

Mr Neil Harris
Head of Democratic Services
Maidstone Borough Council
Maidstone House
King Street
Maidstone
Kent
ME15 6JQ

Our Ref: DBW / Streamline
Your Ref:
Date: 21 June 2013
Please ask for: David Wilson

**By First Class post and email to:
neilharris@maidstone.gov.uk**

Dear Mr Harris,

**Hackney Carriage Licence - Unmet Demand Survey
Licensing Committee
Monday, 24 June 2013 at 6.30pm**

I have been consulted by Streamline (Kent) Ltd in connection with the above item, which is to be considered by Licensing Committee at its meeting on Monday, 24 June 2013 at 6.30pm.

As the officer in whose name the report is presented (or the author of it) and the Council's head of democratic services, I should be obliged if you would kindly ensure this letter is drawn to the attention of the Chairman and Members of Licensing Committee, as well as considering and advising Licensing Committee on the issues arising therefrom.

Before commenting on the failure of Amey:

- to re-arrange a meeting with my client (having changed the time of a meeting that my client could attend to one it could not) as one of the two largest private hire operators in Maidstone;
- to consult with, what I would suggest to be, some of the most relevant stakeholder groups; and
- to accurately report on the provision of ranks in the Borough,

my client would seek confirmation that the unmet demand study has been conducted on the correct legal and factual basis.

Nowhere in the unmet demand study report has Amey explained the legal basis upon which it has been inferred (or possibly assumed) that the Borough of Maidstone is a single controlled district with no hackney carriage zones.

As I am sure you will appreciate, unless the Council has at some time since its creation on 1 April 1974 passed an amalgamation resolution under section 180 and paragraph 25 of Schedule 14 to the Local Government Act 1972, the Borough would still consist of the three hackney carriage zones from the former council areas from which it was formed.

On 1 April 1974, Maidstone Borough Council was created as part of local government reorganisation by virtue of section 1(4) and paragraph 1(2) of Schedule 3 to the Local Government Act 1972 and paragraph 11 of Part 24 of The English Non-metropolitan Districts (Definition) Order 1972 (SI: 1972 No 2039).

The aforementioned provision of the 1972 Order defines Maidstone as being:

“In the administrative county of Kent—
the borough of Maidstone;
the rural districts of Hollingbourn and Maidstone.”

In 1974, the only of those areas of the former three council areas that could administer hackney carriage licensing was the borough of Maidstone by virtue of section 171(4) of the Public Health Act 1875 in relation to hackney carriage licensing under the Town Police Clauses Act 1847.

Hackney carriage licensing under the Town Police Clauses Act 1847 was not extended throughout the whole of England and Wales outside of London until the implementation of section 15 of the Transport Act 1985 on 1 January 1987 by virtue of The Transport Act 1985 (Commencement No 6) Order 1986 (SI: 1986 No 1794).

In the circumstances, for the current Borough of Maidstone to consist of a single controlled district, without hackney carriage zones, the Council would have to have passed an amalgamation resolution under the aforementioned provisions of the 1972 Act either:

- before 1 January 1987, which would have had the effect of extending hackney carriage licensing to the areas of the two former rural districts and to amalgamating those areas with that of the former borough of Maidstone in which there was already provision for hackney carriage licensing; or
- on or after 1 January 1987, which would have had the effect of amalgamating, what had then become three hackney carriage zones by virtue of section 15 of the Transport Act 1985, into a single controlled district.

Depending upon whether and when such a resolution was passed, this might also mean that the Council cannot lawfully administer the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 under which it administers private hire

licensing (and exercises some powers in relation to hackney carriage licensing), because section 45(2) of the Act restricts its adoption to only those parts of the area of a council in respect of which the Town Police Clauses Act 1847 is in force.

In the event that no such amalgamation resolution has ever been passed by the Council, the unmet demand study by Amey will have been conducted on the wrong legal and factual basis.

For the purposes of establishing a firm foundation for the future, my client respectfully requests that this issue be thoroughly researched and reported upon to Licensing Committee, before Licensing Committee is asked to make a determination in relation to the issue of hackney carriage quantity control.

If, due to the lateness with which we raise the issue of hackney carriage zones (having not been able to meet with Amey and having only recently received the papers for this meeting of Licensing Committee), it is impossible for officers to undertake the necessary research, might we also ask that Amey be asked to:

- make further endeavours to meet with my client and other private hire operators;
- consult with other relevant stakeholders groups; and
- review the position in relation to rank provision.

As I have alluded to above, Amey arranged a meeting with my client and, we assume, other private hire operators. My client could attend that meeting and confirmed that its managing director, Ron Parker, and Business Development Manager, Stewart Smith, would attend. However, Amey then changed the time of the meeting to one that Mr Parker and Mr Smith could not attend, because of a prior arrangement. Amey made no further contact with my client, giving the impression to my client that others had attended the meeting and that my client was just unlucky not to have been able to attend the meeting at the new time. However, it now seems that having not met with any private hire operators, despite at least my client having expressed a wish to meet with them, Amey simply abandoned that part of their brief.

Upon reading Amey's report, my client was struck by the apparent failure to consult or engage with various stakeholders, particularly those groups who represent the elderly and disabled, such as:

- Age UK, 7 Mill Street, Maidstone ME15 6XW;
- Saga Charitable Foundation, Enbrook Park, Folkestone CT20 3SE;
- Maidstone and Tunbridge Wells Disability Action Group, Maidstone Hospital, Hermitage Lane, Maidstone ME16 9QQ;

- Maidstone Activity and Skills Group, Leonard Cheshire Disability, The Churchill Centre, Preston Hall, Royal British Legion Village, Aylesford ME20 7PU;
- Volunteer Action Maidstone - Disability Steering Group, 39-48 Marsham Street, Maidstone ME14 1HH;
- Kent Association for the Blind, 72 College Road, Maidstone ME15 6SJ;
- Maidstone Mencap Charitable Trust Ltd, c/o Mencap, 123 Golden Lane, London EC1Y 0RT;
- Maidstone Mind, 23 College Road, Maidstone ME15 6YH; and
- Scope, 6 Market Road, London N7 9PW.

It may be that Amey did contact these groups and others that are known to the Council (and detailed in its formal consultations list), as they contacted my client, but from experience in other areas, I would be extremely surprised if every such group would fail to take the opportunity to comment, because transport tends to be a key issue for such stakeholders.

With regard to the accuracy of Amey's report, it appears that, at the very least, the report has not accurately recorded the actual rank provision in the borough, which may (or may not) be relevant to their final recommendations in connection with capping the number of hackney carriages in the borough.

By way of example, the report states in Table 1 at paragraph 2.4.1 and paragraph 4.8.1 that there is provision for only five hackney carriages at Maidstone East Station when the photograph to the right clearly shows that not to be the case.

My client has not had the opportunity to check the accuracy of statements made in connection with every other rank in the Borough.

However, in view of this obvious error, and the fact that it also appears that some of the times of operation of the ranks also appear to be wrong, my client respectfully asks that Amey be asked to check the accuracy of their report generally, so that should it be the case that the Borough does consist of a single controlled district, the Council can be confident that it can rely upon the report presented by Amey in connection with the unmet demand study.



Despite the fact that Ron Parker and Stewart Smith of Streamline (Kent) Ltd will be present at the Meeting of Licensing Committee on Monday, 24 June 2013, I would be obliged if you would kindly write to confirm the decision of Licensing Committee and any reasons Members give for the Committee's decision in relation to this item and the associated issues raised herein.

Finally, may I conclude by thanking you; the Chairman, Councillor Peter Parvin; and all Members of Licensing Committee for the careful consideration I am sure will be given to these complex and potentially litigious and reputational issues.

Yours sincerely,

A handwritten signature in black ink that reads "David B. Wilson". The signature is written in a cursive, slightly slanted style.

David B Wilson

Licensing Consultant, Mediator and Trainer

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