

**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 presents Members with the consultation responses received in respect of the draft revised Hackney Carriage and Private Hire Licensing. Members are asked to review and consider all representation and comments received during the public consultation period prior to the formal adoption of the updated policy.

Purpose of Report

To inform the Licensing Committee of the responses received from the consultation that ran from 14th January 2021 to 10th March 2021.

This report makes the following recommendations to this Committee:

1. Members to consider each of the recommendations made in the feedback form attached as Appendix 2 to this report, and those referred to in section 2.2 of this report, advise on relevant amendments and instruct officers to update the draft policy document accordingly for recommendation to Communities, Housing and Environment Committee for approval.

Timetable

Meeting	Date
Licensing Committee	15 April 2021
Communities, Housing and Environment Committee	1 st June 2021

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> 	Lorraine Neale – Senior Licensing Officer 7.4.21
Cross Cutting Objectives	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	Lorraine Neale – Senior Licensing Officer 7.4.21
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 has reported to the Department of Transport in January 2021 on its actions to consider and implement the statutory guidance by 1 May 2021.</i> 	Lorraine Neale – Senior Licensing Officer 7.4.21
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> 	Lorraine Neale – Senior Licensing Officer 7.4.21
Staffing	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	Lorraine Neale – Senior Licensing Officer 7.4.21
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> 	Lorraine Neale – Senior Licensing Officer 7.4.21

	<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> 	Lorraine Neale – Senior Licensing Officer 7.4.21
Equalities	<ul style="list-style-type: none"> <i>Consideration is given to the Equality Act 2010 when amending this policy.</i> 	Lorraine Neale – Senior Licensing Officer 7.4.21
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> 	Lorraine Neale – Senior Licensing Officer 7.4.21
Crime and Disorder	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	Lorraine Neale – Senior Licensing Officer 7.4.21
Procurement	<ul style="list-style-type: none"> <i>No implications have been identified.</i> 	Lorraine Neale – Senior Licensing Officer 7.4.21

2. INTRODUCTION AND BACKGROUND

STATUTORY TAXI AND PRIVATE HIRE VEHICLE STANDARDS

- 2.1 A review of the existing policy was carried which highlighted areas of the policy in need of revision having regard to the Statutory Taxi and Private Hire Vehicle Standards published in July 2020 to which all Licensing Authorities must have regard to in carrying out their licensing function. Proposals were also put forward supporting the council’s carbon neutral commitment.
- 2.2 Since the consultation took place the Government have announced plans to introduce mandatory HRMC checks as part of taxi and private hire licence applications from April 2022. Exact details are not yet known and will be set out in Regulations in due course, however this will necessitate slight changes being made to the application procedures. It is recommended therefore that Members agree for officers to make the necessary minor administrative amendments to the relevant sections of the Policy to reflect this proactively.
- 2.3 An eight-week consultation period took place between 14th January 2021 to 10th March 2021 during which the following bodies were invited to comment on the draft policy:
- 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
- The National Private Hire Association
- The National Taxi Association
- Members of the Public through the Council Website
- Maidstone Women’s Centre

2.4 4 responses were received and are attached as Appendix 1.

2.5 Each response has been evaluated by the Senior Licensing Officer and fed into a feedback form which is attached as Appendix 2. The table shows the Officers comments and a recommendation as to whether or not to amend the policy statement and, if so, in what way and to what extent.

2.6 The feedback from the Licensing Partnership Manager were mostly minor text amendments to the Policy and where they were agreed those changes have been made. The amended Taxi Policy is attached as Appendix 4.

2.7 The feedback in relation to the Carbon neutral Policy was low with only 3 responses and did not really achieve what it set out to do, as the Hackney Chair represents his trade and his responses are supported by J. Iandola, owner of Express then the option preferred is to set a date beyond September 2023.

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 or the matters required by the climate change and biodiversity action plan.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The licensing and compliance role of the Council is important in improving the health, safety, security and welfare of the Borough's residents, visitors and business community.
 - 4.2 The proposed policy, whilst comprehensive, aims to strike a balance that will be of benefit to the trade, the public and the Licensing Authority. It also aims to ensure that high standards are offered by the licensed trade.
 - 4.3 The proposed policy aims to improve upon the current policy that Maidstone Borough Council has in operation.
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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. The Department of Transport expect these recommendations to be implemented unless there is a compelling local reason for not doing so.
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6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 This report provides consultation feedback to Members.
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7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 If the Committee agree to implement a revised policy then this will come into force on the 1st June 2021 after the agreement of CHE and will be available to view via the Council's website from that date.

8. REPORT APPENDICES

- 8.1 Appendix 1 – Response to Hackley Carriage and Private Hire Licensing Policy Proposals.
 - 8.2 Appendix 2 – Feedback – Maidstone Borough Council Hackney Carriage and Private Hire Licensing Policy.
 - 8.3 Appendix 3 - Maidstone Borough Council Hackney Carriage and Private Hire Policy 2021-2026
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9. BACKGROUND PAPERS

[Department for Transport - Statutory Taxi & Private Hire Vehicle Standards](#)

[Local Government Association \(LGA\) Taxi and PHV Licensing: Councillors' Handbook \(England and Wales\)](#)