

LICENSING COMMITTEE MEETING

Date: Thursday 19 November 2020

Time: 6.30 pm

Venue: Remote Meeting - The public proceedings of the meeting will be broadcast live and recorded for playback on the Maidstone Borough Council website.

Membership:

Councillors Brindle, Fissenden, Fort, Garten, Mrs Grigg, Hinder, Joy (Chairman), Naghi, Newton, Mrs Robertson, M Rose (Vice-Chairman), J Sams and Springett

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

<u>AGENDA</u>	<u>Page No.</u>
1. Apologies for Absence	
2. Notification of Substitute Members	
3. Urgent Items	
4. Disclosures by Members and Officers	
5. Visiting Members	
6. Disclosures of Lobbying	
7. To consider whether any items should be taken in private because of the possible disclosure of exempt information.	
8. Minutes of the Meeting Held on 17 September 2020	1 - 3
9. Minutes of the Licensing Act 2003 Sub-Committee Meeting held on 10 September 2020	4 - 20
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Issued on Wednesday 11 November 2020
Over/:

Continued

Alison Broom

Alison Broom, Chief Executive

12. Questions and answer session for members of the public (if any)
13. Questions from Members to the Chairman (if any)
14. Draft Hackney Carriage and Private Hire Licensing Policy 2021 - 2026 39 - 186
15. Statement of Licensing Policy 2021-2026 187 - 227

INFORMATION FOR THE PUBLIC

In order to ask a question at this remote meeting, please call **01622 602899** or email committee@maidstone.gov.uk by 5 p.m. one clear working day before the meeting (i.e. by 5 p.m. on Tuesday 17 November 2020). You will need to provide the full text in writing.

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

In order to submit a written statement in relation to an item on the agenda, please call **01622 602899** or email committee@maidstone.gov.uk by 5 p.m. one clear working day before the meeting (i.e. by 5 p.m. on Tuesday 17 November 2020). You will need to tell us which agenda item you wish to comment on.

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MAIDSTONE BOROUGH COUNCIL

LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON THURSDAY 17 SEPTEMBER 2020

Present: Councillors Brindle, Fissenden, Garten, Mrs Grigg, Hinder, Joy (Chairman), Naghi, Purle, Mrs Robertson, M Rose, J Sams and Springett

38. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Fort.

39. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

40. URGENT ITEMS

There were no urgent items.

41. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members and Officers.

42. VISITING MEMBERS

There was no Visiting Members.

43. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

44. EXEMPT ITEMS

RESOLVED: That all items be taken in public as proposed.

45. MINUTES OF THE MEETING HELD ON 18 JUNE 2020

RESOLVED: That the Minutes of the meeting held on 18 June 2020 be agreed as a correct record and signed at a later date.

46. QUESTIONS AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were no questions from Members of the Public.

47. QUESTIONS FROM MEMBERS TO THE CHAIRMAN

There were no questions from Members to the Chairman.

48. CODE OF CONDUCT TRAINING REQUIREMENTS

The Democratic and Electoral Services Manager introduced the report and referenced the 'Licensing Committee Roles and Responsibilities' report presented to the Committee in 2016, where it was agreed that refresher training would be provided annually if required. However, the Council's Constitution did require existing Members of the Committee to receive annual refresher training and the proposed new wording within the report would remove this requirement and enabled the previously sought flexibility.

The Democratic and Electoral Services Manager confirmed that the online training recently provided to Members was to ensure compliance to the Constitution prior to a recent Licensing Act 2003 Sub-Committee Hearing. The Committee would be able design and agree a suitable training programme at a later date.

Several Members expressed concern with the online training provided as it was not agreed by the Committee but understood its necessity for Constitutional compliance and to avoid legal challenge.

RESOLVED: That the new wording set out in paragraph 4.2 be recommended to Council for the Code of Conduct for Councillors and Officers dealing with Licensing Matters.

49. STREET TRADING POLICY 2020

The Senior Licensing Officer introduced the report on the revised draft Street Trading Policy, which had been updated in recognition of the feedback received from the Committee from the draft's consideration at the 18 June 2020 meeting.

It was confirmed that the 8-week consultation proposed was considered a reasonable time frame and that the application fee reflected the use of officer time in assessing the application. In relation to Community and Charitable Events, the previous wording used had been removed due to legal constraints that prohibited its use, but that the use of multi-user consents and further considerations to waive the fees could be considered.

RESOLVED: That

1. The revised Street Trading Policy, attached at Appendix 2 of the report, be agreed for consultation purposes;
2. The draft amended fee structure which introduces a non-refundable consultation application fee, be agreed;

3. Delegated authority be given to the Head of Housing and Community Services to make minor amendment to the policy; and
4. Following the 8-week consultation period, the policy together with a summary of key consultation comments is brought back to the licensing committee for consideration, be agreed.

50. STATEMENT OF LICENSING POLICY 2021-2026

The Senior Licensing Officer introduced the report which contained the proposed Statement of Licensing Policy at Appendix 1 to the report. The Licensing Act 2003 required that a statement be published every five years with the existing policy to expire on 6 January 2021. It was confirmed that deterrence of knife crime measures and the Covid-19 impact and response had been included within the statement.

The Senior Licensing Officer confirmed that the longest consultation period could be 7-weeks, instead of the 6-weeks proposed, due to the internal processes involved in the Statement's approval and implementation for 7 January 2021.

RESOLVED: That

1. The Statement of Licensing Policy attached at Appendix 1 to the report be agreed for consultation purposes, subject to the amendment of the following:
 - a. The 'Covid-19 Impact and Response' sub-heading be amended to read 'Highly Contagious Communicable Diseases Impact and Response' and that the second 'Covid-19' within the section be replaced by 'Highly Contagious Communicable Diseases';
 - b. The typographical error within the section on the Deterrence of knife crime measures be corrected; and
2. The 6-week consultation period be agreed.

51. DURATION OF MEETING

6.30 p.m. to 7.40 p.m.

Agenda Item 9

MAIDSTONE BOROUGH COUNCIL

LICENSING ACT 2003 SUB COMMITTEE

MINUTES OF THE MEETING HELD ON THURSDAY 10 SEPTEMBER 2020

Present: Councillors Joy (Chairman), J Sams and Springett

21. APOLOGIES FOR ABSENCE

There were no apologies.

22. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

23. ELECTION OF CHAIRMAN

RESOLVED: That Councillor Joy be elected as Chairman for the duration of the meeting.

24. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members and Officers.

25. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

26. EXEMPT ITEMS

RESOLVED: That all items on the agenda be taken in public as proposed.

27. APPLICATION TO VARY A PREMISE LICENCE UNDER THE LICENSING ACT 2003 FOR HUSH HEATH WINERY, HUSH HEATH ESTATE, FIVE OAK LANE, STAPLEHURST, KENT, TN12 0HX.

The persons participating in the hearing were identified as follows:

Chairman – Councillor Joy
Committee Member – Councillor Springett
Committee Member – Councillor J Sams

Legal Advisor – Mr Robin Harris

Online Facilitator – Mr Ryan O’Connell

Democratic Services Officer – Miss Oliviya Parfitt

Applicant – Mr Richard Balfour-Lynn and Mrs Lesley Balfour-Lynn,

For the Applicant:

Mr Richard Balfour-Lynn – Owner of Hush Heath Winery
Mrs Leslie Balfour-Lynn – Owner of Hush Heath Winery
Sarah Easton - Winery Manager at Hush Heath Winery

Witnesses to be called by the Applicant:

Councillor John Perry – Staplehurst Ward Councillor and Vice-Chairman of Staplehurst Parish Council
Councillor Patrick Riordan – Chairman of Staplehurst Parish Council.

For the Objectors:

Mr Philip Kolvin QC – Acting on behalf of Angus Codd and Andrea Hodgkiss, Kim and Sally Humphrey, Alison Clark, Richard and Natasha Davidson-Houston, Amanda and Bernard Tipples, Frank and Ann Tipples, Dawn Lye, David Taylor and Nicola Feakin.

Witness to be called by the Objectors – Mrs Natasha Davidson-Houston

All parties confirmed that they were aware of the Sub-Committee hearing procedure and had each received a copy of the hearing procedure document.

The Chairman explained that:

- The Sub-Committee would allow all parties to put their case fully and make full submissions within a reasonable time frame.
- The procedure would take the form of a discussion led by the Sub-Committee and they would usually permit cross-examination conducted within a reasonable timeframe.
- Any persons attending the hearing who behaved in a disruptive manner may be directed to leave the hearing by the Sub-Committee (including temporarily) after which, such person may submit to the Sub-Committee over the Instant Messaging facility any information which that person would have been entitled to give orally had the person not been required to leave the meeting. If this is not possible, they may be permitted to speak at the Chairman's Invitation.

The Sub-Committee confirmed that they had read all the papers.

The Chairman enquired whether any draft conditions had been agreed between the applicant and other parties; no draft conditions had been agreed.

The Legal Advisor outlined the variation application that had been received from Hush Heath Winery, which included an extension of hours and an amendment to the conditions of the licence held by the applicant. It was noted that 13 objections were received.

The applicant was invited to make their opening remarks and referenced the impact of the Coronavirus pandemic on his business which would lose approximately £925k this year. The reduction in sales to the tourist industry was of particular significance due to the businesses' agricultural nature as a winery. The variation application had been submitted to allow for increased flexibility to enable the business to continue its operation. It was noted that prior to Covid-19, Mr Balfour-Lynn had previously informed local residents that there was no intention to amend the premises licence under which the business operated.

Mr Balfour-Lynn referenced the importance of the Winery for the local economy, which included employing local residents and the lack of both redundancies and salary reductions experienced by his employees during the pandemic. Specific reference was made to the adult clientele that visited the winery, who were often visiting the local area and Kent county and that the business had experienced demand for further wine-and-dine experiences.

Mr Balfour-Lynn informed the Committee that in January 2020 he had purchased a vehicle to collect visitors from Marden train station, due to local resident dissatisfaction with visitors being collected from Staplehurst train station by coach and driven along the narrow, local roads. It was confirmed that no complaints had been received by the Council or the Police in relation to the winery since the license was last amended in March 2019. The changes to the winery's shop opening times and online advertising request on the business' website were referenced.

The applicant's witnesses were invited to address the Sub-Committee.

Councillor Riordan spoke in favour of the application and referred to the minutes of the Staplehurst Parish Council meeting held on 10 August 2020, which endorsed the application and the importance of the Winery in the local community.

Councillor Perry spoke in favour of the application. The importance of the rural economy, local employment opportunities, the business' clientele and its agricultural nature were mentioned. The impact of the Covid-19 pandemic and the applicant's attendance to Staplehurst Parish Council's Road Safety Group meetings were referenced.

In response to a query from the panel, the applicant reiterated that customers had expressed demand for wine-and-dine experiences which is why the variation application had been submitted.

Mr Philip Kolvin QC was invited to make the opening remarks on behalf of the objectors represented and noted that this was the fourth licence application within two years. The rural surroundings in which the Winery

and its neighbours were situated, to the locations flat surface and the impact of sound travelling from the venue, the lack of street lighting in the local area and narrow roads were highlighted. Mr Kolvin QC stated that the variation application focused on the use of the premises for evening activities similar to those conducted in a hospitality, rather than agricultural, venue.

It was noted that the Applicant's current licence allowed for 12 special events per year, which would increase to allow 168 evening events per year if the variation application was granted in totality. The request to allow product sales until 11p.m. and to advertise the sale of alcohol on the business' website were also mentioned, in light of the Sub-Committee's previous decisions on the licence conditions.

Particular attention was drawn to the documentation supplied to the sub-committee on behalf of the objectors Mr Kolvin QC represented. This documentation related to the 2013, 2018 and 2019 sub-committee meetings that had taken place, in what was perceived as attempts to relax the licence conditions previously set by the sub-committee. In all three instances, the supply of alcohol that had been restricted to tasting samples only, the extremely remote location and restricted visitor access had been referenced by the applicant.

Through a hearing held in September 2018, the visitor tasting room was included within the area for which licensable activities took place. The decision and minutes of that hearing were referenced, whereby the applicant confirmed that there was no intention of having more than 12 events per annum.

An application for a minor application variation was submitted and rejected by the Council's officers in 2018 as a variation application was required instead.

Mr Kolvin QC reiterated that in 2019 the applicant had applied to remove the licensing condition whereby the supply of alcohol was limited to tasting samples and to amend Annex 4 of the premises licence. In relation to this hearing, three letters; two from Ms Easton and one from Mr Balfour-Lynn to the Council's Senior Licensing Officer and to local residents which stated, in part, that there was no intention of the Winery operating longer opening hours or becoming a restaurant or bar. It was noted that following the letter to residents, the applicant's solicitor would not engage with Mr Kolvin QC or his clients in respect of having draft conditions agreed before the March 2019 sub-committee meeting.

Mr Kolvin QC then referenced the determination and reasons provided as a result of the March 2019 sub-committee meeting, with the sub-committee informed that the applicant had only conducted one special event since the variation application was granted despite Mr Balfour-Lynn's request for greater flexibility. It was argued that the greater flexibility requested due to the Covid-19 pandemic was not a licensable objective need and that the £925k income loss had not been confirmed

through a statement of accounts. Mr Kolvin QC requested that the sub-committee Members reject the variation application.

Mrs Natasha Davidson-Houston spoke against the application. The witness lived close to the Winery and stated that as an agricultural and residential area, it was inappropriate for a night-time hospitality venue. The previous number of sub-committee meetings held in relation to the winery were referenced.

Mrs Davidson-Houston stated that the applicant had only used the special events provision once within the last 18 months, whilst the variation application would allow for a much higher volume of events if granted. Relaxations on the advertising restrictions in force would encourage more visitors, which would then increase the traffic flow along the local roads which were difficult to navigate and increase the noise generated. This would be greater in the winter months, with a lack of street lighting and pavements available.

It was noted that whilst the winery's minibuses travelled from Marden train station, individual cars and cabs often drive to the winery from Staplehurst station. Private tour companies would also arrange for coach trips to the winery using that route and there was no public transport available to and from the winery. Mrs Davidson-Houston reported two recent incidents to Staplehurst Parish Council, whereby vehicles coming out of the Winery had caused her to brake sharply.

The sub-committee were reminded that planning restrictions existed in the local area to restrict external lighting, with the winery permitted to use external lighting in certain areas at certain times. The safety of visitors without such lighting was highlighted. The large windows of the winery buildings enabled the light to be seen from homes within the local area.

Mrs Davidson-Houston reiterated that the applicant had given multiple assurances to residents that the Winery would have restricted opening hours and would not routinely open in the evenings. It was felt that the variation application submitted was in direct contradiction of these assurances and the sub-committee were asked to reject the application. It was repeated that the local area was not conducive to a tourist, hospitality venue which they believed the Winery would become.

In response to a question from the panel, Mr Kolvin QC clarified that darkness was also a licensing consideration in terms of the potential impact to nuisance and disturbance of amenity. This was relevant whereby the lighting from the winery would be seen from the windows and referenced the previously given permission to use carpark lighting for the twelve special events. The bends and narrow widths of the local roads from the winery were mentioned as a public safety concern.

The panel members confirmed that the closing hours of the shop, as part of the decision granted in 2019, had intended to be before the closing hours of the premises.

In response to question from the panel in relation to the incidents mentioned, Mrs Davidson-Houston confirmed that Staplehurst Parish Council had a dedicated email for traffic problems in the local area generally.

Mr Harris enquired whether the applicant or other parties had any conditions that could be proposed, to facilitate further discussion during the hearing.

Mr Kolvin QC stated that he could not comment on this request as the objectors which he represented were not present to indicate their wishes.

Mr Harris queried whether the hearing could be adjourned to allow for further discussion between the applicant and other parties, to which the applicant responded that he did not believe this would be possible. The applicant offered to limit the number of evening guests to 75 through bookings only, to sit indoors with dimmed lighting to mitigate the objector's concerns.

Mr Kolvin QC was invited to respond and stated that Mr Balfour-Lynn did not engage with residents prior to the submission of the variation application nor once objections had been received.

Mr Kolvin QC was invited to make their closing remarks and stated that the applicant's desire for flexibility was already reflected in the 12 annual special events and temporary events permitted within the current licence. Mr Kolvin QC encouraged the applicant to engage with local residents and re-referenced the increased number of evening events requested.

The limited hours in relation to off-licensing as previously decided by the sub-committee were referenced and the applicant's wishes to advertise online and through signage were noted.

Mr Balfour-Lynn was then invited to make his closing statement, during which he stated that he and his wife were responsible business owners and that their businesses has had to adapt over the last ten years. The impact of Covid-19 was reasserted.

It was stated that whilst the premises licence allowed special events, these were not common for the winery to undertake with educational wine dinners now preferred. It was noted that the Council had not received any complaints arising from any guests and staff, which if received and justified could lead to the premises licence being amended or withdrawn.

With reference to the advertisement of sales, the applicant stated that this would take place on the businesses website and that the shop would only remain open whilst the winery itself was open. The support from Staplehurst Parish Council was reiterated.

The panel asked the applicant why the conditions offered during the meeting were not originally suggested and whether this could have been

included in the variation application form. Mr Balfour-Lynn stated that the form was limited in scope and that he did not wish to put constraints on the business should it need to adapt at a later date.

The Legal Officer confirmed that there were no further matters to be raised or resolved.

The Chairman then adjourned the meeting for deliberation and requested that the Legal Officer remained to assist them. The panel would return to announce the decision at 2 p.m.

At 2p.m. the Sub-Committee returned and invited the legal officer to read out the decision with brief reasons. The sub-committee briefly adjourned and then returned to the meeting, in relation to the clarity requested that the alcohol be supplied within the extended hours with food ancillary to a full table meal.

It was confirmed that a written decision with full reasons would be provided within 5 working days. Parties were reminded of the right to review a premises license and the right of appeal to the Magistrates Court.

The meeting closed at 2.10 p.m.

RESOLVED: That the Sub-Committee's decision and reasons be detailed in the Notice of Determination attached as an Appendix to the Minutes.



LICENSING AUTHORITY: MAIDSTONE BOROUGH COUNCIL

LICENSING ACT 2003 LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005

NOTICE OF DETERMINATION

Application Ref No: 20/01678/LAPRE

Applicant: Mr Richard Balfour-Lynn

Regarding **PREMISE LICENCE (VARIATION)**
Hush Heath Winery, Hush Heath Estate, Five Oak Lane,
Staplehurst, Kent TN12 0HX

Date(s) of hearing: 10th September 2020

Date of determination: 10th September 2020

Committee Members: Councillor Mrs Joy (Chairman), Councillor Mrs Sams and
Councillor Mrs Springett

Legal Advisor in attendance at hearing: Mr Robin Harris

Democratic Services Officer in attendance at hearing: Miss Oliviya Parfitt

Online Meeting Facilitator: Mr Ryan O'Connell

This was an application for:

Variation

for a

Premises Licence

A: Representations, evidence and submissions:

The Committee considered the representations, evidence and submissions of the following parties:

Applicant

Name: Mr R Balfour-Lynn

Witnesses: Cllr Perry, Cllr Riordan Staplehurst Parish Council

Responsible Authorities

Not applicable

Other Persons

Name: Represented by Mr P Kolvin QC (Angus Codd and Andrea Hodgkiss, Kim and Sally Humphrey, Alison Clark, Richard and Natasha Davidson-Houston, Amanda and Bernard Tipples, Frank and Ann Tipples, Dawn Lye, David Taylor and Nicola Feakin.)

Witnesses: Mrs N Davidson-Houston

Representations considered in the absence of a party to the hearing:

In support – Staplehurst Parish Council

Objections – Ian and Liz Tipples, Guy and Janice Barkaway, Brenda Webb and Darryl Evans, Marcus Rennick

Together with all written representations received, from all above-named other persons represented by Mr Kolvin QC and as witnesses for the applicant, appearing in the agenda papers at appendix 3

B: Consideration of the Licensing Act 2003, the Guidance under s. 182 of the Act and the Statement of Licensing Policy of Maidstone Borough Council

The Committee has taken into account the following provisions of the Licensing Act 2003 and the Regulations thereto:

Section 4 which relates to the licensing objectives;
Sections 34 - 36 which relate to the variation of a premises licence;

The Committee has taken into account the following provisions of the Guidance under section 182 of the Act:

Chapter 2 which relates to the licensing objectives

Chapters 8 & 9 which relate to premises licences & determinations
Chapter 10 which relates to conditions attached to licences;

The Committee has taken into account the following provisions of its Statement of Licensing Policy:

Chapter 17.9 which relates to prevention of crime and disorder

Chapter 17.16 which relates to the promotion of public safety

Chapter 17.19 which relates to the prevention of nuisance

Chapter 17.23 which relates to the protection of children from harm.

The Committee has decided to depart from the guidance under section 182 of the Act and or the statement of licensing policy for the following reasons:

N/A

C: Determination:

The Committee has decided to: Grant the Application and

- Vary conditions appropriate for the promotion of the licensing objectives

Mandatory conditions remain; embedded conditions not applicable, current conditions at annexes 3 and 4 to be deleted and replaced with those below.

Hours:

Off sales (online)	00:00 – 00:00 (24 hours)
Off sales (shop)	10:00 – 17:00 November – March and; 10:00 – 18:00 April – October
Off sales (shop) (non special event*)	10:00 – 23:00 Fridays and Saturdays only
Off sales (shop) (special event)	10:00 – 24:00
On sales (non special event*)	10:00 – 19:00 Sunday to Thursday and;
On sales (non special event*)	10:00 – 23:00 Fridays and Saturdays only
On sales (special event*)	10:00 – 00:00
Late night refreshment	23:00 – 00:00
Live and recorded music	10:00 – 24:00
Opening hours (non special event*)	10:00 – 19:00 Sunday to Thursday and;

Opening hours (non special event*)	10:00 – 23:00 Fridays and Saturdays only
Opening hours (special events*)	10:00 – 00:00
Opening hours (online sales only no public attendance)	00:00 – 00:00

* as defined below

A special event (previously referred to as “event occasion”) is an event at which: recorded or live music is provided after 17:00 or late night refreshment is provided and are subject to the additional conditions imposed by condition 12 a-i.

A non special event with extended hours refers to Fridays and Saturdays where on and off sales are permitted until 23:00 subject to the conditions imposed by condition 13 a-f. All other non special events refer to occasions where there is not a special event or a non special event with extended hours.

The following conditions apply at all times:

1. The premises shall not be operated as a public house, restaurant, drinking establishment, nightclub, wedding venue or events venue (other than events ancillary to the winery use).
2. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a winery.
3. There shall be good CCTV coverage of all licensed areas. The CCTV system will be kept in good working order and any images captured will be kept for a minimum of 30 days and supplied to a Police officer or local authority officer upon request.
4. No customers will be left unsupervised on the premises.
5. Children will be kept under adult supervision at all times.
6. All hazardous materials will be kept under child proof lock.
7. A Challenge 25 proof of age scheme shall be operated at the premises, where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with PASS hologram.
8. The premises licence holder shall organise a meeting with residents living within 800 metres of the Hush Heath Estate once per calendar year to discuss any impact of the premises on the promotion of the licensing objectives. (See also informatives).

9. The sale of alcohol for consumption on the premises shall be restricted to products produced by Hush Heath Winery and shall not include spirits.'
10. The sale of alcohol for consumption on the premises shall be only to those attending the winery for the purposes of winery tours, tastings and vinicultural and vinicultural education.
11. There shall be no external advertising generally or at the premises, of the sale of alcohol for consumption at the premises, by the licence holder or any person instructed by or associated with him, including on any signs or any third party website. The website for the premises may advertise the services and hours that are available at the premises.

The following condition applies during special events as defined above.

12. Special Events may be held at the premises subject to:
 - a) Special Events shall be limited to 12 per calendar year.
 - b) Special Events shall not occur on consecutive weekends.
 - c) Special Events shall be notified by letter or email to neighbours within 800 metres of the premises a minimum of 7 days before the event.
 - d) The supply of alcohol shall be restricted to products produced by Hush Heath Winery and shall not include spirits.
 - e) After 23:00 live and recorded music and late night refreshment will be indoors only and windows and doors will be closed save for entry and exit.
 - f) Live and recorded music will end by 23:45.
 - g) All visitors to the premises will leave the premises and parking area by midnight.
 - h) Signage will be placed at the exits of the premises asking visitors to leave quietly and respect neighbours.
 - i) The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises, including on the exterior terrace, do so in an orderly manner and are supervised by staff so as to ensure that there is no nuisance to local residents.

The following condition applies during non special events with extended hours as defined above

13. Non Special Events (Extended hours on Fridays and Saturdays)
 - a) The extended hours to 23:00hrs apply only on Fridays and Saturdays, but are available all year round.
 - b) The premises may only be opened for extended hours on a Friday or Saturday where there are pre-booked activities.
 - c) The maximum number of customers during extended hours is limited to 60 persons.

- d) Licensable activities during extended hours will occur indoors only.
- e) The supply of alcohol during extended hours shall be ancillary to a full table meal only.
- f) Off sales during extended hours are only available to persons taking part in the pre-booked activities.

Informatives:

If issues should arise during the operation of a licence which are related to licensable activities at the premises and promotion of the licensing objectives, application may be made for a review of a premises licence in accordance with the Licensing Act 2003.

Any term or condition of the premises licence does not confer planning permission for the activity licensed and should any conflict arise implementation of the licence may put the licensee at risk of planning enforcement unless appropriate planning permission is obtained.

Any issues arising or complaints may be raised with the premises licence holder as they arise and not await an organised meeting, to facilitate constructive discussion at the time.

The premises licence holder is strongly recommended to engage fully with local residents prior to making any further applications.

Reasons for conditions:

Members of the Licensing Sub Committee considered that all the conditions attached to this licence are appropriate and proportionate to the scale of this premises and nature of its operation as a winery with tours, tastings and wine related education and activities, including a limited number of special events ancillary to its main function and the new addition following this hearing of extended hours for on and off sales that are permitted on Fridays and Saturdays. They are such as to continue to promote the licensing objectives, following the addition of extended hours on Fridays and Saturdays.

In respect of conditions previously in Schedules 3 and 4 to the premises licence granted on 28th March 2019, these have been transferred with very minor amendments to the conditions to form schedule 4 of this licence, for clarity.

The condition limiting extended hours to Fridays and Saturdays only was appropriate and proportionate to promote the licensing objective of preventing public nuisance. The Sub-Committee were of the view that three nights a week including a night during the ordinary working week could lead to public nuisance due to the increase in customers attending the premises later in the evening.

The condition limiting the number of customers allowed during extended hours was appropriate and proportionate for the same reason and also for the promotion of the

public safety objective, in respect of an increased volume of traffic, in so far as that is relevant. The Sub-Committee noted that the applicant requested 10 tables and in the current climate that sets a maximum of 60 people and that number going forwards was appropriate for the promotion of the licensing objectives.

The other on sales extended hours conditions are consistent with the conditions already on the licence in respect of the use of the facility being ancillary to the primary use as a winery and clarify that this remains the case during extended hours as they continue to promote the licensing objectives going forwards.

The condition relating to off sales during extended hours is appropriate and proportionate to promoting the licensing objective of preventing public nuisance and consistent with the conditions already on the licence in respect of the use of the facility being ancillary to the primary use as a winery and clarify that this remains the case during extended hours. The Sub-Committee confirmed that it was not mistaken when it set the hours for the shop previously and these hours remain unchanged.

The existing condition restricting advertising externally the sale of alcohol for consumption on the premises remains appropriate and proportionate to prevent public nuisance, as such advertising is reasonably likely to attract a number visitors seeking a premises selling alcohol rather than for wine tasting experiences provided as ancillary to services intended by the winery operation. However, the Sub-Committee considered the amendment to allow advertising of services and hours on the premises website to strengthen this condition as it would limit speculative visits to the premises and support the pre-booking condition.

The Sub-Committee felt that a further informative in respect of the premises licence holder engaging with residents prior to any application would be helpful.

Reasons for determination:

Having heard from Mr Kolvin, on behalf of many objectors, Mr Balfour – Lynn, the applicant and those in support of his application and read all the representations made, (see lists above), Members of the Sub Committee took account of the lengthy and detailed evidence where relevant to promotion of the licensing objectives and impacts relating to this variation application.

They also took into account that there were no representations from Responsible Authorities.

The Sub-Committee noted that there was no objection to online sales being 24 hours a day.

Members have carefully balanced the stated requirements of the applicant in operating his winery business and ancillary licensable activities against the concerns of

neighbours likely to be affected by uncontrolled licensable activities which have a reasonable likelihood of not promoting the licensing objectives.

Prevention of Crime and Disorder

The Sub-Committee noted that there were no representations under this licensing objective.

Protection of Children from Harm

The Sub-Committee noted that there were no representations under this licensing objective that would meet the definition in the guidance. However, reference to child safety generally, particularly on the roads was raised and was therefore considered under the public safety objective.

Public Safety

In respect of public safety, the Sub-Committee noted that the objectors' main concerns centred around the potential of this variation to create a substantial increase in visitor numbers, leading in turn to an increase in traffic on the small local roads, during evening hours which they state is the time of highest risk. A witness was able to point to a specific example of a vehicle departing the winery causing a hazard, which had been reported to the Parish Council.

Further, objectors were concerned regarding the safety of the public when moving around the site after dark, due to the potential planning limitations on the use of the external lighting at the premises.

In response, the applicant stated that they had a well run premises, there was no history of public safety issues at the site and where residents had raised concerns these had been responded to, for example by purchasing a minivan and routing this vehicle from Marden rather than Staplehurst. The applicant suggested conditions in relation to public nuisance which were also relevant to this licensing objective, namely a limitation on the number of customers and operating a pre-booking system.

The Sub-Committee noted that there was no representation from any responsible authorities on this issue and given the representation from the Parish Council, there was a range of opinion, even among local residents in respect of public safety on the roads.

No party produced expert evidence in respect of the proposed variation on visitor numbers or traffic flows.

The Sub-Committee was satisfied that there is adequate lighting available at the premises. The Sub-Committee draws attention to the informative regarding the relationship between planning and licensing that was made at the previous hearing and remains extant.

Taking into account all of the above, the Sub-Committee were of the view that the proposed variation was likely to increase visitor numbers in the evening. However, due to issues of road safety not being evidenced as occurring on the premises or the immediate vicinity of the premises, or linked to the proposed variation, it was considered that the public safety objective was not sufficiently engaged by the proposed variation to justify specific conditions under this objective, but, the Sub-Committee felt that conditions that were appropriate to the promotion of the prevention of public nuisance also assisted in respect of this licensing objective, in as far as it is relevant.

Prevention of Public Nuisance

The Sub-Committee noted that the objectors main concerns around this issue were related to a potential increase in visitors, which had the risk of increased noise and disturbance in an area which is both rural and tranquil and further, that the proposed variation was indicative of a move away from services ancillary to a winery towards an operation akin to a hospitality venue, with a more social experience, which would by its nature be a noisier enterprise.

The representations made both at the hearing and in advance of the hearing pointed to previous assurances by the applicant that there was no intention to change the existing licence.

Representations noted that the applicant had not used his quota of 12 special events but now wanted to increase late night openings 14 fold.

The applicant responded that the changes were not planned and that he had been genuine when he had given assurances previously. However, the impact of the Covid-19 pandemic required a response and there was also a change in the demand from customers, which as a business the premises had to respond to or the business could fail. The applicant noted that neighbouring properties would not be impacted by noise from inside the winery, due to the construction of the winery.

The applicant advised that he felt it unlikely that the hours would be exercised three nights a week, but that the business wanted there to be flexibility. He noted that he is the closest resident to the winery and that he also has an interest in limiting noise from the premises.

The applicant also proposed a condition on the maximum number of guests that could attend later in the evening, along with pre-booking and the suggestion of dimming the lights during the hours of darkness.

The Sub-Committee noted that there was no representation from any responsible authority in respect of this licensing objective.

The Sub-Committee noted the support of the Parish Council to the application.

Taking into account all of the above, the Sub-Committee considered that the application as originally made failed to adequately promote this licensing objective. However, with some of the modifications proposed by the applicant and appropriate conditions applied by the Sub-Committee the application could be approved in part and continue to promote this licensing objective.

The Sub-Committee felt that three nights a week, including an ordinary working day was likely to cause a public nuisance. However, a reduction to two weekend evenings with a limitation on the total number of customers and the further additional controls noted above, would be sufficient to promote this licensing objective and ensure that the licensable activities on the premises remained as ancillary to the primary use as a winery.

The Sub-Committee permitted off sales to run concurrently with the extended hours, but did not change the hours for other days of the week. The intention of 19:00 for on sales at the premises was stated in the previous application to be to allow flexibility for any visitors staying a little over time. This was not a mistake and has promoted the licensing objectives.

Members amended the no external advertising condition to allow advertising of services and hours on the premises website. They considered this to be appropriate and proportionate to promote the prevention of public nuisance.

PRINT NAME (CHAIRMAN): COUNCILLOR MRS JOY

Signed [Chairman]:

A copy of the original document is held on file

Date: 15 September 2020

MAIDSTONE BOROUGH COUNCIL

LICENSING ACT 2003 SUB COMMITTEE

MINUTES OF THE MEETING HELD ON FRIDAY 2 OCTOBER 2020

Present: Councillors Garten, Hinder (Chairman) and Mrs Robertson

Also Present: Councillor Brindle

30. APOLOGIES FOR ABSENCE

There were no apologies for absence.

31. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

32. ELECTION OF CHAIRMAN

RESOLVED: That Councillor Hinder be elected as Chairman for the duration of the Sub-Committee Meeting.

33. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members and Officers.

34. DISCLOSURES OF LOBBYING

There were no disclosures of Lobbying.

35. EXEMPT ITEMS

RESOLVED: That all items be taken in public as proposed.

36. APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003 FOR GERMAN DONNER KEBAB, 79-85 WEEK STREET, MAIDSTONE, KENT, ME14 1QX

The persons participating in the hearing were identified as follows:

Chairman – Councillor Hinder
Committee Member – Councillor Garten
Committee Member – Councillor Mrs Robertson

Substitute Committee Member Councillor Brindle was present as a training exercise.

Legal Advisor – Mr Robin Harris

Online Facilitator/Democratic Services Officer – Miss Oliviya Parfitt

Applicant – KDG Maidstone Ltd, Mr Gurjeet Dhillon

Objector – Ms Lisa Postiglione

All parties confirmed that they were aware of the Sub-Committee hearing procedure and had each received a copy of the hearing procedure document.

The Chairman explained that:

- The Sub-Committee would allow all parties to put their case fully and make full submissions within a reasonable time frame.
- The procedure would take the form of a discussion led by the Sub-Committee and they would usually permit cross-examination conducted within a reasonable timeframe.
- Any persons attending the hearing who behaved in a disruptive manner may be directed to leave the hearing by the Sub-Committee (including temporarily) after which, such person may submit to the Sub-Committee over the Instant Messaging facility any information which that person would have been entitled to give orally had the person not been required to leave the meeting. If this is not possible, they may be permitted to speak at the Chairman's Invitation.

The Sub-Committee confirmed that they had read all the papers.

The Chairman enquired whether any draft conditions had been agreed between the applicant and other parties; no draft conditions had been agreed.

The Legal representative summarised the premises license application, which requested indoor late-night refreshment from 23:00-03:00 seven days a week, with opening hours of 11:00-03:00. Kent Police had withdrawn their objection due to the agreed draft conditions that would be included within the license, if granted. One other party objected on the grounds of crime and disorder, public safety and nuisance and protecting children from harm. It was noted that the grounds for objection had been taken by the ordinary, rather than legislative meaning. The Legal Representative would provide clarity to the objector's argument later in the hearing.

An inconsistency within point 1a of the agreed conditions with Kent Police was highlighted, which referenced the sale and supply of alcohol, which had not been requested by the applicant. The Legal Representative clarified that if the licence were granted, the draft condition could be amended.

The applicant was invited to make their opening remarks and re-confirmed that no alcohol would be sold or supplied at the business and that CCTV was in operation. Mr Dhillon highlighted that there were several other businesses within the local area that opened late and that whilst the business had not made provision for security staff, if there were any incidents of anti-social behaviour or crime within the premises then this would be reconsidered. Staff would be trained on how to respond to anti-social behaviour and contacting the emergency services. The business could seat up to 90 people, which Mr Dhillon offered to reduce, past a certain time, if necessary.

The objector asked the applicant about their experience in the restaurant industry, dealing with anti-social behaviour and noise complaints, the use of sound controls at the premises, waste and odour management and the complaints process.

Mr Dhillon stated that he and his family had twenty years of experience, with multiple businesses that remained open until 4 or 5 a.m. with a total of 2000 employees. This comprised of in-house training, management, area managers, security and maintenance staff. Mr Dhillon confirmed that the sound control measures taken related to the extraction system fitted, which contained carbon filters to control food odours. This had been approved by the Council. It was highlighted that there were many public-use bins within the local area, but that staff would be required to walk within 100 metres of the premises to check for any of the business' packaging, to be collected and disposed of within the business' refuse bins. If any refuse was found within 100 metres, points would be deducted from the monthly audits that took place, from which staff were provided with incentives and benefits. Prior to the premises opening, the contact details for the manager and business officer would be made available.

The Chairman asked Mr Dhillon for further clarification as to why the application stated that there were no residents within 30 metres of the premises, when residents were found to live above it. Mr Dhillon responded that this was a clerical error and that if there were any public nuisance concerns, actions would be taken to mitigate these.

In response to questions from the panel, Mr Dhillon stated that he did not expect the business to attract an increased footfall into the area. The applicant had opened GDK Franchise stores in Leicester and Cheltenham, had a year's experience with the franchiser and had signed up to open 25 stores nationally and held the rights for the south-east region.

The Legal Representative was asked to clarify whether food delivery was a licensable activity, to which it was confirmed that the only licensable activity within the application was for late night refreshment. The applicant confirmed that GDK do not have a platform that enabled customers to order online. Online orders would have to occur through a separate agency which would be responsible for delivering the food orders.

The objector was invited to make their opening remarks and referenced the licensing objectives. Concern was expressed that the late-night opening hours would exacerbate the existing levels of crime and anti-social behaviour, with reference to the drug use witnessed in Brenchley Gardens. Several other businesses were open in the early hours of Friday and Saturday nights as opposed to nightly. The importance of CCTV was noted.

The objector stated that their quality of life would be negatively impacted due to their shift-work. In considering public safety, the venues capacity for 90 people was too high. Particular attention was drawn to the potential littering from customers, under public nuisance, which was an existing problem for the area. The protection of children was referenced with regard to the existing fast-food establishments in the area.

The legal representative stated that the public safety objective related to the safety of any person on the premises. In the current climate 90 people was likely too high, but this would be an issue for Public Health rather than Licensing. With regards to public nuisance, the licensee is only responsible for the individuals on and in the immediate vicinity of their premises. The protection of children from harm was intended to prevent children from having access to alcohol and sexual entertainment, of which neither were requested within the application.

The objector reiterated that their quality of life would be affected and questioned how the applicant would guarantee sufficient staff training.

The panel reiterated that the business did not expect to increase the footfall into the High Street, with the objector asked how this affected their representations. Ms Postiglione stated that litter was frequently seen on the High street and that she objected to the late-night hours opening hours requested. Written confirmation of staff members' responsibility to clean immediately outside the premises would be preferred, in response to a question from the panel.

In response to questions from the Legal Advisor, the applicant confirmed that the premises capacity would be reduced to 30 people whilst social distancing measures were in force and that between Sunday-Wednesday the business was unlikely to remain open until 3a.m. The applicant had applied for these hours to allow the business to remain open for events, such as sporting events, that would attract customers. It was noted that the applicant was a leaseholder for the premises and that the landlord owned the residential properties above, with the landlord's management agent in weekly contact with the applicant. Within the lease there was a covenant that required the leaseholder not to cause disturbance to the neighbours, which could result in the lease being forfeited if not adhered to.

The applicant stated that they were happy to accept a written condition on staff training requirements, and noted that the franchiser required franchisees to provide a training module to staff on how to manage any

issues arising from late night openings, to be signed, documented and retained on site.

The Legal Advisor questioned the objectors concerns as a perceived rather than evidenced issue against the premises. The objector argued that the existing levels of crime, anti-social behaviour and drunk and disorderly conduct would be worsened if the licence was granted. The legal advisor highlighted that the only licensable activity under consideration was for the four hours requested, that the business would not be serving alcohol and that it was not yet operating. The objector felt that by providing food the premises would attract drunken individuals.

The objector was invited to make their closing statement, in which they appealed to the sub-committee to consider the residents living above the premises.

The applicant was invited to make their closing statement, in which they referenced the staff training provisions, refuse collection, likely weekend opening hours and that contact details would be provided to local residents and businesses when the premises opened.

The Chairman advised that the Sub-Committee would retire for deliberation and requested that the Legal advisor be in attendance.

The sub-committee returned and invited the legal officer to read out the decision. The licence was to be granted as applied for, with the last line of police condition 1a to be removed to correlate with the business's activities. It was confirmed that the written decision would be provided within 5 working days.

Parties were reminded of the right to review a premises licence and the right of appeal to the Magistrates Court.

The meeting closed at 4.09 p.m.

RESOLVED: That the Sub-Committee's decision and reasons be provided within the Notice of Determination attached as an Appendix to the Minutes.



LICENSING AUTHORITY: MAIDSTONE BOROUGH COUNCIL

**LICENSING ACT 2003
LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005**

NOTICE OF DETERMINATION

Application Ref No: 20/01813/LAPRE

Applicant: KDG Maidstone Ltd

Regarding German Donner Kebab 79-85 Week Street Maidstone kent ME14 1QX

Date(s) of hearing: 2nd October 2020

Date of determination: 2nd October 2020

Committee Members: [Chairman]: Councillor Hinder (B)
Councillor Garten
Councillor Robertson

Legal Advisor in attendance at hearing(s): Robin Harris, Team Leader (Contentious), MKLS

Democratic Services Officer in attendance at hearing: Oliviya Parfitt

Senior Licensing Officer for application: Lorraine Neale

This was an application for:

- Variation Grant
- Provisional Statement Review Other

for a

- Premises Licence Club Premises Certificate Personal Licence
- Temporary Event Notice

A: Representations, evidence and submissions:

The Committee considered the representations, evidence and submissions of the following parties:

Applicant

- Name: Mr Gurjeet Dhillon
- Legal or other representative: N/A

Responsible Authorities

Kent Police (Made a representation which was subsequently withdrawn following proposed conditions being agreed and added to the operating schedule.)

Other Persons

Name: Ms Lisa Postiglione

Witnesses and legal representatives in support of interested parties

N/A

Representations considered in the absence of a party to the hearing:

N/A

B: Consideration of the Licensing Act 2003, the Guidance under s. 182 of the Act and the Statement of Licensing Policy of Maidstone Borough Council

The Committee has taken into account the following provisions of the Licensing Act 2003 and the Regulations thereto:

Section 4 which relates to the licensing objectives
Section 13 which relates to responsible authorities;
Section 16-24 which relate to the grant of a premises licence;
Schedule 1 which relates to Regulated Entertainment

The Committee has taken into account the following provisions of the Guidance under section 182 of the Act:

Chapter 2 which relates to the licensing objectives
Chapter 8 & 9 which relates to premises licences & determinations
Chapter 10 which relates to conditions attached to licences;

The Committee has taken into account the following provisions of its Statement of Licensing Policy:

Chapter 17 which relates to the 4 licensing objectives;
Chapter 17.9 – 17.15 which relates to the prevention of crime and disorder;
Chapter 17.16 – 17.18 which relates to public safety
Chapter 17.19 – 17.22 which relates to the prevention of nuisance;
Chapter 17.23 – 17.26 which relates to the prevention of children from harm;

The Committee has decided to depart from the guidance under section 182 of the Act and or the statement of licensing policy for the following reasons:

N/A

C: Determination:

The Committee has decided to:

- Grant the application as applied for. (For clarity, this includes the conditions that were agreed with the Police prior to the hearing subject to the amendment of condition 1a to remove the reference to the sale and supply of alcohol which is not relevant to this application.)

Reasons for determination:

■ **Prevention of Crime and Disorder**

Reasons (state in full):

The Sub-Committee noted that there were conditions agreed with Kent Police, but that a CCTV condition related to the sale/supply of alcohol, which was not relevant to this application. The Sub-Committee had regard to the written and oral submissions from Ms Postiglione, but were satisfied that the operating schedule, with Police conditions, amended for accuracy, was sufficient to promote this licensing objective.

■ **Public Safety**

Reasons (state in full):

The Sub-Committee was satisfied that the operating schedule provided by the applicant was appropriate and proportionate to promote this licensing objective and noted that the Covid Secure capacity of the premises was closer to 30 people rather than 90. The Sub-Committee had regard to the representations made by Ms Postiglione, but felt that they were outside the definition of public safety within the meaning of the Licensing Act 2003.

■ **Prevention of nuisance**

Reasons (state in full):

The Sub-Committee had regard to the written representations received and the statements made during the hearing in relation to this licensing objective. The representations in as far as they were relevant, were predominantly concerned with noise from the premises and the disruption that this could cause to local residents and with the waste (litter) generated by the premises.

The applicant confirmed that they have substantial experience of managing late night food premises and their staff are well trained to deal with patrons that frequent these premises. The applicant further advised that there are bins immediately outside the premises and their operating model (franchise) requires them to litter pick in the immediate vicinity of the premises every day before the shop opens.

The applicant confirmed that as a business they were always open to the concerns of local residents who were welcome to contact them directly with any concerns. The applicant also advised the Sub-Committee that as a leaseholder, as well as the licensing objective they had obligations in their lease that protected the neighbours from causing a nuisance.

Taking into account all of the above, the Sub-Committee were satisfied that the operating schedule was sufficient to promote this licensing objective.

■ **Protection of children from harm**

Reasons (state in full):

The Sub-Committee noted that the representations made under this licensing objective related to public health, rather than alcohol or sexual entertainment, none of which feature in this application. As such, the Sub-Committee was satisfied that the operating schedule provided by the applicant was sufficient to promote this licensing objective.

PRINT NAME (CHAIRMAN): C Councillor Bob Hinder

Signed [Chairman]:

A copy of the original document is held on file

Date: 5th October 2020

Agenda Item 11

MAIDSTONE BOROUGH COUNCIL

LICENSING ACT 2003 SUB COMMITTEE

MINUTES OF THE MEETING HELD ON FRIDAY 6 NOVEMBER 2020

Present: Councillors Brindle, Garten (Chairman) and Joy

37. APOLOGIES FOR ABSENCE

There were no apologies for absence.

38. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

39. ELECTION OF THE CHAIRMAN

RESOLVED: That Councillor Garten be elected as Chairman for the duration of the meeting.

40. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

41. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

42. EXEMPT ITEMS

RESOLVED: That all items be taken in public as proposed.

43. APPLICATION TO VARY A CLUB PREMISE CERTIFICATE UNDER THE LICENSING ACT 2003 FOR MARDEN CRICKET AND HOCKEY CLUB, MAIDSTONE ROAD, MARDEN' KENT' TN12 9AG

The persons participating in the hearing were identified as follows:

Chairman – Councillor Garten
Committee Member – Councillor Brindle
Committee Member – Councillor Joy

Legal Advisor – Mr Robin Harris

Online Facilitator/Democratic Services Officer – Miss Oliviya Parfitt

Applicant – The Committee of Marden Cricket and Hockey Club, Jo Hayes

Witnesses to be called by the Applicant:

Charlotte Hope – Vice-Chairman of the Marden Cricket and Hockey Club

All parties confirmed that they were aware of the Sub-Committee hearing procedure and had received a copy of the hearing procedure document.

The Chairman explained that:

- The Sub-Committee would allow all parties to put their case fully and make full submissions within a reasonable time frame.
- The procedure would take the form of a discussion led by the Sub-Committee and they would usually permit cross-examination conducted within a reasonable timeframe.
- Any persons attending the hearing who behaved in a disruptive manner may be directed to leave the hearing by the Sub-Committee (including temporarily) after which, such person may submit to the Sub-Committee over the Instant Messaging facility any information which that person would have been entitled to give orally had the person not been required to leave the meeting. If this is not possible, they may be permitted to speak at the Chairman's Invitation.

The Sub-Committee agreed to proceed in the absence of any other parties and confirmed that they had read the papers.

The Chairman enquired whether any draft conditions had been agreed between the applicant and other parties; no draft conditions had been agreed.

The applicant's witness was invited to address the panel and referenced the significant growth in the club's membership since 2018, with the variation application submitted to better suit the club's business needs. The low membership cost was mentioned, with additional income generated through conducting sports-related events and renting the club room for low-key events. The showing of films would be to supplement the income generated, rather than to turn the venue into a night-time or entertainment venue. The change in opening hours was to provide refreshments to individuals whilst club matches were played prior to 11am.

Specific attention was drawn to the licensing objectives against which the objections had been received; public nuisance, crime and disorder and public safety. The witness argued that the variation application had been misunderstood, as earlier rather than later opening times had been requested and these were unlikely to negatively affect the licensing objectives.

The Legal Advisor highlighted that provided the necessary actions took place, variation from the order of proceedings was acceptable, in light of the witness having been called to speak first. Mr Harris summarised the

variation application and noted that no objections had been received from responsible authorities but that several objections had been received from local residents.

The Council as the Licensing Authority, the applicant and numerous objectors had conversed on potential draft conditions prior to the hearing, from which the applicant was advised to clarify the exact hours requested within the variation application to be decided by the panel. Mr Harris confirmed that the Sub-Committee would assess the application with the view to the promotion of the licensing objectives.

In response to a question from the panel, Mr Harris confirmed that opening hours were not a licensable activity, unless specifically related to a licensable activity. The applicant confirmed that the variation application was sought as applied for, but that they were willing to include that would be shown indoors only. In discussing the application, Mr Harris confirmed that live and recorded music hours were no longer licensable activities due to the Live Music Act 2012 as amended by the Legislative Reform (Entertainment Licensing) Order and Deregulation Act 2015 and were not required to appear on the club's licence. This was only applicable if the applicant were to have an audience greater than 500 people.

In response to questions from the panel, the applicant's witness confirmed that several of the objectors had been and were current club members. The sliding doors in front of the club room balcony could be closed to prevent any sound travelling, with the trees planted as necessitated by the planning permission currently too immature to provide an adequate sound barrier. The witness confirmed that communication of events occurred mainly through the club's members, but that they would be able to communicate this to the club's local neighbours.

At Mr Harris' request, the applicant re-confirmed that they amenable to accepting that films be shown between 12:00-23:00 hours daily, seven days a week, as a compromise with the local neighbours. In relation to live and recorded music, the witness confirmed that the venue had not had an audience of more than 500 people since the business's opening event. The witness confirmed that as they believed the opening hours were a licensable activity, they had been included within the variation application, despite no licensable activity to take place before 11am between Sunday to Friday and 10am on a Saturday. The groundsman and cleaners entered the premises early to prepare the grounds and venue. It was their intention to address the planning restrictions which they believed were designed for the construction of the venue.

In response to a question from the panel, Mr Harris confirmed that references to live and recorded music could be removed from the premises licence as they were no longer required due to the operation of the law, namely the Live Music Act 2012 (as amended). The applicant and witness both confirmed that they were happy for this to be removed.

The applicant was invited to make their closing statement, in which they directed the witness to address the panel. The witness re-referenced the

club's intention to adapt to the growth in membership and that there was no desire to become a large events venue or cinema.

The Chairman advised that the Sub-Committee would retire for deliberation with the Legal advisor present.

The Sub-Committee returned and the Chairman outlined the decision. The licence was to be granted with film showings permitted between 12:00-23:00 hours, seven days a week. The live and recorded music conditions on the existing licence would be removed, as they had been superseded by statutory omission. The extension of licensing hours for the supply of alcohol, from 10am rather than 11am on Saturday was granted, subject to the advisory that they may not be compliant with the premises planning permission. The club was recommended to engage with its local neighbours when any of the 8 late events as included within the existing licence.

The written decision would be provided within 5 working days and parties were reminded of the right to review a premises licence and the right of appeal to the Magistrates Court.

The meeting closed at 11.32 a.m.

RESOLVED: That the Sub-Committee's decision and reasons be provided within the Notice of Determination attached as an Appendix to the Minutes.



LICENSING AUTHORITY: MAIDSTONE BOROUGH COUNCIL

**LICENSING ACT 2003
LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005**

NOTICE OF DETERMINATION

Application Ref No: 20/02032/LACPC

Applicant: The Committee of Marden Cricket and Hockey Club

Regarding Marden Cricket and Hockey Club, Maidstone Road,
Marden, Kent

Date(s) of hearing: 6th November 2020

Date of determination: 6th November 2020

Committee Members: [Chairman]: Councillor Garten
Councillor Joy
Councillor Brindle

Legal Advisor in attendance at hearing(s): Robin Harris, Team Leader (Contentious),
MKLS

Democratic Services Officer in attendance at hearing: Oliviya Parfitt

Senior Licensing Officer for application: Lorraine Neale

This was an application for:

- Variation Grant
 Provisional Statement Review Other

for a

- Premises Licence Club Premises Certificate Personal Licence
 Temporary Event Notice

A: Representations, evidence and submissions:

The Committee considered the representations, evidence and submissions of the following parties:

Applicant

- Name: Jo Hayes – Club Secretary
- Legal or other representative: Charlotte Hope – Club Vice Chair (Witness)

Responsible Authorities

- None

Other Persons

- Written representations from the parties shown in the table at page 5 of the agenda making the representations at Appendix C of the agenda papers.

Witnesses and legal representatives in support of interested parties

Not applicable as none of the interested parties attended the hearing.

Representations considered in the absence of a party to the hearing:

No parties were excluded from the hearing, so this heading is not applicable.

B: Consideration of the Licensing Act 2003, the Guidance under s. 182 of the Act and the Statement of Licensing Policy of Maidstone Borough Council

The Committee has taken into account the following provisions of the Licensing Act 2003 and the Regulations thereto:

Section 4 which relates to the licensing objectives
Section 13 which relates to responsible authorities
Part 4 which relates to club premises
Schedule 1 which relates to Regulated Entertainment

The Committee has taken into account the following provisions of the Guidance under section 182 of the Act:

Chapter 2 which relates to the licensing objectives
Chapters 6 & 9 which relates to club premises & determinations
Chapter 10 which relates to conditions attached to licences;

The Committee has taken into account the following provisions of its Statement of Licensing Policy:

Chapter 17 which relates to the 4 licensing objectives;
Chapter 17.9 – 17.15 which relates to the prevention of crime and disorder;

Chapter 17.16 – 17.18 which relates to public safety
Chapter 17.19 – 17.22 which relates to the prevention of nuisance;
Chapter 17.23 – 17.26 which relates to the prevention of children from harm;

The Committee has decided to depart from the guidance under section 182 of the Act and or the statement of licensing policy for the following reasons:

The Sub-Committee did not depart from policy.

C: Determination:

The Committee has decided to:

- Grant the application for variation as modified by agreement with the applicant during the Sub-Committee hearing as follows:

Showing of films, indoors only - Monday – Sunday 12:00 – 23:00

Live and recorded music indoors and outdoors – conditions to be removed from the licence. *

Supply of alcohol on and off the premises – Saturday 10:00 – 23:00

Opening hours – Monday to Thursday 08:00 – 23:59, Friday 08:00 – 01:00, Saturday 08:00 – 02:00, Sunday 08:00 – 23:00 **

* Live and recorded music is permitted as a matter of law in accordance with The Live Music Act 2012 as amended by The Legislative Reform (Entertainment Licensing) Order 2014 and The Deregulation Act 2015

** No licensable activity takes place on any day before 10:00 Hrs

The Sub-Committee only considered the application for variation, therefore all other features of the existing licence remain unchanged, including the non-standard events and hours.

Reasons for determination:

■ **Prevention of Crime and Disorder**

Reasons (state in full):

The Sub-Committee had regard to the written representations made by other persons in respect of this objective, but noted that there was no representation from Kent Police and the objectors did not link their concerns to the proposed variation of the existing premises certificate. As such, the Sub-Committee was satisfied that the proposed variation promotes this licensing objective.

■ **Public Safety**

Reasons (state in full):

The Sub-Committee had regard to the written representations made by other persons in respect of this objective. The Sub-Committee noted that the Section 182

Guidance is clear that public safety under the Licensing Act 2003 pertains to the safety of persons using the premises and not general public safety, such as the travel to and from the premises. As such, the Sub-Committee was satisfied that the proposed variation promotes this licensing objective.

■ **Prevention of nuisance**

Reasons (state in full):

The Sub-Committee had regard to the written representations received from other persons in relation to this licensing objective. The Sub-Committee noted that there was no representation from Environmental Health or any other responsible authority and that there were matters raised as concerns, such as floodlights and the noise generated by sports which are not licensable activities and therefore not within the remit of the Licensing Sub Committee.

Further, during the hearing, it came to light that the live and recorded music sought by the applicant was within the boundaries that are permitted by law without the need for an entertainment licence.

However, there were some concerns around the addition of films, but the Sub-Committee were satisfied that would be dealt with by the reduction in hours and only permitting films to be shown indoors.

Taking into account all of the above, the Sub-Committee were satisfied that the application as amended was sufficient to promote this licensing objective.

■ **Protection of children from harm**

Reasons (state in full):

The Sub-Committee noted that there were no representations under this licensing objective.

Advisory:

Licensing and Planning are separate legal regimes. Permission under the Licensing Act 2003 does not alter any existing planning consent or conditions. Breaches of planning consent or conditions may be subject to enforcement action by the Council's Planning Enforcement Team.

Recommendation:

The Sub-Committee recommends to the Club Committee that there is engagement with neighbours prior to hosting any event which utilises the non standard timings.

PRINT NAME (CHAIRMAN): C Councillor P Garten

Signed [Chairman]:

A copy of the original document is held on file

Date: 9th November 2020

Licensing Committee

19 November 2020

Draft Hackney Carriage and Private Hire Licensing Policy 2021-2026

Final Decision-Maker	Licensing Committee
Lead Head of Service	John Littlemore, Head of Housing and Community Services
Lead Officer and Report Author	Lorraine Neale
Classification	Non-exempt
Wards affected	All

Executive Summary

This report proposes a number of changes to the Hackney Carriage and Private Hire Licensing Policy (Taxi Policy) to reflect the recommendations from the Department for Transport on a safer system of taxi and private hire vehicle licensing. It also included other proposed changes following the review carried out by Policy & Resources Committee and asks that we agree a basis for consultation with the Taxi and Private Hire trades and the public

Purpose of Report

To inform the Licensing Committee on recent government guidance issued in July 2020 ahead of full implementation and the biodiversity and climate change action plan agreed by the Policy & Resources Committee.

This report makes the following recommendations to this Committee:

That Licensing Committee consider:-

1. The Statutory Taxi and Private Hire Standards introduced by Government in July 2020.
2. amendments proposed to the Taxi Licensing policy 2019-2024 arising from the statutory standards including any minor amends arising from typographical errors, clarification or feedback.
3. Licensing Committee approve a consultation period appropriate for the proposed amendments to allow for feedback from interested parties.
4. Licensing Committee approve the consultation with the trade for the adoption for the use of the NR3 register.
5. Licensing Committee agree the Carbon neutral vehicle Policy set out at 2.21
6. Licensing Committee receive a further report detailing any feedback, requesting approval of the 2021-2026 Taxi Licensing Policy and agreeing a date for implementation

Timetable	
<i>Meeting</i>	<i>Date</i>
Licensing Committee	19 th November 2020
Licensing Committee	18 March 2021
Council	14 April 2021

Draft Hackney Carriage and Private Hire Licensing Policy 2021-2026

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	Senior Licensing Officer
Cross Cutting Objectives	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	Senior Licensing Officer
Risk Management	<ul style="list-style-type: none"> <i>A policy would ensure a transparent and consistent approach to licensing that would reduce the opportunity for challenge ultimately through the Courts.</i> <i>Whilst there is always a right of appeal through the Courts to a decision of the local authority in respect of their licensing function, challenges to a particular decision are more likely to fail if the Council can demonstrate that it has adhered to its published policy and there is no justifiable reason to depart from it.</i> <i>The authority must report to the Department of Transport in January 2021 on its actions to consider and implement the statutory guidance.</i> 	Senior Licensing Officer
Financial	<ul style="list-style-type: none"> <i>There are no financial issues because provision is made in the Council's budget for the taxi licensing service, which is run on a cost recovery basis.</i> <i>The cost of consultation will form part of the administrative function..</i> 	Senior Licensing Officer
Staffing	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	Senior Licensing Officer
Legal	<ul style="list-style-type: none"> <i>There is no requirement to have a policy but Maidstone Borough Council chose to have one as it was felt that a policy ensures a transparent and consistent approach to licensing.</i> 	Robin Harris

	<ul style="list-style-type: none"> <i>The Statutory Taxi and Private Hire Vehicle Standards recommends that Authorities have a Policy and that it is regularly reviewed</i> 	
Privacy and Data Protection	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	Senior Licensing Officer
Equalities	<ul style="list-style-type: none"> <i>Consideration is given to the Equality Act 2010 when amending this policy.</i> 	Senior Licensing Officer
Public Health	<ul style="list-style-type: none"> <i>The actions of this report will have positive benefits on the health of the local population. Local air quality will improve with the transition away from fossil fuels for Hackney Carriage and private hire vehicles to electricity.</i> 	Paul Clarke
Crime and Disorder	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	Senior Licensing Officer
Procurement	<ul style="list-style-type: none"> <i>No implications have been identified.</i> 	Senior Licensing Officer

2. INTRODUCTION AND BACKGROUND

STATUTORY TAXI AND PRIVATE HIRE VEHICLE STANDARDS

2.1 Maidstone's current Hackney Carriage/Private Hire Licensing Policy was initially adopted in December 2015 and the current version has been in effect since 16 July 2019. It is felt appropriate to incorporate the conditions stipulated in The Statutory Taxi and Private Hire Vehicle Standards (issued July 20) that are currently not incorporated in our Taxi Policy. These are aimed at safeguarding children and vulnerable adults. The Statutory Standards set-out a range of robust measures to protect taxi and private hire vehicle passengers, particularly those most vulnerable. There is now an expectation that government and licensing authorities must work together to ensure that, above all else, the taxi and private hire vehicle services the public use are safe. Further details can be found here <https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>

2.2 The Department for Transport stated that it will monitor licensing authorities' responses to the Statutory Standards. The Department is aware of the challenges caused by the current coronavirus pandemic and is mindful of this although The Secretary of State is asking all licensing authorities to provide an update to the Department of their consideration of the Standards six months after their publication, so by the end of January 2021. Therefore it expects these recommendations to be implemented unless there is a compelling local reason for not doing so.

- 2.3 Licensing authorities are under a legal duty, under section 177 of the Police and Crime Act 2017, to have regard to the Statutory Standards. It has been declared that in the interests of transparency, all licensing authorities should publish their consideration of the measures contained in the Standards and the policies and to outline delivery plans that stem from these. The update will enable government bodies to engage with those authorities that do not adopt the Standards and to seek from them a rationale for failing to act to protect passengers.
- 2.4 The Statutory Standards are seen nationally an important first step in reforming the way the taxi and private hire vehicle sector is regulated and they should ensure consistent standards between licensing authorities. The Department for Transport fully expects licensing authorities to implement these measures as soon as possible and it is for that reason this initial briefing is provided to this committee to allow a timeline to take this forward.
- 2.5 The Government will later this year consult on revised best practice guidance that will reflect the enormous changes that the industry has undergone in recent years and make clear recommendations on the measures licensing authorities should consider to enable the trade to react to the demands of passengers.
- 2.6 The Statutory Taxi and Private Hire Vehicle Standards document sets out a framework of policies that, under section 177(4), licensing authorities must have regard to when exercising their functions. The Council's current taxi policy, implemented on 16th July 2019, compares well to the new Statutory Guidance such that only a few changes are necessary to align with the standards expected by Government.
- 2.7 Initial Review of the Statutory Taxi & Private Hire Vehicle Standards .The table lists key headings raised as the Statutory Standards with a commentary added for each. A brief summary has been included with regard to the present situation for this licensing authority. The areas that require some change to Policy or further investigation have been highlighted and are 7, 13, 16.and 17. There are also some typographical and other amendments alongside the statutory guidance changes. These changes are shown as tracked changes in Appendix 1.

	Heading	Statutory Requirement	Current Position
1	Policies	All licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This should include but not be limited to policies on convictions, a 'fit and proper' person test, licence conditions and vehicle standards. When formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public.	Maidstone Borough Council introduced its taxi and Private Hire Policy in 2015 and has kept it fully under review since its introduction. Insertion at Page 4

2	Duration of Licences	Issuing driver licences for more than a year. Risk can be mitigated for drivers by authorities to undertaking regular interim checks. The Local Government (Miscellaneous Provisions) Act 1976 (as amended) sets a standard length at three years for taxi and private hire vehicle drivers and five years for private hire vehicle operators.	This Council grants one, three and five year licences in line with the legislation and the current taxi policy
3	Whistleblowing	It is in the application of licensing authority's policies (and the training and raising of awareness among those applying them) that protection will be provided. Where there are concerns that policies are not being applied correctly, it is vital that these can be raised, investigated and remedial action taken if required. Licensing authorities should have effective internal procedures in place for staff to raise concerns and for any concerns to be dealt with openly and fairly. Local authorities should ensure they have an effective 'whistleblowing' policy and that all staff are aware of it	This Council has an up to date policy for staff with regard to Whistleblowing procedures
4	Consultation at the local level	Licensing authorities should consult on proposed changes in licensing rules that may have significant impacts on passengers and/or the trade. Such consultation should include not only the taxi and private hire vehicle trades but also groups likely to be the trades' customers. Examples are groups representing disabled people, Chambers of Commerce, organisations with a wider transport interest e.g. the Campaign for Better Transport and other transport providers), women's groups, local traders, and the local multi-agency safeguarding arrangements. Any changes in licensing requirements should be followed by a review of the licences already issued.	This Council has introduced its current taxi policy by undertaking a full consultation and it maintains effective and timely contact with taxi proprietors, licence holders and the relevant Taxi associations and reflects those used as examples in item 3.12 of the new Statutory Guidance.

5	Disclosure & Barring Service (DBS)	This procedure provides robust safeguarding arrangements while ensuring only relevant information is passed on to employers or regulatory bodies. Licensing authorities should maintain close links with the police to ensure effective and efficient information sharing procedures and protocols are in place and are being used. Licensee self-reporting Licence holders should be required to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence.	This Council has introduced its current convictions and vetting policy. It fully utilises the DBS process along with Right to Work check for new and renewal applications. An adverse DBS finding will result in a review or referral to a Licensing Sub-committee.
6	Sharing information with other licensing Authorities	Obtaining the fullest information minimises the doubt as to whether an applicant or licensee is 'fit and proper'. An obvious source of relevant information is any previous licensing history. Applicants and licensees should be required to disclose if they hold or have previously held a licence with another authority. An applicant should also be required to disclose if they have had an application for a licence refused, or a licence revoked or suspended by any other licensing authority	This Council requires applicants for a licence to declare these details during the application process. The introduction of the NR3 database will enable authorities to check whether applicants Have disclosed honestly.
7	NR3 Database	This should be used by licensing authorities (nationally) to share information on a more consistent basis to mitigate the risk of nondisclosure of relevant information by applicants	This Council like the majority has not yet signed up to the national database for sharing refusal or revocation information. <u>This requires incorporation into the Policy and an additional separate consultation with the trade</u> <u>Amendment made to page 8/9 of the policy and Appendix 2 pages 29 & 30</u>
8	Complaints against licensees	Complaints about drivers and operators provide a source of intelligence when considering the renewal of a licence or to identify	This Council has a system in place to record complaints reported to and investigated by

		problems during the period of the licence. Patterns of behaviour such as complaints against drivers, even when they do not result in further action in response to an individual compliant, may be indicative of characteristics that raise doubts over the suitability to hold a licence. All licensing authorities should have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees.	licensing Officers. Officers record the data as a P.I. measurement
9	Overseas convictions	The DBS cannot access criminal records held overseas, only foreign convictions that are held on the Police National Computer may, subject to the disclosure rules, be disclosed. Therefore, a DBS check may not provide a complete picture of an individual's criminal record where there have been periods living or working overseas; the same applies when an applicant has previously spent an extended period (three or more continuous months) outside the UK. It should however be noted that some countries will not provide an 'Certificate of Good Character' unless the individual has been resident for six months or more. Licensing authorities should seek or require applicants to provide where possible criminal records information or a 'Certificate of Good Character'	This Council requires applicants for a licence to obtain and submit a certificate from their own country of previous residence as part of the 'fit & proper' test if they have not lived in the UK for a continuous period of less than five years. Already in the Policy but included again at page 8 as well as right to work information
10	Decision making administration of the licensing framework	Licensing authorities should ensure that all individuals that determine whether a licence is issued or refused are adequately resourced to allow them to discharge the function effectively and correctly. Training decision makers. All individuals that determine whether a licence is issued should be required to undertake sufficient training	All Licensing officers have undertaken accredited training provided by the Institute of Licensing. Refresher/advanced courses in the Taxi and PH are attended.
11	Immediate revocation	regardless of which approach is adopted, all licensing authorities should consider arrangements for dealing with serious matters	Powers are delegated to Licensing's Head of Service in some instances.

		that may require the immediate revocation of a licence.	For other areas Licensing allow for this serious course of action if required and if so urgent that it may not wait for Licensing sub-committee. Further reporting would then be provided to the Chair of the Licensing Committee on those urgent measures.
12	Fit and proper test	Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a 'fit and proper' person to be a licensee. It may be helpful when considering whether an applicant or licensee is fit and proper to pose oneself the following question: Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night? If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.	This Council requires applicants for a licence to satisfy all necessary requirements for reasons of public protection. All 'fit & proper' test requirements are detailed in the Taxi and PH Policy
13	Driver licensing criminality checks	Licensing authorities are entitled to request an enhanced criminal record certificate with check of the barred lists from the DBS for all driver licence holders or applicants. The DfT's 2019 survey of taxi and private hire vehicle licensing authorities shows that all licensing authorities in England and Wales have a requirement that an enhanced DBS check is undertaken at first application or renewal. All individuals applying for or renewing a taxi or private hire vehicle drivers licence licensing authorities should carry out a check of the children and adult Barred Lists in addition to being subject to an enhanced DBS check (in section x61 of the DBS application 'Other Workforce' should be entered in line 1 and 'Taxi Licensing' should be entered at line 2). All licensed	<p>This Council like many has signed up to a conducting DBS checking every 3 years.</p> <p>The increased frequency of every 6 months will require a mandatory change of taxi policy to require all licence holders to sign up to the online checking facility at a cost of £13 per year.</p> <p>There is a lot of work to do for the staff to change our expiry check dates for all our drivers to every 6 months rather than 3 years.</p> <p>It will require licensees to be mandated to use email as primary contact with DBS Services & licensing.</p>

		<p>drivers should also be required to evidence continuous registration with the DBS update service to enable the licensing authority to routinely check for new information every six months. Drivers that do not subscribe up to the Update Service should still be subject to a check every six months.</p>	<p>Conditions can be applied to Private hire drivers licence but not Hackney drivers licences in relation to the online service.</p> <p>It is also recommended that administrative Fee is applied (TBA) in addition to the cost of the DBS application (£40) if any manual enhanced check needs to be carried out because the applicant failed to register.</p> <p>This degree of checking is likely to impact hugely on our resources</p> <p>This fee will be included in the fee reports for 2021/22</p> <p><u>This requires incorporation into the Policy</u></p> <p><u>Amendments made at pages 6, 8, 11, 12 & Appendix 9, page 78</u></p>
14	Safeguarding awareness	<p>All licensing authorities should provide safeguarding advice and guidance to the trade and should require taxi and private hire vehicle drivers to undertake safeguarding training. This is often produced in conjunction with the police and other agencies. These programmes have been developed to help drivers and operators:</p> <ul style="list-style-type: none"> • provide a safe and suitable service to vulnerable passengers of all ages; • recognise what makes a person vulnerable; and • understand how to respond, including how to report safeguarding concerns and where to get advice. 	<p>This Council like many has required all driver applicants to undergo Safeguarding awareness as an existing policy requirement and currently is part of the knowledge test.</p> <p>We have been exploring with our partners (Sevenoaks & Tunbridge Wells) to introduce a more robust safeguarding and disability awareness test.</p> <p>We hope to introduce the new test to our applicants as soon as is reasonable. The cost of this test is likely to be an additional cost of £66 to all new and renewal drivers. This fee</p>

			will be included in the fee reports for 2021/22 Included in Policy at pages 8,, 12 & 13
15	Language proficiency	lack of language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others. A licensing authority's test of a driver's proficiency should cover both oral and written English language skills to achieve the objectives stated above.	This Council believes that the current knowledge test that all applicants must pass adequately tests language proficiency. Applicants are unable to pass the test without a good grasp of written and spoken English.
16	Vehicle Licensing/Operators	It is important that licensing authorities are assured that those granted a vehicle licence also pose no threat to the public and have no links to serious criminal activity. Although vehicle proprietors may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the licensing regime. Criminality checks for vehicle proprietors Enhanced DBS and barred list checks are not available for vehicle licensing. Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually. Criminality checks for private hire vehicle operators Enhanced DBS and barred list checks are not available for private hire vehicle operator licensing. Licensing authorities should request a basic disclosure from the DBS and that a check is undertaken annually Licensing authorities should, as a condition of granting an operator licence, require a register of all	This Council like many has signed up to a conducting DBS checking. Most Operators are themselves licensed as drivers and have undergone enhanced checking. On the rare occasion an Operators licence is applied for where the applicant is not a driver a basic DBS checks is undertaken for the specified for a 1,3 or 5 year period. As at 13. This degree of checking is likely to impact hugely on our resources <u>This requires incorporation into the Policy.</u> <u>DBS</u> Included in Policy at page 22 and Appendix 7, page 67 <u>Booking and dispatch Staff</u>

		staff that will take bookings or dispatch vehicles is kept.	<u>Included in Policy at pages 21- 22 & 23 and Appendix 7, page 67</u>
17	In-vehicle visual and audio recording-CCTV	<p>The Department's view is that CCTV can provide additional deterrence to prevent this and investigative value when it does. The use of CCTV can provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers by:</p> <ul style="list-style-type: none"> • deterring and preventing the occurrence of crime. • reducing the fear of crime. • assisting the police in investigating incidents of crime. • assisting insurance companies in investigating motor vehicle accidents. All licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues. 	<p>This Council has been awaiting clearer national guidance on CCTV.</p> <p>It has not made installation of audio and CCTV mandatory; there has been no formal reporting or investigation by police for incidents within licensed vehicles.</p> <p>Costs are met by the vehicle owner and costs are prohibitive at a minimum of £500 per CCTV unit.</p> <p>Mandatory requirement places the Data responsibilities on the Council.</p> <p>This requires further review with the licence holders and need to consult if we are to make it a mandatory requirement.</p> <p>There has been some expansion to this section of the policy at page 20.</p>
18	Enforcing the Licensing regime	Implementing an effective framework for licensing authorities to ensure that as full a range of information made available to suitably trained decision makers that are supported by well-resourced officials is essential to a well-functioning taxi and private hire vehicle sector. These steps will help prevent the licensing of those that are not deemed 'fit and proper' but does not ensure that those already licensed continue to display the behaviours and standards expected.	All Licensing officers have undertaken accredited training provided by the Institute of Licensing and staff resourcing is currently sufficient and kept under review by managers.

19	Joint authorisation of enforcement officers	Licensing authorities should, where the need arises, jointly authorise officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area. An agreement between licensing authorities to jointly authorise officers enables the use of enforcement powers regardless of which authority within the agreement the officer is employed by and which issued the licence.	Some measure is in place with our partners but not wide ranging through Kent.
20	Setting expectation	Licensing authorities should ensure that drivers are aware of the policies that they must adhere and are properly informed of what is expected of them and the repercussions for failing to do so. Some licensing authorities operate a points-based system, which allows minor breaches to be recorded and considered in context while referring those with persistent or serious breaches to the licensing committee. This has the benefit of consistency in enforcement and makes better use of the licensing committee's time. Intelligence when considering the renewal of licences and of any additional training that may be required. It is then for the licensing authority to consider if any intelligence indicates a need to suspend or revoke a licence in the interests of public safety.	<p>This Council requires applicants for a licence to satisfy all necessary requirements for reasons of public protection in its policy and officers have frequent contact with licensees.</p> <p>Repeated reports or complaints against a driver can already be identified to lead to proportionate action.</p> <p>See Point 8 – recording & monitoring complaints.</p>

2.8 The assessment outlines measures and steps that have already been taken by this licensing authority that are relevant to the proposed Standards. This council adopted its existing taxi and private hire policy in 2015 and regularly reviews that policy which already includes many of the requirements outlined as being Statutory Standards.

2.9 There are twenty key points as Statutory Standards for all licensing authorities to address with 3 that require adjustment to policy and 1 item needing further investigation.

2.10 It is proposed that Maidstone Borough Council incorporates the items at 7, 13, 16, and 17 into its policy and then consults on the draft policy. This course of action will meet the requirements for an update to be provided to the Department of Transport by 31st January 2021.

- 2.11 Prior to adopting use of the NR3 register, local authorities are required to consult with the trade, and Member approval to commence this consultation is requested. Can Members also consider that, if no adverse comments are received to the implementation of this register, that this matter need not be brought back to the Licensing Committee for approval, and that this can be carried out by the Head of the Housing and Community Services. Should adverse comments be received, then this matter will be brought back to the Licensing Committee for further consideration.

CARBON NEUTRAL POLICY FOR LICENSED VEHICLES

- 2.12 At the Licensing Committee on 29 March 2018 Members agreed a Taxi low emission standards policy be put out to consultation. The consultation took place between the 3 August and 7 October 2018 and the responses indicated there was a lack of understanding from those in the industry about how the phased policy would work.

What was being suggested was

1st Phase

New Private Hire & Taxi Vehicles Licence Applications
Euro 4 Petrol (Jan 2006) & Euro 6 Diesel (Sept 2015) or higher standard
Applies to all applications from
1st January 2019

2nd Phase

Renewal Private Hire & Taxi Vehicles Licence Applications
Euro 4 Petrol (Jan 2006) & Euro 6 Diesel (Sept 2015) or higher standard
Applies to all applications from
1st January 2021

3rd Phase

New & Renewal Taxi/Private Hire Vehicle Applications
Full Electric, Range Extended Electric, Hybrid Electric, Plug-in Hybrid &
Hydrogen
Applies to all applications from
1st January 2025

- 2.13 It was felt further consultation was required with the trade and would be best undertaken face to face by way of focus groups or public meetings. Those meeting took place on the 4th and 7th March 2019.
- 2.14 A further report was brought to Licensing Committee on 28 March.2019 which clarified parts of the draft Emission Standards Policy with trade members and updated Committee on the outcome of the focus group meetings. The main concern of the trade was their business plans were based around the existing Hackney & Private Hire Policy and that the new emission's policy would have a financially detrimental impact on those business plans that could not have been taken into account when the existing vehicles were purchased/leased.
- 2.15 It was agreed at that meeting. to defer the implementation of the draft Emission Standard policy to enable a further 4-week period of public

consultation on the point of implementation as it related to existing licensed vehicles.

2.16 However the consultation did not take place because in April 2019 the Council approved a motion recognising global climate and biodiversity emergencies and requested that the Policy & Resources Committee:-

- undertake a short review of MBC governance policies and progress aimed at addressing locally these twin threats and to report on findings.
- consider a target date of 2030 for the whole of the Borough of Maidstone to be carbon neutral.
- consider how the Council can strengthen local protection and enhancement of species, habitats, and ecosystems services under available powers.

Request the Chief Executive write to the Chancellor of the Exchequer stating the concern of the Council with respect to the above, the likely national impact on the economy and on the wellbeing of citizens, and requesting government funding be made available to implement swift appropriate actions in response.

This exercise would also include "a review of the current provision of electric charging points throughout the Borough and bring forward an ambitious plan to make Maidstone Borough the friendliest place in the country for driving electric or hybrid vehicles."

2.17 The intention for the Borough to be carbon neutral by 2030 effectively made the Low Emissions Policy redundant. It was decided to put the policy to one side and revisit when the outcome of the Review was known.

2.18 From Jan-March 2020 we worked with the Energy Saving Trust to determine how to reduce carbon emissions from taxis. They surveyed the trade and determined that over 60% had a driveway or garage and so would probably choose to charge their vehicle at home. Currently electric vehicles are more expensive to buy and cheaper to run, much cheaper if charged at home. The complete findings can be found at Appendix 2.

2.19 On 21 October 2020, the Policy and Resources Committee approved an action plan to address climate change and biodiversity. The plan includes the target of a carbon neutral borough and to achieve this we must reduce carbon emissions from every source, including transport. It has set an action at 1.9 to Draft a new licensing policy to reduce number of taxis using fossil fuel by more than 90% by 2030 and by 100% by 2036. Further details can be found at <https://meetings.maidstone.gov.uk/documents/s73033/Appendix%202%20Biodiversity%20and%20Climate%20Change%20Action%20Plan.pdf>

2.20 It has also been agreed that up to £156K will be used to install rapid charging points for electric taxis and private hire vehicles.

2.21 Given these actions it enables drivers to continue to use their existing vehicles for the normal time span currently allowed for in our policy (Hackneys 15 years and Private Hire vehicle 6 years). It is recommended

that when any petrol or diesel vehicle comes to the end of its licensable life they are be replaced as follows:

- **Private Hire:** Battery Electric Vehicle (BEV)
- **Hackney Carriage:** Battery Electric Vehicle (BEV) or Range Extender Electric Vehicle (E-REV or REEV). These amendments can be found at pages 21, 34 & 49. Amendment to vehicle specification Appendices to reflect electric vehicles will be made at a later date

2.22 The EST modelled the number of rapid EV charging points needed based on the normal turnover of vehicles, with new licensing policy requiring new vehicles being electric from mid-late 2021,

3 by 2021,
16 by 2025
21 by 2027
23 by 2030 and
25 by 2036

The biodiversity and climate change action plan recognised the advice from the EST regarding the number of rapid charging points that would be needed and an agreement to ensure sufficient charging point provision. Amendment at page 21.

3. AVAILABLE OPTIONS

3.1 An alternative option would be to continue to rely on the current Hackney Carriage and Private Hire Licensing Policy; however this does not incorporate recent changes in Legislation and the latest National Standards for Taxi and Private Hire Vehicle Passengers or the matters required by the climate change and biodiversity action plan.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

4.1 The proposed policy aims to improve upon the current policy that Maidstone Borough Council has in operation.

5. RISK

5.1 Failure to review and adopt a revised hackney carriage and private hire vehicle policy to reflect the statutory taxi and private hire vehicle standards could lead to challenge. There is a requirement provide an update to the Department of Transport by the end of January 2021. They it expect these recommendations to be implemented unless there is a compelling local reason for not doing so.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 Any comments received will be included in a further report and brought before Members for consideration at the Licensing Committee in 2021.

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 Should Members approve the draft Policy at Appendix 1 for consultation, it is proposed this will commence within 10 working days for the period specified by Committee It will be made available via the Council's consultation portal, the Council webpages and various emails.

8. REPORT APPENDICES

- 8.1 Draft Taxi and Private Hire Licensing Policy 2021-2026.
8.2 Statutory taxi and private hire vehicle standards.
8.3

9. BACKGROUND PAPERS

None

Hackney Carriage and Private Hire Licensing Policy

~~16 ?? July ?? 2019-2021 – 15 ?? July ?? 2024-2026~~

~~V43 July-November 2019-2020~~

The Role of Licensing: Policy Justification

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

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

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

CONTENT:-

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1. Introduction

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

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

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

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

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

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

2. Review of Policy and Procedures

2.1 Legislation

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

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

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

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

2.3 Consultation

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

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

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

2.4 Implementation

The policy was adopted at the Communities, Housing and Environment Committee on 8 December 2015 and will remain in existence for a period of five years, during which time it shall be kept under review and revised as appropriate or after any significant legislative change.

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

Online Forms

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

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

[On driver renewal applications applicants are required to sign up to to the DBS update service](#)

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

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

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

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

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

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

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

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

1. Correct application form provided by the Council, completed in its entirety and signed by the applicant.
2. The appropriate fee. The current fees are available from the licensing department or at <http://www.maidstone.gov.uk/home/primary-services/business-and-investment/primary-areas/licences-and-permits/tier-3-primary-areas/taxis-and-private-hire>
3. The applicant's original DVLA driving licence. Applicants must have held a full DVLA or EU licence for at least 1 year. (para.3.2) for a new application.
4. A completed medical certificate (para.3.4).
5. Maidstone Borough Council approved Driving Assessment test and wheelchair test where applicable
6. Evidence of having passed the Maidstone knowledge test for all new drivers
7. One recently taken, colour, passport sized photograph of the applicant (no hats unless worn for religious reasons, or sunglasses)
8. DVLA mandate check completed.
9. Application for a Disclosure and Barring Service Enhanced Check completed by

the applicant with accompanying identification or a current valid disclosure certificate and obtained via an approved body which will allow an update service check to be performed. (para.3.5)

10. For all applicants who have lived in the United Kingdom for less than 5 years continuously, a certificate of good conduct from the appropriate embassy is required. (new applications only) (para.3.5)
11. For those not holding an EU passport, evidence will need to be provided of the applicant's right to work in the United Kingdom, which will include a relevant VISA or letter from the appropriate Embassy/ Authority. In some instances Home Office checks will need to be made also.
12. items confirming the applicants address.

Applicants must register their DBS certificate

Applicants must register their DBS certificate with the online checking service so that we can make annual and spot checks while they are licensed. Applicants can only register their DBS certificate with this service within 28 days of the date that their certificate was issued. <https://www.gov.uk/dbs-update-service>. Evidence of this (unique reference number) MUST be provided to the Authority within 7 days of receipt.

For all applicants who have lived in the United Kingdom for less than five years continuously, a certificate of good conduct from the appropriate Embassy is required (new applicants only)

For those applicants not holding a – UK- passport, evidence will be need to be provided of the applicant's right to work in the United Kingdom, which will include a relevant VISA or letter from the appropriate Embassy/Authority. The Licensing Authority may also contact the Home Office to carry out immigration checks when it is appropriate to do so.

All applicants must provide original documentary evidence confirming their right to live and work in the UK. Any licence granted to drivers whose leave to remain in the UK is time limited, will only be valid for the period which they are entitled to work in the UK. In order for the licence to be extended, drivers must produce further evidence to prove that they have the right to work in the UK.

Two items confirming the applicants address for new applicants.

Documentary proof of their National Insurance Number

Additional EQUO online test for new drivers in safeguarding awareness, disability awareness and County Lines awareness training. All existing drivers will be required to undertake the training identified in 6.6 above prior to the next renewal of their driving licence. Once passed this does not apply to future renewals.

The licensing authority provides information to the National Register of Taxi License Refusals and Revocations (NR3), a mechanism for licensing authorities

to share details of individuals who have had a hackney carriage or Private Hire drivers license revoked, or an application for one refused – see Appendix XX [this appendix at later date].

3.1 Fee

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

No refunds are payable where applications are not pursued or completed or where applications are refused e.g. as a result of relevant criminal records, where relevant information has been withheld or where applicants fail to meet application requirements. The Licensing Department can advise individual applicants who have queries in relation to this issue and any such information is strictly confidential.

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

3.2 Driving Standards

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

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

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

Blue Lamp Trust – 0333 700 0157 -

https://www.bluelamptrust.org.uk/Driver_Training/taxi_driver_assessment.php

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

TGTraining –

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

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

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

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

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

3.3 Age

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

3.4 Medical Fitness

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

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

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

A Group 2 medical standards certificate signed by a doctor registered or practising in the United Kingdom or in any other EU/EEA country will be required from all applicants. Holders of current Passenger Service Vehicle (PSV) and/or Heavy goods Vehicle Licences (HGV), where the holder is able to produce proof of a current medical examination, less than 12 months old will not be required to undergo a further medical.

Once licensed, a new medical will be required to be undertaken at renewal (every 3 years) this option is in keeping with a partnership policy and will ensure the authority has checked the medical fitness of a driver at the time of the renewal of the licence.

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

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

3.5 Criminal Record

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

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

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

Existing Drivers who are not signed up to the online checking service will be required to submit an Enhanced DBS Certificate every 3 years at renewal (this assists with safeguarding of children and vulnerable adults) and then must immediately sign up up for the online checking service. All applicants are strongly advised to sign up to the DBS online checking service as the cost every 3 years is less, the certificate is portable and may be taken to another Licensing Authority and applications for the renewal of their taxi driver's licence This is a mandatory requirement and a condition on all Hackney and private hire drivers licences. This allows Officers to make the required 6 monthly online checks ence may be made more easily online without the need to make and removes the need to make an appointment to see a Licensing Officer.

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

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

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

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

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

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

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

3.6 Knowledge test

First time applicants are required to have passed the Maidstone Council knowledge test and the Equality Online (EQUO) test before they can submit a driver's licence application. They will be allowed 3 attempts at passing the knowledge test and up to 10 attempts of the EQUO test. ~~it and~~ If a driver fails all to achieve passing either test within the required attempts allowed three tests they will not be able to sit any further test for a period of at least six months. This time to be used to develop the necessary knowledge and skills to pass the test. The knowledge and EQUO test have separate fees applicable to them.-

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

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

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

- Safeguarding
- Disability Awareness
- County Lines

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

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

3.7 Renewal of Licences

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

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

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

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

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

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

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

3.8 Change of Type of Licence

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

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

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

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

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

3.10 Drivers Dress Code

Maidstone Council is committed to encouraging the professional image of the hackney carriage and private hire trade, and considers that drivers of licensed vehicles are vocational drivers. The Council considers, therefore, that drivers

should conform to a minimum standard of dress, as set out in Appendix 4 , in order to raise and maintain the profile of the licensed trade. The Authority does not impose such standards by way of conditions to any licence. It is expected, however, that such standards will be maintained at all times.

3.11 Right of appeal

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

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

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

3.12 Duration of Driver's Licences

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

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

4. Hackney Carriage / Private Hire Vehicle Licences

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

Numbers Limit

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

Maidstone Borough Council has a policy of limiting Hackney Carriage Vehicle numbers and that number currently stands at 48. Unmet Demand Surveys are undertaken every three years to reassess the situation and the results of the survey decides the increase and the issuing of further Hackney Carriage Vehicle licenses, if there are to be any. The last Unmet Demand Survey was completed in 2016 and no demand was found.

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

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

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

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

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

All applications submitted for the initial grant of a licence are advised to apply at least 10 working days before the licence is required to allow time for the vehicle to be tested and the licence to be processed.

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

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

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

4.1 Licence Fee

All applications must be accompanied by the appropriate fee as prescribed by the Council; the current scale of fees is available from the Council or at <http://www.maidstone.gov.uk/home/primary-services/business-and-investment/primary-areas/licences-and-permits/tier-3-primary-areas/taxis-and-private-hire>

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

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

4.2 Insurance

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

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

4.3 Testing of vehicles

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

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

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

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

The vehicle should not have more than 30,000 miles on the clock or be older than 3 years at first licensing.

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

<u>Private Hire</u>	<u>Test Frequency</u>
<u>Age of Vehicle</u>	
Less than 6 years	Annually

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

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

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

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

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

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

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

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

4.4 Type of vehicle

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

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

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

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

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

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

4.5 Seating Capacity

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

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

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

4.6 Accessibility

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

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

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

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

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

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

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

4.7 Quantity Restrictions of Vehicle Licences

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

In 201~~96~~⁹⁶ the Council commissioned an independent survey of Hackney Carriage usage. The 2016 study identified that there is no evidence of significant unmet

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

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

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

4.8 Security/CCTV

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

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

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

4.98 Environmental Considerations

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

It is considered that efforts should be made, through the licensing policy, to improve, as far as possible, the efficiency of vehicles licensed in the Borough by, in particular, reducing the levels of CO₂ emitted from petrol vehicles and the equivalent from diesel. There is a movement towards the use of alternative fuels and in many areas LPG conversions to vehicles are perfectly acceptable and encouraged. This will, however, be dependent on supplies of such fuel being made readily available. It may also be the case that the installation of storage tanks into vehicles may affect the ability to carry luggage.

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

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

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

~~To help consider the environmental impact, any petrol electric vehicle with an engine size under 1400cc will be considered to be licensed on a case by case basis. On the 21 October 2020 the Biodiversity and Climate Change Action Plan was agreed at the Policy and Resources Committee. For the purpose of this policy the following was agreed.~~

~~To reduce the number of taxis using fossil fuel by more than 90% by 2030 and by 100% by 2036. This will be implemented from 2021. Once current licensed petrol/diesel vehicles reach the end of their licensable lives they will need to be replaced as follows:~~

~~=~~

- ~~• **Private Hire:** Battery Electric Vehicle (BEV)~~
- ~~• **Hackney Carriage:** Battery Electric Vehicle (BEV) or Range Extender Electric Vehicle (E-REV or REEV).~~

~~**It was also agreed to install rapid (50kW) EV charging points dedicated to taxi use needed in the Town Centre. The following numbers and timescales were agreed 3 by 2021, 16 by 2025, 21 by 2027, 23 by 2030 and 25 by 2036.**~~

~~**A double rapid charging point dedicated for taxis will be provided by KCC and partners in Pudding Lane in 2020.**~~

5. Private Hire Operators Licence

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

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

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

obey all the rules.

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

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

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

Applications will only be acceptable if they include the following:

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

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

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

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

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

details of their policy regarding the employment of ex-offenders

the appropriate licence fee;

a list of the vehicles and drivers which they operate.

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

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

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

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

3. The appropriate fee; the current scale of fees is available from the Council or at <http://www.maidstone.gov.uk/home/primary-services/business-and-investment/primary-areas/licences-and-permits/tier-3-primary-areas/taxis-and-private-hire>

5.1 Criminal Records Checks

PHV operators are not exceptions to the Rehabilitation of Offenders Act 1974, However, Private hire operators' that are not licensed drivers, cannot be required to produce an enhanced DBS disclosure. A Basic Disclosure from the DBS or Scottish Disclosure, or a certificate of good conduct from the relevant embassy for overseas applicants, is however, considered appropriate in promoting the objective of public safety.

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

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

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

5.2 Record Keeping

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

5.3 Licence Duration

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

5.4 Fees

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

5.5 Operation

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

All three licences:

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

Must be issued by the same Licensing Authority.

5.6 Conditions

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

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

5.7 Insurance

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

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

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

5.8 Address from which an Operator may operate

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

5.10 Gaming Machines

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

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

Penalty Points Scheme

Whilst the operation of a successful Hackney Carriage and Private Hire vehicle service is important to the economic well-being of the Borough, it is equally important that the service provided by the trade is properly regulated in order to instil confidence in the travelling public who wish to use the service.

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

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

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

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

Before penalty points are issued, there must be sufficient evidence to prove, on the balance of probabilities, the offence or breach of licensing requirements. The issuing of penalty points is not a formal sanction in its own right; it is merely an open and transparent method of how a Private Hire Driver, Private Hire Operator or Hackney Carriage Driver, "Licence Holder" will be assessed in terms of the „fit and

proper" person test. The points system is predominately an internal management tool for ensuring that licence holders who repeatedly contravene regulation and/or this Policy are assessed. The licence holder's penalty offences will be re-considered in light of any mitigating circumstances the licence holder wishes to be considered.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7. TAXI RANKS

7.1. Appointed Stands

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

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

7.2 Waiting on Stands

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

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

8. Plying for Hire

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

9. Taxi/ Private Hire Meetings

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

10. Departure from the Policy

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

11. Amendments to the Policy

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

Appendix 1: Map of Maidstone Borough



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

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

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

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

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

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

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

National Register of Taxi Licence Refusals and Revocations (NR3)

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

On this basis :

- Where a hackney carriage/ PH drivers licence is revoked, or an application for one refused, the authority will record this decision on NR3.
 - All applications for a new licence or licence renewal will be checked on NR3. If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3 search will only be used in respect of the specific license application and will not be retained beyond the determination of that application.
- Information will be retained on NR3 for a period of 25 years.

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

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

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

DRAFT

Appendix 3:

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

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

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

APPENDIX 4:

DRIVERS VOLUNTARY DRESS CODE

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

Acceptable Standards of Dress

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

Unacceptable Standard of Dress

The following are deemed unacceptable:

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

Appendix 5: A

MAIDSTONE BOROUGH COUNCIL

SPECIFICATION RELATING TO HACKNEY CARRIAGE VEHICLES

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

From ?? ??? 2021 any current licensed petrol/diesel Hackney Carriage Vehicle on reaching the end of it's licensable life will need to be replaced with either a Battery Electric Vehicle (BEV) or Range Extender Electric Vehicle (E-REV or REEV).

1. GENERAL

- (i) All hackney carriages must have a minimum of four wheels and must have at least four doors, excluding the tailgate.
- (ii) All Hackney vehicles must be right hand drive
- (iii) The engine capacity of all vehicles submitted to be tested for the first time shall not be less than 1400cc. However, in some instances vehicles may be assessed on a case by case basis.
- (iii) No hackney carriage shall be accepted for testing for the first time if the vehicle is over three years old or has mileage of more than 30,000 miles.
- (iv) Vehicles should have no damage affecting the structural safety of the vehicle and must not have been written off for insurance purposes at any time. For example vehicles that are known in the trade as "cut & shut" will not be licensed.

NOTES:

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

2. GENERAL CONSTRUCTION

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

3. STEERING

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

4. BRAKE AND STEERING CONNECTIONS

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

5. TYRES

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

6. BRAKES

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

7. SUSPENSION

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

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

NOTE:

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

8. TRANSMISSION

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

9. BOLTS AND NUTS

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

10. FUEL TANKS

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

11. INTERIOR LIGHTING

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

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

12. ELECTRICAL EQUIPMENT

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

13. EXHAUST PIPE

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

14. BODY

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

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

15. STEPS

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

16. WHEELCHAIR FACILITIES

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

Restraints for a wheelchair and a person seated therein must be independent of each other. Anchorage must also be provided for the safe stowage of a wheelchair when not in use whether folded or otherwise if carried within the passenger compartment. All anchorage and restraints must be so designed that they do not cause a foreseeable danger to other passengers.
- (ii) A ramp or ramps for the loading of the wheelchair and occupants must be available at all times for use at the near side passengers' door. An adequate locating device must be fitted to ensure that the ramp/ramps do not slip or tilt when in use. The ramp/ramps must be capable of being stowed safely when not in use.

17. PAINTWORK AND BODY FINISH

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

18. PASSENGERS' SEATS

- (i) The measurements from the upholstery at the back of the front edge of the back seat must be at least 4 centimetres and for each adult

person carried a minimum of 4 centimetres must be available when measured along the front parallel edge of the seat cushion.

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

19. DRIVER'S COMPARTMENT

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

20. WINDOWS

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

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

21. HEATING AND VENTILATION

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

22. ADVERTISING

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

23. TINTED WINDOWS

Glass allowing a minimum of 75% light ingress on front windscreens and not less than 70% light ingress on all side and rear passenger windows, which does not inhibit the ability to see passengers or the driver from the outside of the vehicle, is required.

A Light Transmission Detector, which measures light transmission through any type of glass is used to test and determine visibility and provides a read out of the suitability of proposed vehicles for use as licensed private hire vehicles in the district. (It will not apply to Hackney vehicles)

24. DOOR FITTINGS

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

25. INSURANCE CERTIFICATES AND INTERNAL PLATE

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

26. FLOOR COVERING

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

27. LUGGAGE

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

28. HORN

A horn of approved pattern must be fitted.

29. TAXIMETER AND FARE CHART

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

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

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

30. TAXI SIGN

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

31. RADIO APPARATUS

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

32. FITTINGS

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

33. MAINTENANCE

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

34. VEHICLES POWERED BY LIQUID PROPANE GAS (LPG)

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

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

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

35. SEAT BELTS

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

36. FIRST AID KIT

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

37 LICENCE PLATES AND STICKERS

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

38 CHANGES / TRANSFER

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

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

39 INSPECTION

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

40 UNAUTHORISED USE

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

41 ACCIDENT REPORTING

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

42 MISCELLANEOUS

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

43 DISPENSATION/ VARIATION OF CONDITIONS

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

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

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Appendix 5: B

MAIDSTONE BOROUGH COUNCIL- HACKNEY CARRIAGE - VEHICLE LICENCE CONDITIONS

General

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

Roof Sign

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

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

Contracts

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

Identification plates

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

Maintenance of vehicle

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

Alteration of vehicle

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

Passengers

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

Communications equipment

Two-way radios

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

Mobile telephones

Mobile telephones may only be used with a hands-free kit. Ideally this kit should be a hard wired, professionally fitted facility within the vehicle.

Taximeters

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

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

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

Vehicle insurance

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

Convictions

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

Change of address

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

Display of terms and conditions

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

Informative

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

MAIDSTONE BOROUGH COUNCIL

SPECIFICATION RELATING TO PRIVATE HIRE VEHICLES

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

From ?? ??? 2021 any current licensed petrol/diesel Private Hire Vehicle on reaching the end of it's licensable life will need to be replaced with a Battery Electric Vehicle (BEV)

1. GENERAL

- (i) All Private Hire vehicles must have a minimum of four wheels and must have at least four doors **excluding** the tailgate.
- (ii) All Private Hire vehicles must be right hand drive
- (iii) The engine capacity of all vehicles submitted to be tested for the first time shall not be less than 1400cc. However, in some instances vehicles may be assessed on a case by case basis.
- (v) No Private Hire vehicle shall be accepted for testing for the first time if the vehicle is over three years old, (from the date of the vehicle registration, when new) or has mileage of more than 30,000 miles. Once the Private Hire vehicle is six years old (from the date of registration, when new) it shall not be retested for use as a Private Hire vehicle within the Maidstone Borough.
- (iv) Vehicles should have no damage affecting the structural safety of the vehicle and must not have been written off for insurance purposes at any time. For example vehicles that are known in the trade as "cut & shut" will not be licensed

NOTES:

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

2. GENERAL CONSTRUCTION

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

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

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

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

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

3. STEERING

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

4. BRAKE AND STEERING CONNECTIONS

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

5. TYRES

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

6. BRAKES

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

7. SUSPENSION

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

8. TRANSMISSION

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

9. BOLTS AND NUTS

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

10. FUEL TANKS

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

11. ELECTRICAL EQUIPMENT

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

12. EXHAUST PIPE

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

13. BODY

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

14. VEHICLE INTERIOR

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

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

15. PAINTWORK AND BODY FINISH

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

16. PASSENGERS' SEATS

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

17. ADVERTISEMENTS

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

18. POLICY RE ALL OVER ADVERTS ON PRIVATE HIRE VEHICLES

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

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

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

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

Certain materials are recommended and a sample must be provided with the Art work

Allow 1 days approval time be given

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

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

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

Advertisements for escort agencies, gambling establishments or massage parlours

Advertisements displaying nude or semi- nude figures

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

Advertisements likely to offend public taste.

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

19. TINTED WINDOWS

From an Officers point of view, tinted glass affects Public Safety and as many vehicles are used for the carriage of children, and vulnerable persons tinted windows which prevent clear vision into the vehicle should not be permitted.

Glass allowing a minimum of 75% light ingress on front windscreens and not less than 70% light ingress on all side and rear passenger

windows, which does not inhibit the ability to see passengers or the driver from the outside of the vehicle, is required.

The Licensing Office use a device that can measure the light transmission through any type of glass in minutes and provide a read out of the suitability of proposed vehicles for use as a licensed private hire vehicle in the district.

Any stretch limousines and high-class executive vehicles licensed for private hire to carry out executive work only, and not operated on a taxi or private hire circuit, will be exempt from these conditions, provided the tinted glass was fitted as standard by the manufacturer.

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

The vehicle is licensed only for Private Hire purposes

The vehicle is a stretched limousine or prestige type i.e. (Mercedes E Class) vehicle (see separate additional conditions for limousines at Appendix 7); and

The vehicle will not be engaged at all in any contract for the carriage of school children or based around the carriage of children, or in the carriage of vulnerable adults;

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

It is suggested that stretch limousines or high-class executive vehicles licensed for private hire for executive work may be exempted from the proposed new licensing condition, provided that the dark tinted windows are fitted as standard by the manufacturer and that the vehicle is used for executive work only, and not operated on a taxi or private hire circuit. These vehicles will, of course, still be required to comply with the Road Vehicles (Construction & use) Regulations.

20. INSURANCE CERTIFICATE AND INTERNAL PLATE

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

21. MAINTENANCE

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

22. VEHICLES POWERED BY LIQUID PROPANE GAS (LPG)

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

23. SEAT BELTS

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

24. FIRST AID KIT

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

25. LICENCE PLATES AND STICKERS

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

26. CHANGES / TRANSFER

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

27. INSPECTION

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

28. UNAUTHORISED USE

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

29. ACCIDENT REPORTING

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

30. MISCELLANEOUS

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

31. DISPENSATION/ VARIATION OF CONDITIONS

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

32. NOTICES OF EXEMPTION

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

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

TRAILER'S ON PRIVATE HIRE VEHICLES

Specification

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

GENERAL CONSTRUCTION

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

BODY

The body must be constructed of either all G.R.P (Glass Reinforced Plywood/Fibreglass) **or** fully Galvanised Steel with both types fitted with either an A.B.S (Aquilonitile Butadine Stylene) hard top cover or G.R.P cover hinged at the front and fitted with lockable catches.

CHASSIS

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

DIMENSIONS

The maximum size permissible shall be:

Body Length 62"	1575mm
Body Width 44"	112mm
Body Depth 2"	5mm

Lid Depth 8" 2mm

Gross Weight (when Towing) 5kg

TYRES AND WHEELS

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

LIGHTS

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

INSURANCE

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

ADVERTISEMENTS

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

LICENCE PLATE

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

MARKING PLATES

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

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

NUMBER PLATES

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

INSPECTIONS

(a) The trailer and tow bar must be inspected by the garage responsible for carrying out the Council's vehicle inspections before the trailer can be used for carrying luggage and the fee £4 (reviewed annually) paid to the Licensing Section.

(b) An annual inspection will be required at the same time as the vehicle compliance test with the relevant compliance fee plus the trailer test fee being paid.

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APPENDIX 5: D

Private Hire Vehicle licence conditions

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

1. Maintenance of Vehicle

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

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

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

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

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

2. Alteration of Vehicle

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

3. Licensed Vehicle Identification Plates

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

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

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

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

5. Table of Fares

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

6. Taximeter

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

7. Damage to Vehicle

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

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

9. Insurance

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

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

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

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

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

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

10. Private Hire Drivers' Licence

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

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

11. Change of Address

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

12. Luggage

Any passenger luggage must be carried under cover.

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

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

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

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

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

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

14. CCTV

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

15. Regulations

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

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Appendix 6

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

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

The Council considers the following types of vehicle to be "Special Event Vehicles" when considered in the context of licensing:

American stretched limousines;

Decommissioned emergency service vehicles;

Other non-standard type converted vehicles used for special events.

Vintage and luxury vehicles (where the normal private hire vehicle age limits would exclude them)

Additional licensing standards for Special Event Vehicles

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

1. Information and Documents to accompany application

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

2. Type of Vehicle and Modifier

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

3. Age of the vehicle

The maximum age of vehicles at the date they are first licensed for use as private hire cars is usually 3 years from first registration or not more than 30,000 on the clock, and the licence will not be renewed after 6 years from first registration. This will not be a requirement for Special Event Vehicles. There will be no maximum age but the vehicle must remain in good condition and pass inspections.

4. Vehicle Tests

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

5. Vehicle Standard

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

Special Event Vehicle Conditions

Vehicle Testing

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

Vehicle Appearance

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

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

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

Limitations of Use

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

Advertising

No advertising will be permitted on Special Events Vehicle

Licence Plate

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

Communication Equipment

No vehicle will be fitted with a two way radio system

Dress Code

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

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

Badge

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

APPENDIX 7

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

1. Record Keeping

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

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

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

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

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

2. Standard of Service

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

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

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

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

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

3. Complaints

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

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

*Immediately means the next working day.

4. Change of Address

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

5. Convictions

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

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

6. Insurance

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

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

7. Display of Terms and Conditions

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

8. Inspection of Licence

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

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APPENDIX 8

HACKNEY CARRIAGE BYELAWS

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

Interpretation

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

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

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

PROVISIONS REGULATING HOW HACKNEY CARRIAGES ARE TO BE FURNISHED OR PROVIDED

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PENALTIES

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

REPEAL OF BYELAWS

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

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

APPENDIX 9

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

Conduct of Driver

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Fitness of Driver

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

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

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

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

Fares and Journeys

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

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

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

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

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

Duties of Licence Holder

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

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

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

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

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

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

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

Lost Property

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

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

Accident Reporting

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

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

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

The Carriage of Animals

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

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

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

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

Written Receipts

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

Copy of Conditions

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

Deposit of Licence

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

Change of Address

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

Notification of Convictions

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

10. Use of television receiving equipment

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

11. Return of Driver's Badge

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

12. Medical Fitness

Unless restricted to a shorter period for medical reasons, all drivers will be required to produce a Group 2 medical certificate at renewal every three years.

Failure to comply with this condition will result in the licence holder being required to surrender their licence.

DVLA Driving Licence Checks

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

Criminal Record Checks

All continuously licensed drivers ~~are required to~~ MUST sign up and remain subscribed to the DBS online service at all the time he remains a licensed driver. ~~submit an Enhanced Certificate~~

~~issued by the Disclosure and Barring Service every 3 years or provide the information to undertake an online check.~~

DRAFT

PENALTY POINTS SCHEME

APPENDIX 10

LIST OF OFFENCES/BREACH OF LICENCE CONDITIONS ETC.

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

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

Disability Discrimination Act 1995

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

Transport Act 1980

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

These points are dependant on adopting proposed conditions as per appendices

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

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

Vehicle Specifications & Conditions of Licence – Appendix 5D

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

PRIVATE HIRE OPERATORS

Local Government (Miscellaneous Provisions) Act 1976

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

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



Department
for Transport

Statutory Taxi & Private Hire Vehicle Standards

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1. Introduction

- 1.1 There is evidence to support the view that taxis and private hire vehicles are a high-risk environment. In terms of risks to passengers, this can be seen in abuse and exploitation of children and vulnerable adults facilitated and in some cases perpetrated by the trade and the number of sexual crimes reported which involve taxi and private hire vehicle drivers. Links between the trade and child sexual abuse and exploitation have been established in many areas and other investigations continue. Data on reported sexual assaults by taxi and private hire vehicle drivers evidence the risk to passengers; data from [Greater Manchester](#) and [Merseyside](#) suggest that, if similar offence patterns are applied across England, 623 sexual assaults per year are reported. These figures do not however account for the under reporting of crime which is estimated to be as high as 83 percent in the [Crime Survey for England and Wales](#).
- 1.2 The Policing and Crime Act 2017 enables the Secretary of State for Transport to issue statutory guidance on exercising taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using these services. For the purposes of this document, a child is defined as anyone who has not yet reached their 18th birthday; and the term “vulnerable individual” has the same meaning as the definition of a ‘vulnerable adult’ for the purpose of section 42 of the [Care Act 2014](#), which applies where a local authority has reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there):
- (a) has needs for care and support (whether or not the authority is meeting any of those needs),
 - (b) is experiencing, or is at risk of, abuse or neglect, and
 - (c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.
- 1.3 Whilst the focus of the Statutory Taxi and Private Hire Vehicle Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it. There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators and safety campaign groups. **The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to.**
- 1.4 It should be noted that as policing and criminal justice is not a devolved matter, the Statutory Taxi and Private Hire Vehicle Standards issued under the Policing and Crime Act 2017 will continue to have effect in Wales although responsibility for taxi and private hire vehicle policy was devolved to the Welsh Assembly in April 2018. Should the Welsh Government introduce legislation to regulate on these issues, the standards in this document would, cease to apply.

- 1.5 All local authorities and district councils that provide children's and other types of services, including licensing authorities, have a statutory duty to make arrangements to ensure that their functions and any services that they contract out to others are discharged having regard to the need to safeguard and promote the welfare of children. This means that licensing authorities should have in place arrangements that reflect the importance of safeguarding and promoting the welfare of children. This includes clear whistleblowing procedures, safe recruitment practices and clear policies for dealing with allegations against people who work with children, as set out in the [Working Together to Safeguard Children](#) statutory guidance.
- 1.6 The Statutory Taxi and Private Hire Vehicle Standards reflect the significant changes in the industry and lessons learned from experiences in local areas since the 2010 version of the Department's Best Practice Guidance. This includes extensive advice on checking the suitability of individuals and operators to be licensed; safeguarding children and vulnerable adults; the Immigration Act 2016 and Common Law Police Disclosure (which replaced the Notifiable Occupations Scheme).
- 1.7 The standards in this document replace relevant sections of the Best Practice Guidance issued by the Department in 2010, where there is a conflict between the Statutory Taxi and Private Hire Vehicle Standards and the Best Practice Guidance the Department issue on taxi and private hire vehicle licensing, the standards in this document take precedence.

Terminology

Taxis are referred to in legislation, regulation and common language as 'hackney carriages', 'black cabs' and 'cabs'. The term '**taxi**' is used throughout this document and refers to all such vehicles. Taxis can be hired immediately by hailing on the street or at a rank.

Private hire vehicles include a range of vehicles including minicabs, executive cars, chauffeur services, limousines and some school and day centre transport services. All private hire vehicle journeys must be pre-booked via a licensed private hire vehicle operator and are subject to a 'triple licensing lock' i.e. the operator fulfilling the booking must use vehicles and drivers licensed by the same authority as that which granted its licence. The term 'private hire vehicle' is used throughout this document to refer to all such vehicles.

2. Consideration of the Statutory Taxi and Private Hire Vehicle Standards

- 2.1 The past failings of licensing regimes must never be repeated. The Department has carefully considered the measures contained in the Statutory Taxi and Private Hire Vehicle Standards and recommend that these should be put in to practice and administered appropriately to mitigate the risk posed to the public. The purpose of setting standards is to protect children and vulnerable adults, and by extension the wider public, when using taxis and private hire vehicles.
- 2.2 The Government set out in the [Modern Crime Prevention Strategy](#) the evidence that where Government, law enforcement, businesses and the public work together on prevention, this can deliver significant and sustained cuts in certain crimes. That is good news for victims and communities and it makes clear economic sense too. Educating the public on the risks of using unlicensed drivers and vehicles, how to identify the licensed trade and appropriate measure to take when using these services will protect help all passengers, more information is annexed to this document (Annex - Staying safe: guidance for passengers).
- 2.3 The Strategy committed to protect children and young people from the risk of child sexual abuse and exploitation (CSAE), by working with local authorities to introduce rigorous taxi and private hire vehicle licensing regimes. Both the [Jay](#) and [Casey](#) reports on CSAE highlighted examples of taxi/private hire vehicle drivers being directly linked to children that were abused, including instances when children were picked up from schools, children's homes or from family homes and abused, or sexually exploited.
- 2.4 The Casey Report made clear that weak and ineffective arrangements for taxi and private hire vehicle licensing had left the children and public at risk. The Department for Transport has worked with the Home Office, Local Government Association (LGA), personal safety charities, trade unions and trade bodies,

holding workshops, forums, and sharing evidence and good practice with local authorities to assist in the setting of the standards.

- 2.5 This document is published by the Secretary of State for Transport under section 177(1) of the Policing and Crime Act 2017 following consultation in accordance with section 177(5).
- 2.6 The document sets out a framework of policies that, under section 177(4), licensing authorities “**must have regard**” to when exercising their functions. These functions include developing, implementing and reviewing their taxi and private hire vehicle licensing regimes. “Having regard” is more than having a cursory glance at a document before arriving at a preconceived conclusion.
- 2.7 “Having regard” to these standards requires public authorities, in formulating a policy, to give considerations the weight which is proportionate in the circumstances. **Given that the standards have been set directly to address the safeguarding of the public and the potential impact of failings in this area, the importance of thoroughly considering these standards cannot be overstated.** It is not a question of box ticking; the standards must be considered rigorously and with an open mind.
- 2.8 Although it remains the case that licensing authorities must reach their own decisions, both on overall policies and on individual licensing matters in light of the relevant law, it may be that the Statutory Taxi and Private Hire Vehicle Standards might be drawn upon in any legal challenge to an authority’s practice, and that any failure to adhere to the standards without sufficient justification could be detrimental to the authority’s defence. **In the interest of transparency, all licensing authorities should publish their consideration of the measures contained in Statutory Taxi and Private Hire Vehicle Standards, and the policies and delivery plans that stem from these.** The Department has undertaken to monitor the effectiveness of the standards in achieving the protection of children and vulnerable adults (and by extension all passengers).
- 2.9 The Statutory Taxi and Private Hire Vehicle Standards does not purport to give a definitive statement of the law and any decisions made by a licensing authority remain a matter for that authority.

3. Administering the Licensing Regime

Licensing policies

- 3.1 The Department recommends all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This should include but not be limited to policies on convictions, a ‘fit and proper’ person test, licence conditions and vehicle standards.
- 3.2 When formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public. The importance of ensuring that the licensing regime protects the vulnerable cannot be overestimated. This was highlighted in the [report by Dame Louise Casey CB](#) of February 2015 on safeguarding failings.

“It will be evident from this report that in many cases the activities of perpetrators take place in spheres which are regulated by the Council – taxis have been the focus of particular concern. Persistent and rigorous enforcement of the regulatory functions available to the council, including the placing of conditions on private hire taxi operator licences where appropriate, would send a strong signal that the trade is being monitored and would curtail the activities of opportunistic perpetrators whereby taxi drivers have solicited children to provide sex in return for cigarettes, alcohol or a fare free ride.”

- 3.3 The long-term devastation caused by CSAE was summarised in the same report:

“Victims suffer from suicidal feelings and often self-harm. Many become pregnant. Some have to manage the emotional consequences of miscarriages and abortions while others have children that they are unable to parent appropriately. The abuse and violence continues to affect victims into adulthood. Many enter violent and abusive relationships. Many suffer poor mental health and addiction.”

- 3.4 Rotherham Metropolitan Borough Council (‘Rotherham Council’) provides an example of how the systematic review of policies and procedures and the implementation of a plan to drive improvements in practice can result in a well-functioning taxi and private hire vehicle sector that is rebuilding local confidence in the industry. The history of past failings here and elsewhere is well known, but it is the transparency and resolution that Rotherham Council has demonstrated and the high standards they now require that are rebuilding public confidence.
- 3.5 One of the key lessons learned is that it is vital to review policies and reflect changes in the industry both locally and nationally. **Licensing authorities should review their licensing policies every five years, but should also consider interim reviews should there be significant issues arising in their area, and their performance annually.**

Duration of licences

- 3.6 A previous argument against issuing licences for more than a year was that a criminal offence might be committed, and not notified, during this period; this can of course also be the case during the duration of a shorter licence. This risk can be mitigated for drivers by authorities to undertaking regular interim checks. To help authorities monitor licensees' suitability, licensing authorities should engage with their police force to ensure that when the police believe a licensee presents a risk to the travelling public they use their Common Law Police Disclosure powers (see paragraphs 4.9 - 4.11) to advise them.
- 3.7 The Local Government (Miscellaneous Provisions) Act 1976 (as amended) sets a standard length at three years for taxi and private hire vehicle drivers and five years for private hire vehicle operators. Any shorter duration licence should only be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case, if a licensee has requested one or where required (e.g. when the licence holder's leave to remain in the UK is time-limited) or when the licence is only required to meet a short-term demand; they should not be issued on a 'probationary' basis.

Whistleblowing

- 3.8 It is in the application of licensing authority's policies (and the training and raising of awareness among those applying them) that protection will be provided. Where there are concerns that policies are not being applied correctly, it is vital that these can be raised, investigated and remedial action taken if required. **Licensing authorities should have effective internal procedures in place for staff to raise concerns and for any concerns to be dealt with openly and fairly.**

A report into the licensing of drivers by South Ribble Borough Council highlights the implications of not applying the agreed policies. In early August 2015, concerns were raised regarding decisions to renew the licences of drivers where there were potential incidents of child sexual exploitation. An internal review concluded that there had been failings in local investigatory procedures which might have affected the ability of the General Licensing Committee to make proper decisions, and information sharing with the police and data recording was not satisfactory.

- 3.9 The external investigation in South Ribble concluded “that there had been a lack of awareness and priority given to safeguarding and the safety of taxi [and private hire vehicle] passengers in the manner in which licensing issues were addressed”. We are pleased to note that the [report](#) concludes, “The Council have been active at every stage in responding to issues and concerns identified. It has taken steps to address operational issues in the licensing function and has engaged fully with other agencies in so doing. In the light of the above, it is not necessary to make any further recommendations.”
- 3.10 It is hoped that all licensing authorities will have learnt from these mistakes but to prevent a repeat, **local authorities should ensure they have an effective ‘whistleblowing’ policy and that all staff are aware of it.** If a worker is aware of, and has access to, effective internal procedures for raising concerns then ‘whistleblowing’ is unlikely to be needed.
- 3.11 The Public Interest Disclosure Act 1998 (PIDA), commonly referred to as whistleblowing legislation, provides protection for those that have a reasonable belief of serious wrongdoing, including failure to comply with professional standards, council policies or codes of practice/conduct. The PIDA is part of employment law. In the normal course of events, if a worker reveals information that his employer does not want revealed it may be a disciplinary offence. If someone leaked their employer’s confidential information to the press, they might expect to be dismissed for that. The PIDA enables workers who ‘blow the whistle’ about wrongdoing to complain to an employment tribunal if they are dismissed or suffer any other form of detriment for doing so. It is a qualified protection and certain conditions would have to be met for the worker to be protected. More information is available online for [employees](#) and [employers](#):

Consultation at the local level

- 3.12 Licensing authorities should consult on proposed changes in licensing rules that may have significant impacts on passengers and/or the trade. Such consultation should include not only the taxi and private hire vehicle trades but also groups likely to be the trades’ customers. Examples are groups representing disabled people, Chambers of Commerce, organisations with a wider transport interest (e.g. the Campaign for Better Transport and other transport providers), women’s groups, local traders, and the local multi-agency safeguarding arrangements. It may also be helpful to consult with night-time economy groups (such as Pubwatch) if the trade is an important element of dispersal from the local night-time economy’s activities.
- 3.13 Any decision taken to alter the licensing regime is likely to have an impact on the operation of the taxi and private hire vehicle sector in neighbouring areas; and **licensing authorities should engage with these areas to identify any concerns and issues that might arise from a proposed change.** Many areas convene regional officer consultation groups or, more formally, councillor liaison meetings; this should be adopted by all authorities.

Changing licensing policy and requirements

- 3.14 **Any changes in licensing requirements should be followed by a review of the licences already issued.** If the need to change licensing requirements has been identified, this same need is applicable to those already in possession of a licence. That is not however to suggest that licences should be automatically revoked overnight, for example if a vehicle specification is changed it is proportionate to allow those that would not meet the criteria to have the opportunity to adapt or change their vehicle. The same pragmatic approach should be taken to driver licence changes - if requirements are changed to include a training course or qualification, a reasonable time should be allowed for this to be undertaken or gained. The implementation schedule of any changes that affect current licence holders must be transparent and communicated promptly and clearly.
- 3.15 Where a more subjective change has been introduced, for example an amended policy on previous convictions, a licensing authority must consider each case on its own merits. Where there are exceptional, clear and compelling reasons to deviate from a policy, licensing authorities should consider doing so. Licensing authorities should record the reasons for any deviation from the policies in place.

4. Gathering and Sharing Information

- 4.1 Licensing authorities must consider as full a range of information available to them when making a decision whether to grant a licence and to meet their ongoing obligation to ensure a licensee remains suitable to hold a licence.

The Disclosure and Barring Service

- 4.2 The Disclosure and Barring Service (DBS) provides access to criminal record information through its disclosure service for England and Wales. The DBS also maintains the lists of individuals barred from working in regulated activity with children or adults. The DBS makes independent barring decisions about people who have harmed, or where they are considered to pose a risk of harm to a child or vulnerable person within the workplace. The DBS enables organisations in the public, private and voluntary sectors to make safer employment decisions by identifying candidates who may be unsuitable for certain work, especially that which involves vulnerable groups including children.
- 4.3 Enhanced certificates with a check of the barred lists include details of spent and unspent convictions recorded on the Police National Computer (PNC), any additional information which a chief officer of police believes to be relevant and ought to be disclosed, as well as indicating whether the individual is barred from working in regulated activity with children or adults. Spent convictions and cautions are disclosed on standard and enhanced certificates according to rules set out in legislation. Convictions which resulted in a custodial sentence, and convictions or cautions for a specified serious offence such as those involving child sexual abuse will always be disclosed on a standard or enhanced certificate. Full details of the disclosure rules, and those offences which will always be disclosed, are available from the [DBS](#). As well as convictions and cautions, an enhanced certificate may include additional information which a chief police officer reasonably believes is relevant and ought to be disclosed. Chief police officers must have regard to the [statutory guidance](#) issued by the Home Office when considering disclosure. A summary of the information provided at each level of DBS checks is annexed to this document (Annex – Disclosure and Barring Service information).
- 4.4 It should be noted that licensing authorities must not circumvent the DBS process and seek to obtain details of previous criminal convictions and other information that may not otherwise be disclosed on a DBS certificate. Whilst data protection legislation (not just the Data Protection Act 2018 or General Data Protection Regulation (GDPR)) gives individuals (or data subjects) a 'right of access' to the personal data that an organisation holds about them, it is a criminal offence to require an individual to exercise their subject access rights so as to gain information about any convictions and cautions. This could potentially lead to the authority receiving information to which it is not entitled. The appropriate way of accessing an individual's criminal records is through an enhanced DBS and barred lists check.

The Disclosure and Barring Service Update Service

- 4.5 Subscription to the DBS Update Service allows those with standard and enhanced certificates to keep these up to date online and, with the individual's consent, allows nominees to check the status of a certificate online at any time. Subscription to the service removes the need for new certificates to be requested, reduces the administrative burden and mitigates potential delays in relicensing.
- 4.6 The DBS will search regularly to see if any relevant new information has been received since the certificate was issued. The frequency varies depending on the type of information; for criminal conviction and barring information, the DBS will search for updates on a weekly basis. For non-conviction information, the DBS will search for updates every nine months.
- 4.7 Licensing authorities are able to request large numbers of status checks on a daily basis. The DBS has developed a Multiple Status Check Facility (MSCF) that can be accessed via a web service. The MSCF enables organisations to make an almost unlimited number of Status Checks simultaneously. Further information on the MSCF is available from the [DBS](#).
- 4.8 Should the MSCF advise that new information is available the DBS certificate should no longer be relied upon and a new DBS certificate requested.

Common Law Police Disclosure

- 4.9 The DBS is not the only source of information that should be considered as part of a fit and proper assessment for the licensing of taxi and private hire vehicle drivers. Common Law Police Disclosure ensures that where there is a public protection risk, the police will pass information to the employer or regulatory body to allow them to act swiftly to mitigate any danger.
- 4.10 Common Law Police Disclosure replaced the Notifiable Occupations Scheme (NOS) in March 2015 and focuses on providing timely and relevant information which might indicate a public protection risk. Information is passed on at arrest or charge, rather than on conviction which may be some time after, allowing any measures to mitigate risk to be put in place immediately.
- 4.11 This procedure provides robust safeguarding arrangements while ensuring only relevant information is passed on to employers or regulatory bodies. **Licensing authorities should maintain close links with the police to ensure effective and efficient information sharing procedures and protocols are in place and are being used.**

Licensee self-reporting

- 4.12 Licence holders should be required to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope should result in a review by the issuing authority as to whether the licence holder is fit to continue to do so. This must not

however be seen as a direction that a licence should be withdrawn; it is for the licensing authority to consider what, if any, action in terms of the licence should be taken based on the balance of probabilities. Should an authority place an obligation on licensees to notify under these circumstances, authorities should also ensure appropriate procedures are in place to enable them to act in a suitable timeframe if and when needed.

- 4.13 Importantly, a failure by a licence holder to disclose an arrest that the issuing authority is subsequently advised of might be seen as behaviour that questions honesty and therefore the suitability of the licence holder regardless of the outcome of the initial allegation.

Referrals to the Disclosure and Barring Service and the Police

- 4.14 In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for licensing authorities to make referrals to the DBS. **A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, should be referred to the DBS.** The power for the licensing authority to make a referral in this context arises from the undertaking of a safeguarding role. Further guidance has been provided by the [DBS](#).

- 4.15 The Department recommends that licensing authorities should make a referral to the DBS when it is thought that:

- an individual has harmed or poses a risk of harm to a child or vulnerable adult;
- an individual has satisfied the '[harm test](#)'; or
- received a caution or conviction for a relevant offence and;
- the person they are referring is, has or might in future be working in regulated activity;

if the above conditions are satisfied, the DBS may consider it appropriate for the person to be added to a barred list.

- 4.16 These referrals may result in the person being added to a barred list and enable other licensing authorities to consider this should further applications to other authorities be made. Further information on referrals to DBS is [available](#).

Working with the Police

- 4.17 The police are an invaluable source of intelligence when assessing whether a licensing applicant is a 'fit and proper' person. It is vital that licensing authorities have a partnership with the police service to ensure that appropriate information is shared as quickly as possible. As part of building an effective working relationship between the licensing authority and the police, **action taken by the licensing authority as a result of information received should be fed-back to the police.** Increasing the awareness among police forces of the value licensing authorities place on the information received, particularly on non-conviction intelligence, will assist furthering these relationships and reinforce the benefits of greater sharing of information.
- 4.18 This relationship can be mutually beneficial, assisting the police to prevent crime. The police can gain valuable intelligence from drivers and operators, for example, the identification of establishments that are selling alcohol to minors or drunks, or the frequent transportation of substance abusers to premises.
- 4.19 To aid further the quality of the information available to all parties that have a safeguarding duty, a revocation or refusal on public safety grounds should also be advised to the police.

Sharing licensing information with other licensing authorities

- 4.20 As has been stated elsewhere in this document, obtaining the fullest information minimises the doubt as to whether an applicant or licensee is 'fit and proper'. An obvious source of relevant information is any previous licensing history. **Applicants and licensees should be required to disclose if they hold or have previously held a licence with another authority. An applicant should also be required to disclose if they have had an application for a licence refused, or a licence revoked or suspended by any other licensing authority.** Licensing authorities should explicitly advise on their application forms that making a false statement or omitting to provide the information requested may be a criminal offence.
- 4.21 The LGA's Councillors' [Handbook on taxi and private hire vehicle licensing](#) advises that those responsible for licensing should "*communicate regularly with licensing committees and officers in neighbouring councils to ensure critical information is shared and that there is a consistency and robustness in decision-making. By working together, local government can make sure that this vital service is safe, respected, and delivering for local communities.*". While this approach may aid consistency and robustness in decision-making within regions, it has obvious inherent limitations as it is unlikely such protocols could be established between all licensing authorities. The LGA commissioned the National Anti-Fraud Network to develop a national register of taxi and private hire vehicle driver licence refusals and revocations (the register is known as 'NR3'). **Tools such as NR3 should be used by licensing authorities to share information on a more consistent basis to mitigate the risk of non-disclosure of relevant information by applicants.**

- 4.22 For these processes to be beneficial, all licensing authorities must keep a complete and accurate record as to the reasons for refusal, suspension or revocation of a licence in order that this might be shared if requested and appropriate to do so.
- 4.23 Data protection legislation provides exemption from the rights of data subjects for the processing of personal data in connection with regulatory activities. This includes taxi and private hire vehicle licensing. The exemption applies only to information processed for the core regulatory activities of appropriate organisations; it may not be used in a blanket manner. The exemption applies only to the extent that the application of the rights of data subjects to the information in question would be likely to prejudice the proper discharge of the regulatory functions. The Information Commissioner's Office has published [guidance](#) to assist organisations to fully understand their obligations and suggest good practice.
- 4.24 If notification under paragraph 4.20 or 4.21 of a refused or revoked licence is disclosed, the relevant licensing authority should be contacted to establish when the licence was refused, suspended or revoked and the reasons why. In those circumstances, the relevant licensing authority must consider whether it should disclose any information in relation to the previous decision, consistent with its obligations under data protection legislation. If information is disclosed, it can then be taken into account in determining the applicant's fitness to be licensed. The relevance of the reason for refusing/revoking a licence must be considered. For example, if any individual was refused a licence for failing a local knowledge test, it does not have any safeguarding implications. Conversely, a revocation or refusal connected to indecency would. Licensing authorities should not simply replicate a previous decision, authorities must consider each application on its own merits and with regard to its own policies.
- 4.25 Should a licensing authority receive information that a licence holder did not disclose the information referred to in paragraph 4.20, for example by checking the NR3 register, the authority should consider whether the non-disclosure represents dishonesty and should review whether the licence holder remains 'fit and proper'.

Multi-agency Safeguarding Hub (MASH)

- 4.26 Multi-Agency Safeguarding Hubs are a way to improve the safeguarding response for children and vulnerable adults through better information sharing and high quality and timely safeguarding responses. MASHs (or similar models) should operate on three common principles: information sharing, joint decision making and coordinated intervention.
- 4.27 The Home Office report on [Multi Agency Working and Information Sharing](#) recommended that effective multi-agency working still needs to become more widespread. The Children's Commissioner's 2013 [Inquiry into Child Sexual Exploitation in Gangs and Groups](#) found that both police and local authorities still identified the inability to share information as a key barrier to safeguarding children from sexual abuse and exploitation.

4.28 All licensing authorities should operate or establish a means to facilitate the objectives of a MASH (i.e. the sharing of necessary and relevant information between stakeholders). As has been emphasised throughout this document, one of the most effective ways to minimise the risk to children and vulnerable adults when using taxis and private hire vehicles is to ensure that decisions on licensing individuals are made with the fullest knowledge possible.

Complaints against licensees

4.29 Complaints about drivers and operators provide a source of intelligence when considering the renewal of a licence or to identify problems during the period of the licence. Patterns of behaviour such as complaints against drivers, even when they do not result in further action in response to an individual complaint, may be indicative of characteristics that raise doubts over the suitability to hold a licence. **All licensing authorities should have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees.** Such a system will help authorities to build a fuller picture of the potential risks an individual may pose and may tip the 'balance of probabilities' assessment that licensing authorities must take.

4.30 Licensees with a high number of complaints made against them should be contacted by the licensing authority and concerns raised with the driver and operator (if appropriate). Further action in terms of the licence holder must be determined by the licensing authority, which could include no further action, the offer of training, a formal review of the licence, or formal enforcement action.

4.31 To ensure that passengers know who to complain to, licensing authorities should produce guidance for passengers on making complaints directly to the licensing authority that should be available on their website. Ways to make complaint to the authority should be displayed in all licensed vehicles. This is likely to result in additional work for the licensing authority but has the advantage of ensuring consistency in the handling of complaints. Currently, it is more likely that a complaint against a taxi driver would be made directly to the licensing authority whereas a complaint against a private hire vehicle driver is more likely to be made to the operator. An effective partnership in which operators can share concerns regarding drivers is also encouraged.

4.32 Importantly, this approach will assist in the directing of complaints and information regarding the behaviour of drivers who may be carrying a passenger outside of the area in which the driver is licensed to the authority that issued the licence. In order for this to be effective licensing authorities must ensure that drivers are aware of a requirement to display information on how to complain and take appropriate sanctions against those that do not comply with this requirement.

4.33 In terms of investigating complaints CCTV footage of an incident can provide an invaluable insight, providing an 'independent witness' to an event. This can assist in the decision whether to suspend or revoke a licence. The potential benefits of mandating CCTV in vehicles is discussed in paragraphs 7.7 - 7.12.

Overseas convictions

- 4.34 The DBS cannot access criminal records held overseas, only foreign convictions that are held on the Police National Computer may, subject to the disclosure rules, be disclosed. Therefore, a DBS check may not provide a complete picture of an individual's criminal record where there have been periods living or working overseas; the same applies when an applicant has previously spent an extended period (three or more continuous months) outside the UK. It should however be noted that some countries will not provide an 'Certificate of Good Character' unless the individual has been resident for six months or more
- 4.35 Licensing authorities should seek or require applicants to provide where possible criminal records information or a 'Certificate of Good Character' from overseas in this circumstance to properly assess risk and support the decision-making process (. It is the character of the applicant as an adult that is of particular interest, therefore an extended period outside the UK before the age of 18 may be less relevant. As with all licensing decisions, each case must be considered on its own merits. For information on applying for overseas criminal record information or 'Certificates of Good Character' please see the Home Office [guidance](#).
- 4.36 Where an individual is aware that they have committed an offence overseas which may be equivalent to those listed in the annex to this document (Annex – Assessment of previous convictions), licensing authorities should advise the applicant to seek independent expert or legal advice to ensure that they provide information that is truthful and accurate.

5. Decision Making

Administration of the licensing framework

- 5.1 A policy is only effective if it is administered properly. The taxi and private hire vehicle licensing functions of local councils are non-executive functions i.e. they are functions of the council rather than the executive (such as the Cabinet). The functions include the determination of licence applications, reviews and renewals, along with the attachment of conditions when considered appropriate. The function may be delegated to a committee, a sub-committee or an officer – which should be set out within a clear scheme of delegation. In London the taxi and private hire vehicle licensing function is undertaken by Transport for London.
- 5.2 Licensing authorities should ensure that all individuals that determine whether a licence is issued or refused are adequately resourced to allow them to discharge the function effectively and correctly.

Training decision makers

- 5.3 **All individuals that determine whether a licence is issued should be required to undertake sufficient training.** As a minimum, training for a member of a licensing committee should include: licensing procedures, natural justice, understanding the risks of CSAE, disability and equality awareness and the making of difficult and potentially controversial decisions. Training should not simply relate to procedures, but should include the use of case study material to provide context and real scenarios. All training should be formally recorded by the licensing authority and require a signature from the person that has received the training. Training is available from a number of organisations including the Institute of Licensing and Lawyers in Local Government; the LGA may also be able to assist in the development of training packages.
- 5.4 Public safety is the paramount consideration but the discharge of licensing functions must be undertaken in accordance with the following general principles:
- policies should be used as internal guidance, and should be supported by a member/officer code of conduct.
 - any implications of the Human Rights Act should be considered.
 - the rules of natural justice should be observed.
 - decisions must be reasonable and proportionate.
 - where a hearing is required it should be fairly conducted and allow for appropriate consideration of all relevant factors.
 - decision makers must avoid bias (or even the appearance of bias) and predetermination.
 - data protection legislation.

5.5 When a decision maker has a prejudicial interest in a case, whether it be financial or a personal relationship with those involved they should declare their interest at the earliest opportunity; this must be prior to any discussions or votes and, once declared, they must leave the room for the duration of the discussion or vote.

The regulatory structure

5.6 It is recommended that councils operate with a Regulatory Committee or Board that is convened at periodic intervals to determine licensing matters, with individual cases being considered by a panel of elected and suitably trained councillors drawn from a larger Regulatory Committee or Board. This model is similar to that frequently adopted in relation to other licensing matters. To facilitate the effective discharge of the functions, less contentious matters can be delegated to appropriately authorised council officers via a transparent scheme of delegation.

5.7 It is considered that this approach also ensures the appropriate level of separation between decision makers and those that investigate complaints against licensees, and is the most effective method in allowing the discharge of the functions in accordance with the general principles referred to in 5.4. In particular, the Committee/Board model allows for:

- Each case to be considered on its own merits. It is rare for the same councillors to be involved in frequent hearings – therefore the councillors involved in the decision making process will have less knowledge of previous decisions and therefore are less likely to be influenced by them. Oversight and scrutiny can be provided in relation to the licensing service generally, which can provide independent and impartial oversight of the way that the functions are being discharged within the authority.
- Clear separation between investigator and the decision maker – this demonstrates independence, and ensures that senior officers can attempt to resolve disputes in relation to service actions without the perception that this involvement will affect their judgement in relation to decisions made at a later date.

5.8 Avoidance of bias or even the appearance of bias is vital to ensuring good decisions are made and instilling and/or maintaining confidence in the licensing regime by passengers and licensees.

5.9 Unlike officers, elected members are not usually involved in the day to day operation of the service and as such do not have relationships with licence holders that may give the impression that the discharge of a function is affected by the relationship between the decision maker and the licence holder.

5.10 Some licensing authorities may decide to operate a system whereby all matters are delegated to a panel of officers; however, this approach is not recommended and caution should be exercised. Decisions must be, and be seen to be, made objectively, avoiding any bias. In addition, it may be more difficult to demonstrate compliance with the principles referred to above due to the close

connection between the officers on the panel, and those involved in the operational discharge of the licensing functions.

- 5.11 Whether the structure proposed is introduced or an alternative model is more appropriate in local circumstances, the objective should remain the same - to separate the investigation of licensing concerns and the management of the licence process. Regardless of which approach is adopted, **all licensing authorities should consider arrangements for dealing with serious matters that may require the immediate revocation of a licence.** It is recommended that this role is delegated to a senior officer/manager with responsibility for the licensing service.

Fit and proper test

- 5.12 Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a 'fit and proper' person to be a licensee. It may be helpful when considering whether an applicant or licensee is fit and proper to pose oneself the following question:

Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?

- 5.13 If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.
- 5.14 Licensing authorities have to make difficult decisions but (subject to the points made in paragraph 5.4) the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

Criminal convictions and rehabilitation

- 5.15 In considering an individual's criminal record, licensing authorities must consider each case on its merits, but they should take a particularly cautious view of any offences against individuals with special needs, children and other vulnerable groups, particularly those involving violence, those of a sexual nature and those linked to organised crime. In order to achieve consistency, and to mitigate the risk of successful legal challenge, licensing authorities should have a clear policy for the consideration of criminal records. This should include, for example, which offences would prevent an applicant from being licenced regardless of the period elapsed in all but truly exceptional circumstances. In the case of lesser offences, a policy should consider the number of years the authority will require to have elapsed since the commission of particular kinds of offences before they will grant a licence.

- 5.16 Annexed to this document are the Department's recommendations on the assessment of previous convictions (Annex – Assessment of previous convictions). This draws on the work of the Institute of Licensing, in partnership with the LGA, the National Association of Licensing Enforcement Officers (NALEO) and Lawyers in Local Government, in publishing its guidance on determining the suitability of taxi and private hire vehicle licensees.
- 5.17 These periods should be taken as a starting point in considering whether a licence should be granted or renewed in all cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain a licence. Authorities are however reminded that applicants are entitled to a fair and impartial consideration of their application.

6. Driver Licensing

Criminality checks for drivers

- 6.1 Licensing authorities are entitled to request an enhanced criminal record certificate with check of the barred lists from the DBS for all driver licence holders or applicants. The DfT's 2019 [survey of taxi and private hire vehicle licensing authorities](#) shows that all licensing authorities in England and Wales have a requirement that an enhanced DBS check is undertaken at first application or renewal.
- 6.2 All individuals applying for or renewing a taxi or private hire vehicle drivers licence licensing authorities should carry out a check of the children and adult Barred Lists in addition to being subject to an enhanced DBS check (in section x61 of the DBS application 'Other Workforce' should be entered in line 1 and 'Taxi Licensing' should be entered at line 2). All licensed drivers should also be required to evidence continuous registration with the DBS update service to enable the licensing authority to routinely check for new information every six months. Drivers that do not subscribe up to the Update Service should still be subject to a check every six months.
- 6.3 Driving a taxi or private hire vehicle is not, in itself, a regulated activity for the purposes of the barred list. This means that an individual subject to barring would not be legally prevented from being a taxi or private hire vehicle driver but the licensing authority should take an individual's barred status into account alongside other information available. **In the interests of public safety, licensing authorities should not, as part of their policies, issue a licence to any individual that appears on either barred list.** Should a licensing authority consider there to be exceptional circumstances which means that, based on the balance of probabilities they consider an individual named on a barred list to be 'fit and proper', the reasons for reaching this conclusion should be recorded.
- 6.4 Drivers working under an arrangement to transport children may be working in 'regulated activity' as defined by the [Safeguarding Vulnerable Groups Act 2006](#). It is an offence to knowingly allow a barred individual to work in regulated activity. The [guidance on home-to-school travel and transport](#) issued by the Department for Education should be considered alongside this document. Please see [guidance](#) on driver DBS eligibility and how to apply.

Safeguarding awareness

- 6.5 Licensing authorities should consider the role that those in the taxi and private hire vehicle industry can play in spotting and reporting the abuse, exploitation or neglect of children and vulnerable adults. As with any group of people, it is overwhelmingly the case that those within the industry can be an asset in the detection and prevention of abuse or neglect of children and vulnerable adults. However, this is only the case if they are aware of and alert to the signs of potential abuse and know where to turn to if they suspect that a child or vulnerable adult is at risk of harm or is in immediate danger.

6.6 All licensing authorities should provide safeguarding advice and guidance to the trade and should require taxi and private hire vehicle drivers to undertake safeguarding training. This is often produced in conjunction with the police and other agencies. These programmes have been developed to help drivers and operators:

- provide a safe and suitable service to vulnerable passengers of all ages;
- recognise what makes a person vulnerable; and
- understand how to respond, including how to report safeguarding concerns and where to get advice.

6.7 Since 2015, the Department for Education (DfE) has run a nationwide campaign – *‘Together, we can tackle child abuse’* which aims to increase public understanding of how to recognise the signs to spot and encourage them to report child abuse and neglect. The DfE continues to promote and raise awareness of the campaign materials through its [online toolkit](#), for local authorities, charities and organisations for use on their social media channels.

‘County lines’ exploitation

6.8 County lines is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs (primarily crack cocaine and heroin) into one or more importing areas [within the UK], using dedicated mobile phone lines or other form of “deal line”.

6.9 Exploitation is an integral part of the county lines offending model with children and vulnerable adults exploited to transport (and store) drugs and money between locations. Children aged between 15-17 make up the majority of the vulnerable people involved in county lines, but they may also be much younger. We know that both girls and boys are groomed and exploited and offenders will often use coercion, intimidation, violence (including sexual violence) and weapons to ensure compliance of victims. Children exploited by county lines gangs may have vulnerabilities besides their age, such as broader mental health issues, disrupted or chaotic homes, substance misuse issues, being excluded from school or frequently going missing.

6.10 The National Crime Agency’s 2018 county lines threat assessment set out that the national road network is key to the transportation of county lines victims, drugs and cash; with hire vehicles being one of the methods used for transportation between locations.

6.11 Safeguarding awareness training should include the ways in which drivers can help to identify county lines exploitation. Firstly, they should be aware of the following warning signs:

- Children and young people travelling in taxis or private hire vehicles alone;

- travelling at unusual hours (during school time, early in the morning or late at night);
- travelling long distances;
- unfamiliar with the local area or do not have a local accent;
- paying for journeys in cash or prepaid.

6.12 The Home Office is working with partners to raise awareness of county lines and has provided [material](#) to help taxi and private vehicle hire staff to identify victims and report concerns to protect those exploited through this criminal activity.

6.13 Drivers (or any person) should be aware of what to do if they believe a child or vulnerable person is at risk of harm. If the risk is immediate they should contact the police otherwise they should:

- use the local safeguarding process, the first step of which is usually to contact the safeguarding lead within the local authority;
- call Crime Stoppers on 0800 555 111.

Language proficiency

6.14 A lack of language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others.

6.15 A licensing authority's test of a driver's proficiency should cover both oral and written English language skills to achieve the objectives stated above.

7. Vehicle Licensing

7.1 As with driver licensing, the objective of vehicle licensing is to protect the public, who trust that the vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those granted a vehicle licence also pose no threat to the public and have no links to serious criminal activity. Although vehicle proprietors may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the licensing regime.

Criminality checks for vehicle proprietors

7.2 Enhanced DBS and barred list checks are not available for vehicle licensing. **Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the ‘fit and proper’ threshold.

7.3 However, it is important that authorities acknowledge that in many cases individuals that license a vehicle may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking to licence a vehicle to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately.

7.4 A refusal to license an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a vehicle or private hire vehicle operator licence; these decisions must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant’s full consent has been given.

7.5 Private hire vehicle operator and vehicle licences may be applied for by a company or partnership; licensing authorities should apply the ‘fit and proper’ test to each of the directors or partners in that company or partnership. For this to be effective private hire vehicle operators and those to whom a vehicle licence should be required to advise the licensing authority of any change in directors or partners.

7.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas so other checks must be considered where and applicant has lived or worked overseas (see paragraph 4.34 - 4.36).

In-vehicle visual and audio recording – CCTV

7.7 Government has acknowledged the potential risk to public safety when passengers travel in taxis and private hire vehicles. It is unfortunately the case that no matter how complete the information available to licensing authorities is when assessing whether to issue any taxi or private hire vehicle licence, nor how robust the policies in place are and the rigor with which they are applied, it will never completely remove the possibility of harm to passengers by drivers.

7.8 The Department's view is that CCTV can provide additional deterrence to prevent this and investigative value when it does. The use of CCTV can provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers by:

- deterring and preventing the occurrence of crime;
- reducing the fear of crime;
- assisting the police in investigating incidents of crime;
- assisting insurance companies in investigating motor vehicle accidents.

7.9 All licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues.

7.10 While only a small minority of licensing authorities have so far mandated all vehicles to be fitted with CCTV systems, the experience of those authorities that have has been positive for both passengers and drivers. In addition, the evidential benefits of CCTV may increase the level of reporting of sexual offences. According to the [Crime Survey for England and Wales](#) only 17 percent of victims report their experiences to the police, 28 percent of rape or sexual assault victims indicated that a fear they would not be believed as a factor in them not reporting the crime. The evidential benefits CCTV could provide are therefore an important factor when considering CCTV in vehicles.

7.11 The mandating of CCTV in vehicles may deter people from seeking a taxi or private hire vehicle licence with the intent of causing harm. Those that gain a licence and consider perpetrating an opportunistic attack against a vulnerable unaccompanied passenger may be deterred from doing so. It is however unfortunately the case that offences may still occur even with CCTV operating.

7.12 CCTV systems that are able to record audio as well as visual data may also help the early identification of drivers that exhibit inappropriate behaviour toward passengers. Audio recording should be both overt (i.e. all parties should be aware when recordings are being made) and targeted (i.e. only when passengers (or

drivers) consider it necessary). The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button.

- 7.13 Imposition of a blanket requirement to attach CCTV as a condition to a licence is likely to give rise to concerns about the proportionality of such an approach and will therefore require an appropriately strong justification and must be kept under regular review. More information and guidance on assessing the impacts of CCTV and on an authority mandating CCTV is annexed to this document (Annex – CCTV guidance).

Stretched Limousines

- 7.14 Licensing authorities are sometimes asked to license small (those constructed or adapted to carry fewer than nine passengers) limousines as private hire vehicles, these vehicles may be used for transport to 'school proms' as well as for adult bookings. It is suggested that licensing 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. It is the Department's view that it is not a legitimate course of action for licensing authorities to adopt policies that exclude limousines as a matter of principle thereby excluding these services from the scope of the private hire vehicle regime and the safety benefits this provides. A blanket policy of excluding limousines may create an unacceptable risk to the travelling public, as it may lead to higher levels of unsupervised 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.
- 7.15 Stretched large limousines which clearly seat more than eight passengers should not be licensed as private hire vehicles because they are outside the licensing regime for private hire vehicles. However, in some circumstances a vehicle with space for more than eight passengers can be licensed as a private hire vehicle where the precise number of passenger seats is hard to determine. In these circumstances, 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 eight passengers, bearing in mind that refusal may encourage illegal private hire operation.

8. Private Hire Vehicle Operator Licensing

8.1 As with driver licensing, the objective in licensing private hire vehicle operators is to protect the public, who may be using operators' premises and trusting that the drivers and vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those that are granted a private hire vehicle operator also pose no threat to the public and have no links to serious criminal activity. Although private hire vehicle operators may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the driver licensing regime.

Criminality checks for private hire vehicle operators

8.2 Enhanced DBS and barred list checks are not available for private hire vehicle operator licensing. **Licensing authorities should request a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the 'fit and proper' threshold.

8.3 However, it is important that authorities acknowledge that in many cases individuals that license as a private hire vehicle operator may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking a private hire vehicle operator licence to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately

8.4 Refusal to license an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a private hire vehicle operator licence; this decision must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

8.5 A private hire vehicle operator licence may be applied for by a company or partnership; licensing authorities should apply the 'fit and proper' test to each of the directors or partners in that company or partnership. For this to be effective

private hire vehicle operators should be required to advise the licensing authority of any change in directors or partners.

- 8.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas. Further information on assessing the suitability of those that have spent extended periods in overseas is provided in paragraphs 4.34 - 4.36.

Booking and dispatch staff

- 8.7 Private hire vehicle drivers are not the only direct contact that private hire vehicle users have with private hire vehicle operators' staff, for example a person taking bookings (be it by phone or in person). A vehicle dispatcher decides which driver to send to a user, a position that could be exploited by those seeking to exploit children and vulnerable adults. It is therefore appropriate that all staff that have contact with private hire vehicle users and the dispatching of vehicles should not present an undue risk to the public or the safeguarding of children and vulnerable adults.
- 8.8 Licensing authorities should be satisfied that private hire vehicle operators can demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public. **Licensing authorities should, as a condition of granting an operator licence, require a register of all staff that will take bookings or dispatch vehicles is kept.**
- 8.9 Operators should be required to evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff and to ensure that Basic DBS checks are conducted on any individuals added to the register and that this is compatible with their policy on employing ex-offenders. DBS certificates provided by the individual should be recently issued when viewed, alternatively the operator could use a ['responsible organisation'](#) to request the check on their behalf. When individuals start taking bookings and dispatching vehicles for an operator they should be required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role.
- 8.10 The register should be a 'living document' that maintains records of all those in these roles for the same duration as booking records are required to be kept, this will enable cross-referencing between the two records. A record that the operator has had sight of a basic DBS check certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested and sight of this recorded.
- 8.11 Operators may outsource booking and dispatch functions but they cannot pass on the obligation to protect children and vulnerable adults. Operators should be required to evidence that comparable protections are applied by the company to which they outsource these functions.

8.12 Licensing authorities should also require operators or applicants for a licence to provide their policy on employing ex-offenders in roles that would be on the register as above. As with the threshold to obtaining a private hire vehicle operators' licence, those with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.

Record keeping

8.13 Section 56 of the [Local Government \(Miscellaneous Provisions\) Act 1976](#) requires private hire vehicle operators to keep records of the particulars of every booking invited or accepted, whether it is from the passenger or at the request of another operator. **Licensing authorities should as a minimum require private hire vehicle operators to record the following information for each booking:**

- the name of the passenger;
- the time of the request;
- the pick-up point;
- the destination;
- the name of the driver;
- the driver's licence number;
- the vehicle registration number of the vehicle;
- the name of any individual that responded to the booking request;
- the name of any individual that dispatched the vehicle.

8.14 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 booking records should be retained for a minimum of six months.

8.15 Private hire vehicle operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive on-line guidance on registering as a data controller and how to meet their obligations.

Use of passenger carrying vehicles (PCV) licensed drivers

8.16 PCV licensed drivers are subject to different checks from taxi and private hire vehicle licensed drivers as the work normally undertaken, i.e. driving a bus, does not present the same risk to passengers. Members of the public are entitled to expect when making a booking with a private hire vehicle operator that they will receive a private hire vehicle licensed vehicle and driver. **The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such**

as a minibus to undertake a private hire vehicle booking should not be permitted as a condition of the private hire vehicle operator's licence without the informed consent of the booker.

- 8.17 Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats required or to accommodate luggage, the booker should be informed that a PSV is necessary, and that a PCV licenced driver will be used who is subject to different checks and not required to have an enhanced DBS check.

9. Enforcing the Licensing Regime

9.1 Implementing an effective framework for licensing authorities to ensure that as full a range of information made available to suitably trained decision makers that are supported by well-resourced officials is essential to a well-functioning taxi and private hire vehicle sector. These steps will help prevent the licensing of those that are not deemed 'fit and proper' but does not ensure that those already licensed continue to display the behaviours and standards expected.

Joint authorisation of enforcement officers

9.2 Licensing authorities should, where the need arises, jointly authorise officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area. An agreement between licensing authorities to jointly authorise officers enables the use of enforcement powers regardless of which authority within the agreement the officer is employed by and which issued the licence. This will mitigate the opportunities for drivers to evade regulation. Such an agreement will enable those authorities to take action against vehicles and drivers that are licensed by the other authority when they cross over boundaries. A model for agreeing joint authorisation is contained in the [LGA Councillors' handbook](#).

Setting expectations and monitoring

9.3 Licensing authorities should ensure that drivers are aware of the policies that they must adhere and are properly informed of what is expected of them and the repercussions for failing to do so. Some licensing authorities operate a points-based system, which allows minor breaches to be recorded and considered in context while referring those with persistent or serious breaches to the licensing committee. This has the benefit of consistency in enforcement and makes better use of the licensing committee's time.

9.4 The provision of a clear, simple and well-publicised process for the public to make complaints about drivers and operators will enable authorities to target compliance and enforcement activity (see paragraphs 4.29 - 4.33). This will provide a further source of intelligence when considering the renewal of licences and of any additional training that may be required. It is then for the licensing authority to consider if any intelligence indicates a need to suspend or revoke a licence in the interests of public safety.

Suspension and revocation of driver licences

9.5 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 provides a licensing authority with the ability to suspend or revoke a driver's licence on the following grounds: -

(a) that he has since the grant of the licence—

- (i) been convicted of an offence involving dishonesty, indecency or violence; or
- (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act;
- (aa) that he has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty; or
- (b) any other reasonable cause

9.6 Licensing authorities have the option to suspend or revoke a licence should information be received that causes concern over whether a driver is a fit and proper person. Where the licence holder has been served an immigration penalty or convicted of an immigration offence the licence should be revoked immediately. [Guidance for licensing authorities](#) to prevent illegal working in the taxi and private hire vehicle sector has been issued by the Home Office. As with the initial decision to license a driver, this determination must be reached based on the balance of probabilities, not on the burden of beyond reasonable doubt.

9.7 Before any decision is made, the licensing authority must give full consideration to the available evidence and the driver should be given the opportunity to state his or her case. If a period of suspension is imposed, it cannot be extended or changed to revocation at a later date.

9.8 A decision to revoke a licence does not however prevent the reissuing of a licence should further information be received that alters the balance of probability of a decision previously made. The decision to suspend or revoke was based on the evidence available at the time the determination was made. New evidence may, of course, become available later.

9.9 New evidence may be produced at an appeal hearing that may result in the court reaching a different decision to that reached by the council or an appeal may be settled by agreement between the licensing authority and the driver on terms which, in the light of new evidence, becomes the appropriate course. If, for example, the allegations against a driver were now, on the balance of probability, considered to be unfounded, a suspension could be lifted or, if the licence was revoked, an expedited re-licensing process used.

9.10 A suspension may still be appropriate if it is believed that a minor issue can be addressed through additional training. In this instance the licence would be returned to the driver once the training has been completed without further consideration. This approach is clearly not appropriate where the licensing authority believes that, based on the information available at that time, on the balance of probability it is considered that the driver presents a risk to public safety.

Annex – Assessment of Previous Convictions

Legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence. The following recommendations to licensing authorities on previous convictions reflect this.

Authorities must consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application. Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

Crimes resulting in death

Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

Exploitation

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

Offences involving violence against the person

Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Possession of a weapon

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Sexual offences

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted.

In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.

Dishonesty

Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Drugs

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.

Discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

Drink driving/driving under the influence of drugs

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Using a hand-held device whilst driving

Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

Annex – Disclosure and Barring Service information

Table 1: Information included in criminal record checks

Information included	Type of check			
	Basic check	Standard DBS check	Enhanced DBS check	Enhanced DBS (including barred list) check
Unspent convictions	Yes	Yes	Yes	Yes
Unspent cautions ¹	Yes	Yes	Yes	Yes
Spent convictions ²	No	Yes	Yes	Yes
Spent cautions ^{1 & 2}	No	Yes	Yes	Yes
Additional police Information ³	No	No	Yes	Yes
Barred list(s) Information ⁴	No	No	No	Yes

1. Does not include fixed penalty notices, penalty notices for disorder or any other police or other out-of-court disposals.
2. Spent convictions and cautions that have become protected under the Rehabilitation of Offenders Act 1974 (Exceptions Order) 1975, as amended, are not automatically disclosed on any level of certificate. Further guidance is available [the DBS filtering guide](#).
3. This is any additional information held by the police which a chief police officer reasonably believes to be relevant and considers ought to be disclosed.
4. This is information as to whether the individual concerned is included in the children's or adults' barred lists maintained by the Disclosure and Barring Service (DBS).

Annex – CCTV Guidance

It is important to note that, in most circumstances, a licensing authority which mandates the installation of CCTV systems in taxis and private hire vehicles will be responsible for the data – the data controller. It is important that data controllers fully consider concerns regarding privacy and licensing authorities should consider how systems are configured, should they mandate CCTV (with or without audio recording). For example, vehicles may not be exclusively used for business, also serving as a car for personal use - it should therefore be possible to manually switch the system off (both audio and visual recording) when not being used for hire. Authorities should consider the Information Commissioner's view on this matter that, in most cases, a requirement for continuous operation is unlikely to be fair and lawful processing of personal data.

The Home Office '[Surveillance Camera Code of Practice](#)' advises that government is fully supportive of the use of overt surveillance cameras in a public place whenever that use is:

- in pursuit of a legitimate aim;
- necessary to meet a pressing need;
- proportionate;
- effective, and;
- compliant with any relevant legal obligations

The Code also sets out 12 guiding principles which, as a 'relevant authority' under section 33(5) of the [Protection of Freedoms Act 2012](#), licensing authorities must have regard to. It must be noted that, where a licence is granted subject to CCTV system conditions, the licensing authority assumes the role and responsibility of 'System Operator'. The role requires consideration of all guiding principles in this code. The failure to comply with these principles may be detrimental to the use of CCTV evidence in court as this may be raised within disclosure to the Crown Prosecution Service and may be taken into account.

The Surveillance Camera Commissioner (SCC) has provided guidance on the Surveillance Camera Code of Practice in its '[Passport to Compliance](#)' which provides guidance on the necessary stages when planning, implementing and operating a surveillance camera system to ensure it complies with the code. The Information Commissioner's Office (ICO) has also published a [code of practice](#) which, in this context, focuses on the data governance requirement associated with the use of CCTV such as data retention and disposal, which it is important to follow in order to comply with the data protection principles. The SCC provides a [self-assessment tool](#) to assist operators to ensure compliance with the principles set out in the Surveillance Camera Code of Practice. The SCC also operate a [certification scheme](#); authorities that obtain this accreditation are able to clearly demonstrate that their systems conform to the SCC's best practice and are fully compliant with the Code and increase public confidence that any risks to their privacy have been fully considered and mitigated.

The [Data Protection Act 2018](#) regulates the use of personal data. Part 2 of the Data Protection Act applies to the general processing of personal data, and references and supplements the General Data Protection Regulation. Licensing authorities, as data controllers, must comply with all relevant aspects of data protection law. Particular attention should be paid to the rights of individuals which include the right to be informed, of access

and to erasure. The ICO has provided detailed [guidance](#) on how data controllers can ensure compliance with these.

It is a further requirement of data protection law that before implementing a proposal that is likely to result in a high risk to the rights and freedoms of people, an impact assessment on the protection of personal data shall be carried out. The ICO recommends in [guidance](#) that if there is any doubt as to whether a Data Protection Impact Assessment (DPIA) is required one should be conducted to ensure compliance and encourage best practice. A DPIA will also help to assess properly the anticipated benefits of installing CCTV (to passengers and drivers) and the associated privacy risks; these risks might be mitigated by having appropriate privacy information and signage, secure storage and access controls, retention policies, training for staff how to use the system, etc.

It is essential to ensure that all recordings made are secure and can only be accessed by those with legitimate grounds to do so. This would normally be the police if investigating an alleged crime or the licensing authority if investigating a complaint or data access request. Encryption of the recording to which the licensing authority, acting as the data controller, holds the key, mitigates this issue and protects against theft of the vehicle or device. It is one of the guiding principles of data protection legislation, that personal data (including in this context, CCTV recordings and other potentially sensitive passenger information) is handled securely in a way that 'ensures appropriate security', including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

All passengers must be made fully aware if CCTV is operating in a vehicle. Given that audio recording is considered to be more privacy intrusive, it is even more important that individuals are fully aware and limited only to occasions when passengers (or drivers) consider it necessary. The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button. As well as clear signage in vehicles, information on booking systems should be introduced. This might be text on a website, scripts or automated messages on telephone systems; the Information Commissioner's Office (ICO) has issued guidance on privacy information and the right to be informed on its website.

Annex - Staying Safe: Guidance for Passengers

Licensing authorities should provide guidance to assist passengers in identifying licensed vehicles and the increased risks of using unlicensed vehicles. The guidance might include advice on:

- how to tell if a taxi or private hire vehicle is licensed.

Educate the public in the differences between taxis and private hire vehicles e.g.:

- a taxi can be flagged down or pre-booked.
- a private hire vehicle that has not been pre-booked should not be used as it will not be insured and may not be licensed.
- what a private hire vehicle should look like e.g. colour, signage, licence plates etc.
- the benefit of pre-booking a return vehicle before going out.
- arrange to be picked up from a safe meeting point.
- requesting at the time of booking what the fare is likely to be.

When using a private hire vehicle, passengers should always:

- book with a licensed operator.
- confirm their booking with the driver when s/he arrives.
- note the licence number.
- sit in the back, behind the driver.
- let a third party know details of their journey.

When using a taxi, passengers should where possible:

- use a taxi rank and choose one staffed by taxi marshals if available.

Taxi and Private Hire vehicle chargepoint recommendations for Maidstone Borough Council

Background

Maidstone Borough Council (MBC) are considering introducing new taxi and private hire licensing measures to accelerate the number of electric vehicles (EVs) in their fleet. As part of this, Energy Saving Trust (EST) has been asked to provide recommendations on the charging provision required to satisfy demand from EVs in the taxi and private hire industry.¹

MBC will use this information to guide their approach to providing chargepoint infrastructure and developing their wider chargepoint strategy.

In this report, Energy Saving Trust offers recommendations on the quantity and speed (kW) of chargepoints for taxis and private hire vehicles required, based on the council's proposed policy.

MBC propose that all new vehicles licensed from 2021 will be:

- **Private Hire:** Battery Electric Vehicle (BEV)
- **Hackney Carriage:** Battery Electric Vehicle (BEV) or Range Extender Electric Vehicle (E-REV or REEV).

As requested by MBC, recommendations are given for the years: 2021, 2025, 2027, 2030. A maximum demand scenario where every licensed vehicle in the fleet is either a battery electric or range-extender EV is also calculated.

Approach

Energy Saving Trust's own chargepoint calculator was used to work out the charging infrastructure requirements of Maidstone's taxi and private hire fleet. The calculation considers a variety of inputs, such as: daily mileage, average charge time and percentage of drivers with off-street parking. Many of these variables were obtained through a survey sent out to drivers licensed with Maidstone. The survey opened 20th January 2020 and closed on 2nd March 2020, it received 59 responses out of 236 potential drivers (25%). Where inputs could not be gained from the survey, appropriate assumptions were made (Table 3 in Appendix).

A vital input to the calculation is the number of EVs on fleet over time. Based on a potential policy start date of 2021, the number of vehicles coming off fleet (no longer being licensed) each year was calculated by the ages of the vehicle (below). The model assumes an existing petrol or diesel vehicle is replaced by an EV only when it reaches its maximum age limit.

¹ This project was funded by the Department for Transport in 2019/20. For more information or similar advice, please contact transportadvice@est.org.uk.

Table 1 The distribution of licenced vehicles by age in 2020 (i.e. 6 hackney carriages were first registered one year ago, 5 two years ago)

Forecast scenarios	Hackney carriage					Private hire					Total				
	<1	1	2	3	4	5	6	7	8	9	10	12	13	14	Licensed
Hackney Carriages															
MPV		3	2	7	1	1			1						15
Saloon			2	1	3	5	1	4	4	7	4	5	1	3	40
Taxicab	1	3	1												5
Total	1	6	5	8	4	6	1	4	5	7	4	5	1	3	60
Private hire vehicles															
Estate	6	7	5	10	7	3	4			1					43
Hatchback	1	3	10	14	7	2	4								41
MPV	5	12	17	12	10	8	4								68
Saloon	1	4	4	7	3	4	1								24
Total	13	26	36	43	27	17	13			1					176
All body types total	14	32	41	51	31	23	14	4	5	8	4	5	1	3	236

Due to lack of like-for-like electric alternatives in the current market, two calculations for each year were done. One calculation excludes Multi-Purpose Vehicles (MPVs) and estate vehicles, the other calculation includes them. Lack of EV availability will be taken into consideration during the licencing changes and allowances will be made for drivers of these vehicle types. The number of vehicles included in the calculation can be found in the results section, **Error!** Reference source not found..

Results

The results of the chargepoint calculation are displayed below. Due to the nature of taxi and private hire drivers' shift patterns, only rapid 50 kW chargepoints are recommended.

Taxi drivers tend to only stop for short periods of time mid-shift, requiring a quicker rate of charge. All popular models of BEV can accept this rate of charge (50kW), as well as the [LEVC TX](#) – an increasingly popular choice for hackney carriage drivers. If MBC considers licensing new Plug-in Hybrid Electric Vehicles (PHEV) after 2021, slower chargepoints (3-7 kW) would need to be considered as these vehicles have a lower maximum charging rate.

The number of EVs expected to be licensed by MBC is based on the assumption and policy scenario that a petrol or diesel vehicle is replaced by a BEV or E-REV when it reaches the age limit.

Table 2 Number of rapid chargepoints recommended for taxi and private hire vehicles in MBC over time where all newly licenced vehicles are EVs.

		Number of EVs	Chargepoints (cumulative)	Number of EVs	Chargepoints (cumulative)	Number of EVs	Chargepoints (cumulative)
2021	Excl. MPVs & Estates	3	1	5	1	8	2
	All EV	3	1	13	2	16	3
2025	Excl. MPVs & Estates	20	3	56	6	76	9
	All EV	20	3	136	13	156	16
2027	Excl. MPVs & Estates	28	4	65	7	93	11
	All EV	29	4	175	17	204	21
2030	Excl. MPVs & Estates	37	5	65	7	102	12
	All EV	40	6	175	17	215	23
Whole fleet EV		60	8	176	17	236	25

As per **Error! Reference source not found.**, excluding MPVs and estates: two 50kW chargepoints are recommended by 2021 to cater for the eight EVs expected to be operating. By 2025, nine chargepoints in total are recommended to meet the charging needs of 76 vehicles, rising to 12 chargepoints for 102 vehicles by 2030. Including MPVs and estates: three 50kW chargepoints are recommended by 2021 to cater for 16 vehicles. By 2025, 16 chargepoints are recommended for 156 vehicles, rising to 23 chargepoints for 215 vehicles by 2030. Similar assumptions were made for MPVs / estates as for saloon, taxicab and hatchback bodies. In reality, electric range would differ between these body types, but until EV alternatives come onto the market this cannot be accurately assessed.

A calculation of the whole fleet is also provided - 60 hackney carriage vehicles and 176 private hire vehicles - to demonstrate what charging infrastructure would be required if every single driver in the fleet made the switch to EV.

Points for consideration

Dedicated chargepoints for taxi and private hire vehicles

The figures shown in **Error! Reference source not found.** highlight the number of chargepoints needed to satisfy demand from the taxi and private hire industry, based on the proposed policy scenario. The recommendations assume that these rapid chargepoints are dedicated to taxi and private hire vehicles. Whether this is the case in practice is a decision for the council to take.

Number of licensed EVs

The forecasted figures of EVs for specific years has been assessed by working out when currently licensed vehicles will reach their age limit, and then be replaced by EVs, as per the proposed policy.

Three considerations must be taken when using this approach. Firstly, it does not account for MBC increasing or decreasing the number of new vehicles it licenses year on year. If the overall number of vehicles were to change significantly, the number of chargepoints required would change. Secondly, it does not account for MBC changing the age limit of the fleet. The current age limits are set at 6 years for **private hire** and 15 years for **hackney carriage**. Reducing the age limits would result in more EVs coming on fleet sooner, increasing the number of chargepoints needed. Thirdly, it does not account for drivers or operators choosing to change their vehicles to electric sooner than required by the proposed licensing policy.

EV model availability

Table 3 in the appendix shows that the split for hackney carriage vehicles is set as 100% E-REV in 2021 and 50% E-REV 50% BEV thereafter.

This is due to the availability of EV models for ultra-low emission hackney carriages. The LEVC is a popular model of E-REV for hackney carriages and readily available. Currently however, there is only one wheelchair accessible BEV on the market which is appropriate for use by taxi drivers - the Dynamo taxi. This model was released recently in October 2019, meaning there will be a longer than usual lead time when placing an order. As a result, the forecasted split is expected to even out by 2025 when it becomes easier to obtain the Dynamo, and BEV models from other manufacturers may be available. Beyond 2025 the split has been kept at 50/50. It is difficult to predict how the market may change beyond this as cheaper, second hand LEVCs may be a more attractive option to taxi drivers than a new Dynamo.

Access to private home charging

The results from a survey of Maidstone taxi and private hire drivers (in spring 2020) showed that the majority of drivers had off-street parking (62.7%, Figure 1). This would enable these drivers to install their own private home chargepoint, enabling them to start their day with a full charge.

The chargepoint model has accounted for this by reducing the demand for electricity from those drivers. Around 60% of these drivers could start the day on a full charge, reducing the miles (electricity) needed from public charging infrastructure. The other 40% would have to rely on public charging alone.

Providing some form of on-street charging infrastructure would help to reduce the demand on the rapid chargepoints, as the other 40% of drivers would be able to charge on-street overnight.

Figure 1 Responses to the question 'Where is your vehicle kept overnight?'

An EV charging strategy and chargepoint procurement

These recommendations for taxi and private hire vehicles should support a wider EV & chargepoint strategy. It would be helpful to review current or planned chargepoint infrastructure in Maidstone and assess whether these chargepoints could be suitable for the taxi

Variable			Explanation
% Plug-in hybrid vehicle (PHEV)	Hackney carriage	2021: 100%	LEVC TX, an E-REV, is the most readily available and feasible option for ultra-low emission hackney carriages, as of spring 2019.

/ private hire industry, based on their speed, location etc.

The recommendations do not necessarily suggest the council must fully fund and install these itself; chargepoint operators and other private sector organisations may be willing to provide chargepoint infrastructure or agree a concession contract with the council. Naturally, the willingness of chargepoint operators to do this is dependent upon commercial viability of the locations selected, expected demand and contractual terms.

Once chargepoints are installed, whether for general use or dedicated to licensed vehicles, the following aspects should be monitored (i.e. via data sharing between the chargepoint operator and the council):

- how chargepoints are being used (popularity, charging session length, kW discharged, number of unique users, peak times)
- end user experience (reliability, blocking by petrol or diesel vehicles)

Higher powered installations

Higher speeds of chargepoint than 50 kW are available, however, they have been omitted from these calculations. Not all vehicles can accept charging speeds above 50kW and in the current market, many of the compatible vehicles that can accept these charging speeds are outside the budget for most taxi or private hire drivers. Additionally, high powered chargepoints (100kW+) are significantly more expensive to install and operate than rapid chargepoints (50kW). At the current time, it is generally considered better from a local authority perspective to leave these types of installations to the private sector, unless significant funding can be sourced. We recommend that the cost of these installations is reviewed every few years as it may become feasible.

Summary

It is recommended that MBC ensures there are two rapid chargepoints for the taxi and private hire industry by 2021. Installations should then continue in order to provide nine rapid chargepoints in total across MBC by 2025, and 12 by 2030. MBC should monitor uptake of EVs year on year and increase the rate of installations if appropriate.

MBC should also monitor the EV market, particularly for estate vehicles and MPVs. Once appropriate models become available and the licensing policy is reviewed, the number of EVs licensed with MBC will significantly increase. For each year in **Error! Reference source not found.**, a higher scenario of recommended number of chargepoints has been provided, to show how many should be installed if this happens.

Appendix

Table 3 Variables included in chargepoint calculation

		2025: 50%	It is expected the Dynamo taxi (BEV) will be more readily available on the market by 2025.
	Private hire	0%	MBC's licensing policy will only allow private hire drivers to licence BEVs.
% who can't charge at home	40%		From survey results, based on 59 responses in spring 2020. This is slightly higher than the national average, but within expected ranges.
EV range	Hackney carriage	160 miles	Based on Dynamo taxi
	Private hire	180 miles	Based on Nissan Leaf and Hyundai IONIQ
REEV electric range	Hackney carriage	80	LEVC TX electric range
	Private hire	n/a	
Daily mileage	250 miles		90 th percentile of daily mileages, from survey results.
kWh / mile	Private hire	0.3	Based on Leaf and Hyundai IONIQ
	Hackney carriage	0.33	Dynamo taxi
Duration of charge	45 minutes		Time a driver is willing and able to spend recharging. This can be split between multiple charging events during the day. Some will start the day with a full charge from their private chargepoint at home or the depot.
Hours covered	9 hours		Peak usage of chargepoint throughout the day, estimated approximately 9am – 6pm

Licensing Committee

19th November 2020

Statement of Licensing Policy 2021-2026

Final Decision-Maker	Licensing Committee
Lead Head of Service	John Littlemore, Head of Housing and Community Services
Lead Officer and Report Author	Lorraine Neale
Classification	Non-exempt
Wards affected	All

Executive Summary

The report asks Members to agree the Council's Draft Statement of Licensing Policy for the five year period 7 January 2021 to 6 January 2026 giving consideration to any consultation responses that may have been received.

Purpose of Report

The Council's current policy is valid until 6 January 2021. The Licensing Act 2003 requires the Council to publish a Statement of Licensing Policy which sets out the framework that the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act.

This report makes the following recommendations to this Committee:

1. That Licensing Committee recommend to full Council the approval of the Statement of Licensing Policy at Appendix 1

Timetable

Meeting	Date
Licensing Committee	19 th November 2020
Council	9 th December 2020

Statement of Licensing Policy 2021-2026

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	Senior Licensing Officer
Cross Cutting Objectives	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	Senior Licensing Officer
Risk Management	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	Senior Licensing Officer
Financial	<ul style="list-style-type: none"> <i>No implications have been identified.</i> 	Senior Licensing Officer
Staffing	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	Senior Licensing Officer
Legal	<ul style="list-style-type: none"> <i>Section 5(1)(a)(b) of the Act requires each Licensing Authority to determine and publish a Licensing Policy Statement and review on an ongoing basis, within a five year period. Adoption of the Policy Statement is a Council function which cannot be delegated to a Committee or Sub-Committee.</i> 	Robin Harris
Privacy and Data Protection	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	Senior Licensing Officer
Equalities	<ul style="list-style-type: none"> <i>The consultation process was completed in line with the legislative requirements and provision made for any persons to provide comments on the policy in any format that they wish.</i> 	Senior Licensing Officer
Public Health	<ul style="list-style-type: none"> <i>An effective and fit for purpose Licensing Policy helps to ensure that residents within the district and those visiting are safe and reduces the risk of health implications in relation to premises which require a license.</i> 	Paul Clarke
Crime and Disorder	<ul style="list-style-type: none"> <i>It is noted that the Licensing of premises plays a key role in ensuring that any crime and disorder can be managed appropriately and ensures that a robust process is in place to enable the management of this. This</i> 	Senior Licensing Officer

	<i>policy seeks to ensure that this process can happen effectively.</i>	
Procurement	<ul style="list-style-type: none"> <i>No implications have been identified.</i> 	Senior Licensing Officer

2. INTRODUCTION AND BACKGROUND

- 2.1 The Licensing Act 2003 (the Act) requires the Council, in its role as a licensing authority, to draft, consult on and publish a statement of licensing policy at least every five years.
- 2.2 The Council's current Policy is in force until 6 January 2021 and the new Policy must be agreed and in place by 7 January 2021 in order to continue to process applications covered by the Licensing Act 2003.
- 2.3 This Policy Statement if agreed will be presented to Full Council on the 9 December 2020 for approval, and will take effect from 7, January 2021 remaining in force for a period of five years. It can be subject to regular review by the Council.
- 2.4 Although largely unchanged, the policy has been updated to ensure it is relevant to Maidstone in 2021 and beyond. The content of the Policy follows the statutory guidance set out by the Secretary of State and is supported with local content which is appropriate and relevant for each authority.
- 2.5 The draft 'Statement of Licensing Policy' is detailed in full at Appendix 1. The consultation draft document was before members at Licensing Committee on 17 September 2020. Before determining its policy the Act places a duty on the Authority to consult with prescribed persons. This consultation has taken place. There were no responses to the consultation and as a result the policy does not require amendments.

3. AVAILABLE OPTIONS

- 3.1 There are no available options to the Council – Section 5 of the Licensing Act 2003 requires a licensing authority to prepare and publish a statement of its licensing policy for publication at least every five years. The current policy is due to expire on 6 January 2021.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 Section 5 of the Licensing Act 2003 requires a licensing authority to prepare and publish a statement of its licensing policy for publication at least every five years. This enables the Licensing Authority to have a secure foundation on which to determine applications in a way that

clearly promotes the licensing objectives. Members are asked to recommend to full Council the approval of the Statement of Licensing Policy

5. RISK

- 5.1 Failure to adopt and or review a Statement of Licensing Policy would create a risk by exposing the Council to a legal and financial liability brought about by the Council's inability to discharge its functions under the Licensing Act 2003.
-

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 The consultation ran for 6 weeks from 28 September 2020 to 9 November 2020, no comments have been received. Committee feedback from the meeting of 17 September 2020 were incorporated into the document before consultation commenced.
-

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 If the Policy is approved by Members this Statement will be presented to Full Council on 9 December 2020 for adoption taking effect from 7 January 2021. The minutes of the meeting will be placed on the Council's website.
-

8. REPORT APPENDICES

1. Draft Statement of Licensing Policy 2021-2026
-

9. BACKGROUND PAPERS

Licensing Act 2003 -

<https://www.legislation.gov.uk/ukpga/2003/17/contents>

S.182 Guidance issued to Licensing Authorities -

<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

Current Statement of Licensing Policy 2015

STATEMENT OF LICENSING POLICY

DRAFT

6th January 2021 until 5th January 2026

Licensing Act 2003

ALL applications will be considered on their merits, as well as against the relevant policy and statutory framework

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STATEMENT OF LICENSING POLICY

INTRODUCTION

Maidstone Borough Council is a member of a Licensing Partnership which includes Sevenoaks District Council Tunbridge Wells Borough Council and the London Borough of Bexley. However this policy relates solely to Maidstone Borough Council and its area.

This is the Statement of Licensing Policy as determined by the Council in respect of its licensing functions under the Licensing Act 2003. This document sets out the position and view of the Licensing Authority in respect of matters in connection with the discharge of its licensing function.

This Statement of Licensing Policy commences on 6 January 2021 and continues for a five year period. During the five year period the Policy will be kept under review and the authority will make such revisions to it at such times as it considers appropriate. Further licensing statements will be published every five years thereafter or earlier as necessary.

All references to the 'Guidance' refer to the latest version of the Home Office Guidance to Licensing Authorities issued under section 182 of the Licensing Act 2003.

The 2003 Act requires the Council to carry out its various licensing functions with a view to promoting the following four licensing objectives:

- **the prevention of crime and disorder;**
- **public safety;**
- **the prevention of public nuisance;**
- **the protection of children from harm.**

The aims of this Statement of Licensing Policy, in line with the four licensing objectives, are to:

- help build a fair and prosperous society that properly balances the rights of people and their communities with the needs of business.
- minimise any nuisance or disturbance to the public through the licensing process;
- integrate its aims and objectives with other initiatives, policies and strategies that will:
 - (1) reduce crime and disorder;
 - (2) encourage tourism;
 - (3) encourage an early evening and night time economy which is viable, sustainable and socially responsible;
 - (4) reduce alcohol misuse;
 - (5) encourage employment;
 - (6) encourage the self sufficiency of local communities;

- (7) reduce the burden of unnecessary regulation on business;
- (8) encourage and promote live music, dancing and theatre for the wider cultural benefit of communities generally.

The Council will endeavour to work with other Local Authorities to ensure that a consistent approach is taken in licensing matters, whilst respecting the differing needs of individual communities throughout the local authority area.

In the preparation of this policy the Licensing Authority will have given proper regard to the local strategies on crime prevention, planning, transport, culture, tourism and economic development to ensure proper coordination and integration of the aims and actions of these policies.

The Licensing Act is part of a wider Government strategy to tackle crime, disorder and anti-social behaviour and reduce alcohol harm. The Licensing Authority will continue to develop strategies with the police, and the other enforcement agencies, as appropriate, for the management of the night-time economy. Central to this is the enforcement of the law relating to the sales of alcohol to drunk and underage people and drunkenness or disorder on, or in the immediate vicinity of licensed premises.

This policy covers a wide variety of premises and activities carried on within them. For this reason, this policy cannot detail all the factors that influence the achievement of the licensing objectives nor can this policy detail all the control measures that may be appropriate. However, there will be zero tolerance of dealing in or using controlled drugs (as defined by the Misuse of Drugs Act 1971) on licensed premises.

Highly Contagious Communicable Diseases

The impact of Covid-19 has been unprecedented across many areas of work, with licensed premises specifically impacted by a long period of Central Government led lockdown. As a Licensing Authority, we have had to respond to the pandemic and have implemented changes such as virtual licensing hearings, implementing short term changes to procedures to enable social distancing and considering the policy implications for Maidstone Borough Council. At the time of reviewing this document, the Government announced plans to re-open pubs, clubs and other licensed premises with additional social distancing guidance to be published. We are committed to supporting local licensed premises to re-open safely and with new requirements in place. Whilst, we cannot specify the requirements that may be needed – and we recognise that the response to highly contagious communicable diseases changes regularly, it is our intention to ensure that we fully comply as a Licensing Authority with any new regimes and requirements. Licensed premises/holders will also be required to comply fully with any new regulations or requirements placed upon them at a national level. We encourage all licensed premises to talk to the Licensing Authority, Police and other relevant Responsible Authorities at the earliest opportunity if they are uncertain regarding any compliance with any conditions or they wish to seek a temporary and/or informal relaxation of conditions.

We recognise that policy frameworks change, new or emerging issues arise at both a local and national level which may need to be taken into account when applying this Licensing Policy. We may therefore, from time to time, make new applicants

and existing licence holders/operators aware of these changes so that they can ensure they meet any future challenges.

1 CONSULTATION

1.1 The Statement of Licensing Policy will be kept under review and where any significant amendments are considered necessary these will only be made after consultations have taken place in accordance with Section 5 of the Act. Amendments required due to a change in legislation that do not impact on the aims and objectives of the Policy or the promotion of the Licensing Objectives will be made with the approval of the Licensing Manager in order for the policy to remain legislatively current.

1.2 Proper weight, in accordance with the Guidance, has been given to the views of all those consulted. Those consulted in the preparation of this Policy included:

- the Chief Officer of Police for Kent
- the fire and rescue authority for Kent
- the Director of Public Health for all areas within Maidstone Borough
- persons/bodies representative of local premises licence holders
- persons/bodies representative of club premises certificate holders
- persons/bodies representative of local personal licence holders; and
- persons/bodies representative of businesses and residents in the MB area

1.3 In accordance with the guidance the following persons have also been consulted on this revised statement:

- Kent Police Licensing Team
- the Superintendent of Police for Maidstone Borough Council area
- all Council members
- all parish councils
- all bordering local authorities
- all other responsible authorities under the Licensing Act 2003
- members of the public who requested to be consulted and have responded previously.
- British Beer & Pub Association

THE POLICY

2. BACKGROUND

2.1 When administering licensing matters the council as the Licensing Authority will promote of the four Licensing Objectives set out in section 4 of Part 2 of the Licensing Act 2003.

The four licensing objectives are the:

- ***Prevention of Crime and Disorder***
- ***Prevention of Public Nuisance***
- ***Public Safety***
- ***Protection of Children from Harm***

The Licensing Authority gives equal weight to each of these objectives.

2.2 The 2003 Act requires Licensing Authorities to publish a 'Statement of Licensing Policy' (the Policy) that sets out the approach the Licensing Authority will take when administering applications and other processes under the Licensing Act 2003 to ensure the promotion of the licensing objectives.

2.3 This Statement of Licensing Policy has been prepared in accordance with the provisions of the 2003 Act having regard to the amended guidance issued under section 182 of the Act the Police Reform and Social Responsibility Act 2012 and the Live Music Act 2012.

2.4 Maidstone Borough Council is the Licensing Authority pursuant to the Licensing Act 2003 (the Act) and is responsible for considering a range of licence applications and variations to licences for a number of activities detailed below. The purpose of licensing is to regulate the carrying on of licensable activities on licensed premises, at qualifying clubs and under temporary event notices,(TENs). The activities as defined by the Act are:

- Sale by retail of alcohol
- supply of alcohol (club)
- The provision of regulated entertainment which includes:
 - the performance of a play
 - an exhibition of a film
 - an indoor sporting event
 - boxing or wrestling entertainment
 - a performance of live music
 - playing of recorded music
 - performance of dance
 - entertainment of a similar description to the above 3.
(where they take place in the presence of an audience for the purpose of entertaining them)
- Provision of late night refreshment

It should be noted that following the introduction of the Live Music Act 2012, a licence is not required to stage a performance of live music, or the playing of recorded music if:

- it takes place between 8AM and 11PM; and
- it takes place at an alcohol on-licensed premises; and
- the audience is no more than 500 people

You also don't need a licence:

- to put on unamplified live music at any place between the same hours; or
- to put on amplified live music at a workplace between the same hours and provided the audience is no more than 500 people.

2.6 The types of premises likely to be included within the licensing regime include:

- Pubs and night clubs
- Off licences (includes supermarkets/shops selling alcohol)
- Restaurants serving alcohol
- Restaurants serving hot food and drink after 11pm
- Private members clubs/social clubs
- Hotels/guest houses selling alcohol
- Cinemas/theatres
- Community premises and village halls
- Providers of temporary events involving licensable activities

and any other premises at which licensable activities are to be provided.

2.7 The Policy will apply across a range of applications which include the following:

- New Premises Licences and Club Premises Certificates
- Variations to Premises Licences and Club Premises Certificates
- Provisional Statements for proposed premises yet to be built
- Transfer of Premises Licences
- Disapplication of mandatory condition in respect of alcohol sales at village halls and community premises
- Variations of licences to change the Designated Premises Supervisor
- Reviews of Premises Licences and Club Premises Certificates
- Personal Licences
- Temporary Events Notices

2.8 The Licensing Authority also regulates other activities at licensed premises which include sexual entertainment events and gambling

3. LICENSING AUTHORITY GENERAL POLICY CONSIDERATIONS

- 3.1 The Licensing Authority encourages the development of premises which are not alcohol-led and which are aimed at different sectors of the population, including all ages and genders. Premises that promote the arts, a food offer, or other cultural activities are particularly encouraged.
- 3.2 Where premises such as pubs are alcohol-based, they are encouraged to consider diversifying their provisions so as to encourage a mixed customer-base and wider attractions, including community uses, soft refreshments, snacks and live entertainment. Diversification is important in the promotion of the licensing objectives as well as ensuring a sustainable economic future for premises.
- 3.3 The Licensing Authority recognises the need to promote and encourage live and recorded music, dancing, theatre and other forms of entertainment for the wider cultural benefit of communities generally. The potential for limited disturbance in neighbourhoods will be carefully balanced with the wider benefits.
- 3.4 The Licensing Authority offers a pre-application advice service. This advisory service is chargeable. The advice is a bespoke service for licensing applications. The aim is to help applicants and respond to challenges that may arise during the process. However advice given cannot pre-determine the outcome of any licensing application, particularly if representations are received and brought before the Licensing Sub-Committee.. The Licensing Authority expects that applicants will have in advance researched and understood the relevant Law in relation to their application and their particular business plans as well as this Policy. It is not for licensing officers to determine the business needs and capabilities of an applicant but advice can be offered in relation to the licensing objectives. In addition guidance notes are available on the licensing pages of Council's website – www.maidstone.gov.uk/business/licensing-and-permits and at <http://www.maidstone.gov.uk/business/environmental-health/health-and-safety/event-planning>
- 3.5 Licensing officers will also provide advice to other parties on the licensing process where needed in relation to objecting to or supporting applications that may affect them. However, MBC cannot provide legal advice to applicants or other parties.
- 3.6 *Supermarkets and other 'off' licensed premises selling alcohol.* The Licensing Authority will generally consider licensing shops, stores and supermarkets to sell alcohol for consumption off the premises throughout their opening times. However where there are reasons for restricting or amending hours, for example, where premises become the focus of disorder and disturbance, such restrictions or amendments will be considered where relevant representations have been made.
- 3.7 All 'off' licensed premises must comply with the Licensing Act 2003 Mandatory Conditions Order in relation to age related sales. The Licensing Authority also expects such premises to consider any appropriate and proportionate additional measures to prevent and deter proxy sales on behalf of under 18's.
- 3.8 Licensees should also carefully consider alcohol sales to customers who have or appear to have alcohol related health issues, and whether those customers already appear under the influence of alcohol when attempting to make purchases.

- 3.9 The Licensing Authority expects adequate checks to be made and all reasonable steps taken to ensure alcohol delivered by way of online shopping services (as provided by most large supermarket chains) is not delivered to minors to prevent a risk of underage consumption. Therefore the authority requests as part of the application the Operating Schedule should include the procedures the applicant is intending to operate to ensure the following:
- The person they are selling alcohol to is over the age of 18
 - That alcohol is only delivered to a person over the age of 18
 - That a clear document trail of the order process from order, despatch from the licensed premises and delivery to the customer is maintained (with times and signatures) and available for inspection by an authorised officer.
 - The time that alcohol is sold on the website/over the phone at the time the alcohol is delivered is within the hours stated on the licence for the sale of alcohol.
- 3.10 Where self-pay till points are made available in stores selling alcohol, provision must be considered for alcohol sales to be identified and approved prior to completion of the purchase.
- 3.11 *Designated Premises Supervisor (DPS) at alcohol licensed premises.* Whilst this role has a limited definition under the Licensing Act 2003, it is expected that this person nominated on a licence will normally have overall responsibility for the day to day management and control of the licensed premises and in particular be responsible for the safe receipt, storage and sale of alcohol.
- 3.12 The Licensing Authority would normally expect the DPS to be onsite at the licensed premises for the majority of time when alcohol is being sold subject to working hours' legislation and absence for sickness and holidays. The Licensing Authority expects the DPS to provide training to staff in relation to alcohol sales and to authorise the employees the DPS considers competent to sell alcohol on their behalf in writing.
- 3.13 The Licensing Authority expects that a DPS should usually have responsibility for only one licensed premises at a time to ensure good management of the premises and the licensable activities. Where the same person is a nominated DPS on more than one premises licence and representations are made, the Licensing Authority will wish to satisfy itself that the premises in question can properly be managed by that person whilst responsibly promoting the licensing objectives.
- 3.14 *Film Exhibitions*¹⁴, the licensing authority expects licence holders or clubs to include in their operating schedules arrangements for restricting children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or the licensing authority itself.
- 3.15 *Live Music.* It is acknowledged the implementation of the Live Music Act in 2012 has resulted in a lighter touch regulation of live music up to 11pm on alcohol licensed premises, and this is seen as a positive approach for premises wishing to provide live music. However, the Licensing Authority does not see this as an opportunity for licensees to provide live music events that cause nuisance and disturbance to local residents or businesses.
- 3.16 The Licensing Authority expects that where unregulated live music is proposed at licensed premises, all due care and consideration is taken to prevent disturbance. The

council will consider using its powers under the Environmental Protection Act 1990 to prevent and control public nuisance caused by poorly managed live music at licensed premises.

- 3.17 *Deregulated Entertainment.* Where the further deregulation of schedule 1 of the Licensing Act has reduced the regulatory controls on some regulated entertainment activities, the Licensing Authority will expect licensees to ensure that no nuisance or disturbance is caused to local residents and businesses when providing the deregulated activities. The Licensing Authority will consider using alternative powers as per para 3.15.
- 3.18 *Late Night Levy (LNL).* Whilst it is acknowledged that the provisions for implementing a late night levy arise from the Police Reform and Social Responsibility Act 2011, any levy will potentially have a direct impact on all licensed premises within the Borough. The Licensing Authority has considered the options around the imposition of a LNL and has no plans at the time of drafting this policy to consider an imposition of the levy. Should evidence arise to support implementing a levy the statutory consultation process will be followed and the authority will use its discretion very carefully in relation to design and impact of a levy.
- 3.19 In advance of any decision to implement a LNL, this authority will enter into discussions with the Police with a view to agreeing the allocation of the Police share of the levy to support the policing of the night time economy within this Borough .
- 3.20 *Early Morning Alcohol Restriction Order (EMARO).* The Licensing Authority has considered the options around the imposition of an early morning alcohol restriction order and has no plans at the time of developing this policy to consider such an Order. There is currently evidence of low levels of alcohol related crime and disorder, nuisance and anti-social behaviour within the Borough which is decreasing. Should evidence arise to support implementing an EMARO, the statutory consultation process will be followed and the matter referred to the Full Council for determination.
- 3.21 *Licensing and planning permission.* The use of a licensed premises or place may be subject to planning controls. This is a separate regulatory regime outside the scope of the Licensing Act 2003. The Licensing Authority recognises that there is no legal basis for refusing a licence application in the absence of any planning permission for the business to which the licence application relates. However, all applicants should be in possession of the necessary planning authorisation for their activities or planning enforcement may be considered.
- 3.22 *Need for licensed premises and Cumulative Impact.* ‘Need’ concerns the commercial demand for particular licensed premises such as a pub, club or hotel. This is a ‘market forces’ matter and is not of concern to the Licensing Authority. ‘Cumulative Impact’ means the potential impact on the promotion of the licensing objectives by a significant or excessive number of licensed premises concentrated in one locality. This is a matter for consideration by the Licensing Authority.
- 3.23 The Licensing Authority acknowledges that a concentration of some types of licensed premises in a locality can result in increased footfall, congregation of the public in the streets and potential for increased crime and disorder, litter and anti-social behaviour, as well as noise nuisance to local residents. This would be a result of the presence of the number of premises and not attributable to individual businesses. The licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore,

beyond the direct control of the individual, club or business holding the licence, certificate or authorisation

- 3.24 The Licensing Authority, having regard to the evidence available, considers that currently there is no particular part of the Borough where there is a negative cumulative impact of licensed premises on any of the licensing objectives. If residents or a Responsible Authority (in particular the Police) provide relevant evidence through a representation in the future that supports the imposition of a Policy that restricts the number of new and/or later opening premises, this will be considered and consulted on.
- 3.25 The absence of an existing cumulative impact or saturation policy does not, however, prevent any responsible authority or other person making representations on a new application for the grant of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. The Licensing Authority will also take into account the effect on resources, including police resources, to cope with any influx of visitors to an area, particularly late at night.

4. RESPONSIBLE AUTHORITIES AND OTHER PERSONS

- 4.1 Responsible authorities are public bodies that are statutory consultees that must be notified of applications by the applicant. The full list and contact details can be found at Appendix A and are contained on the Maidstone Borough Council web-site at Responsible Authorities.
- 4.2 When dealing with applications and variations for licences and reviews of premises licences, the Licensing Authority is obliged to consider representations from two categories of persons, referred to as 'Responsible Authorities' and 'Other Persons'. This allows for a broad range of persons to comment both for and against applications for premises licences and club premises certificates and for reviews.
- 4.3 The Licensing Authority may only consider representations that are relevant to the promotion of the licensing objectives.
- 4.4 The Licensing Authority will take care to ensure that concerns raised by Responsible Authorities in relation to their own legislative functions are not taken into account if they are not relevant to the application for a premises licence under the Act, or the promotion of the licensing objectives. It would expect those authorities to use their powers and duties within their statutory roles to control such matters. Any representation made by a Responsible Authority that relates to the promotion of the licensing objectives will be accepted.
- 4.5 The Licensing Authority must give the appropriate amount of weight to representations made by the Police on crime and disorder matters. The Police are the Licensing Authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. The Licensing Authority will accept all reasonable and proportionate representations made by the Police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives.
- 4.6 Where an 'Other Person or Persons' request to be represented when seeking to make a representation, the Licensing Authority will require written evidence from the person/s being represented that they have authorised a third party to speak or write on their behalf.

- 4.7 The Licensing Authority will examine closely all representations to ensure that they are not frivolous, repetitive or vexatious. Matters that this authority will look at are likely to include:
- whether there is a history of making representations that are not relevant or which have been previously considered vexatious or frivolous and are intended to cause aggravation or annoyance
 - whether the representation raises a 'relevant' issue
 - whether the representation raises issues specifically to do with the premises and/or the licensable activities that are the subject of the application.
- 4.8 The above considerations are not exhaustive, and the Licensing Authority will have regard to anything a person making a representation, or persons representing them, say about his or her status to make representations. Nothing in this Policy should be taken to undermine the right of any person to make a representation on an application or to seek a review of a licence where provision to do so exists.
- 4.9 The Health Authority is now included on the list of Responsible Authorities. It is acknowledged that they may be useful in providing evidence of alcohol related crime and disorder or public nuisance etc. that are directly linked to premises or a cluster of premises. It may also be able to provide relevant information on alcohol related admissions that relate to specific licensed premises.
- 4.10 *The Licensing Authority as a Responsible Authority.* The Licensing Authority has carefully considered its role as a Responsible Authority under the Act. It will achieve a separation of responsibilities through procedures and approved delegations within the authority to ensure procedural fairness and eliminate conflicts of interest. A separation is achieved by allocating distinct functions (i.e. those of Licensing Authority and Responsible Authority) to different officers within the licensing team.
- 4.11 The Licensing Authority does not expect to act as a Responsible Authority on behalf of third parties but accepts that there may be rare circumstances where this approach may be required. An example may be where matters arise at premises of which the licensing authority is aware of the negative impact on the promotion of the licensing objectives and residents, and other third parties have failed to take action by either requesting a review or making representation.

5. EXCHANGE OF INFORMATION

- 5.1 The Licensing Authority will act in accordance with the provisions of the Licensing Act 2003, the General Data Protection Regulation (GDPR), and the Data Protection Act 2018 in its exchange of information. Where a protocol is established to set out the mechanism for exchange of information with other regulatory bodies, any such protocol will be made publicly available.

6. HUMAN RIGHTS AND EQUAL OPPORTUNITIES

- 6.1 The Human Rights Act 1998 makes it unlawful for a local authority to act in a way which is incompatible with the European Convention on Human Rights. In making decisions and determining appropriate action the council will have due regard to the Convention. The Licensing Authority will interpret the LA2003 in a manner consistent with the Human Rights Act 1998.

- 6.2 The Licensing Authority will consider the effect upon people's human rights and adopt a principle of proportionality and the need to balance the rights of the individual with the rights of the community as a whole. Action taken by the council which affects another's rights must be no more onerous than is necessary in a democratic society.
- 6.3 The Equality Act 2010 requires public bodies to consider all individuals when carrying out their day to day work – in shaping Policy, in delivering services and in relation to their own employees. It requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people when carrying out their activities.
- 6.4 Equality Duty supports good decision making – it encourages public bodies to understand how different people will be affected by their activities, so that their policies and services are appropriate and accessible to all and meet different people's needs. By understanding the effect of their activities on different people, and how inclusive public services can support and open up people's opportunities, public bodies can be more efficient and effective. The Equality Duty therefore helps public bodies to deliver the Government's overall objectives for public services.
- 6.5 Immigration Act 2016 and the Modern Slavery Act 2015.
The Licensing Authority has responsibilities that relate to the prevention of immigration crime, specifically the prevention of illegal working in licensed premises. Licences must not be issued to people who are illegally present in the UK, who are not permitted to work, or who are permitted to work but are subject to a condition that prohibits them from doing work relating to the carrying on of a licensable activity.

These provisions apply to premises licences for alcohol and late night refreshment, (but not entertainment only licences) and personal licences. Other types of authorisation under the Licensing Act 2003 (Club premises certificates and temporary event notice (TEN) are not covered. This is due to there being little evidence of immigration abuse in respect of premises authorised under a club premises certificate and it would have been disproportionate to apply the requirements to a TEN.

7. COMPLIANCE AND ENFORCEMENT

- 7.1 There are a range of offences detailed under Part 7 of the Licensing Act 2003. The Licensing Authority will liaise with the Responsible Authorities to determine enforcement of specific offences on a case by case basis. Offences related to sales of alcohol to minors will be enforced by the Police or Trading Standards Authority unless they form part of a range of offences identified by the Licensing Authority.
- 7.2 The Licensing Authority has an approved Licensing Enforcement Policy which complies with the Regulators' Code and it has also adopted the Kent and Medway Enforcement Protocol.
- 7.3 A risk-based inspection programme is in place, which includes the targeting of high risk premises which require greater attention, whilst operating a lighter touch in respect of low risk and well managed premises. The risk-based approach is based on Home Office Guidance; the activities authorised and premises compliance history.
- 7.4 Annual fees and suspension of licences for non-payment.- The Licensing Authority is required under section 55A of the Licensing Act to suspend premises licenses where the annual fee has not been paid. The Licensing Authority will invoice each licensee when the

annual fee is due setting out the fee that is due and the consequences for non-payment. Where the fee has not been paid or there has been no claim of administrative error by the end of 21 days of the due date, the Licensing Authority will serve the required 2 working day notice to suspend the licence.

- 7.5 Where a licence is suspended this means that no licensable activities will be authorised to be provided at the premises until the suspension is lifted on receipt of payment of the overdue fee. Officers will conduct enforcement visits to premises where a licence has been suspended and will take the appropriate action in accordance with the council's enforcement policy.
- 7.6 If an operator does not wish to carry on the activities that require the premises licence or certificate anymore it is important the licence or certificate is surrendered to prevent maintenance fees being accrued.

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CONSIDERATION OF APPLICATIONS

8 NEW PREMISES LICENCES

8.1 In making decisions about applications for licences the Licensing Authority will have regard to:

- The Licensing Act 2003
- the Statutory Guidance issued under section 182 of the Licensing Act 2003,
- The Statement of Licensing Policy made under section 5 of the Licensing Act

that any decisions made that depart from guidance or policy only do so for reasons set out in the decision.

8.2 Where elements of applications are unclear or unspecific, particularly in relation to operating schedules and trading hours, the Licensing Authority will expect the applicants to provide additional information for clarity on a request from the licensing team.

8.3 Licensing officers will routinely check that the Public Notices at the premises and the Public Notices in newspapers are displayed in accordance with the regulations as part of the validation process.

8.4 Licensing officers will also notify ward councillors to whose ward the application relates, and the parish council for the relevant parish of receipt of an application via the weekly premises tracker.

8.5 Where there are no representations about an application the licence will be automatically granted after 28 days under the terms and conditions applied for. Licensing officers will interpret the detail of the operating schedule and convert that into consistent enforceable licence conditions.

8.6 Where relevant representations are received the application will be referred to the Licensing Sub-committee for determination at hearing, unless all parties agree that a hearing is not necessary. Where applications result in the need for a hearing the process at section 16 of this policy will apply.

9 VARIATIONS TO LICENCES

9.1 From time to time licensees may wish to change the nature of the business, vary the trading hours or the licensable activities on offer. These can range from minor changes having little or no impact such as minor changes to the premises plan to more significant changes that will affect the promotion of the licensing objectives. These could include for example; the provision of additional activities, increasing capacities or longer and later trading hours. However where a variation is so substantial that it significantly changes the nature of the business and layout of the premises it is likely that a new premises licence application will be required rather than a variation.

9.2 The relevant parts of this Policy to be applied to significant variation applications is the same as for new premises licence applications at section 8 above.

- 9.3 Where applications are made for minor variations officers will consider whether there are any impacts on any of the Licensing Objectives. Where the variation proposed creates a significant impact on any of the Licensing Objectives the application will be rejected and the applicant advised to seek a standard variation.
- 9.4 Where minor impact or no impact is considered Officers will consult with the relevant (if any) responsible authorities.

10. VARIATIONS TO SPECIFY A NEW DESIGNATED PREMISES SUPERVISOR (DPS)

- 10.1 The Licensing Authority expects that usually the nominated DPS on a licence will be involved in and supervising the day to day operation of licensed premises that sell alcohol. Where the person nominated as DPS ceases to undertake that role the Licensing Authority would expect the licensee to replace that person as soon as is reasonably practicable to maintain adequate control of the premises.
- 10.2 Where a DPS notifies the Licensing Authority that he or she has resigned, the licensing officers will enter into immediate discussion with the licensee in relation to the mandatory conditions concerning the sale of alcohol, and provide appropriate advice to prevent unauthorised alcohol sales.
- 10.3 All applications to specify a new DPS must be made by the licence holder or by a person/body authorised in writing to act on the licensee's behalf.
- 10.4 Where there are no representations the default position is to grant the variation.
- 10.5 The Licensing Authority will give the appropriate weight to relevant representations received from the Police about a proposed DPS. Applications that receive relevant representations will be referred for a hearing at which point the Sub Committee may approve or reject the application if it considers it appropriate for the promotion of the crime prevention objective to do so..

11. TRANSFERS OF PREMISES LICENCES

- 11.1 Before a licence transfer can be administered, the Licensing Authority usually expects consent to have been obtained from the previous premises licence holder. If this is not possible the applicant will be expected to demonstrate that he or she has taken all reasonable steps to secure consent to transfer the licence.
- 11.2 It is acknowledged that in some cases licensees leave premises and do not provide any forwarding contact details, or there has been a death or incapacity of the licence holder. In such cases where a licensee cannot reasonably be contacted to give approval, a licence will be transferred in accordance with the requirements of the Act.
- 11.3 Where a relevant Police objection to the transfer is received the application will be determined through the hearings process unless it is agreed by the applicant and Police as unnecessary..

12. PROVISIONAL STATEMENTS FOR PREMISES

- 12.1 A provisional statement may be applied for, by a person interested in a premises, where a proposed licensed premises has yet to be built or altered for the purpose of becoming a licensed premises. This option allows potential applicants advance notice of whether

a premises licence is likely to be granted on completion of its construction or conversion.

12.2 The process for considering an application for a provisional statement is the same as that for a premises licence application, including a schedule of works. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and other parties may make representations and there are rights of appeal.

12.3 The holder of a provisional statement may apply for a premises licence once the premises are constructed, altered or acquired. The Licensing Authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, where the application is for a licence in the same form as the provisional statement and the work described in the schedule of works has been satisfactorily completed. Representations are excluded where:

Where the relevant person could have made the same or substantially the same representations about the provisional statement application but failed to do so without reasonable excuse and there has been no material change in circumstances of the premises or area in the vicinity of the premises since the provisional statement.

13. CLUB PREMISES CERTIFICATES

13.1 The Licensing Authority acknowledges the importance and history of members clubs and the privileged position held by clubs historically in relation to alcohol licensing.

13.2 Members clubs are able to obtain a club premises certificate to authorise licensable activities for their members and their guests. There is no requirement for any members to hold a personal licence under the Licensing Act 2003, and there is no requirement to specify a designated premises supervisor. It is acknowledged that alcohol is supplied by and for the members through their membership of the club.

13.3 In order to apply for a club premises certificate the Licensing Authority must be satisfied that the club is a qualifying club and satisfies the legal conditions set out in the Act. Applicants for a club premises certificate will be required to complete a club declaration form setting out how the club will meet the conditions and definitions stated in the Act. Licensing officers will have delegated authority to make additional enquiries where appropriate in order to satisfy that a proposed club meets the criteria laid out in the Act.

13.4 The fundamental principles for premises licence applications set out at section 15 of this Policy will apply to applications for club premises certificates subject to exemptions in respect of the DPS and the requirement for evidence of the club's status.

13.5 Any qualifying club wishing to offer licensable activities at events to which non-members will attend will be required to authorise such activities by way of a Temporary Event Notice or by ensuring compliance with the club rules to allow the public to enjoy the clubs facilities and activities without jeopardising the validity of the club premises certificate.

13.6 The Licensing Authority expects 'public' events on club premises to be authorised by a Temporary Event Notice. It is expected that club committee members will seek advice from the Licensing Authority prior to providing such activities for non-members to prevent any unauthorised activities.

- 13.7 Where the Licensing Authority identifies that a club no longer meets the conditions set out in section 62 of the Licensing Act 2003 or where the Licensing Authority obtains evidence to demonstrate that a club no longer acts in good faith as a qualifying club, it will give the club a notice withdrawing the club premises certificate.
- 13.8 Suspension of Club Premises Certificates may also occur under section 92A of the LA2003, failure to pay annual fee.

14. REVIEW OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE

- 14.1 The Licensing Authority acknowledges that matters can arise at premises that raise concern as to the continued promotion of the licensing objectives at licensed premises.
- 14.2 The Act allows a licence to be **reviewed** where such matters arise. It is expected that most reviews will be applied for by Responsible Authorities.
- 14.3 Although this Licensing Authority is also a Responsible Authority and may bring about a review application, it is not expected that it will act as a Responsible Authority on behalf of other parties (for example, local residents, local councillors or community groups).
- 14.4 Such parties can make relevant representations to the Licensing Authority in their own right, and it is reasonable for the Licensing Authority to expect them to make representations themselves where they are reasonably able to do so. However, if these parties have failed to take action and the Licensing Authority is aware of relevant grounds to make a representation, it may consider acting in its capacity as Responsible Authority.
- 14.5 The Licensing Authority will determine whether a review application is relevant and the validity of a review application will be determined by a licensing officer. This will be on the basis of whether the request for the review is relevant to the matters listed below:
- relevant to one or more of the licensing objectives
 - Not frivolous, vexatious or repetitious.
- 14.6 The Licensing Authority would expect grounds for a review to be evidence based but will consider each application on its merits.
- 14.7 Where a review application is accepted the Licensing Authority will encourage the parties to enter into mediation during the consultation period to help resolve or narrow issues arising. The Council would be happy to assist in these meetings being chaired by a member of their team but all parties may choose to have a different third party as a mediation chairperson.
- 14.8 All reviews, save where agreed by all parties as unnecessary, will lead to a hearing before a sub-committee. This may be a full hearing or a condensed hearing to consider the outcome of mediation. However other parties who have made representation but not been involved in mediation will be permitted to voice their representations at the hearing in accordance with the Hearings Regulations. The Policy applied to hearings can be found in section 16.
- 14.9 The authority considers that where reviews are raised as a result of serious crime and disorder causing that licensing objective to be undermined, then it is likely that the a revocation of the licence will be considered.

15. APPLICATION TO VARY PREMISES LICENCE AT COMMUNITY PREMISES TO REMOVE THE MANDATORY REQUIREMENT FOR A DPS.

- 15.1 The Licensing Authority acknowledges the value that local community premises bring to their localities and that most are operated and managed by volunteers. The mandatory requirement for a nominated DPS to be in place at alcohol licensed community premises can be burdensome and difficult for an individual to manage at such premises.
- 15.2 The Act allows management committees at community premises to take over the responsibility of the alcohol sales by applying to the Licensing Authority to remove the requirement to have a nominated DPS at the premises to authorise sales of alcohol. The Licensing Authority will, subject to strong evidence that a community premises is well managed by an experienced committee, support applications to remove the mandatory condition requiring all alcohol sales to be authorised by a personal licence holder.
- 15.3 Before considering an application the Licensing Authority will satisfy itself that a premises meets the definition of a community premises. Enquiries will be made as to the regular use of the premises and whether it is in the main 'community' based. Where there is a regular 'commercial' or 'non-community based' use or a membership requirement to use the premises it is unlikely that such a premises would meet the definition of a community premises and permission to remove the requirement for a DPS is likely to be refused.
- 15.4 In general it is expected that premises that form part of a church hall or chapel hall or are a village, parish or community hall or other similar building would in most cases meet the definition of a community premises, although each will be considered on its individual merits and the evidence provided or obtained.
- 15.5 The licensing officers will consider, on a case by case basis, all applications to remove the mandatory condition and will ask such questions or seek the necessary evidence to confirm the suitability of the management committee to collectively authorise the supply of alcohol the premises .
- 15.6 Committees that make an application will be expected to have members who are aware of the law relating to the sale of alcohol, contain steps within their operating schedule to prevent offences relating to alcohol sales and also to include appropriate rules in hiring agreements where the premises is hired out to the public for events that will involve the sale of alcohol.

16 HEARINGS

- 16.1 Any application that has resulted in the submission of relevant representation from any party will be referred to the Licensing Sub-Committee for a hearing and determination in accordance with the 2003 Act and the Licensing Act 2003 (Hearings) Regulations 2005.
- 16.2 A sub-committee will consist of 3 suitably trained members of the Licensing Committee. The sub-committee will be advised on the law by a member of the Council's Legal Services Team. That legal team member will not be involved in the application process to prevent a conflict of interest by ensuring a clear separation of roles.
- 16.3 This Policy will play a key role in achieving consistency in decision making.

- 16.4 Where representations are made only by Responsible Authorities, the Licensing Authority would expect applicants and Responsible Authorities to enter into negotiation or mediation prior to a hearing in an attempt to resolve or narrow issues before attending the licensing hearing and to achieve an outcome satisfactory to all parties.
- 16.5 Parties will be advised of the hearing date and procedure in advance and in accordance with the statutory process. At all hearings the sub-committee will have regard to the Guidance issued under section 182 of the Act. This authority may use its discretion where there are strong and defensible reasons for departing from the Guidance and where it considers it right to do so. In any such case this authority will clearly express and explain its reasons for doing so.
- 16.6 The Licensing Authority must give the appropriate amount of weight to representations made by the Police on crime and disorder matters. It will give appropriate weight to all representations made by all parties based on the content and relevance to the promotion of all licensing objectives.
- 16.7 All decision notices will be in writing and will include clearly stated reasons to explain a decision on an application.

17. LICENCE CONDITIONS

- 17.1 A key concept in the Licensing Act is that conditions that are attached to licences or certificates are tailored to suit the individual style and characteristics of the premises and its activities and the impact of those activities. Those conditions must be appropriate and proportionate in order to promote the licensing objectives at that premises.
- 17.2 All licences that authorise the sale of alcohol will be subject to the mandatory conditions set out in the Act and Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 as amended (and any subsequent Mandatory Conditions that are introduced).
- 17.3 Applicants will be expected to include appropriate steps to promote the licensing objectives within their operating schedule which will be converted to conditions on a premises licence or club premises certificate. Those steps will be expected to be proportionate, achievable, enforceable and relevant to the business in question and will ensure the promotion of each of the four licensing objectives.
- 17.4 Deterrence of knife crime measures

Maidstone experienced a disturbing knife crime incident in August 2019 which led to the death of a young man. It is important that this Licensing Policy recognises this and sets out proportionate measures to deter the carrying of knives into licensed premises in Maidstone. The Licensing Authority must carry out its functions under the Licensing Act 2003 with a view to promoting the licensing objectives, which of course include public safety and the prevention of crime and disorder. This Authority has considered how best this duty can be carried out in the context of current risks to the public arising from the carrying of knives and has decided to introduce measures to prevent knife crime in licensed premises. The Licensing Authority would expect all applications for licences/certificates authorising the sale or supply of alcohol to consider when preparing their operating schedule the steps which the applicant intends to prevent, so far as reasonably practicable, customers on their premises becoming at risk of knife crime and to deter customers from carrying out acts of knife crime. These steps may be either in the form of specific suggested conditions to be attached to the premises licence / certificate if granted or a condition committing the

applicant to have in place during the currency of the licence / certificate a documented risk assessment, which specifically addresses the risks of knife crime on the premises which is kept under regular review.

The following list may be of assistance to applicants when considering their application:

- The customer profile and likelihood of persons being attracted to the premises also being persons who are prepared to carry bladed articles
- What steps are reasonably practicable to implement at the premises which will be effective in deterring the carrying of a bladed articles into the premises in the first instances – such steps may include screening persons wishing to enter the premises by the installation of walk through metal detecting portals or the use of hand-held metal detecting devices and/or through rub-down searching of persons wishing enter the premises by properly trained staff.
- What steps are required to check that all metal detecting devices in use at the premises are fully operational and are regularly maintained and replaced as appropriate and what contingencies are required in the event of any such device developing malfunction.
- The documenting of training of all staff engaged in using any metal detecting devices.
- The documenting of training of all staff engaged in carrying out searches of customers.
- The training of staff to know what procedure to follow in the event of an incident of knife crime on the premises and to ensure that is a First Aider, with specific knowledge of giving first aid to a stabbing victim, on the premises whenever licensable activities are taking place.
- The facilities of safe storage of any bladed article found secreted on the premises and the procedure to be followed in promptly notifying Kent Police.
- The procedure to be followed in the event that any customer is found in the possession of a bladed article on the premises.
- Effective waste management including the prompt removal and safe storage of empty bottles.

The above matters are not intended to be exhaustive, applicants are expected to demonstrate that they have thought very carefully about the risk of knife crime occurring on their premises and the appropriate procedures needed to minimise or mitigate the risk. Applicants are strongly recommended to work closely with Kent Police, the Licensing Authority and Responsible Authorities before submitting their application. When carrying out the required risk assessment applicants are encouraged to take full cognisance of local crime patterns and trends with particular reference to the profile of victims, offenders, key locations and key times of knife related incidents. Kent Police can assist the applicant in this regard.

As far as those premises are concerned which are currently licenced to sell/supply alcohol, the Licensing Authority expects them to have the same degree of consideration as to the risks of knife crime as new applicants. The Licensing Authority would encourage all existing premises licence holders to note the contents within this policy and also consider steps they intend to take to prevent, so far as reasonably practicable, customers on their premises becoming at risk of knife crime and to deter customers from carrying out acts of knife crime.

- 17.5 Where applications receive valid representations and are subject to a hearing, the sub-committee will consider the evidence provided within representations, the detail of the application, the nature of the premises and business and only where appropriate and proportionate will attach conditions to a licence to secure the promotion of the licensing objectives in light of the evidence provided.
- 17.6 Decisions on individual licence conditions will be made on a case by case basis, and where there are concerns over the effective promotion of the licensing objectives, the applicant will be given the opportunity to offer suggestions on how the objectives can be met. This authority will work closely with all parties and the applicant in establishing workable, enforceable and reasonable conditions for new and variation applications.
- 17.7 In all cases the Licensing Authority will have regard to the Guidance when considering the implementation of licence conditions.
- 17.8 In all cases conditions will aim to promote the licensing objectives, be unambiguous and enforceable, appropriate to the activities and the business, achievable and applicable to the premises and the areas around the premises which is within the licensees control.
- 17.9 The Licensing Authority recognises the need to avoid, so far as possible, duplication with other regulatory systems including Health and Safety at Work, Fire Safety, Food Hygiene and Nuisance Control. However these regulations may not cover the unique circumstances of some activities and entertainment. In these circumstances, the council may therefore, where necessary, attach conditions to premises licenses for the promotion of the licensing objectives.

CONDITIONS TO PROMOTE THE PREVENTION OF CRIME AND DISORDER.

- 17.10 Under the Act the Licensing Authority has a duty to promote the licensing objectives, and, a further duty under the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the borough.
- 17.11 Wholesale of alcohol. Since 1 April 2017, businesses which sell alcohol (for example, retailers of alcohol and trade buyers) need to ensure that the UK wholesalers that they buy alcohol from have been approved by HMRC under the Alcohol Wholesaler Registration Scheme (AWRS). They will need to check their wholesalers Unique Registration Number (URN) against the HMRC online database. This is an ongoing obligation and if a business is found to have bought alcohol from an unapproved wholesaler, they may be liable to a penalty or could even face a criminal prosecution and their alcohol stock may be seized. Any trader who buys alcohol from a wholesaler for onward sale to the general public (known as a 'trade buyer') does not need to register unless they sell alcohol to other businesses.
- 17.12 Examples of trade buyers would be pubs, clubs, restaurants, cafes, retailers and hotels. However, they will need to check that the wholesaler they purchase alcohol from is registered with HMRC.
- 17.13 The applicant will be expected to detail in their operating schedule how they will prevent crime and disorder on and close to the premises. Such detail should reflect the licensable activities on offer, location and character of the area, the nature of the premises use and the range of customers likely to use the premises.

These may include, but are not limited to, the following:

- Prevention of disorderly conduct and anti-social behaviour
- Prevention of underage drinking
- Prevention of sales of alcohol to intoxicated customers
- Prevention of drunkenness both on and in the vicinity of the premises
- Prevention of drug use and drug dealing
- Restriction to responsible drinks promotions
- Use of safety glass
- Inclusion of a wind-down time following alcohol sales period
- Adequate seating to discourage “vertical drinking”
- The offer of food and snacks or other entertainment or occupation to discourage persistent drinking

17.14 In busier premises the Licensing Authority would usually expect to see a short (e.g.30 mins) ‘wind down’ or ‘drinking up’ period allowed for after the cessation time of entertainment and alcohol sales as this is effective in assisting in a reduction in noise and exuberance of customers before leaving the premises.

17.15 Applicants will be expected to seek advice from the Police and the Licensing Authority will give appropriate weight to requests by the Police for premises to be protected by SIA registered door staff subject to the provision of relevant evidence. Where the Licensing Authority determines after consultation with the police that a premises is one that warrants additional security and monitoring it would expect applicants to include the provision of SIA approved door staff at the premises at appropriate times. Relevant premises are usually those used mainly for drinking alcohol, have later opening hours and are situated within the Town Centre night time economy area.

17.16 Where appropriate, applicants for licences in the Town Centre areas providing mainly alcohol, music and dancing would be expected to consider inclusion of a provision of safety glasses to prevent a risk of injury on the rare occasion that a glass may be used as a weapon.

17.17 The use of CCTV should be considered where appropriate or on the advice and recommendations of the Police and to a quality and standard approved by the Police for evidential purposes. Licensees will be expected to fully comply with the requirements of the Information Commissioners Office and the Data Protection Act 1998 in respect of any surveillance equipment installed at a premises.

17.18 In any application resulting in hearing the sub-committee will consider each application on its individual merits and determine the imposition of conditions that are appropriate to promotion of the licensing objectives.

CONDITIONS TO PROMOTE PUBLIC SAFETY.

- 17.19 The applicant will be expected to show how the physical safety of persons attending the premises will be protected and to offer any appropriate steps in the operating schedule to promote this.
- 17.20 Such steps will not replace the statutory obligation on the applicant to comply with all relevant legislation under the Health and Safety at Work etc. Act 1973 or under the Regulatory Reform (Fire Safety) Order 2004.
- 17.21 Applicants will be expected to have carried out the necessary risk assessments to ensure safe occupancy levels for the premises. Where a representation from the Fire Authority suggests that for the promotion of the Public Safety objective a maximum occupancy should be applied, the Licensing Authority will consider adding such a limit as a licence condition.

Where appropriate an operating schedule should specify occupancy limits for the following types of licensed premises:

- (i) High Volume Vertical Drinking e.g. premises that provide mainly stand up drinking facilities with limited seating/table space and the primary activity is the sale of alcohol
- (ii) Nightclubs
- (iii) Cinemas
- (iv) Theatres
- (v) Other premises where regulated entertainment is likely to attract a large number of people.
- (vi) Where conditions of occupancy have arisen due to representations received.

CONDITIONS TO PROMOTE THE PREVENTION OF PUBLIC NUISANCE.

- 17.22 The applicant will be expected to detail any appropriate and proportionate steps to prevent nuisance and disturbance arising from the licensable activities at the premises and from the customers using the premises.
- 17.23 The applicant will be expected to demonstrate that they have considered the following and included steps to prevent public nuisance:
- (i) Proximity of local residents to the premises
 - (ii) Licensable activities proposed and customer base
 - (iii) Hours and nature of operation
 - (iv) Risk and Prevention of noise leakage from the premises from equipment, customers and machinery
 - (v) Prevention of noise from customers leaving the premises and customer pick up points outside premises and from the Car Park.
 - (vi) Availability of public transport to and from the premises

- (vii) Delivery and collection times and locations.
- (viii) Impact of external security or general lighting on residents.
- (ix) History of management of and complaints about the premises.
- (x) Applicant's previous success in preventing Public Nuisance.
- (xi) Outcomes of discussions with the relevant Responsible Authorities.
- (xii) Impact of location, noise and contamination from outside smoking areas on neighbours and other customers
- (xiii) Collection of litter arising from the premises

17.24 Steps to prevent public nuisance may include a range of options including noise limiting devices, sound insulation, wind down periods, acoustic lobbies, management of smoking areas etc.

17.25 Steps will differ depending on the individual premises and activities and it is for the applicant to ensure that reasonable, effective and appropriate steps are included within the operating schedule.

CONDITIONS TO PROMOTE THE PROTECTION OF CHILDREN FROM HARM.

17.26 Applicants will be expected to detail any appropriate and proportionate steps to protect children at the premises from any harm. The Licensing Authority recognises the right of licensees (serving alcohol) to allow accompanied children into their premises. The Licensing Authority would not seek to restrict access by children (above that specified in the Act) unless it is necessary for the prevention of physical, moral or psychological harm.

17.27 Steps to protect children from harm must be carefully considered for inclusion where:

- (i) There is entertainment or services of an adult nature provided.
- (ii) There have been previous convictions for under age sales of alcohol.
- (iii) There has been a known association with drug taking or dealing.
- (iv) There is a significant element of gambling on the premises.
- (v) There is a presumption that children under 18 should not be permitted entry such as to nightclubs (apart from when specific events are held for under 18's).
- (vi) Outcomes of discussions with relevant Responsible Authorities suggest such steps are applicable.

17.28 Nothing in the Licensing Act prevents licensees from excluding children from a licensed premises and no condition can be added to require the admission of children.

17.29 Where there are no matters that give rise to concern in respect of children at premises the Licensing Authority would expect to see the relevant box on an application form completed to specify NONE.

18. PERSONAL LICENCES

- 18.13 Any person who wishes to act as a DPS at licensed premises must be in possession of a personal licence issued under the Licensing Act 2003. Any other person may also apply for a personal licence subject to meeting the necessary criteria. The Licensing Authority acknowledges the default grant position for applicants who meet the statutory criteria under the Licensing Act 2003.
- 18.14 The Police will only be consulted where the applicant declares a previous conviction for a relevant offence. A relevant conviction is one that is listed in Schedule 4 of the Licensing Act 2003.
- 18.15 Where a representation is received from the Police the Licensing Authority must hold a hearing unless the Police and the authority agree that it is unnecessary..The application must be rejected if it is considered appropriate for the promotion of the crime prevention objective and granted in any other case.
- 18.16 The Police must give a notice of objection to the Licensing Authority within the statutory 14 day consultation period. The Licensing Authority accepts that there is no discretion to accept a late notification from the Police even if the objection provided evidence that to grant the licence would undermine the crime prevention objective.
- 18.17 The Licensing Authority requires all personal licence holders to advise if there is a change of their name or address in accordance with the Act. All licence holders are advised of this requirement when a licence is granted. Any changes will be updated and an amended licence will be issued within 20 working days of a notification of change.
- 18.18 The Licensing Authority anticipates that the Magistrates' and Crown Courts will take appropriate action in relation to a personal licence where licence holders are convicted of relevant offences in those courts after the grant of a personal licence and notify the Licensing Authority of any action taken in respect of a personal licence.
- 18.19 The Licensing Authority requires personal licence holders to undertake their duty to disclose any convictions for a relevant offence after a personal licence has been granted. The Licensing Authority and/or the Police will take appropriate formal action against the licence holder where subsequent relevant convictions are not declared under that duty.

19. TEMPORARY EVENT NOTICES

- 19.13 The Licensing Act 2003 makes provision for the authorisation of a person (known as a premises user) to provide licensable activities on a temporary basis at unlicensed premises, or to add activities and/or extend the hours of existing activities at a licensed premises. The activities are authorised by the serving of a Temporary Event Notice (TEN) on the Licensing Authority, subject to the notice meeting the proper criteria as detailed under the Act.
- 19.14 Comprehensive planning of events is essential and where there are likely to be impacts on neighbouring residents or businesses as a result of the activities to be authorised by a TEN, the Licensing Authority expects the premises user to have considered any potential impacts and how they may be mitigated.

- 19.15 The Licensing Authority welcomes requests for advice from applicants who wish to provide temporary events to ensure they understand the law relating to such events and to reduce the likelihood of objections being made.
- 19.16 There are two types of TEN, Standard or Late. Both are subject to a numerical limit on the number of each type of TEN that can be served by personal licence holders and non-personal licence holders in a calendar year. There is also a numerical limitation on the number of TENS that may be served in respect of individual premises or place.
- 19.17 **Standard TEN.** A standard TEN must be served at least 10 working days (Monday to Friday excluding Bank Holidays) before the event commences. The 10 working days excludes the day of service and the day on which the event starts. Copies of the TEN must be served on the Licensing Authority, The Environmental Health (EH) Department, and the Police. The fee is payable only to the Licensing Authority. Applicants are encouraged to serve TENS at least 28 days before the proposed events to allow greater time for an event to be planned.
- 19.18 Where numerical limits are exceeded the Licensing Authority will serve a counter notice and the proposed licensable activities will not be authorised.
- 19.19 Where objections are received from the Police and/or EH and not withdrawn, the notice will be referred for a hearing before the Licensing Sub-Committee. The Sub-Committee may approve the TEN as applied for, add appropriate conditions (if the TEN takes place on a premises with an existing premises licence) or reject a TEN by serving a counter notice.
- 19.20 **Late TEN.** A late TEN may be served between 9 and 5 working days before a proposed event commences. The same limitations apply to the day the notice was served and the day of the event. Where numerical limits are exceeded a counter notice will be served and the proposed licensable activities will not be authorised.
- 19.21 If the late TEN is served with fewer than 5 working days' notice it is deemed invalid and would be rejected. The proposed activities would not be authorised. The Licensing Authority has no discretion to accept TENS outside the permitted statutory deadlines.
- 19.22 Where valid representations are received from the Police or EH in respect of a late TEN, the TEN will be rejected and proposed activities will be unauthorised. A refund of the fee will not be made.
- 19.23 The Licensing Authority will take the appropriate action where there is evidence that licensable activities have been provided without the authorisation of a TEN.
- 19.24 It should be noted that if a TEN has been processed and is no longer required the fee will not be refunded as the Licensing Authority has already carried out its obligations.

20. OTHER RELEVANT MATTERS

- 20.13 **Adult entertainment.** The Licensing Authority has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 and premises offering regular entertainment of a sexual nature must be licensed as a sex establishment under those provisions.
- 20.14 The Licensing Authority acknowledges that exemptions under the above legislation do allow sexual entertainment to be provided at premises licensed under the Licensing Act

2003, as long as it is provided on no more than 11 occasions within 12 months and with at least 1 month between each occasion. Those infrequent events will be regulated by the licence granted under the Licensing Act 2003 where that licence authorises performances of dance and where the original application specified that such adult entertainment was proposed to be provided.

20.15 **Gaming machines in licensed premises - Automatic entitlement.** There is provision in the Gambling Act 2005 (GA2005) for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines of category C and/or D. The premises licence holder merely needs to notify this Licensing Authority and pay the prescribed fee.

20.16 This authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives (under the GA2005);
- gaming has taken place on the premises that breaches a condition of section 282 of the GA2005 (for example, the gaming machines have been made available in a way that does not comply with requirements on the location and operation of gaming machines);
- the premises are mainly used for gaming; or
- an offence under the GA2005 has been committed on the premises.

20.4 **Gaming Machine Permit** – If a premises wishes to have more than 2 machines of categories C and/or D, then it needs to apply for a permit and this authority will consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission under section 25 of the Act, and such matters as officers consider relevant.

20.17 In determining such matters, consideration will be given to all the objectives but particularly the need to protect children from harm and to the need to protect vulnerable persons from harm or being exploited by gambling. The applicant will be required to satisfy the authority that there will be sufficient measures to ensure that minors do not have access to the adult only gaming machines.

20.18 Measures to satisfy the authority relate to restricting access to age restricted machines and adult machines being in sight of the bar, or in sight of staff who will monitor that the machines are not being used by minors. Notices and signage should also be displayed to this effect. Applicants may consider the provision of information leaflets and helpline numbers for organisations such as GamCare to demonstrate their responsibility in the protection of vulnerable persons and compliance with Codes of Practice issued by the Gambling Commission.

20.19 **Gambling in alcohol 'On' licensed premises.** Exempt gaming is equal chance gaming that is generally permissible in any club or alcohol licensed premises. Equal chance gaming includes games such as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker. Such gaming should be ancillary to the purposes of the premises.

20.20 This exemption is automatically available to all clubs or alcohol licensed premises, but is subject to statutory stakes and prize limits determined by the Secretary of State. Licensees are encouraged to seek advice from the Gambling Commission at www.gamblingcommission.gov.uk or this Licensing Authority before providing any forms of gambling at alcohol licensed premises.

20.21 Licensees should consider appropriate arrangements for customers who wish to smoke outside the premises in an effort to ensure that any unlicensed pavement area are not also used as allocated smoking area. This is to prevent nuisance and potential health harms to any non-smokers who may use the area.

21. INFORMATION

21.1 In order to ensure that applicants and persons who make representations have the necessary information to be able to do so, information is available on the Maidstone Borough Council website www.maidstone.gov.uk or by contacting the licensing team by email (licensing@maidstone.gov.uk), or by telephone on 01622 602028

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APPENDIX A

Maidstone is the County Town of Kent situated in the heart of the “Garden of England”. Maidstone Borough includes a variety of picturesque rural villages. Maidstone town has a vibrant retail centre, historic attractions and is a popular visitor destination with a busy day, evening and night time economy, and many cultural and leisure activities.

SOUTH EAST ENGLAND



There are 507 premises licences and 33 club premises certificate issued to businesses associated with the Licensing Act provisions. There are 461 licences that allow the sale of alcohol, 98 are on sales only, 142 are off sales only and 222 that allow both on and off sales. There are 321 premises licensed for late night refreshment. This premises includes Leeds Castle which holds cultural events and evening concerts during the summer months, the Lockmeadow Leisure Complex providing multi-screen cinema, restaurants and a night club, the Hazlitt Theatre and Exchange Complex, the County Agricultural Showground at Detling, Mote Park which has staged many popular music events and many premises such as restaurants, hotels, public houses, village halls and community centres in the rural area. There were also 386 Temporary Event notices dealt with in 2014/15

Tourism along with economic development works to deliver the Council’s key priority of prosperity, by attracting visitor expenditure to the local economy, by the promotion of Maidstone as an attractive location for inward investment and through support for existing and start-up tourism businesses. This works in partnership with the Council’s priority of Quality Living by engendering community pride in Maidstone and improving the quality of life.

Maidstone has a population of 155,143 people (2011 census) comprised of the following:

Maidstone	no	%
Under 16	29667	19.1
16 to 19	7385	4.8
20 to 29	18274	11.8
30 to 59	63102	40.6
60 to 74	24470	15.8
75 and over	12245	7.9

In Maidstone, violence against the person increased from 1,889 offences in 2012/13 to 2,349 offences in 2013/14 (+24.4%). This rate of increase is below the county increase and shows a peak during the summer months. Maidstone is ranked 6th in the county, the same ranking as 2012/13.

For community safety it is important to state that its aim is to create safer communities in the Borough by reducing crime and disorder in a cost effective way, through involving the community and partnership working. In December 2006 the Council made Designation Orders under the provisions of the Criminal Justice and Police Act 2001 (as amended by the Licensing Act 2003) in relation to alcohol consumption in public places.

The Council were satisfied that nuisance or annoyance had been caused to the public or disorder caused, associated with the consumption of alcohol. The Orders provide the Police with the power to require consumption to cease and confiscate containers. The areas covered by the Orders included:-

- Area 1 – Town Centre Maidstone
- Area 2 – Snowdon Parade, Vinters Park
- Area 3 – Mote Park, Maidstone
- Area 4 – Northumberland Court, Maidstone
- Area 5 – Cumberland Green, Maidstone
- Area 6 – Barming Recreation Ground (also known as Barming Heath)
- Area 7 – Parkwood Green, Maidstone

These will be reviewed and consideration given to Public Spaces Protection Orders (PSPOs) under new legislation as appropriate.

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Appendix B

Contact details of Local Authority Licensing Department as at 11.06.2015

<p>Lorraine Neale Senior Licensing Officer Email: lorraineneale@maidstone.gov.uk Telephone: 01622 602028</p>	<p>Louise Davis Licensing Officer louisedavis@maidstone.gov.uk Telephone: 01622 602727</p>
<p>Licensing Department Maidstone Borough Council Maidstone House King Street Maidstone Kent ME15 6JQ</p> <p>Licensing Partnership Sevenoaks District Council Council Offices PO Box 182 Argyle Road Sevenoaks Kent TN13 1GP</p> <p>Web; www.maidstone.gov.uk/business/licencesandpermits Email: licensing@maidstone.gov.uk Telephone: 01622 602028</p>	

See the Maidstone Borough Council Website www.maidstone.gov.uk for details of the Town and Parish Councils within the Borough. Details of your local Councillors may also be obtained from the website.

Information on licensing applications being processed is available on the licensing pages of Maidstone Borough Council's website www.maidstone.gov.uk or the Licensing Partnership website at Sevenoaks District Council website www.sevenoaks.gov.uk

Appendix C
Responsible Authorities

<p>Kent Fire & Rescue Service Asst Divisional Officer Maidstone Fire Safety Loose Road Maidstone Kent ME15 6QD</p> <p>Tel: 01622 774126 Email: maidstone.firesafety@kent.fire-uk.org</p>	<p>Maidstone & Malling Police Divisional Licensing Coordinator Community Safety Unit Tonbridge and Malling Borough Council Gibson Drive Kings Hill West Malling ME19 4LZ</p> <p>Tel: 01622 604296 Email: west.division.licensing@kent.pnn.police.uk</p>
<p>Trading Standards Kent County Council 1st Floor, Invicta House County Hall Maidstone Kent. ME14 1XX</p> <p>Tel: 03000 412000 TSwest@kent.gov.uk</p>	<p>Social Services Kent County Council Social Services Mid Kent Area, District Office Maidstone House King Street Maidstone Kent ME15 6JQ</p> <p>Tel: 01622 691640 Fax: 01622 691135</p>
<p>Local Planning Authority Maidstone Borough Council Maidstone House King Street Maidstone Kent ME15 6JQ</p> <p>Tel: 01622 602736 or 602737 Email: DevelopmentControl2@maidstone.gov.uk</p>	<p>Public Health Kent Kent Public Health Department Room 3.45, Sessions House, County Hall, County Road Maidstone Kent ME14 1XQ</p> <p>Tel: 0300 333 6379 Gillian.Montgomery@kent.gov.uk</p>
<p>Director of Regeneration and Prosperity Maidstone Borough Council Maidstone House King Street Maidstone Kent ME15 6JQ</p> <p>Tel: 01622 602364</p>	<p>Environmental Health Maidstone Borough Council Maidstone House King Street Maidstone Kent ME15 6JQ</p> <p>Tel: 01622 602111 Email: Enforcementoperations@maidstone.gov.uk</p>
<p>FOR VESSELS ONLY – ALSO SEND TO: Environment Agency</p>	

<p>Kent Area Office Orchard House Endeavour Park London Road Addington West Malling Kent ME19 5SH Tel: 08708 506506 Website: www.environment-agency.gov.uk Email: enquiries@environment-agency.gov.uk</p>	
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Appendix D

References to guides of best practice

Revised guidance issued under section 182 of Licensing Act 2003

www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003

Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by Institute of Acoustics

www.ioa.org.uk

Good Practice Guide: Licensing published jointly by the Justices' Clerks' Society and the Magistrates' Association (April 1999)

www.magistrates-association.org.uk

Code Of Practice And Guidance Notes On Noise Control For Concerts And Outdoor Events

www.cieh.org/policy/noise_council_environmental_noise.html

Maidstone Borough Council Event Planning (SAG)

www.maidstone.gov.uk/residents/events/event-planning

The National Alcohol Harm Reduction Strategy Toolkit

www.alcoholconcern.org.uk

The Point of Sale Promotions published by BBPA

www.beerandpub.com

Public Places Charter

www.ash.org.uk

National Pubwatch

www.nationalpubwatch.org.uk

Appendix E

Contact details and useful addresses (e.g. Chamber of Trade, BBPA, BII, SIA etc.)

Maidstone Chamber of Commerce Innovation Centre Medway Maidstone Road Chatham Kent ME5 9FD Phone: 01634 565 162	Disclosure and Barring Service (DBS) Customer services PO Box 165 Liverpool L69 3JD Information line: 0870 90 90 811 Website: https://www.gov.uk/disclosure-barring-service
British Beer & Pub Association Ground Floor Brewers' Hall Aldermanbury Square London EC2V 7HR Tel: 020 7627 9191 Fax: 020 7627 9123 contact@beerandpub.com Press Office: 020 7627 9199	British Institute of Inn keeping (BII) Wessex House 80 Park Street Camberley Surrey. GU15 3PT Tel: 01276 684 449 Fax: 01276 23045 www.bii.org Email: reception@bii.org
SIA PO Box 49768 London. WC1 V6WY Website: www.the-sia.org.uk Tel: 0844 892 1025 Fax: 0844 892 0975	

Appendix F - Recommended delegation of functions as per S182 of the guidance

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If a police objection	If no objection made
Application for a personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a police objection	If no objection made
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	If no objection made
Applications for interim authorities		If a police objection	If no objection made
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious etc.			All cases
Decision to object when Local Authority is a consultee and not the relevant authority considering the application		All cases	
Determination of an objection to a temporary event notice		All cases	
Determination of application to vary premises licence at community premises to include alternative licence condition		If a police objection	All other cases
Decision whether to consult other responsible authorities on minor variation application			All cases
Determination for a minor variation			All cases