1	0	13	FALSE	FALSE		
2000	14	12	0	23	0.00	9.58	0	1	0	1	0	FALSE	FALSE	FALSE		
2100	12	7	0	24	0.00	17.14	0	2	0	1	0	FALSE	FALSE	FALSE		
2200	11	9	0	24	0.00	13.33	0	2	0	1	0	FALSE	FALSE	FALSE		
2300	15	9	0	57	0.00	31.67	0	9	0	0	1	FALSE	FALSE	FALSE		
2400	21	14	0	48	0.00	17.14	0	7	0	0	1	FALSE	FALSE	FALSE		
0100	16	10	0	51	0.00	25.50	0	7	0	0	1	FALSE	FALSE	FALSE		
Total	114	80	13	262	0.57	16.38	5	28	1	4	3	25	12	0		

Rank	King Street/High	Date	15/12/2012	Time	1000 - 1800	SATURDAY DAY										
Hourly Time Period	Passenger & Cab Rank		Hourly Queue		Service Performance		Max ^m & Min ^m Queues		Balance of Supply & Demand			>0	> or = 1 Min	> or = 5 Min		
	Passenger Throughput	Cab Throughput	Passenger Queue	Cab Queue	Average Passenger Delay	Average Cab Delay	Maximum Passenger Queue	Minimum Cab Queue	Excess Demand	Equilibrium	Excess Supply					
1000	12	7	1	11	0.42	7.86	1	0	0	1	0	12	FALSE	FALSE		
1100	10	6	2	6	1.00	5.00	1	0	0	1	0	10	FALSE	FALSE		
1200	12	6	0	8	0.00	6.67	0	0	0	1	0	FALSE	FALSE	FALSE		
1300	8	4	2	10	1.25	12.50	1	0	0	1	0	8	FALSE	FALSE		
1400	8	5	1	10	0.63	10.00	1	0	0	1	0	8	FALSE	FALSE		
1500	8	6	0	17	0.00	14.17	0	0	0	1	0	FALSE	FALSE	FALSE		
1600	8	5	0	12	0.00	12.00	0	0	0	1	0	FALSE	FALSE	FALSE		
1700	10	6	2	10	1.00	8.33	1	0	0	1	0	10	FALSE	FALSE		
Total	76	45	8	84	0.53	9.33	5	0	0	8	0	48	28	0		

Rank	King Street/High	Date	16/11/2012	Time	1800-0200	WEEKEND NIGHT										
Hourly Time Period	Passenger & Cab Rank		Hourly Queue		Service Performance		Max ^m & Min ^m Queues		Balance of Supply & Demand			>0	> or = 1 Min	> or = 5 Min		
	Passenger Throughput	Cab Throughput	Passenger Queue	Cab Queue	Average Passenger Delay	Average Cab Delay	Maximum Passenger Queue	Minimum Cab Queue	Excess Demand	Equilibrium	Excess Supply					
1800	12	6	0	24	0.00	20.00	0	2	0	1	0	FALSE	FALSE	FALSE		
1900	10	6	0	24	0.00	20.00	0	2	0	1	0	FALSE	FALSE	FALSE		
2000	10	6	0	24	0.00	20.00	0	2	0	1	0	FALSE	FALSE	FALSE		
2100	8	4	0	24	0.00	30.00	0	2	0	1	0	FALSE	FALSE	FALSE		
2200	45	24	0	21	0.00	4.38	0	1	0	1	0	FALSE	FALSE	FALSE		
2300	38	25	0	46	0.00	9.20	0	2	0	1	0	FALSE	FALSE	FALSE		
2400	48	32	0	145	0.00	22.66	0	5	0	0	1	FALSE	FALSE	FALSE		
0100	75	40	0	122	0.00	15.25	0	4	0	0	1	FALSE	FALSE	FALSE		
Total	246	143	0	430	0.00	15.03	0	20	0	6	2	0	0	0		

Rank	King Street/High	Date	11/11/2012	Time	1200-1600	SUNDAY										
Hourly Time Period	Passenger & Cab Rank		Hourly Queue		Service Performance		Max ^m & Min ^m Queues		Balance of Supply & Demand			>0	> or = 1 Min	> or = 5 Min		
	Passenger Throughput	Cab Throughput	Passenger Queue	Cab Queue	Average Passenger Delay	Average Cab Delay	Maximum Passenger Queue	Minimum Cab Queue	Excess Demand	Equilibrium	Excess Supply					
1200	5	4	0	24	0.00	30.00	0	2	0	1	0	FALSE	FALSE	FALSE		
1300	6	5	0	22	0.00	22.00	0	1	0	1	0	FALSE	FALSE	FALSE		
1400	11	7	0	24	0.00	17.14	0	2	0	1	0	FALSE	FALSE	FALSE		
1500	20	13	0	23	0.00	8.85	0	1	0	1	0	FALSE	FALSE	FALSE		
Total	42	29	0	93	0.00	16.03	0	6	0	4	0	0	0	0		

Figure 1: Rank Observations undertaken at King Street / High Street - Amey

3.3.6. The totals for each survey above can be summarised as follows in Table 5:

Table 5: Summary of Rank Observations undertaken at King Street / High Street						
		Number of Hours	Total Passengers	Average Passenger Delay	Total Hackneys	Average Hackney Delay
Mon-Fri	DAY	8	180	0.06	130	5.92
Mon-Thu	NIGHT	8	114	0.57	80	16.38
Sat Day	DAY*	8	76	0.53	45	9.33
Fri-Sat	NIGHT	8	246	0.00	143	15.03
Sun	Day	4	42	0.00	29	16.03
			Est. Weekly Passengers	2008	Est. Weekly Hackneys	1359
Overall Weighted Average Passenger Delay			0.17			
Overall Weighted Average Hackney Delay			10.16			

3.3.7. The estimated number of weekly passengers are calculated as follows:

$$\begin{aligned}
 180 \times (5 \text{ Days}) &= 900 \\
 114 \times (4 \text{ Nights}) &= 456 \\
 76 \times (1 \text{ Sat Day}) &= 76 \\
 246 \times (2 \text{ W/End Nights}) &= 492 \\
 84 \times (1 \text{ Sun Day}) &= 84 \\
 \text{Total (1 Week)} &= \underline{\underline{2008}}
 \end{aligned}$$

3.3.8. The estimated number of weekly Hackneys is derived in the same fashion.

3.3.9. The overall weighted passenger delay at this rank is then derived as follows:

$$\begin{aligned}
 180 \times 5 \times (\text{Average Passenger Delay of } 0.06) &= 54 \\
 114 \times 4 \times (0.57) &= 259.92 \\
 76 \times (0.53) &= 40.28 \\
 246 \times 2 \times (0.00) &= 0 \\
 42 \times 1 \times (0.00) &= 0 \\
 \text{Total (1 Week)} &= \underline{\underline{354.2}}
 \end{aligned}$$

3.3.10. Total = 354.2 and this / 2008 = **0.1764** minutes weighted average passenger delay at this rank.

3.3.11. The overall weighted average Hackney delay at this rank is calculated in the same fashion.

- 3.3.12. An Average Passenger Delay across **all** the ranks of **0.39** minutes is then calculated from the sum of total passenger delays divided by the total weekly passengers at all ranks. The overall Hackney delay is calculated in a similar manner and works out at **14.46** minutes.
- 3.3.13. The observations suggest that in total there are approximately **3932** passenger departures and **2945** Hackney departures per week from all the ranks in Maidstone.

3.4. The Delay/Demand Profile

- 3.4.1. The above analysis can hide variations in service performance at different times of the day and of the week. To investigate the nature of passenger delay at ranks further, analysis has also been conducted by time of day and day of the week.
- 3.4.2. Figure 2 provides a graphical illustration of average daily passenger demand for all ranks from 10:00 Monday to 01.00 Friday, inclusive. Figure 3 indicates the equivalent information for the period 18.00 Friday to 01.00 Sunday, inclusive.
- 3.4.3. Figure 2 illustrates that the average passenger demand across all ranks is similar across the whole of the day but with slightly greater demand first thing in the morning.
- 3.4.4. Conditions at the weekend are shown in Figure 3. Demand is fairly constant throughout the daytime, but increases significantly during the evening and night time with peaks at 18.00, 24.00 and 01.00 respectively. Demand is at its lowest at 15.00.
- 3.4.5. The two profiles are combined and factored accordingly to represent average weekly profiles in Figure 4. The figure shows that generally demand is consistent throughout the day time but demand on weekends is greater in the evenings and night time.
- 3.4.6. In terms of passenger delays, Figure 5 and 6 provide an illustration by time of day for the 09.00 Monday to 24:00 Thursday and 09.00 - 24:00 weekend periods, respectively.
- 3.4.7. During the weekday period, minimal passenger delay occurs. The peak passenger delay of 0.31 minutes occurs at 24.00. Two peaks of 0.18 minutes also exist in the afternoon and night time at 16.00 and 22.00 respectively.
- 3.4.8. During the weekend period, the highest passenger delay is exhibited at 19.00 (0.87 minutes) with smaller delays at 16.00, 18.00 and 23.00.
- 3.4.9. Figure 7 provides an illustration by time of day, for passenger delays, of the weekday and weekend periods combined. It can be seen that those delays experienced during weekdays days are not replicated on weekends aside from at 16.00, which has delays on both weekday and weekend periods.

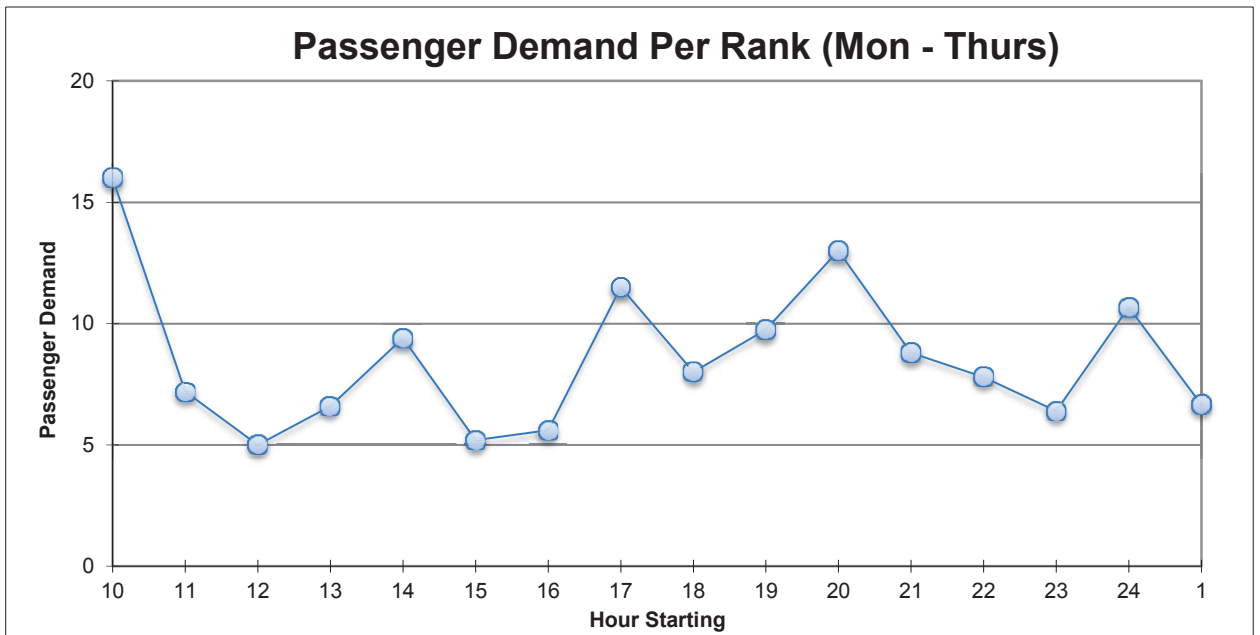


Figure 2: Average Daily Passenger Demand across all Ranks for the Weekly period 10:00 Monday to 01.00 Friday inclusive

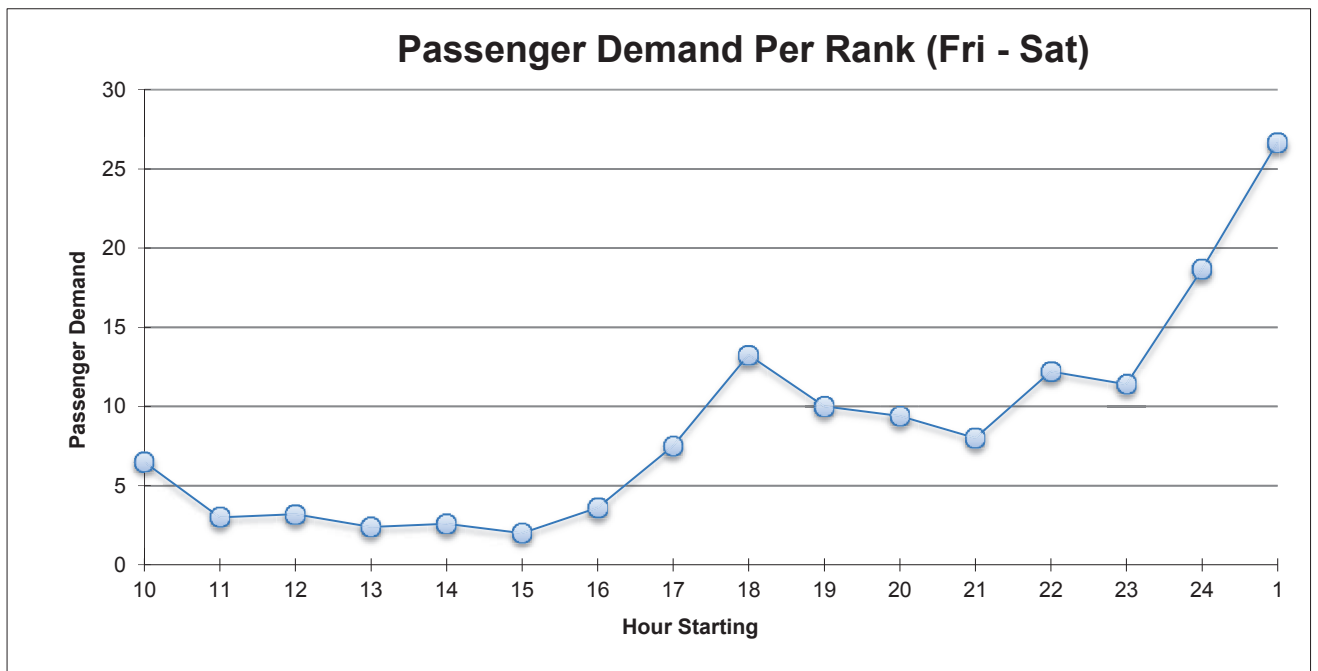


Figure 3: Average Daily Passenger Demand across all Ranks for the Weekend Period 18.00 Friday to 01.00 Sunday inclusive

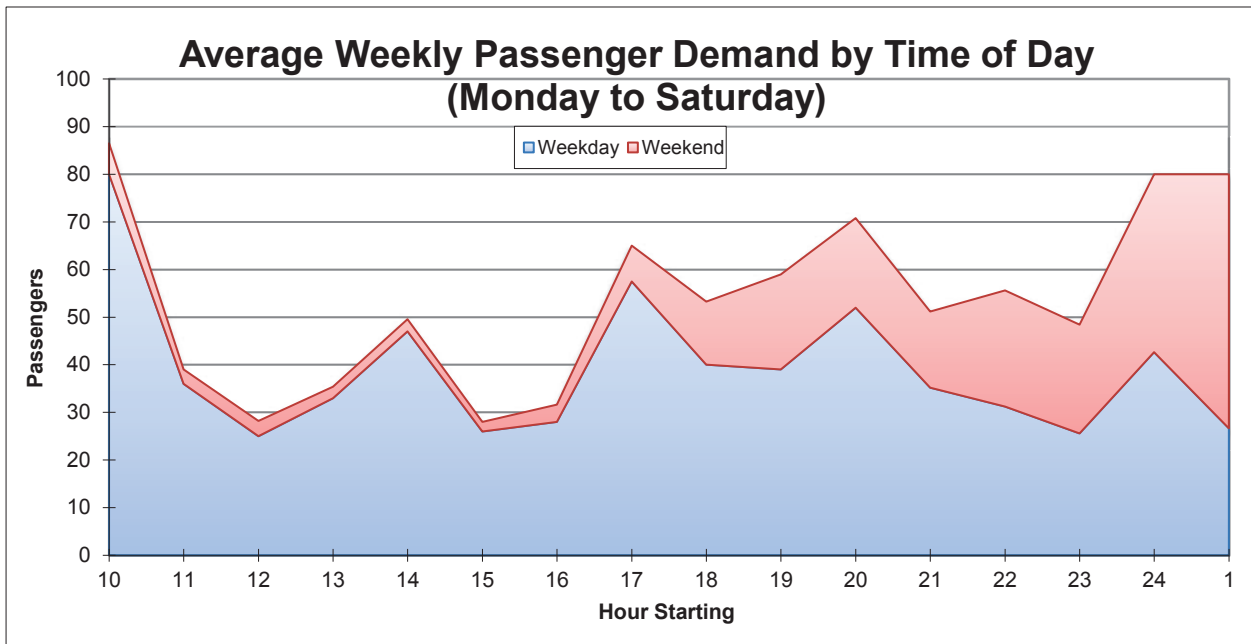


Figure 4: The Average Weekly Passenger Demand per rank for all Ranks for the weekly period 10:00 Monday to 01:00 Sunday

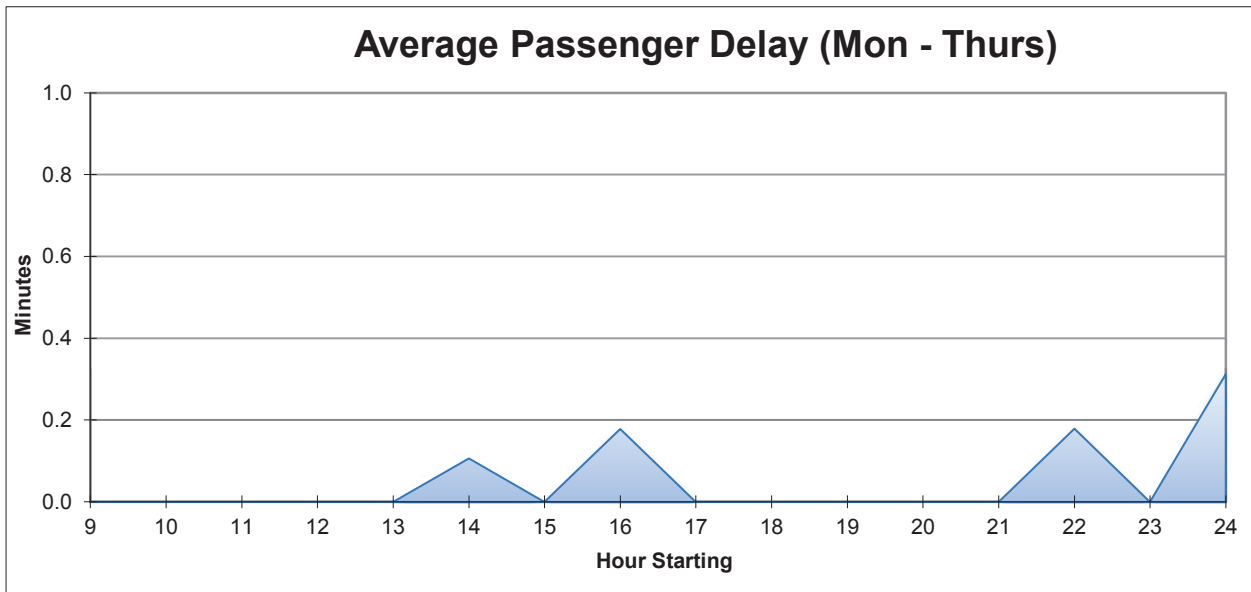


Figure 5: Average Daily Passenger Delay for the Weekly period 09.00 Monday to 24:00 Thursday inclusive

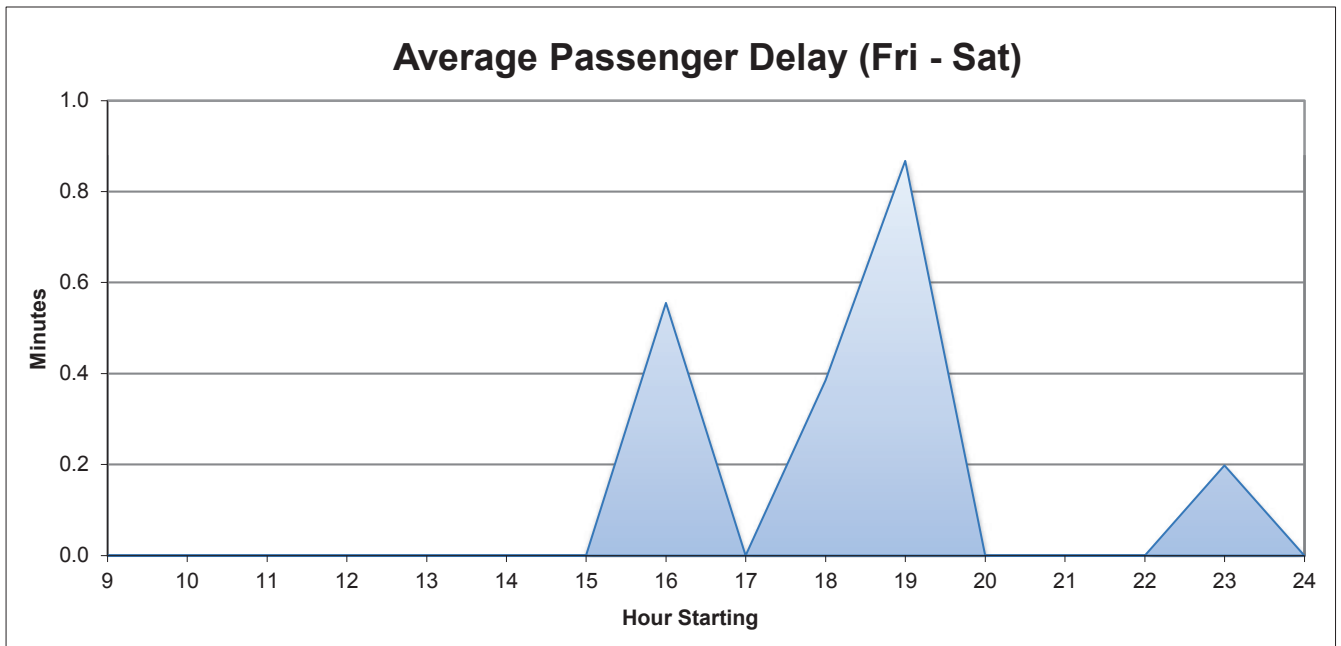


Figure 6: Average Daily Passenger Delay for the Weekend Period (09.00 – 24.00)

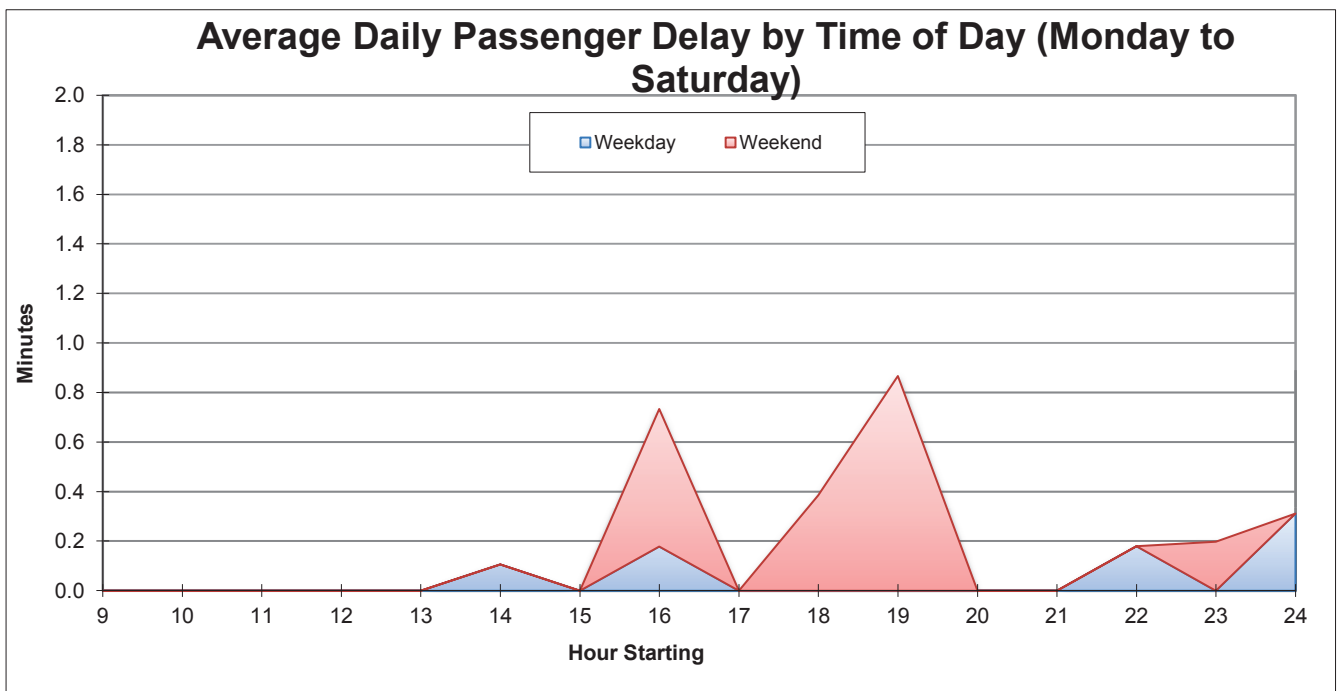


Figure 7: Average Daily Passenger Delay for the Week 09.00 – 24.00 (Monday to Saturday inclusive)

3.5. Indicator of Significant Unmet Demand

3.5.1. A single indicator of unmet demand can be calculated taking into account the size and incidents of passenger delay and the effect of peaks in demand. It is defined as the product of the average passenger delay, the percentage of passengers travelling in hours where the average delay is greater than or equal to one minute and the percentage of excess demand. If peaking demand is present, the average delay is factored by 0.5 to allow for the disproportionate effect of late night demand on the overall average delay. That is to say, the four main indicators from the rank observations, as follows:-

- 1) The average passenger delay across all time periods (APD);
- 2) The incidence of passenger queues (Excess Demand) during the Monday to Friday daytime period (ED);
- 3) The proportion of Hackney users travelling in hours where the delay at ranks was greater than or equal to one minute (P1); and
- 4) Whether the demand profile is highly peaked (HP).

3.5.2. Using these indicators a simple Index of Significant Unmet Demand (ISUD) has been developed as follows (where HP = 1 if no peaking and 0.5 if peaking is present)

$$\text{ISUD} = \text{APD} \times \text{ED} \times \text{P1} \times \text{HP}$$

The value of this indicator for Maidstone is 0.00;

$$\text{ISUD} = \text{APD} \times \text{ED} \times \text{P1} \times \text{HP}$$

$$= 0.39 \times 0.0 \times 18.96 \times 0.5 = 0.00$$

3.5.3. At the time the method was devised, those authorities where previous studies had resulted in a conclusion of significant unmet demand had produced values of 90, 162, 196, 275, 282, 408 and 972. At that time, the highest value obtained for a study where a conclusion of no significant unmet demand had been reached was 71. This suggests a threshold value of around 80 to use as a benchmark. The value of the indicator for Maidstone is 0.00 which results in a conclusion of there being no significant unmet demand in the rank based taxi market.

3.5.4. The indicator is normally calculated using excess demand for the Monday to Friday daytime period only. As this is 0 for Maidstone for completeness we have also undertaken the calculation using the figure for excess demand across the week as a whole; ie including excess demand on weekday nights and at weekends at all times.

$$= 0.39 \times 4.3 \times 18.96 \times 0.5 = 15.90$$

3.5.5. However, even undertaking the calculation in this manner the value obtained remains well below the threshold of 80, confirming the finding of there being no significant unmet demand in the rank based market for Maidstone, at any time.

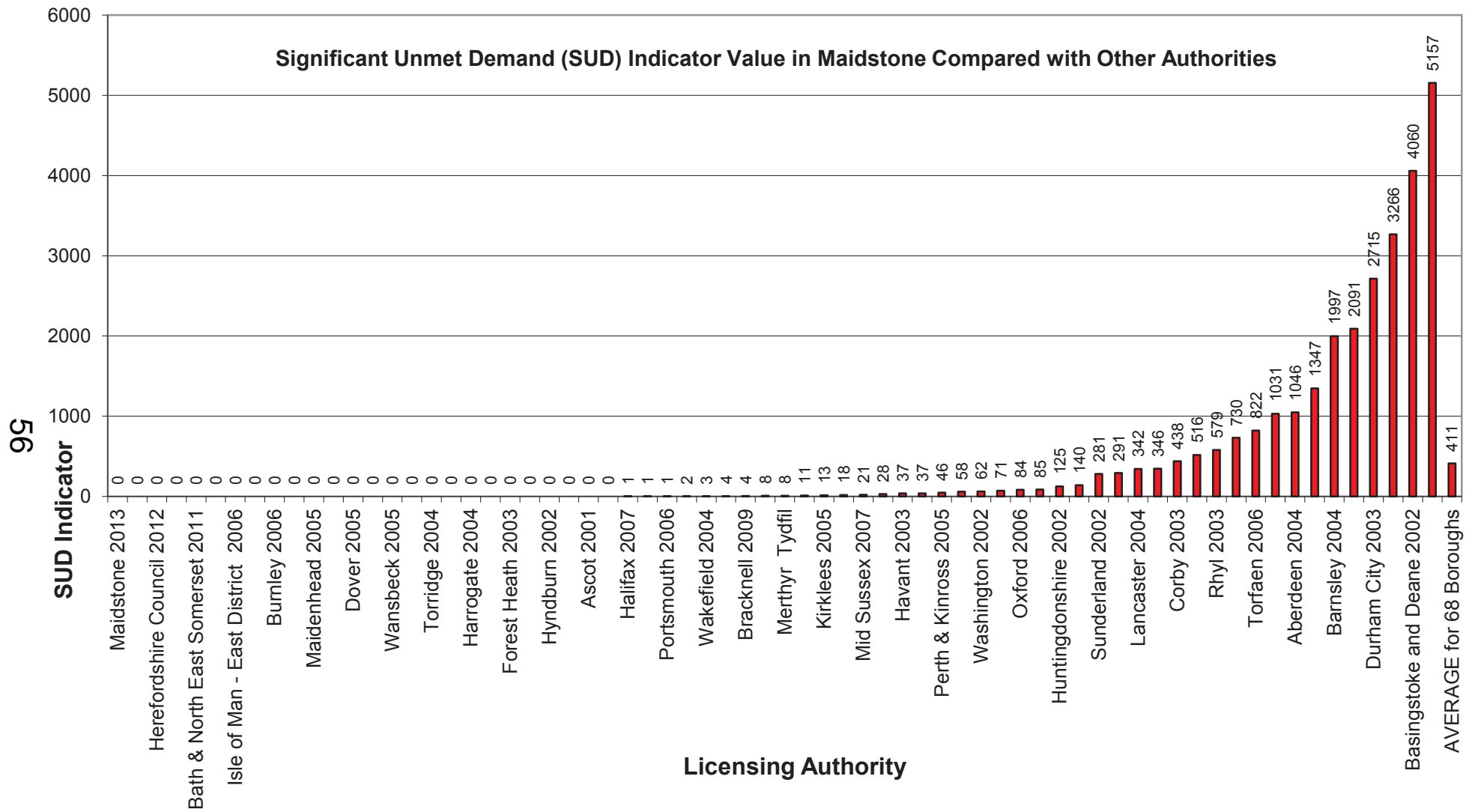


Figure 8: Comparison of ISUD value in Maidstone with other authorities

3.6. Comparisons

3.6.1. Any comparisons between authority areas should be treated with some caution. Areas vary widely according to population density, total population, public transport provision, car ownership and many other socio-economic and physical characteristics. However, previous studies undertaken over time can provide useful comparators. The following main points can be made about the results in Maidstone compared to other districts:

Table 6: Key Indicators Compared to Average of 67 Previous Studies				
	Population per Hackney	Average Passenger Delay (mins)	Average Hackney Delay (mins)	% Excess Demand
Maidstone	3232	0.39	14.46	4.3
Average for 100 others areas	1593	0.95	14.25	6.18

3.6.2. The population supplied by each Hackney in Maidstone is 3232, compared to the average of 1593 for the 100 other districts cited; i.e. the supply of Hackneys in Maidstone is significantly worse than the average.

3.6.3. However, the average passenger delay for Maidstone is significantly better than the average for other licensing authorities, while the delay experienced by Hackneys waiting for a passenger of 14.46 minutes is only slightly greater than the average of 14.25 minutes for the other authorities.

3.6.4. Figure 9 overleaf shows the Population per Hackney in Maidstone compared to other Authorities.

3.6.5. As far as is possible, the results of the current study are also compared below with the previous unmet demand study undertaken in January 2009 by Mouchel.

Table 7: Key Indicators Compared to 2009 Unmet Demand Study					
	ISUD	Passenger Departures	Average Passenger Delay (mins)	Average Hackney Delay (mins)	% Excess Demand
2012	0.00	3932	0.39	14.46	0.0
2009	No significant unmet demand	n/a	0.00	0.12	n/a

- 3.6.6. The report by Mouchel provided observations at only three ranks: High Street, Lockmeadow and Maidstone East Railway Station, over a period of 52 hours. There was no specific indicator of unmet demand calculated but the report in general concluded that, as now, there was no significant unmet demand at that time. The average passenger delay of 0 minutes identified by Mouchel across the three ranks observed compares well with the average passenger delay across 5 ranks in this report of 0.39 minutes. The average hackney delay of 0.12 minutes identified by Mouchel is significantly lower than the delay identified by this report of 14.6 minutes, suggesting this may have increased somewhat since the previous study.

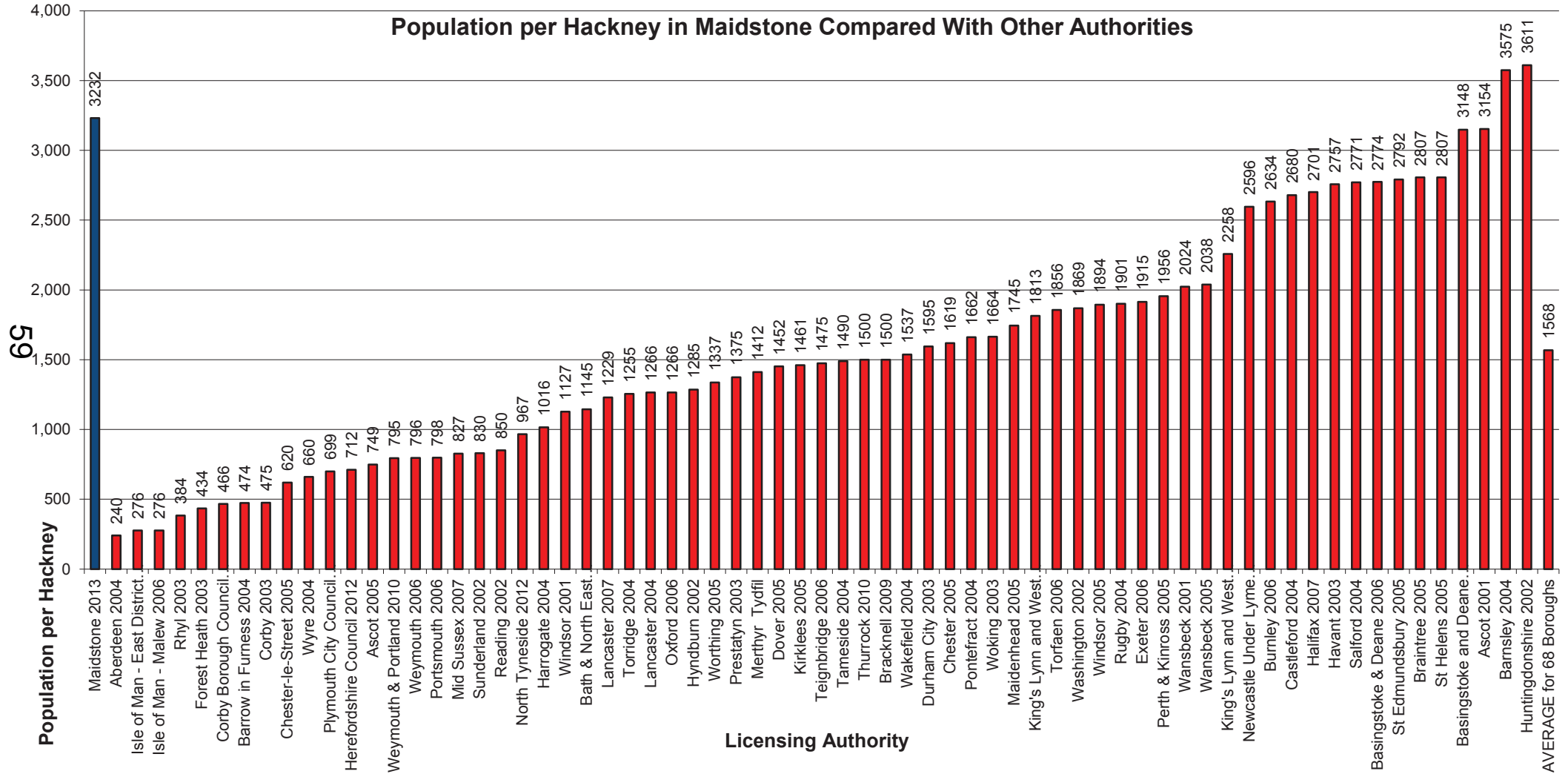


Figure 9: Population per Hackney in Maidstone Compared with other Authorities

4. On-Street Survey

4.1. Introduction

4.1.1. A public attitude survey was undertaken across to assess levels of satisfaction with cab use, flag down and telephone bookings. The survey also provided information on the views of frequent, infrequent and non-users of hackneys throughout different parts of the Borough. The survey structure comprised two elements. The first part identified the specific characteristics of a person's most recent cab trip undertaken in the last three months. The second part analysed respondents, longer term, Hackney Carriage requirements and factors influencing their amount of Hackney Carriage use.

4.1.2. A total of 428 valid surveys were obtained. It should be noted that in the tables that follow the totals do not always add up to the same amount. This is due to either not all respondents being required to answer all questions, some respondents failing or choosing not to answer some questions or some questions allowing multiple responses.

4.2. Demographics

4.2.1. Figure 10 shows that out of all the respondents, 36% were employed on a full time basis, with 21% in part-time employment. 9% of those who were questioned were students/pupils, 17% were retired, whilst 10% were unemployed and 6% were currently a housewife or husband.

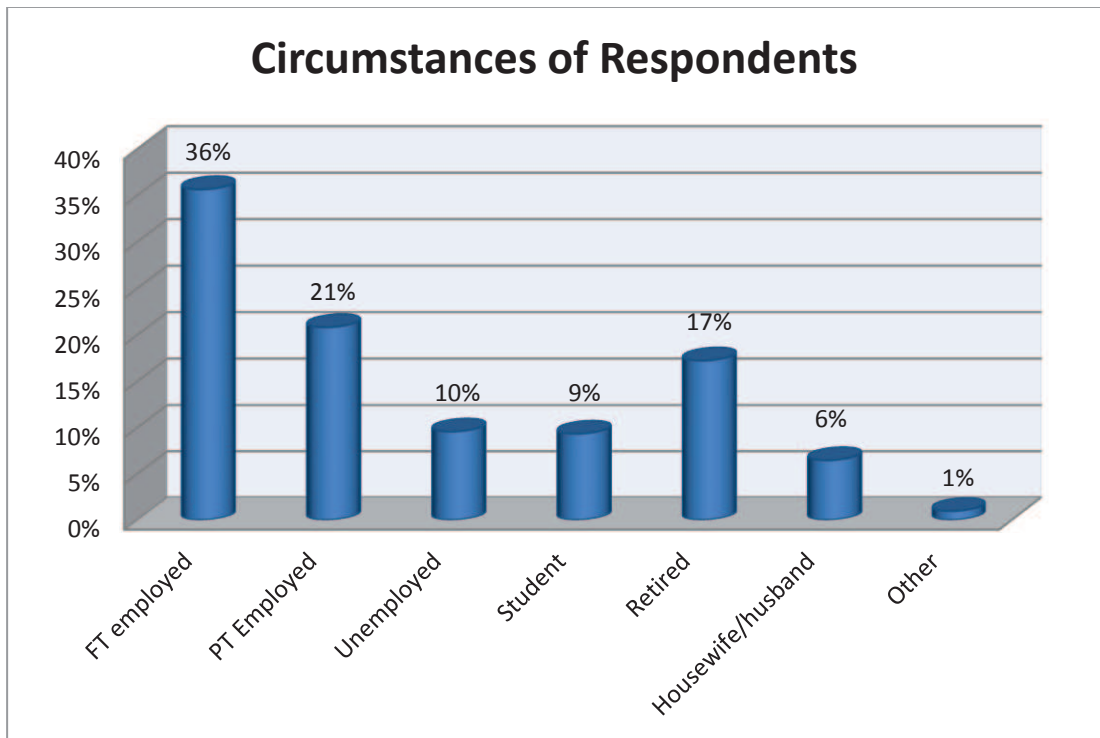


Figure 10: Circumstances of Respondents – Source: Amey

4.2.2. Of the respondents 45% were in the 16-34 year age group, 34% in the 34-65 year age group and 21% were over 65 + years of age, as can be seen in Figure 11. This suggests a sample that slightly over represents the middle and younger age groups and slightly under represents older people.

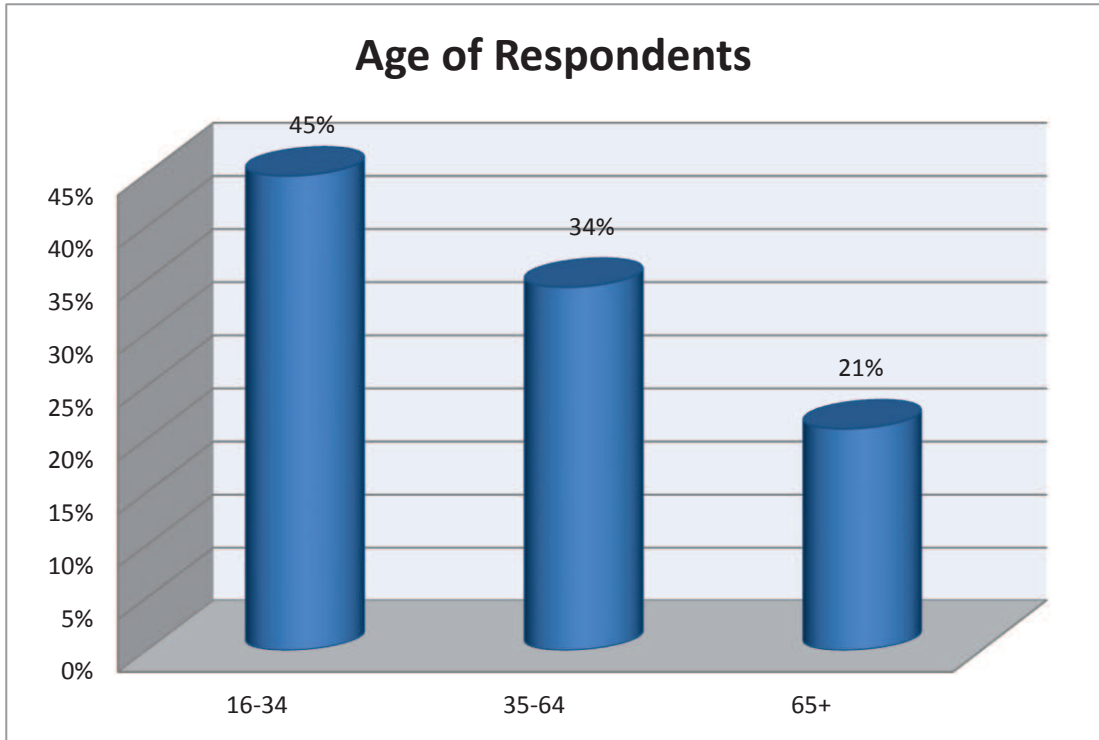


Figure 11: Age Profile of Respondents – Source: Amey

4.3. Characteristics of the most recent trip made within the last three month period

- 4.3.1. Asked if they had made a journey by cab in the last three months, 42% of respondents said they had, while the remaining 58% of respondents stated that they had not used a cab within the last three months, as illustrated in Figure 12.
- 4.3.2. Those who had made a recent cab journey were asked how they made their last trip. Figure 13 demonstrates that 62% of respondents made their last cab trip in a Hackney Carriage whilst 38% of respondents stated that they had used a PHV.
- 4.3.3. The results in the following section have been split to present the answers provided by 'hackney users' and 'PHV users'.

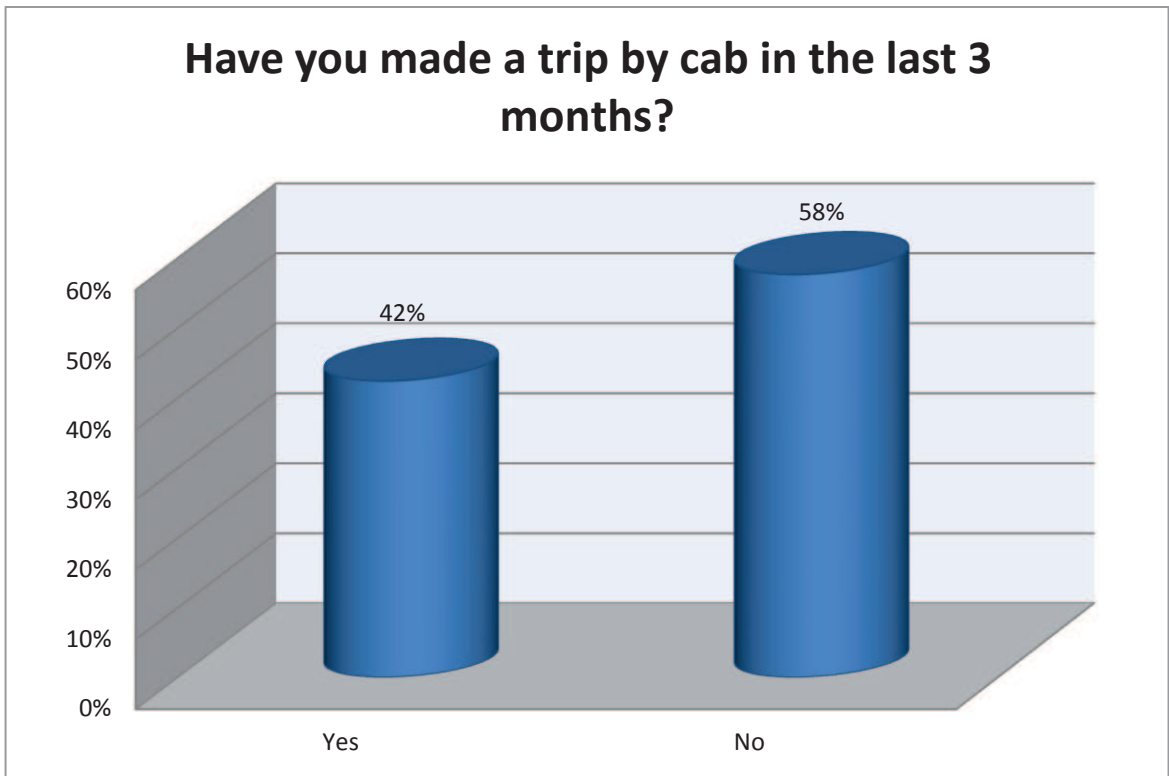


Figure 12: Percentage of Respondents who made a trip in a cab in the last 3 months– Source: Amey

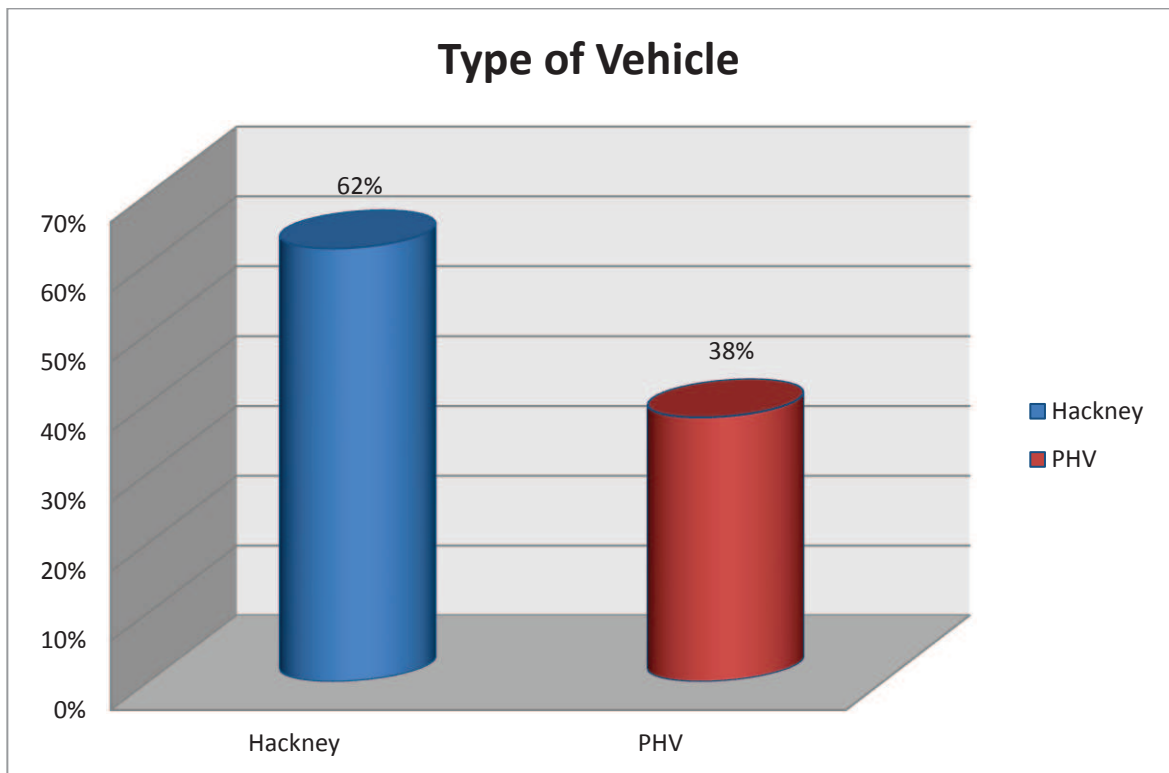


Figure 13: Type of Vehicle used – Source: Amey

4.3.4. Of those who indicated that they had used a Hackney cab in the last three months 77% obtained a taxi at a rank, 13% flagged down a vehicle and 10% booked a taxi by phone. Of those who used a PHV, 4% said they were picked up at a rank, 13% said they waved down the vehicle and 83% booked by telephone. The former suggests that either some respondents were mistaken about which vehicle they had obtained or how they obtained it, or that there may occasionally be some illegal plying for hire by private hire vehicles.

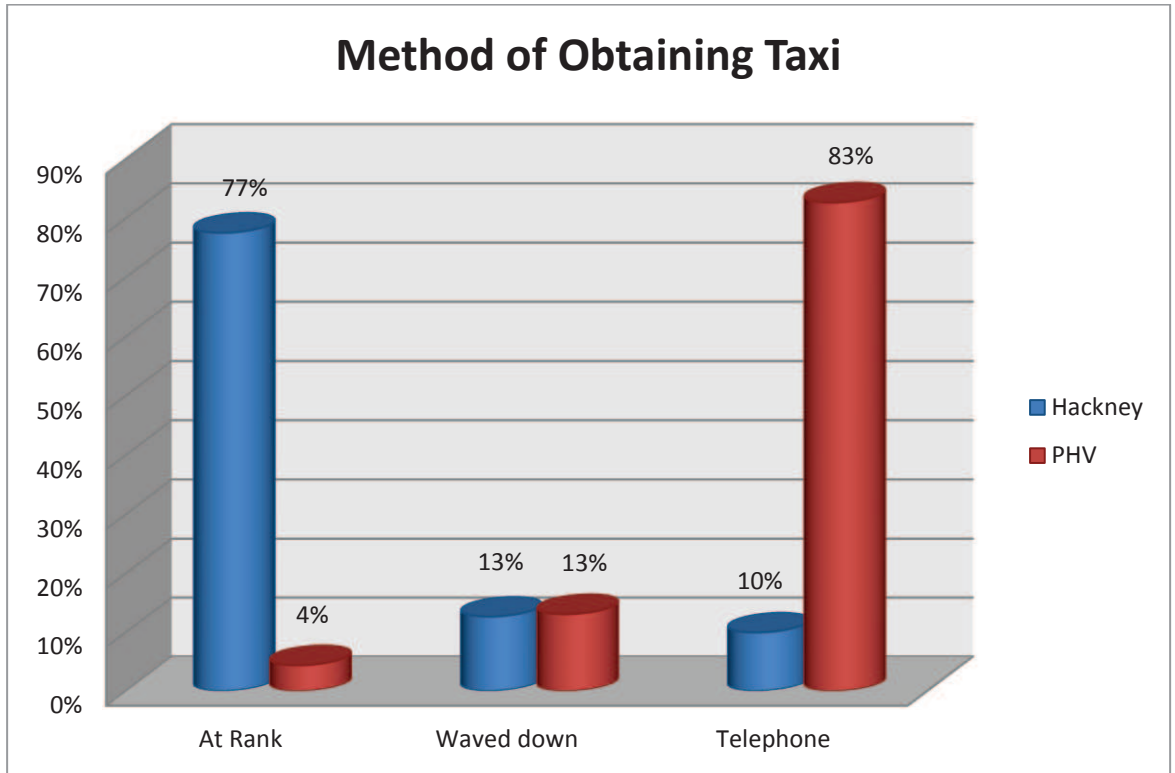


Figure 14: Method of Obtaining taxi – Source: Amey

4.3.5. Figure 15 shows the results for the reason why respondents used a cab. There were 48% of those who used a Hackney carriage in the last 3 months for Leisure purposes. A further 26% used a Hackney for work purposes, whilst 21% of respondents' reason for travel was for shopping. Education and medical reasons for travel only consisted of 2% and 1% of all hackney user respondents, respectively. The greatest proportion of PHV users' reason for travel was for both leisure (35%) and shopping (35%), with 20% of respondents travelling to work, 9% for educational purposes and only 1% requiring a PHV for medical reasons.

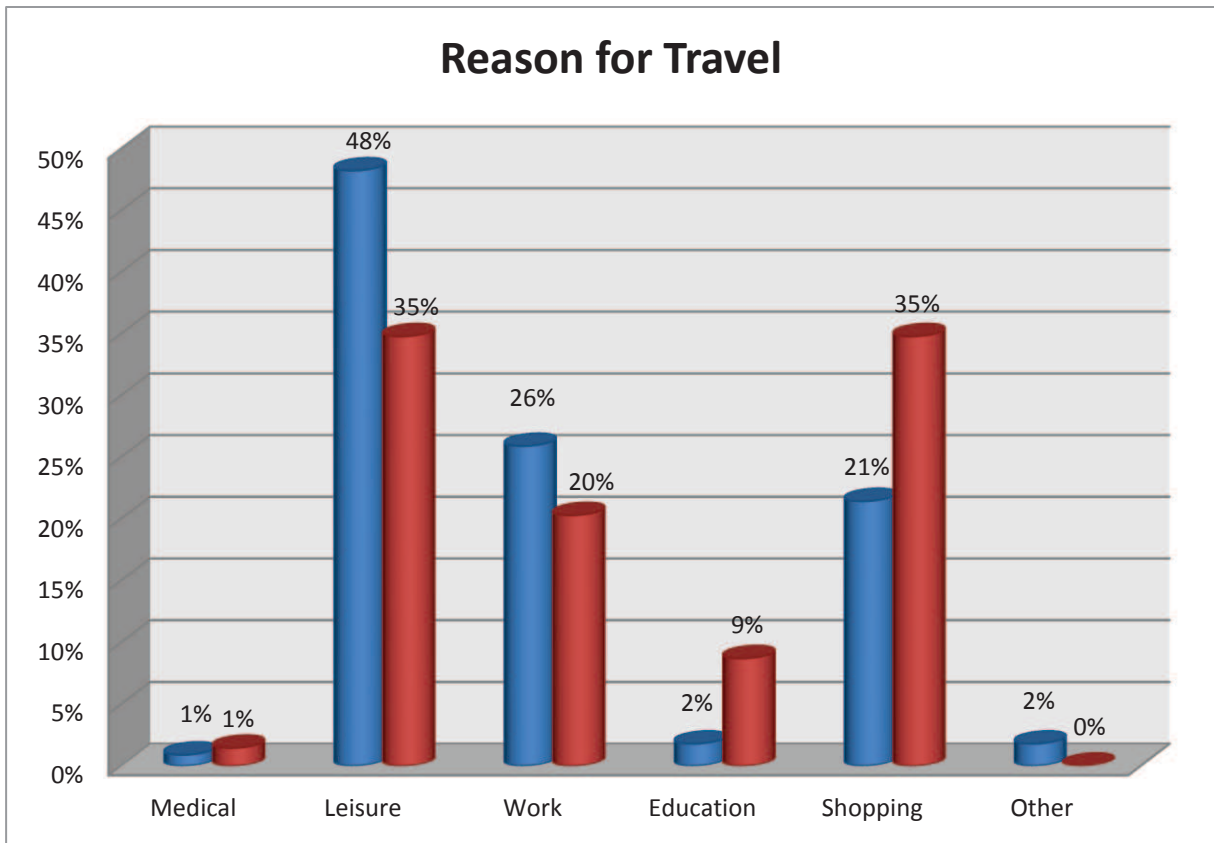


Figure 15: Reason for Travel – Source: Amey

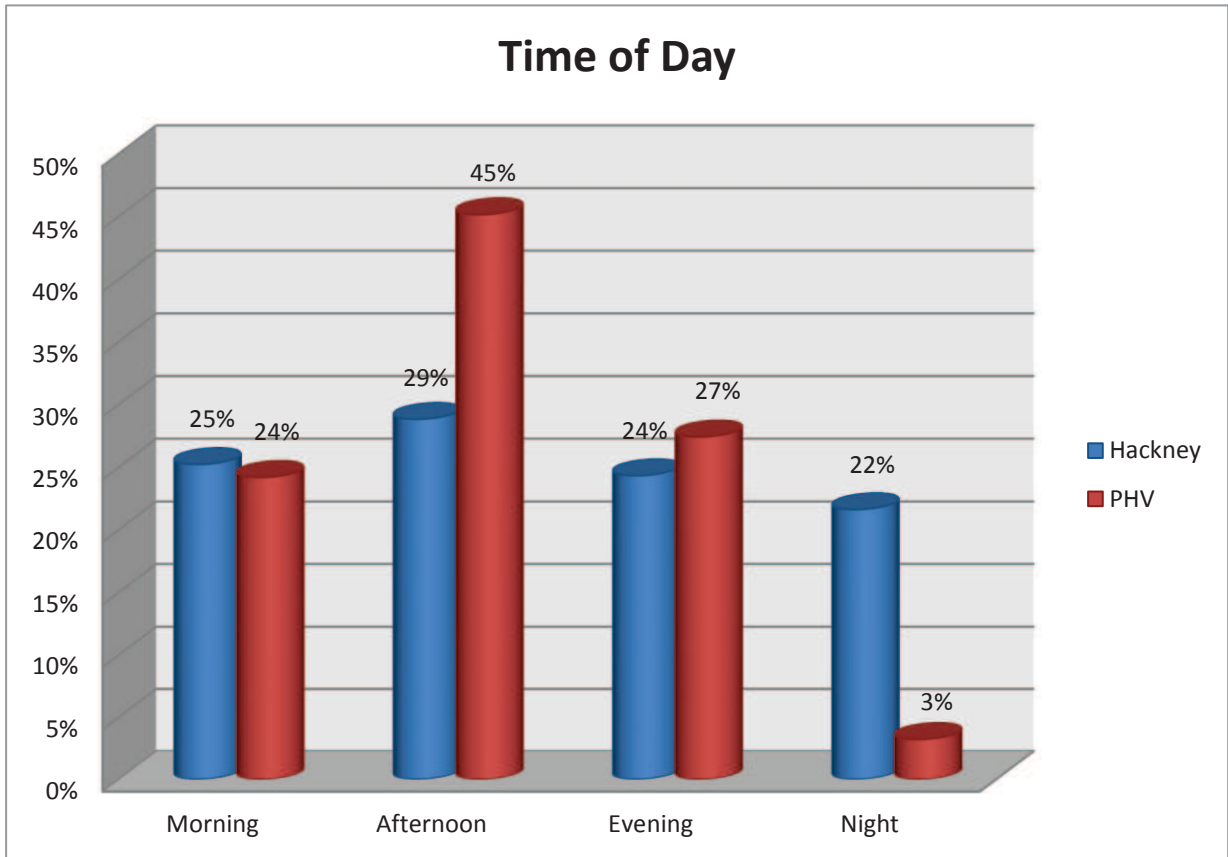


Figure 16: Time of Day – Source: Amey

4.3.1. As illustrated in Figure 16, use of hackneys is relatively evenly spread across the different times of the day with little difference between the greatest proportion of respondents (29%) using them in the afternoon and the lowest (22%) using them at night. Use of PHV's is less evenly spread with by far the greatest proportion (45%) using them in the afternoon and only 3% of respondents using them at night. The latter highlights the far greater relevance of hackneys at this time of day.

4.3.2. Respondents were asked to rate their trip for cleanliness of the vehicle both inside and out, the general condition of the vehicle, and the cab drivers helpfulness and appearance. A scale of 1 to 5 was used with 1 being very poor, 3 being average and 5 being very good. The results are shown in the chart below, in Figure 17. On average respondents rated the cleanliness of Hackney carriages at 4.08, but rate it just below 4 for PHV's., The general condition, for Hackney's and PHV's, scored 4.03 and 4.04 respectively. However, ratings drop slightly to an average of around 3.86 for driver helpfulness and 3.68 for appearance for Hackney cabs, whilst PHV driver helpfulness and appearance remain higher at 4.03 and 4.00 individually. Although there is a small variation across different scoring criteria, cab services generally score high with an average score of 4 ('Good') for all criteria.

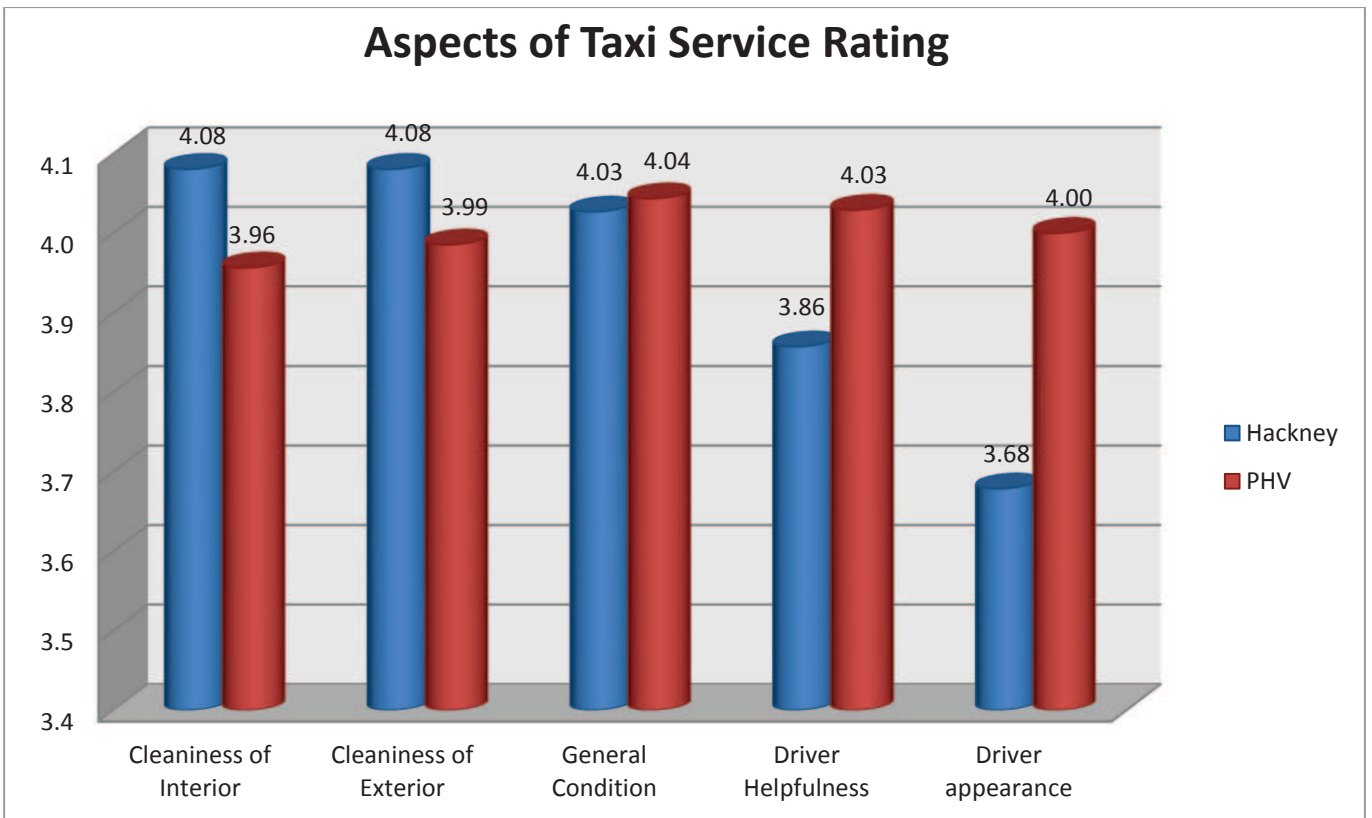


Figure 17: Aspects of Taxi Service Rating – Source: Amey

4.3.3. Respondents were asked what their last cab trip cost. The average of those that had made a trip by hackney in the last 3 months was £10.60p, while for PHV users it was slightly lower at £9.51p.

4.3.4. Figure 18 illustrates whether passengers felt their journey was value for money. Amongst hackney users 57% thought it was value for money and 43% did not. However, amongst PHV users the proportion who considered the trip value for money was much higher at 74%.

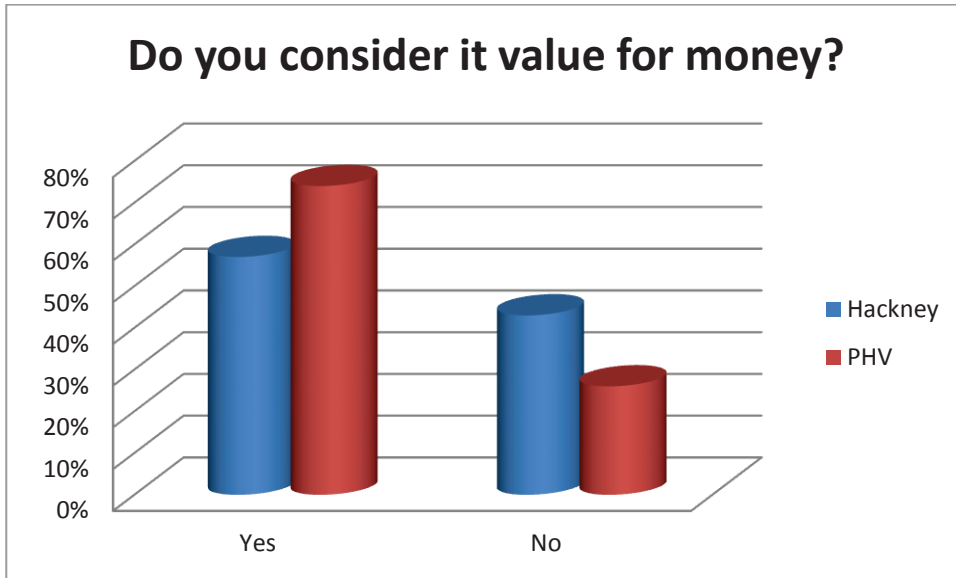


Figure 18: Value for Money Rating – Source: Amey

4.4. Obtaining a Cab

4.4.1. Respondents were asked about their knowledge of the legality of obtaining a cab at a rank or on street by answering true or false to the following four statements:

- Private Hire Vehicles are allowed to pick up passengers on street
- Hackney Carriage Vehicles are allowed to pick up passengers at a rank
- Private Hire Vehicles are allowed to pick up passengers at a rank
- Only Hackney Carriages are allowed to pick up at a rank or be flagged down

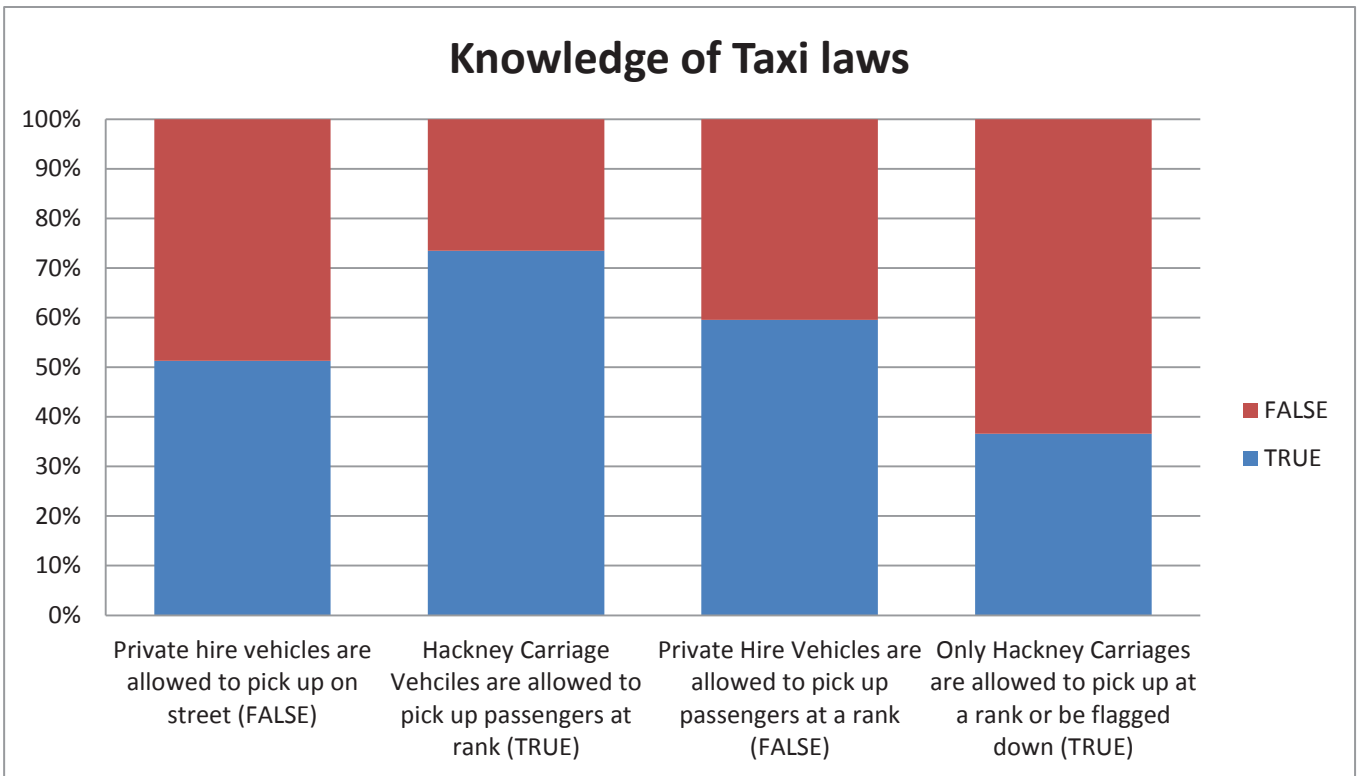


Figure 19: Knowledge of Statements – Source: Amey

4.4.2. The results show that only 49% of people knew it was illegal for a PHV to pick up fares by being flagged down in the street, while 74% of people knew that Hackney Carriages could pick up from a rank. There were 60% of respondents that incorrectly answered that private hire vehicles could pick up at a taxi rank and similarly 63% didn't know that only Hackney Carriages could be obtained at a rank or by being flagged down on the street.

4.5. Hackney Carriage Provision

4.5.1. All respondents were asked whether they thought the level of Hackney Carriages in the Borough of Maidstone (48 vehicles) was satisfactory. There were only 8% of respondents that believed there are too many taxis in Maidstone, whilst 24% thought the number was the right amount and 13% believed the number to be not enough. The remaining 55% expressed no opinion on the matter.

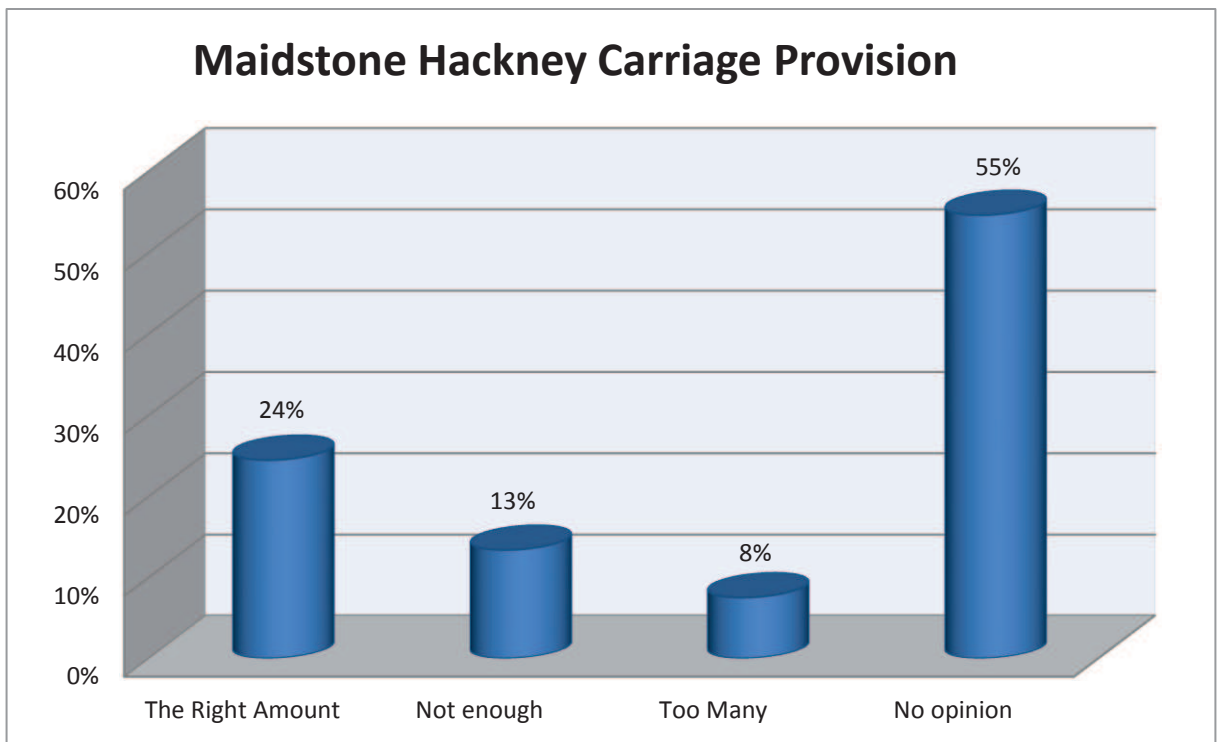


Figure 20: Maidstone Borough Hackney Carriage Provision

4.6. Potential for Improvement

4.6.1. The survey asked respondents what improvements they would like to see to Hackney Carriage services in Maidstone.

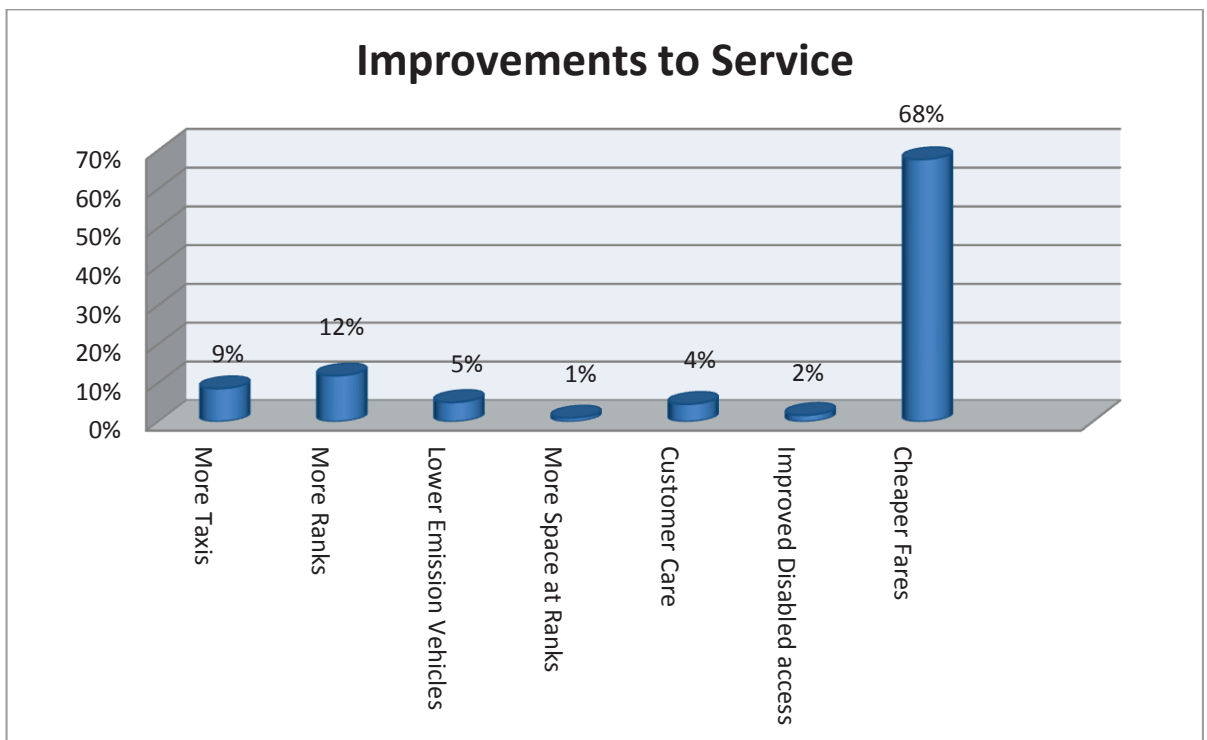


Figure 21: Improvements to Service – Source: Amey

- 4.6.2. By far the most often cited improvement was cheaper fares (68%). The response with the next highest frequency was more ranks (12%), followed by more taxis (9%) but only marginally higher than others which fluctuate around a lower frequency value of between 1 and 5%.
- 4.6.3. Respondents were asked whether there were any locations they would like new ranks introduced. Figure 22 shows the responses of the 13% that answered ‘yes,’ whilst 31% didn’t believe there was anywhere they would like to see a new rank. The remaining 56% replied, ‘don’t know.’ By far the most common suggestion for an additional rank is the High Street. Union Street and Maidstone Library were also suggested by a smaller number of people. Other possible locations recommended include Mill Street, Lock Meadow (cinema) and Lower Stone Street.

Table 8: Locations for new ranks	
Location	Frequency
High Street	18
Union Street	7
Maidstone Library	5
Mill Street	4
Lock Meadow / Cinema	3
Lower Stone Street	3
Earl Street	2
Odeon	1
Sainsbury’s	1
End of town, by bridge	1
Museum	1
Maidstone West	1
Outside Nightclubs	1
Top of Town	1
King Street	1
Week Street	1
Brewer Street	1
Maidstone Gateway	1
Borough Council	1

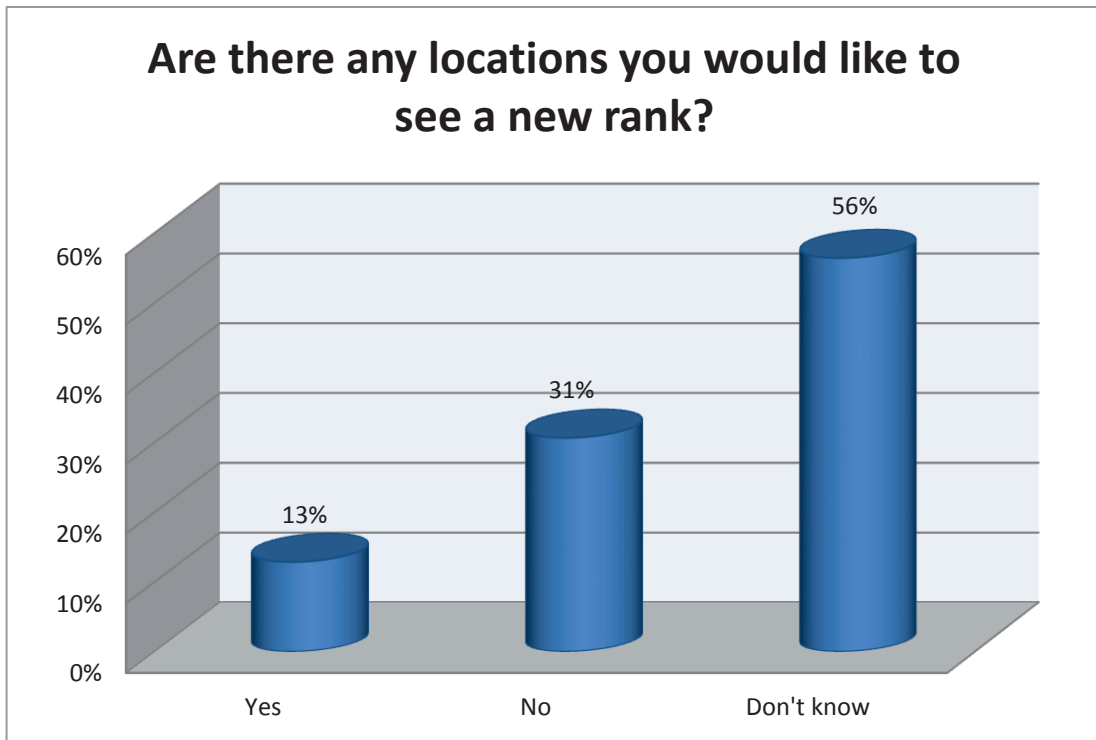


Figure 22: New Rank Locations – Source: Amey

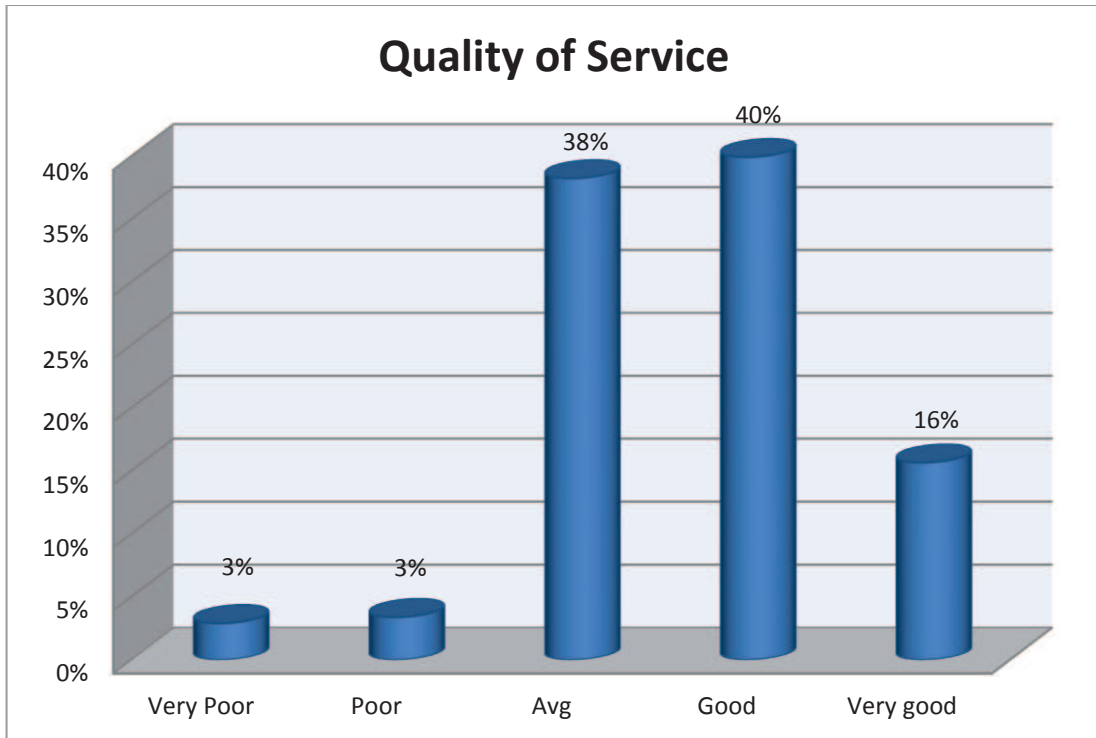


Figure 23: Quality of Service – Source: Amey

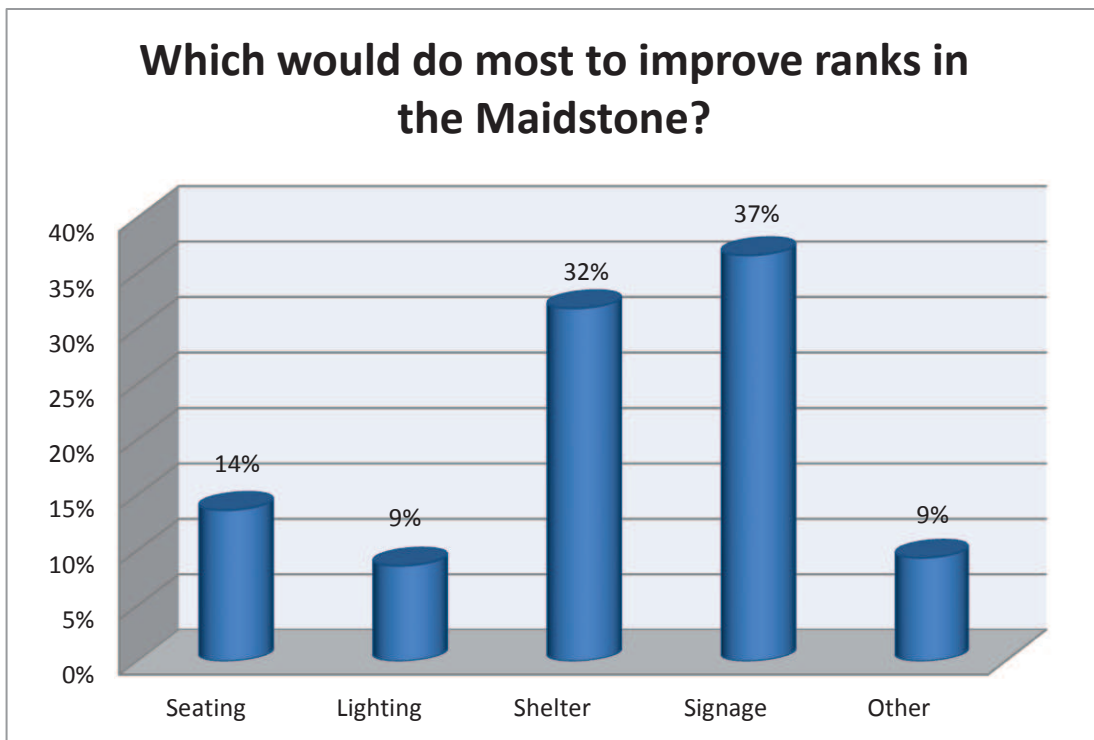


Figure 24: Rank Improvements – Source: Amey

- 4.6.4. As can be viewed in Figure 23, respondents were asked to rate the quality of the service provided specifically by Hackneys on a scale of 1 to 5 (with 1 being very poor, and 5 being very good). There were 16% of respondents that assessed the service to be very good, 40% rated the service as good, while 38% gave the service an average rating. Only 3% of respondents judged the service to be either poor or very poor respectively.
- 4.6.5. When asked what would do most to improve ranks in the Borough, the most common response was signage (37%), followed by shelter (32%). 9% of respondents chose 'other', with the majority suggesting all of the mentioned options would improve ranks in Maidstone, with one other recommendation of the ranks locations. Figure 24 shows the visual representation of the results.
- 4.6.6. Respondents were also asked, for what reason do they do not use Hackney's more often. Figure 25 shows that the majority of people do not use Hackney's more often due to the use of their cars, with 27% providing this as their reasoning. Bus use was the second highest reason (21%), with the cost associated with Hackney Carriages being the third most popular answer with 16% of respondents suggesting the price of journeys may limit their use. The remaining options or reasons for limited use fluctuated around a lower frequency value of between 1 and 10%.

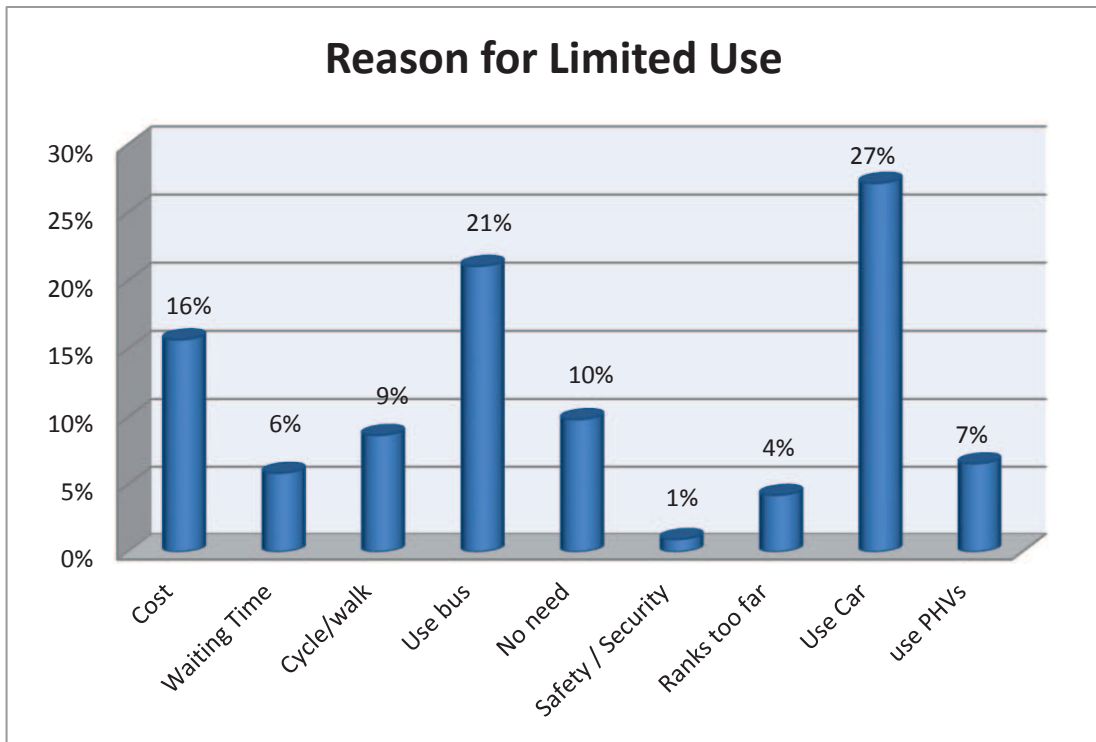


Figure 25: Reason for Limited Use – Source: Amey

4.6.7. Respondents were asked if they would welcome the use of Taxi Marshals in the Borough and nearly 17% said yes they would, while 83% said they wouldn't. A list of most common locations suggested for Marshals are listed in Table 9 and Figure 26 illustrates the findings.

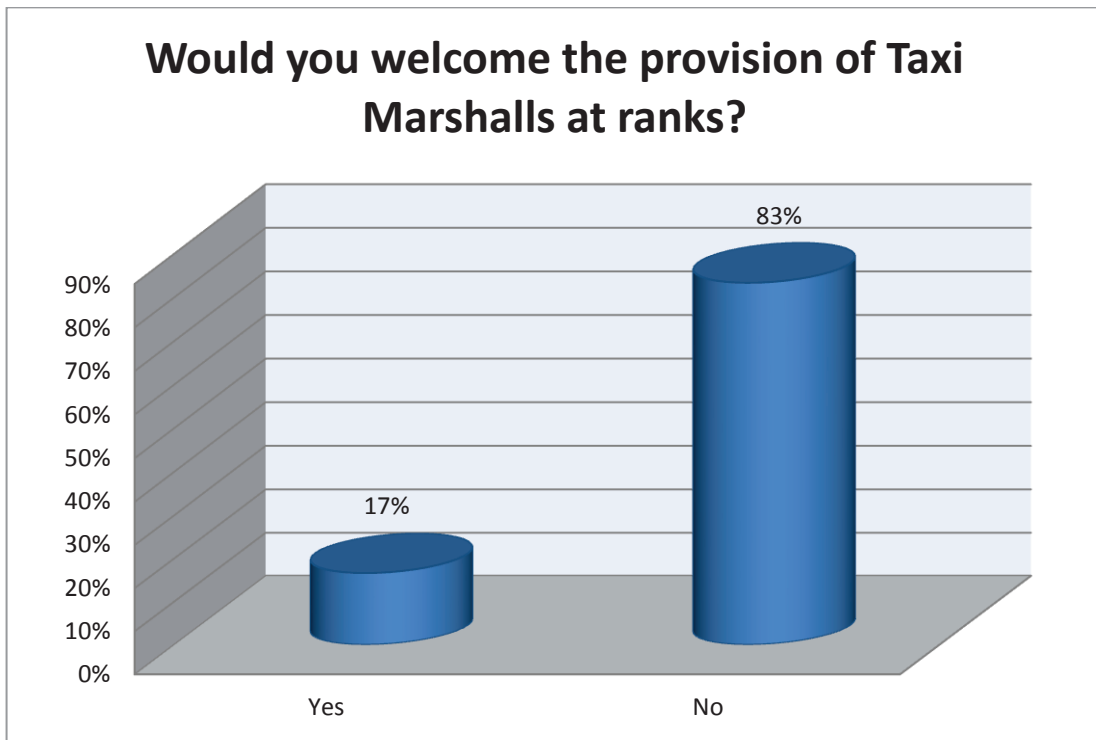


Figure 26: Taxi Marshall Provision – Source: Amey

Table 9: Locations for Taxi Marshalls	
Location	Frequency
High Street	16
All ranks	11
King Street	6
Maidstone East	6
Town Centre	4
Chequers Shopping Mall	3
Outside LUSH retail shop	3
All train stations	2
Near Nightclubs	2
Maidstone Library	1
Lower Stone Street	1

4.6.8. When asked whether the respondents would welcome taxibus services, 9% of respondents said they would and the other 91% said they wouldn't, as can be viewed in Figure 27 below. A list of the most common locations suggested for taxibuses are listed in Table 10.

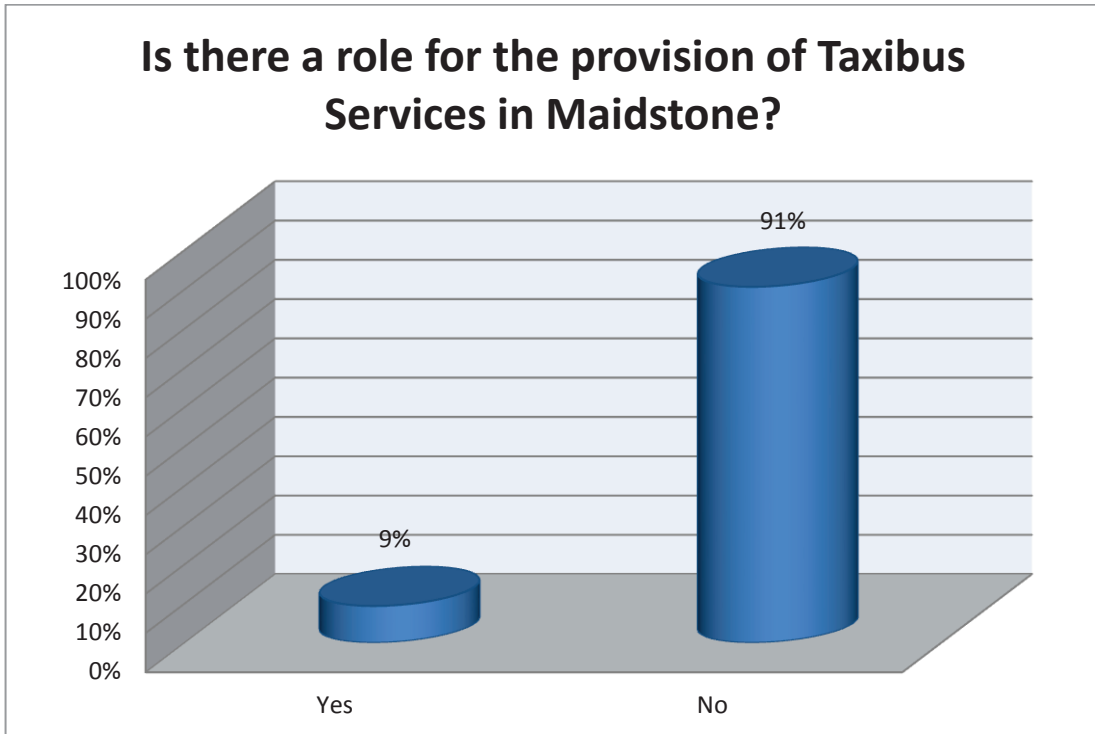


Figure 27: Taxibus Services – Source: Amey

Table 10: Locations for Taxibus Services		
Location	Time	Frequency
Town Centre	All the time / Night time	5
High Street	Any time	2
Maidstone Library	Mornings	2
Delting	Any time	2
Delting	Weekends	1
Delting	Mornings for OAP's	1
King Street	Evening time / Night time	1
Rural areas of Maidstone	Any time	1
Lenham	Every day	1
Universities	Evenings	1
Outside areas of Maidstone	Morning	1
Hylesbury Village	Morning for OAP's	1

4.6.9. When asked whether the respondents would welcome the provision of a Taxi Sharing scheme in Maidstone, 9% of the respondents again said they would and the remaining 91% said they wouldn't, as can be seen in Figure 28 below.

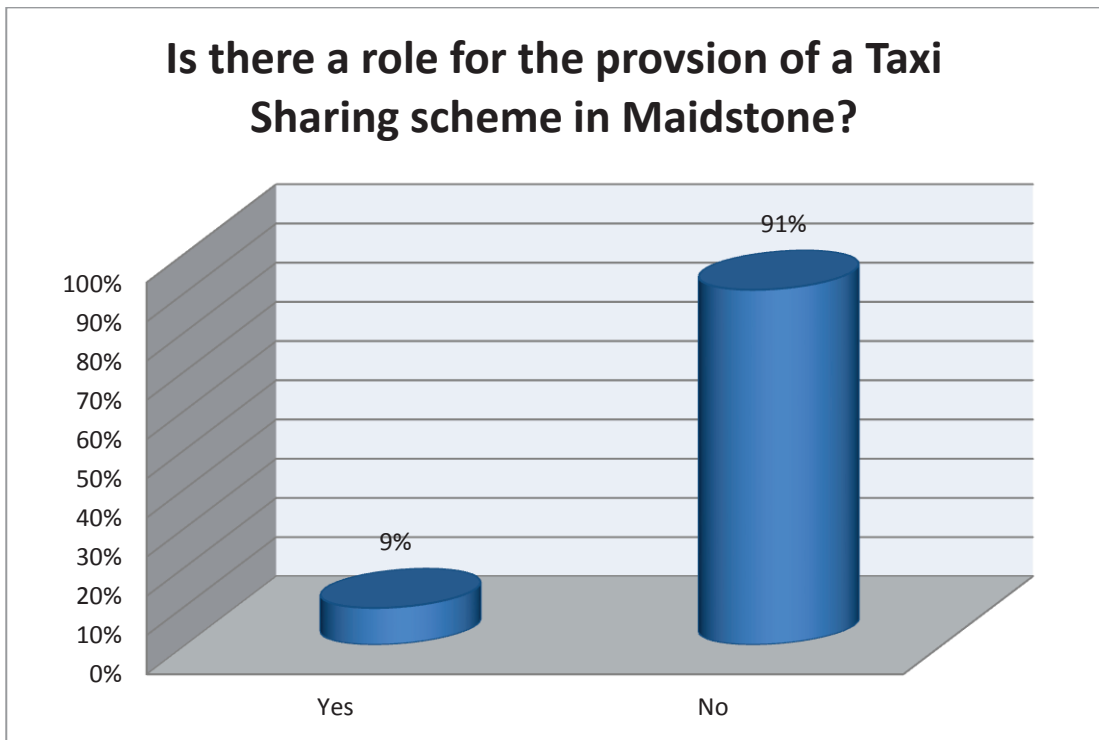


Figure 28: Taxi Sharing Scheme – Source: Amey

4.7. Rank Audit

- 4.7.1. On street audits were carried out at each of the ranks across the Borough of Maidstone. The purpose of the audits was to look at the suitability of the rank in terms of location, condition, accessibility and security for passengers. The remainder of this chapter gives a brief description of each of the key ranks and Figure 29 gives an overall assessment of the central criteria involved in the audit.
- 4.7.2. There are relatively new, well maintained, yellow or blue signs displayed at a couple of locations indicating a taxi rank is present. However, other signage at ranks is limited; with little information about fares or on the number of permitted vehicles and no advice on complaints procedures. Furthermore, there is no information explaining what to do if a taxi cannot be obtained. Signage indicating where the ranks can be found in the town centre is also not apparent.

4.8. Maidstone East Station

- 4.8.1. The rank is located along Station Access Road, just off Week Street, directly outside the train station. The taxi rank affords 5 spaces and operates between the hours of 14.00 and 01.00. Hackney owners pay an annual fee to South Eastern Trains for the right to use the rank, which is on their land. The rank experiences moderate use, mainly through customers of the train station and is in clear view from the main road (Week Street) accessing Station Road. There is no shelter provided for those waiting at the rank.
- 4.8.2. The pavement width is acceptable for waiting and wheelchair / pushchair use and the approach is free from clutter and other obstructions that disabled or visually impaired people may find difficult to negotiate. There is however a relatively significant negative gradient from East to West along the road, which some disabled users may find difficult.
- 4.8.3. Signage at the rank is limited; there are no signs on the main road (Week Street) indicating that a rank is present on Station Road. There are yellow painted markings on Station Road itself indicating taxi spaces, yet no information is provided at the rank indicating how people should queue or what to do in the event of there being no taxi's available. Despite lack of signage, convention and logic enable there be no procedural problems at this rank.

4.9. Maidstone West Station

- 4.9.1. The Maidstone West Station rank is located on Station Approach, off Tonbridge Road (A26) directly outside of the train station entrance. The rank has the capacity for 5 Hackney Carriage's and operates between the hours of 14.00 to 01.00 in the morning. Similar to Maidstone East Station rank, Hackney owners pay an annual fee to South Eastern Trains for the right to use the rank, which is on their land. This rank is used significantly less than the other Station rank. A private hire operator, 'Streamline,' had their offices located at the rank until October 2011, but this is no longer the case.

- 4.9.2. The rank itself is not particularly well lit, although some lighting comes from the exterior wall of the train station, as well as street lighting in the car park situated adjacent to the rank. The pavement leading to the rank is of an adequate width for wheelchair and pushchair use, with no obvious obstacles hindering disabled or visually impaired people. A dropped kerb is also present at the rank, alongside a safety rail directly outside the station entrance.
- 4.9.3. Signage to the rank is limited; there are no signs on Tonbridge Road indicating the location of the rank, only signage for the train station. There are however 2 blue, well-maintained, signs on the exterior wall of the station building illustrating that a taxi rank is located there. There are further signs indicating the directions to platforms and the ticket office within the train station; as well as an information board with a useful contacts list for customers.
- 4.9.4. The Station Approach road has a slight negative gradient from North to South but shouldn't be of issue for wheel chair users.

4.10. King Street / High Street

- 4.10.1. The rank operates between the hours of 10:00 and 02:00 and is located on High Street, outside LUSH retail shop. There are two official spaces and a large feeder rank, allowing around 8 taxis to queue, situated further along High Street. There is a large TV screen in King Street alerting the drivers to the situation at the head of the rank, drivers fill in the gaps as and when they appear. From the rank observations conducted, it confirmed that this rank is the busiest in Maidstone, with on average 2008 passengers and 1359 Hackney cabs estimated to use the rank per week and up to 10 vehicles waiting at busy times.
- 4.10.2. There's also 3 further spaces outside the old Somerfield / Coop store further down King Street, although this rank is now non-operational. There is no taxi rank shelter or seating provided, although street lighting makes the rank well lit. Pavement width and quality are suitable for wheelchair users and visually impaired customers. However signage and information on outlining complaints procedures or contact details etc. is not provided at this location.

4.11. Earl Street

- 4.11.1. Earl Street taxi rank is found outside 35 Earl Street. The rank can hold 2 Hackney's and operates between the hours of 12.00 and 20.00. Earl Street taxi rank is little used, with take-up mainly from the various bars and restaurants located on Earl Street.
- 4.11.2. Signage at the rank includes a yellow plaque elevated on a signpost stating 'no parking at any time except for taxis.' There is no signage however explaining queuing or complaints procedures, but pavement width and accessibility for waiting, wheelchairs etc. is more than adequate.

4.12. Lock Meadow

- 4.12.1. Lockmeadow taxi rank is located on Barker Road, near the junction of Hart Street. The rank is situated directly outside of Maidstone’s Lockmeadow Market, opposite B&Q. It has the capacity for 1 taxi and was in the past rarely used is now non-operational, as all the nightclubs have currently shut down at this location.
- 4.12.2. All the same, a rank audit was still conducted at this location, in the event that the rank should be re-opened. Thus, the rank has no signage, only fading road markings indicating a taxi rank is present. It also has no information regarding taxi complaints procedures or relevant contact numbers. Access to the rank is adequate with suitable pavement width for waiting passengers and wheelchair usage, although there is no dropped kerb for easy access from the pavement into taxis. There is also a bus shelter directly prior to the taxi rank meaning that suitable shelter and seating can be used whilst passengers are waiting for a taxi.

4.13. High Street West

- 4.13.1. High Street West is a taxi rank positioned outside of Chicago Rocks Café. The rank has the capacity for 3 taxis. The rank observations at the location confirmed that the rank is very rarely used during the daytime, but has a higher usage during the evening and night time periods. This is more than likely due to the location of the rank on the High Street near various bars and eateries. It appears the rank is often used as a private hire drop off and pick up point for pre booked fares.
- 4.13.1. The site visit confirmed that signage to and from the rank is poor and there is no information regarding taxi complaints procedures, licensing officer contact number or promotions. Accessibility at the rank is generally good; there is adequate pavement width for waiting pedestrians and wheelchair access. There is also a dropped kerb at the rank allowing customer’s easier access to the taxis. There is no shelter or seating provided but street lighting makes the rank well lit.

4.14. Overall Assessment of Ranks

- 4.14.1. Figure 29 illustrates an overall assessment of the central criteria involved in the audit. Appendix D at the rear of the report shows the rank audit check list used in order to obtain the information for each individual rank.

Rank	Signage		Road Markings		Information		Accessibility						Security							
Maidstone East Station	x	✓	✓	✓	✓	x	✓	✓	✓	✓	✓	x	x	x	✓	x	x	✓	✓	x
Maidstone West Station	✓	✓	x	✓	✓	✓	✓	✓	✓	✓	x	x	x	x	✓	x	✓	x	x	✓

King Street / High Street	x	x	✓	x	x	x	x	✓	✓	x	✓	x	x	x	x	x	✓	✓	x	x	x	x
Earl Street	✓	x	✓	✓	x	x	✓	✓	✓	✓	x	x	x	x	x	x	✓	✓	x	x	x	x
Lock Meadow	x	x	x	x	x	x	✓	✓	✓	x	x	✓	x	x	x	x	✓	x	✓	x	✓	x
High Street West	x	x	x	x	x	x	✓	✓	✓	✓	x	x	x	x	x	x	✓	✓	x	x	x	x

Figure 29: Overall Assessment of Ranks – Source: Amey

- 4.14.2. The taxi ranks in Maidstone are accessible, safe and the majority correctly marked out on the road surface, although some could benefit from being re-marked. However, as previously mentioned ranks could be improved with better signage. Also, more information could be provided at ranks to improve the customers experience should they have any difficulties in obtaining a taxi. Figure 30 illustrates the locations of the 5 ranks that observations were conducted at, for the purpose of this report.



Figure 30: Location of ranks within Maidstone

5. Trade Consultation

5.1. Driver Consultation

- 5.1.1. A consultation letter and pro-forma was circulated by the council, on behalf of Amey, to licensed hackney carriage and private hire drivers in the Maidstone area. These encouraged responses in writing, by telephone, by e-mail or to a series of questions using the pro-forma questionnaire provided. A total of 33 pro-forma responses were received, the answers to which are collated below. It should be noted that in the tables that follow the totals do not always add up to the same amount. This is due to either not all Hackney drivers answering questions referring to PHV's and similarly not all PHV drivers answering questions referring to Hackney cabs.
- 5.1.2. Of the 33 drivers who responded, 39% stated that they were from drivers of Hackney Carriages and 61% were from Private Hire drivers.
- 5.1.3. There were 39% of respondents that shared a vehicle with another driver, while 61% of respondents stated that they were the only driver.
- 5.1.4. Each respondent was asked to estimate the average number of journeys (per vehicle) they undertook, each week. Table 11 and Figure 31 illustrate the results below.

Table 11: Average Journeys per week		
Average Journeys	Hackney Drivers	PHV's
From Ranks	64	0
From Flag downs	2	0
From Telephones	4	44
From Contracts	0	12
Total	70	56

- 5.1.5. Amongst hackney carriage drivers, 91% of journeys each week originate from the rank, 3% from flag downs, 5% from telephone bookings and 0% from contract work. Telephone bookings are responsible for 78% of Private hire journeys with the remaining 22% being contract bookings.

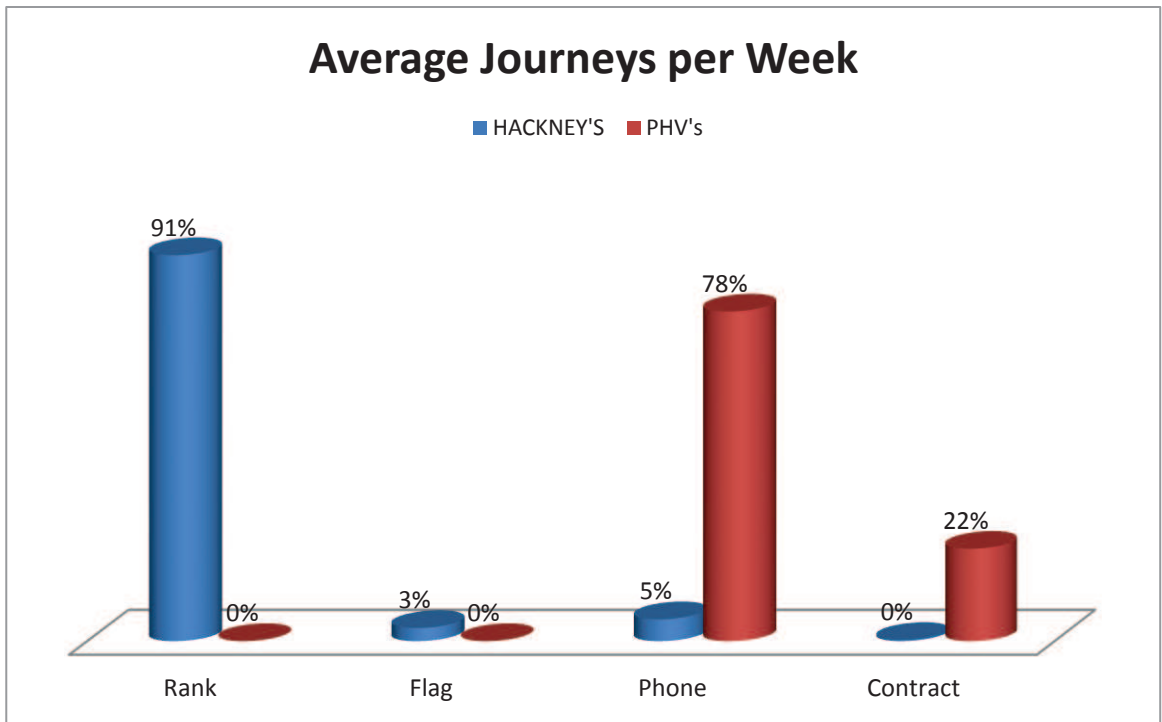


Figure 31: Average Journey's per Week – Source: Amey

5.1.6. The following figures illustrate the respondents' answers to a variety of questions associated with the cab trade in Maidstone.

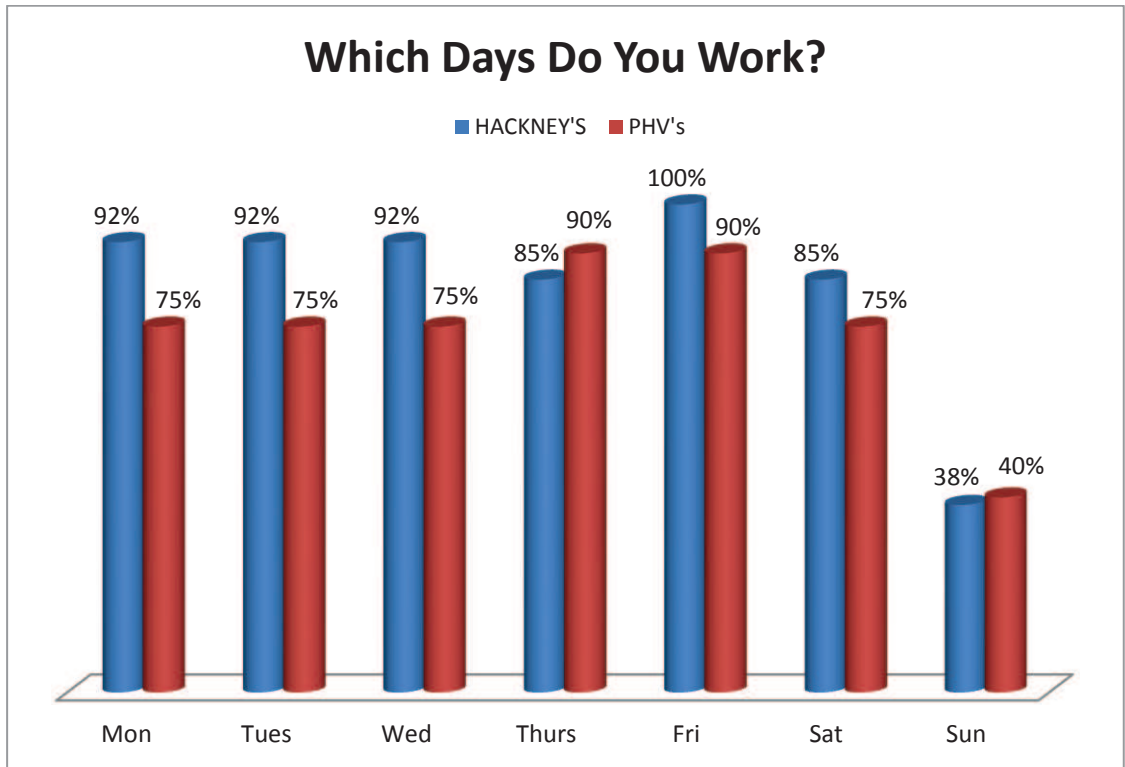


Figure 32: Days that drivers work – Source: Amey

5.1.7. Most drivers work at least 6 days and a number on 7 days a week. The least number of drivers said they operated on Sundays. It can be seen from Figure 32 that the greatest proportions of drivers work on a Thursday and Friday. Figures are much the same for both hackney and PHV drivers, apart from the period Monday to Wednesday where a greater proportion of Hackney drivers work, when compared to Private hire drivers.

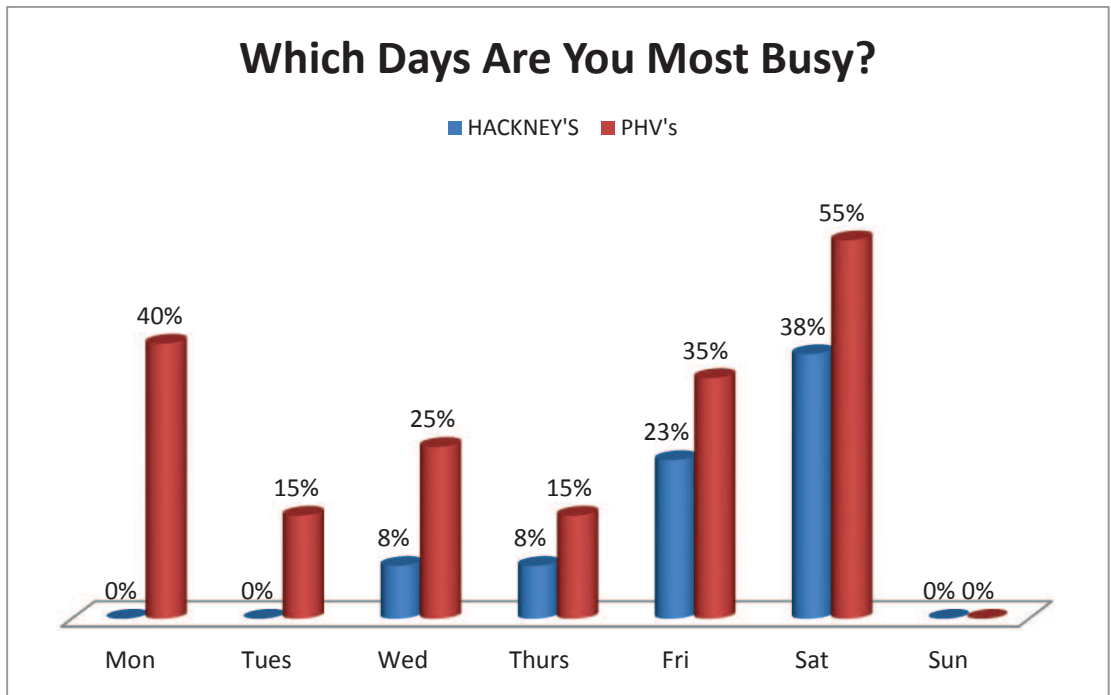


Figure 33: Busiest days for drivers in Maidstone – Source: Amey

5.1.8. Figure 33 shows that 38% of Hackney drivers and 55% of PHV drivers, by far the greatest proportion of all respondents, indicated that Saturdays were their busiest day. Friday was also a busy day for 23% of Hackney respondents and 35% of PHV respondents. Monday was actually the second busiest day for PHV drivers. However no Hackney drivers questioned thought this to be one of their busiest days. Sunday was the least busy day when combined for both sets of drivers. Whilst demand for Hackneys appears to build steadily from Wednesday through to Saturday for PHV drivers, it appears to be more evenly spread through the week.

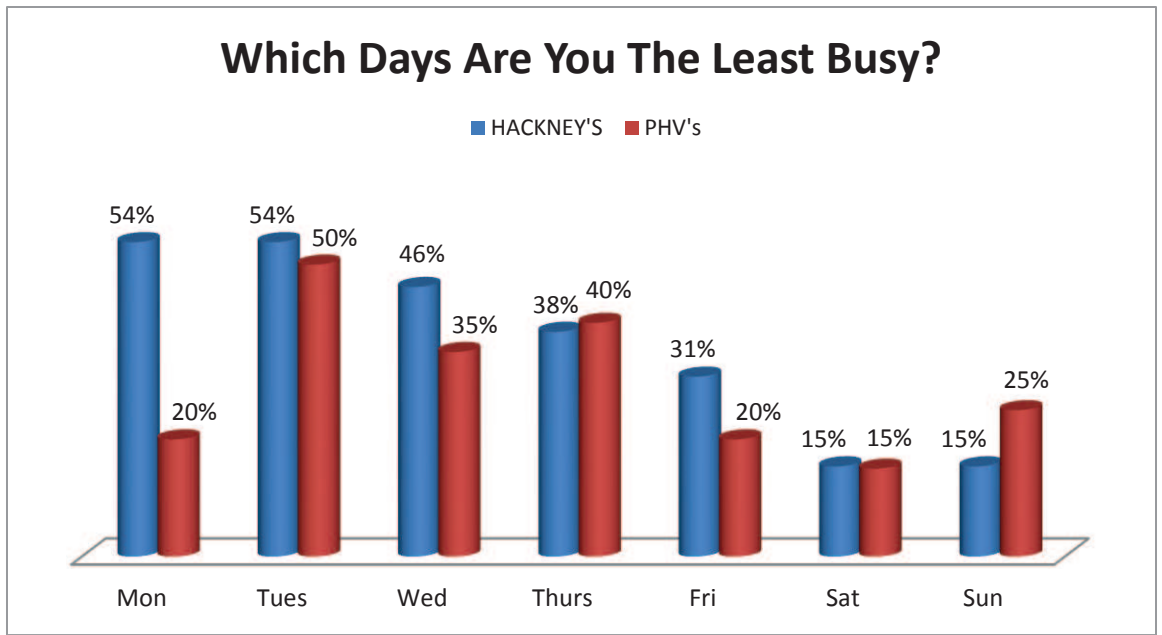


Figure 34: Least busy days for drivers in Maidstone – Source: Amey

- 5.1.9. The results for the least busy days mirror those for the busiest days both for Hackney and PHV drivers.
- 5.1.10. Figure 35 indicates that, overall, the greatest proportion of drivers work afternoons and the next greatest proportion during the morning period. The results show that a greater proportion of Hackney drivers work across all hours of the day when compared to PHV drivers.

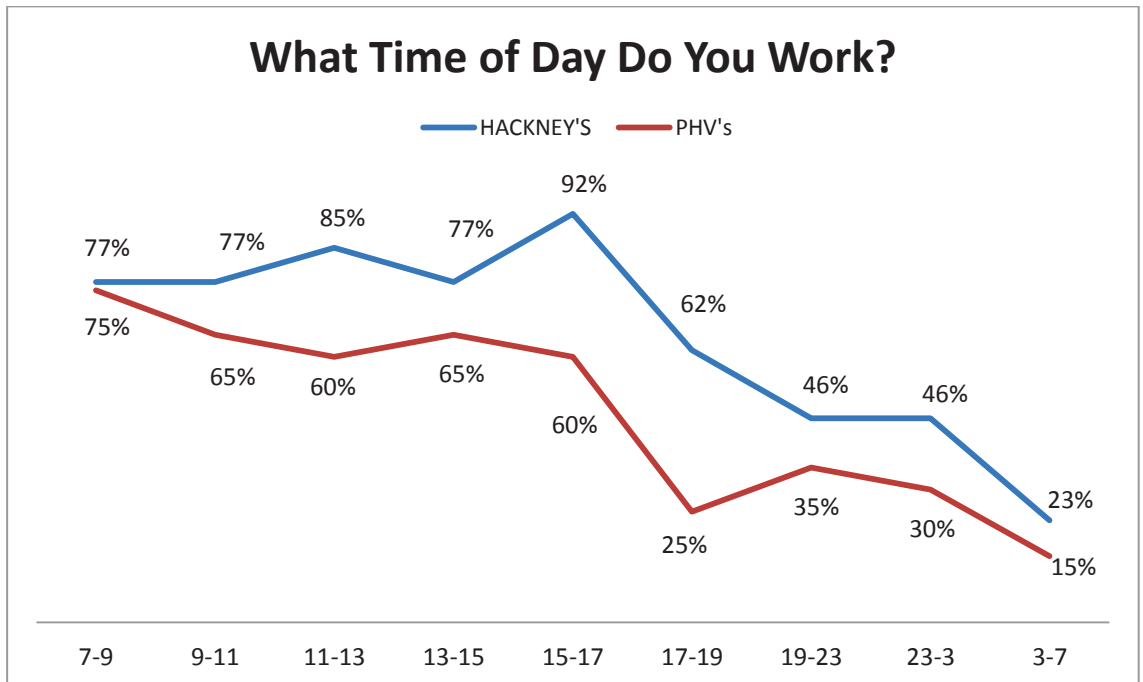


Figure 35: Time of day that drivers work – Source: Amey

5.1.11. The busiest hours of the day worked by PHV drivers was recorded as being from 07.00 – 09.00 in the morning (45%), whereas Hackney drivers consider the period of afternoon and evening from 15.00 to 19.00, as well as the night time 23.00 – 03.00 to be their busiest time of day (31%). Both sets of drivers considered the period between 11.00 – 13.00 and 03.00 – 07.00 to be their least busy hours, as Figure 36 shows.

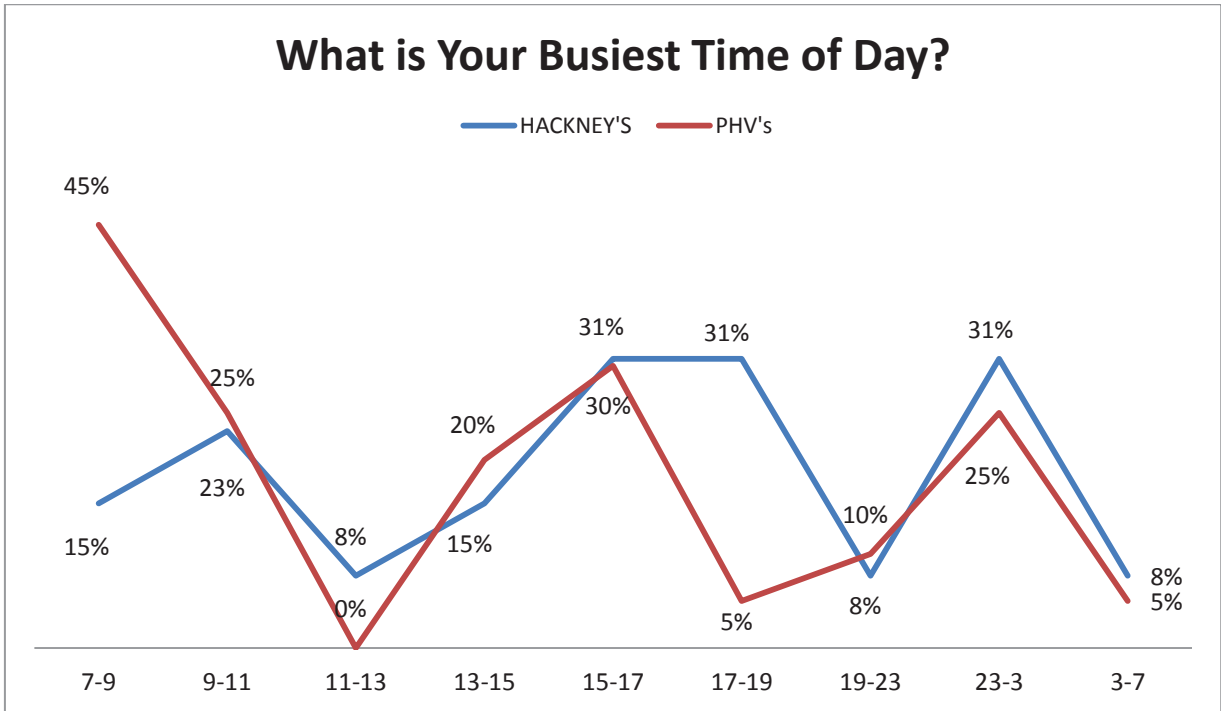


Figure 36: Busiest Time of Day – Source: Amey

5.1.12. Asked about the supply of Hackneys in Maidstone, 92% of all Hackney respondents and 40% of all PHV drivers felt that it was adequate, whilst just 8% of Hackney drivers and 5% of PHV drivers thought that more hackney carriages were needed to cover present demand. The remaining PHV drivers did not respond to the question.

5.1.13. Asked about the supply of PHV's in Maidstone 23% of Hackney drivers and 85% of PHV drivers believed that there is an adequate supply of Private Hire vehicles, whilst 8% of Hackney cab respondents and 10% of PHV respondents considered more PHV's were needed to cover demand, as can be viewed in Figure 37. The remaining Hackney and PHV drivers did not respond to the question.

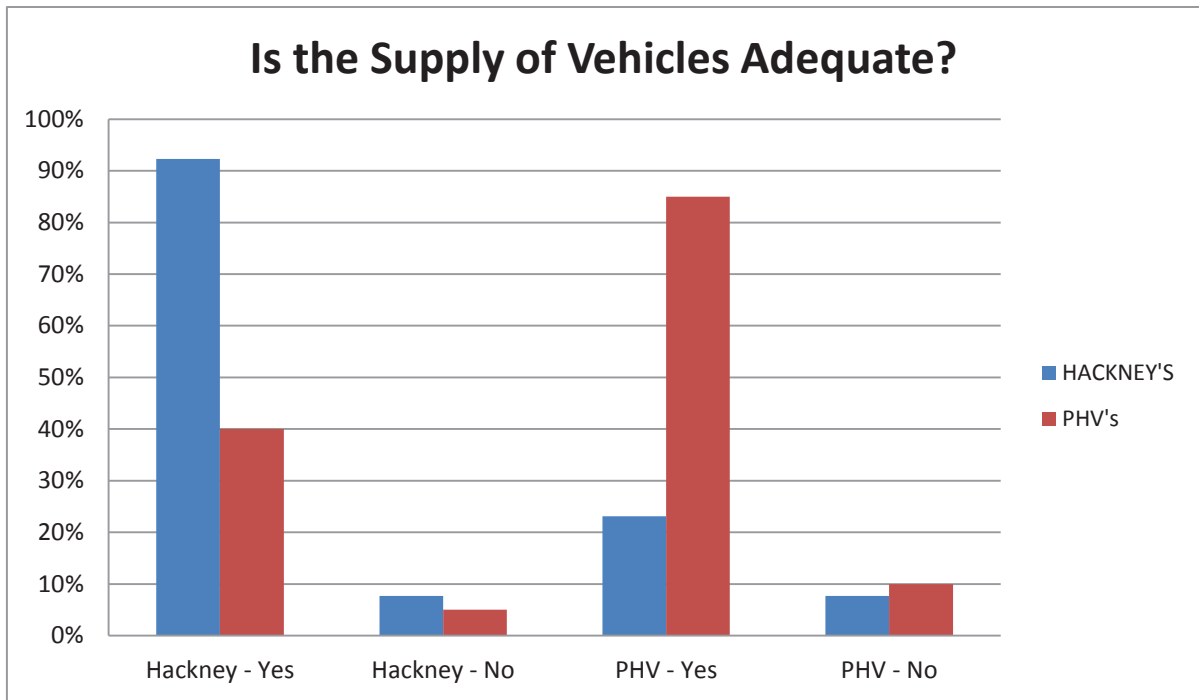


Figure 37: Is the Supply of Vehicles Adequate? – Source: Amey

5.1.14. When drivers were questioned about the supply of wheelchair accessible vehicles in Maidstone, 70% of all drivers who responded believed that there were adequate numbers of Hackney wheelchair vehicles available, while 2.5% of drivers considered there to be a shortage with wheel chair accessible Hackney's. Similarly, 36.5% of drivers that responded considered the supply of PHV wheel chair accessible vehicles to be adequate, whilst 16.5% of drivers thought that supply did not meet demand. Figure 38 breaks down the results from both Hackney and PHV drivers.

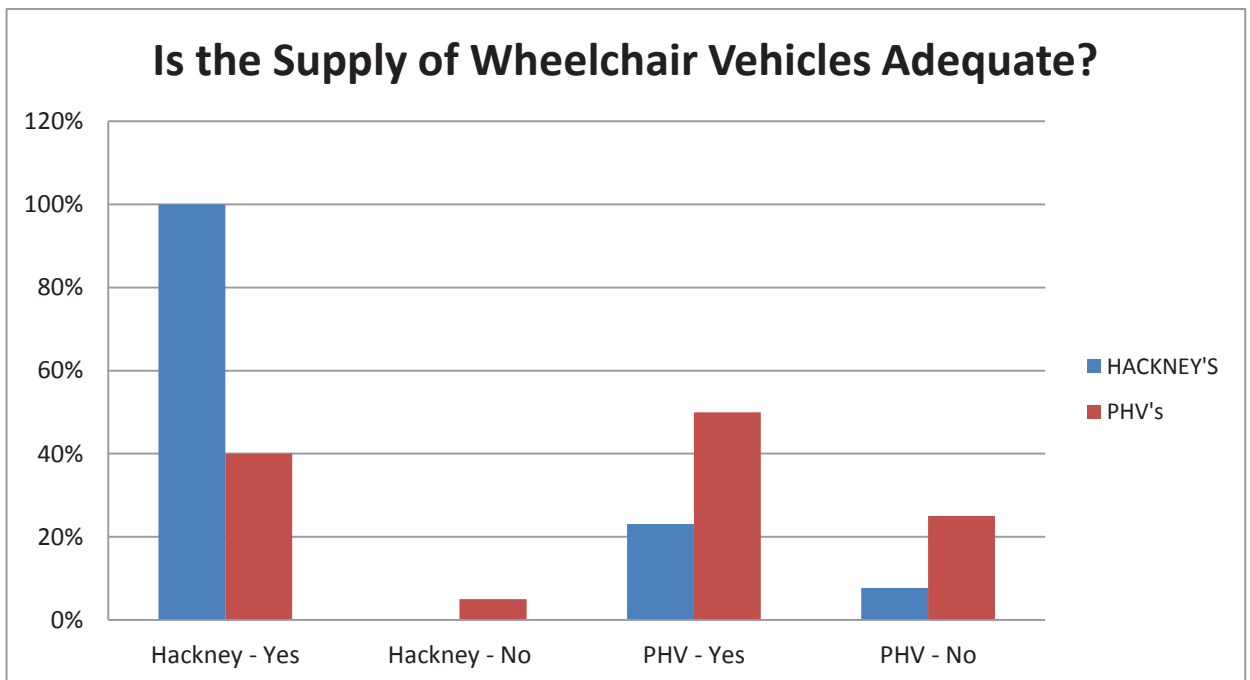


Figure 38: Is the Supply of Wheelchair Vehicles Adequate? – Source: Amey

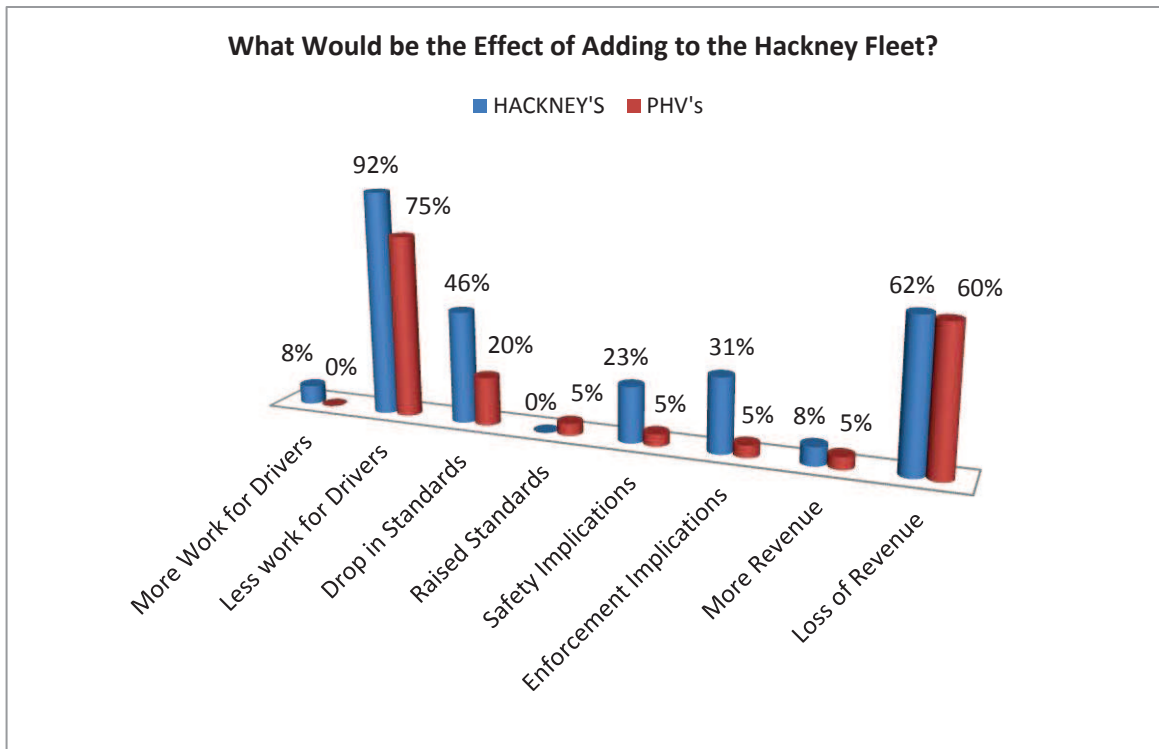


Figure 39: Impact on drivers should there be an increase in the number of taxis – Source: Amey

5.1.15. Asked what the effect would be if there was an increase in the number of Hackneys, the majority of Hackney drivers (92%) thought that there would be less work for drivers and 75% of PHV drivers also shared this response. Other significant effects suggested were a loss of revenue (by 62% Hackney and 60% PHV respondents respectively) and a drop in standards (by 46% of Hackney respondents), as can be viewed in Figure 39. Respondents were allowed multiple answers to this question.

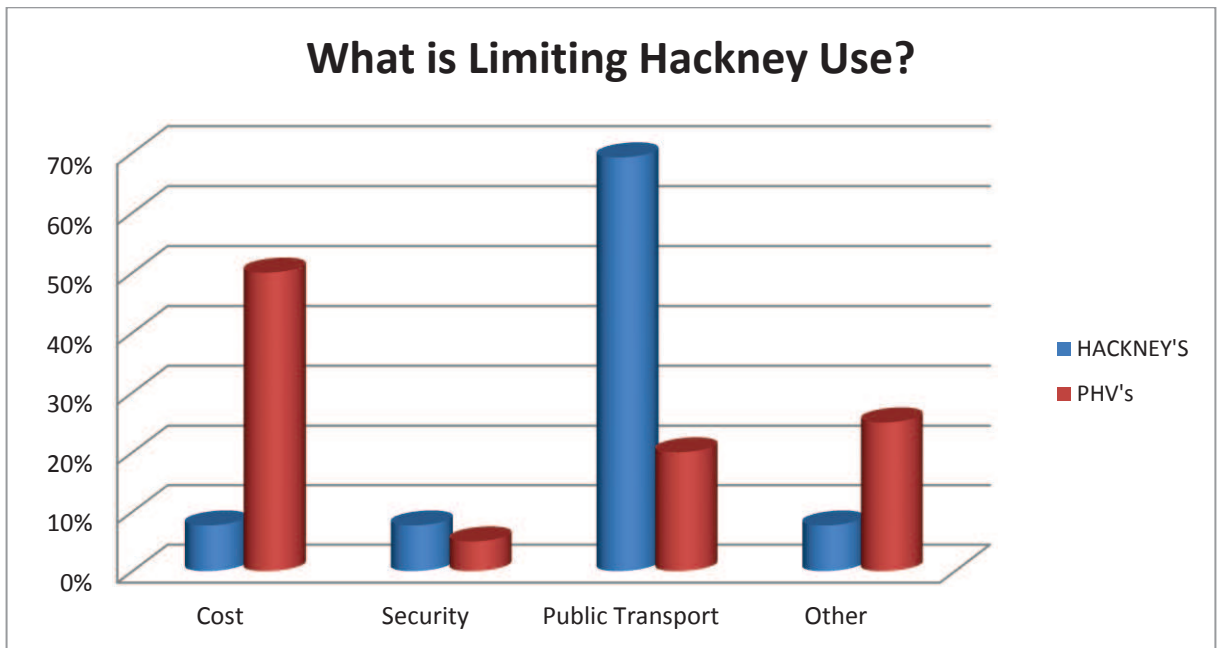


Figure 40: What is Limiting Hackney Use – Source: Amey

5.1.16. It can be seen from figure 40 that Hackney drivers (69%) believe what is limiting cab use most is the available 'public transport' alternatives. Amongst PHV drivers, 'cost' is seen as the main problem (50%).

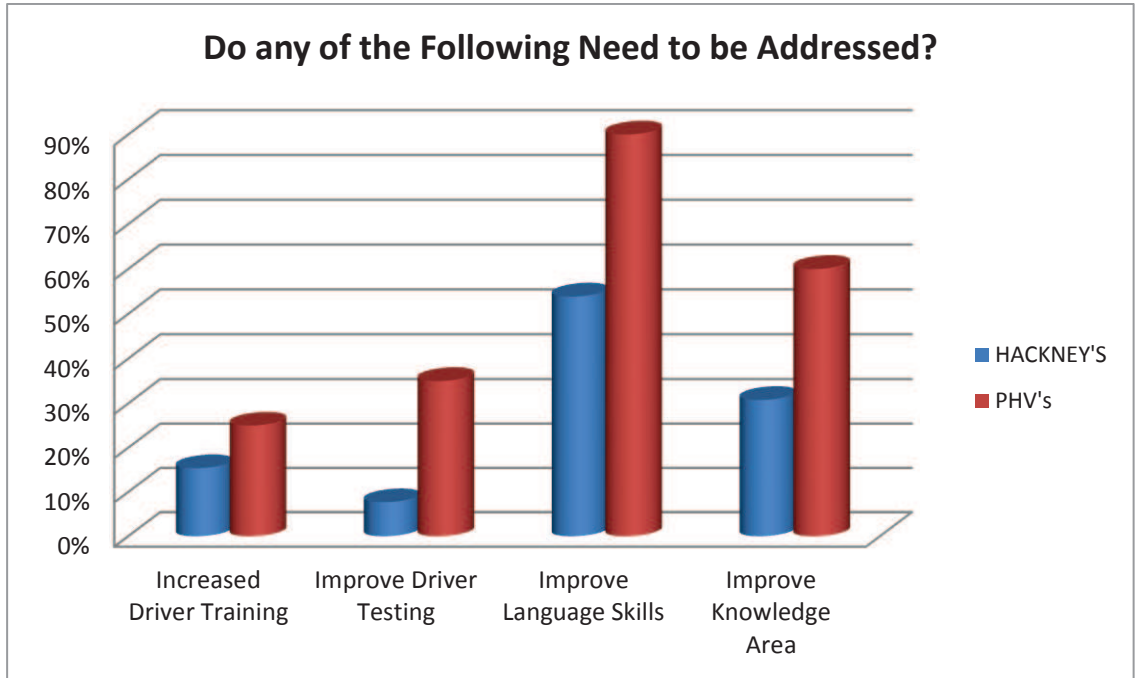


Figure 41: Do Any of These Issues Need to be Addressed? – Source: Amey

5.1.17. When asked if any of the criteria listed in Figure 41 above, needed to be addressed, the most common response from all taxi drivers was 'improving language skills' (54% of Hackney drivers and 90% of PHV drivers), followed by the issue of 'improving knowledge of the area', particularly in the case of PHV drivers (60%).

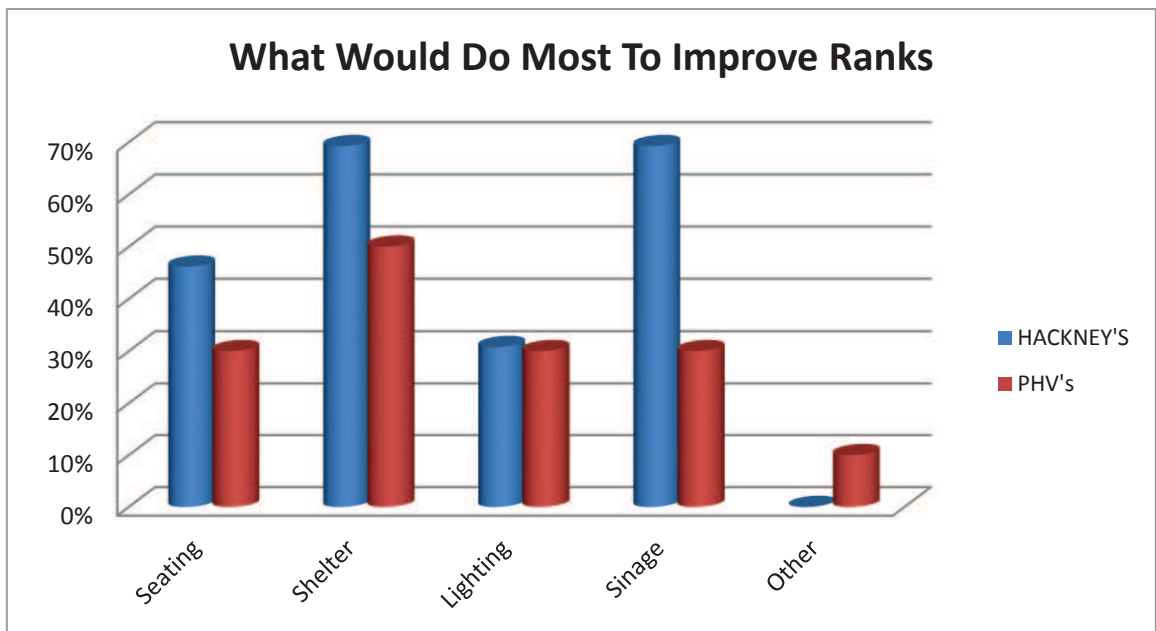


Figure 42: What Would do Most to Improve Ranks – Source: Amey

- 5.1.18. Drivers were asked about what would do most to improve the taxi ranks in Maidstone. As can be viewed in Figure 42, 'shelter' was the single improvement sought by most cab drivers, as the most important change (69% Hackney drivers and 50% PHV drivers). Signage improvements were also considered important, particularly by Hackney drivers (69%). Respondents gave multiple answers to this question.
- 5.1.19. Drivers were also asked whether there are any particular locations where they would welcome the provision of a new rank. Table 12 illustrates the results.

Table 12: Additional locations for taxi ranks in Maidstone	
Locations	Frequency
High Street	5
More pick up / drop off points for PHV drivers	3
Earl Street	1
Gabriel's Hill	1

- 5.1.20. The most suggested location was for more ranks to be situated on the High Street, whilst Earl Street and Gabriel's Hill were also mentioned as potential locations. A small number of PHV drivers illustrated their desire for there to be more specific pick up and drop off locations for PHVs in Maidstone.

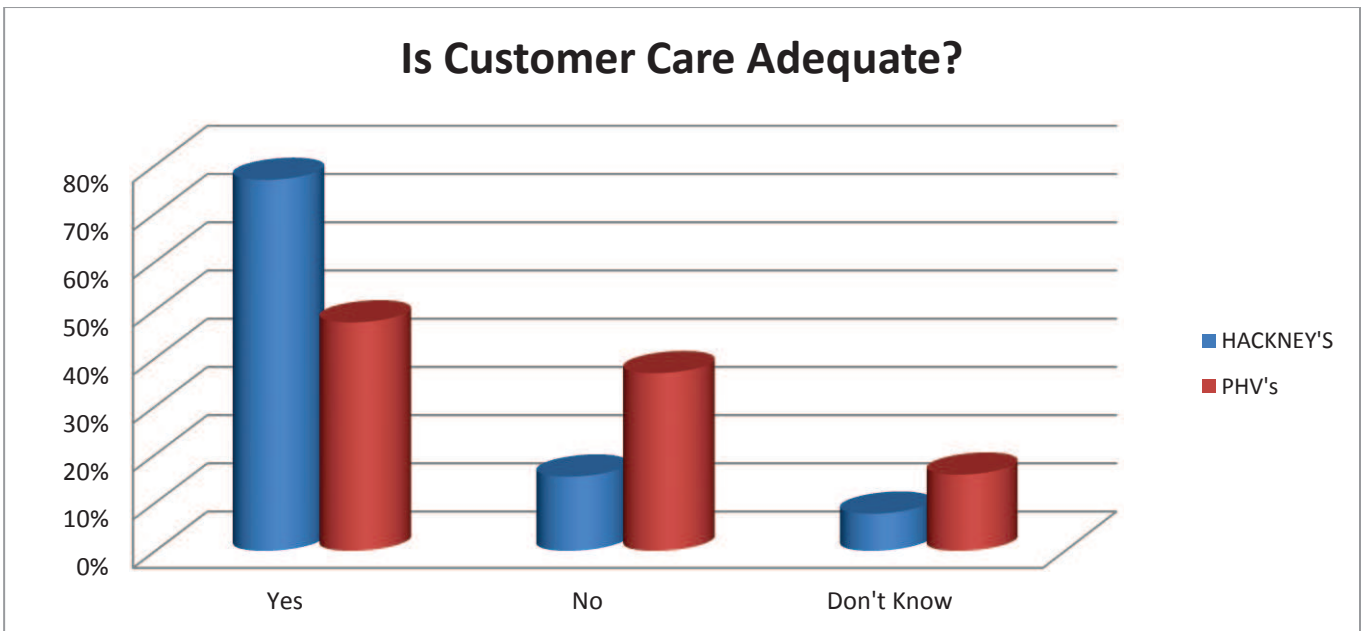


Figure 43: Is Customer Care Adequate (driver's opinions) – Source: Amey

5.1.21. Drivers were asked about customer care and whether they thought that the current level is suitable. There were 77% of Hackney drivers who thought that driver customer care was adequate and only 15% thought that it was not. Of the PHV drivers who responded a smaller proportion of 47% suggested customer care was adequate and 37% thought it was not. The remaining respondents did not answer this question.

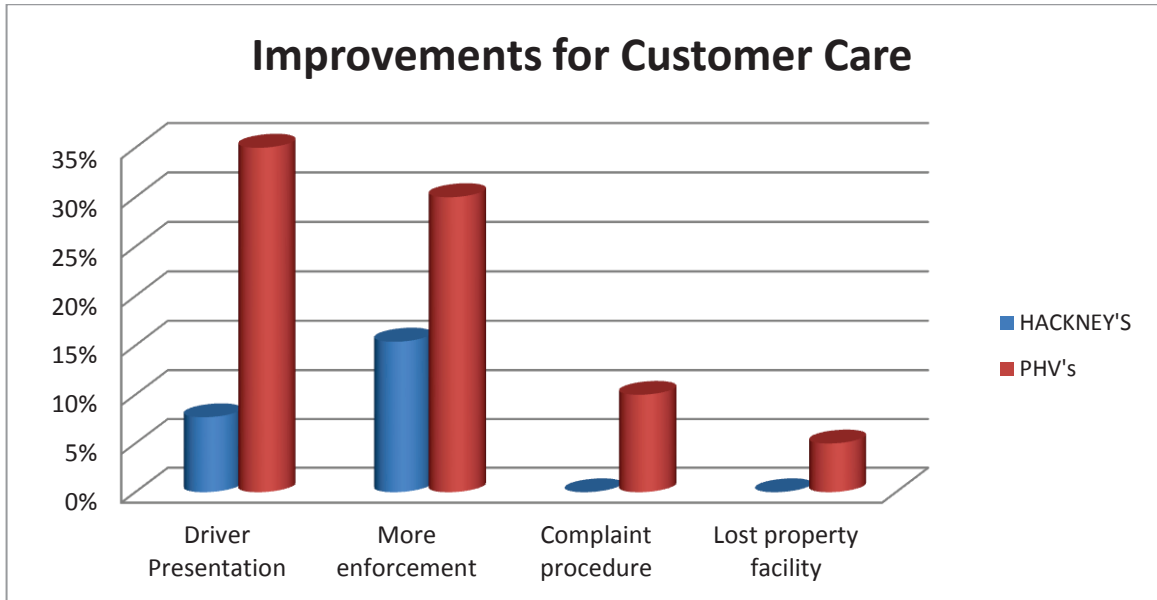


Figure 44: Improvements for Customer Care? – Source: Amey

5.1.22. Drivers were asked what improvements to customer care would have the largest beneficial effects for taxi drivers in Maidstone. Amongst the PHV drivers that responded, 'driver presentation' and 'more enforcement,' were the most popular choices (35% and 30% respectively). Hackney drivers considered 'more enforcement,' to be their most important improvement needed in customer care, followed by 'driver presentation' (15% and 8% respectively). Not all respondents participated in this question.

5.1.23. When asked if any of the criteria showed in Figure 45, were an issue for the local taxi trade, by far the most significant result from both Hackney and PHV drivers was the increasing expense of fuel for drivers (85% of Hackney respondents and 90% of PHV drivers). Congestion was also a matter of concern raised by the respondents with 54% and 60% of Hackney and PHV drivers, respectively, raising this as an issue that is impacting on the local taxi trade in Maidstone.

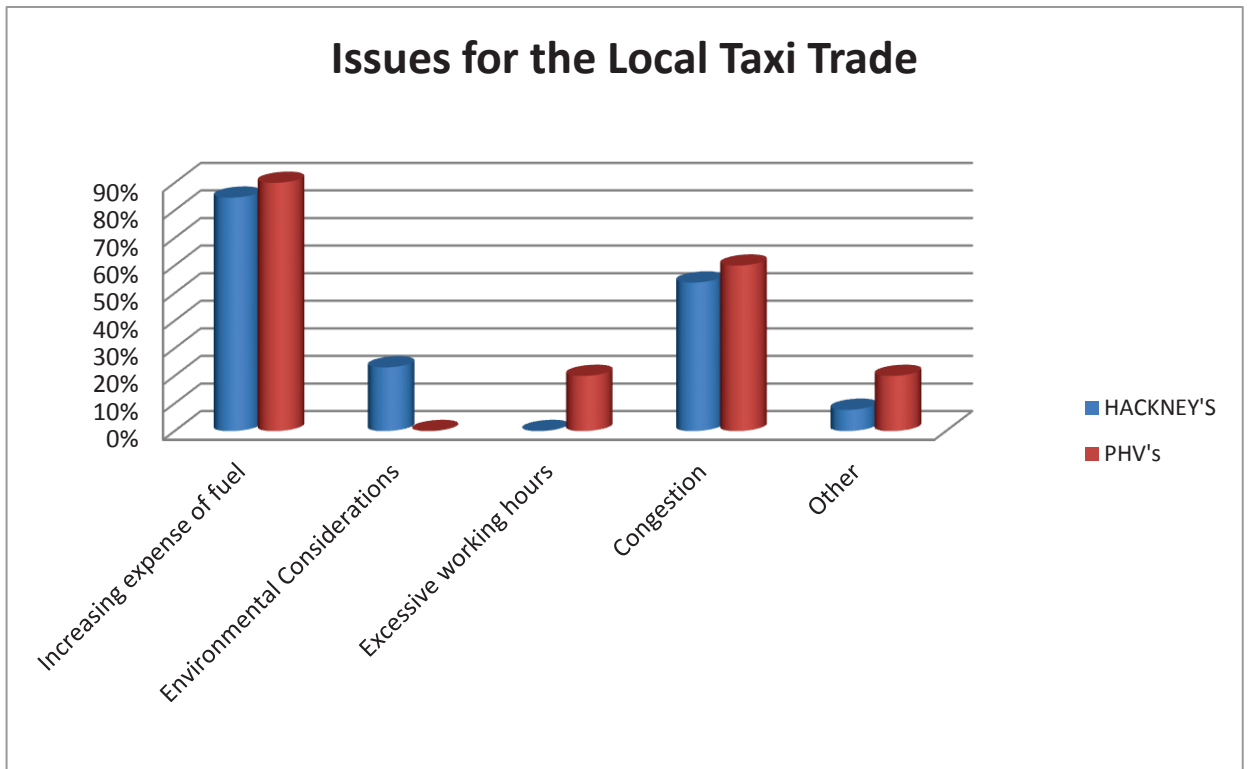


Figure 45: Issues for the Local Taxi Trade ? – Source: Amey

5.1.24. Drivers were asked if they believed there was a role for a Taxi Marshall Service in the Borough. Figure 46 shows that the majority of both Hackney (75 %) and PHV drivers (62%) would welcome the service.

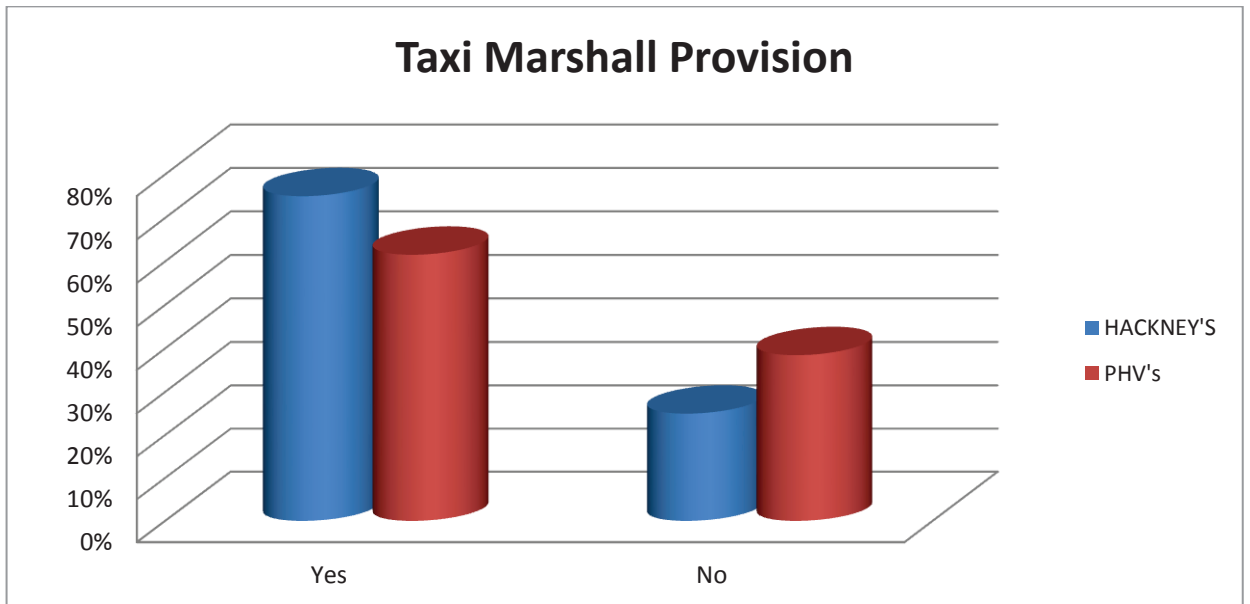


Figure 46: Would You Welcome the Provision of Taxi Marshalls at Ranks? – Source: Amey

5.1.25. The drivers were then asked which rank they would like to see the Taxi Marshall Service enforced at. Table 13 illustrates the results.

Table 13: Taxi Marshall Service	
Locations	Frequency
High Street	7
King Street	2
All	2

5.1.26. By far the majority of Hackney (85%) and PHV (58%) drivers considered that there was not a role for Taxibus Services in the Borough of Maidstone, as Figure 47 illustrates.

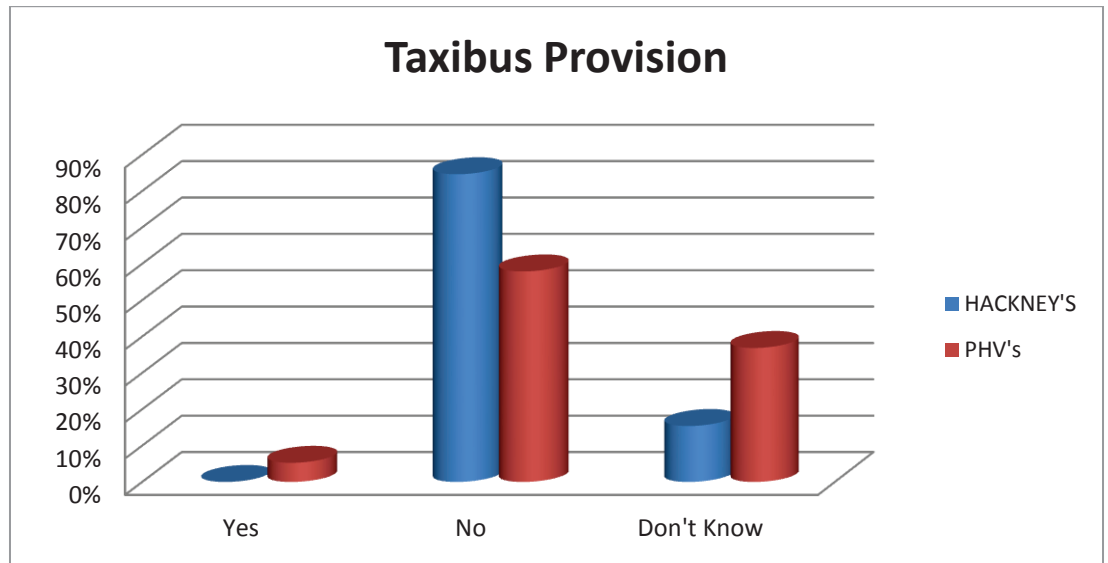


Figure 47: Is there a role for Taxibus Services in the Borough ? – Source: Amey

5.1.27. Almost all drivers did not believe the provision of a Taxi Sharing Scheme would be useful in Maidstone, with 75% of Hackney respondents and 82% of PHV respondents believing it would not be useful.

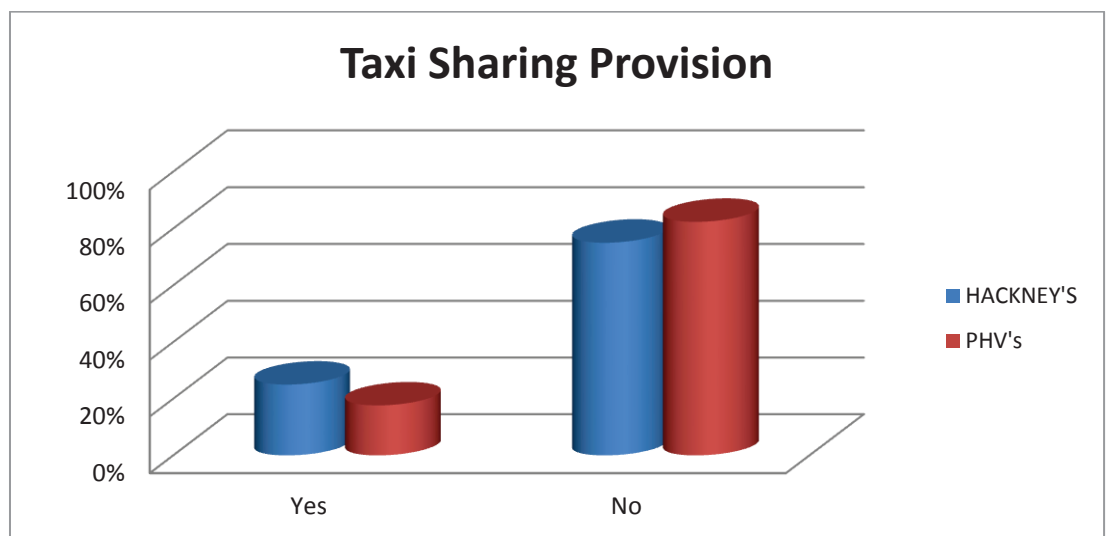


Figure 48: Would a Taxi Sharing Scheme be Useful in Maidstone ? – Source: Amey

5.1.28. The final question in the trade survey asked drivers for any further comments or issues that need to be addressed. The following lists the main comments received:

- *“We spend 75% of normal times queuing for work as shown on our metres by the amount of 'unpaid' time. The only time when there can be unmet demand is on Saturday night/Sunday morning between 1.20 and 4.00 a.m. when clubbers want to leave town.”*
- *“Licensing enforcement officer should be on cross check frequently.”*
- *“Over the last 5 years Hackney Carriage taxis work has gone down by at least 30-40%. There is enough taxis in Maidstone if anything too many.”*
- *“In reference to Q8, Q9, Q11 and Q12 there is no busy periods or days. Rate of work (days) is pretty constantly poor. Busy = 1 job per hour/slow = 1 job per 2 hours.”*
- *“There is adequate taxis in Maidstone any more would seriously affect our earnings. Better enforcements would be a far better help.”*
- *“We don't need any more taxis; we are struggling to make a living as it is. There are about 250 PHV's in Maidstone and they have been taking our trade off the streets. Also, Tonbridge Council have been giving out plates. And their drivers have been plying for trade in Maidstone. Also there are too many buses and park and rides. Also, there are not enough rank spaces and we keep getting moved on by traffic wardens.”*
- *“De-regulation in Maidstone would be a disaster for Hackney's. 60 odd plates is enough, there is no room for anymore, we are struggling to make a living as it is.*
- *“Firms coming from outside Maidstone are working here; more license officers on a Friday and Saturday to prevent this would be helpful.”*
- *“Not enough business for the number of drivers, forcing us to work over 70 hours a week to cover high costs and make a living.”*
- *“Increase fares - no increase since I started 2 and a half years ago but diesel has gone up considerably.”*
- *“This seems to apply mainly to the needs of hackney's and not PHV drivers. There are too many limiting access for PH drivers to pick up passengers. Whereas Hackney's have free access to the town centre. There is a need for PHV cars to operate in the town as many people prefer to ride a car rather than a hackney carriage, especially elderly people. PH cars are often preferred by disabled people as they are more comfortable.”*
- *“A constant menace of out of town 'taxis' plying for trade that enforcement are aware of, yet do nothing about!!!!”*
- *“New licensing procedures worse than before changes!”*

- *“The council's refusal to address the problem of taxi's from neighbouring Borough's coming into town and stealing work. Also, the use of 'O' plates in the town. ('O' plate driver being a driver without a CRB check, having had no medical and having passed no test) I being a licensed driver operate my vehicle at considerable expense to myself, 'O' plate drivers doing the same job pay nothing.”*

5.2. Consultation with Maidstone Taxi Proprietors Association

- 5.2.1. The consultant met with 4 representatives of the Maidstone Taxi Proprietors Association (MTPA) in November 2012. The Association primarily represents owner drivers in the Borough.
- 5.2.2. The MTPA were keen to ensure the appropriate ranks were observed during the course of the study. To this end the meeting first discussed the study methodology proposed and in particular which ranks were to be investigated. It was agreed that the observations proposed were to be undertaken at the ranks that were currently active.
- 5.2.3. Following this the issues of demand and rank provision were discussed in detail with the MTPA representatives and they made the following points:

In relation to demand

- That they believed demand for hackneys had reduced significantly, perhaps by as much as 40%, over the past 3 years since the previous study identified no unmet demand
- That this was reflected in reductions in earnings or drivers having to work longer hours to maintain earnings
- That Friday nights were no longer considered busy, except on occasions (pay days) between 01:00 and 03:00 and only Saturday night remained as a particularly busy time for hackneys on a regular basis.
- That demand had reduced in part as a result of the current economic climate but also because of other factors such as the provision of public transport, the number of PHVs in the Borough, reductions in contract work available and reductions in the number of taxi bays available at ranks.
- That at times of recession the taxi market was often one of the first to be 'hit' and one of the last to recover
- That demand was expected to reduce further before the situation improved
- That delimitation would have a major detrimental effect on the trade and would not be in the public interest as service quality would be likely to reduce

In relation to rank provision

- That in general there were not enough bays at ranks in the town and the trade had seen a steady reduction in the number of bays in recent years

- That they have lost bays from outside the Elephant
- That 2 bays opposite the rank in Earl Street are no longer available
- That there is often over-ranking in King Street with hackneys queuing on both sides of the road and this can affect traffic in the area. This has led to some conflict with Parking Services staff who will seek to move drivers on who are over-ranking
- That 2 bays introduced outside Summerfield did not attract passengers
- That they regularly liaise with the licencing officers and committee regarding rank provision but feel a little frustrated that this doesn't always achieve the outcomes they are seeking
- That rather than additional ranks the Association would prefer to see additional bays at the existing ranks
- The only potential location for a new rank would be the Hospital
- That provision of shelters and better signage of ranks would be the other most useful improvement at ranks
- Increased provision of marshals, especially for the main rank in King St/High St, would be considered useful and the Association would be prepared to discuss meeting some of the costs of such provision through fees, alongside an increase in the tariff.
- That club doormen who act as taxi marshals are available on a Saturday night between 01.30 and 04.30 and operators find them useful.

5.2.4. There was also brief discussion of a number of other issues affecting the taxi trade and the following was raised by the representatives present:

- Drivers are reluctant to roam the town for flag downs as these rarely occur. It is thought that most passengers not at a rank will go to a PHV office in the town to pick up a cab
- Many (possibly around 3 out of every 4) owner operators will work with a second driver to keep their vehicle busy throughout the night and day
- However, it can prove difficult at times of economic difficulty to find drivers that will commit to the trade. Many looking for work will take up driving but only until they can find something better. This can have an impact on the quality of service offered
- Anti-social behaviour in the town at night is not too bad and does not cause a particular problem for operators
- Operators work well with the clubs and local police to manage any problems
- Most contract work in the Borough is undertaken by PHVs and is thought to be reducing. However, the Association is looking into how it might assist hackney owners to look further at this market
- In general there is not believed to be any significant issue with PHVs plying for hire illegally

5.3. Consultation with Private Hire Operators

- 5.3.1. A consultation meeting was organised to which all the main Private Hire Operators in the Borough were invited. However, in the event none chose to attend. Operators were also sent a questionnaire pro-forma with cover letter inviting them to respond by email, telephone or by post using the pro-forma provided. However no responses were received other than from individual PHV drivers.

6. Stakeholder Consultation

6.1. Introduction

- 6.1.1. To inform the study of the views of other organisations, consultation was also undertaken with a range of stakeholders, either by meeting with them face to face or by letter, email, and telephone.

6.2. Key Stakeholder Forum

- 6.2.1. A consultation forum for Key stakeholders was organised in November 2012 to which representatives of the following were invited:

- Maidstone Borough Council, Senior Licensing Officer
- Kent County Council, Transport Policy
- Kent County Council, Transport Procurement
- The Police

- 6.2.2. On the day the Police were unable to attend. However, representatives of the 3 remaining organisations were present and a wide ranging discussion took place on taxi provision in general. The following key points emerged:

In relation to demand

- In general it was considered that the Borough was well provided for and there were few problems with taxi provision
- The only time it was thought that there may be unmet demand was late on a Saturday night/early Sunday morning
- It was understood that at this time the police would be likely to encourage PHVs into the town to supplement Hackney provision
- It was noted that the night time economy in the town was shrinking and it was considered that this would have an impact on trade
- Similarly, footfall in the town in general was known to be decreasing and again this was likely to have an impact on the taxi trade
- Both the above were considered a direct result of the economic situation and it was expected that the recession would also be impacting on the market for taxis in general
- As suggested by the MPTA, it was noted that the night time economy was buoyed on 'pay days' (the weekend at the end of the month or every other weekend) and this was leading to the town only being particularly busy on Saturdays, every other weekend, rather than every weekend

In relation to transport procurement

- The procurement officer present was not aware of any particular problems obtaining cabs for transport contracts with the County often receiving 4 or 5 bids from cab operators for every relevant tender they published
- If anything transport procurement had noticed the number of operators responding to tender opportunities had been increasing recently
- The County were also said to be turning to cab operators more as they found they offered good value for money and a service of reasonable quality
- The tender process is open so there is no need for operators to pre-qualify to establish themselves on a framework before they can bid for tenders

In relation to rank provision

- It was considered that rank provision was adequate and the ranks provided were in the correct locations
- The issues of over ranking in King St were highlighted, although it was pointed out that this was a problem that had existed for some time
- Operators were thought to queue at ranks rather than roam the town looking for flag downs or go to the Hospital to look for work. It was thought this may have led to a lack of expectation in the public that flagging a taxi will attract one. One representative suggested they had only ever seen a taxi flagged down once by a member of the public, in the 10 years they had lived in the town

In relation to transport integration

- It was considered that operators could potentially be more pro-active in developing their market; ie undertake more marketing activities themselves, maybe do more to look at contract opportunities, seek a greater role in providing Patient Transport in the area or to change the culture in relation to flag downs
- As bus services had been scaled back in the area recently it was considered surprising that their availability had been cited as a barrier to cab use
- The Licensing section of the Council would be open to exploring a Taxi sharing scheme with operator if they wished to do so
- It was noted that there is not a specific strategy for taxis within the current Local Transport Plan as they are treated as part of the wider public transport network. In particular they are regarded as the means to fill gaps in the bus network; ie by operating late at night when there are few buses available, serving rural parts of the area that are not or not often served by bus or improving the frequency of provision
- Taxi fares were considered expensive and it was thought operators could potentially look at operating taxibuses on a demand responsive basis as a means to offer a lower cost option that could fill gaps in the public transport offer

- The County transport policy representative believed they could be interested in exploring the opportunities for both the above with cab operators

Other

- There was not considered to be a significant issue with anti-social behaviour in the town or any particular security issues for cab passengers or drivers
- Taxis were not thought to contribute significantly to air quality issues

6.3. Stakeholder Questionnaires

6.3.1. In conjunction with the consultation undertaken face to face with key stakeholders a wide range of stakeholders were circulated with a questionnaire pro-forma and covering letter inviting them to respond to consultation by email, telephone or by returning the completed pro-forma questionnaire by post. This circulation included all key stakeholders thus giving the opportunity for any not able to attend the consultation forum to respond by other means.

6.3.2. The organisations in Maidstone that responded to the pro-forma questionnaires are listed below followed by a brief summary of each response received:

- *Morrisons Supermarket*
- *Maidstone Care Centre*
- *Lashings Bar and Restaurant*
- *Mu-Mu's*
- *Maidstone Town Centre Management*
- *The Swan Inn*

6.4. Morrisons Supermarkets

6.4.1. A manager employed at Morrisons Supermarket in Maidstone responded to the Stakeholder Unmet Demand Taxi Study Questionnaire, on his own behalf. He stated that he used a cab service in Maidstone 'sometimes,' with PHV's being his preferred type of vehicle. He found out where he could book a cab from, by using his telephone or mobile phone and answered 'yes,' when asked if operators/drivers are responsive to his needs. He further answered the questions in the survey by suggesting that shelters would do most to improve ranks in Maidstone. He finds it most difficult to obtain a cab on a Saturday and finds school times as the most difficult time of the day to obtain a PHV/Hackney vehicle. He also suggested he waits on average 5 – 10 minutes to obtain a cab in Maidstone.

6.4.2. When asked if there are any journey purposes he finds it difficult to obtain a hackney or PHV for, he responded 'no.' Similarly, he also deemed there to be no particular area of the Borough where it is difficult to obtain a cab. However, availability was the reason he gave for limiting or preventing his use of taxis and he believed the current limit set by the council for 48 licensed Hackney's was not enough. He rated the overall quality of service offered as 'good.'

- 6.4.3. The respondent never had difficulty differentiating between Hackneys and PHV's and does not believe that Taxi Marshalls are required at any ranks in Maidstone. He also suggested that the impact of extending licensing hours in Maidstone has increased taxi provision in the Borough, but believes relatively high numbers of PHV's have a detrimental effect and reduces the number of operational Hackney's. When asked about whether a Taxi Sharing scheme in Maidstone would be useful he responded 'no.'

6.5. Maidstone Care Centre

- 6.5.1. A manager employed at Maidstone Care Centre responded to the Stakeholder Unmet Demand Taxi Study Questionnaire, on the organisation's behalf. She stated that the Centre uses cab services in Maidstone 'quite a lot,' with PHV's being their preferred type of vehicle. They found out where to book a cab from, by using a telephone or mobile phone and answered 'sometimes,' when asked if operators/drivers are responsive to his needs. The respondent failed to answer what criteria would do most to improve taxi ranks and similarly did not respond to which day they find it most difficult to obtain a taxi. However they suggested that school times and the afternoon period are the most difficult time of the day to obtain a PHV/Hackney vehicle. Maidstone Care Centre also suggested that they do not have to wait as vehicles booked are usually on time.
- 6.5.2. When asked if there are any journey purposes for which the organisation finds it difficult to obtain a hackney or PHV, they stated that 'taking clients to the theatre' was of difficulty. However, they did not deem there to be any particular area of the Borough where it is difficult to obtain a taxi. Availability and cost were the main reasons given for limiting or preventing their use of cabs. They believed the current limit set by the council for 48 licensed Hackney's was not enough; but did rate the overall quality of service offered as 'good.' The respondent never has difficulty differentiating between Hackneys and PHV's and does not believe that Taxi Marshalls are required at any ranks in Maidstone. They also believe that increasing licensing hours of taxis in the Borough had no impact on the provision of PHV's or Hackneys. The final comment of the respondent was that, *'there needs to be more disabled services. I.e. more wheelchair accessible PHVs.'*

6.6. Lashings Bar and Restaurant

- 6.6.1. A company employee of Lashings Bar and Restaurant in Maidstone responded to the Stakeholder Unmet Demand Taxi Study Questionnaire, on her own behalf. She stated that she used cabs in Maidstone 'quite a lot,' with both Hackneys and PHV's being obtained. She found out where she could book a taxi from, by using her telephone or mobile phone and answered 'yes,' when asked if operators/drivers are responsive to her needs. When questioned on what would do most to improve taxi ranks in Maidstone, she responded by suggesting that seating, shelter, lighting and signage could all be introduced or improved to develop the ranks further. No responses were given when asked what day or time of day was most difficult in which to obtain a cab. She did however suggest she waits approximately 5 – 10 minutes to obtain a cab in Maidstone.

6.6.2. When asked if there are any journey purposes for which she finds it difficult to obtain a hackney or PHV, she responded 'no.' Similarly, she also deemed there to be no particular area of the Borough where it is difficult to obtain a taxi. Cost was the single reason the respondent suggested for limiting or preventing her use of taxis, whilst she believed the current limit set by the council for 48 licensed Hackney's was not enough; but did rate the overall quality of service offered as 'very good.' The respondent never has difficulty differentiating between Hackneys and PHV's and does not believe that Taxi Marshalls are required at any ranks in Maidstone. When asked if extensions to licensing hours had any impact on the provision of hackneys or PHV's, or whether the relatively high numbers of PHV's have any impact on the provision of Hackneys, she believed there would be no impact in both regards. The respondent provided no response to a question about Taxibus services, but believed a Taxi Sharing Scheme would not be of any use in Maidstone. The respondent provided the following comments on Hackney and PHV provision in the area: *'Every time I have got a Hackney cab they have always been a great service, the only thing I have an issue with is the price, especially when I get a cab home from work I find the price to be too high.* The respondent also asked a question on the form by saying, *'If I hadn't booked a taxi and got in a PHV, would I be insured in that vehicle? As we have customers who do that.'*

6.7. Mu Mu's

6.7.1. A manager employed at Mu Mu's restaurant and bar in Maidstone responded to the Stakeholder Unmet Demand Taxi Study Questionnaire, on the organisation's behalf. She stated that the company uses cab services in Maidstone 'a lot,' with PHV's being the vehicle they use the most. They found out where to book a taxi from, by going on-line and answered 'yes,' when asked if operators/drivers are responsive to their needs. The respondent suggested that seating would do most to improve taxi ranks in the Borough, and that the morning period is the most difficult time of the day to obtain a PHV/Hackney vehicle. Mu Mu's also suggested that they wait for their cabs in the region of 10 – 20 minutes.

6.7.2. When asked if there are any journey purposes for which the organisation finds it difficult to obtain a hackney or PHV, they answered 'no.' Similarly, they did not deem there to be any particular area of the Borough where it is difficult to obtain a cab. Cost was the reason suggested for limiting or preventing their use of cabs, whilst they believed the current limit set by the council at 48 licensed Hackney's was adequate; and rated the overall quality of service offered as 'average.' Finally, the respondent never has difficulty differentiating between Hackneys and PHV's.

6.8. Maidstone Town Centre Management

- 6.8.1. A manager at Maidstone Town Centre Management responded to the Stakeholder Unmet Demand Taxi Study Questionnaire, on the organisation's behalf. He stated that it uses cab services in Maidstone 'occasionally,' with both Hackneys and PHV's being used. They found out where to book a taxi from by other means than through a telephone/mobile phone, phone book, on-line or phone in shop. They also deemed operators/drivers to be responsive to their needs when they've been used.
- 6.8.2. When asked if there are any journey purposes which the organisation finds it difficult to obtain a hackney or PHV for, they answered 'no.' They also did not deem there to be any particular area of the Borough where it is difficult to obtain a taxi. Cost was the single reason suggested for limiting or preventing their use of taxis, whilst they believed the current limit set by the council for 48 licensed Hackney's was adequate; and rated the overall quality of service offered as 'very good.' The respondent never has difficulty differentiating between Hackneys and PHV's and believes that Taxi Marshalls would be useful at ranks in Maidstone, in particular in King Street on Saturday nights. They believe that increasing licensing hours in the Borough had no impact on the provision of PHV's or Hackneys, as well as believing that no impact would be felt as a result of relatively high numbers of PHV's.

6.9. The Swan Inn

- 6.9.1. The licensee of The Swan pub in Maidstone responded to the Stakeholder Unmet Demand Taxi Study Questionnaire, on the organisation's behalf. She stated that the company uses cab services in Maidstone 'sometimes,' with both Hackneys and PHV's being used. They found out where to book a cab from, by using a telephone or mobile phone and answered 'yes,' when asked if operators/drivers are responsive to their needs. The respondent suggested that signage would do most to improve taxi ranks in the Borough and believed that a Saturday was the most difficult day to obtain a cab. The Swann Inn also suggested that their cabs usually arrive at the time they are requested.
- 6.9.2. When asked if there are any journey purposes which the organisation finds it difficult to obtain a hackney or PHV, they answered 'no.' Similarly, they did not deem there to be any particular area of the Borough where it is difficult to obtain a taxi. They believed the current limit set by the council for 48 licensed Hackney's was not enough; and rated the overall quality of service offered as 'good.' Finally, the respondent never has difficulty differentiating between Hackneys and PHV's. The Swan Inn suggested Taxi Marshalls would be useful in the town centre but provided no response to questions directed at Taxibus Services, Taxi Sharing Schemes or any further comments relating to Hackney and PHV provision in Maidstone. They did, however, suggest the extensions to licensing hours as well as relatively high numbers of PHV's have a detrimental effect and reduced the provision of Hackney carriages.

7. Conclusions

7.1. Unmet Demand

- 7.1.1. The ISUD model shows an overall value of 0. As this is well below the threshold of 80, it is concluded that significant unmet demand for Hackney carriages does not exist in the rank based market in Maidstone. This remains the case even when the model is run to take account of excess demand throughout the week, which gives a value of 16. The finding is supported by the relatively low overall level of excess demand found at any time at ranks (4.3%), that supply and demand is in equilibrium the majority (89.7%) of the time and that the average passenger delay is only 0.39 minutes whereas the average taxi delay is 14.46 minutes.
- 7.1.2. There is also no indication from any of the research undertaken that there is any significant unmet demand in any other aspects of the hackney market as a whole, despite the number of Hackneys per capita in the Borough being significantly lower than the average for 100 other licensing areas. Amongst the general public surveyed there were only 13% that suggested there were not enough Hackneys licensed in the Borough, while 32% believed there were too many or just the right amount and 55% chose to express no opinion. Similarly, when asked what would do most to improve Hackney services, only 9% of the general public suggested more Hackneys were needed compared to by far the majority (68%) who sought cheaper fares and 12% who wanted more ranks. The finding is supported by the key stakeholders consulted all of whom believed that hackney supply was adequate and by some, but not all, of the other stakeholders who responded to consultation. Amongst the latter, however, few expressed any difficulty obtaining a cab for any particular purpose or from any particular area. The representative of transport procurement at the key stakeholder forum also confirmed they had no issues obtaining cabs to meet their contract requirements.
- 7.1.3. Amongst members of the trade the majority of Hackney drivers (92%) and the majority of PHV drivers (40%), that responded to the question, believed the number of Hackneys licensed in Maidstone to be adequate. Similarly this was also the view of the MTPA, who also highlighted that they believed there had been a reduction in demand since the previous unmet demand study was undertaken in 2009 (and identified that no unmet demand existed at that time). This reduction in demand was also suggested by the key stakeholders consulted.
- 7.1.4. The main concern of drivers if the Hackney fleet were to increase was that there would be less work for drivers (92% of Hackney drivers and 75% of PHV drivers) and consequently, a loss of revenue (62% of Hackney drivers and 60% of PHV drivers). The MTPA also pointed out drivers were already working longer hours to retain revenue and the driver survey reflected this in that many drivers were working 6 or 7 days a week.

7.2. Ranks

- 7.2.1. In terms of the rank provision in the Borough there was no significant evidence of a need for additional ranks. The MTPA expressed far more concern over a shortage of bays at existing ranks together with an interest in seeing better facilities at these, rather than a need for additional ranks to be provided. Amongst drivers while there were 5 that suggested a new rank was required in High St (to add to the existing rank) there were far more who sought improved shelter (69%) and signage (69%) at existing ranks.
- 7.2.2. Amongst the general public, as mentioned above, only 12% sought additional ranks as a means to improve Hackney provision, with 18 people suggesting if there were to be such their preference would be for this to be in High St (again, presumably, to add to the existing rank). In addition 7 people suggested Union St and 5 Maidstone Library. Neither was the need for additional ranks a particular concern amongst stakeholders with many choosing not to respond to this question.
- 7.2.3. In terms of improvements to existing ranks the general public concurred with operators that they would like to see additional signage (37%) and additional shelter (32%) at ranks. The need for improved signage in particular was also a finding of the rank audit undertaken by the consultant.
- 7.2.4. The MTPA did suggest there may be scope for a new rank at the Hospital. They also suggested they would welcome further discussion with the Council regards the provision of Taxi Marshals in the town and alongside a tariff increase, may be prepared to look at this being funded through fees. The need for Taxi Marshals was not a particular priority amongst the general public, with only 17% suggesting they would welcome this. However, there were 75% of Hackney drivers that would welcome Taxi Marshals and 62% of PHV drivers that would. Some stakeholders also thought they would be useful. In terms of where Marshals would be most useful High St was highlighted by most.

7.3. Other Significant Issues

- 7.3.1. Just over half (56%) of the general public surveyed thought the quality of hackney services in Maidstone to be good or very good and 38% considered them to be of average quality. Only 6% thought service quality was poor or very poor. When asked what would do most to improve hackney services by far the majority (68%) of the general public sought a reduction in fares. Cost was also considered by PHV drivers to be that which most limited cab use. However, amongst Hackney drivers available Public Transport was considered the most limiting factor with cost 'equal' second alongside security. Asked what would do most to improve hackney services, Hackney drivers (54%) highlighted the need for improved language skills as did 90% of PHV drivers. The MTPA were more concerned to see a greater level of enforcement, whereas key stakeholders were keen on greater dialogue with operators over integration of taxi services with the wider public transport network and most other stakeholders chose not to suggest improvements.

- 7.3.2. When the general public were asked about their knowledge of how Hackney's and PHVs can go about picking up passengers there was a significant number who answered the questions incorrectly, suggesting they were not that aware of the legal distinction between the two. In particular, there were 60% that thought they could obtain a PHV from a rank and 63% who didn't know they could only obtain a Hackney from a rank or by flagging it down. Similarly amongst those members of the general public that had used a cab in the last 3 months, of the 38% that said they had used a PHV there were 4% who said they had obtained this from a rank and 13% who suggested they had flagged it down. This despite all other stakeholders consulted who answered the question suggesting they were able to distinguish easily between a Hackney and a PHV. As both the MTPA and key stakeholders don't believe there is any significant illegal plying for hire by PHVs taking place the above points to people being mistaken about the type of vehicle used.
- 7.3.3. There was very little interest shown by any of those consulted in the provision of taxibus services. Amongst Hackney drivers there were 19% who expressed an interest in taxisharing and key stakeholders also suggested they would be interested in pursuing dialogue with operators about such a scheme. However, this level of interest was not shared by the general public, other stakeholders or the MTPA.

8. Options and Recommendations

8.1. Options

8.1.1. In the absence of any significant unmet demand Maidstone Borough Council can currently choose to:

- maintain its limit at the current level of Hackney Carriage licences;
- issue that number of Hackney Carriage licences as it sees fit (in one or in stages); or
- remove the current limit on Hackney Carriages (de-limitation)

8.1.2. The choice of policy is ultimately a political decision and Amey therefore, does not make any specific recommendations in this report on which option the Council should choose. However, for information we provide below a summary of some of the key positive and negative impacts that need to be taken into account when considering the choices available. The proposal of the Law Commission in its current consultation document to remove the option for limitation should also be born in mind as should the potential reduction in demand for Hackneys since the previous unmet demand survey:

Table 14: Options		
Option	Positives	Negatives
Maintain the current limit on Hackney licenses	<ul style="list-style-type: none"> Most closely meets the preference of local consultation Most likely to sustain operator viability Most likely to maintain service quality No disruption in provision 	<ul style="list-style-type: none"> Little scope for increased provision Least likely to encourage improvements in service provision Sustains the current 'premium' on Hackney licenses
Increase the current limit on Hackney licenses (in one)	<ul style="list-style-type: none"> Provides for the impact on operator viability to be limited Can maintain or improve service quality through entry standards and controls Can meet some demands for increased vehicle provision and market entry Can allow specific entry requirements to be placed alongside the new licenses available Continues regulation while allowing for growth in operations 	<ul style="list-style-type: none"> Offers neither the benefits of retaining a limit or of deregulating Maintains the possibility of a court challenge by both those who do not think there should be a limit and those that do not wish to see it removed Increasing the limit requires further study to establish by how much it should be raised. This will require modelling of the elasticity of demand. Increasing the limit in one go risks introducing too many Hackneys if the above calculations prove inaccurate
Increase the current limit on Hackney licenses (in stages)	<ul style="list-style-type: none"> Provides for a controlled increase in Hackney numbers Can maintain or improve service quality through entry standards and controls Can meet some demands for increased market entry, over time Can allow specific entry requirements to be placed alongside the new licenses 	<ul style="list-style-type: none"> Requires new operators to incur costs of changing or obtaining new vehicles Offers neither the benefits of retaining a limit or of deregulating Maintains the possibility of a court challenge by both those who do not think there should be a limit and those that do not wish to see it removed

Table 14: Options		
Option	Positives	Negatives
	<p>available and improved/ changed at each issue</p> <p>Continues regulation while allowing for controlled growth in operations</p> <p>Increasing the limit in stages negates the need for detailed further study to establish by how much it should be raised, as long as impacts of each increase are monitored</p> <p>Avoids the risk of over supply to the market</p> <p>Can be used as a 'stepping stone' towards deregulation</p>	<p>Will take time to bring about any service improvements and market growth.</p>
Remove the limit on Hackney licenses	<p>Most closely meets thrust of national policy</p> <p>Most likely to bring consumer benefits</p> <p>Assuming transfer of PHVs to Hackneys, most likely to increase Hackney and reduce PHV numbers</p> <p>Most likely to meet the demands of those consulted who sought increased numbers of taxis or opportunities for market entry (i.e. drivers currently leasing a vehicle)</p> <p>No need for costly unmet demand surveys to be undertaken every 3 years</p> <p>Can lead to reduced fares</p>	<p>May generate excessive competition for prime demand (i.e. as the 'bus wars' that developed following the 1985 transport ACT)</p> <p>May cause a reduction in service quality</p> <p>Can be disruptive to markets until new arrangements settle</p> <p>Can require substantial administration and enforcement effort until markets and the trade settle</p> <p>New licence holders cannot easily be required to serve particular or new aspects of the taxi market</p> <p>Can lead to a reduction in the viability/sustainability of operators</p>

8.2. Recommendations

8.2.1. It is recommended that:

- Based on our analyses, Maidstone City Council has the discretion to either:
 1. Maintain the limit at the current level of Hackney licences;
 2. Issue that number of Hackney Carriage licences as it sees fit; or
 3. Remove the current limit on Hackney Carriages (de-limitation)
- If there is to be any change, to the current policy, this should be considered in the light of the most recent DfT guidance to licensing authorities and the potential outcome of Law Commission considerations due to be published towards the end of 2013.
- No recommendation is made regarding provision of additional ranks in the Borough. However, it is recommended that consideration is given to extending the bays available at the rank in the High St as this was the location for a new rank suggested by the most members of the public and similarly by drivers.
- Alongside this it is also recommended that consideration is given to trialling the provision of Taxi Marshalls at the High St rank on a Saturday night, following discussion with the MTPA on how the costs of such a trial might be shared with the Council.
- Following the above, funds should be sought to improve the shelter at and signage at and to/from at least the main ranks in the town.
- It is recommended that discussion takes place with the MTPA and other Hackney operators to establish the feasibility of introducing a taxisharing scheme in the Borough with the main focus being on use of this to address the cost and public transport issues identified as the main barriers to Hackney use.
- Dialogue should take place with the MTPA and other operators on how the Council might assist operators to take a more pro-active approach to marketing their services and in particular on how services might be better integrated with the wider public transport network.
- Training should be made available as a matter of course to Hackney drivers, on entry or renewal of their license, covering language skills for those whose first language is not English.
- The Council should consider running a public awareness campaign to raise awareness of the distinction between Hackneys and PHVs with a particular focus on the risks of inappropriate use; ie that passengers not pre-booking a PHV will not be insured when travelling in the vehicle.
- Future Public/Passenger Transport Strategies and policy documents, including the Local Transport Plan for Kent, should take account of this report.

Appendix A

DfT Guidance 2010

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Project Name: Maidstone Council Taxi Study

Document Title: Taxi Unmet Demand Study

TAXI AND PRIVATE HIRE VEHICLE LICENSING: BEST PRACTICE GUIDANCE

March 2010

INTRODUCTION

1. The Department first issued Best Practice Guidance in October 2006 to assist those local authorities in England and Wales that have responsibility for the regulation of the taxi and private hire vehicle (PHV) trades.
2. It is clear that many licensing authorities considered their licensing policies in the context of the Guidance. That is most encouraging.
3. However, in order to keep our Guidance relevant and up to date, we embarked on a revision. We took account of feedback from the initial version and we consulted stakeholders in producing this revised version.
4. The key premise remains the same - it is for individual licensing authorities to reach their own decisions both on overall policies and on individual licensing matters, in the light of their own views of the relevant considerations. This Guidance is intended to assist licensing authorities but it is only guidance and decisions on any matters remain a matter for the authority concerned.
5. We have not introduced changes simply for the sake of it. Accordingly, the bulk of the Guidance is unchanged. What we have done is focus on issues involving a new policy (for example trailing the introduction of the Safeguarding Vulnerable Groups legislation); or where we consider that the advice could be elaborated (eg enforcement); or where progress has been made since October 2006 (eg the stretched limousine guidance note has now been published).

THE ROLE OF TAXIS AND PHVs

1. Taxis (more formally known as hackney carriages) and PHVs (or minicabs as some of them are known) play an important part in local transport. In 2008, the average person made 11 trips in taxis or private hire vehicles. Taxis and PHVs are used by all social groups; low-income young women (amongst whom car ownership is low) are one of the largest groups of users.
2. Taxis and PHVs are also increasingly used in innovative ways - for example as taxi-buses - to provide innovative local transport services (see paras 92-95)

THE ROLE OF LICENSING: POLICY JUSTIFICATION

1. The aim of local authority licensing of the taxi and PHV trades is to protect the public. Local licensing authorities will also be 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. Local licensing authorities should recognise that too restrictive an approach can work against the public interest – and can, indeed, have safety implications.

1. 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 does not have a criminal record for assault and that the vehicle is safe. But 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 late-night streets 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.
2. Local licensing authorities will, therefore, want to be sure that each of their various licensing requirements 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 urge local licensing authorities to look carefully at the costs – financial or otherwise – imposed by each of their licensing policies. It is suggested they should ask themselves whether those costs are really commensurate with the benefits a policy is meant to achieve.

SCOPE OF THE GUIDANCE

11. This guidance deliberately does not seek to cover the whole range of possible licensing requirements. Instead it seeks to concentrate only on those issues that have caused difficulty in the past or that seem of particular significance. Nor for the most part does the guidance seek to set out the law on taxi and PHV licensing, which for England and Wales contains many complexities. Local licensing authorities will appreciate that it is for them to seek their own legal advice.

CONSULTATION AT THE LOCAL LEVEL

12. It is good practice for local authorities to consult about any significant proposed changes in licensing rules. Such consultation should include not only the taxi and PHV trades but also groups likely to be the trades' customers. Examples are groups representing disabled people, or Chambers of Commerce, organisations with a wider transport interest (eg the Campaign for Better Transport and other transport providers), womens' groups or local traders.

ACCESSIBILITY

1. The Minister of State for Transport has now announced the way forward on accessibility for taxis and PHVs. His statement can be viewed on the Department's web-site at: <http://www.dft.gov.uk/press/speechesstatements/statements/accesstotaxis>. The Department will be taking forward demonstration schemes in three local authority areas to research the needs of people with disabilities in order to produce guidance about the most appropriate provision. In the meantime, the Department recognises that some local licensing authorities will want to make progress on enhancing accessible taxi provision and the guidance outlined below constitutes the Department's advice on how this might be achieved in advance of the comprehensive and dedicated guidance which will arise from the demonstration schemes.

14. Different accessibility considerations apply between taxis and PHVs. Taxis can be hired on the spot, in the street or at a rank, by the customer dealing directly with a driver. PHVs can only be booked through an operator. It is important that a disabled person should be able to hire a taxi on the spot with the minimum delay or inconvenience, and having accessible taxis available helps to make that possible. For PHVs, it may be more appropriate for a local authority to license any type of saloon car, noting that some PHV operators offer accessible vehicles in their fleet. The Department has produced a leaflet on the ergonomic requirements for accessible taxis that is available from: <http://www.dft.gov.uk/transportforyou/access/taxis/pubs/research>
15. The Department is aware that, in some cases, taxi drivers are reluctant to pick up disabled people. This may be because drivers are unsure about how to deal with disabled people, they believe it will take longer for disabled people to get in and out of the taxi and so they may lose other fares, or they are unsure about insurance arrangements if anything goes wrong. It should be remembered that this is no excuse for refusing to pick up disabled people and that the taxi industry has a duty to provide a service to disabled people in the same way as it provides a service to any other passenger. Licensing authorities should do what they can to work with operators, drivers and trade bodies in their area to improve drivers' awareness of the needs of disabled people, encourage them to overcome any reluctance or bad practice, and to improve their abilities and confidence. Local licensing authorities should also encourage their drivers to undertake disability awareness training, perhaps as part of the course mentioned in the training section of this guidance that is available through Go-Skills.
16. In relation to enforcement, licensing authorities will know that section 36 of the Disability Discrimination Act 1995 (DDA) was partially commenced by enactment of the Local Transport Act 2008. The duties contained in this section of the DDA apply only to those vehicles deemed accessible by the local authority being used on "taxibus" services. This applies to both hackney carriages and private hire vehicles.
17. Section 36 imposes certain duties on drivers of "taxibuses" to provide assistance to people in wheelchairs, to carry them in safety and not to charge extra for doing so. Failure to abide by these duties could lead to prosecution through a Magistrates' court and a maximum fine of £1,000.
18. Local authorities can take action against non-taxibus drivers who do not abide by their duties under section 36 of the DDA (see below). This could involve for example using licence conditions to implement training requirements or, ultimately, powers to suspend or revoke licences. Some local authorities use points systems and will take certain enforcement actions should drivers accumulate a certain number of points
19. There are plans to modify section 36 of the DDA. The Local Transport Act 2008 applied the duties to assist disabled passengers to drivers of taxis and PHVs whilst being used to provide local services. The Equality Bill which is currently on its passage through Parliament would extend the duties to drivers of taxis and PHVs whilst operating conventional services using wheelchair accessible vehicles. Licensing authorities will be informed if the change is enacted and Regulations will have to be made to deal with exemptions from the duties for drivers who are unable, on medical grounds to fulfil the duties.

Duties to carry assistance dogs

1. Since 31 March 2001, licensed taxi drivers in England and Wales have been under a duty (under section 37 of the DDA) to carry guide, hearing and other prescribed assistance dogs in their taxis without additional charge. Drivers who have a medical condition that is aggravated by exposure to dogs may apply to their licensing authority for an exemption from the duty on medical grounds. Any other driver who fails to comply with the duty could be prosecuted through a Magistrates' court and is liable to a fine of up to £1,000. Similar duties covering PHV operators and drivers have been in force since 31 March 2004.
2. Enforcement of this duty is the responsibility of local licensing authorities. It is therefore for authorities to decide whether breaches should be pursued through the courts or considered as part of the licensing enforcement regime, having regard to guidance issued by the Department.

<http://www.dft.gov.uk/transportforyou/access/taxis/pubs/taxis/carriageofassistancedogsinta6154?page=2>

Duties under the Part 3 of the DDA

1. The Disability Discrimination Act 2005 amended the DDA 1995 and lifted the exemption in Part 3 of that Act for operators of transport vehicles. Regulations applying Part 3 to vehicles used to provide public transport services, including taxis and PHVs, hire services and breakdown services came into force on 4 December 2006. Taxi drivers now have a duty to ensure disabled people are not discriminated against or treated less favourably. In order to meet these new duties, licensing authorities are required to review any practices, policies and procedures that make it impossible or unreasonably difficult for a disabled person to use their services.
2. The Disability Rights Commission, before it was incorporated into the Equality and Human Rights Commission, produced a Code of Practice to explain the Part 3 duties for the transport industry; this is available at http://www.equalityhumanrights.com/uploaded_files/code_of_practice_provision_and_use_of_transport_vehicles_dda.pdf. There is an expectation that Part 3 duties also now demand new skills and training; this is available through GoSkills, the sector skills council for road passenger transport. Go-Skills has also produced a DVD about assisting disabled passengers. Further details are provided in the training section of this guidance.
3. Local Authorities may wish to consider how to use available courses to reinforce the duties drivers are required to discharge under section 3 of DDA, and also to promote customer service standards for example through GoSkills.
4. In addition recognition has been made of a requirement of basic skills prior to undertaking any formal training. On-line tools are available to assess this requirement prior to undertaking formal training.

VEHICLES

Specification Of Vehicle Types That May Be Licensed

1. The legislation gives local authorities a wide range of discretion over the types of vehicle that they can license as taxis or PHVs. Some authorities specify conditions that in practice can only be met by purpose-built vehicles but the majority license a range of vehicles.
2. Normally, the best practice is for local licensing authorities to adopt the principle of specifying as many different types of vehicle as possible. Indeed, local authorities might usefully set down a range of general criteria, leaving it open to the taxi and PHV trades to put forward vehicles of their own choice which can be shown to meet those criteria. In that way there can be flexibility for new vehicle types to be readily taken into account.
3. It is suggested that local licensing authorities should give very careful consideration to a policy which automatically rules out particular types of vehicle or prescribes only one type or a small number of types of vehicle. For example, the Department believes authorities should be particularly cautious about specifying only purpose-built taxis, with the strict constraint on supply that that implies. But of course the purpose-built vehicles are amongst those which a local authority could be expected to license. Similarly, it may be too restrictive to automatically rule out considering Multi-Purpose Vehicles, or to license them for fewer passengers than their seating capacity (provided of course that the capacity of the vehicle is not more than eight passengers).
4. The owners and drivers of vehicles may want to make appropriate adaptations to their vehicles to help improve the personal security of the drivers. Licensing authorities should look favourably on such adaptations, but, as mentioned in paragraph 35 below, they may wish to ensure that modifications are present when the vehicle is tested and not made after the testing stage.

Tinted windows

30. The minimum light transmission for glass in front of, and to the side of, the driver is 70%. Vehicles may be manufactured with glass that is darker than this fitted to windows rearward of the driver, especially in estate and people carrier style vehicles. When licensing vehicles, authorities should be mindful of this as well as the large costs and inconvenience associated with changing glass that conforms to both Type Approval and Construction and Use Regulations.

Imported vehicles: type approval (see also “stretched limousines”, paras 40-44 below)

31. It may be that from time to time a local authority will be asked to license as a taxi or PHV a vehicle that has been imported independently (that is, by somebody other than the manufacturer). Such a vehicle might meet the local authority’s criteria for licensing, but the local authority may nonetheless be uncertain about the wider rules for foreign vehicles being used in the UK. Such vehicles will be subject to the ‘type approval’ rules. For

passenger cars up to 10 years old at the time of first GB registration, this means meeting the technical standards of either:

- a European Whole Vehicle Type approval;
- a British National Type approval; or
- a Individual Vehicle Approval.

Most registration certificates issued since late 1998 should indicate the approval status of the vehicle. The technical standards applied (and the safety and environmental risks covered) under each of the above are proportionate to the number of vehicles entering service. Further information about these requirements and the procedures for licensing and registering imported vehicles can be seen at www.businesslink.gov.uk/vehicleapprovalschemes

Vehicle Testing

32. There is considerable variation between local licensing authorities on vehicle testing, including the related question of age limits. The following can be regarded as best practice:

- Frequency Of Tests.** The legal requirement is that all taxis should be subject to an MOT test or its equivalent once a year. For PHVs the requirement is for an annual test after the vehicle is three years old. An annual test for licensed vehicles of whatever age (that is, including vehicles that are less than three years old) seems appropriate in most cases, unless local conditions suggest that more frequent tests are necessary. However, more frequent tests may be appropriate for older vehicles (see 'age limits' below). Local licensing authorities may wish to note that a review carried out by the National Society for Cleaner Air in 2005 found that taxis were more likely than other vehicles to fail an emissions test. This finding, perhaps suggests that emissions testing should be carried out on ad hoc basis and more frequently than the full vehicle test.
- Criteria For Tests.** Similarly, for mechanical matters it seems appropriate to apply the same criteria as those for the MOT test to taxis and PHVs*. The MOT test on vehicles first used after 31 March 1987 includes checking of all seat belts. However, taxis and PHVs provide a service to the public, so it is also appropriate to set criteria for the internal condition of the vehicle, though these should not be unreasonably onerous.

*A manual outlining the method of testing and reasons for failure of all MOT tested items can be obtained from the Stationary Office see <http://www.tsoshop.co.uk/bookstore.asp?FO=1159966&Action=Book&From=SearchResults&ProductID=0115525726>

- Age Limits.** It is perfectly possible for an older vehicle to be in good condition. So the setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles - for example, twice-yearly tests for vehicles more than five years old.

- Number Of Testing Stations. There is sometimes criticism that local authorities provide only one testing centre for their area (which may be geographically extensive). So it is good practice for local authorities to consider having more than one testing station. There could be an advantage in contracting out the testing work, and to different garages. In that way the licensing authority can benefit from competition in costs. (The Vehicle Operators and Standards Agency – VOSA – may be able to assist where there are local difficulties in provision of testing stations.)

33. The Technical Officer Group of the Public Authority Transport Network has produced Best Practice Guidance which focuses on national inspection standards for taxis and PHVs. Local licensing authorities might find it helpful to refer to the testing standards set out in this guidance in carrying out their licensing responsibilities. The PATN can be accessed via the Freight Transport Association.

Personal security

34. The personal security of taxi and PHV drivers and staff needs to be considered. The Crime and Disorder Act 1998 requires local authorities and others to consider crime and disorder reduction while exercising all of their duties. Crime and Disorder Reduction Partnerships are also required to invite public transport providers and operators to participate in the partnerships. Research has shown that anti-social behaviour and crime affects taxi and PHV drivers and control centre staff. It is therefore important that the personal security of these people is considered.
35. The owners and drivers of vehicles will often want to install security measures to protect the driver. Local licensing authorities may not want to insist on such measures, on the grounds that they are best left to the judgement of the owners and drivers themselves. But it is good practice for licensing authorities to look sympathetically on - or actively to encourage - their installation. They could include a screen between driver and passengers, or CCTV. Care however should be taken that security measures within the vehicle do not impede a disabled passenger's ability to communicate with the driver. In addition, licensing authorities may wish to ensure that such modifications are present when the vehicle is tested and not made after the testing stage.
36. There is extensive information on the use of CCTV, including as part of measures to reduce crime, on the Home Office website (e.g. <http://scienceandresearch.homeoffice.gov.uk/hosdb/cctv-imaging-technology/CCTV-andimaging-publications>) and on the Information Commission's Office website (www.ico.gov.uk). CCTV can be both a deterrent to would-be trouble makers and be a source of evidence in the case of disputes between drivers and passengers and other incidents. There is a variety of funding sources being used for the implementation of security measures for example, from community safety partnerships, local authorities and drivers themselves.
37. Other security measures include guidance, talks by the local police and conflict avoidance training. The Department has recently issued guidance for taxi and PHV drivers to help them improve their personal security. These can be accessed on the Department's website at: <http://www.dft.gov.uk/pgr/crime/taxiphv/>.

In order to emphasise the reciprocal aspect of the taxi/PHV service, licensing authorities might consider drawing up signs or notices which set out not only what passengers can expect from drivers, but also what drivers can expect from passengers who use their service. Annex B contains two samples which are included for illustrative purposes but local authorities are encouraged to formulate their own, in the light of local conditions and circumstances. Licensing authorities may want to encourage the taxi and PHV trades to build good links with the local police force, including participation in any Crime and Disorder Reduction Partnerships.

Vehicle Identification

38. Members of the public can often confuse PHVs with taxis, failing to realise that PHVs are not available for immediate hire and that a PHV driver cannot be hailed. So it is important to distinguish between the two types of vehicle. Possible approaches might be:

- a licence condition that prohibits PHVs from displaying any identification at all apart from the local authority licence plate or disc. The licence plate is a helpful indicator of licensed status and, as such, it helps identification if licence plates are displayed on the front as well as the rear of vehicles. However, requiring some additional clearer form of identification can be seen as best practice. This is for two reasons: firstly, to ensure a more positive statement that the vehicle cannot be hired immediately through the driver; and secondly because it is quite reasonable, and in the interests of the travelling public, for a PHV operator to be able to state on the vehicle the contact details for hiring;
- a licence condition which requires a sign on the vehicle in a specified form. This will often be a sign of a specified size and shape which identifies the operator (with a telephone number for bookings) and the local licensing authority, and which also has some words such as 'pre-booked only'. This approach seems the best practice; it identifies the vehicle as private hire and helps to avoid confusion with a taxi, but also gives useful information to the public wishing to make a booking. It is good practice for vehicle identification for PHVs to include the contact details of the operator.
- Another approach, possibly in conjunction with the previous option, is a requirement for a roof-mounted, permanently illuminated sign with words such as 'pre-booked only'. But it can be argued that any roof-mounted sign, however unambiguous its words, is liable to create confusion with a taxi. So roof-mounted signs on PHVs are not seen as best practice.

Environmental Considerations

39. Local licensing authorities, in discussion with those responsible for environmental health issues, will wish to consider how far their vehicle licensing policies can and should support any local environmental policies that the local authority may have adopted. This will be of particular importance in designated Air Quality Management Areas (AQMAs), Local authorities may, for example, wish to consider setting vehicle emissions standards for taxis and PHVs. However, local authorities would need to carefully and thoroughly

assess the impact of introducing such a policy; for example, the effect on the supply of taxis and PHVs in the area would be an important consideration in deciding the standards, if any, to be set. They should also bear in mind the need to ensure that the benefits of any policies outweigh the costs (in whatever form).

Stretched Limousines

1. Local licensing authorities are sometimes asked to license stretched limousines as PHVs. It is suggested that local authorities should approach such requests on the basis that these vehicles – where they have fewer than nine passenger seats -have a legitimate role to play in the private hire trade, meeting a public demand. Indeed, the Department's view is that it is not a legitimate course of action for licensing authorities to adopt policies that exclude limousines as a matter of principle and that any authorities which do adopt such practices are leaving themselves open to legal challenge. A policy of excluding limousines creates an unacceptable risk to the travelling public, as it would inevitably lead to higher levels of unlawful operation. Public safety considerations are best supported by policies that allow respectable, safe operators to obtain licences on the same basis as other private hire vehicle operators. The Department has now issued guidance on the licensing arrangements for stretched limousines. This can be accessed on the Department's website at <http://www.dft.gov.uk/pgr/regional/taxis/stretchlimousines.pdf>.
2. The limousine guidance makes it clear that most operations are likely to fall within the PHV licensing category and not into the small bus category. VOSA will be advising limousine owners that if they intend to provide a private hire service then they should go to the local authority for PHV licences. The Department would expect licensing authorities to assess applications on their merits; and, as necessary, to be proactive in ascertaining whether any limousine operators might already be providing an unlicensed service within their district.
3. Imported stretched limousines were historically checked for compliance with regulations under the Single Vehicle Approval (SVA) inspection regime before they were registered. This is now the Individual Vehicle Approval (IVA) scheme. The IVA test verifies that the converted vehicle is built to certain safety and environmental standards. A licensing authority might wish to confirm that an imported vehicle was indeed tested by VOSA for IVA before being registered and licensed (taxed) by DVLA. This can be done either by checking the V5C (Registration Certificate) of the vehicle, which may refer to IVA under the "Special Note" section; or by writing to VOSA, Ellipse, Padley Road, Swansea, SA1 8AN, including details of the vehicle's make and model, registration number and VIN number.
4. Stretched limousines which clearly have more than 8 passenger seats should not of course be licensed as PHVs because they are outside the licensing regime for PHVs. However, under some circumstances the SVA regime accepted vehicles with space for more than 8 passengers, particularly where the precise number of passenger seats was hard to determine. In these circumstances, if the vehicle had obtained an SVA certificate, the authority should consider the case on its merits in deciding whether to license the vehicle under the strict condition that the vehicle will not be used to carry more than 8 passengers, bearing in mind that refusal may encourage illegal private hire operation.

1. Many councils are concerned that the size of limousines prevents them being tested in conventional MoT garages. If there is not a suitable MoT testing station in the area then it would be possible to test the vehicle at the local VOSA test stations. The local enforcement office may be able to advise (contact details on <http://www.vosa.gov.uk>).

QUANTITY RESTRICTIONS OF TAXI LICENCES OUTSIDE LONDON

1. The present legal provision on quantity restrictions for taxis outside London is 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 licensing 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'.
2. Local licensing authorities will be aware that, in the event of a challenge to a decision to refuse a licence, the local authority concerned would have to establish that it had, reasonably, been satisfied that there was no significant unmet demand.
3. Most local licensing authorities do not impose quantity restrictions; the Department regards that as best practice. Where restrictions are imposed, the Department would urge that the matter should be regularly reconsidered. The Department further urges that the issue to be addressed first in each reconsideration is whether the restrictions should continue at all. It is suggested that the matter should be approached in terms of the interests of the travelling public - that is to say, the people who use taxi services. What benefits or disadvantages arise for them as a result of the continuation of controls; and what benefits or disadvantages would result for the public if the controls were removed? Is there evidence that removal of the controls would result in a deterioration in the amount or quality of taxi service provision?
4. In most cases where quantity restrictions are imposed, vehicle licence plates command a premium, often of tens of thousands of pounds. This indicates that there are people who want to enter the taxi market and provide a service to the public, but who are being prevented from doing so by the quantity restrictions. This seems very hard to justify.
5. If a local authority does nonetheless take the view that a quantity restriction can be justified in principle, there remains the question of the level at which it should be set, bearing in mind the need to demonstrate that there is no significant unmet demand. This issue is usually addressed by means of a survey; it will be necessary for the local licensing authority to carry out a survey sufficiently frequently to be able to respond to any challenge to the satisfaction of a court. An interval of three years is commonly regarded as the maximum reasonable period between surveys.
6. As to the conduct of the survey, the Department's letter of 16 June 2004 set out a range of considerations. But key points are:
 - the length of time that would-be customers have to wait at ranks.** However, this alone is an inadequate indicator of demand; also taken into account should be...

- **waiting times for street hailings and for telephone bookings.** But waiting times at ranks or elsewhere do not in themselves satisfactorily resolve the question of unmet demand. It is also desirable to address...
- **latent demand,** for example people who have responded to long waiting times by not even trying to travel by taxi. This can be assessed by surveys of people who do not use taxis, perhaps using stated preference survey techniques.
- **peaked demand.** It is sometimes argued that delays associated only with peaks in demand (such as morning and evening rush hours, or pub closing times) are not 'significant' for the purpose of the Transport Act 1985. The Department does not share that view. Since the peaks in demand are by definition the most popular times for consumers to use taxis, it can be strongly argued that unmet demand at these times should not be ignored. Local authorities might wish to consider when the peaks occur and who is being disadvantaged through restrictions on provision of taxi services.
- **consultation.** As well as statistical surveys, assessment of quantity restrictions should include consultation with all those concerned, including user groups (which should include groups representing people with disabilities, and people such as students or women), the police, hoteliers, operators of pubs and clubs and visitor attractions, and providers of other transport modes (such as train operators, who want taxis available to take passengers to and from stations);
- **publication.** All the evidence gathered in a survey should be published, together with an explanation of what conclusions have been drawn from it and why. If quantity restrictions are to be continued, their benefits to consumers and the reason for the particular level at which the number is set should be set out.
- **financing of surveys.** It is not good practice for surveys to be paid for by the local taxi trade (except through general revenues from licence fees). To do so can call in question the impartiality and objectivity of the survey process.

51. Quite apart from the requirement of the 1985 Act, the Department's letter of 16 June 2004 asked all local licensing authorities that operate quantity restrictions to review their policy and justify it publicly by 31 March 2005 and at least every three years thereafter. The Department also expects the justification for any policy of quantity restrictions to be included in the Local Transport Plan process. A recommended list of questions for local authorities to address when considering quantity controls was attached to the Department's letter. (The questions are listed in Annex A to this Guidance.)

TAXI FARES

Local licensing authorities have the power to set taxi fares for journeys within their area, and most do so. (There is no power to set PHV fares.) Fare scales should be designed with a view to practicality. The Department sees it as good practice to review the fare scales at regular intervals, including any graduation of the fare scale by time of day or day of the week. Authorities may wish to consider adopting a simple formula for

deciding on fare revisions as this will increase understanding and improve the transparency of the process. The Department also suggests that in reviewing fares authorities should pay particular regard to the needs of the travelling public, with reference both to what it is reasonable to expect people to pay but also to the need to give taxi drivers sufficient incentive to provide a service when it is needed. There may well be a case for higher fares at times of higher demand.

53. Taxi fares are a maximum, and in principle are open to downward negotiation between passenger and driver. It is not good practice to encourage such negotiations at ranks, or for on-street hailings; there would be risks of confusion and security problems. But local licensing authorities can usefully make it clear that published fares are a maximum, especially in the context of telephone bookings, where the customer benefits from competition. There is more likely to be a choice of taxi operators for telephone bookings, and there is scope for differentiation of services to the customer's advantage (for example, lower fares off-peak or for pensioners).
54. There is a case for allowing any taxi operators who wish to do so to make it clear – perhaps by advertising on the vehicle – that they charge less than the maximum fare; publicity such as '5% below the metered fare' might be an example.

DRIVERS

Duration Of Licences

1. It is obviously important for safety reasons that drivers should be licensed. But it is not necessarily good practice to require licences to be renewed annually. That can impose an undue burden on drivers and licensing authorities alike. Three years is the legal maximum period and is in general the best approach. One argument against 3-year licences has been that a criminal offence may be committed, and not notified, during the duration of the licence. But this can of course also be the case during the duration of a shorter licence. In relation to this, authorities will wish to note that the Home Office in April 2006 issued revised guidance for police forces on the Notifiable Occupations Scheme. Paragraphs 62-65 below provide further information about this scheme.
2. However, an annual licence may be preferred by some drivers. That may be because they have plans to move to a different job or a different area, or because they cannot easily pay the fee for a three-year licence, if it is larger than the fee for an annual one. So it can be good practice to offer drivers the choice of an annual licence or a three-year licence.

Acceptance of driving licences from other EU member states

57. Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 as enacted stated that an applicant for a taxi or private hire vehicle (PHV) driver's licence must have held a full ordinary GB driving licence for at least 12 months in order to be granted a taxi or PHV driver's licence. This requirement has subsequently been amended since the 1976 Act was passed. The Driving Licences (Community Driving Licence) Regulations 1996 (SI 1996 No 1974) amended sections 51 and 59 of the 1976 Act to allow full driving licences issued by EEA states to count towards the qualification

requirements for the grant of taxi and PHV driver's licences. Since that time, a number of central and eastern European states have joined the EU and the EEA and the Department takes the view that drivers from the Accession States are eligible to acquire a taxi or PHV driver's licence under the 1976 Act if they have held an ordinary driving licence for 12 months which was issued by an acceding State (see section 99A(i) of the Road Traffic Act 1988). To complete the picture, the Deregulation (Taxis and Private Hire Vehicles) Order 1998 (SI 1998 No 1946) gave equal recognition to Northern Ireland driving licences for the purposes of taxi and PHV driver licensing under the 1976 Act (see section 109(i) of the Road Traffic Act 1988, as amended).

Criminal Record Checks

1. A criminal record check is an important safety measure particularly for those working closely with children and the vulnerable. Taxi and PHV drivers can be subject to a Standard Disclosure (and for those working in "Regulated Activity" to an Enhanced Disclosure) through the Criminal Records Bureau. Both levels of Disclosure include details of spent and unspent convictions, cautions reprimands and final warnings. An Enhanced Disclosure may also include any other information held in police records that is considered relevant by the police, for example, details of minor offences, non-conviction information on the Police National Computer such as Fixed Penalty Notices and, in some cases, allegations. An Enhanced Disclosure is for those working in Regulated Activity¹ and the Government has produced guidance in relation to this and the new "Vetting and Barring Scheme" which is available at www.isagov.org.uk/default.aspx?page=402.
[The Department will issue further advice as the new SVG scheme develops.]
2. In considering an individual's criminal record, local licensing authorities will want to consider each case on its merits, but they should take a particularly cautious view of any offences involving violence, and especially sexual attack. In order to achieve consistency, and thus avoid the risk of successful legal challenge, local authorities will doubtless want to have a clear policy for the consideration of criminal records, for example the number of years they will require to have elapsed since the commission of particular kinds of offences before they will grant a licence.
3. Local licensing authorities will also want to have a policy on background checks for applicants from elsewhere in the EU and other overseas countries. One approach is to require a certificate of good conduct authenticated by the relevant embassy. The Criminal Records Bureau website (www.crb.gov.uk) gives information about obtaining certificates of good conduct, or similar documents, from a number of countries.
4. It would seem best practice for Criminal Records Bureau disclosures to be sought when a licence is first applied for and then every three years, even if a licence is renewed annually, provided drivers are obliged to report all new convictions and cautions to the licensing authority.

¹ "Regulated Activity" is defined in The Safeguarding Vulnerable Groups Act 2006 (Miscellaneous Provisions) Regulations 2009

Notifiable Occupations Scheme

1. Under this Scheme, when an individual comes to the notice of the police and identifies their occupation as a taxi or PHV driver, the police are requested to notify the appropriate local licensing authority of convictions and any other relevant information that indicates that a person poses a risk to public safety. Most notifications will be made once an individual is convicted however, if there is a sufficient risk, the police will notify the authority immediately.
2. In the absence of a national licensing body for taxi and PHV drivers, notifications are made to the local licensing authority identified on the licence or following interview. However, it is expected that all licensing authorities work together should they ascertain that an individual is operating under a different authority or with a fraudulent licence.
3. The police may occasionally notify licensing authorities of offences committed abroad by an individual however it may not be possible to provide full information.
4. The Notifiable Occupations Scheme is described in Home Office Circular 6/2006 which is available at

<http://www.basingstoke.gov.uk/CommitteeDocs/Committees/Licensing/20070710/3%20yr%20licences-update%20on%20hants%20constab%20procedures%20re%20Home%20office%20circ%206;2006-%20Appendix%202.pdf>. Further information can also be obtained from the Criminal Records Team, Joint Public Protection Information Unit, Fifth Floor, Fry Building, 2 Marsham Street, London SW1P 4DF; e-mail Samuel.Wray@homeoffice.gsi.gov.uk.

Immigration checks

66. The Department considers it appropriate for licensing authorities to check on an applicant's right to work before granting a taxi or PHV driver's licence. It is important to note that a Criminal Records Bureau check is not a Right to Work check and any enquires about the immigration status of an individual should be addressed to the Border and Immigration Agency. Further information can be found at www.bia.homeoffice.gov.uk/employingmigrants. More generally, the Border and Immigration Agency's Employers' Helpline (0845 010 6677) can be used by licensing staff to obtain general guidance on immigration documentation, although this Helpline is not able to advise on individual cases. The authority can obtain case specific immigration status information, including whether a licensing applicant is permitted to work or details of work restrictions, from the Evidence and Enquiry Unit, Floor 12, Lunar House, Wellesley Road, Croydon CR9 2BY . Further details on the procedures involved can be obtained by contacting the Unit (020 8196 3011).

Medical fitness

It is clearly good practice for medical checks to be made on each driver before the initial grant of a licence and thereafter for each renewal. There is general recognition that it is appropriate for taxi/PHV drivers to have more stringent medical standards than those applicable to normal car drivers because:

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

68. It is common for licensing authorities to apply the “Group 2” medical standards – applied by DVLA to the licensing of lorry and bus drivers – to taxi and PHV drivers. This seems best practice. The Group 2 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 (ie 3500-7500 kgs lorries); the position is summarised at Annex C to the Guidance. It is suggested that the best practice is to apply the C1 standards to taxi and PHV drivers with insulin treated diabetes.

Age Limits

69. It does not seem necessary to set a maximum age limit for drivers provided that regular medical checks are made. Nor do minimum age limits, beyond the statutory periods for holding a full driver licence, seem appropriate. Applicants should be assessed on their merits.

Driving Proficiency

70. Many local authorities rely on the standard car driving licence as evidence of driving proficiency. Others require some further driving test to be taken. Local authorities will want to consider carefully whether this produces benefits which are commensurate with the costs involved for would-be drivers, the costs being in terms of both money and broader obstacles to entry to the trade. However, they will note that the Driving Standards Agency provides a driving assessment specifically designed for taxis.

Language proficiency

71. Authorities may also wish to consider whether an applicant would have any problems in communicating with customers because of language difficulties.

Other training

1. Whilst the Department has no plans to make training courses or qualifications mandatory, there may well be advantage in encouraging drivers to obtain one of the nationally-recognised vocational qualifications for the taxi and PHV trades. These will cover customer care, including how best to meet the needs of people with disabilities. More information about these qualifications can be obtained from *GoSkills*, the Sector Skills Council for Passenger Transport. *GoSkills* is working on a project funded by the Department to raise standards in the industry and *GoSkills* whilst not a direct training provider, can guide and support licensing authorities through its regional network of Regional Managers.

1. Some licensing authorities have already established training initiatives and others are being developed; it is seen as important to do this in consultation with the local taxi and PHV trades. Training can cover customer care, including how best to meet the needs of people with disabilities and other sections of the community, and also topics such as the relevant legislation, road safety, the use of maps and GPS, the handling of emergencies, and how to defuse difficult situations and manage conflict. Training may also be considered for applicants to enable them to reach an appropriate standard of comprehension, literacy and numeracy. Authorities may wish to note that nationally recognised qualifications and training programmes sometimes have advantages over purely local arrangements (for example, in that the qualification will be more widely recognised).

Contact details are: *GoSkills*, Concorde House, Trinity Park, Solihull, Birmingham, B37 7UQ.

Tel: 0121-635-5520 Fax: 0121-635-5521

Website: www.goskills.org

e-mail: info@goskills.org

74. It is also relevant to consider driver training in the context of the 2012 Olympic and Paralympic Games which will take place at a number of venues across the country. One of the key aims of the Games is to “change the experience disabled people have when using public transport during the Games and to leave a legacy of more accessible transport”. The Games provide a unique opportunity for taxi/PHV drivers to demonstrate their disability awareness training, and to ensure all passengers experience the highest quality of service.

Topographical Knowledge

1. Taxi drivers need a good working knowledge of the area for which they are licensed, because taxis can be hired immediately, directly with the driver, at ranks or on the street. So most licensing authorities require would-be taxi-drivers to pass a test of local topographical knowledge as a pre-requisite to the first grant of a licence (though the stringency of the test should reflect the complexity or otherwise of the local geography, in accordance with the principle of ensuring that barriers to entry are not unnecessarily high).
2. However, PHVs are not legally available for immediate hiring in the same way as taxis. To hire a PHV the would-be passenger has to go through an operator, so the driver will have an opportunity to check the details of a route before starting a journey. So it may be unnecessarily burdensome to require a would-be PHV driver to pass the same ‘knowledge’ test as a taxi driver, though it may be thought appropriate to test candidates’ ability to read a map and their knowledge of key places such as main roads and railway stations. The Department is aware of circumstances where, as a result of the repeal of the PHV contract exemption, some people who drive children on school contracts are being deterred from continuing to do so on account of overly burdensome topographical

tests. Local authorities should bear this in mind when assessing applicants' suitability for PHV licences.

PHV OPERATORS

77. The objective in licensing PHV operators is, again, the safety of the public, who will be using operators' premises and vehicles and drivers arranged through them.

Criminal Record Checks

78. PHV operators (as opposed to PHV drivers) are not exceptions to the Rehabilitation of Offenders Act 1974, so Standard or Enhanced disclosures cannot be required as a condition of grant of an operator's licence. But a Basic Disclosure, which will provide details of unspent convictions only, could be seen as appropriate, after such a system has been introduced by the Criminal Records Bureau. No firm date for introduction has yet been set; however, a feasibility study has been completed; the Criminal Records Bureau is undertaking further work in this regard. Overseas applicants may be required to provide a certificate of good conduct from the relevant embassy if they have not been long in this country. Local licensing authorities may want to require a reference, covering for example the applicant's financial record, as well as the checks outlined above.

Record Keeping

79. It is good practice to require operators to keep records of each booking, including the name of the passenger, the destination, the name of the driver, the number of the vehicle and any fare quoted at the time of booking. This information will enable the passenger to be traced if this becomes necessary and should improve driver security and facilitate enforcement. It is suggested that 6 months is generally appropriate as the length of time that records should be kept.

Insurance

80 It is appropriate for a licensing authority to check that appropriate public liability insurance has been taken out for premises that are open to the public.

Licence Duration

81. A requirement for annual licence renewal does not seem necessary or appropriate for PHV operators, whose involvement with the public is less direct than a driver (who will be alone with passengers). Indeed, a licence period of five years may well be appropriate in the average case. Although the authority may wish to offer operators the option of a licence for a shorter period if requested.

Repeal of the PHV contract exemption

1. Section 53 of the Road Safety Act 2006 repealed the exemption from PHV licensing for vehicles which were used on contracts lasting not less than seven days. The change came into effect in January 2008. A similar change was introduced in respect of London in March 2008. As a result of this change, local licensing authorities are considering a range of vehicles and services in the context of PHV licensing which they had not previously licensed because of the contract exemption.
2. The Department produced a guidance note in November 2007 to assist local licensing authorities, and other stakeholders, in deciding which vehicles should be licensed in the PHV regime and which vehicles fell outside the PHV definition. The note stressed that it was a matter for local licensing authorities to make decisions in the first instance and that, ultimately, the courts were responsible for interpreting the law. However, the guidance was published as a way of assisting people who needed to consider these issues. A copy of the guidance note can be found on the Department's web-site at: <http://www.dft.gov.uk/pgr/regional/taxis/rsa06privatehirevehicles> As a result of a recent report on the impact of the repeal of the PHV contract exemption, the Department will be revising its guidance note to offer a more definite view about which vehicles should be licensed as PHVs. The report is also on the Department's web-site at: <http://www.dft.gov.uk/pgr/regional/taxis/phvcontractexemption/>.

ENFORCEMENT

1. Well-directed enforcement activity by the local licensing authority benefits not only the public but also the responsible people in the taxi and PHV trades. Indeed, it could be argued that the safety of the public depends upon licensing authorities having an effective enforcement mechanism in place. This includes actively seeking out those operators who are evading the licensing system, not just licensing those who come forward seeking the appropriate licences. The resources devoted by licensing authorities to enforcement will vary according to local circumstances, including for example any difficulties with touting by unlicensed drivers and vehicles (a problem in some urban areas). Local authorities will also wish to liaise closely with the police. Multi-agency enforcement exercises (involving, for example, the Benefits Agency) have proved beneficial in some areas.
2. Local licensing authorities often use enforcement staff to check a range of licensed activities (such as market traders) as well as the taxi and PHV trades, to make the best use of staff time. But it is desirable to ensure that taxi and PHV enforcement effort is at least partly directed to the late-night period, when problems such as touting tend most often to arise. In formulating policies to deal with taxi touts, local licensing authorities might wish to be aware that the Sentencing Guidelines Council have, for the first time, included guidance about taxi touting in their latest Guidelines for Magistrates. The Guidelines, which came into effect in August 2008, can be accessed through the SGC's web-site -www.sentencing-guidelines.gov.uk.
3. Some local licensing authorities employ taxi marshals in busy city centres where there are lots of hirings, again perhaps late at night, to help taxi drivers picking up, and would-be passengers queuing for taxis.

1. As part of enforcement, local licensing authorities will often make spot checks, which can lead to their suspending or revoking licences. They will wish to consider carefully which power should best be used for this purpose. They will note, among other things, that section 60 of the Local Government (Miscellaneous Provisions) Act 1976 provides a right of appeal for the licence-holder, whereas section 68, which is also sometimes used, does not; this can complicate any challenge by the licence-holder.
2. Section 52 of the Road Safety Act 2006 amended the Local Government (Miscellaneous Provisions) Act 1976 such that local authorities can now suspend or revoke a taxi or PHV driver's licence with immediate effect on safety grounds. It should be stressed that this power can only be used where safety is the principal reason for suspending or revoking and where the risk justifies such an approach. It is expected that in the majority of cases drivers will continue to work pending appeal and that this power will be used in one-off cases. But the key point is that the law says that the power must be used in cases which can be justified in terms of safety. The Department is not proposing to issue any specific guidance on this issue, preferring to leave it to the discretion of licensing authorities as to when the power should be used.

TAXI ZONES

1. The areas of some local licensing authorities are divided into two or more zones for taxi licensing purposes. Drivers may be licensed to ply for hire in one zone only. Zones may exist for historical reasons, perhaps because of local authority boundary changes.
2. The Department recommends the abolition of zones. That is chiefly for the benefit of the travelling public. Zoning tends to diminish the supply of taxis and the scope for customer choice - for example, if fifty taxis were licensed overall by a local authority, but with only twenty five of them entitled to ply for hire in each of two zones. It can be confusing and frustrating for people wishing to hire a taxi to find that a vehicle licensed by the relevant local authority is nonetheless unable to pick them up (unless pre-booked) because they are in the wrong part of the local authority area. Abolition of zones can also reduce costs for the local authority, for example through simpler administration and enforcement. It can also promote fuel efficiency, because taxis can pick up a passenger anywhere in the local authority area, rather than having to return empty to their licensed zone after dropping a passenger in another zone.
3. It should be noted that the Government has now made a Legislative Reform Order which removed the need for the Secretary of State to approve amalgamation resolutions made by local licensing authorities. The Legislative Reform (Local Authority Consent Requirements)(England and Wales) Order 2008 came into force in October 2008. Although these resolutions no longer require the approval of the Secretary of State, the statutory procedure for making them – in paragraph 25 of schedule 14 to the Local Government Act 1972- remains the same.

FLEXIBLE TRANSPORT SERVICES

It is possible for taxis and PHVs to provide flexible transport services in a number of different ways. Such services can play a valuable role in meeting a range of transport

needs, especially in rural areas – though potentially in many other places as well. In recent years there has been a significant increase in the provision of flexible services, due partly to the availability of Rural Bus Subsidy Grant and Rural Bus Challenge Support from the Department.

93. The Department encourages local licensing authorities, as a matter of best practice, to play their part in promoting flexible services, so as to increase the availability of transport to the travelling public. This can be done partly by drawing the possibilities to the attention of taxi and PHV trade. It also should be borne in mind that vehicles with a higher seating capacity than the vehicles typically licensed as taxis (for example those with 6, 7 or 8 passenger seats) may be used for flexible services and should be considered for licensing in this context.

94. The main legal provisions under which flexible services can be operated are:

- **Shared taxis and PHVs – advance bookings (section 11, Transport Act 1985):** licensed taxis and PHVs can provide a service at separate fares for up to eight passengers sharing the vehicle. The operator takes the initiative to match up passengers who book in advance and agree to share the vehicle at separate fares (lower than for a single hiring). An example could be passengers being picked up at home to go to a shopping centre, or returning from the shops to their homes. The operator benefits through increased passenger loadings and total revenues.
- **Shared taxis – immediate hirings (section 10, Transport Act 1985):** such a scheme is at the initiative of the local licensing authority, which can set up schemes whereby licensed taxis (not PHVs) can be hired at separate fares by up to eight people from ranks or other places that have been designated by the authority. (The authority is required to set up such a scheme if holders of 10% or more of the taxi licences in the area ask for one.) The passengers pay only part of the metered fare, for example in going home after a trip to the local town, and without pre-booking, but the driver receives more than the metered fare.
- **Taxibuses (section 12, Transport Act 1985):** owners of licensed taxis can apply to the Traffic Commissioner for a ‘restricted public service vehicle (PSV) operator licence’. The taxi owner can then use the vehicle to run a bus service for up to eight passengers. The route must be registered with the Traffic Commissioner and must have at least one stopping place in the area of the local authority that licensed the taxi, though it can go beyond it. The bus service will be eligible for Bus Service Operators Grant (subject to certain conditions) and taxibuses can be used for local authority subsidised bus services. The travelling public have another transport opportunity opened for them, and taxi owners have another business opportunity. The Local Transport Act 2008 contains a provision which allows the owners of PHVs to acquire a special PSV operator licence and register a route with the traffic commissioner. A dedicated leaflet has been sent to licensing authorities to distribute to PHV owners in their area alerting them to this new provision.

95. The Department is very keen to encourage the use of these types of services. More details can be found in the Department’s publication ‘Flexible Transport Services’ which can be accessed at:

<http://www.dft.gov.uk/pgr/regional/buses/bol/flexibletransportservices>

LOCAL TRANSPORT PLANS

1. The Transport Act 2000 as amended by the Transport Act 2008, requires local transport authorities in England outside London to produce and maintain a Local Transport Plan (LTP), having regard to any guidance issued by the Secretary of State. The latest guidance published in July 2009 will cover the next round of LTPs from 2011. LTPs set out the authority's local transport strategies and policies for transport in their area, and an implementation programme. 82 LTPs covering all of England outside London have been produced and cover the period up to 2011. From 2011 local authorities will have greater freedom to prepare their LTPs to align with wider local objectives.
2. All modes of transport including taxi and PHV services have a valuable part to play in overall transport provision, and so local licensing authorities have an input to delivering the LTPs. The key policy themes for such services could be availability and accessibility. LTPs can cover:
 - quantity controls, if any, and plans for their review; licensing conditions, with a view to safety but also to good supply of taxi and PHV services; fares; on-street availability, especially through provision of taxi ranks; vehicle accessibility for people with disabilities; encouragement of flexible services.

Annex A

TAXI AND PRIVATE HIRE VEHICLE LICENSING: BEST PRACTICE GUIDANCE

Useful questions when assessing quantity controls of taxi licences

- Have you considered the Government's view that quantity controls should be removed unless a specific case that such controls benefit the consumer can be made?

Questions relating to the policy of controlling numbers

- Have you recently reviewed the need for your policy of quantity controls? What form did the review of your policy of quantity controls take? Who was involved in the review? What decision was reached about retaining or removing quantity controls? Are you satisfied that your policy justifies restricting entry to the trade? Are you satisfied that quantity controls do not:
- reduce the availability of taxis;
 - increase waiting times for consumers;
 - reduce choice and safety for consumers?
- What special circumstances justify retention of quantity controls? How does your policy benefit consumers, particularly in remote rural areas? How does your policy benefit the trade? If you have a local accessibility policy, how does this fit with restricting taxi licences?

Questions relating to setting the number of taxi licences

- When last did you assess unmet demand? How is your taxi limit assessed? Have you considered latent demand, i.e. potential consumers who would use taxis if more were available, but currently do not? Are you satisfied that your limit is set at the correct level? How does the need for adequate taxi ranks affect your policy of quantity controls?

Questions relating to consultation and other public transport service provision

- When consulting, have you included etc.
- all those working in the market;
 - consumer and passenger (including disabled) groups;
 - groups which represent those passengers with special needs;
 - local interest groups, e.g. hospitals or visitor attractions;
 - the police;
 - a wide range of transport stakeholders e.g. rail/bus/coach providers and traffic managers?
- Do you receive representations about taxi availability?

What is the level of service currently available to consumers (including other public transport modes)?

TAXI AND PRIVATE HIRE VEHICLE LICENSING: BEST PRACTICE GUIDANCE

Notice for taxi passengers - what you can expect from the taxi trade and what the taxi trade can expect from you

The driver will:

- Drive with due care and courtesy towards the passenger and other road users.***
- Use the meter within the licensed area, unless the passenger has agreed to hire by time.***
- If using the meter, not start the meter until the passenger is seated in the vehicle.***
- If travelling outside the licensed area, agree the fare in advance. If no fare has been negotiated in advance for a journey going beyond the licensing area then the driver must adhere to the meter.***
- Take the most time-efficient route, bearing in mind likely traffic problems and known diversions, and explain any diversion from the most direct route.***

The passenger will:

- Treat the vehicle and driver with respect and obey any notices (e.g. in relation to eating in the vehicle).***
 - Ensure they have enough money to pay the fare before travelling. If wishing to pay by credit card or to stop on route to use a cash machine, check with the driver before setting off.***
 - Be aware of the fare on the meter and make the driver aware if it is approaching the limit of their financial resources.***
- Be aware that the driver is likely to be restricted by traffic regulations in relation to where s/he can stop the vehicle.***

Notice for PHV passengers - what you can expect from the PHV trade and what the PHV trade can expect from you

The driver will:

- Ensure that the passenger has pre-booked and agrees the fare before setting off.***
- Drive with due care and courtesy towards the passenger and other road users.***
- Take the most time-efficient route, bearing in mind likely traffic problems and known diversions, and explain any diversion from the most direct route.***

The passenger will:

- Treat the vehicle and driver with respect and obey any notices (eg. in relation to eating in the vehicle).***
 - Ensure they have enough money to pay the fare before travelling. If wishing to pay by credit card or to stop on route to use a cash machine, check with the driver before setting off.***
- Be aware that the driver is likely to be restricted by traffic regulations in relation to where s/he can stop the vehicle.***

Annex C

TAXI AND PRIVATE HIRE VEHICLE LICENSING: BEST PRACTICE GUIDANCE

Assessing applicants for a taxi or PHV driver licence in accordance with C1 standard

Exceptional circumstances under which DVLA will consider granting licences for vehicles over 3.5 tonnes or with more than 8 passenger seats.

Insulin treated diabetes is a legal bar to driving these vehicles. The exceptional arrangements that were introduced in September 1998 were only in respect of drivers who were employed to drive small lorries between 3.5 tonnes and 7.5 tonnes (category C1). The arrangements mean that those with good diabetic control and who have no significant complications can be treated as "exceptional cases" and may have their application for a licence for category C1 considered. 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 C1 vehicles are being driven (those that have not held C1 entitlement in the preceding 12 months may provide evidence of blood glucose monitoring while driving other vehicles);
- To have no other condition which would render the driver a danger when driving C1 vehicles; and
- To sign an undertaking to comply with the directions of the doctor(s) treating the diabetes and to report immediately to DVLA any significant change in condition.

Appendix B

Ergonomic Requirements DfT

Ergonomic requirements for accessible taxis

Increasing availability, comfort and safety for all passengers





Almost all of us will suffer some disabling mobility impairment at some time in our lives and transport related regulations introduced under the DDA(1995) are intended to ensure that safe and convenient mobility is available to as many people as possible. Taxis play a critical role in the transport chain. They often provide the links between other forms of transport (rail, air, coach etc); modes which may now be accessible for those with mobility impairments. In many cases they may represent the only form of transport that can provide a door to door service. An improvement in the accessibility of taxis can therefore be expected to offer significant benefit to disabled travellers making a wide range of journey types.

The principal barriers to using taxis for many people with mobility impairments are connected with the need to step up to and into the passenger compartment, negotiate a door with low head clearance and then access a seat which may be either low or set some distance back from the door. Physical frailty and stiff or painful joints may make all of these formidable challenges. Wheelchair users face a different set of challenges associated with the widespread use of ramps.

The recommendations summarised in this leaflet are intended to lead to taxi designs which are more accessible by reducing the difficulties of getting in and out and using the seats comfortably and conveniently.

The advice provided in this guide is based on a programme of ergonomic research undertaken to provide a definition of the requirements of a taxi designed to be fully accessible.



introduction

By 2020 close to half the adult population of the UK will be over 50 years old and the majority of Europeans can now look forward to 30 years of active life after 50. However, one in five of the adult population has a disability and nearly half (48%) of the disabled population is aged 65 or older with some 29% of the disabled population being aged 75 or more.

passenger compartment

An interior roof height of at least 1625mm (ideally 1825) is required. If internal space is limited then it is important that passengers can access seats as directly as possible from an entrance. If there is a more generous provision (as when wheelchairs can also be accommodated in front of the passenger seats) it is important that there is sufficient internal height to prevent the need to stoop. Adequate provision of grab handles is an important requirement in either case.

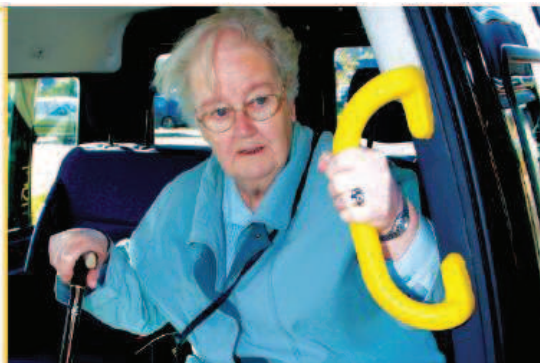
Manoeuvring space measuring to identify that this research is referring to manoeuvring space only and has not

considered the kinematics of a wheelchair occupant during a vehicle impact at least 1300mm by 1340mm is required. This assumes that the wheelchair will be carried facing backwards and there is a side entrance. If the wheelchair is to face forwards then a slightly larger manoeuvring space is required. The position of the side door affects the manoeuvring space required and for forward facing carriage the manoeuvring space is minimised if the door way is set back from the main bulkhead.

seating

As low seats can be difficult for passengers with stiff or painful joints to use seat heights need to be between 430mm - 460mm from the floor and the squab should not have a pronounced angle. In order to accommodate passengers with limited leg flexibility a space of at least 1175mm between the seat back and any forward obstruction is required. A swivel seat (preferably powered) can provide a valuable

alternate means of entry for passengers who find even a low single step difficult to negotiate. It is important that such seats provide a sense of security for the passenger while they are in operation and that they are large enough to provide a secure and comfortable ride.



handles and grab handles

Door handles that allow the passenger to use their whole hand to exert leverage and a range of opening strategies are preferable. Handle operation and latching efforts should be minimised to assist passengers who have limited upper body strength.

Grab handles play an important role in supporting a coars and providing stability support whilst passengers are inside a vehicle. The precise location will be dependent on the design of the vehicle and, in particular, the means of entry (i.e. step, ramp, swivel seat etc). Handles should have a diameter of 40mm and surface clearance of 45mm. For standing passengers (travelling in other modes of public transport) a height of around 900mm is recommended. However, lower positioning is more appropriate for handles in taxis intended to assist passengers getting up from seats or children climbing into a vehicle Horizontal handles are more helpful inside a vehicle but vertical handles are recommended for doorways.





ramps

A steep ramp can make accessing a taxi difficult for wheelchair users, it may also represent a hazard for their assistants and taxi drivers. An ideal design would involve level entry from the kerb. If a gradient is required it should be less than 7°. Ramps should not provide an obstacle for pedestrians on the pavement and their length should be restricted to 1000mm. It is also important that ramps have a safety lip (50mm), are the same width as the door opening and comprise a single non-slip surface. Their edges should be highlighted to reduce the risk of trips.



steps

Some people cannot manage even a single step and may need a ramp with a gentle gradient if level entry isn't possible. If steps are necessary they should be restricted to a single step that is 100mm high. The steps should be the width of the door entry and be closed at the back without an overhang to reduce the risk of tripping.



doors and door apertures

Narrow doors and a low head clearance can cause significant difficulties for ambulant passengers and wheelchair users. A door width of at least 850mm will provide adequate clearance for wider wheelchairs and walking frames. A door height of 1505mm is required to prevent painful stooping and to minimise the risk of a head strike for passengers with visual impairments.

While hinged doors can provide a valuable form of support for passengers entering or leaving a vehicle, opening and closing them from the inside can be difficult for seated passengers and larger doors become a potential hazard for pedestrians on the pavement. Sliding doors can provide a large opening but secure latching must be ensured. Powered closure is now available in some vehicles and, if under the driver's supervision, this may provide an effective solution. Sliding doors are often associated with more

generous door apertures but care must be taken to ensure that opening and closing efforts are kept below 70N. Again, powered closure may provide an effective solution.

There are advantages and disadvantages associated with wheelchair access from the side and rear of a vehicle. Side access does not require wheelchairs to negotiate a kerb or enter the cartage way and enables shallower ramp angles from the pavement. Rear access may be the most practicable means of access in non-urban environments. It may also enable simpler manoeuvres to a secure travelling position inside the vehicle but may not be possible from a taxi rank or kerbside. The requirements outlined above (ramps and door size) are applicable in both cases.



visibility and lighting

For passengers with impaired vision feature and edge high-lighting can provide important assistance. The following features should be visually emphasised: exterior and interior door handles, step and ramp edges, door edges and door apertures, grab handles, seat edges and facilities provided to allow communication with the driver.



Ambient lighting within the passenger compartment should be at least 150lux but higher levels of illumination may cause distraction for the driver and adaptation problems for some passengers alighting into a dark street. Brighter feature lighting (>200lux) is recommended for steps, the meter display and the communication window. In all cases lighting sources should be positioned so as to prevent shadowing.

For further information please contact:

Mobility and Inclusion Unit, Department for Transport, Great Minster House,
76 Marsham Street, London. SW1P 4DR. Tel: 020 7944 8021
Minicom: Tel: 020 7944 3277 Fax: 020 7944 6102



MAIDSTONE BOROUGH COUNCIL

LICENSING COMMITTEE

24 JUNE 2013

REPORT OF DIRECTOR OF REGENERATION AND COMMUNITIES

Report prepared by Lorraine Neale

1. FACE TO FACE COLLECTIONS IN MAIDSTONE TOWN CENTRE

1.1 Issue for Decision

1.1.1 That the Committee consider whether it wishes to enter into an agreement, with Sevenoaks District Council, Tunbridge Wells Borough Council and the Public Fundraising Regulatory Association (PFRA), regarding the activities of Face-to-Face Direct Debit (DD) Charitable Street Collectors in Maidstone.

1.2 Recommendation of the Director of Regeneration and Communities

1.2.1 That the Committee agrees to enter into a Site Management Agreement (SMA) regarding the activities of Face-to-Face Direct Debit (DD) Charitable Street Collectors in Maidstone with the (PFRA) a draft of which is attached at Appendix A to the report. The Licensing Partnership Manager will sign the agreement on behalf of the Licensing Partnership.

1.3 Reasons for Recommendation

1.3.1 Charitable Street collections are currently regulated under the Police, Factories, etc. (Miscellaneous Provisions) Act 1916.

1.3.2 Face-to-Face Direct Debit (DD) Charitable Street Collectors, sometimes referred to as "Chuggers" (Charity Muggers), are professional fund raisers who operate within town centres across the country. A number of these fund raisers operate within Maidstone Town Centre throughout the week. As no physical money is collected, they can operate without the need for a Street Collection Permit to be issued by Maidstone Borough Council under the above legislation.

- 1.3.3 There appears to be a general perception that (DD) Street Collectors are deterring the general public from using local high streets, due to alleged aggressive and often intrusive collecting methods.
- 1.3.4 Face-to-Face direct debit street collection fundraising is subject to voluntary self regulation by the industry. The Public Fundraising Regulatory Association (PFRA) regulates the use of face to face fundraising by member charities and professional fundraising organisations and aims to work with local authorities to ensure that fundraising sites are used appropriately. There are currently 142 charities that are members of PFRA.
- 1.3.5 Contact was made with the (PFRA) and they have worked closely with the Licensing Partnership, in drawing up a Site Management Agreement (SMA) suitable for the Partnership covering all three councils and the specific area of Maidstone Town Centre. The aim of the (SMA) is to monitor and facilitate charity fundraising in agreed locations within Maidstone Town Centre and provide a balance between the right of the charity to fund raise and the right of the public to go about their business with the least level of inconvenience. It is important to note that (SMA's) are voluntary arrangements; they are not legally binding and cannot be upheld through formal enforcement action. However they have been implemented by a number of local authorities throughout the UK and have been proven to work well in minimizing issues.
- 1.3.6 The proposed draft agreement specifies a number of areas in which street collections will be permitted and the frequency of those collections. A copy of the draft agreement is included as Appendix A to this report.
- 1.3.7 The (SMA) provides a mechanism for reporting alleged instances of inappropriate activity/behaviour and for receiving feedback on how any issues have been resolved.

1.4 Alternative Action and why not Recommended

- 1.4.1 Do not enter an agreement with PFRA and continue as currently with no control over face to face collections. It is proposed that while the Council does not have authority to regulate this activity, the agreement will help ensure a balance is made between raising money for worthwhile causes and not discouraging people from using Maidstone Town Centre.

1.5 Impact on Corporate Objectives

1.5.1 By proceeding with this SMA it will provide the correct balance between the right of the charity to fund raise and the right of the public to go about their business with the least level of inconvenience, which supports the council's strategic objectives of being a decent place to live.

1.6 Risk Management

1.6.1 Risk Management issues have been dealt with within the SMA

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

1.7.2 There are no significant implications arising from this report.

1.8 Relevant Documents

1.8.1 Appendices

Appendix A – Draft Site Management Agreement between PFRA and Maidstone Borough, Sevenoaks District, and Tunbridge Wells.

1.8.2 Background Documents

None

IS THIS A KEY DECISION REPORT?

THIS BOX MUST BE COMPLETED

Yes

No

If yes, this is a Key Decision because:

.....

Wards/Parishes affected:

.....



Public Fundraising *Regulatory* Association

May 2013

Site Management Agreement

Site Management Agreement

Between PFRA and Maidstone Borough,
Sevenoaks District, and Tunbridge Wells
Borough Councils

Prepared by: **Dr Toby Ganley**
Head of Policy

+44 (0)20 7401 8452
toby@pfra.org.uk
www.pfra.org.uk

1 Purpose

The purpose and spirit of this voluntary Site Management Agreement (SMA) is to facilitate responsible face-to-face fundraising in Maidstone, Sevenoaks, and Tunbridge Wells town centres and provide a balance between the duty of charities and not-for-profit organisations to fundraise and the rights of the public to go about their business without the impression of undue inconvenience. For the avoidance of doubt, this document does not constitute a legal contract.

Once this agreement is in place it should minimise the administration for the council, providing just one channel for information and support regarding face-to-face fundraisers, as nominated 'gatekeepers' only have to deal with one organisation, the PFRA, instead of dealing with each individual charity and fundraising organisation separately.

2 Statement of Conformity

All fundraisers will abide at all times by the relevant elements of the Institute of Fundraising's [Code of Practice](#), and the PFRA's [Rule Book](#), or face the appropriate penalties.

3 Access Details

3.1 Sites, team sizes, positioning, and frequency

Sites may be used as follows, as shown in the map at Appendix 1:

Maidstone:

Pedestrianised area of Week St from St Faith's Street to just before Earl Street and from just after Earl Street to High St, fundraisers are excluded from the square at the junction of Week Street and Earl Street

Capacity: maximum of 5 fundraisers and 1 Team Leader

Positioning: fundraisers to be spread out along the length of the site

Frequency: any 3 days per week not including Fridays or Saturdays

Sevenoaks:

High St from the Pembroke Road/Suffolk Way cross roads to Buckhurst Lane

Capacity: maximum of 4 fundraisers including a Team Leader

Positioning: fundraisers to be spread out

Frequency: any 2 days per week not including Fridays or Saturdays

Tunbridge Wells:

Calverley Precinct – pedestrianised area of Calverley Rd between Camden Rd and Grosvenor Rd

Capacity: maximum of 5 fundraisers and 1 Team Leader

Positioning: fundraisers to be spread out along the length of the site and to work within the central channel of the street, marked by the gutter line in the paving

Frequency: any 3 days per week not including Fridays or Saturdays

Where fundraisers are found to be working outside of the agreed locations, they must comply with requests made by Local Authority Officials and reposition themselves correctly or as directed on-site.

Only one charity will be present in any one town centre on any one day.

Fundraising will only be permitted between the hours of 9am and 7pm, unless otherwise specified.

Any exclusion dates (e.g specific event days) are to be announced by the Council to the PFRA to be booked into the PFRA's diary management system, giving a minimum of 4 weeks' notice to the PFRA from date of diary delivery.

3.2 Other Conditions

Fundraisers should be positioned in such a way as to offer an adequate 'comfort zone' to those users of the public highway who do not wish to engage. In furtherance of this, it is desirable that a minimum footway channel of 1 metre be maintained between fundraisers and the kerb / shop frontage where it is reasonable to do so.

Fundraisers should maintain a reasonable distance (of approximately 3 metres) apart from one another and any other legitimate street activities (e.g. Big Issue sellers, buskers, newspaper stands, promotional activities, licensed street traders and market researching).

4 Information Required

4.1 Nominated Gatekeeper

The nominated gatekeeper for the Licensing Partnership Claire Perry and her contact details are claire.perry@sevenoaks.gov.uk. In her absence all enquiries should be made to licensing@sevenoaks.gov.uk or 01732 227004.

4.2 Required Information

The PFRA will maintain and manage the diary schedule. Diary/Schedule information will include: contact details for the agency (if applicable); and charity being fundraised for.

Copies of the diary are to be made available to:

Administration Team

email: licensing@sevenoaks.gov.uk

Tunbridge Wells Borough Wells Licensing Team

email: licensing@tunbridgewells.gov.uk

Maidstone Borough Council Licensing Team

email: licensing@maidstone.gov.uk

These contact details shall be updated as and when necessary.

4.3 Transition and continuity

Should the nominated gatekeeper move on or responsibilities otherwise change, the gatekeeper will inform his/her successor of the detail of this agreement, the relationship with the PFRA, arrangements for the regulation of face-to-face fundraising, and provide the PFRA with contact details for the successor.

5 Complaint Management

PFRA will respond to and seek to resolve all complaints received, and issue penalties according to its rules. The Council will provide real time notification of any complaints it wishes to be resolved immediately and provide sufficient detail for any retrospective complaints to be investigated. Where the collection agencies or the charities themselves receive complaints it is expected that they will provide information to the PFRA including information about the identity of any individual collector who is subject of a complaint and of the action taken (if any).

In the event that any complaint is unable to be resolved to the satisfaction of the complainant, said complainant is advised to report the complaint to the Fundraising Standards Board ([FRSB](#)).

6 Working Together

Maidstone Borough, Sevenoaks District and Tunbridge Wells Borough Councils agree to work with the PFRA to raise awareness regarding this site management scheme, including explaining what face-to-face fundraising is, the PFRA, the Code of Practice, and facts about Direct Debit.

The PFRA monitors member organisations, through a programme of random spot-checks, responding to complaints, and other mechanisms, to ensure fundraisers' adherence to the code of practice, PFRA Rules, and Site Management Agreements. The PFRA can give appropriate penalties or sanctions to those not abiding by the rules.

This SMA will be reviewed 6 months after it is signed, and then once every 12 months, if necessary, or earlier if there is just cause to do so. All amendments will be agreed in writing before becoming effective. Either party can withdraw from this agreement, giving 3 months' notice in writing.

Depending on when this agreement is signed, in relation to the PFRA's bidding/allocation cycle, there will be a lead-time of up to 8 weeks before the agreement can be fully implemented.

Signed For and On Behalf Of PFRA:

Dr Toby Ganley, Head of Policy

Date:

Signed For and On Behalf Of Maidstone
Borough, Sevenoaks District and
Tunbridge Wells Borough Councils:

Print name:

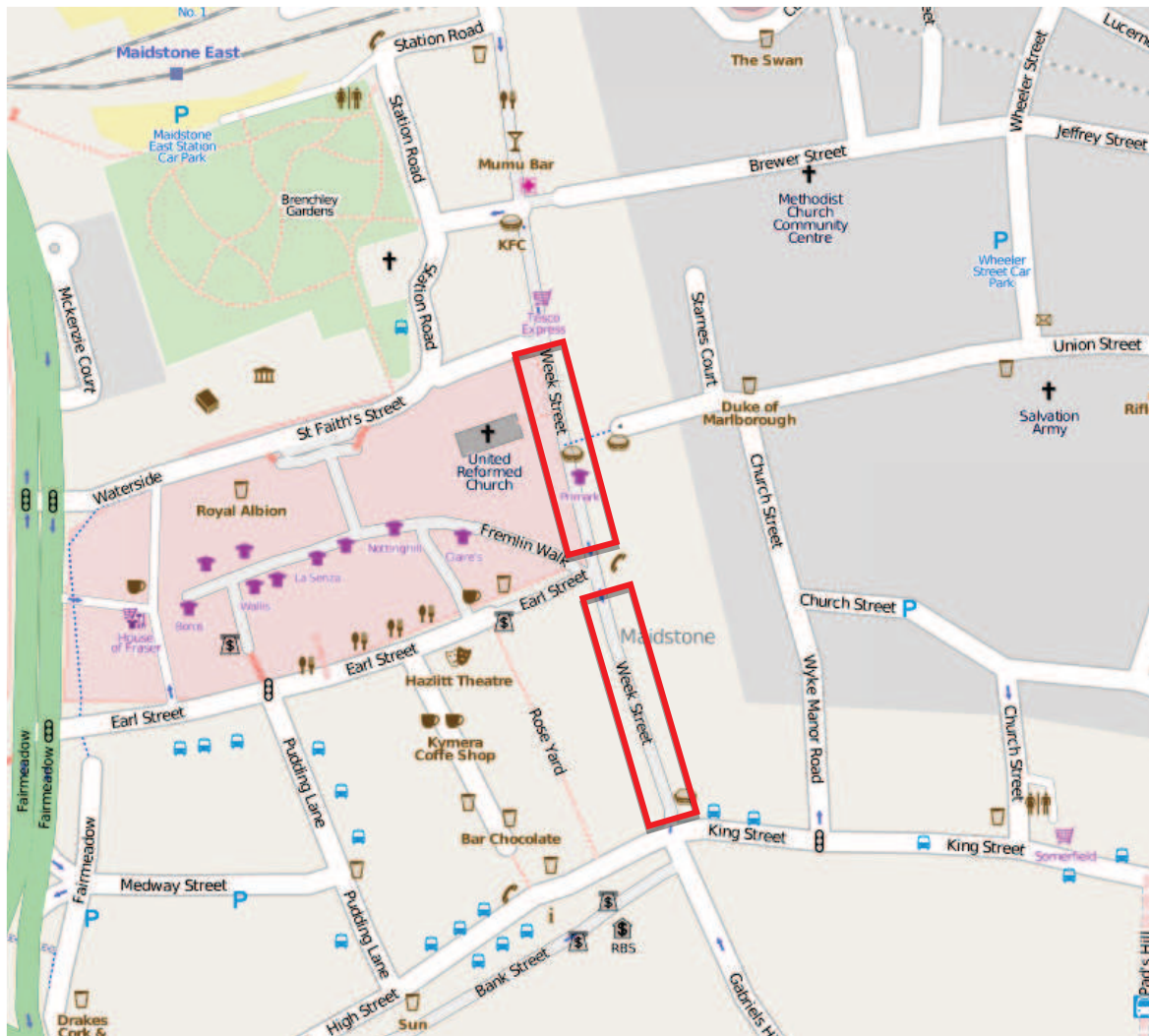
Job title:

Dated:

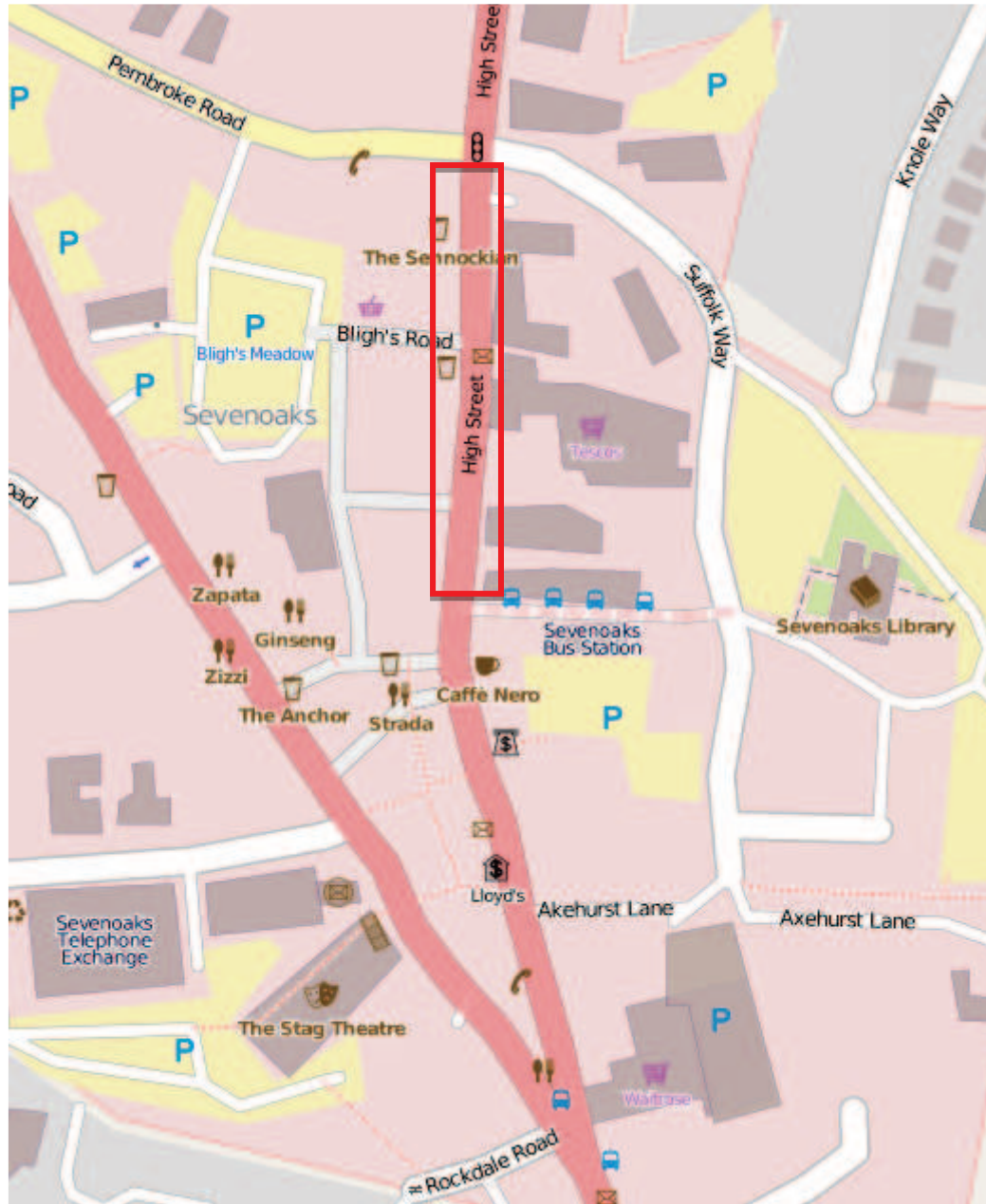
Appendix 1 - Maps

Plan showing the areas where fundraising is to be permitted:

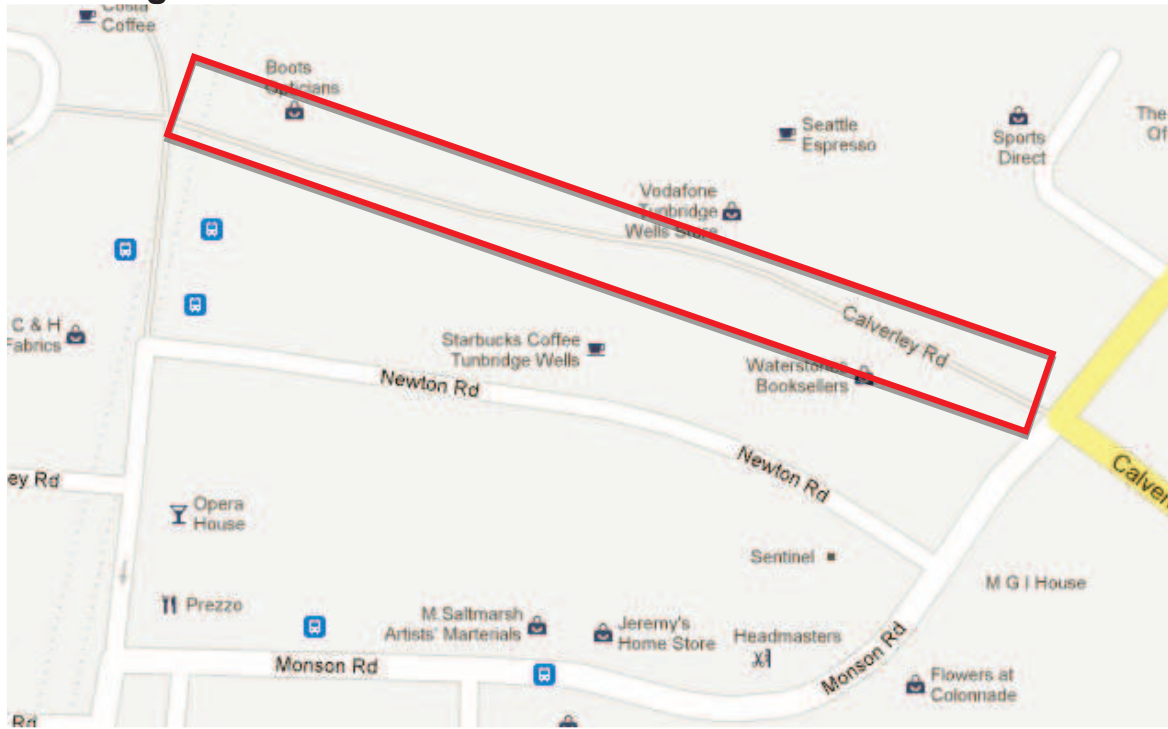
Maidstone



Sevenoaks



Tunbridge Wells



Appendix 2 - Direct Debit Guarantee

Know your rights - The Direct Debit Guarantee

Direct Debit is one of the safest ways of making charitable donations. Organisations using the Direct Debit Scheme go through a careful vetting process before they're authorised, and are closely monitored by the banking industry. The efficiency and security of the Scheme is monitored and protected by your own bank or building society.

The Direct Debit Scheme applies to all Direct Debits. It protects you in the rare event that anything goes wrong.

The Direct Debit Guarantee

- The Guarantee is offered by all banks and building societies that accept instructions to pay Direct Debits.
- If there are any changes to the amount, date or frequency of your Direct Debit the organisation will notify you (normally 10 working days) in advance of your account being debited or as otherwise agreed. If you request the organisation to collect a payment, confirmation of the amount and date will be given to you at the time of the request.
- If an error is made in the payment of your Direct Debit, by the organisation or your bank or building society, you are entitled to a full and immediate refund of the amount paid from your bank or building society.
 - If you receive a refund you are not entitled to, you must pay it back when the organisation asks you to.
- You can cancel a Direct Debit at any time by simply contacting your bank or building society. Written confirmation may be required. Please also notify the organisation.

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

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