

Licensing Committee

28 March 2019

Is the final decision on the recommendations in this report to be made at this meeting?

No

Amendments to the Hackney Carriage and Private Hire Licensing Policy

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

This report makes the following recommendation:

1. That the Licensing Committee agree a 6 week consultation on amendments to the Hackney Carriage and Private Hire Licensing Policy which came into effect 8 December 2015. This authority is required to regularly review its Taxi Licensing Policy.
2. That once the consultation has concluded, the draft amended policy along with results and feedback from the 6 week consultation, will be reported to the Licensing Committee in June.
3. That the Head of Housing and Community Services be delegated to make any minor amendments to the Policy in consultation with the Chairman and Vice-Chairman of the Licensing Committee.

This report relates to the following Five Year Plan Key Objectives:

- Securing a successful economy for Maidstone Borough

Timetable

Meeting	Date
Licensing Committee	28 March 2019
Licensing Committee	20 June 2019
Communities Housing and Environment Committee	16 July 2019

Amendments to the Hackney Carriage and Private Hire Policy

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report seeks approval from the Committee for a consultation to commence on the draft Hackney Carriage and Private Hire Licensing Policy attached at Appendix 1.
- 1.2 The draft policy outlines the decision making framework that Maidstone Borough Council will apply when exercising its responsibilities for licensing hackney carriage and private hire vehicles, drivers and operators.

2. INTRODUCTION AND BACKGROUND

- 2.1 Maidstone Borough Council has responsibility for licensing Hackney Carriage and Private Hire vehicles, drivers and operators within the Borough of Maidstone. The existing policy was published in December 2015 and may be revised from time to time in keeping with the legislation.
- 2.2 The policy 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.
- 2.3 It is important that the Policy document is regularly reviewed so that it remains current, clear and effective whilst providing the trade and public with a clear understanding of how Taxi and Private Hire services are administered. It will also ensure consistency of approach by Officers thus ensuring fairness, openness and consistency to the trade.
- 2.4 There have been changes made to procedures and processes since the Policy was first published and those changes have been incorporated in the draft document. Those proposed changes are set out in the table below:-

Policy Item	Current Policy	Amended/replaced
CONTENT	Statement of Policy about Relevant Convictions	Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades (see explanation at 3.5)
Paragraph 2.2	-	Slight amendment to text to include 4 th Partner Bexley

DRIVERS		
3 .	<p>DSA test</p> <p>Knowledge Test</p> <p>DVLA check</p>	<p>Amendments to text following changes to providers and procedures</p> <p>No longer available Driving Assessment tests by alternate providers (see 3.2)No longer a written test electronic multiple choice test (see 3.6) Signed mandates no longer used online checks undertaken</p>
3.2 Driving Standards	DSA & KCC replaced with new providers	Policy amended to list new providers and amendments made to text to reflect changes
3.5 Criminal Record	Council's Statement of Policy about Relevant Convictions	Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades adopted, text amended to reflect , reference to Appendix 2 which has also been amended
3.6 New Drivers Knowledge Test	<p>2 hour written test, 4 attempts allowed</p> <p>Routes, streets, places & Byelaws for Hackney/Dual drivers</p>	<p>Electronic multiple choice test, 3 attempts allowed.</p> <p>Now includes;-</p> <ul style="list-style-type: none"> • 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

		<ul style="list-style-type: none"> • Compulsory Questions. <p>Amendments to text to reflect change</p>
VEHICLES		
4	-	Text amended to refer to the 2016 Unmet demand survey. Ford Procab agreed as a suitable Hackney carriage vehicle.
4.7 Quantity Restrictions of Vehicle Licences	2013 Unmet Demand referred to	Amended to 2016 Unmet demand survey
4.8 Environmental Considerations	Reference made to reduced licence fees for cleaner emissions vehicle	Paragraph removed as the cost of issuing a licence must be covered and cannot currently be subsidised.
5. OPERATORS		
	No clarity on Operators bases	Paragraph added to clarify that licences will only be issued to Operators with premises/address in the Borough. Grandfather rights are extended to the few that exist as long as they are renewed and are not allowed to lapse
5.3 Licence Duration	1 year operator licences	Text amended to reflect the issue of 1,3 and 5 year licences
5.4 Fees	Charge per vehicle	Text amended to reflect fees are now dependant on duration of licence
5.8 Address from which an Operator may operate	No clarity on Operators bases	Line inserted to clarify
6.PENALTY POINTS		
	Comments made prior to the introduction of the penalty points scheme	Text amended to reflect the implementation of the scheme
6.1	Confirmation of issued penalty points within 10 working days	Amended to "within a reasonable time period" 10 working days is currently unrealistic for Officers

6.12	6 months	Amended to 1 year
7. TAXI RANKS		
7.1. Appointed Stands	Being reviewed in 2015	Amended to ongoing
Appendix 2	Statement of Policy about Relevant Convictions	Changed to refer to Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades
Appendix 5d	No reference to plate exemption	Clarification on the presentation of badges while undertaking plate exempt work
Appendix 6	Advertising on vehicles not addressed.	Clarification provided Clarification provided
Appendix 9 Convictions	Wearing of badges for drivers not addressed Convictions mentioned only	Cautions added, also 'if being charged with a criminal offence and Police or other regulatory investigations'
Appendix 9 Conduct of Driver	Condition reads "driver shall behave in a civil, polite and orderly manner"	Amended to clarify the types of unacceptable behaviour
Appendix 10	-	Amendments made to the penalty points table to reflect the changes in the main body of the policy

Other minor amendments have been made to spellings, grammar and broken links to the website they have not been listed in the table but can be seen as tracked changes in the draft document at Appendix 1

3. AVAILABLE OPTIONS

- 3.1. Agree all the amendments as detailed above, to be put out to consultation for 6 weeks;
 - 3.2. Agree to some of the amendments for consultation but leave others out; or
 - 3.3. Reject the suggested amendments to the policy being put out to consultation and leave the Hackney Carriage and Private Hire Policy as it is.
 - 3.4. That the delegation for minor amendments be agreed
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4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 That the draft amended Hackney Carriage and Private Hire Policy be approved for public consultation;
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5. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off (name of officer and date)
Impact on Corporate Priorities	No implications have been identified	[Head of Service or Manager]
Risk Management	No implications have been identified	[Head of Service or Manager]
Finance and other resources	The costs of administering the licensing function is recovered through the fees charged. The policy provides a clear decision making framework which supports the delivery of an efficient and effective service	[Section 151 Officer & Finance Team]
Staffing	No implications have been identified	[Head of Service]
Legal		Jayne Bolas, Solicitor Team Leader(Contentious)
Equality Impact Needs Assessment	An EqIA should be completed as part of this proposed change in policy to consider any areas that may impact groups with protected characteristics and identify	Equalities and Corporate Policy Officer

	whether any mitigating actions are required.	
Environmental/Sustainable Development	No implications have been identified	[Head of Service or Manager]
Community Safety	No implications have been identified	[Head of Service or Manager]
Human Rights Act	No implications have been identified	[Head of Service or Manager]
Procurement	No implications have been identified	[Head of Service & Section 151 Officer]

6. REPORT APPENDICES

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

Appendix 1 – Draft Taxi Policy

7. BACKGROUND PAPERS

None